

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG )

Plaintiff )

v. )

Civil Action No. 75-1996

DEPARTMENT OF JUSTICE )

Defendant )

**FILED**

DEC 1 1981

O R D E R

JAMES F. DAVEY, Clerk

Upon consideration of plaintiff's motion in this action, defendant's motion for summary judgment and the entire record in the action, for the reasons stated in the accompanying memorandum opinion, it is this 1st day of December 1981,

ORDERED that this action is reopened; it is further

ORDERED that plaintiff's motion for an order requiring defendant to pay consultancy fee is granted; it is further

ORDERED that plaintiff shall submit an affidavit within twenty days listing time spent on the consultancy; it is further

ORDERED that plaintiff's motion for partial summary judgment on whether he has substantially prevailed is granted; it is further

ORDERED that plaintiff's motion for partial summary judgment with respect to abstracts of King assassination records is denied; it is further

ORDERED that plaintiff's motion for an order directing that defendant release field office records offered plaintiff in a letter from former FBI director Clarence Kelley is denied; it is further

ORDERED that defendant shall submit forthwith to the Court for in camera inspection Murkin headquarters serials 3374, 3400, 3509, 3763, 3764 and the first unrecorded serial after serial 6110; it is further

ORDERED that plaintiff's motion for partial summary judgment with respect to FBI field office records withheld as previously processed is denied; it is further

ORDERED that plaintiff's motion to compel release of neutron activation and spectrographic materials is granted; it is further

ORDERED that defendant shall search for and, if found, release to plaintiff neutron activation and spectrographic analyses performed in the investigation of Dr. King's assassination; it is further

ORDERED that defendant shall file an affidavit within twenty days describing the aforementioned search and its results; it is further

ORDERED that defendant shall submit forthwith to the Court for in camera inspection laboratory "ticklers" of the three documents concerning a kidnapping; Interstate Transportation in Aid of Racketeering-Bribery, Conspiracy; and Bomb Threats-Explosives and Incendiary Devices, as identified in exhibit one to plaintiff's motion to compel defendant to release withheld FBI lab tickler materials; it is further

ORDERED that plaintiff's motion for specified records from the civil rights division of the Department of Justice is denied, subject to three exceptions:

(1) defendant shall search for and release to plaintiff within twenty days the contents of DJ file 41-157-147, with deletions, if appropriate, under the Freedom of Information Act;

(2) defendant shall review DJ file 144-19-0 to determine whether any document or portion thereof is relevant to plaintiff's freedom of information requests of April 15, 1975 and December 23, 1975, and shall release to plaintiff within

twenty days relevant items, with deletions, if appropriate, under the Freedom of Information Act;

(3) defendant shall release to plaintiff within twenty days the "Memorandum to Attorney General re James Earl Ray Possible Evidence of Conspiracy," described in footnote 222 to the House Select Committee on Assassinations' investigation into Dr. King's murder, Volume XIII, with deletions, if appropriate, under the Freedom of Information Act; it is further

ORDERED that plaintiff's motion to place the director of the FBI Office of Privacy and Information Appeals in charge of the case, or in the alternative, to compel the director to act upon plaintiff's administrative appeals and review all the excisions complained about by plaintiff is denied; it is further

ORDERED that defendant shall release to plaintiff within twenty days the civil rights division index, with deletions where appropriate under the Freedom of Information Act; it is further

ORDERED that defendant shall submit forthwith to the Court for in camera inspection the following Murkin headquarters documents, identified by serial number: 58, 1196, 1470, 1500, 1549, 2126, 2161, 3400, 3763, 4438, 4692, 4694, 4986, 5708, 6010, 413, 1427, 3503, 4761, 4919, 5212, 5338, 5487, 5663, 5719 and 5819; it is further

ORDERED that plaintiff's motion to compel release of certain records described in field office inventories is denied, subject to two exceptions:

(1) defendant shall release to plaintiff within twenty days, with deletions, if appropriate, under the Freedom of Information Act, Memphis field office files 100-4105 ("Martin Luther King, Jr., Security Matters, Sub C 2 vols., 66 serials, includes activities in Memphis area March and April") and 149-121

(Threat to American Airlines and Dr. Martin Luther King, Jr., Memphis, Tenn., April 1, 1968 DAMV, 3 serials on threat to bomb plane in which King would return to Memphis");

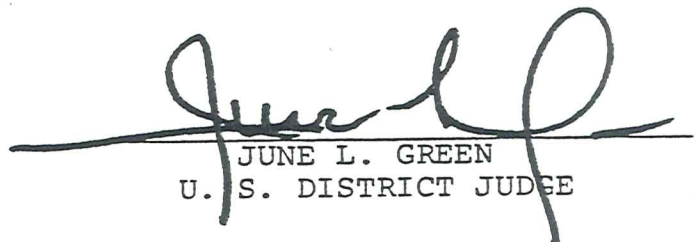
(2) defendant shall release to plaintiff within twenty days, with deletions, if appropriate, under the Freedom of Information Act, Savannah internal field office memoranda dated August 6, 1968, August 28, 1968, and June 5, 1969; it is further

ORDERED that plaintiff's motion to dismiss this action without prejudice under Fed.R.Civ.Pro. 41(A)(2) is denied; it is further

ORDERED sua sponte that defendant shall search for and release, if found, the April 4, 1968 taxicab manifest of Memphis cab driver James McCraw; it is further

ORDERED that defendant shall file an affidavit within twenty days describing the aforementioned search and its results; and it is further

ORDERED that defendant's motion for summary judgment is granted.

  
JUNE L. GREEN  
U. S. DISTRICT JUDGE