

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE

Defendant.

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) Civil Action No. 75-1966
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AFFIDAVIT OF SALLIANN M. DOUGHERTY

I, Salliann M. Dougherty, being duly sworn, depose and say as follows:

1) I am an attorney employed by the Civil Rights Division of the United States Department of Justice in Washington, D.C. From October 1976 through September 1979, I was the Freedom of Information/Privacy Acts Officer for the Civil Rights Division. In this assignment, my duties included the coordination of the processing of all Freedom of Information and Privacy Act requests to the Civil Rights Division.

The facts stated in this affidavit are based upon my personal knowledge of the processing of plaintiff's Freedom of Information Act request and upon information obtained by me in my official capacity.

2) In the course of my official duties I participated in the processing of the Freedom of Information Act request of James H. Lesar, on behalf of Harold Weisberg, for twenty-eight specific categories of records pertaining to the assassination of Dr. Martin Luther King, Jr.

3) In December 1977, in an effort to ensure that the Civil Rights Division had fully complied with Mr. Lesar's Freedom of Information Act request, the staff of the Division's Freedom of Information/Privacy Acts Branch,

under my supervision, began an extensive search to locate and index all records pertaining to the assassination of Dr. King which were in the custody of the Civil Rights Division.

This project, involving review of over 100 separate file sections, initially occupied three staff members and myself, full-time, for nearly a month. Final work on the project was completed in May 1978.

4) It was determined that all Civil Rights Division records pertaining to the assassination of Dr. King are contained in a multi-section file indexed as DJ 144-72-662, including the eight DJ 144-72-662 file sections referred to in paragraph 3 of Quinlan J. Shea, Jr.'s April 17, 1980 letter to Harold Weisberg. Records pertaining to the extradition of James Earl Ray are contained in a multi-section file indexed as DJ 95-100-473. These files include FBI-derivative classified documents.

5) To ensure that no responsive document was overlooked, the staff of the Division's Freedom of Information/Privacy Acts Branch also searched seven other DJ files and concluded that these did not contain records responsive to Mr. Lesar's request.


6) As a result of the comprehensive project outlined above, I was able to determine that all Civil Rights Division documents which fall within the 28 specific categories of information requested by Mr. Lesar have been released to him. In addition, all records responsive to his request which originated within the Criminal Division were referred to that Division, pursuant to 28 C.F.R. §16.4(a), for final release determination and response to the requester.

7) Many of the records within the Civil Rights Division's file pertaining to the assassination of Dr. King, which are responsive to the plaintiff's request, are copies of reports which originated in the Federal Bureau of Investigation (FBI). Although the Civil Rights Division could have referred these records to the FBI for release, pursuant to 28 C.F.R. §16.4(a), in this instance no referral was made because the FBI was simultaneously processing the same request and was already searching its files for records responsive to Mr. Lesar's request. However, to ensure that all responsive FBI documents located within the Civil Rights Division file had, in fact, also been located and processed by the FBI, I hand-delivered a copy of the Civil Rights Division's index (referred to in Item 3 above) to the FBI.

8) To the best of my knowledge, there are no Civil Rights Division records responsive to Mr. Lesar's request which have not been disclosed to him.


 SALLIANN M. DOUGHERTY
 Attorney
 Civil Rights Division

Subscribed and Sworn to before me this 6th
 day of June, 1980.


 Notary Public
 Dist. of Cal.

My Commission Expires Nov. 30, 1983
 My Commission Expires _____.