UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

Civil Action No. 75-1996

U.S. DEPARTMENT OF JUSTICE,

Defendant

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JAMES F. DAVEY, Clerk

MOTION TO COMPEL RELEASE OF CIVIL RIGHTS DIVISION INDEX

Comes now the plaintiff, Mr. Harold Weisberg, and moves the Court for an order compelling defendant to release the Civil Rights Division index referred to in Paragraphs 3 and 7 of the July 6, 1980 Affidavit of Salliann M. Dougherty filed in conjunction with defendant's Memorandum in Response to Order Disclosure of Records of the Civil Rights Division of the Justice of Department.

A Memorandum of Points and Authorities and a proposed Order are attached hereto.

Respectfully submitted,

2101 L Street, N.W., Suite 203

Washington, D.C. 20037 Phone: 223-5587

Phone:

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 5th day of February, 1981, mailed a copy of the foregoing motion to Mr. William G. Cole, Room 3137, Civil Division, U.S. Department of Justice, Washington, D.C. 20037.

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

Item 21 of plaintiff's December 23, 1975 request asked for "Any index or table of contents to the 96 volumes of evidence on the assassination of Dr. King." The request was phrased in this manner because at that time information gleaned from public sources indicated that the Department's materials on the assassination of Dr. King consisted of 96 volumes. Plaintiff has persistently sought to obtain copies of all important indices of King assassination materials. The Court has recognized the nature of his request previously by ordering defendant to produce the Memphis field office index, the index compiled by the FBI's Civil Rights Unit, and the abstracts of MURKIN Headquarters records. Only now, as a result of an affidavit kept secret by defendant for more than 7 months, has plaintiff learned that in 1977-1978 the Civil Rights Division compiled an index to its materials on the assassination of Dr. King. Accordingly, he brings this motion to compel their disclosure.

Respectfully submitted,

JAMES H. LESAR

2101 L Street, N.W., Suite 203

Washington, D.C. 20037

Phone: 223-5587

Attorney for Plaintiff

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

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U.S. DEPARTMENT OF JUSTICE,

Defendant

ORDER

Upon consideration of plaintiff's motion to compel release
of the Civil Rights Division index to King assassination materials
described in the July 6, 1980 affidavit of Salliann Dougherty,
defendant's opposition thereto, and the entire records herein, it
is by the Court this day of, 1981, hereby
ORDERED, that plaintiff's motion be, and the same hereby is,
GRANTED; and it is further
ORDERED, that defendant shall deliver a copy of the Civil
Rights Division index to plaintiff within days of the date
of this Order.
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA