

Harold Weisberg

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530



James H. Lesar, Esquire
Suite 500
910 Sixteenth Street, N. W.
Washington, D. C. 20006

MAR 31 1978

Dear Mr. Lesar:

By letter dated July 12, 1977, I conveyed to you my decision to modify the action of Director Kelley on the request of your client, Mr. Harold Weisberg, for a waiver of fees assessed against him as a result of his request for access to records pertaining to the assassination of Dr. Martin Luther King, Jr. You will recall that my decision was to reduce by forty percent the reproduction fees Mr. Weisberg would be required to pay, that is, from \$.10 per page to \$.06 per page.

Subsequently, by letter dated January 12, 1978, I again modified a decision of Director Kelley on a fee waiver request submitted by Mr. Weisberg. This was in connection with his request for access to records pertaining to the assassination of President John F. Kennedy. My action in reducing the reproduction cost as to these records from \$.10 per page to \$.06 per page was eventually determined by Judge Gesell to have been inadequate. He ordered the Department of Justice to make the so-called second release of Kennedy records available to Mr. Weisberg at no cost to him. The Department of Justice has now determined not to appeal from Judge Gesell's Order. Under these circumstances it seems appropriate to me to reconsider my own action of January 12, 1978, and I have done so. In modifying the action of Director Kelley regarding the Kennedy records on January 12, 1978, I expressed the opinion that your client's case for a waiver regarding the King records on the basis of benefit to the general public had been even stronger than was his case for a waiver as to Kennedy records. Accordingly, I have also reconsidered my action on the King fee waiver.

In recognition of the unique rôle Mr. Weisberg has played in the history of freedom of information and the benefit to the general public being served by the release of these records to him, I have now determined that records of the Department of Justice compiled pursuant to the investigations of the assassinations of President Kennedy and Dr. King should be furnished

to Mr. Weisberg without charge. This decision specifically includes, but is not limited to, the Federal Bureau of Investigation. To whatever extent this decision of mine will require the refund of fees already paid by your client, you should communicate directly with the appropriate components.

If you have any questions concerning this matter, do not hesitate to call me at (202) 739-4082. I am looking forward to meeting you and Mr. Weisberg on April 6.

Sincerely,

Benjamin R. Civiletti
Acting Deputy Attorney General

By:
Quinlan J. Shea, Jr., Director
Office of Privacy and Information Appeals

CC: Mr. Harold Weisberg
Lynne Zusman, Esquire
All Freedom of Information
Coordinators, Department
of Justice