

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

Civil Action No. 75-1996

SUPPLEMENTAL POINTS AND AUTHORITIES
IN SUPPORT OF DEFENDANT'S MOTION TO STAY

In further support of defendant's motion to stay, defendant's counsel attaches and incorporates herein the affidavit of Special Agent Horace P. Beckwith of the F.B.I., who is assigned the supervision over plaintiff's December 23, 1975 Freedom on Information Act request relating to the file on the assassination of Dr. Martin Luther King, Jr. (Defendant's Exhibit 1).

As indicated therein, as of February 25, 1977, thirty sections of a total of eighty-nine sections of documents encompassing approximately 7,200 pages, have been processed and released to the plaintiff. In addition, there are 59 section, containing approximately 10,800 pages, remaining to be processed in order to complete a disclosure of the records relating to the assassination file on Dr. Martin Luther King, Jr.

The processing of the plaintiff's request will continue, and disclosures are anticipated to be made of approximately 400 plus pages per week until the middle of May, 1977, when additional FBI agents will be assigned to assist in the backlog of FOIA requests. The affidavit further advises this Court that at least one additional research analyst will be assigned to the processing of the remaining document which hopefully will double the weekly release of the documents.

Carl J. Gilbert

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DEPARTMENT OF JUSTICE,

Defendant

AFFIDAVIT

I, Horace P. Beckwith, being duly sworn, depose and say as follows:

(1) I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned as a Unit Chief to the Disclosure Section of the Freedom of Information - Privacy Acts (FOI-PA) Branch, Records Management Division, at FBI Headquarters, Washington, D. C.

(2) Due to the nature of my official duties, I am familiar with the procedures followed in processing Freedom of Information Act (FOIA) requests received at FBIHQ and am personally responsible for the supervision and administration of plaintiff's December 23, 1975, FOIA request to obtain access to documents relating to the assassination of Dr. Martin Luther King, Jr.

(3) Appropriate record searches located 89 sections of documents, consisting of approximately 18,000 pages, pertaining to plaintiff's FOIA request.

(4) In order to ensure maximum disclosure of those records requested by plaintiff while withholding those records

(5) During October, 1976, processing was initiated concerning those records relevant to plaintiff's request with a research analyst assigned to plaintiff's request full-time. As of February 25, 1977, 30 sections, encompassing approximately 7,200 pages, have been processed and released to plaintiff. The following is a chronology of releases made to plaintiff concerning plaintiff's request to date:

RELEASES

<u>Date</u>	<u>Number of Pages Released</u>	<u>Number of Sections Processed</u>
10/28/76	442	1, 2
Processing and release (November, 1976) of 2,727 index cards pursuant to Court Order.		
11/26/76	505	3, 4
12/3/76	510	5, 6
12/10/76	609	7, 8
12/17/76	538	9, 10
12/23/76	577	11, 12
1/7/77	521	13, 14
1/14/77	508	15, 16, 17
1/24/77	560	18, 19
1/28/77	522	20, 21
2/4/77	467	22, 23
2/11/77	523	24, 25, 26
2/18/77	436	27, 28
2/25/77	533	29, 30

(6) There are 59 sections, containing approximately 10,800 pages, remaining to be processed in order to complete disclosure of those records requested by plaintiff.

(7) As the Court is aware, the FOIA, as amended, created

(8) In order to comply fully with the letter and spirit of the FOIA, the FBI has devised and initiated a program wherein a total of 400 law school graduate Special Agents will be brought to FBIHQ and assigned solely to processing FOIA requests. Although financial, administrative, and logistical problems delayed the institution of this program, orders have now been sent to the 400 Special Agents designated to participate therein ordering the first increment of 200 Special Agents to report to FBIHQ by May 2, 1977. With the arrival of these Special Agents, a minimum of one additional research analyst will be assigned to assist in processing plaintiff's request. After a period of two to three weeks of training, it is anticipated that the production of processed documents relative to plaintiff's request will double.

Horace P. Beckwith
HORACE P. BECKWITH
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 28th day
of February, 1977.

Mildred M. Foster
Notary Public

My commission expires February 18, 1978

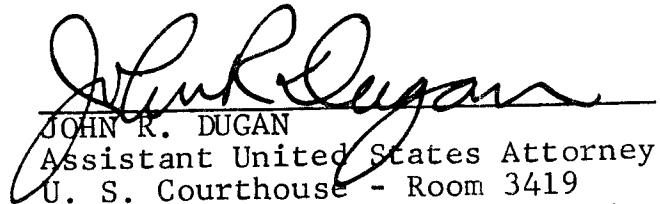
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing
Supplemental Points And Authorities In Support Of
Defendant's Motion To Stay has been made upon plaintiff
by mailing a copy thereof to:

James Hiram Lesar, Esquire
1231 Fourth Street, S.W.
Washington, D.C. 20024
Attorney for Plaintiff

Harold Weisberg
Route 12
Frederick, Maryland 21701
Plaintiff

Dated: March 1, 1977.


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