IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff

v.

Civil Action No. 718-70

U.S. DEPARTMENT OF JUSTICE, ET AL,

Defendants

ANSWER TO MOTION TO DISMISS

Plaintiff, by his undersigned attorney, opposes the MOTION TO DISMISS, filed by Defendants on the 6th day of May, 1970, on the grounds that 1) the motion is premature until Defendant has not only promised to comply with the provisions of 5 U.S.C. 552 but has also in fact complied by permitting Plaintiff to examine and copy the documents sought; and 2) that, under the present posture of the action and under Rule 41 of the Rules of Civil Procedure, a motion to dismiss can only be properly made by plaintiff.

When compliance is complete, Plaintiff will promptly file a Cross-Motion to Dismiss.

Respectfully submitted,

Bernard Fensterwald Jr.

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Attorney for Plaintiff

I hereby certify that I have served copies of this Answer this ____ day of May, 1970 upon defendants by mailing copies, postage prepaid, to each of them, as follows:

The Attorney General
Department of Justice
Washington, D. C.

The Secretary of State
Department of State
Washington, D. C.

Mr. David J. Anderson
Department of Justice
Washington, D. C.

Bernard Fensterwald Jr

BERNARD FENSTERWALD, JR.