

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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MICHAEL MEEROPOL, et ano,  
Plaintiffs

Civil Action  
No. 75-1121

- against -

EDWARD J. LEVI, et al,  
Defendants.

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MOTION TO PUNISH FOR CONTEMPT

Upon the files and records of this case, and upon the proceedings heretofore had, the orders of this Court dated August 1, 1975 and August 27, 1975, the affidavit of Marshall Perlin sworn to the 22nd day of December, 1975 and pursuant to 5 U.S.C. §(a)(4)(G) and 18 U.S.C. §401, the plaintiffs move this Court for an order against defendant Clarence M. Kelley, Thomas H. Bresson and Cornelius G. Sullivan, agents and employees of the FBI, and all other persons in active concert and participation with them:

1. Holding and adjudging said persons guilty of contempt of this Court's orders of August 1, 1975 and August 27, 1975 in that they:

(a) Failed to comply with and disobeyed

paragraph 1 of the order of this Court of August 27, 1975 in failing to file and serve upon plaintiffs by October 1, 1975 "an itemized inventory of each and every document . . . in defendants' custody, possession and control" as requested by plaintiffs and as set forth in Exhibit A attached to the order of the Court of August 1, 1975;

(b) Failing to comply with and disobeying paragraph 2 of the order of August 27, 1975 in not delivering to plaintiffs an inventory of "each and every document in defendants' custody, possession and control" as requested pursuant to Exhibit A attached to the order of August 1, 1975 and Exhibit 1 attached to the order of August 27, 1975;

(c) In failing to comply with and disobeying the provision of paragraph 4 of the order of this Court of August 27, 1975 in failing and refusing to inventory or identify documents without leave or application to this Court made and filed before October 11, 1975;

(d) In failing to comply with and disobeying paragraph 8 of the Court's order of August 27, 1975 in not filing an "itemization with detailed refusal justification, and with indexing and cross-referencing that correlates the statements in defendants' refusal

justification" with the documents claimed to be exempt; and failing pursuant to said provision of the order to make available to the plaintiffs for examination the documents, as well as provide true copies thereof, for which no claim of exemption is made in whole or in part; and

(e) In furtherance of their disobedience and refusal to comply with the Court's orders, without warrant and unlawfully withholding documents, or imposing unauthorized preconditions for the delivery of purported copies of non-exempt documents;

2. Directing the aforesaid named persons to pay compensatory damages and exemplary damages for the non-compliance and refusal to obey the aforesaid orders of the Court and the attorneys' fees and costs arising out of said noncompliance, including the preparing and bringing on of this motion and remedial fines on a per diem basis until full compliance with this Court's orders is obtained;

3. To direct the named persons to deliver forthwith to the Clerk of this Court all of the files, records and documents requested by the plaintiffs whether found in the central headquarters or the field offices of the

FBI. Said files and records and documents to remain in the custody and control of this Court until the conclusion of this action;

4. Deliver forthwith to the plaintiffs all purported copies of documents heretofore tendered and not claimed to be exempt, without cost of reproduction or any other costs or charges;

5. Make available to the plaintiffs the originals of all documents in their files of those documents of which purported copies have been made, for examination, inspection and comparison;

6. That a master be appointed by this Court who shall undertake the control of the aforesaid files and documents and effect the making of inventories in accordance with this Court's orders;

7. The FBI and the named persons file justifications for any refusals and withholding of production of documents to the plaintiffs in the manner, form and content as provided by the orders of this Court, or, in the alternative, within seven (7) days thereafter and upon the failure of the FBI and the named persons complying herewith, an order finding that all claimed exemptions are waived; and

8. In the event the above named persons and the FBI fail to comply with the mandates of

this Court's orders of August 1, 1975 and August 27, 1975 and orders entered on this motion that they shall forthwith be remanded to the custody of the United States Marshal for the District of Columbia to be imprisoned until such time as said orders have been complied with.

Respectfully submitted,

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