

and money of obtaining access to information. In addition, such tactics build statistics which the FBI can use to engage in an assault upon the Freedom of Information Act in Congress.

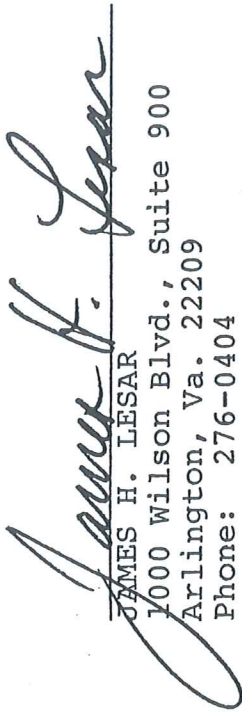
Because the January 21 date is now not far off, it is pointless to oppose this requested extension, even though it is unwarranted. However, plaintiff asks that the Court issue an Order stating that no further extensions will be granted.

Plaintiff also wishes to protest the procedure employed in processing these records. The Sixth Phillips Affidavit states that in order to maintain consistency in classification and disclosure, it "became necessary to locate those Headquarters serials processed previously and review prior classification addenda." This alone is said to have taken six days. Under circumstances where it takes only a week's time to process the records themselves, there is no justification for the involved procedure employed by the FBI. This is particularly true where, as here, any records which might purportedly be subject to classification must be reviewed under Executive Order 12065, which has more liberal disclosure provisions than its predecessor, E.O. 11652. The Memphis records and the CRD Index should be reviewed according to today's standards, regardless of whether this results in disclosure of material withheld under the benighted standards used by the FBI back in 1976-1977. After all, the Director of the Department's Office of Information and Privacy Appeals, Mr. Quinlan J. Shea, Jr., himself testified in this case that his review showed that materials had been withheld during the original processing which should not have been withheld under standards then in effect (that is, in effect in January, 1979, when Mr. Shea testified).

(It is easy to understand why the FBI is so concerned about maintaining, at whatever cost and regardless of compliance with the FOIA, "consistency" with prior disclosures: the "inconsistencies" invariably show the prior withholdings to have been unjustified. Examples of this may be seen in the documents appended hereto as Attachments 1 and 2. These documents contain notes made by the staff of the Office of Professional Responsibility when it was reviewing MURKIN records. Attachment 1 contains extensive notes summarizing the content of MURKIN Headquarters serial 4692. Attachment 2 contains notes summarizing some of the content of MURKIN Headquarters serial 4694. Each of these serials has been withheld from plaintiff in its entirety by the FBI, and in its order of December 1, 1982, this Court ordered in camera examination of each.)

With respect to the 90 day extension requested for processing and release of the Civil Rights Division Index, plaintiff opposes any extension beyond February 1, 1981. The Declaration of Robert J. D'Agostino states that this index consists of 382 pages. This means that the Department proposes to process this record at a rate of four pages per day: This is preposterous and should not be countenanced by the Court.

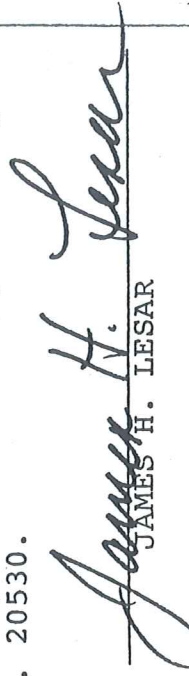
Respectfully submitted,


JAMES H. LESAR
1000 Wilson Blvd., Suite 900
Arlington, Va. 22209
Phone: 276-0404

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 4th day of January, 1981, mailed a copy of the foregoing Plaintiff's Response to Defendant's Motion for Extension of Time Within Which to Comply with December 1, 1981 Order to Mr. William G. Cole, Civil Division, U.S. Department of Justice, Washington, D.C. 20530.


JAMES H. LESAR

- 4678 AAG CD Bu: (1) Obtain newspaper articles re: Murkin in Memphis Commercial Appeal and Press Scimitar in order to show Murkin not political
- 4682 Request to interview MSP chaplains and psychiatrists in order to ascertain what is Cooley's Organization
- 4683 Bu again requested by Alb. F.O. to send letter of appreciation but only after check of Bu files and indices. Donald Broton ass't laundry marks.
- 4688 Beverly Vogan: (1) advised does not know Beverly Hill; never used BH name; does not know JER or PB
- 4689 Bob (LNU): Negative check on allegations re: Murkin to the L.A. Times
- 4692 LHM AAG CD: CIB report
(1) Mrs. I. McLaughlin (Piano Player at Selda Zare Dance Studio shown photo of RGS and i.d.'ed photo as person at BZDS 5/25/68
(2) ESG 7/21/67 purchased order (#11526) to English and Scotch Wollen Co. Ltd. (1248 St. Catharine St. West, Montreal) - pd 75.06 (Canadian exchange)
(3) ESG letter to F&S Woolen Co. Ltd. 9/6/67 requesting suit sent to 2608 Highland Ave. Bmh, Alabama -2589 Notre Dame East, Montreal former address
- (4) Tip Top Tailor receipt in name ESG: address: 2589 Notre Dame St., East Montreal
- (5) Toronto landlady of RGS states RGS told her he was in Montreal 4/26/68
- 4693 [REDACTED] (b)(7)(C)
(1) Reportedly stated MAM would be shot 3 days prior to Murkin
(2) John Birch Society
(3) ~~was~~ checked by Bu

4694 CIB report: (1) Beda Zare advised person similar to JER requested dance lessons 5/25/68. Refused. JER to return 6:15pm 5/31/68
Address of Studio: 223 A Melville Ave., Westmount, Que. 937-1471

Dept. of State (Amer Embass):

6/18/68 Director of Public Prosecution:

(1) Extradition charges take precedence over English charges. Therefore, RGS remanded for period until extradition hearing concluded.

(2) 6/27/68 extradition hearing date

(3) Nigel Graham Max- U.S. Counsel

(4) Roger Frisley- counsel defense

4695 RCMP (Toronto) 6/13/68

Re: ID of JER from passport photo

(1) Stat of Lillian Spencer, Mgr of Branch Office Kennedy Travel Bureau, Ltd. - 424 Bloor St., West Toronto, Ontario

(a) 5/2/68 BOAC Ticket issued cost: \$345; pd in Canadian exchange 5/2/68 passport issued

(b) 4/16/68 application for P.P. and ticket

(c) 4/10/68 Paul Edward Bridgman req. Birth Certificate

(d) 4/16/68 RGS request B.C.

(2) RGS/JER stat re: Mirkin & JER

(a) rec'd phone call 1st part of May from male re: passport

(3) Mrs. Sun Fung Loo:
962 Dundas St. West
Toronto, Ontario

Ⓞ RGS lived here for 3 wks starting 4/8/68

(4) Juliksa Szpakowska }
162 Ossing Ave }
Toronto, Ontario }

Ⓞ While there rec'd letter from Bureau of U.S. but refused it and P.S. returned it to postmaster

Ⓞ P.S. advised room for two weeks starting 4/8/68

294

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant

Civil Action No. 75-1996

O R D E R

Upon consideration of defendant's motion for an extension of time within which to comply with the Court's order of December 1, 1981, plaintiff's response thereto, and the entire record herein, it is by the Court this _____ day of _____, 1982, hereby

ORDERED, that defendant's time for processing and release of the Memphis field office records be, and hereby is, extended to and including January 21, 1982, with no further extension of this date permitted; and it is further

ORDERED, that defendant's time for processing and release of the Civil Rights Division Index be, and hereby is, extended to and including February 1, 1982.

UNITED STATES DISTRICT JUDGE