

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

.....  
HAROLD WEISBERG,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant  
.....

Civil Action No. 75-1996

RECEIVED

APR 26 1978

JAMES F. WEEVY Clerk

MOTION FOR PARTIAL SUMMARY JUDGMENT

Comes now the plaintiff, by and through his attorney, and moves the Court for summary judgment in his favor with respect to the following records:

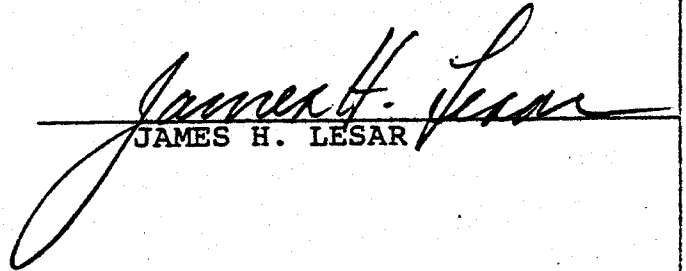
1. All records of the Civil Rights Unit of the General Investigative Division of the FBI, including the twice-daily reports on the MURKIN investigation prepared for the Director of the FBI.
2. All records in the MURKIN files which have been referred to other agencies.
3. The four volumes of "Sub G" of the Memphis MURKIN files which the FBI promised to deliver to plaintiff last November but which it still has not.

This motion is made pursuant to Rule 56 of the Federal Rules of Civil Procedure. In support of this motion, plaintiff submits a memorandum of points and authorities and a statement of material facts as to which he contends there is no genuine issue.

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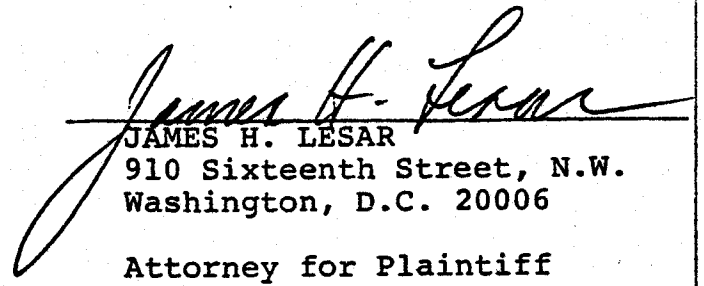
CERTIFICATE OF SERVICE

I hereby certify that I have this 25<sup>th</sup> day of April, 1978, mailed a copy of the foregoing Motion for Partial Summary Judgment to Betsy Ginsberg, Attorney, Information and Privacy Section, Civil Division, U.S. Department of Justice, Washington, D.C. 20530.

  
JAMES H. LESAR



copies. Although plaintiff has repeatedly brought this to the attention of the defendant, he has still not received these missing volumes.

  
JAMES H. LESAR  
910 Sixteenth Street, N.W.  
Washington, D.C. 20006  
Attorney for Plaintiff

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FOR THE DISTRICT OF COLUMBIA

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MEMORANDUM OF POINTS AND AUTHORITIES

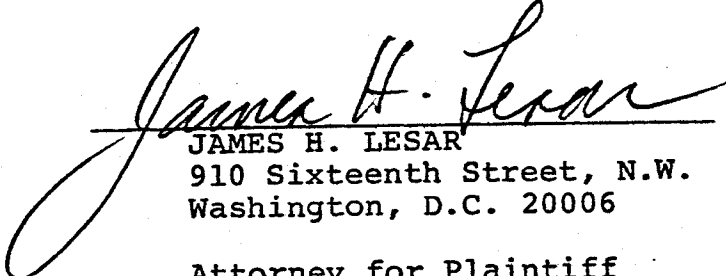
Plaintiff has moved for summary judgment with respect to three kinds of records. The first category is comprised of the records of the Civil Rights Unit of the General Investigative Division of the FBI. In 1977 the Office of Professional Responsibility of the Department of Justice issued a report on the FBI's harassment of Dr. King and its investigation into his assassination. Appendix B to this report, the "Shaheen Report", contains a summary of an interview of a Mr. Richard E. Long. This interview (see Attachment 1) reveals that the Civil Rights Unit played an important part in the investigation of Dr. King's assassination, including the preparation of twice-daily reports on the MURKIN investigation for the Director of the FBI. These reports have not been given plaintiff, yet they are clearly within the scope of his request. Unless these and other Civil Rights Unit records fall within one of the nine narrow exemptions to the Freedom of Information Act's requirement of compulsory disclosure, they must be

tinue to be withheld from plaintiff, even though plaintiff has repeatedly demanded that they be released. Unless the defendant can demonstrate that these records fall within the scope of one of the Freedom of Information Act's exemptions, these records also must be disclosed.

Finally, plaintiff asks that this Court award him summary judgment with respect to the four volumes of "Sub G" of the Memphis MURKIN files which it promised to provide him last November. Plaintiff has repeatedly raised this issue with the FBI and with defendant's attorneys. Although there is no claim of exemption and the FBI in fact promised to give them to him, plaintiff has still not received them. Apparently it takes a court order to accomplish this simple uncontested matter.

For the reasons set forth above, plaintiff requests that the Court grant him summary judgment with respect to these records.

Respectfully submitted,

  
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JAMES H. LESAR  
910 Sixteenth Street, N.W.  
Washington, D.C. 20006  
Attorney for Plaintiff

## Interview of Richard E. Long

Mr. Richard E. Long was interviewed at his office on December 30, 1976 by James R. Kieckhefer. Mr. Long was the Headquarter's Supervisor for the MURKIN investigation in 1968, operating from the Civil Rights Unit of the General Investigative Division. Mr. Long is presently Assistant Director of the Finance and Personnel Division of the FBI.

Long advised that he was assigned the MURKING investigation because he had geographical responsibility for the Memphis Field Office. On April 5, 1968, he and the Chief of the Civil Rights Section, Clem McGowan, went to see Assistant Director Alex Rosen regarding the investigation. Rosen inquired as to how Long would maintain a "tickler system." Long at a later time explained to Rosen how his tickler system would be formed and utilized. Long stated that he maintained the system with approximately 35 key classification. This system was retained in addition to the MURKIN file.

Long stated that each day there were prepared for the Director two daily reports, one in the morning (9:00 am.) and one in the afternoon (1:00 pm.). He was assisted in these reports by Supervisor Frank Hadson and Dick Bates of the Civil Rights Unit who would read the incoming teletypes with him. Long and Bill Martindale would then prepare the memo for the Director. The memo would be forwarded to McGowan for signature, then to James Malley, then to Rosen, and then to DeLoach. These were only reports of the current investigation and did not contain recommendations, said Long.

Long said that DeLoach would offer many suggestions. If a matter of importance was received, DeLoach would be called by telephone. Long advised that there were no limitations or restrictions on the investigation. However, this case was handled in a somewhat different manner because Headquarters had responsibility for the conduct of the case. Generally, the office of origin (Memphis) had this responsibility and would provide Headquarters with up-to-date reports on a case. Long said that he was instructed to use all manpower he felt necessary to complete a full investigation of the assassination.

Long related a story told him by Rosen regarding the search of fingerprint fugitive files. Rosen said that the Director believed, after some point in the investigation, that the assassin was a

fugitive and recommended a search of appropriate files. Since the thumb print taken from an Atlanta map found at Galt's vacated room in Atlanta had a unique "ulner loop" and was a very clear print, this was used in the search of the fugitive files. The first 100 jackets of the file contained Ray's identity, and the other fingerprints obtained during the investigation matched the Ray file.

Regarding the directives from Headquarters, Long advised that they were standard procedure in a major case. He stressed that because of the importance of the case shorter deadlines were enforced. Again, Long added this was a massive investigation without restrictions. Long believes this was a complete, highly responsible and successful investigation by the FBI. Until Ray was apprehended, there was 24 hour supervision at FBI Headquarters.

Long stated that he was not really aware of the investigation by the Domestic Intelligence Division on Dr. King. He could not recall any contact with Division 5 and did not know that there were two agents from the Domestic Intelligence Division reading incoming teletypes. Although it is a possibility that this was being done if it was done it was without his knowledge.

Long stressed that the FBI was very concerned with Ray's source of funds, and believes that Ray committed some type of crime to finance himself. Long believes that Ray was a strong racist and used the example of Ray not attending a softball game at the Missouri state Penitentiary if blacks were even in attendance. Long explained that the Ray family was interviewed numerous times, but stated the Bureau was uncertain as to the veracity of any family members.