

DEC 1 1975

Allen Y. Shaklan, Esquire  
Senior Attorney  
CBS, Inc.  
51 West 52nd Street  
New York, New York 10019

Dear Mr. Shaklan:

This is in response to the pending administrative appeal under the Freedom of Information Act filed by you from the denial by Director Clarence M. Kelley of the Federal Bureau of Investigation of the request of CBS News Senior Producer Ernest Leiser for certain scientific reports and photographs relating to the assassination of Dr. Martin Luther King, Jr.

After careful consideration of this appeal, I have decided to modify Director Kelley's action in this case and to grant your client access to every written record, photograph and sketch within the scope of his request. Minor excisions have been made from certain of the documents to be released, to delete purely internal agency markings and distribution notations, as well as names of Bureau personnel. In my opinion, the matter so excised is not appropriate for discretionary release.

Based on conversations between yourself and my Freedom of Information and Privacy Unit, I am releasing to you records and photographs in addition to those strictly within the scope of your written request. Three color photographs of the death bullet are included, as is a list of the evidence received by the F.B.I. laboratory; this latter item is to make intelligible certain of the records specifically requested. Your client will be furnished thirty-one pages of records at 10 cents per page, eleven black and white photographs at their reproduction cost of 40 cents each.

✓ cc: Federal Bureau of Investigation

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and three color photographs at their reproduction cost of \$3.00 each. These materials will either be mailed to you or delivered to your agent by Special Agent Thomas Wiseman, F.B.I. Headquarters, Washington, D. C. 20537. Direct delivery can be arranged either by contacting Mr. Wiseman through the F.B.I. switchboard [202-324-3000] or by contacting Mr. Quinlan J. Shea, Jr., Chief of the Freedom of Information and Privacy Unit [202-739-4672]. As a matter of my discretion, I am waiving \$80.00 in special search fees which could be charged for non-clerical work in connection with this request and another one for many of the same materials.

Because of the nominal excisions of agency markings and the names of agents, I am required to advise you that if CES is dissatisfied with my action on this appeal, judicial review thereof is available in the United States District Court for the judicial district in which your client has its principal place of business, or in the District of Columbia, which is also where the records it seeks are located.

Very truly yours,

Harold R. Tyler, Jr.  
Deputy Attorney General



Allen Y. Shaklan, Esq.

NOTE: CBS through its Senior Producer, Ernest Leiser, requested certain material related to the assassination of Dr. Martin Luther King by letter dated 9/5/75. We denied the request in its entirety by letter dated 10/7/75. We based our denial on the fact that Ray has a current appeal pending in the U.S. Sixth Circuit Court of Appeals (citing (b) (7) (A) and (B) of the FOIA). This denial was coordinated with Division 6. CBS through its attorney Allen Y. Shaklan appealed our denial. U.S. Department of Justice, Civil Rights Division, interposed a memorandum of objection to the release of this material setting forth its position that the release could have a detrimental effect on the pending trial. This Department of Justice memorandum was considered by the Deputy Attorney General, however, the Deputy Attorney General disagreed with the arguments therein. It is believed that the Civil Rights memorandum clearly enunciates any objection we would have to the release of these documents. Deputy Attorney General, by letter dated 12/1/75, is advising Shaklan that the CBS request will be fully honored.