

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Legal Coun.	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Telephone Rm.	_____
Director Sec'y	_____

TO : Mr. J. B. Adams

DATE: 2/20/76

FROM : Legal Counsel *[Handwritten Signature]*

SUBJECT: HAROLD WEISBERG v.
U.S. DEPARTMENT OF JUSTICE
(U.S.D.C., D.C.)
CIVIL ACTION NO. 75-1996

[Handwritten: Blake]

Reference is made to memorandum of Legal Counsel to Mr. Adams dated 2/10/76, which indicated that defendants would move for a protective order as regards Plaintiff's First Set of Interrogatories, which plaintiff had apparently filed in order to receive answers which he felt would support his position that he has not been furnished all information he requested from us pursuant to the FOIA.

Referenced memorandum attached a copy of an affidavit to be utilized by the Department in support of a motion to dismiss, or in the alternative, for summary judgment on the grounds of mootness.

On 2/11/76, Assistant United States Attorney (AUSA) Dugan, District of Columbia, telephonically advised Special Agent Parle Thomas Blake of our Legal Counsel Division that on that date the court had denied our motion for a protective order, and had given us 10 days within which to answer the interrogatories. Dugan indicated that he had not yet received the affidavit, a copy of which had been enclosed with referenced memorandum. He stated that, as soon as he received it, he would make a determination as to whether

Enclosure *[Handwritten: JOM]*
ENCLOSURE

- 1 - Mr. Cochran
Attn: Mr. Kilty
- 1 - Mr. Gallagher
Attn: Mr. Helterhoff
- 1 - Mr. McDermott
Attn: Mr. Wiseman
- 1 - Mr. Moore
Attn: Mr. Gunn
- 1 - Mr. Mintz
- 1 - FOIA Litigation (Blake)

CONTINUED - OVER

EX-116
REC-42

[Handwritten: 100-21157-54]
[Handwritten: 197-184-X3]
4 MAR 2 1976

PTB:lsy *[Handwritten: 1764]*

[Handwritten: 11-2-B-1111]



Memorandum to Mr. J. B. Adams
Re: Harold Weisberg v.
U. S. Department of Justice
(U.S.D.C., D.C.)
Civil Action No. 75-1996

we could utilize it in support of a motion for summary judgment or dismissal, and thus still avoid having to answer the interrogatories. Special Agent Blake advised him that a great deal of work on our part would be necessary in order to answer the interrogatories, and therefore we would have to be advised of his decision as soon as possible. Dugan indicated understanding of this problem and stated that he would immediately advise Special Agent Blake upon reaching a decision.

Not having heard from Dugan by 5:00 p.m. on 2/13/76, Special Agent Blake called his office, and was advised by Dugan's secretary that Dugan had received the affidavit on 2/12/76, but he had left his office and would not be back until the morning of 2/17/76. Special Agent Blake left a message for AUSA Dugan to call him as soon as he arrived in his office on the morning of 2/17/76. Still not having heard from AUSA Dugan by 10:00 a.m. on 2/17/76, Special Agent Blake again called his office, at which time Dugan advised him that he and Department Attorney Richard Greenspan felt the interrogatories would have to be answered despite the objections raised to them in the affidavit.

Attached hereto is one copy of Defendant's Answer To Plaintiff's First Set Of Interrogatories, which must be filed with the United States District Court for the District of Columbia by Monday, 2/23/76, but which Greenspan and Dugan indicated they need by Friday, 2/20/76, in order to prepare their brief.

RECOMMENDATION:

That approval be given for immediate hand-carrying of the original of Defendant's Answer To Plaintiff's First Set Of Interrogatories to Departmental Attorney Greenspan so that he also may sign it, and then furnish the original and the appropriate number of copies to AUSA Dugan.

ABM

WHD/abm

*JBA
JCA*

*original
2/23/76
2/23/76
2/23/76*