

1/20/78

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 77-1997

CENTRAL INTELLIGENCE AGENCY,

Defendant.

ANSWER

Defendants, by their attorneys, hereby answer as follows:

First Defense

The Amended Complaint fails to state a claim upon which relief can be granted.

Second Defense

The Court lacks jurisdiction over the subject matter of this action in that the records at issue herein have not been improperly withheld from the plaintiff within the meaning of 5 U.S.C. §552.

Third Defense

In response to the numbered paragraphs of the Amended Complaint, defendants hereby admit, deny and otherwise aver as follows:

1. This paragraph characterizes the action and sets forth conclusions of law which do not require an answer, but insofar as an answer may be deemed appropriate, it is denied.
2. Deny, for lack of information and knowledge sufficient to form a belief as to the truth of the allegations.
3. Admit.
4. Deny, except to admit the authenticity of plaintiff's letter to the Central Intelligence Agency (hereinafter referred

to as the CIA) dated June 11, 1976, a copy of which is attached to the Amended Complaint as "Plaintiff's Exhibit 1," to which the Court is respectfully referred for a complete and accurate statement of the terms thereof.

5. Deny, except to admit the authenticity of a CIA letter to plaintiff dated June 21, 1976, a copy of which is attached to the Amended Complaint as "Plaintiff's Exhibit 2," to which the Court is respectfully referred for a complete and accurate statement of the terms thereof.

6. Deny, except to admit the authenticity of a CIA letter to plaintiff dated November 30, 1976, a copy of which is attached to the Amended Complaint as "Plaintiff's Exhibit 3," to which the Court is respectfully referred for a complete and accurate statement of the terms thereof.

7. Deny, except to admit the authenticity of a letter from plaintiff to the CIA dated December 3, 1976, a copy of which is attached to the Amended Complaint as "Plaintiff's Exhibit 4," to which the Court is respectfully referred for a complete and accurate statement of the terms thereof, and to further admit that the \$500 check was cashed by the CIA.

8. Deny, except to admit the authenticity of a letter from plaintiff to the CIA dated December 27, 1976, a copy of which is attached to the Amended Complaint as "Plaintiff's Exhibit 5," to which the Court is respectfully referred for a complete and accurate statement of the terms thereof.

9. Deny, except to admit the authenticity of CIA letters to plaintiff dated January 13, 1977, and April 26, 1977, copies of which are attached to the Amended Complaint as "Plaintiff's Exhibit 6" and "Plaintiff's Exhibit 7," respectively, to which the Court is respectfully referred for a complete and accurate statement of the terms thereof.

10. Deny, except to admit the authenticity of a CIA letter to plaintiff dated April 26, 1977, a copy of which is attached to the Amended Complaint as "Plaintiff's Exhibit 7," to which the Court is respectfully referred for a complete and accurate statement of the terms thereof, and to aver that defendant CIA has not provided plaintiff any additional records responsive to the subject Freedom of Information Act request.

11. Deny, except to admit the authenticity of a National Security Agency letter to plaintiff dated November 22, 1977, a copy of which is attached to the Amended Complaint as "Plaintiff's Exhibit 8", to which the Court is respectfully referred for a complete and accurate statement of the terms thereof.

12. This paragraph sets forth conclusions of law which do not require an answer, but insofar as an answer may be deemed appropriate, it is denied.

Each and every allegation not heretofore expressly admitted or denied is denied.

Defendants deny that plaintiff is entitled to the relief prayed for or to any relief whatsoever.

10. Deny, except to admit the authenticity of a CIA letter to plaintiff dated April 26, 1977, a copy of which is attached to the Amended Complaint as "Plaintiff's Exhibit 7," to which the Court is respectfully referred for a complete and accurate statement of the terms thereof, and to aver that defendant CIA has not provided plaintiff any additional records responsive to the subject Freedom of Information Act request.

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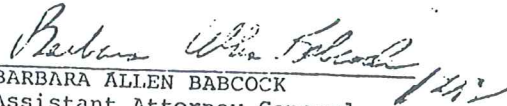
12. This paragraph sets forth conclusions of law which do not require an answer, but insofar as an answer may be deemed appropriate, it is denied.

Each and every allegation not heretofore expressly admitted or denied is denied.

Defendants deny that plaintiff is entitled to the relief prayed for or to any relief whatsoever.

Wherefore, defendants, having fully answered, respectfully pray that this action be dismissed with prejudice and that they be granted their costs.

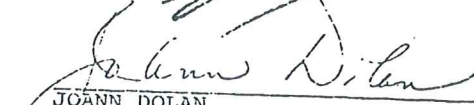
Respectfully submitted,

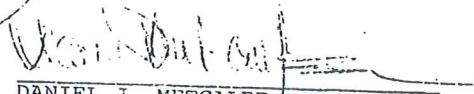

BARBARA ALLEN BABCOCK
Assistant Attorney General

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United States Attorney


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JOANN DOLAN


DANIEL J. METCALFE

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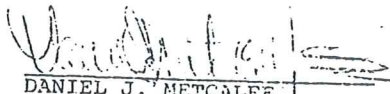
Attorneys for Defendants.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served the foregoing Answer upon plaintiff by depositing a copy thereof in the United States mail, first class, postage prepaid, to:

James H. Lesar, Esq.
910 16th Street, N.W.
Suite No. 600
Washington, D.C. 20006

on this 20th day of January, 1978.


DANIEL J. METCALFE

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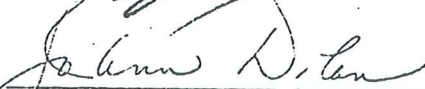
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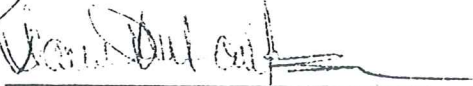

BARBARA ALLEN BABCOCK
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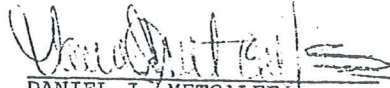
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