Assistant Attorney General
Civil Division

Department of Justice
Washington 20530

JUN 26 1970

Bernard Fensterwald, Jr., Esq.
927 - 15th Street, N. W.
Washington, D. C. 20005

Dear Mr. Fensterwald:

Mr. Kelapp has asked me to respond to Mr. Weisberg's letter to him of June 2, 1970, concerning the case of Harold Weisberg v. United States Department of Justice, Civil Action No. 718-70, U.S.D.C. D.C. A copy of that letter is enclosed herewith. I am writing to you instead of directly to Mr. Weisberg because you represent him in this litigation.

I have been assured by individuals in this department who have examined our file on James Earl Ray that Mr. Weisberg has been given access to all papers which he requested in his complaint. These papers had been forwarded to us by the State Department and were not yet in any kind of a permanent file. When our attorneys inspected them in connection with this litigation the papers examined by Mr. Weisberg were contained in a plain unmarked file folder. We are therefore unaware of what file folder Mr. Weisberg has in mind. If you have any question about this, please contact me.

We would appreciate it if you would pass this information along to Mr. Weisberg, and we assume that you will take steps to have this lawsuit dismissed before the hearing set by the Court on July 7, 1970 on all pending motions.

Sincerely yours,

Carl Eardley

CARL EARDLEY
Deputy Assistant Attorney General

Coq d'Or Press ROUTE 8, FREDERICK, MD. 21701
C. e301/473-8186

6/2/70

Mr. H. Richards Rolepp
Room 4112
Department of Justice
Washington, D.C.

Dear Mr. Rolepp,

When you gave me the copies of the papers I had requested pursuant to Civil Action 718-70 this morning you said that while you had no personal knowledge, you assumed it included all I had requested. You also told me to write you if this were not the case.

On checking these papers against the list, I find the first and last items missing. The first is the file cover, the last a simple letter informing me that, in fact, I have been given access to the entire file that is the subject of this action. Those who showed it to me are in the same position you are, having no way of knowing. I did not ask that this be signed by anyone in the Civil Division or anyone in particular. I presume there is someone who knows that this is the case and can write the letter for his own or another signature.

Before I was shown anything your Department moved, I think premeturely, to have the case considered moot. In response, I asked my lawyer to inform the court that as soon as I had received copies of what I asked for I would move to dismiss the case. This I will still do.

I enclose 25¢ to pay for the single sheet to be copied, the indetifying cover of the file.

Sincerely,

Harold Weisberg

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