

Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir.:

- Adm. Servs. \_\_\_\_\_
- Crim. Inv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. & Insp. \_\_\_\_\_
- Rec. Mgnt. \_\_\_\_\_
- Tech. Servs. \_\_\_\_\_
- Training \_\_\_\_\_
- Public Affs. Off. \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director's Sec'y \_\_\_\_\_

# Memorandum

DATE: 8/1/78

*McCreight*

*Bassett*

TO : Mr. McDermott

FROM : H. N. Bassett

SUBJECT: HAROLD WEISBERG v. UNITED STATES DEPARTMENT OF JUSTICE, et al., (U.S.D.C., D.C., CIVIL ACTION NO. 75-1996)

PURPOSE:

To advise of Freedom of Information Act (FOIA) release of four documents consisting of six pages in connection with captioned lawsuit which were not previously released after the processing of the Martin Luther King, Jr., assassination files in FBI Headquarters (FBIHQ) and St. Louis.

SYNOPSIS:

Through his attorney, plaintiff requested on 7/28/78, immediate release of all documents pertaining to information reported by an FBI informant during 1974 in St. Louis, Missouri, and surfaced through current inquiry of House Select Committee on Assassinations (HSCA). Freedom of Information-Privacy Acts (FOIPA) Branch and FOIPA Litigation Section, Department of Justice (DOJ), concur that documents are within the scope of plaintiff's original requests and he is entitled to immediate release of the pertinent documents. Such a release is consistent with the Government's previous representations to the court regarding production of all non-exempt MURKIN documents. Director, Office of Privacy and Information Appeals, DOJ, has reviewed FOIPA Branch processing of the pertinent documents and concurs in the deletion of certain material pursuant to the FOIA. Documents will be released to plaintiff on 8/2/78, with copies thereafter available to the general public in the FBIHQ Reading Room.

Enc.

- 1 - Mr. Boynton - Enc.
- 2 - Mr. Mintz
- Attn: D. Coulson - Enc.
- Attn: J. Hartingh - Enc.
- 1 - Mr. Bassett - Enc.
- 1 - Mr. McCreight - Enc.
- 1 - Mr. Bresson - Enc.
- 1 - Mr. Foster - Enc.

HPB:dlw (9)  
HCB

CONTINUED-OVER

*Be HPB, TH*

*H. N. Bassett*



H. N. Bassett to Mr. McDermott Memo  
 RE: HAROLD WEISBERG v. UNITED STATES DEPARTMENT OF JUSTICE,  
 et al., (U.S.D.C., D.C., CIVIL ACTION NO. 75-1996)

RECOMMENDATION:

None. For information.

APPROVED: <i>[Signature]</i>	Adm. Serv. _____	Legal Coun. _____
Director _____	Crim. Inv. _____	Plan & Insp. _____
Assoc. Dir. _____	Ident. _____	Rec. Mgmt. <u>HND</u>
Dep. AD Inv. _____	Insp. _____	Tech. Servs. _____
	Laboratory _____	Training _____
		Public Affs. Off. _____

DETAILS:

Captioned lawsuit involves POIA requests of Harold Weisberg for all documents relative to the assassination of Dr. Martin Luther King, Jr., (MURKIN) and has resulted in the FOIPA Branch release of approximately 45,000 pages of material (primarily documents from MURKIN case). The released material includes the MURKIN files from FBIHQ and eight field offices including the St. Louis Office. Recently, plaintiff became aware through the news media that the HSCA inquiry into the King assassination had surfaced previously unreleased material from an FBI informant in St. Louis about a pay off plot to kill Dr. King. The newly discovered documents were not designated for filing in the MURKIN files, and the Bureau has publicly acknowledged this was due to an administrative error. On 7/27/78, plaintiff's attorney, James Lesar, made an oral request of the FOIPA Branch for the immediate release of all the documents pertaining to the situation being reported by the media. Additionally, on the same date, attorney Lesar filed an oral appeal with Quinlan J. Shea, Jr., Director, Office of Privacy and Information Appeals, DOJ, for the immediate release of the documents.

On 7/31/78, SA Horace P. Beckwith discussed plaintiff's current demand for the release of the above material with attorney Betsy Ginsberg, FOIPA Litigation Section, Civil Division, DOJ (Ms. Ginsberg is handling captioned lawsuit). Ms. Ginsberg concurred with the recommendations that these documents be expeditiously processed and released inasmuch as the Government previously reported to the court that all pertinent retrievable material in the King assassination matter has been processed and released. Ms. Ginsberg concurred with the position that these documents are definitely within the scope of plaintiff's requests relating to material relative to Dr. King's assassination. The release of these documents is necessary to support the Government's previous litigation position that the Government has operated in good faith in locating and processing documents concerning Dr. King's assassination.

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On 7/31/78, the documents were processed by the FOIPA Branch and personally reviewed by Mr. Shea, who concurred in the decision that the documents should be released in an expeditious manner and concurred in the processing and exemption of certain material from the documents pursuant to the FOIA.

The original St. Louis Office memorandum, SA Howard C. Kennedy to SAC, St. Louis, dated 3/19/74 (originally filed in the informant's field office 137 file)



On 7/31/78, SAC, St. Louis advised FOIPA Branch that he is submitting to the Bureau his current interviews with the case agent\* and the St. Louis supervisor\* who wrote the comments. The interviews will confirm the fact that the hand-written notation did not pertain to the King material.

Attached are copies of the original documents to be released. They have been obtained from FBIHQ files and the St. Louis informant's file. The bracketed portion of the documents will be deleted from the public release. (Tab A)

Additionally, attached are copies of the documents as they will be released with the appropriate FOIA exemptions for deleted material appearing in the margins. (Tab B)

The documents will be released on 8/2/78, to plaintiff or his attorney by the standard FOIPA release letter over the signature of Allen H. McCreight, Branch Chief. Thereafter, the documents will be available to the general public upon request through the FOIPA Reading Room at FBIHQ.

\* BOTH RETIRED 2/77