



U.S. Department of Justice

Office of the Associate Attorney General

Washington, D.C. 20530

April 1, 1981

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

Dear Mr. Lesar:

Over the past several years, at the request of your client, Mr. Harold Weisberg, personnel of the Office of Privacy and Information Appeals have conducted a number of searches for records of the Offices of the Attorney General and Deputy Attorney General pertaining to Dr. Martin Luther King, Jr.

From the time in 1975 that O.P.I.A. began to process requests for records of the Offices of the Attorney General and Deputy Attorney General until approximately one year ago, searches for records of the two Offices were limited to index checks and inquiries of personnel in the two Offices. Using this methodology, efforts to locate "King" records for both Offices were unsuccessful with the exception of one thin folder, captioned "MARTIN LUTHER KING INVESTIGATION", which appears to have been a "working" or "desk" file of someone formerly in the Office of the Deputy Attorney General. As you know, three records from this one file were processed and released to Mr. Weisberg, with excisions. They were subsequently re-released by the Federal Bureau of Investigation, with fewer excisions, are encompassed by Civil Action 75-1996, and are the same items identified in the attachment to O.P.I.A. Director Quinlan J. Shea's letter to you dated February 3, 1981, as FBI #1-3. The only other records in this file pertained solely to administrative aspects of setting up the "OPR Task Force" charged with looking into the investigation of the murder of Dr. King. These items were not initially processed for release, in the belief that they did not fall within the scope of any pending request by Mr. Weisberg and on the assumption that they would be of no interest to him. Mr. Shea did mention their existence

to him, however, and Mr. Weisberg orally informed him that he would like to have copies. Sometime last summer, after discussions with the Office of Professional Responsibility, the release of these records was approved. Although it is believed that copies were furnished to Mr. Weisberg at that time, no copy can be now be located of any transmittal letter or other record which proves that to be the case. Accordingly, copies of them are enclosed herewith. No excisions have been made. (Tab A)

In the spring of 1980, members of the O.P.I.A. staff discovered that three additional, relevant indexes had begun to be maintained by the Records Maintenance and Disposition Section, Justice Management Division, and that these indexes, by and large, did not duplicate the official indexes of the two Offices. Two of these indexes were of Attorney General records, one for those of Attorney General Levi and one for those of Attorney General Bell (an index for records of Attorney General Civiletti has since been added). The third index was for the Office of the Deputy Attorney General and covered the approximate period of 1969 to 1979, inclusive. O.P.I.A. personnel reviewed all three indexes and then screened the following files:

Attorney General Edward H. Levi files:

1. Section 1, # 3, EHL/FBI
2. Section 1, #24, Civil Rights Division
3. Section 1, #60, FBI Guidelines
4. Section 1, #61, King Report (classified)
5. Section 3, #43, FBI/Improprieties
6. Section 3, #44, FBI/Informants
7. Section 3, #45, FBI/Intelligence
8. Section 3, #52, FBI/King Investigation
9. Section 3, #61, FBI/Oversight Committee
10. Section 3, Schedule A, MLW/FBI
11. Section 3, Schedule A, MLW/FBI/Martin Luther King - notes

12. Section 3, Schedule A, MLWolf/Civil Rights
13. Section 3, Schedule A, Part F, FBI Issues
14. Section 6, FBI Assets (classified)

Attorney General Griffin B. Bell files:

15. Criminal/Consensual Use of Electronic Devices
16. House Assassinations Committee
17. Ray, James Earl
18. Civil Rights, General
19. Office of the Attorney General, general
20. King, Coretta
21. King, Martin/Compensation Proposal

Office of the Deputy Attorney General files:

22. Box 14, King, Martin Luther (Jr.) - Task Force Report
23. Box 19, Ray, James Earl

The result of this process was the location of those records mentioned in Mr. Shea's letter to you of August 22, 1980, and concerning which he wrote you (with releases) on February 3 and March 10, 1981. (Mr. Shea stated in his letter dated March 10, 1981, to you that fifty-two, instead of fifty-three, documents had been released to you on February 3, 1981; this was an error, since fifty-three documents were released to you as originally stated.) Enclosed herewith are the last items to be released from these records. As Mr. Shea has already advised you, it is the position of the Department of Justice that virtually all of the substantive materials within the scope of your client's request are exempt from mandatory release under the Freedom of Information Act pursuant to 5 U.S.C. 552(b)(5), which pertains to privileged inter- and intra-agency communications which reflect an agency's internal deliberative process. Because of the historical importance of the matters under discussion in these records, however, it has been determined that most of the materials are appropriate for discretionary release.

Copies of the following eighteen items are being released without excisions: OPR #2, 9, 10 and 24; FBI #7; OLC #1, 2, 3 and 4; SG #1; DAG #2; AG #5, 7 and 30; and CRIM #1, 2, 3 and 4. Copies of the following ten items are being released, with excisions: OPR #1; AG #25, 26, 27 and 31; CRIM #5, 6 and 7; and CIV #1 and 2. (Tab B)

Two records are being withheld in their entireties. These are the items identified in the attachment to Mr. Shea's letter of February 3 as Civil Rights #7 and Attorney General #33. The reasons for the excisions and withholdings are contained in Mr. Shea's "Vaughn" affidavit being filed with the Court in Civil Action 81-0023 today.

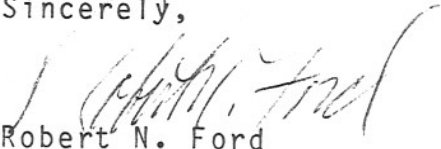
Mr. Shea has informed me that Mr. Weisberg wrote to him regarding FBI #1-3 on March 6, after receiving the letter of February 3, and stated that he did not desire to have additional copies of these three items released to him unless they bore notations. They do not. He has also inquired specifically about records of his early FOIA requests to the Office of the Deputy Attorney General and records located or created as the result of his having filed these requests. Any such records would have been transferred from the Office of the Deputy Attorney General to the Office of the Administrative Counsel, Justice Management Division, in 1976, as the result of the reassignment of administrative responsibilities in the FOI area effected at that time. The incumbent Administrative Counsel, Mr. William Snider, has informed Mr. Shea that he took over his position in October 1978. At that time, it was the practice of the office to destroy administrative records as soon as there was no longer a need for them. He has changed that practice, but the records which were received or compiled prior to that time no longer exist.

If Mr. Weisberg is dissatisfied with my action on his request, he may appeal from this partial denial by writing to the Attorney General within thirty days of your receipt of this letter. Any letter of appeal should be addressed to the attention of the Office of Legal Counsel. Both the letter and the envelope should be clearly marked "FREEDOM OF INFORMATION APPEAL". In the event of your client's dissatisfaction with the results of any such

-5-

appeal, judicial review would thereafter be available to him in the United States District Court for the judicial district in which he resides or has his principal place of business, or in the District of Columbia, which is also where the records sought are located.

Sincerely,



Robert N. Ford
Acting Associate Attorney
General

Enclosures