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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FEB 17 1981

JAMES F. DAVEY, Clerk

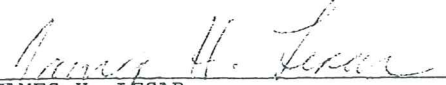
HAROLD WEISBERG,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 81-0023
	:	
U.S. DEPARTMENT OF JUSTICE,	:	
ET AL.,	:	
	:	
Defendants	:	

PLAINTIFF'S RESPONSE TO OPPOSITION TO MOTION
TO COMPEL PREPARATION OF A VAUGHN INDEX

In opposing plaintiff's Vaughn motion, defendants assert that they intend to file, by April 1, 1981, "an affidavit justifying the withholding of all documents or parts thereof in sufficient detail to uphold their burden of proof as is required by the FOIA." Plaintiff finds this acceptable. He suggests, however, that the Court stay any action on his Vaughn motion until defendants file their affidavit.

In order to keep the Court informed as to pertinent developments, plaintiff attaches hereto a copy of the February 3, 1981 letter from Mr. Quinlan J. Shea, Jr., Director, Office of Privacy and Information Appeals, U.S. Department of Justice, which accompanied an initial release of records responsive to Mr. Weisberg's three year old requests. (See, Exhibit 1)

Respectfully submitted,

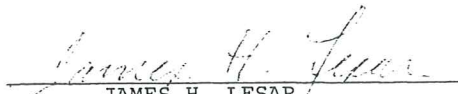


 JAMES H. LESAR
 2101 L Street, N.W., Suite 203
 Washington, D.C. 20037
 Phone: 223-5587

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 17th day of February, 1981, mailed a copy of the foregoing Plaintiff's Response to Opposition to Motion to Compel Preparation of a Vaughn Index to Mr. Jason D. Kogan, AUSA, United States District Courthouse, Room 2804D, Washington, D.C. 20001.



JAMES H. LESAR



U.S. Department of Justice

Office of the Associate Attorney General

Washington, D.C. 20530

FEB 3 1981

James H. Lesar, Esquire
2101 L Street, N. W.
Suite 203
Washington, D. C. 20037

Dear Mr. Lesar:

This is in further response to the request of your client, Mr. Harold Weisberg, for access to all records of the Offices of the Attorney General and Deputy Attorney General pertaining to Dr. Martin Luther King, Jr.

Because of the results of the consultative process with various components of the Department, it proved impossible to complete the processing of these records by December 1980, as I had earlier estimated, but our efforts in this regard are still continuing. At Tab A is a list of the components and records which are encompassed by your client's request. Enclosed herewith are copies of fifty-three of the one hundred and two items, all of which are being released to Mr. Weisberg without excisions. Three others have been previously released to him. As to the remaining items, components have recommended that some be withheld in their entirety and that others be released with excisions. There are even a few documents as to which one component has recommended release, but where another component has recommended complete or partial withholding of the same item, or of another record containing substantially identical content. I anticipate that all of these matters will be resolved, one way or the other, within the next four to six weeks, thereby permitting either their release or a decision to withhold prior to April 1, 1981.

I do wish to advise you that I have personally examined all of the records as to which a recommendation to deny access has been made. All of those recommended for complete withholding appear to be exempt from mandatory disclosure under the Freedom of Information Act pursuant to at least 5 U.S.C. 552(b)(5); recommended excisions are primarily on grounds of personal privacy.

-2-

Nonetheless, within the time constraints imposed on us by the pending suit, as indicated above, I and my staff will continue to explore the possibility of additional disclosure of this material either by establishing that personal privacy considerations do not apply, or as a matter of agency discretion.

Sincerely,

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

Enclosures

cc: Mr. Weisberg

Assistant United States
Attorney Jason Kogin

RECORDS PERTAINING TO DR. MARTIN LUTHER KING, JR.,
LOCATED IN THE OFFICES OF THE ATTORNEY
GENERAL AND DEPUTY ATTORNEY GENERAL

I. Office of Professional Responsibility

Enclosed: OPR # 3-6, 8, 11-23

Withheld at this time:

OPR # 1: Memorandum, Folsom to Shaheen; Nov. 4, 1976;
Subject: Task Force Access to FBI Files

OPR # 2: Memorandum, Folsom to Shaheen; Oct. 8, 1976;
Subject: Task Force Access to _____ FBI File

OPR # 7: Memorandum, Blackhurst to Fiederowicz;
Mar. 8, 1977; Subject: Prior Dealings with _____

OPR # 9: Memorandum, Fuller to Shaheen; June 3, 1976;
Subject: Dr. Martin Luther King documents.

OPR # 10: Memorandum, Shaheen to Mintz and Lawton;
June 3, 1976; No subject line.

OPR # 24: Memorandum, Shaheen to Fuller; June 16, 1976;
Subject: Request for Access to Materials Relating to
Dr. Martin Luther King, Jr.

II. Federal Bureau of Investigation

Enclosed: FBI # 4-6, 8

Withheld at this time:

FBI # 1-3: These pertain to the tape and letter sent
to Mrs. King in 1964. They have already been released
to Mr. Weisberg on at least two occasions, once by this
Office and, later, by the F.B.I. Additional copies will
be furnished if desired.

FBI # 7: Memorandum, Assistant Director - Legal Counsel
to Shaheen; June 9, 1976; Subject: Request for Access to
Materials Relating to Martin Luther King, Jr.

FBI # 9: Memorandum, Levi to Kelley; July 14, 1976;
Subject: Request of _____ *

FBI # 10: Memorandum, Attorney General to Director,
FBI; Oct. 21, 1976; Subject: Martin Luther King
Task Force Access to FBI Files*

III. Civil Rights Division

Enclosed: Civ Rts # 1-6

Withheld at this time:

Civ Rts # 7: Draft memorandum, AAG Days to
Attorney General.

IV. Office of the Solicitor General

Enclosed: None

Withheld at this time:

SG # 1: Memorandum, Solicitor General to Attorney
General; Apr. 16, 1976; Subject: Recommendations
Regarding the Martin Luther King, Jr., Matter (with
SG # 1A -- index slip describing SG # 1).

V. Justice Management Division

Enclosed: JMD # 1-3

Withheld at this time: None

VI. Criminal Division

Enclosed: None

Withheld at this time:

Crim # 1: Memorandum, Attorney General to DAG, R. Bork,
R. Lee, A. Scalia, R. Thornburgh; April 15, 1976;
No subject line.

* These two items were only recently located and have not yet
been reviewed by the F.B.I.

FBI # 9: Memorandum, Levi to Kelley; July 14, 1976;
Subject: Request of _____ *

FBI # 10: Memorandum, Attorney General to Director,
FBI; Oct. 21, 1976; Subject: Martin Luther King
Task Force Access to FBI Files*

III. Civil Rights Division

Enclosed: Civ Rts # 1-6

Withheld at this time:

Civ Rts # 7: Draft memorandum, AAG Days to
Attorney General.

IV. Office of the Solicitor General

Enclosed: None

Withheld at this time:

SG # 1: Memorandum, Solicitor General to Attorney
General; Apr. 16, 1976; Subject: Recommendations
Regarding the Martin Luther King, Jr., Matter (with
SG # 1A -- index slip describing SG # 1).

V. Justice Management Division

Enclosed: JMD # 1-3

Withheld at this time: None

VI. Criminal Division

Enclosed: None

Withheld at this time:

Crim # 1: Memorandum, Attorney General to DAG, R. Bork,
R. Lee, A. Scalia, R. Thornburgh; April 15, 1976;
No subject line.

* These two items were only recently located and have not yet
been reviewed by the F.B.I.

OLC # 2: Memorandum, Lawton to Shaheen; Aug. 22, 1975;
Subject: same as OLC #1

OLC # 3: Memorandum, Lawton to Shaheen; June 8, 1976;
Subject: Request of _____

OLC # 4: Memorandum, Scalia to Attorney General;
April 19, 1976; Subject: Martin Luther King Investiga-
tion

OLC # 6: Letter, Scalia to _____; May 18, 1975;
No subject line.

OLC # 7: Draft letter (enclosure to OLC # 6)

X. Office of the Deputy Attorney General

Enclosed: DAG # 1, 3

Withheld at this time:

DAG # 2: Memorandum, Deputy Attorney General to
Attorney General; April 20, 1976; Subject: Civil
Rights Division Report - Your Memorandum of April 15,
1976

XI. Office of the Attorney General

Enclosed: AG # 1, 3, 8-9, 11, 14, 17-18, 20-24, 28-29, 32

Withheld at this time:

AG # 2: Memorandum, Fuller to THE FILE; 12/11/75;
Subject: King Investigation

AG # 4: Memorandum, Fuller to THE FILE; Apr. 13, 1976;
Subject: Conversation with _____.

AG # 5: Same as Crim # 1

AG # 6: Note; 4/13/76; No subject line

AG # 7: Memorandum, Fuller to THE FILE; Apr. 22, 1976;
Subject: April 21 Meeting on the King Investigation

- AG # 10: Letter, Fuller to _____; May 6, 1979;
No subject line.
- AG # 12: Letter, _____ to Attorney General;
May 28, 1976; No subject line.
- AG # 13: Memorandum, Fuller to THE FILE; June 7, 1976;
Subject: Dr. Martin Luther King documents
- AG # 15: Note indicating incoming telephone call
- AG # 16: Routing slip, Goldbloom to Fuller; 7/9/76;
No subject line.
- AG # 19: Letter, Fuller to _____; July 19, 1976;
No subject line.
- AG # 25: Letter, Stokes to Bell; Mar. 9, 1977; No
subject line.
- AG # 26: Agenda of Meeting with Attorney General
Griffin Bell
- AG # 27: Memorandum, Keuch to Attorney General;
April 22, 1979
- AG # 30: Memorandum, Keuch to Director, FBI; Aug. 3,
1977; Subject: House Select Committee on Assassinations
- AG # 31: Memorandum, Keuch to Attorney General; Oct. 3,
1977; Subject: House Select Committee on Assassina-
tions--Status Report.
- AG # 33: Twenty-six pages of handwritten notes

XII. Civil Division

Enclosed: None

Withheld at this time:

Civ # 1: Memorandum, Lee to Attorney General;
July 12, 1976; Subject: Request of _____

Civ # 2: Letter, Gelber to Clark; Apr. 9, 1968;
No subject line.