

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 the attorney for the plaintiff in the above-entitled cause of action.

2. In preparation for this affidavit I reviewed the documents which the Civil Rights Division of the Department of Justice provided to plaintiff on April 24, 1976, July 16, 1976, and September 20, 1977. I also reviewed pertinent records filed in this case, such as the July 13, 1976, affidavit of Mr. Stephen Horn.

3. The records released by the Civil Rights Division (CRD) contain a number of references to other files which appear to be pertinent to the assassination of Dr. King and its investigation. Specifically, the documents released by CRD show the existence of the following files on the assassination of Dr. King and its investigation:

- a. DJ file No. 144-72-662;
- b. DJ file No. 95-100-473;
- c. DJ file No. 41-157-147;
- d. DJ file No. 23680-4-1;
- e. DJ file No. 144-19-0;
- f. a "Trial File" and
- g. "Inves. File"

4. Mr. Weisberg has been provided with approximately 200 pages of CRD records in this case. Most of these records appear to have come from DJ file No. 144-72-662.

5. On three occasions Mr. Weisberg has moved to require a Vaughn v. Rosen showing by CRD. The Department resisted each of these motions. None of the motions has been acted upon by the Court.

6. The attached April 17, 1980 letter from Mr. Quinlan J. Shea, Director, Office of Information and Privacy Appeals, to Mr. Harold Weisberg states that a member of Mr. Shea's staff "recently encountered a partially classified Civil Rights Division file, Number 144-72-662, consisting of eight sections and covering the period from late 1967 through the middle of 1969, which pertains to the King assassination . . . ." (See Attachment 1) Assuming that a section of Justice Department records is comparable in volume to a section of FBI records, this description indicates that there are between 1,600 to 2,400 pages contained in file No. 144-72-662. This would indicate that there are perhaps as many as 2,200 pages from this one CRD file alone which should have been provided plaintiff but have not.

7. In addition to listing two of the numbered files listed in paragraph 3 above, the July 13, 1976 affidavit of Mr. Stephen Horn includes the following files:

a. "A folder containing memoranda and FBI reports on the Memphis Sanitation Strike of March-April 1968."

b. "A folder containing memoranda from Director J. Edgar Hoover to the Assistant Attorney General of the Civil Rights Division concerning the progress of the investigation of Dr. King's assassination."

c. "Reports of the Royal Canadian Mounted Police pertaining to their part of the investigation."

d. "Reports of the Memphis Police Department concerning their part of the investigation."

e. "Reports of New Scotland Yard concerning their part of the investigation."

f. "Two loose folders of correspondence and memoranda pertaining to the assassination investigation."

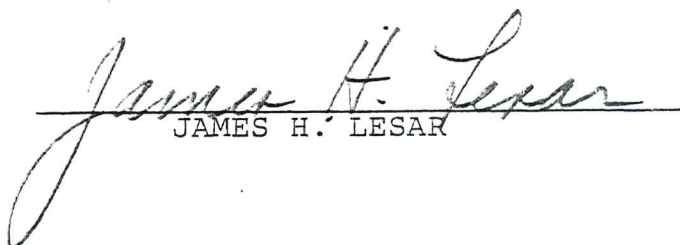
(See Attachment 2, Affidavit of Stephen Horn, executed July 13, 1976)

8. On the basis of the present record it is not possible to ascertain whether any materials have been provided Mr. Weisberg from any of the files listed in paragraph 7 above. However, I can state that it is not possible to identify any of the records which have been furnished as coming from the files described in paragraph 7(a) and 7(c) through 7(e).

9. Because neither Mr. Horn nor the Department of Justice has provided any description of the volume of records contained in the various files described in Mr. Horn's affidavit, it is not possible to ascertain their volume on the basis of the present record. And except for the revelation about the approximate volume of file No. 144-72-662 that is contained in Mr. Shea's April 17 letter, there is also no basis for estimating the volume of records contained in the files which I listed in paragraph 1 above.

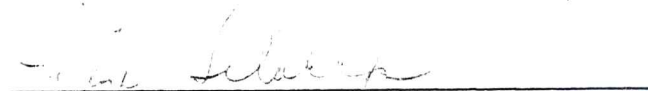
10. On November 24, 1975, the Attorney General of the United States directed the Civil Rights Division to undertake a review of the files of the Department of Justice and the Federal Bureau of Investigation to determine whether the investigation of the assassination of Dr. King should be reopened. For the next four months CRD conducted a review of the FBI files on the assassination of Dr. King. CRD has provided no documents which were compiled as a result of that re-investigation of Dr. King's assassination.

11. From the foregoing it is clear that the Civil Rights Division of the Department of Justice possesses far more records on the assassination of Dr. King than the approximately 200 pages it has given Mr. Weisberg so far. The Department has not supplied any justification whatsoever as to why these additional records have not been provided.

  
JAMES H. LESAR

DISTRICT OF COLUMBIA

Subscribed and sworn to before me this 21st day of May, 1980.

  
NOTARY PUBLIC IN AND FOR  
THE DISTRICT OF COLUMBIA

My commission expires ~~My~~ Commission Expires August 31, 1984.



United States Department of Justice

OFFICE OF THE ASSOCIATE ATTORNEY GENERAL

WASHINGTON, D.C. 20530

Mr. Harold Weisberg  
7627 Old Receiver Road  
Frederick, Maryland 21701

17 APR 1980

Dear Mr. Weisberg:

Enclosed are copies of several documents which were located by Ms. Kisiel of my staff in a Criminal Division file -- Number 129-11 -- as the result of a request to this Office. You will note that they seem to be the sort of substantive records we were never able to locate in files of the Offices of the Attorney General and Deputy Attorney General. Based on my own very preliminary review of the extensive list of the records which comprise this file (a copy of which, I am informed, has already been provided to you by the Criminal Division), it seems quite likely that we have at last located the Department's repository of such records.

I do not now intend to direct any further effort to retrieve and review any other AG and DAG materials which may be in the Criminal Division file. This is because of my understanding that the Division is already engaged in processing a request from you and my belief that this more comprehensive approach -- in which "initial request" personnel from my Office will probably become involved, as the result of referrals, consultations, or both -- is most likely to serve the best interests of all concerned. If this creates any problems for you, let me know. For the time being, I hope that the enclosed documents will be of interest to you.

Ms. Kisiel also recently encountered a partially-classified Civil Rights Division file, Number 144-72-662, consisting of eight sections and covering the period from late 1967 through the middle of 1969, which pertains to the King assassination, and a partially-classified Criminal Division general investigative file pertaining to Dr. King, Number 146-1-7747, consisting of fifty-four sections and covering the period from late 1961 through

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early 1971. Although you are probably already aware of these two files, I did want to mention them to you in accordance with my long-standing promise to notify you of any King or Kennedy materials of which we might become aware.

Sincerely,

Quinlan J. Shea, Jr., Director  
Office of Privacy and Information Appeals

Enclosures

✓ cc: James Lesar

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

Harold Weisberg,  
Plaintiff

v.

Department of Justice,  
Defendant

Civil Action No. 75-1996

AFFIDAVIT

I, Stephen Horn, being duly sworn, do hereby depose and state as follows:

In the course of my duties as an attorney of the Civil Rights Division, I was given the general assignment to become familiar with the Civil Rights Division files pertaining to the assassination of Dr. Martin Luther King, Jr. Upon receipt of the Freedom of Information request of Harold Weisberg of December 23, 1975, I was assigned to review all pertinent documents in the possession of the Civil Rights Division to identify those documents within the purview of Mr. Weisberg's request. In the course of this review, I examined the following documents:

1. Department of Justice file number 144-72-662 concerning the assassination of Dr. King.
2. A folder containing memoranda and FBI reports on the Memphis Sanitation Strike of March-April 1968.
3. A folder containing memoranda from Director J. Edgar Hoover to the Assistant Attorney General of the Civil Rights Division concerning the progress of the investigation of Dr. King's assassination.

4. Reports of the Royal Canadian Mounted Police pertaining to their part of the investigation.


5. Reports of the Memphis Police Department concerning their part of the investigation.

6. Reports of New Scotland Yard concerning their part of the investigation.

7. Department of Justice file number 95-100-473, a Criminal Division file pertaining to the extradition of James Earl Ray from England.

8. Two loose folders of correspondence and memoranda pertaining to the assassination investigation.

To the best of my knowledge and belief, obtained during the performance of my assigned duties, the above list of materials comprises all of the documents pertinent to Mr. Weisberg's Freedom of Information request. I am in possession of no information, direct or indirect, to lead me to believe that there are any other pertinent documents in the possession of the Civil Rights Division or any other Division of the Department of Justice.

  
STEPHEN HORN  
Attorney  
Department of Justice  
Washington, D.C. 20530

Subscribed and sworn  
before me this 13 day of  
July, 1976.

  
Notary Public

My Commission Expires January 31, 1977