



Office of the Attorney General
Washington, D. C. 20530

D R A F T

Harry Wachtel, Esquire
29 North Drive
Great Neck, New York 11021

Dear Mr. Wachtel:

Pursuant to our discussions with you in your capacity as attorney for the widow and executive of the estate of Martin Luther King, Jr., the Department is making the following temporary arrangements with respect to any records relating to electronic surveillance activities directed at Mr. King or members of his family:

1. Pending further Departmental action relating to the policies which will govern records of such surveillance, all documents, recordings, or other records of any type in the Department's custody or control which constitute, summarize, or describe the contents of overhearings obtained as the result of any electronic surveillance directed against Mr. King and members of his family will be placed under seal.
2. As long as the items described above remain under seal, no official or employee of the Department will have access to them for any purpose, and no official or employee of the Department will allow any person outside of the Department to have any such access, except as described below. The only material referring to these items will be a single index card needed to locate the sealed items.
3. Should some future need which we do not now foresee require any official or employee of the Department to obtain or permit access to the aforesaid items, the decision on such access shall be made personally by the Attorney General. The Attorney General shall not grant any access without notifying Mrs. King or her counsel in writing at least ten days prior thereto, and providing him or

them an opportunity to discuss the matter personally with the Attorney General before the grant is made. The notice shall set forth the date upon which access will be permitted if it is granted, and the purpose for which and person by whom access is sought. The Attorney General will personally inform Mrs. King or her counsel of a decision to grant access as soon as practicable after it is made, but in any event at least five business days before access occurs.

4. This arrangement will not be rescinded or modified by the Attorney General or his successors unless the Attorney General gives Mrs. King or her counsel ten days' prior notice and affords him or them an opportunity to discuss the matter personally with him. If the Attorney General then decides to rescind or modify this agreement he shall personally inform Mrs. King or her counsel of that decision at least five business days before it is implemented.

As you have been advised, we are working now on general policy determinations which, we hope, will offer a permanent solution to the problem this settles temporarily. Of course, under the terms of this agreement we will notify you of any policy determination which would involve a modification of this agreement.

Sincerely,

Edward H. Levi
Attorney General