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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.

DECEMBER 10, 1981

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 H. LESAR, ESQ.
FOR THE PLAINTIFF

HENRY LA HAIE, ESQ.
JAMES FIDLER, ESQ.
FOR THE DEFENDANTS

DAWN T. COPELAND
OFFICIAL COURT REPORTER

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P R O C E E D I N G S

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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, JAMES LESAR AND FOR THE DEFENDANT,
6 HENRY LA HAIE AND JAMES FIDLER.

7 THE COURT: GOOD MORNING.

8 MR. LESAR: GOOD MORNING, YOUR HONOR.

9 THE COURT: WHAT IS THE SITUATION HERE?

10 MR. LESAR: WELL, YOUR HONOR, AS THE COURT MAY RECALL,
11 IT HAS BEEN -- JAMES H. LESAR FOR THE PLAINTIFF HAROLD
12 WEISBERG.

13 AS YOUR HONOR MAY RECALL, THERE WAS A SCHEDULE FOR
14 REPROCESSING OF DOCUMENTS THAT WAS SET ABOUT TEN MONTHS AGO,
15 AND I BELIEVE THAT BY THE 1ST OF DECEMBER THE FBI WAS TO HAVE
16 COMPLETED THAT.

17 IT IS MY UNDERSTANDING THAT IT IS NOT QUITE COMPLETE
18 AND PERHAPS MR. LA HAIE CAN GIVE SOME INDICATION OF JUST
19 HOW MUCH LONGER THAT WILL TAKE.

20 MR. LA HAIE: HENRY LA HAIE FOR THE DEFENDANT.

21 THE PROCESSING ADMINISTRATIVELY, YOUR HONOR, HAS
22 BEEN COMPLETED BY THE FBI.

23 HOWEVER, THERE WERE SEVERAL DOCUMENTS THAT WERE
24 REFERRED TO OTHER AGENCIES IN LIGHT OF THE FACT THAT THEY
25 WERE THOSE AGENCIES' DOCUMENTS AND SEVERAL OF THOSE AGENCIES

1 HAVE NOT YET COMPLETELY PROCESSED THE DOCUMENTS.

2 I HAVE BEEN IN TOUCH WITH REPRESENTATIVES FROM ALL
3 OF THOSE AGENCIES AND THERE ARE EIGHT IN TOTAL AND ALL HAVE
4 INDICATED TO ME THAT THEY WILL BE PROCESSED SHORTLY OR HAVE
5 BEEN PROCESSED AND ARE IN THE MAIL.

6 THE COURT: WHAT DOES SHORTLY MEAN?

7 MR. LA HAIE: MOST, I WOULD SAY, BY THE END OF THIS
8 WEEK OR EARLY NEXT WEEK. THERE WAS ONLY ONE AGENCY, THE
9 DEPARTMENT OF STATE, THEY INDICATED THAT THEY WOULD PROBABLY
10 NEED 30 MORE DAYS BECAUSE QUITE A BIT OF THEIR INFORMATION
11 IN THOSE DOCUMENTS COMES FROM THE CIA AND CONSEQUENTLY THEY
12 HAVE TO CONSULT WITH THE CIA WITH RESPECT TO THAT INFORMATION,
13 MOST OF WHICH IS CLASSIFIED INFORMATION, AND THAT'S WHY THAT
14 AGENCY HAS INDICATED IT WILL TAKE A BIT LONGER THAN THE OTHER
15 AGENCIES INVOLVED.

16 THE COURT: MR. LESAR, I ASSUME THAT YOU ARE
17 SUGGESTING ANOTHER SHORT CONTINUANCE?

18 MR. LESAR: WELL, I THINK PERHAPS A LITTLE MORE
19 THAN SHORT FOR ANOTHER REASON THAT WAS NOT TOUCHED ON.

20 MR. METCALFE AND I HAVE BEEN WORKING OUT SOME OF
21 THE ISSUES IN THE CASE OTHER THAN THE REPROCESSING, AND I
22 THINK IN JUNE HE WAS PROMOTED AND WENT TO A NEW POSITION AND
23 THAT PROCESS SORT OF BROKE DOWN AT THAT POINT, AND THERE ARE
24 SOME ISSUES THAT I HAVE TAKEN UP WITH HIM THAT HAVE NOT BEEN
25 RESOLVED.

1 IN ADDITION, I FEEL THAT I AM GOING TO HAVE TO GO
2 THROUGH AND MAKE A REVIEW OF THE RECORDS AND MR. WEISBERG'S
3 VOLUMINOUS CORRESPONDENCE AND TAKE UP SOME NEW ISSUES WITH
4 THE DEPARTMENT, AND SEE IF WE CAN GET THEM RESOLVED IN THE
5 SAME MANNER THAT A NUMBER OF ISSUES HAVE BEEN RESOLVED
6 BETWEEN COUNSEL FOR THE PARTIES.

7 THE COURT: AS WE DISCUSSED PREVIOUSLY, THIS COMPLAINT
8 GOES BACK TO FEBRUARY OF 1978 AND IT IS CERTAINLY TIME, IN
9 MY OPINION, THAT IT SHOULD BE RESOLVED.

10 I REALIZE THE PROBLEM YOU ARE CONFRONTED WITH AS
11 FAR AS THE OTHER AGENCIES ARE CONCERNED BUT HOW MUCH OF A
12 CONTINUANCE DO YOU THINK IS REQUIRED?

13 MR. LESAR: WELL, I WOULD LIKE ABOUT FOUR MONTHS
14 TO PRESENT THE ISSUES TO THE DEPARTMENT AND IF THERE'S NO
15 AGREEMENT BETWEEN US, THEN TO PLACE THEM IN FRONT OF THE COURT.

16 MR. LA HAIE: WE HAVE NO OBJECTION TO THAT, YOUR
17 HONOR.

18 WE WANT TO EXPEDITE THIS IN LIGHT OF ITS FOUR-YEAR
19 HISTORY AND THE COURT SHOULD BE AWARE, HOWEVER, THAT 51,000
20 DOCUMENTS HAVE BEEN RELEASED TO MR. WEISBERG AND THOSE INCLUDE
21 50,000 INDEX CARDS, AND THAT'S 100,000 ALONE.

22 JUST IN THE LAST NINE MONTHS, I THINK, I HAVE A
23 TOTAL OF 6,000 NEW DOCUMENTS THAT HAVE BEEN RELEASED ADMINI-
24 STRATIVELY FROM THE ADMINISTRATIVE APPEAL SO THERE ARE QUITE
25 A FEW DOCUMENTS INVOLVED.

1 THE COURT: I AM AWARE OF THE COMPLICATIONS BUT
2 IN LIGHT OF THE HISTORY, I THINK 90 DAYS SHOULD BE SUFFICIENT.

3 WE WILL CONTINUE THIS MATTER FOR 90 DAYS AND HAVE
4 A FURTHER STATUS ON MARCH 10TH.

5 IS MARCH 10TH AGREEABLE?

6 MR. LESAR: THAT IS FINE WITH ME, YOUR HONOR.

7 MR. LA HAIE: YES.

8 THE COURT: ALL RIGHT. 9:30 ON WEDNESDAY, MARCH
9 10TH WITHOUT FURTHER NOTICE.

10 I HOPE, GENTLEMEN, THAT YOU WILL COME PREPARED AT
11 THAT TIME TO RESOLVE MANY OF THESE ISSUES IF NOT THE ENTIRE
12 CASE. WE HAVE THE TWO CASES INVOLVED.

13 MR. LA HAIE: YES.

14 MR. LESAR: THANK YOU, YOUR HONOR.

15 (WHEREUPON, THE HEARING WAS CONCLUDED.)

16
17 CERTIFICATE OF REPORTER

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

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22 OFFICIAL COURT REPORTER
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