



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

JAN 18 1985

James H. Lesar, Esq.
Suite 900
1000 Wilson Boulevard
Arlington, Virginia 22209

FOIPA No. 245,852

Dear Mr. Lesar:

Reference is made to your January 9, 1984, request on behalf of your client, Mr. Harold Weisberg, for materials concerning Dr. Martin Luther King, Jr., which are contained in the FBI's House Select Committee on Assassinations (HSCA) correspondence file.

By letter dated February 16, 1984, you were advised that your letter, referenced above, was also being considered a request for a fee waiver for the above documents. This request has been considered in accordance with the provisions of Title 5, United States Code, Section (a)(4)(A) which permits an agency to waive or reduce fees in the public interest when furnishing information is considered as primarily benefiting the general public. The principal question is whether release of the particular information you have requested will result in primary benefit to the general public. I have determined that a 30% reduction of duplication fees is appropriate in this instance. In reaching this decision, a number of factors were considered including the public interest in the subject matter of your request; whether the responsive records will meaningfully contribute to the public understanding of the subject; and the extent to which the information is already in the public domain. Most of the documents in this file consist of communications from FBI Headquarters (FBIHQ) to various field offices setting forth specific HSCA requests for information or records, the field office responses, and FBIHQ letters retransmitting this information to the Department of Justice for forwarding to the HSCA. Because the information in these documents is repetitive, would be subject to third party privacy exemptions pursuant to the FOIA, and to some extent is already in the

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public domain, it's value is diminished. In view of the limited amount of useful and substantive information that would be contained in the releasable records, a partial reduction in duplication fees is warranted.

There are approximately 4,100 pages of documents in the HSCA correspondence file pertaining to Dr. King. A thirty percent fee waiver reduces the duplication costs for these materials from \$410 to \$287. In accordance with Department of Justice Regulations (Title 28, Code of Federal Regulations, Part 16.9), when anticipated fees exceed \$25, an advance deposit of twenty five percent of the anticipated fee may be required. Mr. Weisberg's advance deposit, therefore, would be \$71.75.

With regard to your request to transfer those funds previously submitted on behalf of your client, Mark A. Allen, for King-related information located in HSCA documents pertinent to President Kennedy, it now appears that the balance of these funds will not be used. We are, therefore, transferring \$71.75 from Mr. Allens's deposit to cover Mr. Weisberg's twenty-five percent advanced deposit for documents in the HSCA correspondence file pertaining primarily to Dr. King. This decision has been made in view of the fact that most of the HSCA Administrative folders pertaining to President Kennedy have now been processed with only \$12.90 being deducted from Mr. Allen's deposit for information on Dr. King. The remaining balance of Mr. Allen's deposit subsequent to the above transfer is \$15.35. We will continue to use these funds to cover the cost of any additional King-related information in our processing of HSCA/Kennedy materials for Mr. Allen.

You may submit an appeal from any denial contained herein by writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D. C. 20530, within thirty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to this request so that it may be easily identified.

Sincerely yours,

James K. Hall

James K. Hall, Chief
Freedom of Information-
Privacy Acts Section
Records Management Division