

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....
HAROLD WEISBERG,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant
.....

Civil Action No. 75-1996

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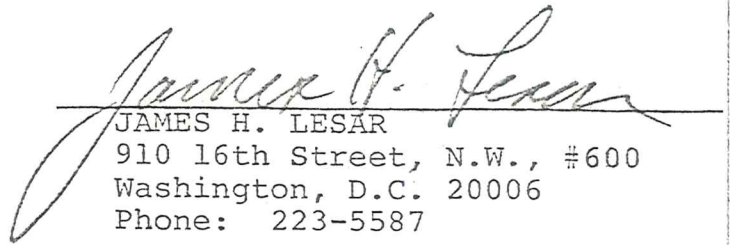
JAMES F. DAVEY, Clerk

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT
WITH RESPECT TO MEMPHIS FIELD OFFICE INDICES

Comes now the plaintiff, Mr. Harold Weisberg, and moves the Court pursuant to Rule 56 of the Federal Rules of Civil Procedure for summary judgment in his favor on the issue of the disclosure of the indices of the FBI's Memphis Field Office on the assassination of Dr. Martin Luther King, Jr.

A Memorandum of Points and Authorities, a proposed Order, and Plaintiff's Statement of Material Facts as to Which There Is No Genuine Issue are attached hereto.

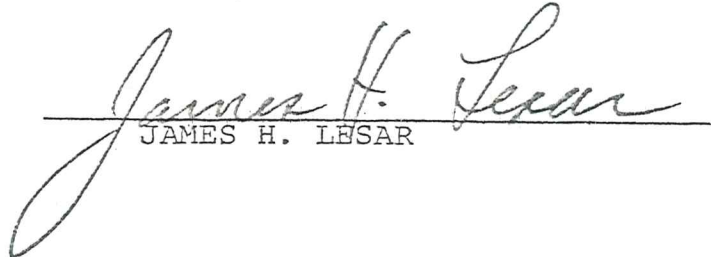
Respectfully submitted,


JAMES H. LESAR
910 16th Street, N.W., #600
Washington, D.C. 20006
Phone: 223-5587

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 11th day of June, 1979, mailed a copy of the foregoing Plaintiff's Motion for Partial Summary Judgment With Respect to Memphis Field Office Indices to Ms. Betsy Ginsberg, Attorney, Civil Division, U.S. Department of Justice, Washington, D.C. 20530.



JAMES H. LESAR

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PLAINTIFF'S STATEMENT OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE ISSUE

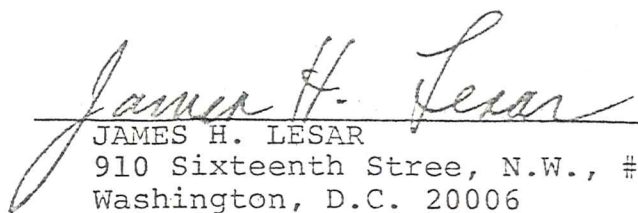
In support of his motion for partial summary judgment with respect to the disclosure of indices of the FBI's Memphis Field Office on the assassination of Dr. Martin Luther King, Jr., and pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 1-9(h), plaintiff lists the following material facts as to which he contends there is no genuine issue:

1. One item of plaintiff's Freedom of Information Act requests in this case calls for indices on the assassination of Dr. Martin Luther King, Jr.

2. The FBI's Memphis Field Office has entries in its General Indices which pertain to the assassination of Dr. Martin Luther King, Jr., which have not been disclosed to plaintiff.

3. The FBI's Memphis Field Office also contains a "special case" index on the assassination of Dr. King which has also not been disclosed to plaintiff.

Respectfully submitted,



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910 Sixteenth Stree, N.W., #600
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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
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MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiff's FOIA requests include indices to records on the assassination of Dr. Martin Luther King, Jr. To date the only index which has been provided plaintiff is the 3,000 card index which the Civil Rights Division prepared to assist the District Attorney General of Shelby County, Tennessee at the anticipated trial of James Earl Ray. Plaintiff obtained this index on discovery rather than in response to his FOIA requests.

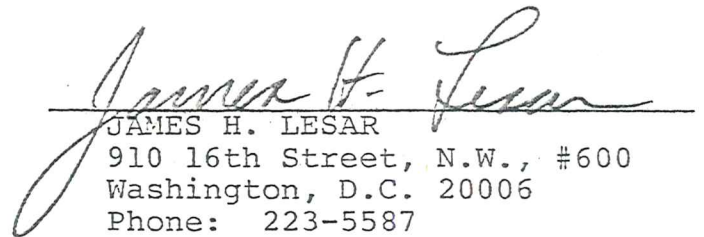
There are, of course, General Indices in the FBI's Memphis Field Office which contain entries on the assassination of Dr. Martin Luther King, Jr. These have not been provided. They should have been.

In addition, despite earlier denials by the FBI, plaintiff has now obtained evidence that the Memphis Field Office has a "special case" index on the King assassination. (See May 25, 1979 Weisberg Affidavit, ¶122. This affidavit is attached to Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment) Plaintiff has not been given a copy of this "special case" index, even though the Memphis Field Office should have provided it pursuant to the August 12, 1977 Stipulation in this case. The "special case" in-

dex of the Dallas Field Office on the assassination of President Kennedy consists of 40 linear feet of 3 x 5 cards. This is approximately 40,000 3 x 5 cards. The immense value of such indices to scholars of these assassinations is immediately obvious.

Defendant has not withheld these indices under any claim of exemption under the Freedom of Information Act. Accordingly, there being no dispute as to any genuine issues of material fact, plaintiff is entitled to judgment as a matter of law. Rule 56, Federal Rules of Civil Procedure.

Respectfully submitted,


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910 16th Street, N.W., #600
Washington, D.C. 20006
Phone: 223-5587

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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: :
Defendant : :
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O R D E R

Upon consideration of plaintiff's motion for partial summary judgment on the issue of the disclosure of the indices of the FBI's Memphis Field Office on the assassination of Dr. Martin Luther King, Jr., and the entire record herein, it is by the Court this ____ day of _____, 1979, hereby

ORDERED, that plaintiff's motion for partial summary judgment on the issue of the disclosure of the indices of the FBI's Memphis Field Office on the assassination of Dr. Martin Luther King, Jr. be, and hereby is, GRANTED.

UNITED STATES DISTRICT COURT