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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,)
)
 PLAINTIFF,)
)
 V.) CIVIL ACTION NO. 78-322
)
 WEBSTER, ET AL.,)
)
 DEFENDANTS)

HAROLD WEISBERG,)
)
 PLAINTIFF)
)
 V.) CIVIL ACTION NO. 78-420
)
 FEDERAL BUREAU OF)
 INVESTIGATION, ET AL.,)
)
 DEFENDANTS)

WASHINGTON, D. C.
MARCH 25, 1980

THE ABOVE-ENTITLED MATTER CAME ON FOR A STATUS
HEARING BEFORE THE HONORABLE JOHN LEWIS SMITH, JR., UNITED
STATES DISTRICT JUDGE, AT 9:30 A.M.

APPEARANCES:

JAMES LESAR, ESQ.
FOR THE PLAINTIFF

DANIEL METCALFE, ESQ.
FOR THE DEFENDANTS

DAWN T. COPELAND
OFFICIAL COURT REPORTER

P R O C E E D I N G S

1
2 THE DEPUTY CLERK: CIVIL ACTION NO. 78-322, WEISBERG
3 V. WEBSTER.

4 CIVIL ACTION 78-420, WEISBERG V. THE FBI.

5 FOR THE PLAINTIFF MR. JAMES LESAR AND FOR THE
6 DEFENDANTS MR. DANIEL METCALFE.

7 THE COURT: GOOD MORNING.

8 MR. LESAR: GOOD MORNING.

9 MR. METCALFE: GOOD MORNING, YOUR HONOR.

10 I AM DANIEL METCALFE FROM THE DEPARTMENT OF JUSTICE
11 ON BEHALF OF THE FBI IN THIS MATTER.

12 THESE ARE CONSOLIDATED FREEDOM OF INFORMATION ACT
13 CASES INVOLVING MR. WEISBERG'S REQUESTS FOR ALL OF THE FBI
14 RECORDS PERTAINING TO THE KENNEDY ASSASSINATION IN DALLAS
15 AND THE NEW ORLEANS FIELD OFFICES OF THE FBI.

16 WHEN WE WERE LAST BEFORE YOUR HONOR, WE MENTIONED
17 THAT THE REQUESTS WERE UNDER AN ADMINISTRATIVE APPEAL.

18 I MUST REGRETFULLY STATE TO THE COURT, YOUR HONOR,
19 THAT THE ADMINISTRATIVE APPEAL HAS NOT PROGRESSED AS QUICKLY
20 OR AS FAR AS WE HAD ANTICIPATED IT WOULD WHEN WE WERE LAST
21 BEFORE THE COURT.

22 HOWEVER, I THINK I CAN FAIRLY STATE THAT THE MATTERS
23 CAN PROCEED AT THIS POINT AND THAT PLAINTIFF IS PERHAPS IN
24 AGREEMENT THAT THE ADMINISTRATIVE MATTERS CAN BE RESOLVED
25 OVER THE NEXT FEW MONTHS OR SO, AND AT THAT POINT THEN WE

1 CAN LITIGATE ANY MATTERS THAT ARE REQUIRED TO BE LITIGATED.

2 THE COURT: MR. LESAR?

3 MR. LESAR: YES, YOUR HONOR. PLAINTIFF IS IN
4 AGREEMENT TO GIVE THE DEPARTMENT SOME ADDITIONAL TIME TO
5 CONSIDER THE ADMINISTRATIVE APPEAL.

6 WE HAVE BEEN WAITING PATIENTLY BUT THERE HAS ALSO
7 BEEN SOMETHING ACCOMPLISHED IN THE INTERIM. PLAINTIFF HAS
8 BEGUN TO RECEIVE THE INDEX CARDS FROM THE DALLAS FIELD OFFICE
9 WHICH CONSIST OF LITERALLY THOUSANDS OF INDEX CARDS AND IT
10 IS PERHAPS THE SINGLEMOST IMPORTANT RECORD THAT MY CLIENT
11 HAS EVER OBTAINED UNDER THE FREEDOM OF INFORMATION ACT.

12 AND NOW THAT WE ARE BEGINNING TO RECEIVE THOSE,
13 THAT PUTS US IN A MUCH BETTER POSITION TO RESOLVE SOME OF
14 THE ISSUES THAT ARE OUTSTANDING.

15 WE HAVE NO OBJECTION TO SOME ADDITIONAL TIME TO
16 CONSIDER THE APPEAL. WE WOULD LIKE, HOWEVER, THAT THE ISSUE
17 THAT WE HAVE RAISED WITH THE APPEALS OFFICE AS TO THE SCOPE
18 OF THE REQUEST AND THE ADEQUACY OF THE SEARCH BE RESOLVED
19 BEFORE SOME OF THE MORE COMPLICATED AND TIME-CONSUMING ISSUES
20 BE ADDRESSED.

21 THE COURT: HOW MUCH TIME DO YOU HAVE IN MIND?

22 MR. METCALFE: YOUR HONOR, I HAVE DISCUSSED THIS
23 AT LENGTH WITH THE STAFF AND THEY INDICATE THAT IT WOULD
24 PROBABLY TAKE ANOTHER SIX MONTHS PERIOD, AND I MUST INDICATE
25 THAT THEY ARE GOING TO BE CONSTANT WITH MR. WEISBERG TO

1 REQUEST FURTHER INFORMATION FROM HIM.

2 HE HAS PROVIDED MANY, MANY SPECIFICATIONS TO HIS
3 APPEAL AND THEY EXPECT THAT THEY CAN PROBABLY CONCLUDE THAT
4 PROCESS APPROXIMATELY IN SIX MONTHS OR SO AND PERHAPS WE COULD
5 SET THE MATTER DOWN FOR A STATUS CALL ABOUT THAT TIME.

6 MR. LESAR: YOUR HONOR, TO GIVE THE COURT SOME
7 INDICATION --

8 THE COURT: I AM AWARE OF THAT, MR. LESAR.

9 MR. LESAR: YOUR HONOR, THESE ARE SOME OF THE APPEALS
10 THAT MR. WEISBERG HAS FILED WITH THE OFFICE OF INFORMATION
11 AND APPEALS. IT IS OBVIOUSLY SOMETHING THAT REQUIRES SOME
12 CONSIDERATION.

13 I WOULD LIKE TO GET ON THE RECORD WHETHER OR NOT
14 THE OFFICE OF INFORMATION AND PRIVACY APPEALS HAS AGREED TO
15 DECIDE THIS SCOPE ISSUE FIRST BEFORE PROCEEDING TO THE OTHERS
16 BECAUSE IT SEEMS LOGICALLY THAT IF THERE ARE MORE RECORDS
17 THAT ARE TO BE PROVIDED TO MR. WEISBERG, THAT ISSUE OUGHT
18 TO BE DETERMINED FIRST, SO THEY CAN BE PROCESSED BEFORE WE
19 GET TO THE POINT OF THE DECISIONS RATHER THAN AFTERWARDS.

20 I THINK IT WOULD BE RATHER DUPLICATIVE TO DO IT
21 THE OTHER WAY.

22 MR. METCALFE: YOUR HONOR, THE APPELLATE OFFICE
23 AT JUSTICE ADVISES ME THAT THAT IS INDEED THE MOST LOGICAL
24 WAY TO PROCEED AND THAT IS THE WAY WE WILL PROCEED ANYWAY.

25 THE COURT: AS YOU KNOW, BOTH OF THESE CASES WHICH

1 HAVE BEEN CONSOLIDATED GO BACK TO FEBRUARY AND MARCH OF 1978
2 BUT I THINK WITH COUNSEL IN AGREEMENT, WE CERTAINLY WILL
3 EXTEND THE TIME.

4 WHAT ABOUT SOME TIME IN OCTOBER? THAT WOULD BE
5 APPROXIMATELY SIX MONTHS.

6 MR. METCALFE: THAT SOUNDS SATISFACTORY TO US, YOUR
7 HONOR.

8 MR. LESAR: YES.

9 THE COURT: HOW ABOUT THE 14TH OF OCTOBER?

10 MR. METCALFE: VERY WELL, YOUR HONOR.

11 MR. LESAR: YES.

12 THE COURT: THAT WILL BE TUESDAY AT 9:30 ON
13 OCTOBER 14TH.

14 MR. METCALFE: THANK YOU, YOUR HONOR.

15 MR. LESAR: THANK YOU, YOUR HONOR.

16 (WHEREUPON, THE HEARING WAS CONCLUDED.)

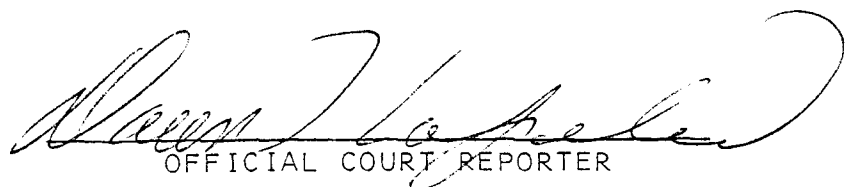
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18 CERTIFICATE OF REPORTER

19 THIS RECORD IS CERTIFIED BY THE UNDERSIGNED REPORTER
20 TO BE THE OFFICIAL TRANSCRIPT OF THE ABOVE-ENTITLED HEARING.

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OFFICIAL COURT REPORTER

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