



UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF PROFESSIONAL RESPONSIBILITY  
WASHINGTON, D.C. 20530

*file 11-1-1  
MLK  
documents*

JUN 16 1976

*Mike*

TO: Jack W. Fuller, Special Assistant  
to the Attorney General

FROM: Michael E. Shaheen, Jr., Counsel  
Office of Professional Responsibility

SUBJECT: Request for Access to Materials Relating to  
Dr. Martin Luther King, Jr.

This is in response to your request for my views as to the position the Department should take concerning the requests of the King Estate for access to FBI materials regarding Dr. King, and to participate in the Department's review of FBI activities relating to Dr. King.

1. Access to Materials Given to SSC

The attorneys for the King Estate have requested access to those FBI materials concerning Dr. King which were delivered to the Senate Select Committee. I think these materials can and should be made available subject to the following conditions: The names of third persons mentioned in the FBI documents will have to be excised unless the King attorneys can provide us with written waivers of privacy rights from the other persons mentioned in the documents. Also, certain classified materials concerning Dr. King were delivered to the SSC to which access cannot be given until the documents can be declassified.

My only reservation about making this material available now is that it seems unfair to other persons who have requested materials concerning themselves from FBI files, and inconsistent with Departmental policy of answering FOIA requests in the order in which they are



received. Dr. King's status as a public figure and the fact that this is not a formal FOIA request, however, may outweigh this reservation.

2. Participation in the DOJ Review of the FBI Investigation of the Assassination of Dr. King.

I think it would be a serious mistake to allow attorneys for the relatives of the murder victim to participate in any way in a review of the thoroughness of the investigation of the murder.

3. Participation in the DOJ Investigation of FBI Harassment of Dr. King.

Because this investigation could lead to recommendations for prosecutorial or administrative actions against FBI personnel I have reservations about allowing the victim's representatives to participate in the investigation of the harassment. From a historical point of view, I think such participation might lead to a more complete and accurate picture of what the FBI did to Dr. King and may also give greater credibility to the results of the investigation. Therefore, I would recommend that we explore this matter further with the attorneys for the King Estate to determine whether their participation in the investigation would be feasible and desirable.