

# Testimony Before the Task Force on the Release of MLK Assassination Files

## Opening Remarks

Greetings Chairwoman Luna and fellow members of the Task Force on The Release of Federal Secrets. Thank you for inviting me to speak about the June 2025 release of a large trove of files on the murder of Martin Luther King Jr. As I will explain, they represent a major resource for scholars, investigators, and the public, especially when it comes to understanding what happened to one of the most consequential moral leaders in the history of the United States, and indeed the world.

I hope I can offer meaningful suggestions on how that release can be expanded to obtain additional documents and information necessary for a deeper understanding of one of the worst crimes against the body politic the nation has ever experienced—in a way that is respectful of the dignity of Dr. King's legacy and the privacy of his family.

The challenge in releasing withheld government documents related to the assassination of Dr. King has often been framed as a trade-off—that to get at the truth of King's murder we must somehow make a devil's bargain with the ghost of J. Edgar Hoover and publicize materials related to Hoover's abuse of power in collecting salacious and unvetted "dirt" on Dr. King, a practice that extended to public figures ranging from John F. Kennedy to John Lennon. I maintain that we do not have to do that to get at answers the public deserves on MLK's murder; as a point of fact, you did not do so in the release back in June. What you can do, and what will be the ultimate focus of my testimony, is selectively release the materials under the seal of the House of Representatives: files from the House Select Committee on Assassinations from the late 1970s.

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## Background and Qualifications

For three decades I have researched and published on the most important political assassinations of the 1960s: JFK, MLK, and RFK. I started with the JFK assassination when I was 12 years old. I will be 50 in two weeks. The past 20 years my primary focus has been on MLK's assassination, in the wider context of racial and anti-Semitic terrorism in general.

I am the co-author and single author of three books that directly connect to Dr. King's murder. *Killing King*, which I co-wrote with Larry Hancock in 2018, builds heavily on material already available to the public by way of FOIA and NARA visits, but which is now greatly expanded thanks to your work. My solo book, *America's Secret Jihad*, goes in much more depth on the context that I argue contributed to King's murder—focusing on a social network of zealots who modern scholars would characterize as

accelerationists, individuals who, at that time and in the decades that followed, wanted to exploit pre-existing divisions and rising tensions in American society with the hope of plunging us into a genocidal civil war.

They hoped murdering Dr. King in a highly public fashion would inflame the country while simultaneously removing the last remaining charismatic voice arguing for non-violence and the prospects of reconciliation. They pursued this angle for 10 years, not in a coordinated fashion, but as an ideology—as one historian told a journalist many years later, King was their "ultimate prize." And they almost got their wish. After that tragic day on April 4, 1968, the country descended, as one magazine described it, into a “shockwave of looting and arson.”

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## **A Personal Note of Gratitude to the King Family**

I would like to do something on behalf of my late father, who was teaching high school and was almost killed in his school building in the violence that followed, and who, five years prior, saw King speak, with my grandparents, at the March on Washington. A student almost smashed his head with a desk but thought twice of it. For all his understandable rage and grief, that student, I'm sure, was thinking of Dr. King's legacy. Just as surely he was thinking about the example and reminder that the King family offered to the American public in their time of mourning.

I would like to thank the King family on behalf of my father, and perhaps it is presumptuous of me, but on behalf of millions of other Americans, for doing what you did to prevent our country from giving in to our worst impulses and turning on each other. I am convinced it helped quell the violence that threatened to consume our nation. It was a major act of grace and public service.

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## **Reframing the Focus of This Testimony**

Let me frame my testimony in three parts. First, I will go into some depth about the nature of the files you already released. Second, I will clear up some major misconceptions about those files—misconceptions that concern everyone from the MLK family to outside researchers and that cloud my ultimate goal. Third, and most importantly, I will explain to you how the Clerk of the House of Representatives could selectively unseal and release the House records on their investigation into MLK's murder conducted by the House Select Committee on Assassinations (HSCA) in the late 1970s. These materials are presently housed at the Center for Legislative Archives in downtown Washington, D.C. (not NARA II at College Park.)

The HSCA concluded that it was likely that both JFK and Dr. King were killed as a result of a conspiracy. That is the latest official conclusion on both crimes—not the Warren Commission Report and not the 1969 conviction of James Earl Ray. Yet we have almost all of the HSCA material in the public domain for JFK and none of the MLK material from the same exact select committee, save for MLK files that are

accidentally released with the JFK material. I will explain why that is, but more importantly, the easy measures we can take to rectify that disparity.

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# **Part I: What the MLK Assassination File Collection Contains at Present**

## **Overview of the June 2025 Release**

The June 2025 release pursuant to Executive Order 14136 consists of approximately 243,496 pages organized into roughly 1,200 PDFs. This represented, in an odd way, the completion of a FOIA request I filed 10 years ago. I was placed in what is called the National Archives Complex Queue, where other releases with far fewer potential files often took 6-plus years to manifest. I do not have time to explore it in depth here, but I would urge the wider Congress to seriously consider increasing staff and resources at NARA, and especially providing them with the money and resources to upgrade their digital archives to make it more user friendly. The people at the archives are great at what they do but there are not enough of them and because of this, releases can be delayed and the output is not easily accessible to the public. In fact, as thorough and complete as they were in putting forth the June release to the public, the actual breakdown and organization on the website was not done in clear, logical, digestible chunks for use by a layperson.

## **The MURKIN Files: The Core Criminal Investigation**

The largest and most significant set of material in the June release represents the Federal Bureau of Investigation's MURKIN files—shorthand for "Murder of King." This criminal investigation began immediately after the assassination and became one of the largest manhunts in American history. The FBI MURKIN files are organized according to all 55 city-based FBI field offices across the nation, plus a handful of foreign FBI stations, with FBI Headquarters serving as a clearinghouse.

Several of these files covering James Earl Ray's known cities were available in whole or in part to the public over the years. I reviewed many in depth over the past 20 years. But more files from those same Field Offices have now been released and plenty of files from other field offices, that have never been seen before, are also available to the public thanks to your efforts.

## **Understanding the FBI Classification System**

The FBI used its standard classification system to organize these materials. Common codes include 44- for FBI Investigative Homicide/Civil Rights matters and 157- for Civil Unrest, along with administrative files often beginning with 62- that contain bulky exhibits or laboratory reports on physical evidence.

The MURKIN files employ "Subfiles" and "Exhibits." The main serial-stream files represent chronological investigative paperwork—the FD-302 interview write-ups, teletype transmissions, office memos, reports, and Airtels documenting the day-to-day investigation. Subfiles represent topical collections: batches of witness interviews, press clippings, or correspondence grouped by city. The Exhibits are physical and photographic evidence streams: photos of Ray, suspect vehicles, pictures of the full inventory of recovered evidence, as well as fingerprint material.

I should note that the physical evidence in this case—and in fact in the JFK case—has yet to be fully exploited using modern forensic techniques. While this may be beyond the scope of the Task Force's duties, anything you can do to address that situation would be very helpful. I will say that there are instances where you may be able to identify and recover “new” physical evidence, and that may well be in your purview.<sup>1</sup>

## **Geographic Distribution and Investigative Evolution**

The geographic distribution of the largest MURKIN field office files tells the story of James Earl Ray's life and movements—from his upbringing and early criminal activity in St. Louis, to his imprisonment in Leavenworth, Kansas and later Springfield, Missouri, to his escape through Illinois, his attempts to flee from Canada, and time spent in Birmingham, Alabama, Los Angeles, California, New Orleans, Louisiana, and Atlanta, Georgia, including a sojourn to Mexico in 1967 and his final escape (and arrest) in England.

What emerges from this material is the evolution of the investigation itself. Initially, fueled by the materials found in the green blanket outside Canipe's amusement store right near the shooting location, the FBI legitimately investigated a possible multi-assassin conspiracy involving three identities: Eric Starvo Galt, Harvey Lowmeyer, and John Willard. Further investigation revealed that all three "people" were fake names used by James Earl Ray. As Attorney General Ramsey Clark eventually all but admitted, once the investigation settled on Ray as the one person behind those aliases, and especially when it moved to the post-arrest prosecution of Ray, leads related to a wider plot and conspiracy started being held "in abeyance."

## **Missing Pieces**

Despite the expansive June release, we're still missing pieces of the MURKIN files themselves. A handful of field office files were not included in the June release—notably a separate early Atlanta Field Office file and the Phoenix Field Office file. These files are vital to my research regarding Donald James Nissen, a witness I discovered in MURKIN files nearly 20 years ago and interviewed extensively until his death. My research has focused on a specific timeline: in 1967, upon leaving Leavenworth Prison, Nissen was offered part of a bounty against Martin Luther King Jr. by a fellow criminal who attributed it to the White Knights of the Ku Klux Klan of Mississippi. Nissen immediately tried to warn the FBI of the plot. Shortly thereafter, while working as a traveling salesman, he unwittingly delivered a package to a contact in Mississippi that he later learned contained the bounty money. Months later, and just three months before

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<sup>1</sup> In the JFK case, there is potentially unfound evidence within the Task Force's ambit that I am happy to discuss in private.

the assassination, Nissen was threatened to stay quiet; fearing for his life, he fled and broke parole. He eventually surrendered in St. Louis and spoke with two Phoenix Field Office agents he trusted. I suspect the current record of that interview is incomplete and wish to examine the Phoenix file to fill these gaps.

Crucially, I want to see if Nissen fully disclosed everything to the agents, specifically the name of the man, Floyd Ayers, who gave him that package. This individual was one of the earliest suspects identified by Atlanta law enforcement, early enough that his information would have been contained in an early iteration of the Atlanta Field Office file, one never disclosed to the public and once thought destroyed in a flood. I know from a recent FOIA response that that early Atlanta file exists-- but while it is available to me it is not yet available on NARA's digital archive. Beyond the Phoenix and early Atlanta MURKIN files (ATL-1094), there are five others that are not among the collection: Detroit, Minneapolis, Sacramento, Salt Lake City and San Francisco.

## **The Second Set: Intelligence and Surveillance Files**

The second set consists mostly of intelligence and surveillance files related to civil unrest following MLK's assassination. Much comes from Operation Merrimack, a little-known CIA program that monitored anti-war and domestic dissent groups. This is not to be confused with the FBI's COINTELPRO investigations, the CIA's CHAOS program, or the Pentagon's Operation Garden Plot—these do not appear substantively in the June materials.

## **The Third Set: JFK-MLK Overlap Files**

The third set consists of files primarily focused on the JFK assassination but including matters where overlap exists between the two cases.

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# **Part II: What Is NOT in the Files—And Why That Matters**

It is very important that we understand what is NOT in the files because it explodes the perception that there must be some trade-off where we sacrifice the privacy of the King family to get at the truth of his murder. It was stunning to me how quickly the narrative began that material the Task Force released was somehow chock full of salacious material on Dr. King. I see basically none of that kind of material in what was released this past June. Nor did I expect there to be once it became clear that 90% would be MURKIN criminal investigation materials. Having reviewed those files for years I knew they were almost entirely concentrated on the crime itself, often to a dizzying degree of focus.

What redactions do exist are few, sparse, and judicious. NARA did an excellent job on the MLK release. The fact that we can release material in a smart and judicious way is vital to my last and key piece of testimony.

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## **Part III: The HSCA Investigative Record—The Most Important Action Item**

If I can convince you to do one thing, it is this: Have the Clerk of the House direct the Center for Legislative Archives at the National Archives to process the HSCA MLK collection for release, excluding 100-series and 105-series files.

### **Action Plan**

To facilitate the immediate public release of the unpublished investigative records of the House Select Committee on Assassinations (HSCA) regarding Dr. Martin Luther King Jr., while ensuring the protection of sensitive personal data collected by the FBI, the following steps should happen.

1. **The Clerk of the House should Exercise Discretionary Authority to "Remove the Seal":** The Clerk should officially invoke the authority established in the 1979 transfer letter from then-Clerk Edmund L. Henshaw, Jr. that stipulates the records remain closed until a future Clerk provides specific authorization to open them or establishes preconditions for access.
2. **The Clerk Should Direct the Center for Legislative Archives to Process the Collection:** Citing the Henshaw letter as the legal basis for action, the Clerk should direct the Center for Legislative Archives at the National Archives to begin the formal processing of the HSCA MLK Collection for public release. This directive would effectively override the 50-year non-disclosure rule that currently keeps these records unavailable until 2029.
3. **Implement a Selective Exclusionary Filter for Sensitive Material:** To protect the reputation of Dr. King and others from unvetted and derogatory material, the Clerk's directive should instruct the Archives to exclude from public release all records categorized under the following FBI file classifications:
  - **Classification 100 (Domestic Security)**
  - **Classification 105 (Counterintelligence)**

- **Notably that should absolutely exclude:** the FBI File 100-448698, a COINTELPRO file on the New Left.

If the HSCA Legislative Archives are organized based on the way the report itself was organized, then almost all the material that should be excluded would be warehoused for Section E.

Why?

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## Scale and Significance of the HSCA Investigation

The HSCA investigation into the assassination of Martin Luther King Jr. included 13 volumes of hearings and exhibits that were released to the public but likely included tens of thousands of additional pages that informed those reports or were superficially dealt with or ignored. The final published report on Dr. King included 1,086 citations. As a point of comparison, the concurrent investigation into the JFK assassination produced 12 volumes with 1,847 citations. Today, the HSCA's work contributes a substantial portion of the 5 million pages that constitute the JFK Records Collection.

Anyone who has studied the JFK assassination will tell you that the HSCA investigation became vital to understanding what happened on November 22, 1963. Such material regarding Dr. King would similarly provide the granular detail necessary to resolve long-standing questions about the logistics and potential support for the Memphis shooting.

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## The Nature of the Seal

The material was placed under seal after the government published its report. There is a widespread misconception about the nature of the seal on the HSCA materials. It is not a fixed statutory expiration; rather, it is governed by discretionary instructions from 1979 that remain in force today.

In 2013, I attempted to get that material unsealed through my then-representative, Rush Holt. The response from the National Archives was revealing. The records were transferred with a letter from then-Clerk Edmund L. Henshaw, Jr., specifying that, pursuant to House Rule VII (formerly Rule XXXVI), the records remain closed until "specific authorization from the Clerk" opens them. The Archives confirmed they "cannot provide access to the records or even verify" if specific evidence exists without that explicit permission.

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# **Why the Material Remains Sealed—And Why We Don't Need to Release Everything**

My speculation is that the Clerk did not want to expose salacious allegations our government collected on MLK. If it were not for the fact that this derogatory material can be easily exempted from a public release, I would actually agree. This would surprise many people. I have spent the better part of my life trying to acquire classified government material. My high school classes drafted the original version of what would become the Civil Rights Cold Case Records and Collection Act of 2018, which created a review board to facilitate the release of records on decades-old racial murders.<sup>2</sup>

But having read and heard about a fraction of the kind of material J. Edgar Hoover collected on not just MLK but others, I would not want to do his dirty work for him. It is very important that people understand something about that material—it is often unvetted and not credible.

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## **The Case of Reverend Ed King: A Cautionary Tale**

Reverend Ed King, a white southern minister and dyed-in-the-wool Gandhian pacifist who befriended Martin Luther King in their mutual pursuit of civil rights, was subject to a behind-the-scenes FBI smear campaign. We now know from FBI documents that the COINTELPRO team sent fake mailings to Ed King suggesting he was interacting with Red Chinese Communists. Like a game of telephone, this disinformation made its way through law enforcement channels until, by the summer of 1968, Ed King was on a list of potential Red communist assassins that reached the U.S. Secret Service in Chicago. One could easily imagine a situation where Ed King makes an innocent but sudden movement and is shot by a sniper based on false information that started as a deliberate FBI fabrication. Thankfully, that did not happen.

My point is that none of what was being said about Ed King was remotely true. Yet it was presented and treated as such in government files. J. Edgar Hoover had long held negative views of MLK, and after MLK openly criticized the FBI, he earned Hoover's retribution. There is no evidence Hoover's people were serious about vetting such material for accuracy. Whatever smeared MLK was fine by Hoover. I do not think we should be part of a second, posthumous character assassination.

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## **The Solution: Selective Release Excluding Counterintelligence Files**

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<sup>2</sup> I would encourage the members of the committee to support suspending the rules on S. 1510, which would expand the power of that board, and would welcome questions on that.



But we do not have to worry about it. I recently spoke with Danny Coulson, who worked as a liaison between the FBI/DOJ and the HSCA, and later became a legendary figure in domestic counter-extremism. Coulson confirmed that almost all of the scurrilous data on MLK is concentrated in files with 105-series codes (foreign counterintelligence) and 100-series codes (domestic security/subversives). One specific reference is FBI Headquarters File 100-448698, which encompasses COINTELPRO-New Left operations. This file contains the Bureau's efforts to "neutralize" Dr. King through fabricated information and leaked "smut." These files should not see the light of day unless they are thoroughly reviewed and approved for release by a member of the King family.

One can reflexively cordon off those files and keep them sealed, while releasing everything else from the HSCA. It may even be easier than that—that material is almost entirely cited within one section of the HSCA report, Section E dealing with the Performance of the Intelligence Agencies.

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## What Would Be Released

If the seal is lifted, the public would finally have access to thousands of raw documents that currently exist only as an internal master index of MLK Document numbers. This unpublished collection includes:

- **Original Staff Interviews:** Direct records of interviews with hundreds of witnesses—including many individuals who had never been interviewed before the HSCA inquiry.
- **Executive Session Transcripts:** Full, unedited sworn testimony taken behind closed doors under House Rule XI, often regarding sensitive political or intelligence matters.
- **External Investigative Files:** Records on extremist groups and key individuals that go far beyond standard FBI MURKIN files, such as deep dossiers on the National States Rights Party and J.B. Stoner.
- **Technical and Forensic Reports:** Comprehensive data from specialized panels, including original ballistic analysis and high-resolution photographic evidence.

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## Part IV: Additional Recommendations

### Additional Files That Should Be Included in the MLK Collection

There are supplemental materials on groups that were investigated that should be included. While many may be released with the HSCA material, files on the White Knights of the Ku Klux Klan of Mississippi and on Sam Bowers are online in other parts of the NARA website but should be included in the MLK collection directly. I will include a list of these names and individuals, and where possible, the FBI file numbers or serial numbers in my appendix of materials.

One final category of supplemental material that should be pursued—either for inclusion in the MLK collection directly or as an international addendum—is foreign law enforcement and intelligence reporting on James Earl Ray during his movements outside the United States. Ray’s two known sojourns through Canada in 1967 and 1968 included time in major cities such as Montreal and Toronto, and those trips almost certainly generated more investigative reporting than what was ultimately transmitted to U.S. authorities or surfaced in the June 2025 release. A 2008 reporting series by CBC journalist John Nicol pointed to the likelihood that Canadian authorities retained additional documentation beyond what was shared with the FBI or later released through NARA. Congress should request a renewed, formal production of relevant Canadian records—both criminal investigative and intelligence-adjacent—covering Ray’s travel, contacts, lodging, border movements, and any surveillance or source reporting that may have been generated in real time or compiled afterward.

Potential Canadian sources of such material may include:

- **Canadian Security Intelligence Service (CSIS)** archival or successor holdings where later-compiled intelligence files absorbed earlier national-security reporting [the CSIS began in 1984 but may have absorbed pre-84 material];
- **Royal Canadian Mounted Police (RCMP)** records, including both criminal investigative holdings and national-security-related files;
- **RCMP Security Service—era legacy holdings** (for the pre-CSIS period), including any centralized intelligence reporting retained in successor archives;
- **RCMP divisional and detachment records** from the regions corresponding to Ray’s known travel routes and major urban stops;
- **Canadian immigration and border screening records** (including ports-of-entry documentation and secondary inspection notes);
- **Provincial and municipal police services** that may have interacted with federal authorities or generated their own reporting, including in Quebec and Ontario;
- **Global Affairs Canada / foreign liaison files** reflecting any intergovernmental communications with U.S. counterparts during the manhunt.

There may also be comparable foreign holdings from the United Kingdom, given Ray’s escape route and eventual arrest there. While some British-sourced information is already reflected in the released FBI materials, Congress should determine whether additional documentation exists that was never transmitted, never requested, or never publicly disclosed. Potential sources include:

- **Metropolitan Police Service (Scotland Yard)** investigative records;
- **MI5** (domestic security service) reporting where relevant to extremist contacts, travel, or surveillance;

- **MI6** (foreign intelligence service) reporting to the extent any liaison or overseas collection intersected with Ray's movements;

Finally, I would emphasize that this is not a theoretical exercise. Chairwoman Luna has already demonstrated, through her efforts to obtain material from Russia, that this Task Force can pursue international channels where there is reason to believe relevant records exist. The same persistence should be applied here. If Canada and the United Kingdom possess additional contemporaneous records that bear on Ray's movements, contacts, or support network, those materials may prove highly probative—especially in filling gaps in the MURKIN timeline that remain unresolved even after the June 2025 release.

Finally, I want to address one of the most difficult challenges in acquiring meaningful records in cases like this: sensitive informant material held by the FBI. My work—both on the King assassination and on the history of domestic counter-terrorism in general—has highlighted a common issue that recurs across decades of investigations. Informants are planted inside extremist groups, or key members are “turned,” and those relationships may yield extraordinary insight into a group's plans and capabilities. Yet in many instances, in an effort to protect the informant, preserve sources and methods, or avoid scrutiny of missteps and oversights connected to that informant relationship, the government conceals the depth of its connection to that individual. My co-author and I both believe this dynamic is likely to have played a role, and possibly a key role, in the failure to prevent Dr. King's assassination—and arguably in the blind spots in the investigation that followed. And until these issues are addressed with greater transparency, many researchers will continue to harbor deep suspicions about government involvement, complicity, or foreknowledge. In one instance, my co-author and I uncovered clear evidence suggesting that at least one informant at the highest levels of the White Knights of the Ku Klux Klan of Mississippi may have had direct foreknowledge of the assassination, and possibly some form of involvement in it. His status as an informant was later exposed in books published after we released our own. When I filed a FOIA request for his file, I received five total pages—three of which were duplicates. Especially when an individual's informant status has already been disclosed through public trials and published sources, and especially when the individual is deceased, it seems clear that the public's interest in understanding what the government knew, when it knew it, and what it did—or failed to do—outweighs the remaining institutional concerns about protecting sources and methods. This is only one example. The Task Force should consider pushing for the disclosure of these kinds of records, even if doing so raises difficult questions about what, if anything, the government could have done to prevent Dr. King's murder, or to more fully resolve it in the years that followed.

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## Closing

Thank you for letting me address the Task Force.

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