

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Harold Weisberg,)
)
 Plaintiff,)
)
 v.) Civil Action Number
) 75-1996
 U. S. Department of Justice,)
)
 Defendants.)
 _____)

FIFTH AFFIDAVIT OF JOHN N. PHILLIPS

I, John N. Phillips, being duly sworn, depose and say
as follows:

(1) I am a Special Agent (SA) of the Federal Bureau of
Investigation (FBI), assigned in a supervisory capacity to the
Freedom of Information-Privacy Acts (FOIPA) Section, Records
Management Division, FBI Headquarters (FBIHQ), Washington, D. C.

Due to the nature of my official duties, I am familiar
with the procedures followed in processing Freedom of Information
Act (FOIA) requests received at FBIHQ. Although I was not initially
involved with plaintiff's FOIA request, I am, however, familiar with
all aspects of this request as it relates to the FBI. The infor-
mation set forth herein is based upon my review of the records and
correspondence with plaintiff as it relates to this litigation,
and upon information provided to me in my official capacity.

(2) The purpose of this affidavit is to supplement the
affidavit of SA John W. Kilty, filed herewith, concerning the search
for neutron activation and spectrographic analysis performed by the
FBI during the investigation of the assassination of Dr. King.

(3) According to FBI procedure, all raw data and work-
sheets, as well as carbon copies of reports prepared by the Laboratory
concerning the investigation of Dr. King's assassination were forwarded
to Records Management Division for maintenance. These records were
then placed in the MURKIN file, FBIHQ number 44-38861, which has

*John N. Phillips
FBIHQ
Washington, D.C.
4/11/75
(see file)*

been processed for release to plaintiff.

file
(4) Material pertaining to the neutron activation analysis is contained in an enclosure to serial 1256 of the above mentioned MURKIN file. Plaintiff received part of this enclosure consisting of nine pages of raw data at a meeting at FBIHQ on March 23, 1976, in which he indicated those pages to be the only material in serial 1256 in which he was interested. During the processing of the Headquarters MURKIN file, plaintiff was furnished additional testing materials and lab reports by letter dated January 10, 1977.

(5) Spectrographic materials including worksheets and reports are located in the Headquarters MURKIN file in the enclosures to serials 6004X and 6007X1. Plaintiff was provided copies of these serials by letter dated June 29, 1977.

(6) In an effort to assist plaintiff in his search for neutron activation and spectrographic analysis in the Headquarters MURKIN file, copies of serials 1256, 6004 and 6007X1 have again been provided to plaintiff by letter dated December 18, 1981.

John N. Phillips

John N. Phillips
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and sworn to before me this 18th day of December, 1981.

Morothy J. Bartel

Notary Public

My Commission expires 1-1-85.

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, Maryland 21701

DE 10 1981

Dear Mr. Weisberg:

Reference is made to the December 1, 1981, order of District Judge June L. Green concerning the release of Neutron Activation and Spectrographic analyses.

Enclosed herewith are copies of aerials 1256, 6004X and 6007X1 of sections 10 and 15 of the Headquarters MURKIN file, 44-38861, which were previously released to you by letters dated January 10, and June 29, 1977, respectively.

Material previously deleted from serial 1256 to protect the names of FBI Special Agents under subsection (b) (7) (C) has been restored. These three serials are now being released to you with no excisions.

Sincerely yours,

James K. Hall
James K. Hall, Chief
Freedom of Information-
Privacy Acts Section
Records Management Division

Enclosures (3)

- 1 - Honorable June L. Green
Judge of the United States District
Court for the District of Columbia
United States Courthouse
3rd Street and Constitution Avenue, N.W.
Washington, D. C. 20001
- 1 - James H. Lesar, Esq.
Suite 900
1000 Wilson Boulevard
Arlington, Virginia 22209
- 1 - Assistant Attorney General
Civil Division
Attention: William G. Cole, Esq.
① - Mr. Mintz
Attention: William F. Walty
cjf:mc (8)

WELBY - 9
LM 3046
[Signature]

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, Maryland 21701

Dear Mr. Weisberg:

In accordance with the December 1, 1981, order of District Court Judge June L. Green, enclosed herewith are copies of Memphis Field Office file 149-121 captioned "Threat to American Airlines and Dr. Martin Luther King, Jr., Memphis, Tennessee, April 1, 1968; DANF", and three internal memoranda from the Savannah Field Office dated August 6, 1968, August 28, 1968 and June 5, 1969.

Deletions have been made in this material pursuant to the following subsections of Title 5, United States Code, Section 552:

- (b) (2) materials related solely to the internal rules and practices of the FBI;
- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would:

- 1 - Honorable June L. Green
Judge of the United States District
Court of the District of Columbia
3rd Street and Constitution Avenue, N.W.
Washington, D. C. 20001
- 1 - James H. Lesar, Esq.
Suite 900
1000 Wilson Boulevard
Arlington, Virginia 22209
- 1 - Assistant Attorney General
Civil Division
Attention: William G. Cole, Esq.
- (1) - Mr. Mintz
Attention: William F. Walby

cjf:mc (5)



Mr. Harold Weisberg

- (c) constitute an unwarranted invasion of the personal privacy of another person;
- (d) reveal the identity of an individual who has furnished information to the FBI under confidential circumstances or reveal information furnished only by such a person and not apparently known to the public or otherwise accessible to the FBI by overt means.

If you desire, you may submit an appeal from any denial contained herein. Appeals should be directed in writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D. C. 20530, within thirty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the Freedom of Information-Privacy Acts (FOIPA) number assigned to your request so that it may be easily identified.

Processing of Memphis Field Office file 100-4105 captioned "Martin Luther King, Jr., Security Matters" has been initiated and will be furnished to you upon its completion.

Sincerely yours,

James L. Hall, Chief
Freedom of Information-
Privacy Acts Section
Records Management Division

Enclosures (2)