IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG
Route 8
Frederick, Maryland,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,
10th & Constitution Avenue, N.W.
Washington, D.C.

and

U.S. DEPARTMENT OF STATE,
Virginia Avenue, N.W.
Washington, D.C.,

Defendants.

CIVIL ACTION

NO. 718-70

SUPPLEMENT TO DEFENDANTS' MOTION TO DISMISS AND OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Defendants, by their undersigned attorneys, hereby supplement their Motion to Dismiss this action and their Opposition to Plaintiff's Motion for Summary Judgment. The grounds for the Motion and Opposition are that plaintiff has been given access to the papers requested in this public information suit and therefore this case is moot. In further support of that Motion and Opposition, defendant respectfully refers the Court to the Affidavit of David J. Anderson filed herewith.

Respectfully submitted,

WILLIAM D. RUCKELSHAUS
Assistant Attorney General

HARLAND F. LEATHERS

DAVID J. ANDERSON

Attorneys, Department of Justice
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Supplement To Defendants' Motion To Dismiss And Opposition To Plaintiff's Motion For Summary Judgment this 14th day of August, 1970 upon plaintiff by mailing a copy, postage prepaid, to his attorney:

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

AFFIDAVIT

DISTRICT OF COLUMBIA } ss:

I, DAVID J. [redacted], being duly sworn, hereby depose and say as follows:

1. I am [redacted] assigned to prepare the defense of the within action. I am, therefore, fully familiar with the files of the Department of Justice relating to this matter.

2. On May 6, 1970 the Attorney General wrote to plaintiff's counsel advising him that plaintiff would be granted access to [redacted] documents filed by the United States with the Court in Tennessee in June-July, 1969 in the extradition proceedings by which James Earl Ray, the convicted killer of Dr. Martin Luther King, was returned to this country. A true copy of that letter is attached hereto as Exhibit 1 and made a part hereof.

3. On May 15, 1970 plaintiff was given access to [redacted] documents referred to in paragraph 2 above, and examined [redacted] documents at the offices of the Civil Division of the Department of Justice.