

JUN 10 1977

Mr. James H. Lesar  
1231 Fourth Street, S. W.  
Washington, D. C. 20024

Dear Mr. Lesar:

This is in response to your March 10, 1977, request pursuant to the Freedom of Information Act for all appendix material to the Department's Martin Luther King, Jr., Task Force Report.

We note that your March 10 letter acknowledges receipt of the King Report in response to Item 6 of your February 7, 1977, Freedom of Information Act request. However, you consider such response, without appendix material, to be a "de facto denial" from which you appeal. You should know that since your Item 6 was a request for "(T)he 148 page report", appendix material was considered outside the scope of the request. Nevertheless, we are treating your March 10 letter of appeal as a request under the Freedom of Information Act for all appendix material.

The King Report carries Appendices A, B and C. Appendix A has already been provided to you in my February 23, 1977, response. Material deleted from Appendix A is not being provided and is exempt from mandatory disclosure pursuant to 5 U.S.C. §552(b)(1) or (5) or (7)(c).

Appendix B has been reviewed and is provided with some deletions. Deletions have been made where material is exempt from mandatory disclosure pursuant to 5 U.S.C. §552(b)(1) or (5) or (7)(c).

Appendix C is not being provided. Material contained in the appendix is exempt from mandatory disclosure pursuant to 5 U.S.C. §552(b)(1) and (5).

Should you wish to appeal the denial of portions of your request, you may do so by writing, within thirty days, to the Attorney General (Attention: Freedom of Information Appeals Unit), United States Department of Justice, Washington, D. C. 20530. The envelope and letter should be clearly marked "Freedom of Information Appeal". Following review by the Department, judicial review of the decision of the Attorney General is available, pursuant to 5 U.S.C. §552(a)(4)(b), in the United States District Court in the judicial district in which you reside, in which you have your principal place of business, or in the District of Columbia.

Sincerely,

MICHAEL E. SHAHEEN, JR.  
Counsel

Dear Jim, Your King/Ray BOIAs

6/21/77

While Ldl is copying the first of the newest Sections I'm catching up on mail. After that Section HO!

While she copies the next one for you.

I like your new requests. I have some unsolicited advice and a story for you.

Your three-item request of the 14th duplicates mine. I think that is great. The first two items are in my oldest request explicitly, the third with the agreed-to amending.

The story will relate to this one and the response to you on your OFR request.

Of all of these I would push on only one, the separate on on what in my files is the Xmas Massacre of 1973, you dignify it by calling it the attempt to transfer Ray to Springfield then.

Only one of the reasons I discourage your pushing on the first part is that you represent me in a request you are duplicating. The request itself is good but any effort to go to the head of the list will not succeed and will make you look bad.

Officially you also represent <sup>A</sup>ay and he has current problems, pressing to him and as a matter of law and rights. There you have a good case for favored treatment. If what I learned in 1973 is correct Tennessee was then not legally able to make this transfer. This means that with something in view, and Ray and counsel can say it was dumping and impeding Ray, Tennessee changed its law.

The story is one of the exceptionally few off@color ones I recall. It comes from a friend whose high school demonstrations of scientific bent enticed the duPonts to pick him up and educate him. He was worked for them since and is one of the inventors of nylon. The story was told to him by some duPont. It is of an old bull and a young bull grazing at the top of the hill in the shade of a large tree on a hot summer's day. The young bull looked down the hill into the unshaded pasture turn to the old bull and exclaimed "Hey-look at all the cows and heifers down there. Let's run down and fuck the hell out of them." The old bull looked at the femals, his young associate, the sun and the ~~shad~~ shade, then said, "Ya got a good idea son, Only lets not ruh."

On some of this let's not run.

On some, where it is appropriate to 1996, if you can use transcripts or records from it, use it there and reduce your costs.

Where Shaheen refers to the appendixes being outside the request this can be true only if your request was limited as it was not, to the published report. The report was not to you. It was to the AG. Their interview with you says it had to be completed for him before his term ended. Or there is no basis for this claim.

We agree on the inapplicability of the exemptions claimed at the bottom of page 1, 4, 5 or 7(C). (You have never paid as much attention to American Mail v Gulick as I think you should, particularly when faced with such claims. Any use is a waiver.

When I go over Appendix B with care I'll have some specific comments on the excisions if you want to contest them, even if without obtaining what they hold as your reason. I think none of the claimed exemptions are applicable, besides which they are in violation of the AG's statement of policy. I think we should psuh that or it will have no meaning and he'll be turned around by the bureaucrats.

Despite this policy they persist in the claim to mandatory disclosure. That is no longer the standard of the AG is a b.s. artist. Force this.

I'd send a carbon of the appeal to <sup>B</sup>ell, whether or not he gets it, with the comment that he ain't boss and his people force appeals as a means of stonewalling, citing the Shea record. Like you represent me and some are a year and a half old or more. Somebody on <sup>B</sup>ell's staff may care about his reputation. Best,