

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

COMMITTEE TO INVESTIGATE
ASSASSINATIONS, INC.,

Plaintiff,

v.

U. S. DEPARTMENT OF JUSTICE,

Defendant.

Civil Action

No. 3651-70

DEFENDANT'S RESPONSE TO
REQUEST FOR ADMISSIONS

Defendant, by its attorney, the United States Attorney for the District of Columbia, submits the following responses to plaintiff's request for admissions filed pursuant to Rule 36, F.R.C.P. :

1. Within the context of this case and with respect to the particular documents sought, the request for admission is admitted.

2. Defendant admits some copies of the F.B.I. records were turned over to Sirhan's defense attorneys pursuant to an order of the Superior Court of the State of California for the County of Los Angeles.

3. The sole issue involved in the subject matter of this litigation is whether the Department of Justice authorized any of its agents to reveal or turn over to any private person the government investigatory reports sought in this proceeding so as to thereby waive the statutory protection and exemption afforded these reports by 5 U.S.C. 552(b) 7. Thus, whether the Superior Court of the State of California for the County of Los Angeles placed restrictions on the use to be made of the records turned over to Sirhan's defense attorneys is irrelevant as provided in

Rule 26(b)(1), which is incorporated in Rule 36, F.R.C.P. Defendant therefore objects to request for admission #3.

4. Defendant admits that consistent with the Department of Justice policy to cooperate with other law enforcement agencies copies of the records sought were loaned to the District Attorney's Office of Los Angeles County for the purpose of prosecuting Sirhan.

5.-10. Defendant objects for reasons asserted in its response to request for admission #3.

11. Request for admission #11 is denied.

12. Defendant denies any knowledge of Kaiser's alleged access to the documents sought herein and further denies knowledge of his intention to use them, if he did gain access to the records.

13. Defendant admits request for admission #13.

14. Defendant objects to request for admission #14 for reasons asserted in its response to #3. If request for admission #14 contains the implication that access to the records in question was made available by a Federal official, then request for admission #14 is denied.

15. Defendant objects and incorporates herein its response to request for admission #13.

16. Defendant objects and incorporates herein its response to request for admission #13.

17.-18. Defendant objects for reasons asserted in its response to request for admission #3.

/s/
THOMAS A. FLANNERY
United States Attorney

/s/
JOSEPH M. HANNON
Assistant United States Attorney

/s/
ARNOLD T. AIKENS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing Defendant's Response to Request for Admissions has been made upon plaintiff by mailing a copy thereof to attorney for plaintiff, Bernard Fensterwald, Jr., Esquire, 905 16th Street, N. W., Washington, D. C. on this 28th day of May, 1971.

/s/
ARNOLD T. AIKENS
Assistant United States Attorney