



MLK and the FBI: 50 years on, secrets and surveillance still

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Fifty-one years ago this week, the greatest civil rights leader in American history was killed in Memphis. When the Select Committee on Assassinations issued its final report on the murder of Dr. Martin Luther King Jr., it noted that the Department of Justice “failed to supervise adequately the Domestic Intelligence Division of the Federal Bureau of Investigation. In addition, the Federal Bureau of Investigation, in the Domestic Intelligence Division’s COINTELPRO campaign against Dr. King, grossly abused and exceeded its legal authority and failed to consider the possibility that actions threatening bodily harm to Dr. King might be encouraged by the program.”

In light of that conclusion, why did the committee not recommend the complete and immediate declassification of all FBI records dealing with King, his associates and related civil rights organizations and movements, and urge the passage of legislation to make racialized mass surveillance illegal? The committee’s report provided no answers to these questions.

In conducting research, I discovered that to this day more than 17,000 pages of FBI files dealing directly with Dr. King remain classified. In response to my request that the National Archives and Records Administration (NARA) declassify those records on an expedited basis, NARA refused, and also denied my appeals.

The King files are part of the vast, still classified FBI “Domestic Security” cases, spanning 1939 to 1984. The “Domestic Security” label was used by the bureau to conceal the true political or racial nature of the surveillance and investigations conducted against targets such as King, labor leaders such as Walter Reuther, or folk singers such as Pete Seeger, among others.

How many classified records are we talking about? If you stacked the case file boxes end-to-end, they would stretch for almost seven miles. Looking for a ballpark page count? At 1,800 pages per linear foot, with 35,637 linear feet of records, we’re talking about over 64 million pages of still-classified FBI records that are anywhere from 40 to 80 years old. And those are only the records we know are sitting in the classified vault at NARA’s College Park, Md. facility, according to the author’s review of NARA’s Master Location Register (MLR) for FBI records.

And we also know that those “Domestic Security” files are getting new entries on African-American political activists on a regular basis.

The American Civil Liberties Union (ACLU) and the Center for Media Justice (CMJ) recently sued the Trump administration’s Department of Justice (DOJ) for any records generated pursuant

to the 2017 FBI “intelligence assessment” titled “Black Identity Extremists Likely Motivated to Target Law Enforcement Officers.” The ACLU’s Nusrat Choudhury was blunt about the organization’s view of the FBI’s motives: “Our government’s shameful practice of using surveillance as a weapon against racial justice activism was wrong in the past and has no place in our present. The public needs to know whether the FBI is manufacturing a threat to improperly surveil, investigate, and prosecute black people for constitutionally protected activity.”

The ACLU and CMJ sued after being effectively stonewalled in their own Freedom of Information Act (FOIA) request related to the FBI “Black Identity Extremist” assessment. The response of DOJ and NARA to our respective FOIA actions only underscores the costs of the failure of the Select Committee on Assassinations, and Congresses since then, to stop the DOJ and FBI from using the classification system to shield federal officials from accountability for unconstitutional surveillance programs. Reversing that trend should be a top priority for the new House Judiciary Committee chairman, Rep. Jerrold Nadler (D-N.Y.).

Former CIA analyst Patrick Eddington is a policy analyst in civil liberties at the Cato Institute. He is writing a book on book on domestic surveillance and political repression. Follow him on Twitter @PGEddington.