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	UNITED STATES DI FOR THE DISTRICT			
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HAROLD WEISBERG,	Plaintiff,		JAMES	F. PAYEY CLERK
٧.	•	Civil A	Action No. 7	5-1448
GENERAL SERVICES TRATION,	ADMINIS-			•
	Defendant :			

MOTION TO COMPEL ANSWERS TO INTERROGATORIES

Comes now the plaintiff and moves the Court for an order requiring 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 Procedure, plaintiff further moves the Court to award plaintiff the reasonable expenses, including attorney's fees, incurred in obtaining said order.

A Memorandum of Points and Authorities is attached hereto.

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Respectfully submitted,

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

Attorney for Plaintiff

CERTIFICATE OF SERVICE

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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.

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JAMES HIRAM LESAR

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

v.

Plaintiff,

Civil Action No. 75-1448

GENERAL SERVICES ADMINIS-TRATION, Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

On October 28, 1975, plaintiff served interrogatories on the defendant. Nearly a month after the answers to these interrogatories were due, they still have not been received.

This is part of a deliberate tactic of stonewalling plaintiff's information requests. Time and again plaintiff, who the government well knows is without the financial resources to pay an attorney, has been forced to sue for documents for which there never was any possible basis for withholding except that of embarrassment to the government.

A case in point is an earlier suit which plaintiff brought against this defendant, <u>Weisberg v. General Services Administra-</u> <u>tion</u>, Civil Action No. 2052-73. The subject of that suit was the transcript of the executive session of the Warren Commission held on January 27, 1964. Although extensive parts of that transcript had been quoted--out-of-context--in Congressman Gerald Ford's <u>Portrait of the Assassin</u>, the GSA continued to maintain that it was classified Top Secret in accordance with Executive Order

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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 <u>National Cable Television Association, Inc. v. F.C.C.</u>, 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

ლა ია იაკანიდი გაითაი ია იგოდია ფანიკი და ხდგავლიდი და იამი გამი გაითა იამოი იამო ი იამო და იამოლითავი და მეგა ი ია

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: 3 compelled to comply with the procedures prescribed by the Court of Appeals and forced to answer plaintiff's interrogatories forthwith. JAMES HIRAM LESAR 334. _ම ෝස<mark>ුරුද්දුවරුව</mark> හි ගත්ත හර සිටින් ප්රති හැකින් සහ සිටින් සහ සිටින් සහ සහ ස 299. Ser. 1

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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HAROLD WEISBERG,

v.

Plaintiff,

Civil Action No. 75-1448

GENERAL SERVICES ADMINIS-TRATION,

Defendant

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:

ლიალაკის და იამითის დი იიმი თა იიმიდის გადავალი ისის და იამიებითველი და ისის და ისის და ისის და ისის და ისის და

UNITED STATES DISTRICT JUDGE

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