

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

DECLARATION OF ROBERT M. YAHN

I, Robert M. Yahn, hereby declare and say as follows:

1) I am the Chief of the Records Maintenance and Disposition Section, Records Management Group, Records and Publication Staff, Office of Personnel and Administration, Justice Management Division, U.S. Department of Justice. I am responsible for the Departmental ("DJ") mail and document classification and filing system, of the Offices, Boards and Divisions, including the Civil Rights Division, of the U.S. Department of Justice. I have been employed by the Department of Justice since July 1970 and have been responsible for the Departmental records management policy since July 1973.

The facts stated in this declaration are based upon my personal knowledge and upon information obtained by me in my official capacity.

2) The records management policy of the DJ classification and filing system is contained in Chapter 3 of OBD Order 2710.3A, Files Maintenance and Records

Disposition, dated December 9, 1980, and in a series of nine mail classification manuals utilized by my office and the personnel of the six legal divisions, including the Civil Rights Division. The policy set forth in the Order and manuals stipulates how documents shall be indexed and filed based upon the DJ file numbering system.

3) Department of Justice specific case and matter files are indexed, stored and retrieved by use of a three element numbering code, known as DJ File Number. These numbers are assigned to each document concerning a specific matter or case. Each number is unique and refers to a separate case or matter. DJ 144-72-662, which is the unique number assigned to the Civil Rights Division files on the assassination of Martin Luther King, is an example of this type of DJ file number. All documents including citizen correspondence, pertaining to the King assassination are assigned this number and placed in this file.

4) The first element, or primary number, of all DJ file numbers, whether general or specific, indicates the subject matter of the file or violation involved (e.g. 41 = explosives). The DJ primary numbers assigned for use by the Civil Rights Division are 50 (18 U.S.C. 1581, 1584), 144 (18 U.S.C. 241, 242, 245), 166(voting) 167 (public accommodations), 168 (public facilities), 169 (education), 170 (employment), 171 (federally assisted programs), 173 (jury discrimination), 174 (military voting discrimination), and 175 (fair housing). The remaining DJ primary numbers are assigned to other Divisions of the Department of Justice. The DJ primary number "41" is assigned to the Criminal Division to identify violations relating to the manufacture, storage and use of explosives as well as bombing and bomb threats, prosecuted under 18 U.S.C. and 46 U.S.C. The DJ primary number "41" is not used by the Civil Rights Division.

5) The second element, or secondary number, used with the primary DJ number 41 indicates the judicial district or geographical area covered by the file. The highest number currently listed is 103. The number "157" is not assigned as the identifying number for any geographical area.

6) The third element or number indicates the specific case or matter involved. Therefore, each case or matter of a specific nature within a given judicial district has its own number. For example, DJ 144-72-662 (the King assassination file) is the six hundred, sixty second federal criminal civil rights violation investigated in the Western District of Tennessee for which a separate file was established by the Civil Rights Division.

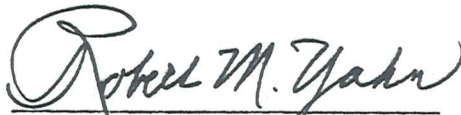
7) On December 9, 1981, I spoke by telephone with Ms. Nancy Bell, supervisor of the mail classification unit of the Criminal Division. Ms. Bell advised me that the Criminal Division does not utilize the secondary number "157" to identify any of its mail or files.

8) On December 9, 1981, I spoke by telephone with Ms. Clara Glock of the Records Management Section of the Federal Bureau of Investigation (FBI). The FBI employs a mail and file classification system similar in many respects to the DJ file number system. Ms. Glock advised me that the FBI utilizes the primary number "41" with regard to explosives and that the FBI does not use the secondary number "157".

9) I know of no other component of the Department of Justice, other than the Criminal Division and the FBI, that uses a three element numbering system with a primary number of "41".

10) I have determined that there is no Department of Justice file with the number 41-157-147. Furthermore, I have determined that the number 41-157-147 could not be a valid DJ file number. For these reasons, any use or appearance of this number is erroneous.

I declare under penalty of perjury that all of the above is true and correct to the best of my knowledge.



Robert M. Yahn, Chief
Records Maintenance and
Disposition Section
Records Management Group
Records and Publication Staff
Justice Management Division

Executed on December 21, 1981.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December, 1981, I served the foregoing NOTICE OF FILING, MOTION FOR EXTENSION OF TIME WITHIN WHICH TO COMPLY WITH DECEMBER 1, 1981 ORDER and proposed ORDER GRANTING EXTENSION OF TIME upon counsel, by mail, postage prepaid to:

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


WILLIAM G. COLE