

Intelligence Operations Conducted on Martin Luther King Jr. and His Loose Morals: The Changing Motivations for His Surveillance

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The United States intelligence community took great pride in producing insightful intelligence for the protection of threats for their nation and its citizens. However, the government's intentions for surveillance under their administrations can be questioned when analyzing the individual governmental agendas for conducting surveillance against American citizens. One American in particular consecutive governmental administrations targeted was Martin Luther King Jr. Throughout Martin Luther King's public career there was a constant effort on the part of the government to conduct surveillance of his every move. The National Security Agency's justification (under project MINARET) for surveillance of King was claimed to be for discouraging civil disturbance.¹ However, agencies' motivations for the surveillance of King shifted under each change in presidency. Moreover, the National Security Agency (NSA), Central Intelligence Agency (CIA), and Federal Bureau of Investigation's (FBI) surveillance of King gradually intensified over the time span from the

¹ The term "civil disturbance" refers to any action that expresses civilian unrest in society, for example, riots or strikes. The government during the nineteen-sixties saw any act of disobedience of governmental institutions as being a "civil disturbance." Therefore the Civil Rights Movement as a whole was viewed as being a "civil disturbance" and anyone in its leadership was seen responsible for causing a "civil disturbance." Establishment of Sensitive SIGINT Operation Project MINARET, National Security Archive, July 1, 1969.

Eisenhower Administration into the Nixon Administration. The government's claim that King was a civil disturbance to national security never wavered, however, how the agencies themselves surveilled King to protect against this threat took different forms throughout the sixties.

Established in 1952, the NSA progressed in size and skill becoming the largest global intelligence institution of its kind.² When the agency was first established it was proposed as a line of defense for the United States against perceived external attack. With the intent of working in alliance with United States defense forces, the Army and Navy, the NSA would become a melting pot of cryptanalysis and defense. Before the establishment of the NSA practices of cryptography for the state, the American defense was scattered. The creation of this central space of intelligence allowed for the information it acquired to be used as a line of defense by the government. The establishment of the NSA increased intelligence's influence over the United States defense mechanisms tremendously. Shortly after the establishment of the NSA, the agency's surveillance turned inward and began to undermine the NSA's original intent for external surveillance. There began to be an overlap of domestic and foreign surveillance practices that had no specific category of fixed jurisdiction.

The NSA's scope of domestic intelligence operations is deemed to have "no such origins."³ This is partly because, prior to the seventies, domestic surveillance was not linked to one specific operation that first began domestic eavesdropping. The increasing domestic surveillance practices of the sixties enforced the need for domestic surveillance legislation. In a letter on behalf of the NSA to the Attorney General in 1973, the agency defends

² David Kahn, *The Code-Breakers: The Comprehensive History of Secret Communications from Ancient Times to the Internet* (New York: Scribner, 1996), 677.

³ Memorandum For the Secretary of Defense The Attorney General., National Security Archive, January 26, 1971.

their practices, stating, “the NSA had no facilities or charter that would allow it to ascertain whether specific watch list entries are appropriate, and has always depended upon the agencies compiling the lists to warrant that they are entitled.”⁴ The lack of legislation addressing domestic surveillance pre-nineteen-seventies connects its lawful origins to the late nineteen-sixties into the nineteen-seventies when formal discourse arose. However, surveillance of King and other watch-listed civilians proves that the origins of domestic surveillance conducted by U.S. intelligence agencies can be traced back to the early nineteen-sixties.

The NSA addressed, in relation to their jurisdiction of surveillance, that there needed to be a category of surveillance created that “no one will recognize, intelligence that moves back and forth between domestic and foreign jurisdictions” to efficiently protect against threats.⁵ This proposed third category of surveillance was a legislative loophole for the NSA to justify their malpractices of domestic surveillance and espionage. Civilian surveillance operations targeted particular public figures whose leftist views were seen as a threat to governmental agendas of the time. Martin Luther King Jr. was a high-profile target of the NSA that (under project MINARET) fit into this third category of surveillance due to his domestic political platform and foreign relations.

The NSA’s original mandate was to protect the United States from external war threats through acts of information intercept and espionage. As time progressed invasive procedures through surveillance operations undermined the NSA’s original intent through illegalities of domestic surveillance. The agency’s legality had been

⁴ Letter to “The Honorable Elliot L. Richardson Attorney General, Washington, D.C., October 4, 1973.

⁵ James Bamford, *The Puzzle Palace: A Report on America's Most Secret Agency* (Boston: Houghton Mifflin, 1982), 458.

compromised when the agency acted exclusively within domestic jurisdiction by conducting surveillance of King's conduct in his private spaces. These surveillance practices of a personal nature made the NSA stray away from its original mandate to discourage civil disturbance as stated in project MINARET's legislation. This conflict of motivations against King on paper versus in practice can be expressed by analyzing each administration's separate agenda for the surveillance of Martin Luther King Jr.

Surveillance of King began under the Eisenhower administration (1953-1961). At the time the government argued that keeping a watch on King's actions was necessary because Eisenhower was resistant to the civil rights legislation King was demanding. The Montgomery Bus Boycott of 1955 brought King into the political spotlight as a rising leader of the Civil Rights Movement and a target of the government. The Eisenhower administration marked the beginnings of governmental interest in King. He had been on the U.S. government's radar since his increasing leadership in the Black Civil Rights Movement. The Montgomery Bus Boycott of 1955, three years after the NSA was established, was the civil rights protest that brought King to be "one of the most well-known black leaders in the United States."⁶ At the age of 27, King devoted his life to leading a movement for equal rights of the Black population of the country. His leadership role was assumed at a time of immense anxiety for the government. Growing protest accompanied by fear of communism created "any perceived left-of-center cause risked the accusation of harboring communist sympathies."⁷ The government's anxieties of leftist sentiment caused King's message to be distorted in the eyes of the government. His message was perceived as a direct threat to government power rather than to racial

⁶ John A. Kirk, *Martin Luther King Jr.* (London: Routledge, 2014), 7.

⁷ Kirk, *Martin Luther King Jr.*, 7.

segregation.

The agency's coalition with U.S. defense forces was at the core of the NSA's mission to take measures against external threats. However, while the NSA was still heavily reliant on this coalition with the defense forces, the agency began to conduct its operations domestically so they did not need lines of defense against external threats. Rather than exclusively focusing on external threats, the agency was influenced by governmental agendas to take interest in the competing ideologies within the country. The rise of Wisconsin Senator Joseph McCarthy, driven by the Second Red Scare, the legacy of the McCarthy era instilled a fear of Communism within the United States well into the 1950s and 1960s.⁸ The political climate in the United States was tense throughout the 1960s and "by 1967 the country appeared to be going up in flames."⁹ The threat of Communism penetrating the minds of civilians was used by the NSA to justify their overstep of jurisdiction.

The fear of Communism was pushing at the backs of the NSA and putting pressure on the agency to discourage anti-governmental sentiment. Martin Luther King's public political platform against United States structural racism put him on the NSA's radar. King spoke out against the Vietnam War, stating that "perhaps the more tragic recognition of reality took place when it became clear to me that the war was doing far more than devastating the hope of the poor at home."¹⁰ King called on the government to pull troops from Vietnam to deal with the domestic crisis that Black Americans were facing.

⁸Aaron D Purcell, *White Collar Radicals: Tva's Knoxville Fifteen, the New Deal, and the McCarthy Era* (Knoxville: University of Tennessee Press, 2009), xxv.

⁹ Summary of Task Force Report on Inquiry Into CIA-related Electronic Surveillance Actives Disclosed in Rockefeller Commission, National Security Archive, March 4, 1977.

¹⁰ Martin Luther King Jr., "Why I Am Opposed to the War in Vietnam," April 30, 1967, Riverside Church, New York, speech.

The NSA categorized King to be in this third category of surveillance through his assumed position as a Communist. His public protest against the Vietnam War made the government fearful of the power he held as a public figure speaking out against government action. King expressed concern around the United States' involvement in the Vietnam War in multiple instances, saying the country would come into a state of doom because of the "militaristic posture of our nation."¹¹ King's left-of-center political views made him susceptible to be placed within this third category of a threat as defined by the NSA. This third category was under domestic and foreign jurisdiction, with the government believing that the foreign alliances King formed posed a threat to national security. Because King supported left-of-center action, such as the protest against war, he was categorized directly by the NSA as a supporter of enemy ideology. This categorization, therefore, was used as grounds for his consistent surveillance under the Eisenhower administration.

In 1960, John F. Kennedy was elected president, However, the surveillance of King continued. At this time it was argued that the surveillance of King was motivated by a "genuine concern about possible Communist influence" within the United States.¹² Although he was commonly viewed in a progressive light by his supporters, President Kennedy had little empathy in general for the Civil Rights Movement, believing it was a Communist movement.¹³ Kennedy's fear of King was based in King's power gained

¹¹ "Heavyweight champion Muhammad Ali got together with civil rights leader Martin Luther King," YouTube, March 30, 1967, <https://www.youtube.com/watch?v=XOhvupjhS3U>.

¹² Nick Kotz, *Judgment Days: Lyndon Baines Johnson, Martin Luther King, Jr., and the Laws That Changed America* (Boston: Houghton Mifflin, 2005), 78.

¹³ *The Assassination of Martin Luther King*, directed by BBC Worldwide Ltd, Films for the Humanities & Sciences and Films Media Group (Films Media Group, 2007).

through his leadership position in the movement. However, unlike the Eisenhower administration, King's leadership of the movement was not the only motivation for his surveillance under the Kennedy administration.

J. Edgar Hoover, the founder, and director of the FBI from 1935 to 1972 ordered an increase in their surveillance of King.¹⁴ While up to this point King was targeted due to his attachment to the Civil Rights Movement and suspected Communist ideals, Hoover was the one who began to be interested in King as an individual. Kennedy himself became concerned that Hoover's order for the personal surveillance of King would become public knowledge. Kennedy's concern was out of fear that he himself would become vulnerable to charges related to malpractice of national security protocol.¹⁵ The charges, if put into action, would have been justified based on the grounds of illegal surveillance practices, as the government had no direct evidence giving legal justification for his claims against King as attempting to threaten national security. This fear did not stop Hoover or the Kennedy administration from their agenda to increase surveillance. As King was preparing to give his famous "I Have A Dream" speech, the Intelligence agencies under Kennedy were partaking in mass operations of gathering intelligence through the tactic of eavesdropping.

Kennedy began to realize that King was forming a strong following amongst other important public figures who had influence over Americans. King's relations with figures such as Muhammad Ali and Pope Paul made the government believe that these relations posed a strong threat of sparking a Black revolution. Even though the Kennedy administration's term was short, it had taken an increasing interest in King's political alliances and set the tone for future surveillance of King. Kennedy's fear around

¹⁴ *The Assassination of Martin Luther King.*

¹⁵ Nick Kotz, *Judgment Days*, 78-79.

these joint efforts led to the NSA's involvement in technological surveillance of King under the joint efforts of the NSA's wiretapping program, the CIA, and the FBI. The presidential and intelligence branches under the Kennedy administration marked the beginning of technological surveillance on King.

The NSA's wiretapping program had taken off during the agency's heightened suspicion of civilian activity. The surveillance mechanism of wiretapping set up the technology needed to eavesdrop on private conversations as an independent third party. The wiretapping program was the agency's main mechanism for civilian intelligence to intercept until the program shut down in 1975 due to illegalities. Intelligence on Martin Luther King had been gathered by the agency wiretapping King's telephone line, gaining access to King's private conversations. An example of this intercept is the case of the NSA eavesdropping on a telephone call between King and Pope Paul.¹⁶

The government was trying to prevent the meeting of these two civil and religious public figures.¹⁷ The NSA did not want King to meet with Pope Paul due to the influence the Pope had over the Christian population's view of King's political platform. The NSA's surveillance of their communications was intended to discourage religious stamina for the Black cause. King addressed his relationship with Pope Paul as being strictly for the support of the movement. King stated, "he believed that the United States civil rights movement had received the endorsement of the most influential religious leader in the world and the head of the largest church in Christendom."¹⁸ This

¹⁶ *Testimony Before the Church Committee Details FBI Plans to Intimidate Martin Luther King Jr. Ca. 1975*, directed by Films Media Group and WPA Film Library (WPA Film Library, 2007).

¹⁷ *Testimony Before the Church Committee*.

¹⁸ "Pope and Dr. King Confer on Rights," *New York Times*, September 19, 1964.

statement suggests King's meeting with the Pope was out of a desire for religious support, not being a threat to national security.

Another relationship the NSA was particularly concerned with was King's relationship with Muhammad Ali. King and Ali's relationship depicted Black communal strength and protest of the government's oppression of African Americans. King stated in an interview with Ali the intentions of their relationship, saying, "we had a good discussion on many matters" of a political nature.¹⁹ Also, in this publicized interview, King claimed that both he and Ali supported the draft statement against the Vietnam war.²⁰ Intelligence agencies viewed King and Ali's alliance as a relationship that threatened a gain of support for the Civil Rights Movement. The government believed if King's support grew it would weaken the U.S. government's power over the movement. King and Ali's political relationship expressed common efforts of Black rights which had caused Muhammad Ali to be established as a watch-listed target of project MINARET.²¹ In this same interview, Ali challenged the fear around Black activist meetings, explaining, "whenever a few of us come together for a common cause the world is shaken up."²² Here, Ali is proving that the government's fear of his relationship with King was based upon the government's fear of the exchange of leftist ideas.

This fear is ultimately derived from a greater concern of Black power and influence in which the NSA had no legal jurisdiction for discouragement. The NSA's attempt to discourage "civil disturbance" is not justified in this instance. The fourth amendment allows freedom of

¹⁹ "Heavyweight champion Muhammad Ali."

²⁰ "Heavyweight champion Muhammad Ali."

²¹ "Disreputable If Not Outright Illegal: The National Security Agency versus Martin Luther King, Muhammad Ali, Art Buchwald, Frank Church, Et Al.," The National Security Archive, "The Watch List," 84.

²² "Heavyweight champion Muhammad Ali."

thought, therefore this exchange of ideas cannot be categorized as creating a “civil disturbance” as defined by the NSA. Again, the discouragement of this political discourse came from a fear of a Black revolution. Any attempt to gain support for the Black cause of equality was seen as an action to plot revolutionary action against the government. The technologization of eavesdropping mechanisms marked a new motivation for the agency’s surveillance of King. The NSA became increasingly interested in the alliances King created. The government saw these alliances as a purposeful strategic political move by King that were made to threaten governmental suppression of the Civil Rights Movement. This threat of King’s political alliances was an increasing concern of the Kennedy administration. These alliances correspondingly intensified government motivations and increased the agency’s surveillance of King.

The NSA’s belief that these men, King, and Ali as a duo, were a threat to national security had no legal standing as a “civil disturbance.” This undermined the agency’s justification for its surveillance as discouraging civil disturbance. The NSA’s fear of joining efforts of Black activism challenges the agency’s original claim of the reason for surveillance of Martin Luther King as being to dismantle Communism. Illegal practice of civilian surveillance on part of the NSA is evident under project MINARET’s original code of conduct of the description of a threat. The NSA’s mandate to protect against threats revolved around the protection of the nation as a whole. Some forms of civil disturbance may be justifiable as being threatening to the nation’s security such as public riots. However, King’s political discourse was viewed as threatening to governmental agendas of white supremacy rather than the safety of the nation.

This proves especially true because King’s activism was done through a non-violent platform. This contradiction raises a new theory on the NSA’s intentions

of surveillance of King, supporting the idea that the motivation for surveillance was for the discouragement of leftist political action. The governmental and intelligence agencies' motivation for King's surveillance under Kennedy had been presented as for the protection of the nation against the threat of Communism. However, because the administration took interest in King's alliances, their motivation shifted to surveillance for the discouragement of any left-of-center action that disrupted governmental structural oppression of the Black population. Kennedy's assassination led the way for a more personal relationship to take place between Martin Luther King Jr. and the government.

In 1961, after President Kennedy's assassination, Lyndon B. Johnson became president. Surveillance of King under the Johnson administration (1963-1969) had become personal. The motivation for the surveillance of King was driven by King's emerging label as a deviant. While President Johnson's political relationship with King was more cooperative than those of previous administrations, he had taken an increasing interest in King's conduct. The intelligence administration's agenda for the surveillance of King was to "jeopardize the image of the desegregation movement."²³ However, while this motivation was political, the nature of surveillance conducted on King under the Johnson administration shifted from political to personal when they used the intelligence of King's personal conduct to negatively impact the greater Civil Rights Movement. The surveillance of King's personal conduct under the Johnson administration marked the labeling of King as an individual threat to national security. Under Johnson, intelligence agencies were less concerned with King being a threat to political ideology and more

²³ United States Department of Justice Federal Bureau of Investigation: "*Martin Luther King Jr.: His Personal Conduct*," Central Intelligence Agency, December 21st, 1964, 1.

interested in the threat his perceived deviant action posed to the Johnson administration's ideal picture of American society.

King was under the watchful eyes of the government due to his left-of-center political platform. Johnson had a relationship with King that can be viewed as mutually beneficial for both parties. In 1963, King had met with Johnson in hopes to speak about civil rights legislation for his cause for the Black vote. In these meetings between Johnson and King, the dialogue focused on Black access to the voting booths. However, while King's intentions for meeting with Johnson was to discuss the progression of the Civil Rights Movement, they had an underlying purpose for this meeting pertaining to the surveillance of King. Johnson had an agenda for a surveillance meeting with the Civil Rights leader, as "in their face-to-face meetings, each man had prepared carefully for their talks, the president by reading daily transcripts of the FBI's" intelligence on King.²⁴ However, while the protocol required Johnson to refer to intelligence records before these meetings, his relationship with King was optimistic in nature. Through these meetings, Johnson gave King the attention needed from the government to progress his efforts to pass a civil rights bill.²⁵

While Johnson seemed willing to promote King's leadership of the Civil Rights Movement, he made this decision strategically. King ran his civil rights campaign with the standard of non-violence action. King's non-violent platform differed from the platform of another leader of the Civil Rights Movement, Malcolm X. Malcolm X disagreed with King's non-violent approach to civil rights, believing that taking a violent approach was the only way the movement would see real progress. Johnson knew he had to endorse on the side of King's non-violent action

²⁴ Nick Kotz, *Judgment Days*, 250.

²⁵ Kotz, 68.

plan to decrease collateral violence that came with revolutionary movements and to assume as much power over the movement as possible. Johnson viewed King as an activist he could endorse over Malcolm X because King saw the availability of Johnson's time as governmental consideration for legislative action.

Johnson took advantage of his meetings with King as a way to prolong the progress of civil rights legislation while gathering intel on King's plans for the movement. This relationship allowed Johnson to not have to act immediately on King's demands for legislative progression for the Civil Rights Movement, whereas Malcolm X was more adamant on timely progress. Therefore, President Johnson's relationship with King was based upon circumstance by default. The end of President Johnson's term was January 1969, which marked the beginning of the Nixon Administration.

President Nixon's agenda for his presidency was largely directed towards the white voter which meant less tolerance for civil rights and Communist sentiment.²⁶ Under Nixon, heightened surveillance was ordered on King's every move, with eavesdropping operations on his personal life becoming common practice. Informal surveillance of King's personal affairs had no cause for concern in alignment with the NSA's and CIA's original mandate against King as a political threat. Declassified intelligence documents on the NSA's surveillance of King creates an image of King as possessing extremely loose moral behavior. In a release of the United States Federal Bureau of Investigation report entitled "*Martin Luther King Jr.: His Personal Conduct*" in 1964, the case encloses surveillance of King's "sex and drinking parties."²⁷ While

²⁶ Derrick White, and Kenneth Alan Osgood, *Winning While Losing?: Civil Rights, the Conservative Movement, and the Presidency from Nixon to Obama* (Gainesville: University Press of Florida, 2013), 29.

²⁷ United States Department of Justice Federal Bureau of Investigation: "*Martin Luther King Jr.: His Personal Conduct*," Central Intelligence

the societal climate of the 1960s deemed this type of activity as being deviant, differing from social norms, there is no proof within the documentation that these activities had legal standing as evidence of King being a threat to national security.²⁸ This is an instance of the NSA attempting to frame King in the worst possible light to manipulate his overall image. If King had been a real threat to national security the agency would have not had to dig for evidence to prove his ill-character through surveillance of his private affairs. Not only does this document give illegitimate evidence of King being a threat, but it is also telling of the agency's racist view and protest for the discouragement of the African American Civil Rights Movement as a whole.

The agency makes racialized claims stating “the reputation among many of the country’s Negro leaders of being heavy consumers of alcoholic beverages.”²⁹ This reference to the larger Black population suggests that the NSA was conducting surveillance of King not only out of concern of the threat he posed but also the perceived threat the Civil Rights Movement posed. This is an example of government intelligence agencies attempting to police the actors of the ideological left. The document "*Martin Luther King Jr.: His Personal Conduct*" contributes to the overall historiographic evidence of illegality within NSA surveillance practices against Martin Luther King Jr.

The NSA’s wiretapping surveillance and the CIA’s consistent intervention in King’s personal matters had made King become on edge with the realities of being targeted by his government.³⁰ Throughout the nineteen-sixties King

Agency, December 21st, 1964, 1.

²⁸ “*Martin Luther King Jr.*,” 1-2.

²⁹ “*Martin Luther King Jr.*,” 1.

³⁰ Edythe Scott Bagley and Joseph H. Hilley, *Desert Rose: The Life and Legacy of Coretta Scott King* (Tuscaloosa: University of Alabama Press, 2012), 190-91.

was becoming increasingly aware of the government's agenda against him and his role in the Civil Rights Movement. This pressure from the surveillance on King was intended by the government to wear down his political agenda. However, it instead made King's anti-governmental stance stronger because King integrated his experience of governmental oppression into his public discourse in things like speeches. King viewed his surveillance as a way to strengthen his argument against governmental tyranny over the Civil Rights Movement. This leads to the conclusion that project MINARET's definition of a civil disturbance was not fixed. The NSA's use of the terminology "civil disturbance" was purposeful because it was a manipulatable term. The NSA could decide what they as an agency saw as a civil disturbance on a case-by-case basis. The term "civil disturbance" acted as a scapegoat for the NSA to justify unlawful targeting and defend unconstitutional practices of surveillance which violated human rights to free speech. The turning point of the relationship between the U.S. government and King was implicitly due to the NSA's increasing illegal and threatening actions taken against him. Once J. Edgar Hoover became the director of the FBI, the nature of all surveillance practices on King made a turn for the worse by becoming violent.

Evidence of the NSA becoming violent towards King is shown through the threat mail sent to King's home directly from the agency. The NSA's tactics against King had gone from acts of espionage and eavesdropping to direct discourse that expressed threat. In a letter from the NSA addressed to King the agency wrote, "King there's only one thing left for you to do and you know what it is. You have thirty-four days in which to do it."³¹ This letter has come to be known as King's suicide letter by many

³¹ Scott Bagley and Hilley, *Desert Rose*, 190-91.

American historians such as author David Garrow.³² This letter and others started to arrive at King's home just shortly before King was expected to accept the Nobel Peace Prize in 1964.³³ The letters sent to King expressed a hostile tone, alluding to the government's desire for King to commit suicide. The letter was a "one-sided deal: destroy yourself or we will use our surveillance to destroy you."³⁴ The NSA and the CIA saw King as such a great threat to the governmental agenda of white supremacy that they believed suggesting death was a justified method to maintain unlawful control over the Civil Rights Movement.

The FBI's reference to the use of surveillance to destroy King was telling of the toll this surveillance was having on King's family life. Intelligence agencies used the vulnerability of King's family as a mechanism to break him down emotionally to weaken his political work. Through surveillance of King's personal conduct, which was then still declassified, intelligence agencies had begun to target King's family. Through intercepts like telephone wires and access to the popular press at the time, rumors of King's immoral behaviors had attempted to break down King's family structure. The NSA's suicide letter to King was only one of many direct threats. The FBI tried to destroy King's marriage with his wife Coretta Scott King. They did this through surveillance practices which caused her to become a victim of this unlawful communication. Coretta had been addressed directly in threat letters and recordings of a sexual nature of what they hoped would come off as King himself sent on behalf of the FBI. Scholar Edythe Bagley

³² David J. Garrow, *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference* (New York: Quill, 1999).

³³ *Testimony Before the Church Committee Details FBI Plans to Intimidate Martin Luther King Jr. Ca. 1975*, directed by Films Media Group and WPA Film Library (WPA Film Library, 2007).

³⁴ F.R. Cooper, "Surveillance and Identity Performance: Some Thoughts Inspired by Martin Luther King," *Review of Law and Social Change* 32, no. 4 (2008): 519.

expands on this by saying:

The letter had made accusations against King, accusing him of infidelity and other acts. From that, she surmised that the tape and knew it nothing more than another attempt to drive a wedge in between them. Neither she nor King take substantive matters on the tape seriously. However, they were both displeased that the FBI would make such a threat against them.³⁵

Whether the accusations against King about his infidelity were true or false does not justify governmental intelligence agencies' invasion of King's marriage. This lack of lawful conduct proves that U.S. intelligence agencies did not feel restricted by any written law around restrictions on surveillance practices and privacy. At this point, NSA surveillance of King had become less about protecting the nation against, as the NSA defined it, threats but rather an effort to end Martin Luther King all together. The suicide pact, in the efforts of the government and intelligence agencies, desire for King to kill himself ultimately came to work against the NSA's claim that they had followed mandate around civilian surveillance. This instance of malpractice was evidently illegal and was by far the hardest act for the administration to justify.

King did not adhere to the CIA's desire for him to commit suicide, rather he had a more sudden cause of death. On April 4, 1968 in Memphis, Tennessee Martin Luther King was assassinated as he was leaving the Lorraine motel.³⁶ King's famous speech, "I've Been To The

³⁵ Scott Bagley, and Hilley, *Desert Rose*, 191.

³⁶ *The Assassination of Martin Luther King*, directed by BBC Worldwide Ltd, Films for the Humanities & Sciences (Firm), and Films Media Group (Films Media Group, 2007).

Mountain Top,” given just one day before his assassination, suggests King was aware his life was in danger. He states:

longevity has its place, but I am not concerned about that now. I just want to do God's will and he has allowed me to go up to the mountain and I've looked over and I have seen the promised land. I may not get there with you, but I want you to know tonight that we as a people will get to the promised land.³⁷

The language King used alludes to tensions he felt about having a target on his back, by white supremacists, and by his government. Making it publicly known that he is not fearful of any man can be seen as an effort to fight back against the government's attempt to make him fear for his life through their death threats. This violence is telling of the government's hostile feelings of King at the time. The end of the Johnson administration marks a time of great tension around governmental intervention in the Civil Rights Movement.

In 1969 Richard Nixon was elected president and his intentions for the previous surveillance operations on King was to make the surveillance practices appear legal to justify surveillance malpractices. Under the Nixon presidential and intelligence administrations, the surveillance documentation involving King was charted into an official NSA operation titled project MINARET. The rationale behind project MINARET was to discourage “civil disturbance.” The drafting of project MINARET under the Nixon administration allowed for the Church Committee to prove the NSA's illegal surveillance of King.

The NSA came to be held accountable for their illegalities by the United States Senate Select Committee, otherwise known as the Church Committee³⁸ in 1975. This

³⁷ *The Assassination of Martin Luther King.*

³⁸ The United States Senate Select Committee to Study Governmental Operation concerning Intelligence Actives, otherwise known as the

committee was formed to investigate intelligence agencies' practices. In a memorandum to the members of the Senate Select Committee from Fritz Schwartz, an accomplished lawyer and chief counsel to the committee, posed concern of NSA civilian operations. The Church Committee reviewed project MINARET's intentions and procedures out of suspicion of illegalities against U.S. civilians. They came to the conclusion that "this monitoring has included some questionable practices in the past regarding U.S. citizens and NSA technology."³⁹ With the legal grounds to question the NSA on the committee's suspicions, when confronted, the NSA discouraged any such type of public hearing. Their discouragement proves that the agency knew their illegal actions could not withstand the mechanisms of justice in a trial.⁴⁰ However, the Church Committee v. NSA trial proceeded even though both parties were not equally enthusiastic. The broad understanding of the agency's jurisdiction for surveillance made the investigation contested by the agencies' personnel. The legal jurisdiction of the Church Committee ultimately overruled the agency's discouragement for investigation. The NSA's lack of enthusiasm for this trial is an example of the clash between intelligence agencies' sense of entitlement to the autonomy of surveillance and the legal system's duty to hold government institutions accountable to its citizens.

With the government's increasing concern of King's political platform, the NSA made King an official threat to

Church Committee, was established to investigate American Intelligence. Through case hearings in 1975, the Committee brought to light the illegalities of intelligence practices of the big three agencies, the FBI, CIA, and NSA. While the hearings of 1975 were proceeded years after committed crimes of the agencies, the hearings held the agencies accountable with the law.

³⁹ Memorandum, To the U.S. Senate Select Committee from Fritz Schwartz, National Security Archive, September 19, 1975, 1A.

⁴⁰ NSA Hearings on Monitoring of International Lines of Communication (LLC), National Security Archive, September 19, 1975.

national security by charting an operation under NSA legislation that formally recognized surveillance of King. Project MINARET was established as a Sensitive SIGINT Operation “for the purpose of avoiding more restrictive control and security of sensitive information derived from communications” of multiple entities of the state.⁴¹ The project was set up as a way for the agency to gain further jurisdiction over domestic targets. The motives of the NSA targeting Martin Luther King Jr. derived from the agency’s desire to control information on individuals who were involved with civil disturbance. The NSA defined a civil disturbance as someone who they, the agency, viewed as attempting to influence U.S. organizations or individuals.⁴² This clause went against civilians’ right to free speech and exhibits efforts of tyrannical behavior by the U.S. government. Not only did project MINARET go against civilian’s fourth amendment rights, but it also went against the NSA’s written policy around targets and surveillance practices.

The bases for the establishment of project MINARET reflected the government’s need to control their citizens. The project was illegal in nature by NSA’s legal standards in itself, by targeting civilians based on their personal political views. These illegalities were ignored by the agency’s personnel conducting surveillance in efforts to reach the agency’s goal to dictate political dialogue in the U.S. The operation was first launched in 1969 when the NSA drafted a watch-list of civilians whom the NSA deemed as having posed a civil disturbance within the United States.

The NSA’s definition of a threat versus how they protected the nation against said “threat” in practice was

⁴¹ Establishment of Sensitive SIGINT Operation Project MINARET, National Security Archive, July 1, 1969, 149-50.

⁴² Establishment of Sensitive SIGINT Operation Project MINARET, National Security Archive, July 1, 1969, 150.

contradictory. The agency's word choice of a "civil disturbance" as a threat implies, by the word's actual definition (refer to footnote 1), as expressing political opposition to governmental agendas. Citizens that had expressed left-of-center views risked becoming targets of the NSA. The NSA's illegal motives in their surveillance of Martin Luther King Jr. were covered up by project MINARETS top-secret status within the agency. Project MINARET's legislature acted as a legal justification for the surveillance of King. By creating an operation that was classified as top secret, the NSA could get away with their illegal practices with little suspicion or evidence of their illegalities. Scholar Frederick Schwartz argues this, stating, "too much is kept secret, not to protect America, but to keep embarrassing or illegal conduct from Americans. Examples abound, including efforts to drive Martin Luther King Jr. to commit suicide."⁴³ This statement is telling of what extremes the agency was willing to go to maintain control over America's political discourse and their efforts to cover up illegal surveillance practices.

When project MINARET was first established, King was listed as a target due to his assumed position with Communism which the NSA deemed as being a political threat to national security. This reasoning shifted in practice when analyzing the direct relationship between intelligence agencies and King. This shift occurred with the NSA detaching him from his larger political platform. While the NSA first viewed King as an ideological threat, this label changed, viewing him as a threat due to his fraudulent behavior as described by Hoover.⁴⁴ The intelligence agencies' evidence of King's fraudulence acquired up until

⁴³ Frederick A. O Schwarz, *Democracy in the Dark: The Seduction of Government Secrecy* (New York: The New Press, , 2015), 2.

⁴⁴ *Testimony Before the Church Committee Details FBI Plans to Intimidate Martin Luther King Jr. Ca. 1975*, directed by Films Media Group and WPA Film Library (WPA Film Library, 2007). Online Video, describing NSA's suicide letter to King.

this point did not follow NSA protocol. Hoover's claim that King was fraudulent suggests that the intelligence community viewed King's sexual habits and leftist political views as not just deviant, but illegal. The NSA and CIA used factors of King's political views and personal conduct for the justification of his surveillance. This shows the government's intentions to police civilians' thoughts through its intelligence agencies which is a violation of civilian's constitutional rights in a free democratic society.

The NSA was forced by the Church Committee to release information on project MINARET. The information the NSA and the committee settled on to disclose was facts of the operation, the existence of the U.S. names who were targeted, informal procedures, that there was surveillance of civilian communication, and that the project was terminated. Through the Committee's analysis of this information, they were able to conclude that the legality of this project needed to be challenged by the law.

The Church Committee began to align NSA technology surveillance practices with law. They came to find that surveillance performed through project MINARET was illegally in breach of the Federal Communications Act of 1934.⁴⁵ This act was established to regulate information intercept, with the legislature stating:

For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, nationwide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of

⁴⁵ "Federal Communications Act 1934." Reports Federal Communications Commission, May 29, 2019.

promoting safety of life and property through the use of radio communication, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication.⁴⁶

Under this legislation, the NSA had been guilty of malpractice of communication by wire based on discrimination of race, color, and national origins being driven by unreasonable charges. This act prohibits intelligence agencies from targeting civilians because of their physical and mental traits. Surveillance breaches by the intelligence community around the surveillance of King increased when the ruling of U.S. v. U.S. district court of 1973 passed. The Supreme Court ruled that the government must comply with the Fourth Amendment when surveilling an alleged domestic intelligence threat.⁴⁷ It is because of increasing malpractices of the NSA, CIA, and FBI in their surveillance of King that these types of laws were being passed. Cases such as King's brought attention to the illegalities that these governmental institutions were committing.

With legitimate reasons for charges under these acts, the Church Committee investigated the autonomy of the project in 1975. The targets were a large area of interest for the Committee, in particular focusing on names of watch-listed civilians, in hopes that these names would give evidence of the NSA's illegalities under the Federal Communications Act. The committee required the NSA to list specific names of the left-wing and Black activists which pointed directly to the NSA's surveillance on Martin Luther

⁴⁶ "Federal Communications Act 1934."

⁴⁷ "Timeline of NSA Domestic Spying 1791-2015," Electronic Frontier Foundation, September 29, 2017.

King Jr.⁴⁸ This direction in question the committee had taken proves the extent of illegality in King's case as being victimized by wiretapping because of his intersectional label as a Black left-wing civil rights leader.⁴⁹ This disclosure addresses the argument of project MINARET's informal procedure and addressed loosely the surveillance of King's personal life through these informal procedures.

NSA policy on domestic intelligence of the time stated intelligence is "to be consistent with accepted standards in respect to the protection of individual constitutional rights and civil liberties."⁵⁰ Along with this clause of NSA domestic policy, the clause of foreign policy was just as important in this case. The clause of foreign terminal stated that for the NSA to target someone they had to have "telecommunications with one foreign terminal," with the communication having the intent of "criminal activity including drugs," "foreign support," or "presidential and related protections."⁵¹ While King had many foreign allies with whom he communicated his ideas, these communications did not pose a threat to U.S. national security. His foreign relations were for the progression of his civil rights platform and did not allude to any suspicion of the threat of governmental security. While the scope of the NSA's foreign policy stood in instances of gaining support with intent to take down government power, King's foreign relations were not as destructive as the policy

⁴⁸ U.S. Senate Select Committee to Study Governmental Operations concerning Intelligence Activities, "NSA Monitoring Issues Outline Top Secret," NSA Archive, September 10, 1975.

⁴⁹ NSA Hearings on Monitoring of International Lines of Communication (LLC), National Security Archive, September 19, 1975, 5.

⁵⁰ Summary of Task Force Report On Inquiry Into CIA-related Electronic Surveillance Actives Disclosed in Rockefeller Commission, National Security Archive, March 4, 1977, 82.

⁵¹ Summary of Task Force Report On Inquiry Into CIA-related Electronic Surveillance Actives Disclosed in Rockefeller Commission, National Security Archive, March 4, 1977, 82.

suggests. As stated by King when addressing his relationship with the Pope, “the Pope made it palpably clear that he is a friend of the Negro people, and asked me to tell the American Negroes that he is committed to the cause of civil rights in the United States.”⁵²

The NSA’s suspicion of Martin Luther King as a threat to national security increased throughout the sixties. This suspicion grew into a fear of his political power and influence over American citizens’ thoughts around civil rights. The government’s fear of the activist caused King to become a target of official surveillance operations without legal justification to do so. The creation of project MINARET gave the agency justification of its assumptions of King as a threat to United States national security. The agency viewed formal operations as something that could not be challenged by any party, even the government when the operation is classified for the NSA’s eyes only. This is problematic when issues around the Freedom of Information Act arise, proving that the U.S. legal system needs to have unlimited access to all forms of evidence. The NSA believed the formalization of surveillance documentation on King would make the NSA’s illegal practices appear to follow proper protocol. When in reality, project MINARET damaged the NSA’s reputation by establishing King as an official target without legitimate cause. Rather than justifying the agency’s surveillance practices, the charting of project MINARET brought to light the corrupt nature of the surveillance of King. Because project MINARET became a formal operation that was expected to follow legal procedure the grounds for illegality became stronger.

The motivations for the surveillance of King changed, becoming intensified and increased in malpractice

⁵² “Pope and Dr. King Confer on Rights,” *New York Times*, September 19, 1964.

from the Eisenhower administration to the Nixon administration. King's civil rights activism under President Eisenhower led King to take on a leadership position within the movement. This activism made King become a prioritized target of government surveillance with the motivation to keep tabs on the movement as a whole. The motivation for King's surveillance shifted under the Kennedy administration. Surveillance of King became increasingly motivated by Kennedy's view of King's affiliation with Communism. The view that King was a Communist derived from his left-of-center political actions, which thereby made King surveilled due to his political beliefs clashing with governmental agendas for white supremacy. The Kennedy administration taking interest in King's relations with other figureheads led to the intelligence community targeting King based on personal factors, not only of his role in the Civil Rights Movement. Under the Johnson administration, it is evident through surveillance of King's personal conduct that intelligence agencies had a new motivation against King. The motivation for King's surveillance derived from the government's view of King as a deviant. Under the Johnson administration, King was viewed as a threat, not because of his political stance, but because of the threat his personal behavior posed to the conservative society of the time. After King's death, the Nixon administration's agenda for the surveillance of King was to justify its legality.

Documentation on King's personal conduct, such as his sexual habits and invasion of marriage, proves the NSA was in breach of the agency's code of conduct. The agency's code of conduct stated that domestic surveillance practice must fall within the third category of jurisdiction as involving a foreign threat. Due to the charting of project MINARET, the NSA was susceptible to charges based on the formal evidence the project presented. The Church Committee, in 1975, stood to bring the NSA to trial based on the evidence of illegal targeting under the Federal

Communications act of 1934. The project gave evidence of restricting freedom of speech, unlawful invasion of privacy without purpose, and threatening the death of civilians. Proving that the NSA's surveillance of Martin Luther King was not just disreputable but illegal based on policing every aspect of King's life due to his anti-governmental platform around Black rights.