

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 75-1996

U.S. DEPARTMENT OF JUSTICE

Defendant.

DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO
REQUIRE DETAILED JUSTIFICATION, ITEMIZATION,
AND INDEXING

Plaintiff states that "[i]t is well established in the circuit that the government must provide Freedom of Information Act plaintiffs with a detailed and specific justification . . . for their refusal to disclose requested documents" (Plaintiff's Memorandum, p.2). However, this statement ignores two significant facts. The first is that a detailed index need not be compiled in every Freedom of Information Act suit. Vaughn v. Rosen, 484 F.2d 820 (D.C.Cir. 1973), cert. denied, 415 U.S. 977 (1974); Exxon Corporation v. FTC, 384 F. Supp. 755 (D.D.C. 1974); Mitsubishi Electric Corporation v. U.S. Department of Justice, Civil No. 76-813 (D.D.C. June 8, 1976).

The second, and dispositive fact, is that the stipulation filed by the parties on August 12, 1977, enumerates certain obligations to be performed by the Federal Bureau of Investigation, and then states "upon defendants' performance of these commitments by the specified dates, plaintiff will forego completely the filing of [a motion to require a Vaughn v. Rosen showing]" (Stipulation, p.2; emphasis added). Because defendant has complied with the terms of the stipulation, plaintiff has waived his right to a detailed index.

August 1977, defendant has requested plaintiff to produce a single, comprehensive, non-narrative, itemized list of his objections. This plaintiff has not done. 1/

For the foregoing reasons, plaintiff's Motion should be denied.

Respectfully submitted,

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1/ Defendant is, of course complying with the Court's Bench Order of June 26, 1978, to review plaintiff's objections contained in his November 3, 1977, letter. However, the November 3 letter is not, in all instances, clear as to what specific objections plaintiff makes. This and other problems raised by the November 3 letter will be addressed by defendant in its response to the Court's Order.

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June, 1978, I served a copy of the foregoing Defendant's Opposition To Plaintiff's Motion To Require Detailed Justification, Itemization, and Indexing upon plaintiff's counsel, by causing a copy to be mailed, postage prepaid, to:

James Lesar, Esq.
910 10th St., N.W.
Washington, D.C. 20006

Betsy Ginsberg
BETSY GINSBERG, Attorney

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ORDER

Upon consideration of plaintiff's Motion To Require Detailed Justification, Itemization, and Indexing, and defendant's Opposition thereto, it is by the Court this _____ day of July 1978,

ORDERED, that plaintiff's Motion be and hereby is denied.

UNITED STATES DISTRICT JUDGE