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Writer Doesn't Get Affidavits

A federal judge has issued a summary judgment against the Department of Justice Wednesday for failing to produce affidavits requested by Frederick writer Harold Weisberg, Weisberg said Wednesday night.

Weisberg has been seeking to procure affidavits used by the Department of Justice in extraditing James Earl Ray from Great Britain in connection with the Martin Luther King assasination. Martin Luther King assassination.

On August 12, Chief Justice Edward M. Curran of the Federal District Court of the District of Columbia ordered the Department of Justice to provide Weisberg with the documents within one week. The week expired Tuesday at 10:30 a.m.

The Justice Department failed to send a representative to appear in court Wednesday morning when the summary judgment was handed down, to "order, adjudge and decree that the defendant Department of Justice produce all documents demanded in plaintiff's (Weisberg's) complaint, including all documents which the court on the twelfth day of August, 1970, ordered said Department of Justice to produce within one week."

Weisberg is presently preparing a book on the Martin Luther King assassination, he said and needs remaining documents to complete his writing.

He has been supplied with most of the material requested, he said, but the Justice Department has withheld a print of one photograph, a copy of the envelope containing the affidavits, and a letter saying he (Weisberg) has had access to the entire file.

"The question is," Weisberg commented, "how do you hold the Department of Justice in contempt? If I disobeyed a court order, they'd throw me in jail and throw away the key."

Weisberg labelled the Department's behavior especially inappropriate for a "law and order administration," adding: "Law and order is like charity; it ought to begin at home."

"These people are just power mad, in contempt of the courts, the people, and of justice," he said.