

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

COMMITTEE TO INVESTIGATE ASSASSINATIONS, INC.)
)
 Plaintiff)
)
 v) Civil Action
) No. 3651-70
 U.S. DEPARTMENT OF JUSTICE)
)
 Defendant)

REQUEST FOR ADMISSIONS

Pursuant to Rule 36 of the Federal Rules of Civil Procedure plaintiff, Committee to Investigate Assassinations, Inc., requests defendant, U.S. Department of Justice, within 30 days after service of this request to make the following admissions for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial; that each of the following statements is true:

1) that exhaustion of administrative remedies by anyone with respect to particular government records sought under the Freedom of Information Act (5 U.S.C. 552) obviates the need for exhaustion by anyone else seeking the exact same records (since the government has cited exhaustion by Michael Clark, not a party to this suit, as exhaustion of plaintiff's remedies).

2) that copies of some of the FBI^{records} sought in this case were given under court order to Sirhan's attorneys.

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3) that no restrictions were placed upon the use to be made of the records by Strhan's defense attorneys.

4) that copies of all of the records sought in this case were given without court order to the Los Angeles District Attorney's office.

5) that, once copies were given to the DA's office, the FBI and Department of Justice lost effective control over their availability to persons outside the sphere of law enforcement.

6) that the DA's office made all of the subject records available to Robert Kaiser.

7) that Robert Kaiser was not and is not either an attorney, licensed investigator, or an employee of any attorney.

8) that Robert Kaiser was and is a free-lance writer.

9) that no restriction was placed on Robert Kaiser's use of the subject records.

10) that Miss Janet Ward, an employee of the DA's office, made copies for Robert Kaiser of pages of said records upon his request.

11) that FBI Agent Roger LaJennesse was aware of Robert Kaiser's access to the records and his plans to publish a book, which was to be based in part upon such records, at the conclusion of the Strhan trial.

12) that the Federal Government made no attempt to enjoin Robert Kaiser's access to the records or his use of them for literary purposes.

13) that the Federal Government made no effort to suppress publication and distribution of Robert Kaiser's book, RFRK Must Die.

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14) that Theodore Taylor, another free-lance writer and co-author of the book, Special Unit Senator: the Investigation of the Assassination of Senator Robert F. Kennedy (Random House, 1970), also had access to the records in question and made literary use of same.

15) that Pete Noyes, chief of CBS News in Los Angeles, had access to the records in question.

16) that psychiatrists, Drs. Bernard Diamond and Seymour Pollack, had access to the records in question.

17) that any FBI "secrets", if any, contained in the documents are already compromised.

18) that any FBI - informant relationship will not be further compromised by making available to plaintiff records which have already been read and/or copied and/or publicized by a number of people outside of law enforcement.

Bernard Fensterwald, Jr.
Attorney for Plaintiff

Date: