

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff.

v.

Civil Action No. 75-1996

U.S. DEPARTMENT OF JUSTICE

Defendant.

DEFENDANT'S MEMORANDUM IN SUPPORT of ITS CROSS-MOTION
- FOR PARTIAL SUMMARY JUDGMENT AND OPPOSITION TO
PLAINTIFF'S MOTION

STATEMENT

This case is before the Court on Plaintiff's Motion For Partial Summary Judgment and defendant's Cross-Motion and Opposition To Plaintiff's Motion. The litigation arises out of plaintiff's Freedom of Information Act requests for various categories of documents surrounding the Federal Bureau of Investigation investigation of the assassination of Dr. Martin Luther King.

ARGUMENT

I. Plaintiff Has Received The Records of the
Federal Bureau of Investigation's Civil Rights Unit.

Among the documents that plaintiff alleges he has not received are "records of the Civil Rights Unit . . . of the Federal Bureau of Investigation, including twice daily reports on the MURKIN investigation. . .". (Plaintiff's Motion, p. 1). In fact, however, plaintiff has been given these records.

Federal Bureau of Investigation records pertaining to the King assassination are located in the so-called MURKIN file. Among other records, this file contains records created by the Federal Bureau of Investigation's Civil Rights Unit (CRU) and

reports to Federal Bureau of Investigation officials (Beckwith Affidavit, para. 2, and Exhibits A through I, attached thereto).

II. Plaintiff Has Received the Memphis Sub G Files.

Plaintiff also alleges that he has not received that portion of the Federal Bureau of Investigation's Memphis Field Office MURKIN file designated Sub G. Again, defendant submits that plaintiff has, in fact, received this file.

By letter dated September 29, 1977, non-exempt records from the Memphis office, including the Sub G file, were released to plaintiff. When, subsequent to this release, defendant was advised that plaintiff had apparently not received the entire shipment, the missing portions of the Sub G file were again provided to plaintiff in November 1977 (Beckwith Affidavit, para. 4).


III. The Issue of the Records In Federal Bureau of Investigation Files Which Have Been Referred To Other Agencies Is Not Ripe For Summary Judgment At This Time.

Contained in the Federal Bureau of Investigation MURKIN file are documents which originated with other governmental agencies. It is Federal Bureau of Investigation policy to refer such documents back to the originating agency for processing. Approximately 137 documents have been referred, of which approximately 62 have already been released. Approximately 75 documents still remain to be processed by the originating agencies (Beckwith Affidavit, para. 3). Defendant therefore, respectfully urges the Court to grant it thirty (30) days from entry of the Court's Order to have these remaining documents processed and their non-exempt portions released.

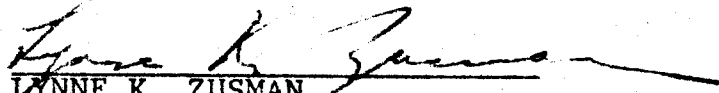
Finally, defendant respectfully urges the Court to order both parties to file their final dispositive motions within sixty (60) days after entry of the Court's Order, thus putting before the Court, in final form, whatever issues may remain.

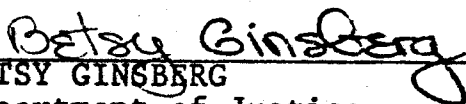
plaintiff's Motion.

Respectfully submitted,


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