



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

JUL 27 1978

James H. Lesar, Esquire  
Suite 600  
910 Sixteenth Street, N. W.  
Washington, D. C. 20006 ,

Dear Mr. Lesar:

Receipt of your letter of July 6, 1978, is acknowledged.

Although this Office has previously made administrative appeal recommendations or decisions encompassing many of the same records which are the subject of your recent letter, I have nonetheless decided that your new "omnibus" appeal should be accepted and processed. We cannot ordinarily do this, for obvious reasons, but I consider it appropriate in this particular case. We will concern ourselves with the records which were reviewed, how those records were reviewed, and whether all appropriate records were reviewed. We will, however, limit ourselves to records which have not been the subject of prior judicial rulings, which are not the subject of other pending litigation, and which were not agreed to fall outside the scope of this litigation per the Affidavit filed with the court on August 5, 1977. If you question any of these limitations, please bring your views to my attention at the earliest possible moment. My intent in imposing these parameters to our review is solely to expedite the pending lawsuit from which this appeal emanates. Needless to say, the conclusions we reach and the guidance we provide to the Bureau will also be applicable to any other King records processed by the Bureau or otherwise within the Department.

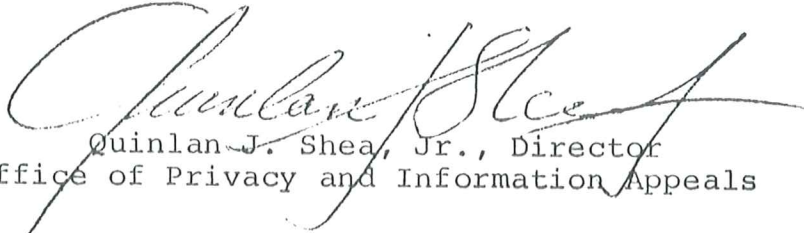
I have reviewed in detail the two reports prepared by Mr. Weisberg. The copies you furnished me are missing two pages -- page 52 of the shorter report and page 5 of the longer one. I would appreciate receiving copies of these two pages, as well as of the two indexes you mention in your letter (first, to the names that have appeared in books on the subject of Dr. King's assassination and, second, to the testimony at the habeas corpus hearing in October, 1974), if you believe they would be of value to my staff.

Attached is a copy of a memorandum containing preliminary guidance I have disseminated to my staff. It relies heavily on Mr. Weisberg's two reports, but that should not be taken as suggesting that we are reviewing only the excisions he mentions. As you will see from the memorandum, we are merely using these as specific examples of what should be reviewed to determine whether, and to what extent, reprocessing of these records should be required. Rather than rely on a random sample of denials and excisions, as is our usual practice in cases where a review of all withheld materials is impossible, we will focus initially and primarily on a reasonable number of those specific instances of Bureau processing which have been challenged by your client. This should ensure that the outcome is as fair to him as it can be.

On Tuesday, July 18, I spent over two and one-half hours at the Bureau, engaged in preliminary discussions concerning the processing of this omnibus appeal. I was accompanied by Mr. Mitchell, Ms. Burton and Ms. Govan of my own staff, all of whom will be involved with me in the review of the records, and by Ms. Ginsberg and Mr. Metcalfe of the Civil Division. We met with Messrs. Bresson, Beckwith, Fann, Hartingh, Wood and Mathews of the Bureau. All of us were briefed by Mr. Larry Fann, the agent in charge of the processing of the Rosenberg records, on the ways various exemptions are (and are not) being used by his team. Our subsequent discussions established that the Bureau personnel in charge of processing records pertaining to the assassination of Dr. King believe that the job was done -- in the latter stages at least -- in substantial compliance with this Department's guidelines concerning cases of historical importance and public interest, as well as in substantial conformity to the way in which the records pertaining to the Rosenberg case are being processed. The validity or non-validity of this view remains, of course, to be determined by our own review of the records. Although we will be looking at all of the exemptions cited, it seems to me, tentatively, that we should concentrate our maximum efforts on the use of 7(C) and 7(D) in situations where they have operated (or either of them has operated) to deny access either to substantive information obtained by the Bureau or to the identity of any individual known to have been involved in any way in any incident or situation relevant in the broadest sense to the assassination of Dr. King. I would welcome whatever comments or suggestions you and Mr. Weisberg might have concerning the way we plan to go about conducting our review, as I fully expect that we may need to modify our procedures as we go along.

I simply have no idea how much time will be required before we will be in a position fairly to evaluate the Bureau's processing, define the extent of any necessary reprocessing, and provide all appropriate guidance for any such reprocessing. I will, however, keep you advised of our progress on a periodic basis.

Sincerely,

A handwritten signature in cursive script, appearing to read "Quinlan J. Shea, Jr.", is written over the typed name and title.

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

Attachment

CC: Mr. Harold Weisberg  
Ms. Betsy Ginsberg