

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, )  
 )  
 Plaintiff )  
 )  
 v. ) Civil Action No. 75-1996  
 )  
 DEPARTMENT OF JUSTICE, )  
 )  
 Defendant )

OFFICIAL TRANSCRIPT  
OF HEARING

DATE: January 12, 1979

PAGES: 1 - 33

*Witness  
Gina Shio*

GLORIA H. HORNING

Official Reporter  
6814 U. S. Court House  
Washington, D. C. 20001

Prepared for:

PLAINTIFF

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DEPARTMENT OF JUSTICE, )  
Defendant )

Washington, D. C.  
Friday, January 12, 1979

The above-entitled case came on for a status call  
before THE HONORABLE JUNE L. GREEN, United States District  
Judge, at 10:00 a.m.

APPEARANCES:

JAMES H. LESAR, ESQ.  
For the Plaintiff  
BETSY GINSBERG, ESQ.  
For the Defendant

1 Another point that he raised was in a couple of in-  
2 stances he said that a document says it has -- simple example  
3 two attachments and he only got one. Although the Bureau  
4 people understand the difference between the notation that they  
5 put on a document where it has two different attachments and  
6 where it has one attachment in two copies, I must admit that up  
7 until now I am still puzzled, I am not sure what that differ-  
8 ence is.

9 But that is what we have found in those cases to  
10 the extent that Mr. Mitchell was able to check them out. It  
11 may say four attachments and it was in fact -- in those few  
12 cases it was four copies of a single item.

13 Another point that Mr. Weisberg got into, he had  
14 several suggestions of documents that are not there. And  
15 based on his very considerable expertise, they are documents  
16 that he feels should be there. We have made an effort.

17 In one particular he said that he had not received  
18 a report that reflected whether or not the rifle found had  
19 been examined to see if it had been fired. Now Mr. Mitchell  
20 and Mr. Beckwith have gone into various nooks and crannies of  
21 the FBI, looking, talking, and, as far as I can tell, Mr. Weis-  
22 berg is quite correct.

23 He has not seen a report that reflects an examination  
24 to see if that rifle had previously been fired, but we have not  
25 found any report. So I cannot say that any such report has

1 been withheld. The logical argument for thinking you might  
2 see it is quite good. We can't find one.

3 So my conclusion really is that generally that a  
4 researcher who is working with these files will be able to  
5 trace most of these items through, but by no means will he be  
6 able to do so without difficulty. It's going to be hard.

7 But I do want to say another conclusion that I have  
8 reached in my own mind, and this is just my opinion, that alle-  
9 gations that are made that there's monkeying here, that there  
10 have been improper actions or motives in the processing or the  
11 filing within this MURKIN file, we have looked at enough of  
12 that and as far as I am concerned I will say categorically at  
13 a minimum that that certainly is not proven and as far as I  
14 am concerned as a general proposition that these are invalid  
15 accusations.

16 Now as I have indicated, I want to reiterate it,  
17 because we will do it in other cases, too, once we have some-  
18 thing to go on, that the Bureau's already reprocessing certain  
19 substantive information. I used the McCullough example, the  
20 confidential informant who has become a subcommittee witness.

21 And lastly, as the risk if I may of having about  
22 30 seconds more of the Court's time, I would like to thank, on  
23 the record, bring to the attention of the Court four people  
24 who have been extremely helpful. This has been a massive pro-  
25 ject.