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Selling King's--And Our--Legacy

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A CONSORTIUM OF Atlanta-based corporations, led by Mayor Shirley Franklin, has bought a collection of the papers of the Rev. Martin Luther King Jr. from Sotheby's auction house for \$32 million. The sale preempts a public auction of the items that had been scheduled for today.

In Atlanta, local cheerleaders hailed the purchase as a municipal triumph. The papers will remain in the city King called home, with their ultimate destination his alma mater, Morehouse College. But the cheering obscures serious problems that the sale does not resolve and may exacerbate.

What will be the fate of the rest of King's Atlanta papers? What kind of access will be provided to those that have been sold? And what precedent does this commercial sale set for other historical collections, which traditionally have been donated for the public good rather than sold for private profit?

Topping the list of problems is what's missing from the collection the Atlantans acquired. The set of papers offered for sale was "cherry-picked," with an emphasis on "holographic" papers -- those that carry King's handwriting or the handwriting of other notable people and so have the highest market value. They were drawn from an archive at the nonprofit King Center in Atlanta and from materials the late Coretta Scott King kept at her home.

King Center archivists, working under federal grants obtained by Mrs. King in the 1970s and '80s, organized the center's documents and sequestered the valuable holographic items in a secure vault. According to the terms of those grants, Mrs. King's private materials were supposed to join them as part of a widely accessible, permanent scholarly archive. But instead the King heirs decided to partner with Sotheby's and auction the most valuable papers to the highest bidder. (The grants also may preclude the documents' sale, but there is no sign that the federal agencies in question will pursue the matter.)

At this point, what's most important is the fate of the hundreds of boxes of civil rights papers that remain at the King Center. They may not contain valuable autographs, but that does not make them any less historically significant. The richest single collection among those left behind is the papers of the Student Nonviolent Coordinating Committee, one of the 1960s' major protest groups. King's office files, and those of the Southern Christian Leadership Conference, which he led, are still at the center, which is understaffed and in poor repair. It is imperative that Franklin use her influence to reunite these documents with the ones purchased through Sotheby's.

Equally troublesome is that the terms of the King sale prohibit quotes of any of King's unpublished or published works without permission from the family. The \$32-million price tag -- a premium, given that Sotheby's auction estimate was \$15 million to \$30 million -- did not include the literary rights.

Franklin and others now insist that "fair-use" rules will apply to the materials. That would allow some unfettered quotation. But Franklin and company also have refused to make public the exact terms of the rights deal. Because "fair use" is a notoriously gray area, historians, biographers, journalists and researchers likely will have to beseech King's heirs, and meet whatever price they set, in order to make extensive use of what is in the papers.

This may be manageable, but time and again the heirs have demonstrated a purely monetary interest in such matters, to the detriment of King's legacy. For example, they blocked any rebroadcast of the famous PBS documentary "Eyes on the Prize" by demanding exorbitant permission fees, but they sold footage of King's "I Have a Dream" speech to Alcatel, a communications company, for use in tacky television ads.

King's pronounced distaste for material wealth contrasts starkly with his heirs' mercenary exploitation of their inheritance. King lived humbly on his modest ministerial salary, and the one time he received a financial windfall -- \$54,000 for the 1964 Nobel Peace Prize -- he angered his family by giving it all to civil rights groups.

King also knew how auctioneers had reduced earlier generations of black Americans to mere chattel. The deeper symbolism of his children placing his handwritten legacy on the auction block would wound him grievously.

Sotheby's interest here, just like its pre-Civil War ancestors, comes in two parts. Its immediate payoff is the portion of the purchase price -- upward of 12%, news reports say -- it gets to keep. But the auctioneer's longer-term desire is more dangerous. The price it got for the King documents was the highest ever paid for such a collection. That builds a market and sends the message to any public figure -- say, a Hillary Rodham Clinton, John McCain or Jesse Jackson -- that for-profit sales rather than donations are the way to dispose of their private historical legacies. (Official government papers are in the public domain, but not private documents.)

If Sotheby's attracts more of this business, thanks in part to Atlanta's profligacy, then much of U.S. history is in danger of being sold to the highest bidder rather than donated for the common good. But that's the auctioneer's trade: to make a for-profit market out of any possible commodity, be it history or humanity. King knew the moral verdict on that trade, and we should too.