THE DEFENDANT'S DISCOVERY DEMANDS

Over and over again the brief refers to these demands as merely "simple," easy to comply with and even requiring less time than the preparation of the affidavits I filed after discovery was demanded and then ordered. In my memo I described this as a knowing misrepresentation, as I believe I did at district court when I alleged burdensomeness, excessiveness, harassment and ulterior purpose in addition to a lack of need and other objections. The case record holds my unrefuted statement that it was possible that I might not live long enough to fully comply with these demands. There is no doubt that the Department's counsel knew these demands were anything but simple and easy to comply with, or requiring very little time for compliance. To reflect their intention that these overwhelm me, be impossible to comply with, excessive and unending I attach copies of the interrogatories and request for the production of documents.

When they knew I had no other counsel and no assistant I cannot explain their inclusion of both other than as a means of prejudicing the record and making it appear that I have means I do not have.

Under "definitions" they are so inclusive they include everybody's diaries

As you can see the actual interrogatories do not ask for any reason to believe records exist, which would have been all that was necessary if the purpose had been to obtain leads for searching. Each one begins with a demand for "each and every" fact and "each and every document."

The request for the production of documents likewise is unnecessarily broad and all inclusive as well as endless. It also demands each and every again, with the word "all" relating to documents. Merely identifying the files from which such documents would have come so that they could be refiled would have been beyond me. I therefore had no choice but to provide copies instead of copies for inspection and their copying. and these would have been what I had already provided attached to affidavits & appeals

Some of these interrogatories, like 5, are both impossible and frivolous because they do not even claim to have made any such searches. So also is 8, which refers to

11C

what without dispute I provided in each instance before the interrogatories were drafted, reason to believe such records exist. With all-inclusive requests this question cannot have any proper purpose and is harassment and stonewalling. Providing The companion document requests is impossible, absolutely impossible.

In addition to providing substantial evidence that in all these instances the FBI had and had not searched for or provided the relevant records, in some instances, as with the Dallas police tapes, I provided all I had and more than I needed, including their own record of having made the tapes. This was followed by a series of sworn-to lies by Phillips, who merely improvised new lies as I proved each to be a lie. With William Walters, for example, I produced their own record stating exactly how information was to be hidden and not found on search. (#3)

Many other are fully answered in the case record. For example 5(a): I was given a partial transcript of an intercepted Garrison phone conversation in other litigation, and I provided the correct identification of the file from which it came. Obvious, although the FBI required none of this information from me, in that instance it required nothing else. Moreover, the DJ disclosed about an inch thick of legal-sized pages, single space, of transcripts of tapping and bugging him which includes JFK assassination material and becausue it relates to him is obviously within that request. (This was when they indicted him. He beat them.)

With regard to 5(a), their own search slips does not include a single organization, only a couple of the obvious people, like Shaw and Ferrie, and this is made even more ridiculous by 5(c) when their own clippings file provided more than enough. It was all public domain and is reflected in the main files. Provide DJ lists with my affs.

Interrogatory 6 was earlier answered in full in an ignored affidavit. Besides which the FBI knows that it does not file by subject, as Shea told me, so it knew he could not have intended a file that did not exist and could not exist.

I have looked at these again and in each and every instance more information than would have been required - if any had been required, as none was - I had already provided.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant

Civil Action Nos.
78-322 and 78-420
(Consolidated)

DEFENDANT'S FIRST SET OF WRITTEN INTERROGATORIES

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, the defendant submits these written interrogatories to be answered by the plaintiff within thirty (30) days of service. These interrogatories are continuing in nature and require prompt supplementary answers if additional or different information is obtained after the filing of the answers to the interrogatories. If you object to any interrogatory, you should specify the part or parts of the interrogatory to which you object and answer separately the part or parts to which there is no objection.

Definition

A. "Plaintiff" means the named plaintiff and his counsel and all other persons or entities acting for or on his behalf.

B. "Counsel" means all of plaintiff's attorneys and their assistants, associates, analysts or clerks.

C. "Document" means any written, recorded, or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, notices, memoranda, diaries, photographs, diagrams, charts, and all other visual aids.

D. To "identify" a document means that the document should be identified by its nature (e.g., letter, memorandum, etc.), title, date, author and his or her title, addressee and his or her title, and the present location and custodian of the document. If any document was, but is no longer, in plaintiff's possession or subject to plaintiff's control, state what disposition was made of it. Alternatively, a copy of the pertinent document may be appended to the answers to these interrogatories.

Interrogatories

Interrogatory 1. With regard to the first point listed in plaintiff's Amended Statement of Genuine Issues of Material Fact in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that the FBI's Dallas and New Orleans Field Offices maintain "ticklers."

(b) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 1(a) above.

Interrogatory 2. With regard to the third point listed in plaintiff's Amended Statement of Genuine Issues of Material Fact in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that the FBI's search in these consolidated cases did not include material contained in the "June" files of the Dallas and New Orleans Field Offices.

(b) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 2(a) above.

Interrogatory 3. With regard to the fourth point listed in plaintiff's Amended Statement of Genuine Issues of Material Fact in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that the FBI's search in these cases did not encompass records concerning the allegations of Mr. William Walter as referenced in paragraph 10 of Weisberg's affidavit of July 21, 1982.

(b) State each and every fact upon which plaintiff bases his contention that non-exempt documents contained in either the Dallas or New Orleans Field Office concerning Mr. William Walter remain withheld by the FBI.

(c) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 3(a) above.

(d) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 3(b) above.

Interrogatory 4. With respect to the fifth point listed in plaintiff's Amended Statement of Genuine Issues of Material Fact in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that the FBI's search in these consolidated cases did not encompass all films and tapes in the Dallas and New Orleans Field Offices pertaining to the Kennedy assassination.

(b) Other than the Thomas Alyea film, list each and every film that plaintiff contends is within his FOIA requests in these cases and which were not encompassed within the FBI's search.

(c) State each and every fact upon which plaintiff bases his contention that there is a tape of the Dallas police radio broadcasts in either the Dallas or New Orleans Field Office.

(d) Other than the alleged tape of the recorded Dallas police radio broadcasts, list each and every tape that plaintiff contends is within his FOIA requests in these cases and which were not encompassed within the FBI's search.

(e) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 4(a), above.

(f) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 4(b) above.

(g) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 4(c) above.

(h) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 4(d) above.

Interrogatory 5. With regard to the sixth point listed in plaintiff's Amended Statement of Genuine Issues of Material Fact in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that the FBI's search in these cases did not include every organization or person who figured in the FBI's investigation of the Kennedy assassination.

(b) List each and every organization and person that plaintiff contends figured in the FBI's investigation of the Kennedy assassination but who plaintiff contends were not included within the scope of the FBI's search in these consolidated cases.

(c) How did plaintiff come to the conclusion that the eleven organizations and persons (listed in the sixth point of the Amended Statement of Genuine Issues of Material Fact in Dispute) had figured in Louisiana District Attorney Jim Garrison's investigation of the Kennedy assassination.

(d) Other than the eleven names of organizations and persons who allegedly figured in Jim Garrison's investigation of the Kennedy assassination but who were not included within the scope of the FBI's search in these cases, list each and every organization and person who plaintiff contends figured in Jim Garrison's investigation.

(e) How did plaintiff come to the conclusion that the organizations and persons listed in response to interrogatory no. 5(d) above had figured in Jim Garrison's investigation of the Kennedy assassination.

(f) Identify each and every document and/or other source upon which plaintiff relies in suport of the contention referenced in interrogatory no. 5(a) above.

(g) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referened in interrogatory no. 5(b) above.

(h) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 5(c) above.

(i) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 5(d) above.

(j) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 5(e) above.

Interrogatory 6. With regard to the seventh point listed in plaintiff's Amended Statement of Genuine Issues in Dispute:

(a) State how and when plaintiff first concluded that the 31 enumerated organizations and persons comprise all the "critics" which former Associate Attorney General Shenefiled was allegedly referencing when he requested the Bureau to attempt to seek "files on 'critics' or 'criticism' of the FBI's assassination investigation."

(b) At any time during the pendency of these consolidated cases, did former Associate Attorney General Shenefield ever communicate in any manner to plaintiff or his counsel that when he requested the Bureau to seek files on "critics" or "criticism" of the FBI's assassination investigation he meant that the FBI should undertake independent searches on the names of the specific 31 organizations and persons listed in point 7 of plaintiff's Amended Statement of Genuine Issues of Material Facts in Dispute.

(c) If the answer to interrogatory no. 6(b) is affirmative, state when and in what manner that communication took place.

(d) At any time during the pendency of these consolidated cases, has any Justice Department/FBI official or employee ever communicated in any manner to plaintiff or his counsel that when former Associate Attorney General Shenefield requested the Bureau to seek files on "critics" or "criticism" of the FBI's assassination investigation he meant that the FBI should undertake independent searches on the names of the specific 31 organizations and persons listed in point 7 of plaintiff's Amended Statement of Genuine Issues of Material Facts in Dispute.

(e) If the answer to interrogatory no. 6(c) is affirmative, please name each such official or employer and state when and in what manner that communication took place.

Interrogatory 7. Of the 26 individuals listed in point 7 of plaintiff's Amended Statement of Genuine Issues of Material Facts in Dispute, list each individual who plaintiff knows is deceased.

Interrogatory 8. With regard to the eighth and ninth point listed in plaintiff's Amended Statement of Genuine Issue of Material Facts in Dispute:

(a) State how and when plaintiff first concluded that the documents referenced in Exhibits 4 through 10 of Weisberg's affidavit of July 21, 1982, are within the scope of his FOIA requests in these consolidated cases.

(b) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 4(b) above.

Interrogatory 9. With regard to the tenth point listed in plaintiff's Amended Statement of Genuine Issues of Material Facts in Dispute:

(a) State how and when the plaintiff first came to the conclusion that any FBI records on Carlos Marcello are, in plaintiff's opinion, within the scope of his FOIA requests in these consolidated cases.

(b) Does plaintiff contend that Carlos Marcello was a person who figured in the FBI's investigation of the Kennedy assassination.

(c) If the answer to interrogatory 9(b) is affirmative, state each and every fact upon which plaintiff bases that contention.

(d) Identify each and every document and/or other source upon which plaintiff relies in support of the conclusion referenced in interrogatory no. 9(a) above.

(e) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 9(b) and 9(c) above.

Interrogatory 10. With regard to the eleventh point listed in plaintiff's Amended Statement of Genuine Issues of Material Facts in Dispute:

(a) State each and every fact upon which plaintiff bases his contention that the FBI's search in these cases did not include all material in the Dallas and New Orleans Field Offices pertaining to former Special Agent James P. Hosty.

(b) Identify each and every document and/or other source upon which plaintiff relies in support of the contention referenced in interrogatory no. 10(a) above.

(c) State how and when the plaintiff first came to the conclusion that any FBI records in the Dallas or New Orleans Field Offices pertaining to former Special Agent James P. Hosty are, in plaintiff's opinion, with the scope of his FOIA requests in these consolidated cases.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,
Defendant

Civil Action Nos.
78-322 and 78-420
(Consolidated)

DEFENDANT'S FIRST REQUEST FOR PRODUCTION of DOCUMENTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, the defendant hereby requests that plaintiff produce and make available for inspection and copying by defendant's counsel all of the documents specified herein.

Defendant requests that the documents be made available at the Justice Department Building, Room 3338, 10th and Constitution Avenue, N.W., Washington, D.C., no later than thirty (30) days from the date of service of this request or at such other time or place that the parties may agree upon, and that defendant's counsel be given a reasonable period of time for inspection and copying of these documents.

Instructions and Definitions

A. This request for production of documents is continuing in nature; accordingly, responses should be modified or supplemented if additional documents are subsequently obtained.

B. The term "document" means any written, recorded or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, notices, memoranda, diaries, photographs, diagrams, charts, and all other visual aids.

C. The term "interrogatory" refers to the interrogatories propounded to plaintiff in defendant's First Set of Written Interrogatories, filed simultaneously with this request for production of documents.

Production Requests

1. Produce all documents identified or described by plaintiff in his answer to interrogatory no. 1(b).

2. Produce all documents identified or described by plaintiff in his answer to interrogatory no. 2(b).

3. Produce all documents identified or described by plaintiff in his answers to interrogatory no. 3(c) and 3(d).

4. Produce all documents identified or described by plaintiff in his answers to interrogatory no. 4(e), 4(f), 4(g) and 4(h).

5. Produce all documents identified or described by plaintiff in his answers to interrogatory no. 5(f), 5(g), 5(h), 5(i) and 5(j).

6. Produce all documents identified or described by plaintiff in his answer to interrogatory no. 8(b).

7. Produce all documents identified or described by plaintiff in his answers to interrogatory no. 9(d) and 9(e).

8. Produce all documents identified or described by plaintiff in his answer to interrogatory no. 10(b).

9. Produce all documents identified or described by plaintiff in his answer to interrogatory no. 11(b).

10. Produce all documents identified or described by plaintiff in his answers to interrogatory no. 12(b) and 12(d).

11. Produce all documents identified or described by plaintiff in his answer to interrogatory no. 13(b).

12. Produce all documents identified or described by plaintiff in his answer to interrogatory no. 14.

Respectfully submitted,

J. PAUL McGRATH
Assistant Attorney General

STANLEY S. HARRIS
United States Attorney

Barbara Gordon /bll
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CERTIFICATE OF SERVICE

I hereby certify on this 6th day of December, 1982, I have served the foregoing Defendant's First Set of Written Interrogatories and Defendant's First Request for Production of Documents, by hand delivery, to:

James H. Lesar, Esq.
Suite 900
1000 Wilson Boulevard
Arlington, Virginia 22209

Henry J. LaHaie
HENRY J. LaHAIE