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October 3, 1978

Mr. George Owens  
Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, D.C. 20505

Re: Weisberg v. Central Intelligence  
Agency, et al., C.A. No. 77-1997

Dear Mr. Owens:

By letter dated June 11, 1976, I made a Freedom of Information Act request of your agency on behalf of Mr. Harold Weisberg, a client. One item of the request asked your agency for copies of the following:

6. All analyses, commentaries, reports, or investigations on or in any way pertaining to any published materials on the assassination of Dr. Martin Luther King, Jr., or the authors of said materials.

It has been more than two years since your agency received this request. At no time has the CIA stated that it does not know or cannot easily ascertain the identities of the authors of books and articles on the assassination of Dr. King. Nor have you ever requested that I or Mr. Weisberg provide you with a list of such authors in order to facilitate any search needed to locate such materials.

The CIA does possess materials responsive to Item 6 of Mr. Weisberg's request which it has not provided. Notwithstanding this, the CIA has claimed in court that it has complied with this request. Although it has neither produced these Item 6 materials nor asserted that they do not exist, the CIA seeks to avoid its obligation to do so. Thus, it has recently sought justify its failure to search for and produce such records by claiming that Mr. Weisberg has not provided it with a list of such authors.

It is abundantly clear that the CIA's claim in this regard is pretextual and made in bad faith. Among other things, the CIA is well aware that Mr. Weisberg is the author of a book on the assassination of Dr. King and that it has records on him which have not been produced in response to this request. Moreover, the CIA's releases of its records on the assassination of President

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Kennedy reveal the CIA's deep and abiding interest in what the authors of books and articles on that subject have written. (See Attachment A) Mr. Weisberg therefore had no reason to assume, nor did he assume, that the CIA would need his assistance in identifying the authors of books and articles on the assassination of Dr. King.

As you are surely aware, the Freedom of Information Act originally required each agency to make documents available "on request for identifiable records made in accordance with published rules." The 1974 Amendments revised this to require that the request be one which "reasonably describes such records," rather than one which is for "identifiable records."

The legislative history of the 1974 Amendments states that: "A 'description' of a requested document would be sufficient if it enabled a professional employee of the agency who was familiar with the subject area of the request to locate the record with a reasonable amount of effort." H. Rept. No. 93-876, pp. 5-6. Without doubt, Item No. 6 of Mr. Weisberg's request meets this test.

Moreover, the Attorney General's Memorandum on the 1974 Amendments states, at page 23, that when an agency receives a request which does not "reasonably describe" the records sought, "it should notify the requester of the defect." This the CIA has not done. Nor has the CIA offered assistance in reformulation of the request to comply with the Act, a practice recommended by the Attorney General's Memorandum. There is, of course, no reason why this should be done, since Mr. Weisberg's request reasonably describes the records he is seeking.

As the CIA well knows, my client is poor, old, and suffers from circulatory problems which seriously limit his work. He is anxious to continue his work and cannot afford to let you keep on playing games with his information requests. For this reason I am providing you with a list of some authors who have written books and articles on Dr. King's assassination even though the Act does not require this and you have not requested it.

Although this list is not complete, it does include the principal writers who have published books or articles on Dr. King's assassination. They are:

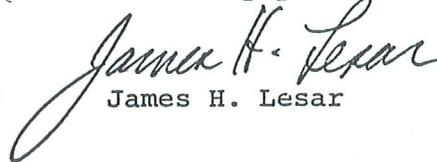
1. Harold Weisberg, Frame-Up: The Martin Luther King/ James Earl Ray Case
2. Gerold Frank, An American Death
3. William Bradford Huie, He Slew The Dreamer (subsequently republished as Did the FBI Kill Martin Luther King?)

4. Mark Lane, Code Name Zorro!
5. Dick Gregory, Code Name Zorro!
6. George McMillan, The Making of an Assassin
7. Jim Bishop, The Days of Martin Luther King, Jr.
8. John Seigenthaler, A Search for Justice
9. Clay Blair, The Strange Case of James Earl Ray.
10. Fred J. Cook
11. Bernard Fensterwald, Jr.
12. John Kaplan

I trust that now that you have been provided with these names and titles you will cease stalling compliance with Mr. Weisberg's request and provide the requested materials forthwith.

If I can be of any further assistance, please do not hesitate to call or write me.

Sincerely yours,

  
James H. Lesar