

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 78-0322

WILLIAM H. WEBSTER, et al.,

Defendants.

ANSWER

Defendants, by their attorneys, hereby answer as follows:

First Defense

The 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 no agency records have been improperly withheld within the meaning of 5 U.S.C. §552.

Third Defense

The Court lacks jurisdiction over the persons of William H. Webster and Griffin B. Bell in that they are not proper parties to this action.

Fourth Defense

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

1. Deny, as a conclusion of law.
2. Admit.
3. Deny, except to aver that William H. Webster is the Director of the FBI.
4. Deny, except to aver that Griffin B. Bell is Attorney General of the United States.

5. Admit.

6. Deny, except to aver that the Department of Justice is an agency of the United States.

7. Deny, except to aver receipt of a letter dated December 25, 1977, by the Dallas Field Office of the FBI, from plaintiff's attorney, James H. Lesar, a copy of which is attached hereto as Exhibit A, and to which the Court is respectfully referred for a full and complete statement of the contents thereof.

8. Deny, except to aver transmittal of a letter dated December 30, 1977, from James A. Abbott, Special Agent in Charge of the Dallas Field Office of the FBI, to plaintiff's attorney, James H. Lesar, a copy of which is attached hereto as Exhibit B, and to which the Court is respectfully referred for a full and complete statement of the contents thereof.

9. Deny, except to aver receipt of a letter dated January 6, 1978, by the Deputy Attorney General, from plaintiff's attorney, James H. Lesar, a copy of which is attached hereto as Exhibit C, to which the Court is respectfully referred for a full and complete statement of the contents thereof.

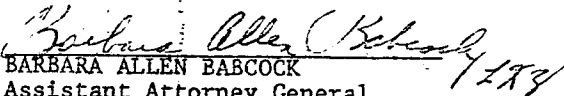
10. Deny, as a conclusion of law.

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

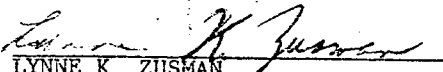
Defendants deny that plaintiff is entitled to the relief prayed for or to any relief whatsoever.

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

Respectfully submitted,


BARBARA ALLEN BABCOCK
Assistant Attorney General

EARL J. SILBERT
United States Attorney


LYNNE K. ZUSMAN


DANIEL J. METCALFE

Attorneys, Department of Justice
P.O. 7219
Washington, D.C. 20044
Tel: 739-4544

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, postage prepaid, first class mail, addressed to plaintiff's counsel, James H. Lesar, Esq., 910 16th Street, N.W., Washington, D.C. 20006, on this 30th day of March, 1978.



DANIEL J. METCALFE

Exhibit A

December 25, 1977

FREEDOM OF INFORMATION REQUEST

Special Agent in Charge
Dallas Field Office
Federal Bureau of Investigation
1810 Commerce Street
Dallas, Texas 75201

Dear Sir;

On behalf of a client, Mr. Harold Weisberg, I am requesting copies of all records on or pertaining to the assassination of President John F. Kennedy.

This request includes all records on or pertaining to persons and organizations who figured in the investigation into President Kennedy's murder that are not contained within the file(s) on that assassination, as well as those that are.

This request also includes all records on or pertaining to Lee Harvey Oswald, regardless of date or connection with the investigation into President Kennedy's assassination.

I would appreciate it if you could let me know the estimated volume of records involved in this request and when you expect to begin processing them in compliance with my client's request.

Sincerely yours,

James H. Lesar

Exhibit B



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

y. Please Refer to

200 Mercantile Continental Building
Dallas, Texas 75201
December 30, 1977

Mr. James H. Lesar
Attorney at Law
910 16th Street, N.W.
Suite 600
Washington, D.C. 20006

Dear Mr. Lesar:

This is to acknowledge receipt of your Freedom of Information Act request dated December 25, 1977, which you submitted to this office on behalf of your client, Mr. Harold Weisberg.

Your client, in all probability, is aware of the fact the Federal Bureau of Investigation Headquarters, Washington, D.C., has made a voluminous release of some of the records pertaining to the investigation of the assassination of President John F. Kennedy during December, 1977, pursuant to Freedom of Information Act requests. The records of this investigation are continuing to be processed pursuant to the provisions of the Freedom of Information Act and it is anticipated additional records will be released in the near future.

Since the Federal Bureau of Investigation Headquarters, Washington, D.C., has already made releases that fall within the scope of your request and is in the process of making additional releases as outlined above, your request on behalf of your client has been forwarded to Federal Bureau of Investigation Headquarters, Washington, D.C. Federal Bureau of Investigation Headquarters, Washington, D.C., will correspond with you directly concerning your client's request.

Very truly yours,

James A. Abbott
Special Agent in Charge

FBI/DOJ

RECEIVED

JAN 16 9 54 AM '78
FREEDOM OF INFORMATION
PRIVACY UNIT
CRIMINAL DIVISION

8-0123

Exhibit C

JAMES H. LESAR
ATTORNEY AT LAW
810 SIXTEENTH STREET, N. W. SUITE 800
WASHINGTON, D. C. 20005
TELEPHONE (202) 223-8587

RECEIVED
OFFICE OF THE
JAN 17 1 23 AM '78
DEPUTY
ATTORNEY GENERAL

January 6, 1978

FREEDOM OF INFORMATION APPEAL

Mr. Benjamin Civiletti
Acting Deputy Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Mr. Civiletti:

I have requested that the FBI's Dallas Field Office provide my client, Mr. Harold Weisberg, with copies of all records on or pertaining to the assassination of President John F. Kennedy. (A copy of my December 25, 1977 request is enclosed.) In reply Mr. James A. Abbott, Special Agent in Charge of the Dallas Field Office, states that he has referred Mr. Weisberg's request to FBI Headquarters. (A copy of Mr. Abbott's December 30, 1977 letter to me is also enclosed herein.)

Mr. Weisberg's request is for copies of Dallas Field Office records pertaining to the assassination of President Kennedy, not Headquarters records. Therefore, Mr. Abbott's reply is at best evasive. Accordingly, I am treating it as a de facto denial of Mr. Weisberg's request for Dallas Field Office records and I hereby appeal that denial to you.

As you are no doubt aware, it has been revealed that an FBI Agent assigned to the Dallas Field Office destroyed records pertinent to Lee Harvey Oswald and the assassination of President Kennedy. In view of this, I trust that you will take all appropriate steps to ensure that no more records pertaining to President Kennedy's assassination are destroyed pending compliance with my client's request.

Sincerely yours,

James H. Lesar
James H. Lesar

RECEIVED
Freedom of Information
Appeals Unit
Department of Justice
Date JAN 20 1978