before we proceed any further?

I would like to know because I am under time pressur and I would like to know whether or not I am going to have to write a brief or not.

THE COURT: The Court didn't really expect to require briefs on the subject.

I think that as a matter of fact, the administrative claims may be presented to the Court for in camera inspection - that maybe is the way to handle it.

I will say, and rule at this time, that an official working on official duty is not subject to the Privacy Act as such, and, therefore, their names should be given.

If they have done a test in their official capacity we would expect the name to be given. Indeed, I know of no suc strain of the Act.

If the Government contests that, indeed, we will need some briefs on that one.

Meanwhile we will have to set this thing further. Yo are granted leave to file interrogatories with regard to this original -- the release of the original items.

Insofar as the items which are copyrighted you are as for copies of photographs which apparently are subject to copy-right. I think they are really prohibited from making a copy under those conditions.

I really would have to go into that a little more

names of various FBI agents.

I have had no opportunity to apprise the Court of the considerations and the exemptions other than the affidavit.

If there is a case on the point I would like to demonstrate it to the Court before it rules.

Now, with respect to the copyright, I think the Court has recognized exactly what the FBI has asserted, that there is a right when they get documents --

THE COURT: Let me say this. You see, counsel, what am working on is this: I think you probably know I have been working, I believe, with Freedom of Information cases a little heavier than anybody else in this court.

We all have them.

MR. DUGAN: Yes.

THE COURT: But they have been of somewhat more magnit I think I might say, when you have Agnew and Rosenberg -- and, of course, in the Rosenberg matter, it was the Attorney General the Deputy Attorney General who asked that it be expedited, and that everything be handled as rapidly as possible. That put it in a little bit different category from standing in line on the other things.

It has been suggested, also by the Attorney General, and Deputy Tyler, that matters of great importance, such as Martin Luther King, and Agnew, and these others, be given preferential treatment.

Now, I am aware of this and I don't really think that it ought to be ignored when they have gone on record that way. These are cases of national importance, and they also, I think, reflect in their present posture adversely on the FBI, and the longer they take to bring it out, the worse they are going to look.

I am not judging or prejudging what their position is I am only saying it doesn't look well when they don't make a fast effort to bring it all out as fast as possible.

I think this is a different kind of case from the regular every-day run-of-the-mill. At least it isn't my idea. It is the Attorney General's idea.

Consequently, I don't think we ought to be picking about whether an agent who was employed by the FBI to do a job like fingerprints is not going to give his name. I just don't believe that was ever intended.

It has never been raised in any of the other matters, so when did they suddenly come up with this one?

That is what I am concerned with. I am concerned wit getting the information out, clearing the air as fast as possib rather than having a situation that is something else.

The matter in the Cleaver case was a very narrow poin It did not involve this.

We realize that the FBI has limited funds, has limite personnel. But I do think, for their own sake as well as by the

statement of the Attorney General and the Deputy Attorney Gener that they are going to have to listen to their heads and move on it, and put those that are of national importance ahead of some of the others.

The Court, I don't think, is in a position to order t But I am certainly strongly suggesting it.

MR. DUGAN: Well, again, I refer to the fact that I will get a copy of this transcript and convey that to the appropriate officials in the Department, in the Freedom of Inform tion Act Unit at least, and ask them to transmit those comments to the Attorney General.

THE COURT: Thank you, because I would expect that he would have something to say back, since he has specifically spo on Rosenburg and Martin Luther King.

Let's take another look at this in three weeks.

MR. LESAR: What date would that be, Your Honor?

THE COURT: That will be the 6th of July. Just a min This is Thursday. The 24th of June.

MR. LESAR: June 24?

THE COURT: June 24. That is two weeks. Is anybody going away for the Fourth of July week-end?

MR. LESAR: I don't anticipate it.

MR. DUGAN: I talked about it, but I hadn't formaliz anything, Your Honor.

THE COURT: Well, let's make it --