

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

DEC 20 1979

JAMES F. DAVEY, Clerk

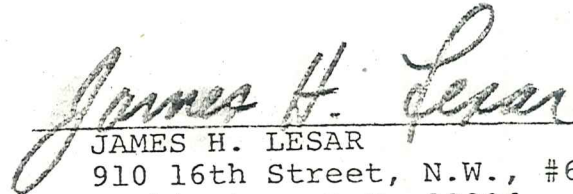
MOTION FOR PARTIAL SUMMARY JUDGMENT WITH RESPECT  
TO ABSTRACTS OF KING ASSASSINATION RECORDS

Comes now the plaintiff, Mr. Harold Weisberg, and moves the Court for an order granting summary judgment in his favor with respect to the disclosure of the FBI's abstracts of its King assassination records.

This motion is made pursuant to Rule 56 of the Federal Rules of Civil Procedure.

Attached hereto are a Statement of Material Facts As To Which There Is No Genuine Issue, a Memorandum of Points and Authorities, an affidavit by James H. Lesar, and a proposed Order.

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 20th day of December, 1979, hand-delivered a copy of the foregoing Motion for Partial Summary

Judgment with Respect to Abstracts of King Assassination records  
to Mr. William Cole, Attorney, United States Department of Justice.

*James H. Lesar*  
\_\_\_\_\_  
JAMES H. LESAR

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

.....  
:  
:  
HAROLD WEISBERG, :  
:  
Plaintiff, :  
:  
v. :  
:  
U.S. DEPARTMENT OF JUSTICE, :  
:  
Defendant :  
.....

Civil Action No. 75-1996

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

Pursuant to Local Rule 1-9(h), plaintiff adopts as his State-  
ment of Material Facts as to Which There is No Genuine Issue, the  
attached affidavit of James H. Lesar executed December 20, 1979.

Respectfully submitted,

*James H. Lesar*  
-----  
JAMES H. LESAR  
910 Sixteenth Street, N.W.,  
Washington, D.C. 20006  
Phone: 223-5587

Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

.....  
HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 75-1996

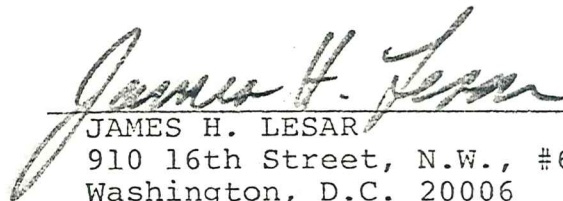
U.S. DEPARTMENT OF JUSTICE,

Defendant  
.....

MEMORANDUM OF POINTS AND AUTHORITIES

This is an action brought under the Freedom of Information Act, 5 U.S.C. § 552, for the disclosure of information pertaining to the assassination of Dr. Martin Luther King, Jr. and its investigation. During the course of the deposition taken of Mr. Douglas Mitchell on December 17, 1979, it was disclosed that the FBI maintains abstracts of its King assassination records. These abstracts have not been furnished to plaintiff. Since they clearly come within the scope of plaintiff's requests, they must be produced. Accordingly, plaintiff requests that the Court order their disclosure forthwith.

Respectfully submitted,

  
\_\_\_\_\_

JAMES H. LESAR  
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

.....

|                             |   |                          |
|-----------------------------|---|--------------------------|
| HAROLD WEISBERG,            | : |                          |
|                             | : |                          |
| Plaintiff,                  | : |                          |
|                             | : |                          |
| v.                          | : | Civil Action No. 75-1996 |
|                             | : |                          |
| U.S. DEPARTMENT OF JUSTICE, | : |                          |
|                             | : |                          |
| Defendant                   | : |                          |
|                             | : |                          |

.....

AFFIDAVIT OF JAMES H. LESAR

I, James H. Lesar, first having been duly sworn, depose and say as follows:

1. I am attorney for the plaintiff in the above-entitled cause of action.
2. On December 17, 1979, plaintiff took the deposition of Mr. Douglas Mitchell, formerly an employee of the Office of Information and Privacy Appeals, United States Department of Justice. During the course of his deposition Mr. Mitchell disclosed that the FBI maintains abstracts of FBI records on the assassination of Dr. King and that he had used copies of such abstracts in performing research delegated to him in connection with this case.
3. Plaintiff has not been provided with copies of these abstracts.

\_\_\_\_\_  
JAMES H. LESAR

DISTRICT OF COLUMBIA

Sworn and subscribed to before me this \_\_\_\_\_ day of December, 1979.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE DISTRICT OF COLUMBIA

My commission expires \_\_\_\_\_.

