

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Harold Weisberg,)
)
 Plaintiff,)
)
 v.) Civil Action
) No. 75-1996
 U. S. Department of Justice,)
)
 Defendant.)

MOTION FOR EXTENTION OF TIME WITHIN
WHICH TO COMPLY WITH DECEMBER 1, 1981 ORDER

Defendant Department of Justice hereby requests the following extensions of time within which to comply with orders of the Court dated December 1, 1981, requiring the release of documents to plaintiff:

1. thirty (30) days, or until January 21, 1982 to process and release Memphis field office file 100-4105, and;
2. ninety (90) days, or until March 21, 1981 to process and release a civil rights division index.

Documentation supporting the requested thirty-day extention is found in the attached Sixth Affidavit of John N. Phillips. Documentation supporting the requested ninety-day extension is found in the Declaration of Robert J. D'Agostino (pp. 4-5), which is Attachment D to the Notice of Filing, filed by defendant on this day in this cause of action.

Respectfully submitted,

J. PAUL McGRATH
Assistant Attorney General

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FOR THE DISTRICT OF COLUMBIA

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Plaintiff,)	
)	
v.)	Civil Action Number
)	75-1996
U. S. Department of Justice,)	
)	
Defendants.)	

SIXTH AFFIDAVIT OF JOHN N. PHILLIPS

I, John N. Phillips, being duly sworn, depose and say as follows:

(1) I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned in a supervisory capacity to the Freedom of Information-Privacy Acts (FOIPA) Section, Records Management Division, FBI Headquarters (FBIHQ), Washington, D. C.

Due to the nature of my official duties, I am familiar with the procedures followed in processing Freedom of Information Act (FOIA) requests received at FBIHQ. Although I was not initially involved with plaintiff's FOIA request, I am, however, familiar with all aspects of this request as it relates to the FBI. The information set forth herein is based upon my review of the records and correspondence with plaintiff as it relates to this litigation, and upon information provided to me in my official capacity.

(2) In accordance with the December 1, 1981, order of District Court Judge June L. Green, the FBI Memphis Field Office was requested on December 2, 1981, to forward their file 100-4105 captioned, "Martin Luther King, Jr., Security Matters" immediately to FBIHQ for processing under the FOIA for release to plaintiff.

(3) This file, which currently consists of 119 serials totalling 448 pages was received at FBIHQ on December 8, 1981. It was then delivered to the Document Classification Unit for review under Executive Order 12065. Several serials in this file have already been the subjects of FOIA requests processed at FBIHQ.

Because material previously disclosed under the FOIA cannot then be properly classified and withheld, it became necessary to locate those Headquarters serials processed previously and review prior classification addenda in order to maintain consistency in classification and disclosure. These procedures took a total of six working days. The file was returned to the FOIA Section on December 16, 1981, and immediately forwarded to the Duplication Unit for expedite handling.

(4) Because of the volume of material in this file which must be processed and subsequently reviewed for release by supervisory personnel, and also due to holiday leave by FOIPA personnel, it is estimated that an extension of thirty days will be necessary to complete this project and furnish plaintiff with all releasable material. In the event the completion of this project takes less than thirty days, it will be released to plaintiff at that time.

John N. Phillips
John N. Phillips
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and sworn to before me this 18th day of December, 1981.

Morothy J. Bartuch
Notary Public

My Commission expires 1-1-85.

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)	
Defendant.)	
_____)	

ORDER GRANTING EXTENSION OF TIME

The Court having reviewed defendant's Motion for Extension of Time Within Which to Comply With December 1, 1981 Order, it is by the Court

ORDERED that defendant shall have until January 21, 1982 to process and release Memphis field office file 100-4105, and until March 21, 1982 to process and release the Civil Rights Division index as required by the Court's Order of December 1, 1981.

DATE: _____

JUNE L. GREEN
United States District Judge