UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,	:	
Plaintiff,	:	
v.	:	Civil Action No. 718-70
UNITED STATES DEPARTMENT OF JUSTICE,	:	
and	:	
UNITED STATES DEPARTMENT OF STATE,	:	
Defendants	:	

OPPOSITION TO PLAINTIFF'S PETITION TO SHOW CAUSE AND MOTION FOR RELIEF

Defendants, by their undersigned attorneys, hereby oppose plaintiff's Petition to Show Cause and Motion for Relief, which, inter alia, asks this Court to require defendants, the United States Departments of Justice and State, to show cause why they should not be held in contempt and to require defendants "to cease and desist from any further imposition upon the trust of the Court. . . ." Plaintiff, who files this motion pro se, although he was represented by counsel in this case, has not supported this pleading by affidavit or otherwise, nor has he filed points and authorities as required by the rules of this Court.

The gist of plaintiff's lengthy pleading seems to be an allegation that the defendants have not complied with Court orders dated August 12 and August 19, 1970, in that there was a delay in supplying to plaintiff a copy of a Department of Justice file cover, a photograph that plaintiff had requested, and a letter of assurance that plaintiff had been given access to the

entire file that he sought. There is, however, no order of this Court dated August 13, 1970, and it is clear from plaintiff's pleading itself that he has been given the requested file cover (plaintiff's petition, paragraph 69), and the requested letter of assurance. As to the latter, plaintiff apparently is not satisfied by the person who gave the assurance, an Assistant Attorney General of the United States. While this is plainly adequate, the supplying of this letter to plaintiff was only a matter of comity, since it was not required by this Court's order nor under the terms of the Public Information Section of the Administrative Procedure Act, 5 U.S.C. 552.

The Petition to Show Cause and Motion for Relief is plainly without merit and should be denied.

Respectfully submitted,

WILLIAM D. RUCKELSHAUS
Assistant Attorney General

HARLAND F. LEATHERS

DAVID J. ANDERSON
Attorneys, Department of Justice
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Opposition to Plaintiff's Petition to Show Cause and Motion for Relief, by mailing copies, postage prepaid, this 24th day of November 1970 upon

Harold Weisberg, pro se
Route 8
Frederick, Maryland 21701

and

Bernard Fensterwald, Jr.
Fensterwald, Bevan and Ohlhausen
927 Fifteenth Street, N. W.
Washington, D.C. 20005.

/s/
DAVID J. ANDERSON