

UNION
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 78-0249

CLARENCE M. KELLEY, ET AL.,

Defendants.

DEFENDANTS' MOTION TO DISMISS
OR IN THE ALTERNATIVE MOTION
FOR SUMMARY JUDGMENT

Defendants, by and through counsel, hereby move the Court to dismiss this action or for summary judgment pursuant to Rules 12(b)(1) and (2) and 56 of the Federal Rules of Civil Procedure on the grounds that Clarence M. Kelley and Griffin Bell are not proper parties to this action and no documents have been improperly withheld within the meaning of 5 U.S.C. (a)(4)(B), and no genuine issue exists as to any material fact and defendants are entitled to judgment as a matter of law. In support of this motion, the Court is respectfully referred to the affidavit of David M. Lattin (dated April 28, 1978 and attached hereto as Exhibit 1), Special Agent (SA) of the Federal Bureau of Investigation (FBI), a supervisor in the Document Classification Review Unit in the Records Management Division at FBI Headquarters (FBIHQ), Washington, D.C., the affidavit of Horace P. Beckwith, (dated April 28, 1978 and attached hereto as Exhibit 2), Special Agent (SA) of the Federal Bureau of Investigation (FBI), assigned as a supervisor in the Freedom of Information-Privacy Acts Branch, Records Management Division at FBI Headquarters (FBIHQ), Washington, D.C., and

to defendants' Memorandum in Support of their Motion to Dis-
miss or, in the Alternative, Motion for Summary Judgment.

Respectfully submitted,

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