

many of them were patterned after objections raised by Rep. Richardson Preyer, D-N.C., and Sens. Edmund S. Muskie, D-Maine, and Joseph R. Biden, D-Del.

All three suggested, for example, that the order should incorporate a balancing test between the need for protection of national security and the corresponding need for disclosure of the public's business.

#### 58,000 PAGES OF FBI DOCUMENTS DELIVERED FREE TO AUTHOR

Approximately 58,000 pages of Federal Bureau of Investigation documents relating to the Kennedy assassination have been mailed free of charge to author Harold Weisberg.

Release of the information without charge was ordered last week by U.S. District Court Judge Gerhard Gesell. The bureau was withholding the documents until Weisberg paid a fee for copying them.

Weisberg, who has attempted for several years to gain access to the information under the Freedom of Information Act, said he was entitled to a free set of the documents. The FBI, which said it would make the documents available to the public on Jan. 18, argued that the cost of processing the request made it necessary to charge fees for copying the information.

Weisberg contended that Section 552(a)(4)(A) of the act should apply to his case. According to that section, "Documents should be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as benefitting the general public." Weisberg said serious illness and indigence made it impossible for him to pay for the documents.

Although the FBI refused to grant Weisberg's request for total fee waiver, it offered to reduce the copying fee from 10 cents to 6 cents a page.

This was the second batch of documents relating to the assassination that the FBI released to the public. The first batch, consisting of 40,001 pages, was made public Dec. 7, 1977. Weisberg did not get copies of those documents because he had not paid the fee requested by the bureau.

Weisberg asked the bureau for a fee waiver on Nov. 19, but the bureau had not acted on that request by the time of the December release.

When the FBI announced that the second batch of documents would be released on Jan. 18, Weisberg asked for an injunction in Federal district court here. He wanted the court to hold up release of the documents until he had been given his copies.

Gesell, who noted in his brief order that the bureau's refusal to waive fees appeared "arbitrary and capricious," said the documents scheduled for release Jan. 18 were to be made available to Weisberg "without charge, with all reasonable dispatch."

However, Gesell refused to block the scheduled release to the public, ruling that disclosure was the "pre-eminent consideration."

James H. Lesar, Weisberg's attorney, said he planned to meet with Justice Department officials later this week to negotiate certain other matters, re-

lated to the case, including an award of attorneys' fees and release without charge of the first batch of 40,000 pages of documents. (Weisberg v. Bell: USDC-D.C. -- Civil Action #77-2155; order dated Jan. 16.)

#### MANUFACTURERS WIN ROUND IN ATTEMPT TO BAR RELEASE OF TV SAFETY DATA

In light of a permanent injunction against release of certain television safety data by the Consumer Product Safety Commission, the Supreme Court has asked the Court of Appeals for the District of Columbia Circuit to reconsider its decision to reopen another case involving access to the same documents.

Twelve television manufacturers, who contested release of the information to the Consumers Union and Public Citizen's Health Research Group, appeared to have won an important victory last month when a U.S. District Court judge in Delaware permanently barred the commission from making the data public.

That victory was reinforced by the Supreme Court action, which set aside a decision by the Appeals Court reinstating a suit filed in Washington by the public-interest groups to obtain the documents.

Their case was originally dismissed by a district court judge, who said a temporary injunction in the Delaware court prohibited the commission from releasing the documents and removed the basis for the Consumers Union case.

The appellate panel reopened the case on the grounds that a temporary injunction was no barrier to attempts by Consumers Union to gain access. In the meantime, however, the Delaware court made the injunction permanent. In view of that new development, the Supreme Court asked the appeals court to consider the impact of the permanent order on the Washington case.

Action in the case began in 1974, when the Consumers Union and the Health Research Group asked the Consumer Product Safety Commission to see data filed by the television manufacturers concerning TV accidents and safety. The commission decided the groups could have the documents, but the manufacturers went to court in Delaware to stop release.

The TV makers won a preliminary round in the Delaware court when a temporary injunction was issued in 1976.

However, the public-interest groups, who were not part of the Delaware case, filed suit in Washington for the information. That action was stymied when the D.C. district court dismissed the suit last year.

Attorneys for the consumer groups concede that the Supreme Court decision last week was a setback in their case. However, the Delaware injunction probably will be appealed, giving them another chance.

That injunction was made permanent Dec. 8, when the judge ruled that Section 6(b)(1) of the Consumer Product Safety Act prohibited release of the information.

That section requires the commission to consider the accuracy of any data it wants to make public and the damages that an identified manufacturer might suffer.

Under the Freedom of Information Act, Exemption 3 excludes from automatic