



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

WGCole:bjw

OCT 10 1979

Telephone
633-4710

Mr. James H. Lesar
910 16th Street, N.W.
Suite 600
Washington, D.C.

Re: Harold Weisberg v. Department of
Justice, USDC D.C., C.A. #75-1996

Dear Jim:

This letter will confirm our agreement to have you complete the deposition of Thomas Wiseman and take the deposition of John Kilty, October 11, 1979. I will have Mr. Wiseman at your office, 910 16th Street, N.W., Washington, at 10:00 o'clock a.m. Mr. Kilty has been asked to be available for Thursday afternoon. I will have no problem should your depositions continue through Friday. However, I will be unavailable after Friday, due to a court appearance scheduled for Monday in Utah. I understand that your trip to Singapore will preclude any additional depositions during the month of October.

In response to the Order of Judge Green of August 15, 1979, I am enclosing thirty-four (34) index cards and the affidavit of Martin Wood.

As an additional response to your subpoena duces tecum of July 5, 1979, I am enclosing a packet of items (Attachment B). You will note that some deletions of privileged material have been made.

Finally, this letter will confirm our agreement to postpone a date for our responding to your production of documents

request regarding the "consultancy problem" (your Request of July 19, 1979). I will plan to discuss this matter with you upon your return from Singapore.

Sincerely,



WILLIAM G. COLE
Attorney
Federal Programs Branch
Civil Division

Attachments

cc: The Honorable June Green
United States District Court
for the District of Columbia
Washington, D.C. 20001

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Harold Weisberg,)
)
Plaintiff)
)
v.)
)
United States Department)
of Justice,)
)
Defendant)

CIVIL ACTION NUMBER
75-1996

AFFIDAVIT OF MARTIN WOOD

I, Martin Wood, being duly sworn, depose and say as follows:

(1) I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned in a supervisory capacity to the Freedom of Information-Privacy Acts (FOIPA) Branch, Records Management Division, FBI Headquarters (FBIHQ), Washington, D. C.

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. I am also familiar with the record keeping systems utilized by the FBI at both FBIHQ and at FBI Field Offices.

(2) Attached are unexcised copies of 34 index cards from the Memphis Field Office regarding the assassination of Dr. Martin Luther King, Jr. These index cards are provided in response to the Order of the United States District Court Judge June L. Green of August 14, 1979. They represent all index cards in the Memphis Field Office's General Indices regarding the investigation of Dr. King's assassination referenced under "MURKIN," "Martin Luther King, Jr.," and "James Earl Ray," and his known aliases.

(3) In response to the request for the Memphis Field Office "special case" index on the assassination of Dr. Martin Luther King, Jr., I hereby state that no such index exists.

Such an index was prepared in 1968 and was maintained and supplemented during the investigation of Dr. King's assassination. However, at the close of that investigation in 1970, the index cards making up that index were merged with the Memphis Field Office General Indices. The "special case" index cannot be reconstituted and cards which formerly comprised that index are indistinguishable from other cards in the general indices. Those cards have, like all other index cards, been subject to the routine Field Office File Destruction Program and some have, presumably, been destroyed.

Martin Wood

MARTIN WOOD
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and sworn to before me this 9th day of
October, 1979.

Lee Ann Woleslagle
NOTARY PUBLIC

My Commission expires

April 30, 1984