

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 75-1996
 :
 U.S. DEPARTMENT OF JUSTICE, :
 et al., :
 :
 Defendants. :

MEMORANDUM IN RESPONSE TO MOTION TO ORDER
DISCLOSURE OF RECORDS OF THE CIVIL RIGHTS
DIVISION OF THE JUSTICE DEPARTMENT

On January 12, 1981, plaintiff filed a "Motion for an Order Compelling Defendant to Disclose Records of the Civil Rights Division Pertaining to the Assassination of Dr. Martin Luther King, Jr. and Related Matters: or, Alternatively, Requiring an Inventory and a Detailed Justification, Itemization and Indexing under Vaughn v. Rosen."

Plaintiff requests a Vaughn v. Rosen index of documents from the Justice Department's Civil Rights Division "including a description ... of each document alleged not to be within the scope of plaintiff's [1975 FOIA requests]." (Plaintiff's Motion, p. 2, emphasis added.) Such a request from plaintiff is not new, although most such prior requests have encompassed other divisions of the Justice Department as well. The latest such "motion under Vaughn v. Rosen" from plaintiff directed to the Justice Department in this case was filed on February 7, 1980 and was responded to in detail by defendant on February 22, 1980. The response included affidavits and letters that explained in detail the actions of relevant Justice Department divisions in complying with Mr. Weisberg's 1975 requests. ^{1/}

In direct response to plaintiff's February 7, 1980 motion, this Court on February 26, 1980 "[u]pon consideration of...plaintiff's motion for Vaughn v. Rosen index and defendant's opposition

^{1/} Note especially the letter of July 16, 1976 to James H. Lesar from James P. Turner, Deputy Assistant Attorney General, Civil Rights Division, Department of Justice, accompanying the release of documents and explaining deletions made in those documents.

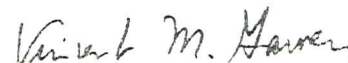
thereto ... ORDERED that Vaughn v. Rosen index be prepared... justifying the deletions on every 200th document." The Civil Rights Division complied with this order as amended on September 30, 1980. (See Affidavits of Janet L. Blizard, Civil Rights Division, of April 24, 1980 and September 30, 1980).


Plaintiff has also moved for an order compelling the disclosure of Civil Rights Division records which he still believes have not been disclosed. In order to assure plaintiff again that such records do not exist, defendant attaches to this memorandum the affidavit of Janet L. Blizard, the current Freedom of Information/Privacy Acts officer for the Civil Rights Division and the affidavit of her predecessor, Salliann M. Dougherty, explaining in great detail the efforts of the Department of Justice to release all responsive Civil Rights Division documents in the matter to Mr. Weisberg. They both clearly demonstrate that no relevant Civil Rights Division records have not been disclosed.

Respectfully submitted,

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United States Attorney


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum In Response To Motion To Order Disclosure Of Records Of The Civil Rights Division Of the Justice Department was mailed, postage prepaid, this 26th day of January, 1981, to:

James H. Lesar, Esq.
2101 L Street, N.W.
Suite 203
Washington, D.C. 20037


WILLIAM G. COLE

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ORDER

Upon consideration of plaintiff's "Motion for an Order...to Disclose Records of the Civil Rights Division...", the papers filed in support thereof and in opposition thereto, and the entire record, it is this ___ day of _____, 1981 hereby

ORDERED that plaintiff's motion be and hereby is denied.

Dated: _____

UNITED STATES DISTRICT JUDGE