

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES H. LESAR,

Plaintiff,

v.

Civil Action No. 77-0692

U.S. DEPARTMENT OF JUSTICE,
et al.,

Defendants.

DEFENDANT'S NOTICE OF FILING


In accordance with the suggestion of the Court at the hearing held in this action on July 20, 1978, defendant hereby submits to the Court in chambers for in camera inspection the Department of Justice's original and only copy of Volumes XIII through XVII, inclusive, of "Appendix C" to the Report Of The Department Of Justice Task Force To Review The FBI Martin Luther King, Jr., Security And Assassination Investigations ("Task Force Report"). These five volumes of investigative records constitute the totality of those records of the Memphis Police Department which have been maintained by defendant in strict confidence pursuant to 5 U.S.C. §552(b)(7)(D).^{1/}

1/ It should be noted that one small segment of documents found in these volumes, a seventeen-page group which appears in sequence at the conclusion of Volume XVII, was determined upon review by defendant's counsel not to be an appropriate part of the Memphis Police Department records withheld by defendant pursuant to 5 U.S.C. §552(b)(7)(D); accordingly, they have been disclosed in their entirety on this date. See Defendant's Report To The Court at 3 and attachment C thereto. For the convenience of the Court, this segment of Volume XVII has been appropriately designated as "disclosed on July 21, 1978," and the volume as submitted to the Court in camera remains absolutely intact.

It may also be noted that one other particular page appearing in Volume XVII, identifiable as a street map of part of the city of Memphis and located at approximately the mid-point of the volume, also appears as "Exhibit 1" within "Appendix A" to the Task Force Report. See Task Force Report (Exhibit B to the Affidavit Of Michael E. Shaheen, Jr.) at 150.

Also submitted herewith are twenty-nine pages of Atlanta Police Department investigative records which have been maintained by defendant under similar circumstances. See Memorandum Of Points And Authorities In Support Of Defendant's Motion For Summary Judgment at 17 n.21; Defendant's Reply Memorandum In Support Of Its Motion For Summary Judgment at 14 n.17.^{2/}

Respectfully submitted,


BARBARA ALLEN BABCOCK
Assistant Attorney General

EARL J. SILBERT
United States Attorney


LYNNE K. ZUSMAN

Dated: July 21, 1978


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^{2/} Although in camera inspection of the Atlanta Police Department records might not have been suggested by the Court expressly, defendant has included these documents within its in camera submission as a matter of the Court's convenience in its attempt to resolve this lawsuit in an expeditious fashion.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Notice Of Filing and Defendant's Report To The Court, with attachments, was served upon plaintiff pro se by deposit of a copy thereof in the United States mail, first class mail, postage prepaid, addressed to James H. Lesar, 910 16th Street, N.W., Washington, D.C. 20006, on this 21st day of July, 1978, and also by hand delivery according to arrangements between counsel.


DANIEL J. METCALFE