

UNITED STATES GOVERNMENT

Memorandum

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

DATE: June 9, 1976

FROM : Assistant Director - Legal Counsel
Federal Bureau of Investigation

SUBJECT: REQUEST FOR ACCESS TO MATERIALS
RELATING TO MARTIN LUTHER KING, JR.

Your memorandum to me dated June 3, 1976, concerning captioned matter requested my advice and written views on the legal implications that would attend granting any of the three broad requests made by the attorneys for the King family.

Granting access to the materials and files as requested would afford the attorneys an advantage not granted others pursuant to the FOI and Privacy Acts and the Department regulations pursuant to those acts. Special considerations are involved due to the notoriety of Martin Luther King, Jr.; and the published allegations concerning him and the FBI. However, others may feel equally entitled to similar treatment if unusual access is granted in this instance, and they may call for a discretionary release by the Attorney General in other cases. The backlog of FOI and Privacy Acts requests would be further complicated by creating new categories of expeditious file review.

The May 27, 1976, decision of the court in Eldridge Cleaver, et al., v. Clarence M. Kelley, et al., Civil Action 76-0795, (U.S.D.C., D.C.), supported the FBI practice of serving all FOI - Privacy Acts requests equitably by responding according to the date of receipt. Judge Green's opinion is a significant development in the law which we would not like undercut by a policy of preferential handling of requests out of the order in which they were received. An FOI - Privacy Acts request



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Michael E. Shaheen, Jr.

by the King family attorneys would face some delay due to the existing procedures, but the material could be made available subject to the statutory exemptions. Disclosure beyond that required by the statutes would be of doubtful propriety in this matter because there remain serious questions of personal privacy of Martin Luther King, Jr., even though he is deceased. Moreover, broad disclosure does not seem to be necessary to private counsel in view of the in-depth study of this matter made by the Church Committee followed by their public report.

The question of private counsel participation in the Department and FBI review of Dr. King's assassination, the Bureau's investigation of that assassination, and the Bureau's alleged program of harassment against Dr. King being undertaken by your office at the express order of the Attorney General should require little discussion. It does not seem to me to be in the interest of justice to have private attorneys for those who may have a stake in the matter participate in reviews undertaken by the Department or by the FBI.