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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, )  
 )  
Plaintiff, )  
 )  
v. ) Civil Action No. 77-1997  
 )  
CENTRAL INTELLIGENCE )  
AGENCY, et al., )  
 )  
Defendants. )

Washington, D. C.  
March 22, 1978

The above-entitled matter came on for status  
hearing before THE HONORABLE JOHN LEWIS SMITH, JR., United  
States District Judge, at 9:30 a.m.

APPEARANCES:

On behalf of the Plaintiff:  
JAMES LESAR, ESQ.

On behalf of the Defendants:  
MISS JOANN DOLAN

DAWN T. COPELAND  
OFFICIAL COURT REPORTER

P R O C E E D I N G S

DEPUTY CLERK: Harold Weisberg v. CIA. Civil Action  
No. 77-1997.

Mr. Lesar and Miss Dolan.

THE COURT: Good morning.

MISS DOLAN: Good morning.

THE COURT: What is the situation here?

MISS DOLAN: Speaking for the Government, I consulted  
with both clients, the Central Intelligence Agency and the  
National Security Agency.

I am informed as to the National Security Agency  
that all of the documents were processed and denied, as it  
appears in the complaint and correspondence attached thereto.

The National Security Agency is planning on filling  
out an affidavit and on the basis of that affidavit, we will  
move for summary judgment in the future.

In regard to the Central Intelligence Agency, and  
in the processing of their documents, they divided the docu-  
ments into two categories, those that pertain to James  
Earl Ray and those that pertain to Martin Luther King.

The James Earl Ray documents were processed in  
1977. That processing was based on a privacy waiver that was  
received from Mr. Ray.

The documents pertaining to Martin Luther King were  
not processed until the commencement of this action because

1 we were awaiting privacy waivers.

2 They are currently in the process. That processing  
3 should be completed in about 30 days at which point we would  
4 then begin to prepare for our motion for summary judgment as  
5 to the Central Intelligence Agency.

6 I would estimate that we could move on the motion  
7 for summary judgment within 30 days and on the Central  
8 Intelligence Agency within 60 days.

9 THE COURT: Should they not be combined?

10 MISS. DOLAN: Well, our feeling was that because  
11 they were separate documents and separate theories that it  
12 might be simpler to do them separately.

13 THE COURT: Mr. Lesar.

14 MR. LESAR: Your Honor, Jim Lesar representing  
15 Harold Weisberg, the plaintiff.

16 I think the nature of the case at present is --  
17 from plaintiff's point of view there is -- there is going to  
18 have to be some discovery taken and probably a Vaughn v.  
19 Rosen motion, and I would expect to be able to file both of  
20 those motions within the next ten days.

21 I think it is going to be particularly necessary  
22 in view of the exemptions claimed by the NSA and the CIA which  
23 rely on Exemptions B-1 and B-3, ostensibly.

24 We will need some discovery on those matters before  
25 we can deal with the summary judgment question.

1 THE COURT: How long will you need for discovery?

2 MR. LESAR: That depends upon -- well, what it really  
3 boils down to is whether or not this Court will allow us to  
4 take tape recorded depositions. There is authority for that  
5 in the Colonial Times v. Gasch case and I would submit a  
6 motion for that if the --

7 THE COURT: I am familiar with the authority and I  
8 have granted permission in the past, but I have found it not  
9 too satisfactory from the standpoint of counsel.

10 MR. LESAR: Well, I have a situation where I have  
11 very little alternative because of the lack of financial  
12 resources of my client. I will discuss it with him and see  
13 how he wishes to proceed. I may have to put that sort of  
14 motion before the Court.

15 THE COURT: You will have ten days to file your motion,  
16 the Vaughn v. Rosen motion.

17 In view of that situation, would that apply to both  
18 the CIA and the NSA?

19 MR. LESAR: Yes.

20 THE COURT: Under those circumstances both sides will  
21 have an additional 60 days to complete discovery and to file  
22 any appropriate motions.

23 MR. LESAR: I would mention just one other matter.  
24 Perhaps the complaint refers to the quality of the -- the lack  
25 of quality of the xerox copies already given the plaintiff.

1           Of the approximately 390 pages of documents that the  
2 CIA provided about 364 were newspaper clippings and the  
3 quality of the xerox copies are extremely poor. I would like  
4 to ask the Government to do something to get us some good  
5 copies.

6           THE COURT: I believe I am familiar with some of  
7 those clippings.

8           MISS DOLAN: I consulted with the Central Intelli-  
9 gence Agency on that point. I think it was directed to them.  
10 There were two questions involved and one is whether we should  
11 xerox the short pages on the short letter sized paper and  
12 the long pages on the long paper, and we found -- the deter-  
13 mination was made that that is more time-consuming and more  
14 costly. I did not discuss with the client the quality of the  
15 xeroxing. I don't know if that is the quality of the records  
16 in the file or not.

17           THE COURT: They are quite voluminous also, are they  
18 not?

19           MISS DOLAN: They are voluminous and I understand  
20 there are duplications, and it may be that their quality is  
21 poor.

22           THE COURT: I think actually Mr. Lesar has a point  
23 and with reference to the release of date 19 August 1976,  
24 that is almost illegible.

25           But what they can do to improve the quality should

1 be done.

2 MISS DOLAN: I will mention that.

3 THE COURT: All right. That is 10 days for your  
4 motion and 60 days for all other motions and completion of  
5 discovery.

6 (Whereupon, the hearing was concluded.)

7

8 CERTIFICATE OF REPORTER

9 It is hereby certified by the undersigned reporter  
10 that the foregoing transcript is the official record of the  
11 above-entitled matter.

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OFFICIAL REPORTER

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