Assistant Attorney General
Civil Division
Attn: R. E. Greenspan

December 19, 1975

Director, FBI

1 - Mr. Cochran
Attn: Mr. Kilty
1 - Mr. Gallagher
Attn: Mr. Lawn
1 - Mr. McDermott
Attn: Mr. Wiseman
1 - Mr. Moore
Attn: Mr. Gunn
1 - Mr. Mintz
1 - Mr. Blake

HAROLD WEISBERG v.
U. S. DEPARTMENT OF JUSTICE
(U.S.D.C., D.C.)
CIVIL ACTION NO. 75-1996

Reference is made to your memorandum dated December 5, 1975, your reference REGreenspan:wr 145-12-2521, which enclosed a copy of the complaint filed in captioned matter and requested a litigation report.

Enclosed for your information and assistance are two copies each of the following, which with the exception of the exhibits attached to the above-mentioned complaint (which are not enclosed), comprise all correspondence in our possession concerning captioned matter:

(1) Memorandum from the Staff Assistant to the Deputy Attorney General to our Freedom of Information Act Unit dated April 18, 1975, referring plaintiff's Freedom of Information Act request to the Federal Bureau of Investigation (FBI);

(2) Letter from me to plaintiff's attorney dated June 27, 1975, denying plaintiff's request on the grounds that release of the material plaintiff sought could have a harmful effect on the government's position concerning James Earl Ray's pending judicial appeal;

(3) Letter from the Deputy Attorney General to plaintiff's attorney dated December 1, 1975, modifying my denial to the extent of granting access to all material within the scope of plaintiff's request;

(4) Letter from me to plaintiff's attorney dated December 2, 1975, enclosing copies of the records he had requested.

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Training ____
Legal Coun. ____
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Director Sec'y ____

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Assistant Attorney General
Civil Division

Listed below, and numbered to correspond to the allegations in the complaint, are our suggested answers to these allegations as they apply to the FBI:

(1) Conclusion of law and not an allegation of fact for which an answer is required, but insofar as an answer may be deemed required, deny.

(2) Defendant lacks information and knowledge sufficient to form a belief as to the truth or falsity of this allegation.

(3) Admit.

(4) Deny except to admit authenticity of plaintiff's Exhibit A, to which the court is respectfully referred for a full and complete statement of the contents thereof.

(5) Deny except to admit authenticity of plaintiff's Exhibit B, to which the court is respectfully referred for a full and complete statement of the contents thereof.

(6) Deny except to admit authenticity of plaintiff's Exhibit C, to which the court is respectfully referred for a full and complete statement of the contents thereof.

(7) Deny except to admit authenticity of plaintiff's Exhibit D, to which the court is respectfully referred for a full and complete statement of the contents thereof.

(8) Deny except to admit authenticity of plaintiff's Exhibit E, to which the court is respectfully referred for a full and complete statement of the contents thereof.

(9) Deny.

Since, pursuant to the Deputy Attorney General's letter of December 1, 1975, and my letter of December 2, 1975, plaintiff has been furnished all material which he

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requested, his complaint now fails to state a claim of a justiciable issue over which the court has jurisdiction. You may wish to request the United States Attorney to ascertain if plaintiff's attorney is interested in a voluntary dismissal without prejudice, in order to avoid unnecessary litigation. If this course of action does not prove viable, a motion to dismiss, or in the alternative, for summary judgement, supported by an affidavit, would be appropriate.

Please keep us advised of all pertinent developments in this matter, and furnish us copies of all documents filed with the court. This case is being handled by Special Agent Parle Thomas Blake of our Legal Counsel Division, and you may contact him at 175-4522 for any further information and or assistance.

Enclosures (8)

1 - United States Attorney (Enclosures - 4)
District of Columbia

NOTE: By letter of 4/15/75, plaintiff's attorney, James H. Lesar, requested certain material (primarily photographs and results of laboratory tests) concerning the Martin Luther King, Jr., assassination. The request was denied pursuant to the b(7)(A) exemption of the FOIA (interference with enforcement proceedings) inasmuch as James Earl Ray has an appeal pending in U.S. Circuit Court. Despite the objections interposed by the Department's Civil Rights Division and the FBI, the Deputy Attorney General, upon Lesar's appeal, decided to overrule our denial and furnish him all information he had requested, thereby in effect rendering moot the present litigation. Of interest is the fact that a 3/25/75 newspaper article identified James Lesar of Washington, D.C. as one of the three attorneys who are handling Ray's appeal.