

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BERLARD P. LEASHERS

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

812001

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

RECEIVED

CITY OF WASHINGTON

CS:

DISTRICT OF COLUMBIA

I, DAVID J. ARONSON, being duly sworn, hereby depose and say as follows:

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 the plaintiff's counsel advising that the plaintiff would be granted access to all documents filed by the United States with the Court in England in June-July, 1968 in the extradition proceedings by which James Earl Ray, the convicted killer of Dr. Martin Luther King, was brought to this country. A true copy of this letter is attached hereto as Exhibit 1 and page 3 part 2.

3. On May 23, 1970 plaintiff and plaintiff's counsel agreed to its paragraph 2 above, and executed and forwarded to the office of the chief justice of the District of Columbia...