

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA



HAROLD WEISBERG, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 78-0322
 :
 WILLIAM H. WEBSTER, ET AL., :
 :
 Defendants :

HAROLD WEISBERG, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 78-0420
 :
 FEDERAL BUREAU OF INVESTIGATION, : (Consolidated)
 ET AL., :
 :
 Defendants :

PLAINTIFF'S OBJECTIONS TO DEFENDANTS' INTERROGATORIES

Plaintiff, Mr. Harold Weisberg, hereby responds to defendants' interrogatories as follows:

Interrogatory 1: With regard to the first point listed in plaintiff's Amended Statement of Genuine Issues of Material Fact in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that the FBI's Dallas and New Orleans Field Offices maintain "ticklers."

(b) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 1(a) above.

OBJECTION: Plaintiff objects to this interrogatory on the grounds that:

(1) plaintiff's knowledge of facts or possession of documents evidencing such facts is not relevant to the agency's burden of demonstrating a thorough search in a FOIA case;

(2) requiring plaintiff to answer this inquiry would reverse the burden of proof in FOIA cases in clear violation of the Congressional mandate placing said burden upon the agency;

(3) requiring plaintiff to answer this interrogatory would be unduly burdensome and oppressive;

(4) information responsive to this interrogatory already has been provided by plaintiff in affidavits previously submitted in this case and in the appeals which he has addressed to the Office of Information and Privacy Appeals;

(5) the information sought by this interrogatory is within the knowledge and possession of the agency;

(6) assuming, arguendo, that an agency may properly inquire into plaintiff's knowledge of such matters in a FOIA case, it would be premature to permit such interrogation of plaintiff until such time as plaintiff's discovery has been completed and defendants have conducted such further searches as the District Court may require on motion by plaintiff; and

(7) defendants' intent in seeking this discovery is to harass this plaintiff, delay and obstruct his access to information pertaining to the assassination of President John F. Kennedy,

and to run up the cost in time and money of securing records under the Freedom of Information Act.

Interrogatory 2: With regard to the third point listed in plaintiff's Amended Statement of Genuine Issues of Material Fact in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that the FBI's search in these consolidated cases did not include material contained in the "June" files of the Dallas and New Orleans Field Offices.

(b) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 2(a) above.

OBJECTION: See objection to Interrogatory No. 1.

Interrogatory 3: With regard to the fourth point listed in plaintiff's Amended Statement of Genuine Issues of Material Fact in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that the FBI's search in these cases did not encompass records concerning the allegations of Mr. William Walter as referenced in paragraph 10 of Weisberg's affidavit of July 21, 1982.

(b) State each and every fact upon which plaintiff bases his contention that non-exempt documents contained in either the Dallas or New Orleans Field Office concerning Mr. William Walter remain withheld by the FBI.

(c) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 3(a) above.

(d) Identify each and every document and/or other source upon which plaintiff relies in support of the

contention referenced in interrogatory no. 3(a) above.

OBJECTION: See objection to Interrogatory No. 1.

Interrogatory 4: With respect to the fifth point listed in plaintiff's Amended Statement of Genuine Issues of Material Fact in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that the FBI's search in these consolidated cases did not encompass all films and tapes in the Dallas and New Orleans Field Offices pertaining to the Kennedy assassination.

(b) Other than the Thomas Alyea film, list each and every film that plaintiff contends is within his FOIA requests in these cases and which were not encompassed within the FBI's search.

(c) State each and every fact upon which plaintiff bases his contention that there is a tape of the Dallas police radio broadcasts in either the Dallas or New Orleans Field Office.

(d) Other than the alleged tape of the recorded Dallas police radio broadcasts, list each and every tape that plaintiff contends is within his FOIA requests in these cases and which were not encompassed within the FBI's search.

(e) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 4(a), above.

(f) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 4(b) above.

(g) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory 4(c) above.

(h) Identify each and every document and/or other source upon which plaintiff relies in sup-

port of the contention referenced in interrogatory no. 4(d) above.

OBJECTION: See objection to interrogatory No. 1.

Interrogatory 5: With regard to the sixth point listed in plaintiff's Amended Statement of Genuine Issues of Material Fact in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that the FBI's search in these cases did not include every organization or person who figured in the FBI's investigation of the Kennedy assassination.

(b) List each and every organization and person that plaintiff contends figured in the FBI's investigation of the Kennedy assassination but who plaintiff contends were not included within the scope of the FBI's search in these consolidated cases.

(c) How did plaintiff come to the conclusion that the eleven organizations and persons (listed in the sixth point of the Amended Statement of Genuine Issues of Material Fact in Dispute) had figured in Louisiana District Attorney Jim Garrison's investigation of the Kennedy assassination.

(d) Other than the eleven names of organizations who allegedly figured in Jim Garrison's investigation of the Kennedy assassination but who were not included within the scope of the FBI's search in these cases, list each and every organization and person who plaintiff contends figured in Jim Garrison's investigation.

(e) How did plaintiff come to the conclusion that the organizations and persons listed in response to interrogatory no. 5(d) above had figured in Jim Garrison's investigation of the Kennedy assassination.

(f) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 5(a) above.

(g) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 5(b) above.

(h) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 5(c) above.

(i) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 5(d) above.

(j) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 5(e) above.

OBJECTION: See objection to Interrogatory No. 1. In addition, plaintiff objects to parts (b), (d), (g) and (i) on the ground that defendants should not be allowed to exercise discovery on the matters specified therein where they have not complied with their obligations under 28 C.F.R. § 16.3(d)(2), which provides that if a request does not reasonably describe the records sought, as specified in paragraph (d)(1) of this section, "the response denying the request on that ground shall specify the reasons why the request failed to meet the requirements of paragraph (d)(1) of this section and shall extend to the requester an opportunity to confer with Department personnel in order to attempt to reformulate the request in a manner which will meet the needs of the requester and the requirements of paragraph (d)(1) of this section.

Interrogatory 6: With regard to the seventh point listed in plaintiff's Amended Statement of Genuine Issues in Dispute:

(a) State how and when plaintiff first concluded that the 31 enumerated organizations and persons comprise all the "critics" which former Associate General Shenefiled (sic) was allegedly referencing when he requested the Bureau to attempt to seek "files on 'critics' or

'criticism' of the FBI's assassination investigation."

(b) At any time during the pendency of these consolidated cases, did former Associate Attorney General Shenefield ever communicate in any manner to plaintiff or his counsel that when he requested the Bureau to seek files on "critics" or "criticism" of the FBI's assassination investigation he meant that the FBI should undertake independent searches on the names of the specific 31 organizations and persons listed in point 7 of plaintiff's Amended Statement of Genuine Issues of Material Facts in Dispute.

(c) If the answer to interrogatory no. 6(b) is affirmative, state when and in what manner that communication took place.

(d) At any time during the pendency of these consolidated cases, has any Justice Department/FBI official or employee ever communicated in any manner to plaintiff or his counsel that when former Associate Attorney General Shenefield requested the Bureau to seek files on "critics" or "criticism" of the FBI's assassination investigation he meant that the FBI should undertake independent searches on the names of the specific 31 organizations and persons listed in point 7 of plaintiff's Amended statement of Genuine Issues of Material Facts in Dispute.

(e) If the answer to interrogatory no. 6(c) is affirmative, please name each such official or employer and state when and in what manner that communication took place.

OBJECTION: See objection to Interrogatory No. 1.

Interrogatory 7: Of the 26 individuals listed in point 7 of plaintiff's Amended Statement of Genuine Issues of Material Facts in Dispute, list each individual who plaintiff knows is deceased

OBJECTION: See objection to Interrogatory No. 1.

Interrogatory 8: With regard to the eighth and ninth point listed in plaintiff's Amended Statement of Genuine Issues of Material Facts in Dispute:

(a) State how and when plaintiff first concluded that the documents referenced in Exhibits 4 through 10 of Weisberg's affidavit of July 21, 1982, are within the scope of his FOIA requests in these consolidated cases.

(b) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 4(b) above.

OBJECTION: See objection to Interrogatory No. 1, grounds 1-3 and 7. Plaintiff also objects to part (b) of this interrogatory on the grounds that it does not make sense.

Interrogatory 9: With regard to the tenth point listed in plaintiff's Amended Statement of Genuine Issues of Material Facts in Dispute:

(a) State how and when the plaintiff first came to the conclusion that any FBI records on Carlos Marcello are, in plaintiff's opinion, within the scope of his FOIA requests in these consolidated cases.

(b) Does plaintiff contend that Carlos Marcello was a person who figured in the FBI's investigation of the Kennedy assassination.

(c) If the answer to interrogatory 9(b) is affirmative, state each and every fact upon which plaintiff bases that contention.

(d) Identify each and every document and/or other source upon which plaintiff relies in support of the conclusion referenced in interrogatory 9(a) above.

(e) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 9(b) and 9(c) above.

OBJECTION: With respect to parts 9(c)-9(e), all grounds set forth in objection to Interrogatory No. 1. With respect to 9(a), plaintiff relies on grounds 1-3 and 7 stated in objection to Interrogatory No. 1; as regards 9(b), grounds 4-5 and 7 of the objection to Interrogatory No. 1.

Interrogatory No. 10: With regard to the eleventh point listed in plaintiff's Amended Statement of Genuine Issues of Material Facts in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that the FBI's search in these cases did not include all material in the Dallas and New Orleans Field Offices pertaining to former Special Agent James P. Hosty.

(b) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 10(a) above.

(c) State how and when the plaintiff first came to the conclusion that any FBI records in the Dallas or New Orleans Field Offices pertaining to former Special Agent James P. Hosty are, in plaintiff's opinion, with (sic) the scope of his FOIA requests in these consolidated cases.

OBJECTION: With respect to parts (a) and (b) of Interrogatory 10, plaintiff relies upon all grounds set forth in his objection to Interrogatory No. 1. With respect to part (c), plaintiff relies on grounds 1-3 and 6-7.

Interrogatory 11: ^{1/} With regard to the twelfth point listed in plaintiff's Amended Statement of Genuine Issues of Ma-

^{1/} Defendants have submitted two interrogatories numbered "12". Plaintiff has renumbered the first of these "11".

terial Facts in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that Marguerite Oswald is within the scope of his FOIA requests in these consolidated cases.

(b) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 11(a) above.

OBJECTION: See objection to Interrogatory No. 1.

Interrogatory 12: With regard to the thirteenth point listed in plaintiff's Amended Statement of Genuine Issues of Material Facts in Dispute:

(a) Specify in detail what the plaintiff means by the expression "SAC confidential files."

(b) Identify each and every document and/or other source upon which plaintiff relies in support of his response to interrogatory no. 12(a) above.

(c) State each and every fact upon which plaintiff bases his contention that the FBI's search in these consolidated cases did not include the SAC safes in the Dallas and New Orleans Field Offices.

(d) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 12(c) above.

OBJECTION: Plaintiff objects to this interrogatory on the grounds that defendants have not shown a need for this information; that is, defendants have not claimed that they do not know what is meant by this expression. Because of this, plaintiff also invokes the 7th ground set forth in his objection to Interrogatory No. 1.

Interrogatory 13: With regard to the fourteenth point listed in plaintiff's Amended Statement of Genuine Issues of Material Facts in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that the FBI has not searched for or provided with pertinent records identified by way of "see" references.

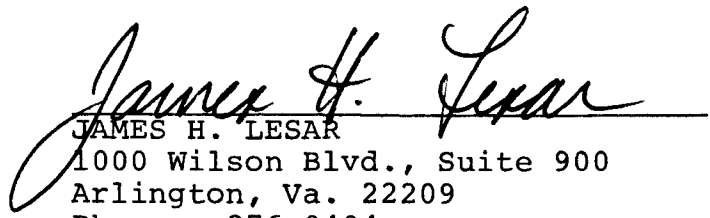
(b) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 13(a) above.

OBJECTION: See objection to Interrogatory No. 1.

Interrogatory 14: Identify each exhibit or other document plaintiff intends to offer into evidence or use in any other manner at any further hearings or proceedings in these actions.

OBJECTION: See objection to Interrogatory No. 1, grounds 1-4 and 6-7.

The objections to the foregoing interrogatories were made by the undersigned attorney.

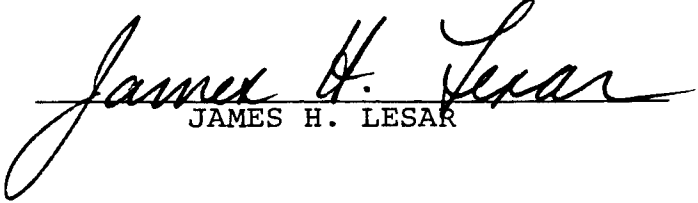

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CERTIFICATE OF SERVICE

I hereby certify that I have this 8th day of March, 1983, mailed a copy of the foregoing Plaintiff's Objections to Defen-

dants' Interrogatories to Mr. Henry LaHaie, Civil Division, Room
3338, U.S. Department of Justice, Washington, D.C. 20530.


JAMES H. LESAR