

D. USING COVERT ACTION TO DISRUPT AND DISCREDIT DOMESTIC GROUPS

MAJOR FINDING

The Committee finds that covert action programs have been used to disrupt the lawful political activities of individual Americans and groups and to discredit them, using dangerous and degrading tactics which are abhorrent in a free and decent society.

Subfindings

(a) Although the claimed purposes of these action programs were to protect the national security and to prevent violence, many of the victims were concededly nonviolent, were not controlled by a foreign power, and posed no threat to the national security.

(b) The acts taken interfered with the First Amendment rights of citizens. They were explicitly intended to deter citizens from joining groups, "neutralize" those who were already members, and prevent or inhibit the expression of ideas.

(c) The tactics used against Americans often risked and sometimes caused serious emotional, economic, or physical damage. Actions were taken which were designed to break up marriages, terminate funding or employment, and encourage gang warfare between violent rival groups. Due process of law forbids the use of such covert tactics, whether the victims are innocent law-abiding citizens or members of groups suspected of involvement in violence.

(d) The sustained use of such tactics by the FBI in an attempt to destroy Dr. Martin Luther King, Jr., violated the law and fundamental human decency.

Elaboration of the Findings

For fifteen years from 1956 until 1971, the FBI carried out a series of covert action programs directed against American citizens.¹ These "counterintelligence programs" (shortened to the acronym COINTELPRO) resulted in part from frustration with Supreme Court rulings limiting the Government's power to proceed overtly against dissident groups.²

¹ Before 1956 the FBI engaged in activities to disrupt and discredit Communists and (before World War II) Fascists, but not as part of a formal program. The Bureau is the only agency which carried on a sustained effort to "neutralize" domestic groups, although other agencies made sporadic attempts to disrupt dissident groups. (See Military Surveillance Report: IRS Report.)

² The Bureau personnel involved in COINTELPRO link the first formal counterintelligence program, against the Communist Party, USA, to the Supreme Court reversal of the Smith Act convictions, which "made it impossible to prosecute Communist Party members at the time". (COINTELPRO unit chief, 10/16/75, p. 14.) It should be noted, however, that the Court's reversal occurred in 1957, the year after the program was instituted. This belief in the deficiencies of the law was a major factor in the four subsequent programs as well: "The other COINTELPRO programs were opened as the threat arose in areas of extremism and subversion and there were not adequate statutes to proceed against the organization or to prevent their activities." (COINTELPRO Unit Chief, 10/16/75, p. 15.)

They ended formally in 1971 with the threat of public exposure.³ Some of the findings discussed herein are related to the findings on lawlessness, overbreadth, and intrusive techniques previously set forth. Some of the most offensive actions in the FBI's COINTELPRO programs (anonymous letters intended to break up marriages, or efforts to deprive people of their jobs, for example) were based upon the covert use of information obtained through overly-broad investigations and intrusive techniques.⁴ Similarly, as noted above, COINTELPRO involved specific violations of law, and the law and the Constitution were "not [given] a thought" under the FBI's policies.⁵

But COINTELPRO was more than simply violating the law or the Constitution. In COINTELPRO the Bureau secretly⁶ took the law into its own hands, going beyond the collection of intelligence and beyond its law enforcement function to act outside the legal process altogether and to covertly disrupt, discredit and harass groups and individuals. A law enforcement agency must not secretly usurp the functions of judge and jury, even when the investigation reveals criminal activity. But in COINTELPRO, the Bureau imposed summary punishment, not only on the allegedly violent, but also on the non-violent advocates of change. Such action is the hallmark of the vigilante and has no place in a democratic society.

Under COINTELPRO, certain techniques the Bureau had used against hostile foreign agents were adopted for use against perceived domestic threats to the established political and social order.⁷

Some of the targets of COINTELPRO were law-abiding citizens merely advocating change in our society. Other targets were members

³ For further information on the termination of each of the programs, see The Accountability and Control Findings, p. 265 and the detailed reports on the Black Panther Party and COINTELPRO.

Although the programs have been formally terminated, Bureau witnesses agree that there is a "grey area" between "counter-intelligence" and investigative activities which are inherently disruptive. These investigative activities continue. (See COINTELPRO Report: "Command and Control—The Problems of Oversight.")

⁴ Information gained from electronic surveillance, informant coverage, burglaries, and confidential financial records was used in COINTELPRO. p. 275.)

⁵ Moore, 11/3/75, p. 83.

⁶ Field offices were instructed that no one outside the Bureau was to know that COINTELPRO existed, although certain persons in the executive branch and in Congress were told about—and did not object to—efforts to disrupt the CPUSA and the Klan. However, no one was told about the other COINTELPRO programs, or about the more dangerous and degrading techniques employed. (See p. 275.)

⁷ As the Chief of the Racial Intelligence Section put it:

"You can trace [the origins of COINTELPRO] up and back to foreign intelligence, particularly penetration of the group by the individual informant. Before you can engage in counterintelligence you must have intelligence. . . . If you have good intelligence and know what it's going to do, you can seed distrust, sow misinformation. The same technique is used, misinformation, disruption, is used in the domestic groups, although in the domestic groups you are dealing in '67 and '68 with many, many more across the country . . . than you had ever dealt with as far as your foreign groups." (Moore, 11/3/75, pp. 32-33.)

Former Assistant Director William C. Sullivan also testified that the "rough, tough, dirty business" of foreign counterintelligence was "brought home against any organization against which we were targeted. We did not differentiate." (Sullivan, 11/1/75, pp. 97-98.)

of groups that had been involved in violence, such as the Ku Klux Klan or the Black Panther Party. Some victims did nothing more than associate with targets.⁸

The Committee does not condone acts of violence, but the response of Government to allegations of illegal conduct must comply with the due process of law demanded by the Constitution. Lawlessness by citizens does not justify lawlessness by Government.

The tactics which were employed by the Bureau are therefore unacceptable, even against the alleged criminal. The imprecision of the targeting compounded the abuse. Once the Government decided to take the law into its own hands, those unacceptable tactics came almost inevitably to be used not only against the "kid with the bomb" but also against the "kid with the bumper sticker."⁹

Subfunding (a)

Although the claimed purposes of these action programs were to protect the "national security" and to prevent violence, many of the victims were concededly nonviolent, were not controlled by a foreign power, and posed no threat to the "national security."

The Bureau conducted five "counterintelligence programs" aimed against domestic groups: the "Communist Party, USA" program (1956-71); the "Socialist Workers Party" program (1961-69); the "White Hate" program (1964-1971); the "Black Nationalist-Hate Group" program (1967-71); and the "New Left" program (1968-71).

While the declared purposes of these programs were to protect the "national security" or prevent violence, Bureau witnesses admit that many of the targets were nonviolent and most had no connections with a foreign power. Indeed, nonviolent organizations and individuals were targeted because the Bureau believed they represented a "potential" for violence¹⁰ and nonviolent citizens who were against the war in Vietnam were targeted because they gave "aid and comfort" to violent demonstrators by lending respectability to their cause.¹¹

The imprecision of the targeting is demonstrated by the inability of the Bureau to define the subjects of the programs. The Black Nationalist program, according to its supervisor, included "a great number of organizations that you might not today characterize as black nationalist but which were in fact primarily black."¹² Thus, the nonviolent Southern Christian Leadership Conference was labeled as a Black Nationalist-"Hate Group."

Furthermore, the actual targets were chosen from a far broader group than the titles of the programs would imply. The CPUSA program targeted not only Communist Party members but also sponsors of the National Committee to Abolish the House Un-American

⁸ For example, parents and spouse, of targets received letters containing accusations of immoral conduct by the target. (Memorandum from St. Louis Field Office to FBI Headquarters, 1/30/70; memorandum from FBI Headquarters to Minneapolis Field Office, 11/4/68.)

⁹ Huston, 9/23/75. Hearings, Vol. 2, p. 45.

¹⁰ Moore, 11/8/75, p. 37.

¹¹ New Left supervisor, 10/28/75, p. 69.

¹² Black Nationalist Supervisor, 10/17/75, p. 12.

Activities Committee¹⁴ and civil rights leaders allegedly under Communist influence or not deemed to be "anti-Communist".¹⁵ The Socialist Workers Party program included non-SWP sponsors of antiwar demonstrations which were cosponsored by the SWP or the Young Socialist Alliance, its youth group.¹⁶ The Black Nationalist program targeted a range of organizations from the Panthers to SNCC to the peaceful Southern Christian Leadership Conference, and included every Black Student Union and many other black student groups.¹⁷ New Left targets ranged from the SDS¹⁸ to the Inter-University Committee for Debate on Foreign Policy,¹⁹ from Antioch College ("vanguard of the New Left")²⁰ to the New Mexico Free University and other "alternate" schools,²¹ and from underground newspapers²² to students protesting university censorship of a student publication by carrying signs with four-letter words on them.²³

Subfunding (b)

The acts taken interfered with the First Amendment rights of citizens. They were explicitly intended to deter citizens from joining

¹⁴ For example, the entire Unitarian Society of Cleveland was targeted because the minister and some members circulated a petition calling for the abolition of HUAC, and because the Church gave office space to the "Citizens for Constitutional Rights". (Memorandum from FBI Headquarters to Cleveland Field Office, 11/6/64.)

¹⁵ See Finding on "Overbreadth" p. 181.

¹⁶ For instance, the Bureau targeted two non-member students who participated in an anti-war "hunger strike" at Oberlin, which was "guided and directed" by the Young Socialists Alliance. The students' parents received anonymous letters, purportedly from a friend of their sons. One letter expressed concern that a group of "left wing students" were "cynically using" the boy, which would lead to "injury" to his health and "damage to his academic standing". The other letter also stated that it was motivated by concern for "damage" to the student's "health and personal future" and "the belief that you may not be aware of John's current involvement in left-wing activities." (Memorandum from FBI headquarters to Cleveland Field Office, 11/29/68.)

¹⁷ One proposal sought to expose Black Student Union Chapters as "breeding grounds for racial militancy" by an anonymous mailing to "all institutions where there are BSU chapters or incipient chapters". (Memorandum from Portland Field Office to FBI Headquarters, 6/3/68.)

¹⁸ For example Memorandum from FBI Headquarters to San Antonio Field Office, 10/31/68.

¹⁹ An anonymous letter was sent to "influential" Michigan political figures, the mass media, University of Michigan administrators, and the Board of Regents, in an attempt to "discredit and neutralize" the "communist activities" of the IUCDFP. The letter decried the "undue publicity" given anti-war protest activities which "undoubtedly give 'aid and comfort' to the enemy" and encourage the Vietcong and the North Vietnamese in "refusing to come to the bargaining table". The letter continued, "I wonder if the strategy is to bleed the United States white by prolonging the war in Vietnam and pave the way for a takeover by Russia?" (Memorandum from Detroit Field Office to FBI Headquarters, 10/11/66; Memorandum from FBI Headquarters, to Detroit Field Office 10/26/66.)

²⁰ Memorandum from FBI Headquarters to Cincinnati Field Office, 6/18/68.

²¹ The New Mexico Free University was targeted because it taught such courses as "confrontation politics" and "draft counselling". (Memorandum from FBI Headquarters to Albuquerque Field Office, 3/19/69.) In another case, an "alternate" school for students "aged five and beyond", which was co-sponsored by the ACLU, was targeted because "from the staff being assembled, it appears that the school will be a New Left venture and of a radical revolutionary nature". The Bureau contacted a confidential source in the bank financing the school so that he could "take steps to discourage its developments". (Memorandum from FBI Headquarters to San Antonio Field Office, 7/23/69.)

²² See e.g., Memorandum from FBI Headquarters to Pittsburgh Field Office, 11/14/69.

²³ Memorandum from FBI Headquarters to Minneapolis Field Office, 11/4/68.

groups, "neutralize" those who were already members, and prevent or inhibit the expression of ideas.

In achieving its purported goals of protecting the national security and preventing violence, the Bureau attempted to deter membership in the target groups. As the supervisor of the "Black Nationalist" COINTELPRO stated, "Obviously, you are going to prevent violence or a greater amount of violence if you have smaller groups."²⁴ The chief of the COINTELPRO unit agreed: "We also made an effort . . . to deter recruitment where we could. This was done with the view that if we could curb the organization, we could curb the action or the violence within the organization."²⁵ As noted above, many of the organizations "curbed" were not violent, and covert attacks on group membership contravened the First Amendment's guarantee of freedom to associate.

Nor was this the only First Amendment right violated by the Bureau. In addition to attempting to prevent people from joining or continuing to be members in target organizations, the Bureau tried to "deter or counteract" what it called "propaganda"²⁶—the expression of ideas which it considered dangerous. Thus, the originating document for the "Black Nationalist" COINTELPRO noted that "consideration should be given to techniques to preclude" leaders of the target organizations "from spreading their philosophy publicly or through various mass communication media."²⁷

Instructions to "preclude" free speech were not limited to "black nationalists;" they occurred in every program. In the New Left program, for instance, approximately thirty-nine percent of all actions attempted to keep targets from speaking, teaching, writing, or publishing.²⁸

The cases included attempts (sometimes successful) to prompt the firing of university and high school teachers;²⁹ to prevent targets from speaking on campus;³⁰ to stop chapters of target groups from

²⁴ Black Nationalist supervisor, 10/17/75, p. 24.

²⁵ COINTELPRO unit chief, 10/12/75, p. 54.

²⁶ COINTELPRO unit chief, 10/12/75, p. 54.

²⁷ Memorandum from FBI Headquarters to all SAC's, 8/25/67.

²⁸ The FBI was not the only intelligence agency to attempt to prevent the propagation of ideas with which it disagreed, but it was the only one to do so in any organized way. The IRS responded to Congressional and Administration pressure by targeting political organizations and dissidents for audit. The CIA improperly obtained the tax returns of Ramparts magazine after it learned that the magazine intended to publish an article revealing Agency support of the National Student Association. The CIA saw the article as "an attack on CIA in particular and the Administration in general." (CIA memorandum re: "IRS Briefing on Ramparts," 2/2/67.)

²⁹ For instance, a high school English teacher was targeted for inviting two poets to attend a class at his school. The poets were noted for their efforts in the draft resistance movement. The Bureau sent anonymous letters to two local newspapers, the Board of Education, and the school board. (Memorandum from FBI Headquarters to Pittsburgh Field Office, 6/19/69.)

³⁰ In one case, the Bureau attempted to stop a "Communist" speaker from appearing on campus. The sponsoring organization went to court and won an order permitting the lecture to proceed as scheduled; the Bureau then investigated the judge who issued the order. (Memorandum from Detroit Field Office to FBI Headquarters, 10/26/60; Memorandum from FBI Headquarters to Detroit Field Office, 10/27/60, 10/28/, 10/31/60; Memorandum from F. J. Baumgardner to A. H. Belmont, 10/26/60.)

being formed;³¹ to prevent the distribution of books, newspapers, or periodicals;³² to disrupt or cancel news conferences;³³ to interfere with peaceful demonstrations, including the SCLC's Poor People's Campaign and Washington Spring Project and most of the large anti-war marches;³⁴ and to deny facilities for meetings or conferences.³⁵

As the above cases demonstrate, the FBI was not just "chilling" free speech, but squarely attacking it.

The tactics used against Americans often risked and sometimes caused serious emotional, economic, or physical damage. Actions were taken which were designed to break up marriages, terminate funding or employment, and encourage gang warfare between violent rival groups. Due process of law forbids the use of such covert tactics whether the victims are innocent law-abiding citizens or members of groups suspected of involvement in violence.

The former head of the Domestic Intelligence Division described counterintelligence as a "rough, tough, dirty, and dangerous" business.³⁶ His description was accurate.

One technique used in COINTELPRO involved sending anonymous letters to spouses intended, in the words of one proposal, to "produce ill-feeling and possibly a lasting distrust" between husband and wife, so that "concern over what to do about it" would distract the target from "time spent in the plots and plans" of the organization.³⁷ The image of an agent of the United States Government scrawling a poison-pen letter to someone's wife in language usually reserved for bathroom walls is not a happy one. Nevertheless, anonymous let-

³¹ The Bureau tried on several occasions to prevent the formation of campus chapters of SDS and the Young Socialist Alliance. (See, e.g., Memorandum from San Antonio Field Office to FBI Headquarters, 5/1/69; Memorandum from FBI Headquarters to San Antonio Field Office, 5/1/69.)

³² For example, an anonymous letter to a state legislator protested the distribution on campus of an underground newspaper's "depravity", (Memorandum from Newark Field Office to FBI Headquarters, 5/23/69; Memorandum from FBI Headquarters to Newark Field Office, 6/4/69) and the Bureau anonymously contacted the landlady of premises rented by two "New Left" newspapers in an attempt to have them evicted. (Memorandum from Los Angeles Field Office to FBI Headquarters, 9/9/68; Memorandum from FBI Headquarters to Los Angeles Field Office, 9/23/68.)

³³ For example, a confidential source in a radio station was contacted in two successful attempts to cancel news conferences. (Memorandum from FBI Headquarters to Cleveland Field Office, 10/1/65; Memorandum from FBI Headquarters to Cleveland Field Office 10/4/65; Memorandum from Boston Field Office to FBI Headquarters, 2/5/64; Memorandum from F. J. Baumgardner to William C. Sullivan, 6/25/64.)

³⁴ For instance, the Bureau used the standard counterespionage technique of "disinformation" against demonstrators. In one case, the Chicago Field Office duplicated blank forms soliciting housing for demonstrators coming to Chicago for the Democratic National Convention, filled them out with fictitious names and addresses and sent them to the organizers. Demonstrators reportedly made "long and useless journeys to locate these addresses." (Memorandum from Chicago Field Office to FBI Headquarters, 9/9/68.) The same program was carried out by the Washington Field Office when housing forms were distributed for demonstrators coming to the 1969 Presidential inaugural ceremonies. (Memorandum from FBI Headquarters to Washington Field Office, 1/10/69.) Army intelligence agents occasionally took similar, but wholly unauthorized action, see Military Surveillance Report: Section III: "Domestic Radio Monitoring by ASA: 1967-1970."

³⁵ Memorandum from FBI Headquarters to San Diego field office, 9/11/69.

³⁶ Sullivan, 11/1/75, pp. 97-98.

³⁷ Memorandum from St. Louis Field Office to FBI Headquarters, 2/14/69.

ters were sent to, among others, a Klansman's wife, informing her that her husband had "taken the flesh of another unto himself," the other person being a woman named Ruby, with her "lust filled eyes and smart aleck figure;"³⁸ and to a "Black Nationalist's" wife saying that her husband "been maken it here" with other women in his organization "and than he gives us this jive bout their better in bed then you."³⁹ A husband who was concerned about his wife's activities in a biracial group received a letter which started, "Look man I guess your old lady doesn't get enough at home or she wouldn't be shucking and jiving with our Black Men" in the group.⁴⁰ The Field Office reported as a "tangible result" of this letter that the target and her husband separated.⁴¹

The Bureau also contacted employers and funding organizations in order to cause the firing of the targets or the termination of their support.⁴² For example, priests who allowed their churches to be used for the Black Panther breakfast programs were targeted, and anonymous letters were sent to their bishops;⁴³ a television commentator who expressed admiration for a Black Nationalist leader and criticized heavy defense spending was transferred after the Bureau contacted his employer;⁴⁴ and an employee of the Urban League was fired after the FBI approached a "confidential source" in a foundation which funded the League.⁴⁵

The Bureau also encouraged "gang warfare" between violent groups. An FBI memorandum dated November 25, 1968 to certain Field Offices conducting investigations of the Black Panther Party ordered recipient offices to submit "imaginative and hard-hitting counterintelligence measures aimed at crippling the BPP." Proposals were to be received every two weeks. Particular attention was to be given to capitalizing upon differences between the Panthers and US, Inc. (an other "Black Nationalist" group), which had reached such proportions that "it is taking on the aura of gang warfare with attendant threats of murder and reprisals."^{45a} On May 26, 1970, after U.S. organization members had killed four BPP members and members of each organization had been shot and beaten by members of the other, the Field Office reported:

Information received from local sources indicate[s] that, in general, the membership of the Los Angeles BPP is physically afraid of US members and take premeditated precautions to avoid confrontations.

³⁸ Memorandum from Richmond Field Office to FBI Headquarters, 8/26/66.

³⁹ The wife who received this letter was described in the Field Office proposal as "faithful . . . an intelligent respectable young mother who is active in the AME Methodist Church." (Memorandum from St. Louis Field Office to FBI Headquarters, 2/14/69.)

⁴⁰ Memorandum from St. Louis Field Office to FBI Headquarters, 1/30/70.

⁴¹ Memorandum from St. Louis Field Office to FBI Headquarters, 6/19/70.

⁴² When the targets were teachers, the intent was to prevent the propagation of ideas. In the case of other employer contacts, the purpose was to stop a source of funds.

⁴³ Memorandum from New Haven Field Office to FBI Headquarters, 11/12/69; memorandum from FBI Headquarters to San Diego Field Office, 9/9/69.

⁴⁴ Memorandum from FBI Headquarters to Cincinnati Field Office, 3/28/69.

⁴⁵ Memorandum from FBI Headquarters to Pittsburgh Field Office, 3/3/69.

^{45a} Memorandum from FBI Headquarters to Baltimore Field Office, 11/25/68.

In view of their anxieties, it is not presently felt that the Los Angeles BPP can be prompted into what could result in an internecine struggle between the two organizations. . . .

The Los Angeles Division is aware of the mutually hostile feelings harbored between the organizations and the first opportunity to capitalize on the situation will be maximized. It is intended that US Inc. will be appropriately and discreetly advised of the time and location of BPP activities *in order that the two organizations might be brought together and thus grant nature the opportunity to take her due course.*⁴⁶ [Emphasis added.]

A second Field Office noted:

Shootings, beatings and a high degree of unrest continues to prevail in the ghetto area of Southeast San Diego. Although no specific counterintelligence action can be credited with contributing to this overall situation, it is felt that a substantial amount of the unrest is directly attributable to this program.⁴⁷

In another case, an anonymous letter was sent to the leader of the Blackstone Rangers (a group, according to the Field Offices' proposal, "to whom violent-type activity, shooting, and the like are second nature") advising him that "the brothers that run the Panthers blame you for blocking their thing and there's supposed to be a hit out for you." The letter was intended to "intensify the degree of animosity between the two groups" and cause "retaliatory action which could disrupt the BPP or lead to reprisals against its leadership."⁴⁸

Another technique which risked serious harm to the target was falsely labeling a target an informant. This technique was used in all five domestic COINTELPRO. When a member of a nonviolent group was successfully mislabeled as an informant, the result was alienation from the group.⁴⁹ When the target belonged to a group known to have killed suspected informants, the risk was substantially more serious. On several occasions, the Bureau used this technique against members of the Black Panther Party; it was used at least twice after FBI documents expressed concern over the possible consequences because two members of the BPP had been murdered as suspected informants.⁵⁰

The Bureau recognized that some techniques used in COINTELPRO were more likely than others to cause serious physical, emotional, or economic damage to the targets.⁵¹ Any proposed use of such techniques—for example, encouraging enmity between violent rival

⁴⁶ Memorandum from Los Angeles Field Office to FBI headquarters, 5/26/70, pp. 1-2.

⁴⁷ Memorandum from San Diego Field Office to FBI headquarters, 9/15/69.

⁴⁸ Memorandum from Chicago Field Office to FBI headquarters, 1/12/69; Memorandum from FBI Headquarters to Chicago Field Office, 1/30/69.

⁴⁹ See, e.g., Memorandum from San Diego Field Office to FBI Headquarters, 4/30/69.

⁵⁰ One proposal to label a BPP member a "pig informer" was rejected because the Panthers had recently murdered two suspected informers. The victims had not been targets of a Bureau effort to label them informants. (Memorandum from FBI Headquarters to Cincinnati Field Office, 2/18/71.) Nevertheless, two similar proposals were implemented a month later. (Memorandum from FBI Headquarters to Washington Field Office, 3/19/71; Memorandum from FBI Headquarters to Charlotte Field Office, 3/31/71.)

⁵¹ At least four assaults—two of them on women—were reported as "results" of Bureau actions. (See COINTELPRO Report, Section IV: Wartimes Technique Brought Home.)

groups, falsely labeling group members as informants, and mailing anonymous letters to targets' spouses accusing the target of infidelity—was scrutinized carefully by headquarters supervisory personnel, in an attempt to balance the “greater good” to be achieved by the proposal against the known or risked harm to the target. If the “good” was sufficient, the proposal was approved. For instance, in discussing anonymous letters to spouses, the agent who supervised the New Left COINTELPRO stated:

[Before recommending approval] I would want to know what you want to get out of this, who are these people. If it's somebody, and say they did split up, what would accrue from it as far as disrupting the New Left is concerned? Say they broke up, what then. . . .

[The question would be] is it worth it? ⁵²

Similarly, with regard to causing false suspicions that an individual was an informant, the chief of the Racial Intelligence Section stated:

You have to be able to make decisions and I am sure that labeling somebody as an informant, that you'd want to make certain that it served a good purpose before you did it and not do it haphazardly. . . . It is a serious thing. . . . As far as I am aware, in the black extremist area, by using that technique, no one was killed. I am sure of that. ^{52a}

This official was asked whether the fact that no one was killed was the result of “luck or planning.” He answered: “Oh, it just happened that way, I am sure.” ^{52b}

It is intolerable in a free society that an agency of the Government should adopt such tactics, whether or not the targets are involved in criminal activity. The “greater good” of the country is in fact served by adherence to the rule of law mandated by the Constitution.

Subfunding (d)

The sustained use of such tactics by the FBI in an attempt to destroy Dr. Martin Luther King, Jr., violated the law and fundamental human decency.

The Committee devoted substantial attention to the FBI's covert action campaign against Dr. Martin Luther King because it demonstrates just how far the Government could go in a secret war against one citizen. In focusing upon Dr. King, however, it should not be forgotten that the Bureau carried out disruptive activities against hundreds of lesser-known American citizens. It should also be borne in mind that positive action on the part of high Government officials outside the FBI might have prevented what occurred in this case. ⁵³

The FBI's claimed justification for targeting Dr. King—alleged Communist influence on him and the civil rights movement—is examined elsewhere in this report. ⁵⁴

⁵² New Left supervisor 10/28/75, pp. 72, 74.

^{52a} Moore, 11/3/75, p. 62.

^{52b} Moore, 11/3/75, p. 64.

⁵³ See pp. 275–277 and 205–206 of this Report for a detailed discussion of which officials were aware or should have been aware of what the Bureau was doing to Dr. King and how their action or inaction might have contributed to what went on.

⁵⁴ See Martin Luther King Report, Section III, “Concern in the FBI and the Kennedy Administration Over Allegations of Communist Influence in the Civil Rights Movement Increases, and the FBI Intensifies the Investigation: October 1962–October 1963.” See generally, Finding on Overbreadth, p. 175.

The FBI's campaign against Dr. Martin Luther King, Jr. began in December 1963, four months after the famous civil rights March on Washington,⁵⁵ when a nine-hour meeting was convened at FBI Headquarters to discuss various "avenues of approach aimed at neutralizing King as an effective Negro leader."⁵⁶ Following the meeting, agents in the field were instructed to "continue to gather information concerning King's personal activities . . . in order that we may consider using this information at an opportune time in a counterintelligence move to discredit him."⁵⁷

About two weeks after that conference, FBI agents planted a microphone in Dr. King's bedroom at the Willard Hotel in Washington, D.C.⁵⁸ During the next two years, the FBI installed at least fourteen more "bugs" in Dr. King's hotel rooms across the country.⁵⁹ Physical and photographic surveillances accompanied some of the microphone coverage.⁶⁰

The FBI also scrutinized Dr. King's tax returns, monitored his financial affairs, and even tried to determine whether he had a secret foreign bank account.⁶¹

In late 1964, a "sterilized" tape was prepared in a manner that would prevent attribution to the FBI and was "anonymously" mailed to Dr. King just before he received the Nobel Peace Prize.⁶² Enclosed in the package with the tape was an unsigned letter which warned Dr. King,

⁵⁵ The August 1963 march on Washington was the occasion of Dr. King's "I Have a Dream" speech, on the steps of the Lincoln Memorial. (See memorandum from William C. Sullivan to Alan Belmont, 8/30/63, characterizing the speech as "demagogic".)

⁵⁶ Memorandum from William C. Sullivan to Alan Belmont, 12/24/63. Although FBI officials were making derogatory references to Dr. King and passing personal information about Dr. King to their superiors. (Memorandum from Hoover to Deputy Attorney General Katzenbach, 8/13/63.) Prior to December 1963, the Committee had discovered no document reflecting a strategy to deliberately discredit him prior to the memorandum relating to the December 1963 meeting.

⁵⁷ Memorandum from William C. Sullivan to Alan Belmont, 12/24/63.

⁵⁸ The microphone was installed on January 5, 1964 (Memorandum from William C. Sullivan to Alan Belmont, 1/6/64.), just days after Dr. King's picture appeared on the cover of Time magazine as "Man of the Year." (Time Magazine, January 3, 1964.) Reading of the Time magazine award, the Director had written, "They had to dig deep in the garbage to come up with this one." (Note on UP release, 12/29/63.)

⁵⁹ FBI memoranda make clear that microphones were one of the techniques being used in the effort to obtain information about Dr. King's private life. (Memorandum from F. J. Baumgardner to William C. Sullivan 1/28/64.) The microphones were installed at the following places: *Washington*: Willard Hotel (Jan. 1964); *Milwaukee*: Shroeder Hotel (Jan. 1964); *Honolulu*: Hilton Hawaiian Village (Feb. 1964); *Detroit*: Statler Hotel (March 1964); *Sacramento*: Senator Motel (Apr. 1964); *New York City*: Park Sheraton Hotel (Jan. 1965), Americana Hotel (Jan. and Nov. 1965), Sheraton Atlantic Hotel (May 1965), Astor Hotel (Oct. 1965), New York Hilton Hotel (Oct. 1965).

⁶⁰ FBI summary memorandum, 10/3/75; memorandum from F. J. Baumgardner to William C. Sullivan, 3/26/64; memorandum from William C. Sullivan to Alan Belmont, 2/22/64; and unsigned memorandum, 2/28/64.

⁶¹ Memorandum from F. J. Baumgardner to William C. Sullivan, 3/27/64; memorandum from New York Field Office to FBI Headquarters, 6/2/64; memorandum from F. J. Baumgardner to William Sullivan, 7/14/65.

⁶² Sullivan 11/1/75, pp. 104-105, staff summary of a special agent interview, 7/25/75. Three days before the tape was mailed, Director Hoover had publicly branded Dr. King "the most notorious liar in the country" and Dr. King had responded with a criticism of the Bureau. (Memorandum from Cartha DeLoach to John Mohr, 11/18/64; telegram from Martin Luther King to J. Edgar Hoover 11/19/64.)

"your end is approaching . . . you are finished." The letter intimated that the tape might be publicly released, and closed with the following message:

King, there is only one thing left for you to do. You know what it is. You have just 34 days in which to do (this exact number has been selected for a specific reason, it has definite practical significance). You are done. There is but one way out for you . . .⁶³

Dr. King's associates have said he interpreted the message as an effort to induce him to commit suicide.⁶⁴

At about the same time that it mailed the "sanitized" tape, the FBI was also apparently offering tapes and transcripts to newsmen.⁶⁵ Later when civil rights leaders Roy Wilkins and James Farmer went to Washington to persuade Bureau officials to halt the FBI's discrediting efforts,⁶⁶ they were told that "if King want[s] war we [are] prepared to give it to him."⁶⁷

Shortly thereafter, Dr. King went to Europe to receive the Nobel Peace Prize. The Bureau tried to undermine ambassadorial receptions in several of the countries he visited,⁶⁸ and when he returned to the

⁶³ This paragraph appears in a document in the form of a letter which the FBI has supplied to the Committee and which the Bureau maintains was discovered in the files of former Assistant Director Sullivan. (FBI memorandum to the Select Committee, 9/18/75.) Sullivan stated that he did not recall the letter and suggested that it may have been "planted" in his files by his former colleagues. (Sullivan 11/1/75, p. 104.) Congressman Andrew Young has informed the Committee that an identical paragraph was contained in the letter which was actually received by Dr. King with the tape, and that the letter the committee had, supplied by the Bureau, appears to be an "early draft." (Young, 2/19/76, p. 36.)

Sullivan said that the purpose of sending the tape was "to blackmail King into silence . . . to stop him from criticising Hoover; . . . to diminish his stature. In other words, if it caused a break between Coretta and Martin Luther King, that would diminish his stature. It would weaken him as a leader." (Sullivan, 11/1/75, 11/26/75, p. 152.)

⁶⁴ Young, 2/19/76, p. 37. Time magazine had reported earlier in the year that Dr. King had attempted suicide twice as a child. [Time magazine, Jan. 4, 1964.]

⁶⁵ Several newsmen have informed the Committee that they were offered this kind of material or that they were aware that such material was available. Some have refused to identify the individuals who made the offers and others have said they could not recall their identities. Former FBI officials have denied that tapes or transcripts were offered to the press (e.g., DeLoach testimony, 11/26/75, p. 152) and the Bureau maintains that their files contain no documents reflecting that this occurred.

⁶⁶ Staff interviews of Roy Wilkins, 11/23/75, and James Farmer, 11/13/75.

⁶⁷ Memorandum from Cartha DeLoach to John Mohr, 11/27/64; staff interview of James Farmer, 11/13/75. Three days after Wilkins' meeting with DeLoach, Dr. King asked to see the Director, telling the press "the time has come to bring this controversy to an end." (UPI release, 12/1/64) Dr. King and Hoover met the following day; the meeting was described as "amicable." (Memoranda from Cartha DeLoach to John Mohr, 12/1/64 and 12/2/64.) Despite the "amicable" meeting, the Bureau's campaign against Dr. King continued.

⁶⁸ Memorandum from F. J. Baumgardner to William C. Sullivan, 11/30/64; memorandum from Legat to FBI Headquarters, 12/10/64. Steps were also taken to thwart a meeting which Dr. King was planning to have with a foreign leader during this same trip (Memorandum from F. J. Baumgardner to William C. Sullivan, 11/10/64; memorandum from FBI Headquarters to Legat, 11/10/64), and to influence a pending USIA decision to send Dr. King on a ten-day lecture trip in Africa after receiving the Nobel Prize. (Memorandum from F. J. Baumgardner to William C. Sullivan, 11/12/64.)

United States, took steps to diminish support for a banquet and a special "day" being planned in his honor.⁶⁹

The Bureau's actions against Dr. King included attempts to prevent him from meeting with world leaders, receiving honors or favorable publicity, and gaining financial support. When the Bureau learned of a possible meeting between Dr. King and the Pope in August 1964, the FBI asked Cardinal Spellman to try to arrange a cancellation of the audience.⁷⁰ Discovering that two schools (Springfield College and Marquette University) were going to honor Dr. King with special degrees in the spring of 1964, Bureau agents tried to convince officials at the schools to rescind their plans.⁷¹ And when the Bureau learned in October 1966 that the Ford Foundation might grant three million dollars to Dr. King's Southern Christian Leadership Conference, they asked a former FBI agent who was a high official at the Ford Motor Company to try to block the award.⁷²

A magazine was asked not to publish favorable articles about him.⁷³ Religious leaders and institutions were contacted to undermine their support of him.⁷⁴ Press conference questions were prepared and dis-

⁶⁹ The Bureau was in touch with Atlanta Constitution publisher Ralph McGill, and tried to obtain the assistance of the Constitution's editor, Eugene Patterson, to undermine the banquet. (Memorandum from William C. Sullivan to Alan Belmont, 12/21/64; staff summary of Eugene Patterson interview, 4/30/75.) A governor's assistance was sought in the effort to "water down" the "King day." (Memorandum from F. J. Baumgardner to William C. Sullivan, 3/2/65.)

⁷⁰ The Bureau had decided it would be "astounding" for Dr. King to have an audience with the Pope and that plans for any such meeting should be "nipped in the bud." (Memorandum from F. J. Baumgardner to William C. Sullivan, 8/31/64.) When the Bureau failed to block the meeting and the press reported that the audience was about to occur, the Director noted that this was "astounding." (FBI Director's notation on UPI release, 9/18/64.) FBI officials took immediate steps to determine "if there could possibly have been a slip-up." (Memorandum from F. J. Baumgardner to William C. Sullivan, 9/17/64.)

⁷¹ The Bureau had decided that it would be "shocking indeed that the possibility exists that King may receive an Honorary Degree from the same institution (Marquette) which honored the Director with such a Degree in 1950." With respect to Springfield College, where the Director had also been offered an honorary degree, the Bureau's decision about whom to contact included the observation that "it would not appear to be prudent to attempt to deal with" the President of the college because he "is very close to Sargent Shriver." (Memorandum from F. J. Baumgardner to William C. Sullivan, 3/4/64; and 4/2/64; memorandum from Cartha DeLoach to John Mohr, 4/8/64.)

⁷² Memorandum from Cartha DeLoach to Clyde Tolson, 10/25/66 and 10/26/66. At about the same time, the Bureau leaked a story to the press about Dr. King's intention to seek financial assistance from Teamsters Union President James R. Hoffa because "[d]isclosure would be mutually embarrassing to both men and probably cause King's quest for badly needed funds to fail in this instance." (Memorandum from F. J. Baumgardner to William C. Sullivan, 10/28/66.)

The Bureau also tried to block the National Science Foundation (NSF) from dealing with the SCLC. "It is incredible that an outfit such as the SCLC should be utilized for the purpose of recruiting Negroes to take part in the NSF program, particularly where funds of the U.S. Government are involved." (Memorandum from F. J. Baumgardner to William C. Sullivan, 12/17/64.)

⁷³ Memorandum from Special Agent to Cartha DeLoach, 11/3/64.

⁷⁴ "It is shocking indeed that King continues to be honored by religious groups." (Memorandum from F. J. Baumgardner to William C. Sullivan, 2/1/65.) Contacts were made with representatives of the National Council of Churches of Christ, the Baptist World Alliance, the American Church in Paris, and Catholic Church. (Memoranda from William C. Sullivan to Alan Belmont, 6/12/64, 12/15/64 and 2/16/64; memorandum from F. J. Baumgardner to William C. Sullivan, 2/18/66; memorandum from Chicago Field Office to FBI Headquarters, 2/24/66, and

tributed to "friendly" journalists.⁷⁵ And plans were even discussed for sabotaging his political campaign in the event he decided to run for national office.⁷⁶ An SCLC employee was "anonymously" informed that the SCLC was trying to get rid of her "so that the Bureau [would be] in a position to capitalize on [her] bitterness."⁷⁸ Bureau officials contacted members of Congress,⁷⁹ and special "off the record" testimony was prepared for the Director's use before the House Appropriations Committee.⁸⁰

The "neutralization" program continued until Dr. King's death. As late as March 1968, FBI agents were being instructed to neutralize Dr. King because he might become a "messiah" who could "unify, and electrify, the militant black nationalist movement" *if* he were to "abandon his supposed 'obedience' to 'white liberal doctrines' (non-violence) and embrace black nationalism."⁸¹ Steps were taken to subvert the "Poor People's Campaign" which Dr. King was planning to lead in the spring of 1968.⁸² Even after Dr. King's death, agents in the field were proposing methods for harassing his widow,⁸³ and Bureau officials were trying to prevent his birthday from becoming a national holiday.⁸⁴

The actions taken against Dr. King are indefensible. They represent a sad episode in the dark history of covert actions directed against law abiding citizens by a law enforcement agency.

memorandum from Legat, Paris, to FBI Headquarters, 4/14/66 and 5/9/66.) The Director did disapprove a suggestion that religious leaders be permitted "to listen to sources we have" (FBI Director's note on memorandum from Jones to Thomas Bishop, 12/8/64.)

⁷⁵ Memorandum from Charles Brennan to William C. Sullivan, 3/8/67. The Bureau also disseminated to "friendly media sources" a newspaper article which was critical of Dr. King's position on the Vietnam war. The stated purposes were to "publicize King as a traitor to his country and his race," and to "reduce his income," (memorandum from George C. Moore to William C. Sullivan, 10/18/67.) "Background information" was also given to at least one wire service (memorandum from Sizoo to William C. Sullivan, 5/24/65).

⁷⁶ Memorandum from FBI Headquarters to New York Field Office 5/18/67. There has been rumors about a "peace ticket" headed by Dr. King and Benjamin Spock.

⁷⁸ Memorandum from FBI Headquarters to New York Field Office, 4/13/64; memorandum from New York Field Office to FBI Headquarters, 4/2/64.

⁷⁹ Memorandum from Cartha DeLoach to John Mohr, 8/14/65; memorandum from F. J. Baumgardner to William C. Sullivan, 1/10/67.

⁸⁰ Memorandum from F. J. Baumgardner to William C. Sullivan, 1/22/64; memorandum from Nicholas Callahan to John Mohr, 1/31/64. On one occasion the testimony leaked to other members of Congress, prompting the Director to note, "Someone on Rooney's Committee certainly betrayed the secrecy of the 'off the record' testimony I gave re: King." (Director's note on memorandum from Cartha DeLoach to John Mohr, 3/16/64.)

⁸¹ Memorandum from FBI Headquarters to all SACs, 3/4/68.

⁸² Memorandum from George C. Moore to William C. Sullivan, 3/26/68.

⁸³ Memorandum from Atlanta Field Office to FBI Headquarters, 3/18/69.

⁸⁴ Memoranda: From George C. Moore to William C. Sullivan, 1/17/69; and from Jones to Thomas Bishop, 3/18/69. Steps were even taken to prevent the issuance of "commemorative medals." (Memorandum from Jones to Thomas Bishop, 5/22/68.)

