

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Phillip Mogen, Chief  
Litigation Unit, Freedom of Information  
Federal Bureau of Investigation

FROM : Jeffrey Axelrad, Chief  
Information and Privacy Unit

SUBJECT: Civil Division

DATE: December 5, 1975

REGreenspan:wr,  
145-12-2521

Tel: 202-739-4263

Harold Weisberg v. U.S. Department of Justice  
U.S.D.C. D. D.C., No. 75-1996

Enclosed is a copy of the complaint in the above-entitled matter filed pursuant to 5 U.S.C. §552.

Because the Freedom of Information Act provides that FOI cases take precedence on the docket, we would appreciate your providing us a litigation report in duplicate by December 19, 1975 if possible, which report should include the following:

1. A statement as to the manner, place, and time of plaintiff's request to your office to make the records involved available for his inspection, including four copies--one certified-- of any documents or other memoranda incorporating plaintiff's request.
2. Five copies--one certified--of any correspondence or memoranda of any communication, written or oral, between your office and the plaintiff concerning plaintiff's request for the records involved.
3. If the records have been identified and located a detailed description or summary of the records involved and a statement as to their current location. If it has not been possible to identify or locate the records, please include a statement to this effect.
4. Two copies of any correspondence or memoranda within your office showing the administrative processing of the plaintiff's request.

EX-111

REC-51

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Dept of Justice  
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5. A statement of the reason or reasons why in the opinion of your office the record involved should not be made available. Such reasons should be related as directly as possible to the statute, as for example, that the record is available under subsection (a)(1) or (a)(2) of the Act, that the record is exempted from disclosure by some other statute or that the record is within one or more of the other exemptions of subsection (b) of the Act, or that the plaintiff did not comply with the applicable regulations in requesting the record. Where the record falls within one or more of the exemptions of subsection (b) of the Act, such exemption should be specifically identified and discussed.

We suggest that you include in the affidavit or affidavits a statement of facts demonstrating the manner in which production of the records requested would prejudice the operation of your office.

6. Executed original and five copies of an affidavit setting forth facts establishing any defenses you think pertinent. If there are any questions on the form of this affidavit, Richard E. Greenspan (187-4263) of our office will do his best to assist you.

7. The name and telephone number of the attorney in your office who will be familiar with this.

Enclosure

cc: United States Attorney  
Washington, D.C. 20001