

6/4/86

SUMMONS IN A CIVIL ACTION

United States District Court
FOR THE
District of Columbia

CIVIL ACTION FILE NO. 86-1547

GESELL, J.

Harold Weisberg
and
James H. Lesar

Plaintiffs

v.

U.S. DEPARTMENT OF JUSTICE

Defendant

SUMMONS

To the above named Defendant :

You are hereby summoned and required to serve upon

James H. Lesar

plaintiff's attorney , whose address is:

918 F Street, N.W., Suite 509
Washington, D.C. 20004

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JAMES F. DAVEY

Clerk of Court.

Benjamin Gezell
Deputy Clerk.

Date: June 4, 1986

[Seal of Court]

United States District Court
For the District of Columbia
Office of the Clerk
3rd and Constitution Avenue, N.W.
Washington, D. C. 20001


James M. Davey
Clerk

NOTICE OF RIGHT TO CONSENT TO TRIAL
BEFORE A UNITED STATES MAGISTRATE

In accordance with the provisions of Title 28, U.S.C. §636(c), you are hereby notified that the United States Magistrates of this District Court, in addition to their other duties, upon the consent of all parties in a civil case, may conduct any or all proceedings in a civil case, including a jury or nonjury trial, and order the entry of a final judgment.

You should be aware that your decision to consent, or not to consent, to the referral of your case to a United States Magistrate must be entirely voluntary. Only if all the parties to the case consent to the reference to a Magistrate will either the Judge or the Magistrate to whom the case has been assigned be informed of your decision.

An appeal from a judgment entered by a Magistrate may be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a District Court. Alternatively, upon consent of all parties, an appeal from a judgment entered by a Magistrate may be taken directly to a District Judge. Cases in which an appeal is taken to a District Judge may be reviewed by the United States Court of Appeals for this judicial circuit only by way of petition for leave to appeal.



JAMES F. DAVEY
Clerk of the Court

4. Defendant, the United States Department of Justice, is an agency of the United States and has possession and control of the records requested by plaintiff Harold Weisberg which are the subject of this action.

CAUSE OF ACTION

5. By letter dated May 22, 1980, plaintiff Harold Weisberg submitted a Freedom of Information Act request to the Federal Bureau of Investigation ("FBI") for records relating to the general release of FBI records pertaining to the assassination of President John F. Kennedy which began in December, 1977. See Attachment 1.

6. By letter dated August 6, 1980, Weisberg appealed the de facto denial of his request. See Attachment 2.

7. Plaintiff Weisberg has exhausted his administrative remedies under the FOIA.

8. Plaintiffs have a legal right of access under the FOIA to obtain copies of the records requested, and there is no legal basis for defendant's denial of said right.

WHEREFORE, plaintiffs pray that this Court:

(1) order defendant to make the requested documents available to them;

(2) expedite the proceedings in this action;

(3) award reasonable costs and attorneys' fees as provided in 5 U.S.C. §552(a)(4)(E); and

(4) grant such other and further relief as the Court may

deem just and proper.

James H. Lesar
JAMES H. LESAR #114413
918 F Street, N.W., Suite 509
Washington, D.C. 20004
Phone: (202) 393-1921

Counsel for Plaintiffs

DATED: JUNE 4, 1986

Mr. David Flanders
FOIPA Branch
FBI
Wash. D.C. 20535

5/22/80

FOIA request

Dear Mr. Flanders,

Beginning in 12/77 the FBI made what it referred to as general release of records pertaining to the assassination of President Kennedy and its investigation.

This request pertains to those releases and is for all records pertaining to them, to

- 1) The decision to make these releases
- 2) The reasons for making the decision and for making it when it was made
- 3) For including and excluding files that were included and excluded
- 4) For not including any field office files, particularly the major files of the Office of Origin
- 5) Lists of pertinent records and/or files, whether included or excluded and of withholdings, in part or in toto, including by referral, when referral was made and when responded to; and of justifications of withholdings
- 6) The disclosure of the records disclosed and the non-disclosure of the records not disclosed
- 7) Conditions and restrictions, access and distribution of what was disclosed, including duplicate copies, if any, and where, when and how deposited
- 8) Effects, including benefits or liabilities, to any part or function of the Government, including litigation, ongoing or anticipated, and FOIA requests
- 9) Costs of making and not making these disclosures
- 10) Any references to me in any of the records described in this request
- 11) The processing of the disclosures, including copies of all worksheets not yet provided to me, and approval or disapproval of higher or other authority
- 12) Efforts, if any, to determine whether what was withheld was public domain or had been disclosed by the FBI or other agencies, including by claim to classification

If you have any questions, please ask them. Sincerely, Harold Weisberg

Attachment 1



JAMES H. LESAR
ATTORNEY AT LAW
2101 L STREET, N.W., SUITE 203
WASHINGTON, D. C. 20037
TELEPHONE (202) 223-5587

August 6, 1980

FREEDOM OF INFORMATION ACT APPEAL

Mr. Quinlan J. Shea, Jr., Director
Office of Information and Privacy Appeals
Office of the Associate Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Re: May 22, 1980 FOIA request
of Mr. Harold Weisberg

Dear Mr. Shea:

As you will recall, on December 7, 1977 and January 18, 1978, the Federal Bureau of Investigation released approximately 80,000 pages of its Headquarters records on the assassination of President John F. Kennedy. By letter dated May 22, 1980, Mr. Harold Weisberg made a request for all records pertaining to the decision to release the FBI Headquarters records on President Kennedy's assassination. (A copy of Mr. Weisberg's letter is attached.)

Although more than two months have passed since Mr. Weisberg made his request, he has yet to receive a response. He hereby appeals this de facto denial of his request.

It is obvious that there must be a substantial number of documents that would be responsive to his request. The decision to release such a large volume of records on a subject as important as the assassination of the President of the United States must necessarily have occasioned considerable discussion and surely was not made without generating notes, correspondence, lists, inventories, cost estimates, reports, and memoranda.

I note in this regard, that in his letter to Mr. Weisberg of January 9, 1978, then FBI Director Clarence M. Kelley indicated that the FBI was planning to place copies of the Kennedy Assassination release "in other research facilities, such as the Library of Congress, in the near future." (A copy of Mr. Kelley's letter is attached.) In your letter to me of January 12, 1978, which was submitted to the Court in connection with the litigation of Weisberg v. Bell, et al., Civil Action No. 77-2155, you stated that Director Kelley had "made arrangements for [the Kennedy Assassination release] to be made available at a number of different public locations. . . ." (A copy of your January 12, 1978, letter is

Attachment 2

attached.)

Item 7 of Mr. Weisberg's request seeks materials pertaining to where, when, and how the Kennedy Assassination records were deposited. This is meant to include all records pertaining to any suggestion, plan or arrangements for the deposit of the Kennedy Assassination release at "different public locations," regardless of whether actually carried out.

Because such records may have a bearing on the FBI's recent attempt to rescind the waiver of copying costs which the Department granted Mr. Weisberg in 1978, and also because of Mr. Weisberg's advanced age and ill health, I request that you grant this appeal expedited consideration.

Finally, if you have any questions concerning the scope or interpretation of Mr. Weisberg's request, please let me know.

Sincerely yours,


James H. Lesar

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,
7627 Old Receiver Road
Frederick, Maryland 21701

and

JAMES H. LESAR
7313 Lynnhurst Street
Chevy Chase, Md. 20815

Plaintiffs

v.

U.S. DEPARTMENT OF JUSTICE
10th & Constitution Avenue, N.W.
Washington, D.C. 20530

Defendant

Civil Action No. 86-1547

JUN 4 1986

GESELL, J.

COMPLAINT FOR INJUNCTIVE RELIEF

[Freedom of Information Act, 5 U.S.C. § 552]

JURISDICTION AND PARTIES

1. Plaintiffs bring this action under the Freedom of Information Act ("the FOIA"), 5 U.S.C. § 552.
2. Plaintiff Harold Weisberg is the author of six published books on the assassination of President John F. Kennedy. He resides in the State of Maryland.
3. Plaintiff James H. Lesar is a resident of the State of Maryland who has an interest in the records sought by plaintiff Harold Weisberg.

4. Defendant, the United States Department of Justice, is an agency of the United States and has possession and control of the records requested by plaintiff Harold Weisberg which are the subject of this action.

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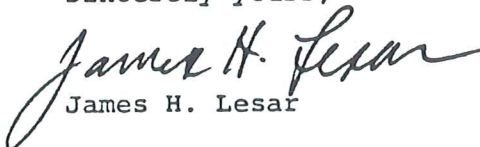
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