

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
DEC 28 1975
JAMES P. RAYEY
CLERK

.....
HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 75-1448

GENERAL SERVICES ADMINIS-
TRATION,

Defendant
.....

MOTION TO COMPEL ANSWERS TO INTERROGATORIES

Comes now the plaintiff and moves the Court for an order re-
quiring the defendant to file answers to the interrogatories which
were served on him by mail on October 28, 1975.

Pursuant to Rule 37(a) (4) of the Federal Rules of Civil Pro-
cedure, plaintiff further moves the Court to award plaintiff the
reasonable expenses, including attorney's fees, incurred in ob-
taining said order.

A Memorandum of Points and Authorities is attached hereto.

Respectfully submitted,

James H. Lesar

JAMES HIRAM LESAR
1231 Fourth Street, S. W.
Washington, D. C. 20024
Phone: 484-6023

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 26th day of December, 1975, mailed a copy of the foregoing Motion to Compel Answers to Interrogatories to Assistant United States Attorney Micahel J. Ryan, Room 3421, United States Courthouse, Washington, D. C. 20001.

James H. Lesar

JAMES HIRAM LESAR

10501. Although the government produced two affidavits to that effect, one by the Warren Commission's former General Counsel, Mr. J. Lee Rankin, and the other by the Archivist of the United States, Dr. James B. Rhoades, both committed perjury. On the basis of answers to interrogatories and Mr. Weisberg's counteraffidavits, Judge Gerhardt Gesell ruled that the January 27 transcript had never been properly classified Top Secret. When the government finally made the January 27 transcript available, its content showed that there had never been any basis for suppressing it under the guise of national security classification. The claim that the January 27 transcript had been classified pursuant to Executive Order 10501 was fraudulent from the very beginning.

The instant case also involves a suit for transcripts of Warren Commission executive sessions. Again the government is claiming that these transcripts are exempt from disclosure on grounds of national security. As he did in his suit for the January 27 transcript, plaintiff seeks to demonstrate through interrogatories that this claim is also fraudulent. Many of the interrogatories filed in this case are similar or identical to those filed in the suit for the January 27 transcript. There is, therefore, no excuse for not having answered them within the time allowed by the federal rules.

Plaintiff has a right to have his interrogatories answered. In National Cable Television Association, Inc. v. F.C.C., 156 App. D. C. 91, 479 F. 2d 183 (1973), the United States Court of Appeals for the District of Columbia Circuit mandated the district court to utilize the discovery procedures afforded by the Civil Rules in Freedom of Information Act cases. The defendant should be

compelled to comply with the procedures prescribed by the Court of Appeals and forced to answer plaintiff's interrogatories forthwith.

James H. Lesar

JAMES HIRAM LESAR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

This cause having come on to be heard on motion of the plaintiff for an order compelling defendants to answer the interrogatories served on them on May 2, 1975, and the court having heard the argument of counsel and being fully advised, it is hereby ORDERED, that the defendant serve within 10 days after service of this order verified answers to the interrogatories served on the defendant on October 28, 1975.

It is further ORDERED, that the defendant pay plaintiff \$_____ as the reasonable expenses incurred in obtaining this order, and pay \$_____ in addition to plaintiff for attorney's fees in connection herewith.

Dated: _____.

UNITED STATES DISTRICT JUDGE