

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG)
)
 Plaintiff,)
)
 v.) C.A. No. 1996
)
 U.S. DEPARTMENT OF JUSTICE)
)
 Defendant.)
)
 _____)

FOURTH AFFIDAVIT OF JANET L. BLIZARD

I, Janet L. Blizard, being duly sworn, depose and say as follows:

1) I am the Freedom of Information/Privacy Acts Officer for the Civil Rights Division of the Department of Justice in Washington, D.C. I have held this position since September 1979. My duties include the coordination of the processing of all Freedom of Information and Privacy Act requests to the Civil Right Division. In my official capacity, I am the custodian of the Civil Rights Division's records pertaining to the processing of the Freedom of Information Act request of James H. Lesar on behalf of the plaintiff, Harold Weisberg.

The facts stated in this affidavit are based on my personal knowledge or on information obtained by me in my official capacity.

2) In the course of my official duties, I have become familiar with the processing of the Freedom of Information Act request by Mr. Lesar which sought 28 specific categories of records pertaining to the assassination of Dr. Martin Luther King, Jr. A copy of this request is attached and labeled Attachment A.

- 3) In preparing this affidavit, I have reviewed the records maintained by the Civil Rights Division concerning Mr. Lesar's request. In addition, I have consulted with Civil Rights Division personnel familiar with the processing of this request and those responsible for the maintenance of the Civil Rights Division records. I have also consulted other Department of Justice personnel who are involved in records maintenance.
- 4) As indicated in the Affidavit of Stephen Horn, which is attached and labeled Attachment B, Mr. Horn was initially assigned to identify records responsive to the specific request made by Mr. Lesar. The Civil Rights Division's records indicate that Mr. Horn prepared an index of the records which were responsive to Mr. Lesar's request.
- 5) Records responsive to Mr. Lesar's specific request were released to him in April and July 1976 and a supplemental release of responsive records was made in September 1977.
- 6) In October 1976, a separate Freedom of Information/Privacy Acts office was created within the Civil Rights Division to process all requests for access to Civil Rights Division records pursuant to the provisions of 5 U.S.C. §552 and 5 U.S.C. §552a. This office assumed the responsibility for processing such requests which had previously been assigned to the Appellate Section of the Civil Rights Division.
- 7) In December 1977, the staff of the Freedom of Information/Privacy Acts Branch, under the supervision of Salliann M. Dougherty, who was then the Freedom of Information/Privacy Acts Officer for the Civil Rights Division, began a major project to locate and index all

records pertaining to the assassination of Dr. King which were in the custody of the Civil Rights Division.

8) As a result of the project, it was determined that all of the records in the possession of the Civil Rights Division which pertain to the assassination of Dr. King are contained in the Department of Justice file numbered 144-72-662. Records relating to the extradition of James Earl Ray are contained in Department of Justice file number 95-100-473. It was further determined that all Civil Rights Division records within these files which were responsive to Mr. Lesar's request were released to him.

9) With respect to the other files listed in the Plaintiff's Motion, I have determined that:

a) There is no Department of Justice file which is numbered 41-157-147.

b) There is no Department of Justice file numbered 23680-4-1. I believe that plaintiff is seeking the Department of Justice file numbered 236380-4-1, which is neither a Civil Rights Division file nor a file pertaining to the assassination of Dr. Martin Luther King, Jr. or any related matter. Department of Justice file number 236380-4-1 is a file which was maintained by the Justice Management Division pursuant to the Department's Freedom of Information Act regulations, 28 C.F.R. §§16.5(e) and 16.6(d). This file contains requests for access to Department of Justice records pursuant to the Freedom of Information Act and the responses to such requests. The correspondence in this file duplicates records maintained by the individual components of the Department of Justice.


c) Department of Justice file number 144-19-0 is a Civil Rights Division file, but it is not a file pertaining to the investigation of the assassination of Dr. King or

any related matter. It is a file containing non-official correspondence received from the northern federal judicial district in Georgia concerning civil rights issues not directly related to specific cases or matters being handled by the Civil Rights Division.


d) No separate "trial file" or "inves(tigation) file" pertaining to the assassination of Dr. King is maintained by the Civil Rights Division. All records pertaining to the assassination of Dr. King are included in Department of Justice file number 144-72-662.

e) Records pertaining to the Memphis Sanitation Strike of March-April 1968 (listed as item number two in the attached Affidavit of Stephen Horn) were indexed under the Department of Justice file number 144-017-72. As indicated in the Affidavit of Stephen Horn, these records were searched for records responsive to Mr. Lesar's request.

10) To the best of my knowledge, all Civil Rights Division records within the scope of Mr. Lesar's December 23, 1975 request on behalf of Mr. Weisberg have been released to him.


JANET L. BLIZARD
Freedom of Information/
Privacy Acts Officer
Civil Rights Division
Department of Justice

Subscribed and Sworn before me this 23rd day of Jan., 1981.


Notary Public
Dist. of Cal.

My Commission Expires _____.

11/14/76

RECEIVED

JAN 12 1978
APPELLATE SECTION
CIVIL RIGHTS DIVISION

JAMES H. LESAR
ATTORNEY AT LAW
1231 FOURTH STREET, S. W.
WASHINGTON, D. C. 20024
TELEPHONE (202) 484-6023

December 23, 1975

RECORDED
INDEXED
DEC 23 11 00 AM '75
DEPUTY
ATTORNEY GENERAL

FREEDOM OF INFORMATION REQUEST

Mr. Harold Tyler, Jr.
Deputy Attorney General
U. S. Department of Justice
Washington, D. C. 20530

Dear Mr. Tyler:

On behalf of Mr. Harold Weisberg, I am requesting that you grant him access to the following records pertaining to the assassination of Dr. Martin Luther King, Jr.:

1. All receipts for any letters, cables, documents, reports, memorandums, or other communications in any form whatsoever.
2. All receipts for any items of physical evidence.
3. All reports or memorandums on the results of any tests performed on any item of evidence, including any comparisons normally made in the investigation of a crime.
4. All reports or memorandums on any fingerprints found at the scene of the crime or on any item allegedly related to the crime. This is meant to include, for example, any fingerprints found in or on the white Mustang abandoned in Atlanta, in any room allegedly used or rented by James Earl Ray, and on any registration card. It should also include all fingerprints found on any item considered as evidence in the assassination of Dr. Martin Luther King, Jr.
5. Any taxicab log or manifest of Memphis cab driver James McCraw or the cab company for which he worked.
6. Any tape or transcript of the radio logs of the Memphis Police Department or the Shelby County Sheriff's Office for April 4, 1968.
7. All correspondence and records of other communications exchanged between the Department of Justice or any division thereof and:

R. A. Ashley, Jr.
Harry S. Avery

ATTACHMENT A

James G. Beasley
 Clay Blair
 David Calcutt
 Phil M. Canale
 John Carlisle
 Robert K. Dwyer
 Gov. Buford Ellington
 Michael Eugene
 Percy Foreman
 Gerold Frank
 Roger Frisby
 Arthur Hanes, Jr.
 Arthur Hanes, Sr.
 W. Henry Haile
 William J. Haynes, Jr.
 Robert W. Hill, Jr.
 William Bradford Huie
 George McMillan
 William N. Morris
 Jeremiah O'Leary
 David M. Pack
 Lloyd A. Rhodes
 J. B. Stoner
 Hugh Stoner, Jr.
 Hugh Stoner, Sr.

8. All correspondence or records of other communications pertaining to the guilty plea of James Earl Ray exchanged between the Department of Justice or any division thereof and:

Rev. Ralph Abernathy
 Rev. James Bevel
 Rev. Jesse Jackson
 Mrs. Coretta King
 Rev. Samuel E. Kyles
 Rev. Andrew Young
 Harry Wachtel

9. All notes or memorandums pertaining to any letter, cable, or other written communication from or on behalf of the District Attorney General of, Shelby County, Tennessee, or the Attorney General of Tennessee to the Department of Justice or any division thereof.

10. All notes or memorandums pertaining to any telephonic or verbal communications from or on behalf of the District Attorney General of Shelby County, Tennessee, or the Attorney General of Tennessee to the Department of Justice or any division thereof.

11. All tape recordings and all logs, transcripts, notes, reports, memorandums or any other written record of or reflecting any surveillance of any kind whatsoever of the following persons:

Judge Preston Battle
 Wayne Chastain
 Bernard Fensterwald
 Percy Foreman
 Gerold Frank
 Arthur Hanes, Jr.
 Arthur Hanes, Sr.
 Renfro Hays
 Robert W. Hill, Jr.
 William Bradford Huie
 James H. Lesar
 Robert I. Livingston
 George McMillan
 Judge Robert McRae, Jr.
 Albert Pepper
 Carol Pepper
 James Earl Ray
 Jerry Ray
 John Ray
 Richard J. Ryan
 J. B. Stoner
 Russell X. Thompson
 Harold Weisberg

This is meant to include not only physical shadowing but also mail covers, mail interception, interception by any telephonic, electronic, mechanical or other means, as well as conversations with third persons and the use of informants.

12. All tape recordings and all logs, transcripts, notes, reports, memorandums or any other written record of or reflecting any surveillance of any kind whatsoever on the Committee to Investigate Assassinations (CTIA) or any person associated with it in any way.

This is meant to include not only physical shadowing but also mail covers, mail interception, interception by any telephonic, electronic, mechanical or other means, as well as conversations with third persons and the use of informants.

13. All records pertaining to any alleged or contemplated witness, including any statements, transcripts, reports, or memorandums from any source whatsoever.

14. All correspondence of the following persons, regardless of origin or however obtained:

Bernard Fensterwald
Percy Foreman
Robert W. Hill
William Bradford Huie
James H. Lesar
Albert Pepper
Carol Pepper
James Earl Ray
Jerry Ray
John Ray
J. B. Stoner
Harold Weisberg

15. All letters, cables, reports, memorandums, or any other form of communication concerning the proposed guilty plea of James Earl Ray.

16. All records of any information request or inquiry from, or any contact by, any member or representative of the news media pertaining to the assassination of Dr. Martin Luther King, Jr. since April 15, 1975.

17. All notes, memoranda, correspondence or investigative reports constituting or pertaining to any re-investigation or attempted re-investigation of the assassination of Dr. King undertaken in 1969 or anytime thereafter, and all documents setting forth the reasons or guidelines for any such re-investigation.

18. Any and all records pertaining to the New Rebel Motel and the DeSoto Motel.

19. Any records pertaining to James Earl Ray's eyesight.

20. Any records made available to any writer or news reporter which have not been made available to Mr. Harold Weisberg.

21. Any index or table of contents to the 96 volumes of evidence on the assassination of Dr. King.

22. A list of all evidence conveyed to or from the FBI by any legal authority, whether state, local, or federal.

23. All reports, notes, correspondence, or memorandums pertaining to any effort by the Department of Justice to expedite the transcript of the evidentiary hearing held in October, 1974, on James Earl Ray's petition for a writ of habeas corpus.

24. All reports, notes, or memorandums on information contained in any tape recording delivered or made available to the FBI or the District Attorney General of Shelby County by anyone whomsoever. All correspondence engaged in with respect to any investigation which was made of the information contained in any of the foregoing.

25. All records of any contact, direct or indirect, by the FBI, any other police or law enforcement officials, or their informants, with the Memphis group of young black radicals known as The Invaders.

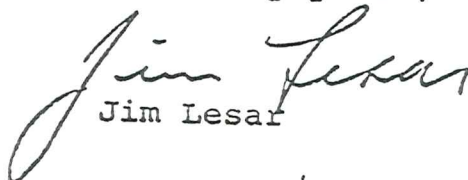
26. All records of any surveillance of any kind of The Invaders or any member or associate of that organization. This is meant to include not only physical shadowing but also mail covers, mail interception, interception by telephonic, electronic, mechanical or other means, as well as conversations with third persons and the use of informants.

27. All records of any surveillance of any kind of any of the unions involved in or associated with the garbage strike in Memphis or any employees or officials of said unions. This is meant to include not only physical shadowing but also mail covers, mail interception, interception by any telephonic, electronic, mechanical or other means, as well as conversations with third persons and the use of informants.

28. All records containing information which exculpates or tends to exculpate James Earl Ray of the crime which he allegedly committed.

This request for disclosure is made under the Freedom of Information Act, 5 U.S.C. §552, as amended by Public Law 93-502, 88 Stat. 1561.

Sincerely yours,


Jim Lesar

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.

ATTACHMENT B

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