

should not be allowed. If the Freedom of Information Act is to be gutted by judicial interpretation--and not for the first time in its history--it should be done only on the basis of a written opinion of this Court which squarely confronts the issues raised and which fully addresses the contentions set forth by the parties in light of the particular facts of the case and the text and legislative history of the Act. The opinion of the District Court which appellees want to have published is largely conclusory and fails to reveal the analysis by which it reached its result. Thus it fails to present any real guidance useful for other courts faced with similar issues and only serves to obscure the standards by which such cases are to be decided.

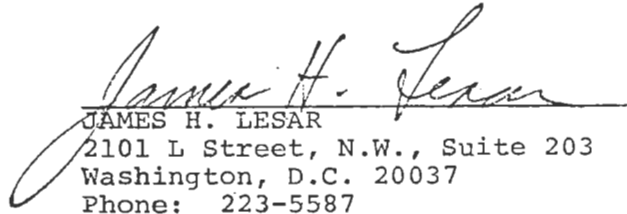
Most of the legal conclusions reached by the District Court in this case are the same as those already reached in a number of other published decisions, including one in this circuit, Lesar v. United States Dept. of Justice, 455 F.Supp. 921 (D.D.C. 1978), now pending in this Court as Case No. 78-2305. Hopefully, when this Court decides that case and the case ^{of} Baez v. Department of Justice, Case No. 79-1881, it will issue opinions which will provide the analysis and discussion of these issues that is noticeably absent in this case.

One of the issues raised in this case concerns the application of Exemption 7(c). This Court has recently addressed that issue in Common Cause v. National Archives and Records Service, Case No. 79-1637 (decided April 30, 1980), a decision which is to

be published. Because that decision carefully and at some length discussed the application of Exemption 7(c), there is no need to publish the peremptory judgment and conclusionary district court opinion in this case. In addition, it should be noted that the decision of the District Court in this case that the names of FBI Special Agents that appear on worksheets may be excised under Exemption 7(c) has been undermined by a subsequent FBI policy decision not to delete the names of FBI Special Agents. (The FBI has recently filed an affidavit stating this change of policy in Weisberg v. U.S. Department of Justice, Civil Action No. 75-1996)

In conclusion, this Court correctly determined that its summary disposition of this case did warrant publication and that determination should not now be changed.

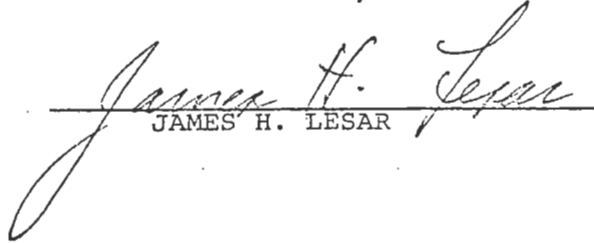
Respectfully submitted,


JAMES H. LESAR
2101 L Street, N.W., Suite 203
Washington, D.C. 20037
Phone: 223-5587

Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have this 20th day of June, 1980, mailed a copy of the foregoing Opposition to Appellees' Motion to Publish Memorandum Opinion to Ms. Constance L. Belfiore, Assistant United States Attorney, United States Courthouse, Washington, D.C. 20001.



JAMES H. LESAR