

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....
: HAROLD WEISBERG,
: Plaintiff,
: v. Civil Action No. 75-1448
: GENERAL SERVICES ADMINIS-
: TRATION,
: Defendant
:

PLAINTIFF'S INTERROGATORIES

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, plaintiff addresses the following interrogatories to the defendant General Services Administration:

1. When was the transcript of the June 23, 1964, Warren Commission executive session originally classified Top Secret?
 - a. By whom?
 - b. Pursuant to what Executive Order or other authority?
2. When was the transcript of the January 21, 1964, Warren Commission executive session, or any portion thereof, originally classified Top Secret?
 - a. By whom?
 - b. Pursuant to what Executive Order or other authority?
3. Was the entire January 21, 1964, executive session transcript originally classified Top Secret? If not, list all pages of that transcript which were originally classified Top Secret?
4. Was the person or persons who classified the June 23rd and January 21st executive session transcripts authorized to class-

ify documents Top Secret? By what authority?

5. Was the June 23, 1964, executive session transcript ever given to any of the following federal agencies:

- a. The Central Intelligence Agency?
- b. The Federal Bureau of Investigation?
- c. The Office of Naval Intelligence?
- d. The Defense Intelligence Agency?
- e. The National Security Agency?
- f. The Department of Justice?
- g. The Department of Defense?

6. List any other agencies to which the June 23, 1964, executive session transcript was given.

7. State the date on which each agency identified in response to interrogatories 5 and 6 was given the June 23, 1964, executive session transcript.

8. Was the January 21, 1964, Warren Commission executive session transcript ever given to any of the following federal agencies:

- a. The Central Intelligence Agency?
- b. The Federal Bureau of Investigation?
- c. The Office of Naval Intelligence?
- d. The Defense Intelligence Agency?
- e. The National Security Agency?
- f. The Department of Justice?
- g. The Department of Defense?

9. List any other agencies to which the January 21, 1964, executive session transcript was given.

10. State the date on which each agency identified in response to interrogatories 8 and 9 was given the January 21, 1964, executive session transcript.

11. List the names of all persons who have been given copies of or who have had access to the June 23, 1964, executive session transcript and state:

a. The date on which each person listed was given a copy of or had access to this transcript;

b. The employer of each person listed.

12. List the names of all persons who have been give copies of or who have had access to the January 21, 1964, executive session transcript and state:

a. The date on which each person listed was given a copy of or had access to this transcript;

b. The employer of each person listed;

c. Whether the copy or access given to each person listed included pages 63-73 of this transcript.

13. Do the January 21, 1964, and June 23, 1964, Warren Commission executive session transcripts indicate on their face whether they are subject to the General Declassification Schedule? Are they?

14. If either transcript is exempt from the General Declassification Schedule, which exemption is claimed?

15. Is Yuri Ivanovich Nosenko the subject of the June 23, 1964, executive session transcript?

16. Did any of the United States Attorneys representing the defendant examine either the January 21st or the June 23rd transcript before October 8, 1975. If the answer is yes, which ones, and on what dates?

17. Has any attorney for the Department of Justice or the Central Intelligence Agency ever read or examined either the January 21st or June 23rd transcripts? State the names of any who have and the dates on which they read or examined the transcripts.

18. Executive Order 11652 states that: "The test for assigning 'Top Secret' classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security." Which of the following criteria for determining "exceptionally grave damage to the national security" (listed in Section 1(A) of Executive Order 11652) were used as a basis for classifying the January 21 and June 23, 1964 transcripts Top Secret:

- a. armed hostilities against the United States or its allies?
- b. disruption of foreign relations vitally affecting the national security?
- c. the compromise of vital national defense plans or complex cryptologic and communications intelligence systems?
- d. the revelation of sensitive intelligence operations?
- e. the disclosure of scientific or technological developments vital to national security?

19. Are the January 21 and June 23 transcripts presently classified Confidential? Who classified them Confidential and on what date?

20. State all dates on which the January 21 and June 23 transcripts have had their security classification reviewed, the person or persons conducting such reviews, and the results of each such review.

21. Is Mr. Charles A. Briggs, Chief of the CIA's Services Staff, authorized to originally classify information or material Top Secret?

22. On what date(s) did Mr. Briggs first view the January 21 and June 23, 1964, executive session transcripts?

23. In his May 22, 1975, letter to Mr. Lesar (See Complaint Exhibit D), Deputy Archivist James E. O'Neill asserted that the January 21 and June 23, 1964, transcripts are "specifically exempted from disclosure by statute." What statute specifically exempts these transcripts from disclosure?

24. How many executive sessions did the Warren Commission hold? How many transcripts of those executive sessions does the GSA now claim are exempt under:

- a. 5 U.S.C. §552(b) (1)?
- b. 5 U.S.D. §552(b) (3)?
- c. 5 U.S.D. §552(b) (5)?
- d. 5 U.S.C. §552(b) (7)?

25. Executive Order 11652 states that: "The test for assigning 'Confidential' classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security." Describe the kind of damage to the national security which could reasonably be expected to result from the disclosure of the January 21 and June 23, 1964, Warren Commission executive session transcripts.

Please note that under Rule 33 of the Federal Rules of Civil Procedure you are required to serve upon the undersigned, within 30 days after service of this notice, your answers in writing and under oath to the above interrogatories.

JAMES HIRAM LESAR
1231 Fourth Street, S. W.
Washington, D. C. 20024

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 28th day of October, 1975, mailed a copy of the foregoing Interrogatories to Assistant United States Attorney Michael J. Ryan, United States Courthouse, Room 3421, Washington, D. C. 20001.

JAMES HIRAM LESAR