

# United States District Court

FOR THE  
District of Columbia

CIVIL ACTION FILE NO. 78- 0420

HAROLD WEISBERG

**ROBINSON, J.**

Plaintiff

v.

SUMMONS

FEDERAL BUREAU OF INVESTIGATION  
WILLIAM H. WEBSTER  
GRIFFIN BELL  
U.S. DEPARTMENT OF JUSTICE

Defendants

To the above named Defendant :

You are hereby summoned and required to serve upon

James H. Lesar

plaintiff's attorney , whose address

910 Sixteenth Street, N.W., Suite 600  
Washington, D.C. 20006

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

-----  
**JAMES F. DAVEY**  
Clerk of Court.

-----  
Deputy Clerk.

Date: March 10, 1978

[Seal of Court]

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ROBINSON, J.

.....  
HAROLD WEISBERG,  
Route 12  
Frederick, Maryland 21701  
Phone: [301] 473-8186

MAR 10 1978

Plaintiff,

v.

Civil Action 78- 0420

FEDERAL BUREAU OF INVESTIGATION

WILLIAM H. WEBSTER, Director  
Federal Bureau of Investigation  
J. Edgar Hoover Building  
10th & Pennsylvania Avenue, N.W.  
Washington, D.C. 20535

U.S. DEPARTMENT OF JUSTICE

and

GRIFFIN BELL, Attorney General  
of the United States  
U.S. Department of Justice  
10th & Pennsylvania Ave., N.W.  
Washington, D.C. 20530

Defendants  
.....

C O M P L A I N T

[Freedom of Information Act, 5 U.S.C. §552]

1. Plaintiff brings this action under the Freedom of Information Act, 5 U.S.C. §552, as amended by Public Law 93-502, 88 Stat. 1561 [93rd Cong., 2d Sess.], and Public Law 94-409, 90 Stat. 1241 [94th Cong., 2d Sess.]

2. Plaintiff is HAROLD WEISBERG, an author residing at Route 12, Frederick, Maryland 21701.

3. Defendant WILLIAM H. WEBSTER IS Director, Federal Bureau of Investigation, 10th & Pennsylvania Avenue, N.W., Washington, D.C. 20535. Defendant Webster is responsible for seeing that the Federal Bureau of Investigation meets its obligations under the Freedom of Information Act.

4. Defendant GRIFFIN BELL is Attorney General of the United States. Defendant Bell is responsible for seeing that the Department of Justice meets its obligations under the Freedom of Information Act.

5. Defendant FEDERAL BUREAU OF INVESTIGATION is a component of the United States Department of Justice and has possession and control of the files of its New Orleans Field Office on the assassination of President John F. Kennedy.

6. Defendant United States Department of Justice is an agency of the United States and is responsible for supervising the implementation of its regulations governing the FBI's processing of Freedom of Information Act requests.

7. By letter dated December 25, 1977 plaintiff made a Freedom of Information Act request for all of the FBI's New Orleans Field Office files on or pertaining to the assassination of President John F. Kennedy. (See Exhibit 1)

8. By letter dated January 4, 1978, the New Orleans Field Office acknowledged receipt of plaintiff's request and advised him that it was being referred to FBI Headquarters for further processing. (Exhibit 2)

9. By letter dated January 25, 1978 plaintiff appealed this de facto denial of his request to the Deputy Attorney General.

10. No response having been made to his appeal within the time allowed by law, plaintiff is deemed to have exhausted his administrative remedies under the Freedom of Information Act.

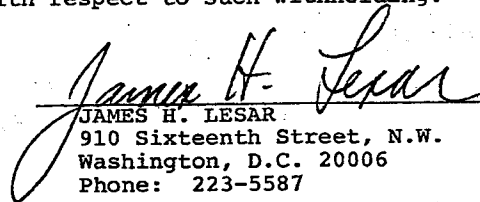
WHEREFORE, plaintiff prays this honorable Court for the following relief:

1. That the defendants be enjoined from withholding the records plaintiff has requested;

2. That the Court award reasonable attorney fees and the costs of bringing this action;

3. That plaintiff be granted a waiver of all search fees and copying costs; and

4. That the Court issue a written finding that the circumstances surrounding the withholding of the records requested by plaintiff raise questions as to whether agency personnel acted arbitrarily and capriciously with respect to such withholding.

  
JAMES H. LESAR  
910 Sixteenth Street, N.W.  
Washington, D.C. 20006  
Phone: 223-5587

Attorney for Plaintiff

Dated: March 10, 1978

Exhibit 1

JAMES H. LESAR  
ATTORNEY AT LAW  
910 SIXTEENTH STREET, N. W. SUITE 600  
WASHINGTON, D. C. 20006  
TELEPHONE (202) 223-5587

December 25, 1977

FREEDOM OF INFORMATION REQUEST

Special Agent in Charge  
New Orleans Field Office  
Federal Bureau of Investigation  
701 Loyola Avenue  
New Orleans, Louisiana 70113

Dear Sir:

On behalf of a client, Mr. Harold Weisberg, I am requesting copies of all records on or pertaining to the assassination of President John F. Kennedy.

This request includes all records on or pertaining to persons and organizations who figured in the investigation into President Kennedy's murder that are not contained within the file(s) on that assassination, as well as those that are.

This request also includes all records on or pertaining to Lee Harvey Oswald, regardless of date or connection with the investigation into President Kennedy's assassination.

In addition, this request includes all records on or pertaining to Clay Shaw, David Ferrie and any other persons or organizations who figured in District Attorney Jim Garrison's investigation into President Kennedy's assassination.

I would appreciate it if you could let me know the estimated volume of records involved in this request and when you expect to begin processing them in compliance with my client's request.

Sincerely yours,

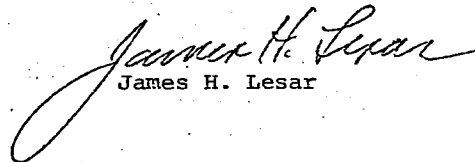
  
James H. Lesar

Exhibit 2



In Reply, Please Refer to  
File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

701 Loyola Avenue  
New Orleans, Louisiana 70113  
January 4, 1978

Mr. James H. Lesar  
Attorney at Law  
910 Sixteenth Street, N.W.  
Suite 600  
Washington, D.C. 20006

Dear Mr. Lesar:

Reference is made to your letter dated December 25, 1977, concerning the Freedom of Information Act (FOIA) request of Mr. Harold Weisberg for records pertaining to the assassination of President John F. Kennedy and others.

This is to advise you that your letter has been received and has been referred to FBI Headquarters in Washington, D.C., for further processing. It is suggested that any further inquiry be directed to our FOIA Section at our headquarters in Washington, D.C.

Very truly yours,

FRANCIS M. MULLEN, JR.  
Special Agent in Charge

By: *Joseph P. Mc Mahon*  
JOSEPH P. MC MAHON  
Supervisory Special Agent

CO90/1 78 0322 2 21 78 2 895 1 904 9053 78 0322

PLAINTIFFS

DEFENDANTS

HAROLD WEISBERG

WILLIAM H. WEBSTER, Director,  
Federal Bureau of Investigation

FEDERAL BUREAU OF INVESTIGATION

GRIFFIN BELL, Attorney General  
of the United States

U.S. DEPARTMENT OF JUSTICE

CAUSE

FOIA 5 USC 552

ATTORNEYS

~~James H. Lesar~~  
~~910 16th St. N.W. 20006~~  
~~223-5587~~

2101 L Street, N.W. Suite 203  
Washington, D.C.  
(202) 223-5587 & 785-1636

Cornish F. Hitchcock  
2000 P St., N.W., Suite 700  
Washington, D.C. 20036  
(202) 785-3704

MARK H. LYNCH  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
122 Maryland Avenue, N.E.  
Washington, D.C. 20002  
(202) 544-5388

Daniel J. Metcalfe  
Dept. of Justice  
P. O. Box 7219  
Wash., D. C. 20044  
739-4544

~~Henry H. LaHaie~~  
~~Room 3338, Civil Division~~  
~~Department of Justice~~  
~~10th & Pennsylvania Ave., N.W.~~  
~~Washington, D.C. 20530~~  
~~633-4345 633-5532~~  
Renee M. Wohlenhaus  
Room 3334, Hitchcock

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.O. NUMBER	CARD	DATE MAILED
				JS-5	
				JS-6	

DATE	NR.	PROCEEDINGS
1978		
Feb	24	COMPLAINT; appearance.
Feb	24	SUMMONS (5) & copies (5) of complaint issued. U.S. Atty. ser 2-28-78. Defts Webster & FBI ser 2-28-78. Justice & Atty. Gen ser 3-2-78.
Mar	30	ANSWER of defts to complaint; exhibits (3); appearance of Daniel J. Metcalfe; c/m 3-30-78.
Mar	30	CALENDARED. CD/N
Apr	07	REASSIGNMENT of case from Judge Oberdorfer to Judge Smith.
1979		
Mar	22	STATUS CALL: Oral motion to consolidate this case with Civil Action No. 78-420, granted. (Rep: D. Copeland) SMITH, J.
Apr	03	NOTICE of defts of filing of proposed order of consolidation.
Apr	04	ORDER of consolidation for all purposes, pursuant to Rule 42(a), FRCP, consolidat- ing CA 78-322 & CA 78-420. (N) SMITH, J.
1980		
Mar	25	STATUS CALL: Further Status Call set for 9:30am on 10-14-80. (Rep: Dawn Copeland) SMITH, J.
Apr	30	CHANGE of address of counsel for ptlf. to 2101 L Street, N.W. Suite 203. CD/N
Oct	14	STATUS CALL. Further status call 9:30 A.M., Dec. 2, 1980. (Rep. Dawn Copeland) Smith, J.
1981		
Jan	07	STATUS CALL: Further Status Call set for 2-11-81 at 9:30A.M. (Rep: Dawn Copeland) SMITH, J.
Feb	17	STATUS CALL: Further Status Call set for 9:30 A.M., May 18, 1981. Rep: Dawn Copeland SMITH, J.
May 27		STATUS: Report by counsel made to the Court with a further status call to be set at a later time. (Rep: D. Copeland) SMITH, J.
Sept 21		TRANSCRIPT of Proceedings taken on 2-17-81; Court's copy; pps 1-7; Rep: Dawn T. Copeland.
Dec 08		APPEARANCE of Henry I. LaHaie for defts. Cal/N.
Dec 10		STATUS CALL: Further status call March 10, 1982. Rep: Dawn Copeland SMITH, C.J.
1982		
Mar 2		MOTION by defts. concerning the adjudication of certain exemption claims; Memo of P&A's; Declaration of John N. Phillips.



CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-TOM-4398

PLAINTIFF AROLD WEISBERG	DEFENDANT WILLIAM H. WEBSTER, et al.	DOCKET NO. <u>78-0322</u> PAGE <u>1</u> OF <u>    </u> PAGES
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DATE	NR.	PROCEEDINGS
1982 Mar 10		STATUS CALL: further status call and motions hearing set for 9:30 A.M. on 3/25/82. (Rep: D. Copeland) SMITH, J.
Mar 15		OPPOSITION by Pltf. to defts' motion concerning the adjudication of certain exemption claims; Affidavit of Harold Weisberg; Affidavit of James H. Lesar.
Mar 22		REPLY by defts. to pltf's. opposition to defts' motion concerning the adjudication of certain exemption claims; Exhibit A w/ Attachments 1 through 4; Exhibit B.
Mar 25		MOTION by deft. to allow selective Vaughn Index, heard and taken under advisement. (Rep: Dawn Copeland) SMITH, J.
Apr 05		SETTLEMENT PROPOSAL by Pltf.; Attachments 1, 2 & 3.
Apr 15		RESPONSE by defts' to pltf's. settlement proposal; Declaration of John N. Phillips; Exhibits 1 through 5.
May 03		MOTION by defts. for partial summary judgment; Memo of P&A's; Declaration of John N. Phillips; Statement of material facts.
May 12		MOTION by Pltf. for extension of time to and including May 31, 1982, within which to oppose defts' motion for partial summary judgment.
May 18		ORDER filed May 18, 1982, that pltf's. time for opposing deft's. motion for partial summary judgment is extended to and including May 31, 1982. (N) SMITH, C. J.
June 02		MOTION of plaintiff for extension of time within which to file opposition to defendants' motion for partial summary judgment.
Jun 04		MOTION by Pltf. for extension of time within which to file opposition to defts' motion for partial summary judgment; EXHIBIT (Opposition)
Jun 7		MEMORANDUM by defts. advising the Court of Related Case in this District; Exhibits A through E.
Jun 9		ORDER filed June 8, 1982, granting pltf's. motion for extension of time within which to file opposition to deft's. motion for partial summary judgment to and including June 3, 1982. (N) SMITH, J.
Jun 14		MOTION by Pltf. for an order compelling defts. to seek joinder of copyright holders pursuant to Rule 19(a); Memo of P&A's.
Jun 14		AS OF JUNE 3, 1982, OPPOSITION by Pltf. to defts' motion for partial summary judgment; Statement of genuine issue; Affidavit of James H. Lesar w/Attachments 1; Affidavit of Harold Weisberg w/Exhibits 1 through 18, 19A and 19B.

(SEE NEXT PAGE)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF HAROLD WEISBERG	DEFENDANT F. B. I.	DOCKET NO. <u>78-322</u> PAGE <u>2</u> OF <u>    </u> PAGES
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DATE	NR.	PROCEEDINGS
1982 Jun 17		MOTION by deft. to strike and to have its statement of material facts deemed admitted; Memo of P&A's.
Jun 21		RESPONSE by Pltf. to defts' memorandum advising the Court of related case in this District.
Jun 28		RESPONSE by deft. to pltf's. motion for an order compelling the deft. to seek joinder of copyright holders pursuant to Rule 19(a).
July 1		STIPULATION extending pltf's time to respond to Defts' motion to strike and to have its statement of material facts deemed admitted; extended to and including July 23, 1982 - APPROVED. (N) SMITH, C. J.
Jul 02		REPLY by Deft. to pltf's. opposition to the motion for partial Summary judgment; Exhibit A & B.
Jul 8		REPLY by Pltf. to defts' response to pltf's. motion for an order compelling defts. to seek joinder of Copyright Holders pursuant to Rule 19(a).
Jul 8		NOTICE by Pltf. of filing; Attachment.
Jul 9		ORDER granting pltf's motion for an Order compelling defts. to seek the joinder of a copyright holder in this case and in C.A. 78-420, further ordered that defts. seek joinder sought by pltf. in these cases from Dallas File No. 89-43-1A81, which is being withheld on grounds that its release is barred by the Copyright Act 17 USC S 101, et seq., and exemption 3 of the FIA 5 USC S 552. (N) SMITH, C. J.
Jul 23		NOTICE by pltf. of filing of affidavit of Harold Weisberg; affidavit of Harold Weisberg; attachments 1-2; exhibits 1-11.
Jul 23		OPPOSITION by pltf. to deft's motion to strike and to have its statement of material facts deemed admitted.
Jul 26		AMENDED STATEMENT of genuine issues of material fact in dispute by pltf.
Jul 26		MOTION by pltf. for order compelling defts. to provide pltf. with photographic copies of all movie films and still photographs of the FBI's Dallas and New Orleans field offices; memorandum of points and authorities in support.
Aug 5		MOTION and MEMORANDUM by deft. of points and authorities in support of an extension of time.

(SEE NEXT PAGE)

CIVIL DOCKET CONTINUATION SHEET

FBI MAR - 114 92 17M 4294

PLAINTIFF HAROLD WEISBERG	DEFENDANT F.B.I.	DOCKET NO 78-0322 PAGE 3 OF _____ PAGES
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DATE	NR.	PROCEEDINGS
1982 Aug	9	ORDER filed 8/6/82 that deft's time to serve its response to plttf's motion to compel is extended to and including 8/19/82. SMITH, C.J.
Aug	18	MOTION (unopposed) by deft to Stay Court's Order of 7-8-82, pending settlement negotiations between pltf and the copy-rightholder; exhibit A&B.
Aug	19	OPPOSITION by deft to pltf's motion for Order compelling deft with photographic copies of all movie films and still photographs of the FBI's Dallas and New Orleans Field Office; seventh declaration of John N. Phillips.
Aug	26	ORDER filed 8/25/82 granting deft's motion to stay Court's order of 7/8/82 pending settlement negotiations between plttf. and copyrightholder. (N) SMITH, J.
Sep.	2	REPLY by deft. to plttf's opposition to deft's motion to strike and to have its statement of material facts deemed admitted; exhibits A-B.
Sep	3	ERRATA by deft.; attachment.
Sept 10	4	MOTION by deft for a hearing.
Oct	4	MOTION of deft. for partial summary judgment and motion of deft. to strike heard, argued and taken under advisement with counsel to be notified at later time. (Rep: D. Copeland) SMITH, J.
Oct	13	NOTICE by plttf. of filing affidavits; attachment (affidavits).
Oct 29		MEMORANDUM filed 10/27/82. (N) SMITH, J.
Oct 29		ORDER filed 10/27/82 denying defts' motion for partial summary judgment. (N)(See order for details.) SMITH, J.
Dec 3		INTERROGATORIES (first set) of plttf to defts.
Dec 6		INTERROGATORIES (first set written) of deft. to plttf.
Dec 6		REQUEST (first) of deft for production of documents to plttf.
Dec 6		TRANSCRIPT OF PROCEEDINGS from 10-5-82; pages 1 thru 48-A; (Rep: Dawn T. Copeland) COURT COPY
Dec 21		REQUEST of plttf for production of documents.
Dec 21		REQUEST of plttf for admissions.

SEE NEXT PAGE

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>78-322</u>
WEISBERG	WEBSTER, et al.	PAGE <u>4</u> OF <u>    </u> PAGES

DATE	NR.	PROCEEDINGS
1982		
Dec 21		MOTION for extension of time within which to answer or otherwise respond to defts' interrogatories and request for production of documents.
1983		
Jan 3		MOTION AND MEMORANDUM OF P&A'S of deft in support of an extension of time.
Jan 17		MOTION by plttf. for a protective order; memorandum of points and authorities in support; attachment 1.
Jan 20		RESPONSE by deft. to plttf's request for production of documents; attachments A-B.
Jan 20		RESPONSE by deft. to plttf's request for admissions.
Jan 24		RESPONSE by deft. to plttf's first set of interrogatories.
Jan 27		MOTION by deft. for a hearing.
Jan 27		OPPOSITION by deft. to plttf's motion for a protective order.
Feb 4		ORDER denying plttf's motion for a protective order and that plttf. shall answer deft's interrogatories and requests for production of documents within twenty (20) days from date of order and denying deft's request for expenses, including attorneys' fees incurred in opposing plttf's motion. (N) SMITH, J.
Feb 7		MOTION of plttf. for an order compelling defts. to answer request for admissions; P&A's.
Feb 18		OPPOSITION By deft. to plttf's motion for an order compelling deft. to answer the request for admission.
Feb 22		MOTION by plttf. for extension of time to respond to defts discovery.
Mar 8		MOTION by plttf. to strike all sworn statements by FBI Special Agent John N. Phillips and motion to hold evidentiary hearing on plttf's charges that defts. have submitted false information to the Court; P&A's; affidavit of plttf.; attachment.
Mar 8		RESPONSE by plttf. to defts' first request for production of documents; affidavit of plttf.
Mar 8		OBJECTIONS by plttf. to defts' interrogatories.
Mar 15		MOTION of deft for an order compelling discovery; P&A's.
Mar 15		ERRATUM by deft to interrogatories propounded on 12-6-82.

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>78-322</u>
EISBERG	WEBSTER, et al.	PAGE <u>5</u> OF <u>    </u> PAGES

DATE	NR.	PROCEEDINGS
1983		
r 21		MOTION of pltf. to compel answers to interrogatories; P&A's.
r 21		MOTION of pltf. Harold Weisberg for an order compelling defts. to produce documents requested by item No. 1 of pltf's request for production of documents; P&A's.
r 21		MOTION of deft. for an extension of time to serve its response to pltf's motions; and memorandum of points and authorities.
r 28		OPPOSITION by pltf. to defts' motion for an order compelling discovery.
r 29		OPPOSITION by deft. to pltf's motion to strike and to hold an evidentiary hearing; Exhibits A-B.
r 4		OPPOSITION of defts. to pltf's motions for orders compelling deft. to produce documents and to answer interrogatories.
r 6		REPLY of deft. to pltf's opposition to deft's motion for an order compelling discovery; Exhibit A.
r 8		HEARING on motions of pltf to compel admissions and answers to certain interrogatories and motion of deft to compel heard, argued and taken under advisement; Rep. D. Copeland SMITH, J.
r 12		MOTION of pltf. for leave to file April 10, 1983 affidavit of Harold Weisberg; memorandum of P&A's; EXHIBIT (affidavit w/exhs.).
pr 15		ORDER filed 4/13/83 denying pltf's Motions to Compel Deft to answer his request for admissions; further that within 30 days of the date of this Order deft. shall serve upon pltf and file with the Court answers to interrogatories 12(b), 32, and 33; Pltf shall serve upon deft. and file with the Court responsive answers to deft's interrogatories and request for production of documents, providing finally his contentions concerning the adequacy of the FBI search; Deft. shall submit an affidavit within 10 days from the date of this Order, detailing expenses, including attorney's fees, which were incurred in obtaining the Order compelling pltf to answer interrogatories and produce documents. (N) SMITH, J.
pr 18		ORDER granting pltf's motion for leave to file the April 10, 1983 affidavit of Harold Weisberg. (N) SMITH, J.
pr 18		AFFIDAVIT of Harold Weisberg; exhibits 1 through 16.
pr 18		MEMORANDUM of pltf to the Court.

(SEE NEXT PAGE)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO
WEISBERG	WEBSTER, et al.	78-322
		PAGE 6 OF _____ PAGES

DATE	NR.	PROCEEDINGS
1983		
Apr 25		APPLICATION of debt for expenses incurred in obtaining the order compelling pltf to answer its discovery requests; Declaration of Henry I. LaHale; Exh. 1.
Apr 27		REQUEST (second) by pltf. for production of documents to defts. Attachments 1-5.
Apr 29		ORDER filed 4/28/83 that pltf's motion for an order compelling defts to produce documents is denied; pltf's motion to strike sworn statements of FBI Agents John Phillips; pltf's motion for evidentiary hearing is also denied. (N) SMITH, J.
Apr 29		ORDER filed 4/28/83 awarding expenses to debt under Rule 37(a)(4), FRCP in the amount of \$684.50; and that pltf shall pay said amount to the United States within 60 days from date of this Order. (See order for further details) (N) SMITH, J.
May 4		INTERROGATORIES (second set) by pltf to defts; attachment.
May 13		MOTION by debt and memorandum of points and authorities in support of an extension of time to file answers to interrogatories 12(a), 32 and 33 of pltf's first set of interrogatories.
May 13		ANSWERS by debt Dallas Field Office to interrogatories 12(a), 32 and 33 of pltf's first set of interrogatories.
May 16		ANSWERS of debt New Orleans Field Office to interrogatories 12(a), 32 and 33 of pltf's first set of interrogatories.
May 18		ORDER filed 6/16/83 that debt's time to serve the responses of its New Orleans Field Office to interrogatories Nos. 12(a), 32 and 33 of pltf's first set of interrogatories is extended to, and including May 18, 1983. SMITH, J.
May 18		MOTION by debt pursuant to Rule 37 for dismissal of these consolidated actions; memorandum of points and authorities in support.
May 20		MOTION by debt and memorandum of points and authorities in support of a stay of pltf's discovery;
May 31		MOTION of pltf for extensions of time to oppose defts motions for a stay of pltf's discovery and for dismissal of these actions.
Jun 6		MOTION of pltf for reconsideration; memorandum of P&A's.
Jun 6		OPPOSITION of pltf to defts motion for a stay of pltf's discovery.

(SEE NEXT PAGE)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF EISBERG	DEFENDANT WEBSTER, et al.	DOCKET NO. 78-322 PAGE 7 OF _____ PAGES
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DATE	NR.	PROCEEDINGS
983		
in 6		OPPOSITION of pltf to defts motion to dismiss.
in 6		NOTICE by pltf of filing of April 29, 1983 affidavit of Harold Weisberg; Declaration of Harold Weisberg; attachments.
un 6		NOTICE by pltf of filing of May 5, 1983 affidavit of Harold Weisberg; Affidavit; Exhibits 1 through 16.
un 6		NOTICE by pltf of filing of May 28, 1983 affidavit of Harold Weisberg; Affidavit.
in 20		OPPOSITION of deft to pltf's motion for reconsideration.
in 21		REPLY of deft to pltf's opposition to deft's dismissal motion.
in 23		REPLY of deft to pltf's opposition to its motion for a stay of pltf's discovery.
Jul 21		TRANSCRIPT OF PROCEEDINGS (7): of 3/22/79, pp 4-6; 3/25/80, pp 1-5; 10/14/80, pp. 1-10; 1/7/81, pp 1-7; 5/27/81, pp 1-4; 12/10/81, pp. 1-5; 3/10/82, pp 1-7; 3/25/82, pp. 1-10; Rep. Dawn T. Copeland. (Filed in CA 78-0420)
ig 29		NOTICE of pltf of filing of June 13, 1983 affidavit of Mr. Harold Weisberg; Exhibits 1-14; and Addendum of June 17, 1983.
ig 29		NOTICE of pltf of filing of July 16, 1983 affidavit of Mr. Harold Weisberg; attachment.
ig 29		NOTICE of pltf of filing of July 6, 1983 affidavit of Mr. Harold Weisberg; attachment.
ug 29		NOTICE of pltf of filing of July 22, 1983 affidavit of Mr. Harold Weisberg; Exhibits 1-36.
ct 19		TRANSCRIPT OF PROCEEDINGS of 4-8-83; pages 1-61; (Rep: Dawn T. Copeland) (sb)
ov 9		HEARING on pltf's motion to reconsider this Court's Orders and deft's motions to dismiss and stay further Discovery heard, argued and taken under advisement, with counsel to be notified. Rep: D. Copeland. SMITH, J. (sb)

(SEE NEXT PAGE)

**CASE CLOSED**

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF WEISBERG	DEFENDANT WEBSTER, et al.	DOCKET NO. <u>78-322</u> PAGE <u>8</u> OF <u>    </u> PAGES
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DATE	NR.	PROCEEDINGS
1983		
Nov 23		MEMORANDUM filed 11-18-83. (N) SMITH, J. (sb)
Nov 23		ORDER filed 11-18-83 that pltf's motion for reconsideration of this Court's orders, or in the alternative, to amend this Court's orders to certify for interlocutory appeal, is DENIED; Deft's motion to dismiss these consolidated actions is granted; Cases are DISMISSED with prejudice. (See for details) SMITH, J. (sb)
Dec 2		APPLICATION of deft for expenses incurred in prosecuting its dismissal motion under Rule 37(b)(2); Declaration of Henry I. LaHaie; Exhibit 1. (sb)
Dec 15		OPPOSITION by pltf to deft's application for expenses in prosecuting its dismissal under Rule 37(b)(2) (sb)
Dec 20		REPLY of deft to pltf's opposition to its application for expenses incurred in prosecuting the dismissal motion under Rule 37(b). (s
Dec 22		ORDER filed 12-21-83 (1) That deft is awarded expenses under FRCP 73(b)(2) in the amount of \$1,053.55; (2) Pltf and his counsel James H. Lesar, shall pay said amount to the United States within 20 days from date of this Order; and (3) such payment be made by check payable to "Treasurer of the united States of America and shall be sent to deft's counsel. (N) SMITH, J. (s
Dec 27		APPLICATION of deft for Entry of Judgment. (sb)
<u>1984</u>		
Jan 10		JUDGMENT in favor of deft. Federal Bureau of Investigation against pltf Harold Weisberg in the sum of One Thousand Fifty-Three Dollars and Fifty-Five Cents (\$1,053.55) plus interest; expenses in the sum of Six Hundred Eighty-Four Dollars and Fifty Cents (\$684.50) plus interest; directing pltf. to pay said amount to the United States within Sixty (60) days from date of this order; Approved. (N) SMITH, J. (sb)
Jan 20		MOTION of deft to amend judgment; Memorandum of P&A's. (sb)
Jan 23		NOTICE OF APPEAL by pltf from order entered November 23, 1983. \$5.00 filing fee and \$65.00 docketing fee paid and credited to U.S. Copies mailed to: Henry LaHaie. (sb)
Jan 24		COPIES of docket entries and notice of appeal transmitted as preliminary record to USCA. (USCA# <u>84-5058</u> ) (sb)

(SEE NEXT PAGE)



CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>78-322</u>
WEISBERG	WEBSTER, et al.	PAGE <u>9</u> OF <u>    </u> PAGES

DATE	NR.	PROCEEDINGS
1984		
Jan 31		AMENDED JUDGMENT ordering that the pltf take nothing; that these actions be dismissed with prejudice; that deft. F.B.I. recover from pltf Harold Weisberg and his attorney, James H. Lesar, the sum of one thousand fifty-three dollars and fifty-five cents (\$1,053.55) plus interest from the date of judgment at the legal rate of 10.1% computed daily and compounded annually until paid in full; directing that deft F.B.I. recover from pltf Harold Weisberg the sum of six hundred eighty-four dollars and fifty cents (\$684.50) plus interest from the date of judgment at the legal rate of 10.1% computed daily and compounded annually until paid in full. Approved. (Signed 1-30-84) (N) SMITH, J. (sb)
Feb 2		MOTION of pltf to vacate, or, in the alternative, to alter the amended judgment filed on 1-31-84; P&A's. (sb)
Feb 2		OPPOSITION of pltf to defts' motion to amend judgment. (sb)
Feb 9		MOTION of pltf for stay of proceedings to enforce judgment pending disposition of pltf's motion to vacate or to alter or amend amended judgment filed 1-31-84; P&A's; Attachment 1. (sb)
Feb 13		OPPOSITION of defts to pltf's motion to vacate or, in the alternative, to alter the amended judgment entered on 1-31-84. (sb)
Feb 16		ORDER filed 2/14/84 denying pltf's motion to stay enforcement of the judgment; denying pltf's motion to vacate or alter the amended judgment. (N) SMITH, J.
Feb 21		REPLY of pltf's to defts' opposition to pltf's motion to vacate or, in the alternative, to alter the amended judgment entered on January 31, 1984. (sb)
Mar 30		APPEARANCE of Cornish F. Hitchcock as counsel for James Lesar. (sb)
Mar 30		NOTICE OF APPEAL by Harold Weisberg and James H. Lesar from the amended judgment on 1-31-84 and order entered 2-16-84. No fee, pursuant to F.R.A.P. 4(a)(4). Copies mailed to Christine R. Whittaker. (sb)
Apr 2		COPY of docket entries and notice of appeal transmitted as preliminary record to USCA. (USCA# <u>84-5201</u> )
May 8		TRANSCRIPT of Proceedings taken on 11/9/93 before Judge Smith. Pages 1-27. (Rep: Dawn T. Copeland) (vajm)
Sept 24		RECORD ON APPEAL delivered to USCA; receipt acknowledged. <u>10/15/84</u> (ef)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO
Harold Weisberg	FBI et al	78-322
		10
		PAGE OF PAGES

DATE	NR.	PROCEEDINGS
1985		
Mar 22		PRAECIPE entering appearance of Renee M. Wohlenhaus as counsel of record and removing Henry I. LaHaie. (hls)
Mar 13		CERTIFIED copy filed 3/13/85 from USCA dated 12/7/84 affirming in part and remanding case. (opinion attached) (hls)
Mar 27		HEARING on mandate of 12/7/84; Gov't given until 4/29/85 to file brief on issues with respect to atty's fees award and costs with pltf until 5/20/85 to respond; Further hearing set for 10:30 AM 5/23/85. SMITH, J. (hls)
Mar 28		NOTICE to take deposition of Henry LaHaie. (hls)
Mar 28		REQUEST by pltf for production of documents. (hls)
Mar 28		PRAECIPE filed changing address of pltf's counsel. (hls)
Apr 29		SUPPLEMENTAL MEMORANDUM by deft of P & A's in support of an award of attorneys' fees pursuant to rule 37 of the Federal Rules of Civil Procedure; Table of authorities; exhibit A; attachmetn A exhibit B thru E. (mf)
Apr 29		NOTICE OF FILING of deft's respons to pltf's request for production of documents. (mf)
May 2		APPEARANCE of Mark H. Lynch entered as counsel for pltf. and withdrawal of James H. Lesar's appearance as counsel for pltf. (mj)
May 2		NOTICE by pltf. to take the deposition of Christine Whittaker. (mj)
May 2		NOTICE by pltf. to take the deposition of Leonard Schaitman. (mj)
May 7		MOTION by pltf. for an enlargment of time; P & A's. (mj)
May 10		NOTICE OF FILING by deft; Declaration of Christine R. Whittaker. (m)
May 10		ORDER (Filed 5/9/85) granting pltf's moiton for an enlargement of time to and including May 28, 1985 in which to oppose deft's fee application, with hearing 10:30 a.m. June 11, 1985. (N) SMITH, J. (mj)
May 28		MEMORANDUM by James H. lesar in opposition to defts' request for attorneys' fees under Rule 37, Federal Rules of Civil Procedure; Table of Contents; Table of authorities. (mj)
May 28		OPPOSITION by Weisberg to deft's application for an award of fees; exhibits; Declarations of Mark H. Lynch and James H. Lesar. (mj)
May 31		NOTICE OF FILING by pltf.; attachment to Mark H. Lynch declaration. (mj)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF  HAROLD WEISBERG	DEFENDANT  FBI, ET AL.	DOCKET NO. <u>78-322</u> PAGE <u>10</u> OF <u>    </u> PAGES
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DATE	NR.	PROCEEDINGS
1985		
June 4		DEPOSITION OF LEONARD SCHAITMAN taken on May 9, 1985 on behalf of pltfs; errata sheet. (mj)
June 4		DEPOSITION OF CHRISTINE WHITTAKER taken on May 9, 1985 on behalf of of pltfs; errata sheet. (mj)
June 4		DEPOSITION OF HENRY LAHALE taken on May 6, 1985 on behalf of pltfs; errata sheet. (mj)
June 7		REPLY MEMORANDUM by deft. in Support of an Award of Attorney's Fees Pursuant to Rule 37 of the Federal Rules of Civil Procedure; Exhibits A and B. (gh)
June 13		MEMORANDUM and ORDER filed 6-13-85 awarding defendant attorney's fees under FRCP 37 in the amount of Eight-hundred and forty-eight dollars (848.00) said to be paid within thirty (30) days from the date of this Order; Further Mr. Lesar is not liable for payment of said award; denying deft's application for attorney's fees for time spent in litigating these cases in the USCA for the District of Columbia and denying deft's oral petition for leave to file an application for fees associated with the remand. (N) SMITH, J. (gh)
July 1		MOTION by pltf's counsel For Leave to Withdraw. (gh)
July 1		MOTION of deft. for attorneys' fees heard on 6/11/85 and taken under advisement. (Rep. G. Sodysko) SMITH, J. (lp)
July 10		ORDER granting Counsel's motion to withdraw and FURTHER MARK H. LYNCH IS WITHDRAWN AS COUNSEL FOR THE PLAINTIFF. (N) SMITH, J. (kc)
July 12		MOTION (Rule 60 (b) by pltf. to vacate judgment, reopen case and for other purposes; exhibits. (kc)
July 22		OPPOSITION by deft. to pltf's Rule 60(b) motion.
August 6		RESPONSE by pltf. to deft's opposition to pltf's Rule 60(b) motion.
August 8		ORDER denying pltf's motion to VACATE Rule 60(b) to vacate judgment. (N) SMITH, J. (mj)
August 9		JUDGMENT that deft. FBI recover from pltf. Harold Weisberg the sum of Eight Hundred Forty-eight (\$848.00) plus interest. (N) SMITH, J. (mj)
August 16		MOTION by pltf. for reconsideration of this Court's Orders issued on the 15th of November 1984, and the 8th of October, 1985.

(OVER)

## CIVIL DOCKET CONTINUATION SHEET

SBERG	DEFENDANT FBI, ET AL.	DOCKET NO. <u>78-322</u> PAGE <u>12</u> OF <u>    </u> PAGES
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## PROCEEDINGS

OPPOSITION of deft to pltf's second motion to reconsider final judgment. (io)

RESPONSE of pltf to deft's opposition to pltf's motion to reconsider. (io)

HEARING on pltf's motion for reconsideration argued and taken under advisement. (Rep: Catherine Rebarick) SMITH, J. (io)

MEMORANDUM. (N) SMITH, J. (io)

ORDER reaffirming Court's orders entered 11-18-83 and 10-8-85. (N) SMITH, J. (io)

NOTICE OF APPEAL by pltf from order entered 3-4-86. \$5.00 filing fee and \$65.00 docketing fee paid. Copies mailed to: Daniel J. Metcalfe, and Renee M. Wohlenhaus. (io)

PRELIMINARY RECORD transmitted to USCA: USCA # 86-5289. (io)

MAR 4 1986

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

CLERK, U.S. DISTRICT COURT DISTRICT OF COLUMBIA

BERG, Plaintiff, WEBSTER, et al. Defendants. BERG, Plaintiff, BUREAU OF INTELLECTUAL PROPERTY, et al., Defendants.



Civil Action No. 78-0322

(CONSOLIDATED CASES)

Civil Action No. 78-420

ORDER REORDER

consideration of the plaintiff's motion for reconsideration of the Court's orders of November 18, 1983 and 1985, defendant's opposition, oral arguments, and the record, it is by the Court this 4th day of March, 1986 that the Court's orders, entered November 18, 1983 and 1985, are hereby reaffirmed.

United States

United States District Judge [Signature]

Exhibit 1

JAMES H. LESAR  
ATTORNEY AT LAW  
910 SIXTEENTH STREET, N. W. SUITE 600  
WASHINGTON, D. C. 20006  
TELEPHONE (202) 223-5587

December 25, 1977

FREEDOM OF INFORMATION REQUEST

Special Agent in Charge  
New Orleans Field Office  
Federal Bureau of Investigation  
701 Loyola Avenue  
New Orleans, Louisiana 70113

Dear Sir:

On behalf of a client, Mr. Harold Weisberg, I am requesting copies of all records on or pertaining to the assassination of President John F. Kennedy.

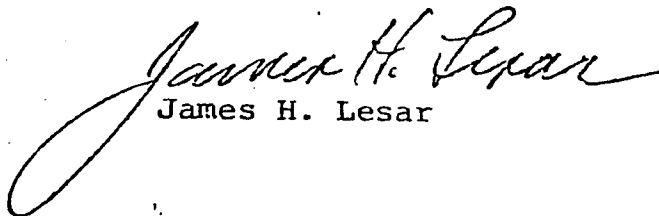
This request includes all records on or pertaining to persons and organizations who figured in the investigation into President Kennedy's murder that are not contained within the file(s) on that assassination, as well as those that are.

This request also includes all records on or pertaining to Lee Harvey Oswald, regardless of date or connection with the investigation into President Kennedy's assassination.

In addition, this request includes all records on or pertaining to Clay Shaw, David Ferrie and any other persons or organizations who figured in District Attorney Jim Garrison's investigation into President Kennedy's assassination.

I would appreciate it if you could let me know the estimated volume of records involved in this request and when you expect to begin processing them in compliance with my client's request.

Sincerely yours,

  
James H. Lesar

Phillips 4A - 4/29/82

EXHIBIT 1

II. PROCEDURES UNDERTAKEN BY THE DALLAS  
FIELD OFFICE IN RESPONSE TO PLAIN-  
TIFF'S FOIA REQUEST

A. Initial Search

5. By letter to the Dallas Field Office dated December 25, 1977, plaintiff's attorney requested "all records on or pertaining to the assassination of President John F. Kennedy," including "all records on or pertaining to persons or organizations who figured in the investigation into President Kennedy's murder that are not contained within the file(s) on that assassination, as well as those that are." Also requested were "all records on or pertaining to Lee Harvey Oswald regardless of date or connection with the investigation into President Kennedy's assassination." (A copy of this letter is attached to plaintiff's complaint in Case No. 78-322).

6. Because many of the Dallas documents had been previously processed pursuant to a separate FOIA request by plaintiff for FBIHQ records on the JFK assassination, plaintiff's request was forwarded to FBIHQ. Upon review of this latest request by plaintiff, Special Agent Thomas H. Bresson, then Assistant Chief of the FOIPA Branch, determined that four "main" files in the Dallas Field Office were responsive to plaintiff's FOIA request:

- 89-43 - "Assassination of President John F. Kennedy, November 22, 1963." This file consists generally of allegations about individuals (other than Lee Harvey Oswald and Jack Ruby) or groups involved in the assassination, and other miscellaneous information.
- 100-10461 - "Lee Harvey Oswald." This file consists of information developed about Lee Harvey Oswald before and after the assassination.
- 44-1639 - "Jack Ruby, Lee Harvey Oswald-Victim." This file concerns the killing of Oswald by Ruby.
- 62-3588 - "President's Commission on the Assassination of President Kennedy." This file consists of material concerning the Warren Commission and the report it issued.

First, I want to thank the Court for its consideration of my medical and physical limitations. Because of them and because this hearing is limited to the new evidence on which my Motion is based, so as not to ramble in ad-libbing - I am not a lawyer - I have typed what I want to say that I may read it. Without interruption, it will take about 20 minutes. Thereafter, if the Court or FBI counsel desire, I have extra copies of the official records I quote and will be pleased to provide them.



## MOTION TO RECONSIDER

My motion on which this hearing is being held seeks to have a judgment against me vacated. The judgment was awarded the FBI because I allegedly refused to provide alleged discovery. In fact I provided about two file drawers of this information. After the record before this Court was closed, while the case was on appeal, the FBI began disclosing records to Mark Allen in a case in another court. With one exception, all the new evidence on which my motion is based consists of the FBI's own records disclosed to Allen.

In seeking discovery the FBI represented that the information sought would enable it to establish that it had complied with my requests. It also represented that it required my unique subject-matter expertise. Both representations are untruthful - in fact, impossible.

These FBI records disclosed to Allen are attached to my filing.

A little over a month ago I received additional new evidence, FBI records subsequently disclosed to Allen that are relevant to my undenied allegations of fraud, perjury and misrepresentation by the government to obtain the judgment.

I restrict myself to this "new evidence" and, to save the Court's time, I now refer to only a few of these matters. While none are frivolous, I regard some as of greater importance.

In addition, a few weeks ago a doctoral candidate gave me a copy of a report on FBI files by the Archives and FBI to judge Harold Greene in still other litigation and I use a few excerpts from it.

## TICKLERS

FBI SA John N. Phillips, of the Records Management Division, is case supervisor in this litigation. He provided most of the FBI's attestations after accrediting himself as competent to do so. It is undenied that he is in the identical role in the Allen case in which he also has attested. He thus supervised the disclosure to Allen of what disproves his attestations in this litigation.

With regard to ticklers, or control files, Phillips provided several attestations in which he swore that these ticklers are always routinely destroyed after a short period of time and that there are none in the Dallas or New Orleans field offices. On July 2, 1982, he swore that "the Dallas and New Orleans Field Offices do not produce or maintain ticklers," [T1] repeating this August 26, 1982. [T2]

He also swore that in any event ticklers hold only copies of records from the main case file. In all respects he swore falsely.

While I do not know the extent of the FBI ticklers disclosed to Allen thus far in that litigation, the incomplete copies I have fill two file drawers. These ticklers go back more than 22 years, they refer to other old ticklers, and it thus is apparent that they are not routinely destroyed and that the FBI and Phillips were aware of this when Phillips swore falsely. If this were not the case, before remand I put the FBI and Phillips on notice and this false swearing was neither withdrawn nor apologized for in any way.

In the joint FBI-Archives study reported to Judge Greene, the records of the Dallas field office, among others, were examined, including those relating to the assassination of President Kennedy.

That report refers to the existence of ticklers, as "maintained for the purpose of having all information regarding a specific matter immediately available without the necessity of reviewing numerous case files," in Dallas more than 100,000 pages in the JFK assassination files. This report refers to files in the plural in describing the contents of ticklers and it says further than "they contain copies of serials filed in individual case files." The expert Phillips attested to the contrary.

Without ticklers the FBI would be utterly lost in these massive files in ongoing cases. They were created and they were not destroyed. Another tickler record disclosed to Allen states there was no destruction of any assassination records in either field office.

Page 5 of one FBI tickler record disclosed recently to Allen makes it clear that Phillips was untruthful in attesting that the ticklers contain nothing not in the main file and are identical with it. At 15(b) it is stated that "Only the tickler version contains the Hosty data," another matter about which Phillips attested untruthfully. And at (C) it is stated that "The tickler, report and amended pages differ in many respects." [T3]

Dallas SA Hosty was involved in several serious scandals and was disciplined. Phillips attested that all relevant Dallas Hosty records were disclosed, although the Hosty search slip is entirely blank. When I identified an FBIHQ 67 file in which Dallas Hosty information was hidden, after denials of relevance, the one record I could identify by serial was provided. As this just-disclosed FBIHQ tickler states, it is captioned "Lee Harvey Oswald" and is of obvious relevance. (Another serial from this file identified

in these ticklers, of which I did not know, remains withheld from me.) This tickler page also indicates that there is a Hosty tickler and that it may hold what was not found in the main file search. [T4]

The more incredible of the Hosty scandals, which was suppressed for a dozen years and then was leaked, is Hosty's destruction of a threatening note from Oswald to him. Oswald threatened to bomb the Dallas FBI office and the police headquarters. (Before the Warren Commission, Hosty swore to the official FBI line, that it had no reason to believe Oswald had any potential for violence.) Whether the relevant Dallas records are in undisclosed ticklers or whether this is why the Hosty search slip is blank I do not know but those records were and remain withheld and, like all else withheld in this litigation, no discovery from me was necessary and none from me would enable the FBI to establish compliance when it knew very well that it had not complied. An FBIHQ outline disclosed to Allen and attached to my filings leaves it without question that the FBI - and Phillips - knew that it had and withheld relevant records. [T5]

On page 1, at 1 B 3, quoting, "Hosty note destruction: handled by Bureau on Nov 24 and effect on subsequent days." Despite Phillips' attestation, not a single page of these Dallas records has been disclosed to me.

It thus is obvious that Phillips swore only falsely with regard to ticklers.

#### RECORDINGS

Phillips persisted in swearing only falsely about the existence of relevant and withheld recordings even after I corrected him under oath myself and even after I provided FBI records disclosed to me

by Phillips in this litigation indicating where some were, in particular, of the assassination period recordings of the Dallas police broadcasts. As fast as I disproved one of his untruthful attestations, Phillips made up another, was never truthful and, to this day, these existing and relevant records<sup>(logs)</sup> along with existing and related records remain withheld. That this is not an innocent false swearing is reflected by the Department's letter of a year ago to me in which it admits that as of then one such recording had been blundered into exactly where I had stated it would be, along with relevant records. [R1]

As soon as I received this letter I offered to help locate the other relevant recordings that the FBI did make in Dallas. I also asked for the cost of a second copy of the recording for me to provide to others engaged in this research. Almost a year has passed and I have had no response to my letter nor have I received any copy of any recording or any of the relevant records and neither the recording nor the records are subject to any claim to exemption. One possible reason for this continued withholding in overt and deliberate violation of the law is to keep me from displaying it to this Court as proof positive of Phillips' repeated false swearing and of the FBI's repeated misrepresentations to this Court.

Another possible reason relates to whether the FBI misled a panel of the National Academy of Sciences that was requested to make a study of these recordings by the Attorney General at the request of the House of Representatives.

This is not the only version of those recordings obtained by the Dallas FBI and, contrary to Phillips' attestation that all relevant information is in the four main files, neither they nor

he records relating to the FBI's making the recordings is in any of these main files.

An example of Phillips' false swearing with regard to these records is his March 22, 1982, attestation, "plaintiff has been furnished with all releasable films and tapes." [R2]

He repeated this word-for-word July 2, 1982 [R3] and August 5, 1982 [R4], appending one of his complete fabrications in August, that an FBI employee made copies of the police tapes for the Warren Commission and that the FBI kept no copy. In fact, not a word of this is true.

#### CRITICS

Those known as "critics" of the JFK assassination investigations were included in my requests but no search was ever made, despite Phillips' attestations that such a search was made and that there were no such records. His resort to semantics does not avoid false swearing. On page 4 of the tickler outline referred to above [T5] is this entry, at 3 C 7, "Subsequent preparation of sex dossiers on critics of probe." Such records are filed at the office of origin, Dallas, were not provided, and remained withheld even after I provided FBI Dallas and New Orleans file numbers for some. It is obvious that such dossiers could not be prepared without retrievable and retrieved records. Here again I emphasize that Phillips was supervisor of the disclosure of this record to Allen, so this information was shown to him and his staff when he swore other than truthfully with regard to critics.

On several occasions Phillips swore to searches to locate allegedly non-existing records on "critics." But the search slips

provided, which he also swore are full and complete, reflect that no such search was ever made. With regard to the alleged New Orleans search he attested on April 29, 1982, on page 11, that "an all references indices search was made ... for 'critics' ..." [C1] and with regard to the alleged Dallas search, on page 10, that "No material was found on 'critics' ..." [C2]

The absence of any such search on the search slips attested to as full and complete means that any claim to any such search is knowingly false and the claim that there are no such records likewise is knowingly false. After I provided accurate FBI information neither false attestation was withdrawn.

ALL RELEVANT RECORDS ARE NOT IN MAIN FILES

Phillips attested that all the FBI's information responsive to my requests is in the four main Dallas files to which, without any search at all being made, compliance was restricted. He cannot have read my requests and sworn to this without knowing he was swearing falsely and he released to Allen tickler pages which remove any doubt on this score.

One such page is headed, "L. H. Oswald in Cuba allegation" and thus is of obvious relevance. Under "Material researched for memo" the last item is not cited to any of these mail files but is cited to a "Foreign Miscellaneous" file, "64-44828 Martins Main file." [F1]

When a search was made for newspaper stories reporting that Oswald had been an FBI informer, as another of these new tickler pages reflects, the search was in the 94 files on those papers, mistitled "Research Matters" by the FBI, which seeks to hide these files and

o search them. "Houston Post NR for date 94-8-sub 75"  
orning News, NR for the date, 94-68431." [F2] The companion  
ice files, also mistitled, are "80. Laboratory Research  
They have nothing to do with the laboratory or its research,  
sted and the report to Judge Greene now confirms, there  
vant 80 file records in both field offices, as Phillips  
they were withheld from me. [F3]

#### OTHER UNTRUTHS ABOUT RECORDS AND INDICES

Phillips' attestations to the FBI's once-secret hiding places  
ods are directly contradicted by the joint FBI-Archives report  
Green and by Phillips himself.  
August 26, 1982, Phillips attested that "'June' files are  
FBI sometimes calls the files that encompass the electronic  
ance conducted by a field office." In fact, they are and  
compass much more. "Information in the 'June' files," he  
, "like all other FBI files, is thus retrievable through  
of a field office's general indices." This also is untrue.[01]  
Phillips then pretended not to understand what is meant by  
field office records outside its general files in the SAC's  
d by other means, but he did swear that "a search of the  
s in both the Dallas and New Orleans Field Offices was made."  
he directly contradicts himself because he also swore that  
provided with all records of all alleged searches and no such  
as even requested, leave alone made, from the search records  
in this litigation. Moreover, from his own words, even  
had been such a search, it was not a search responsive to  
sts because it was, in his own words, limited to what the



FBI captioned as JFK assassination and specifically, my requests of both offices are not so limited. [02]

With regard to Phillips' attestation to the retrievability of all records by a search of the general indices, the report to Judge Greene says there is "a variety of other indices." [03]

It states also that "Some records are maintained separately from the related case files," including in special file rooms, surveillance materials and, addressing Phillips' feigned uncertainty, "materials maintained under the personal control of the Special Agent in Charge." Quoting, and again in direct contradiction of the FBI's attestations, "The Field Offices have special file rooms for informant files and ELSUR materials." And they also have "'Do Not File' materials" for what the FBI regards as "sensitive" to "ensure that such information would not appear in the case file." That "June" is for more than electronic surveillance next follows in a listing that includes the "highly controversial." And when the "June" designation was abandoned during this litigation, the FBI "required continued special handling and separate filing of sensitive material." [04]

"Do Not File documents are used in sensitive matters," the Report to Judge Greene states, "such as illegal break-ins and political gossip, but they were used also for policy making and administrative documents, in which restricted circulation and filing was desired." Again, directly contradicting Phillips, this report to Judge Greene states that "There is no procedural cross-referencing between the ELSUR index and the General Index."

I have not exhausted Phillips' permeating infidelity to fact ranging from his deliberate resort to semantics to evade, misrepresent

and mislead to the overtly false but have restricted myself to a selection of the large amount of FBI information that it, itself, disclosed and this I use as what it is, "new evidence." What makes all this official dishonesty even more blatant is the fact that most of this new evidence was disclosed under Phillips' personal supervision and control, albeit delayed until after the case record in this litigation was closed. It is beyond question that none of Phillips' permeating dishonesty was not and could not have been accidental.

#### OFFENSES BY FBI COUNSEL

Paralleling all this FBI sworn-to official untruthfulness to this Court is serious misrepresentation by its counsel and, surprisingly, some of that, for reasons not apparent to me, also is sworn to. This is consistent with the behavior of all FBI counsel, who entirely disregarded all the proof I provided of Phillips' and other FBI untruthfulness, myself under oath, when those counsel filed with this Court additional attestations already proven to be untruthful.

I reemphasize that the FBI and its counsel have not made even pro forma denial of the new evidence I provided and its meaning and that it thus is the only evidence before this Court on the limited question before it, of vacating the judgment based on this new evidence. I believe that both the FBI and its counsel ought be subject to sanctions because of their undenied wrongful and I believe criminal conduct.

With regard to my Motion, through its counsel the FBI makes two knowingly untruthful representations. One is that I have done no more than "rehash" the question of search when in fact I have done no such thing, not in any way, as is obvious in any reading

of what I have filed. The other is that under Rule 60(6) time has run. This is false on two counts, and again, there is no question of deliberateness in these misrepresentations. With regard to the time permitted by the Rule, the one-year limit, specifically, pertains to the first three of its six clauses only. If by any remote chance learned FBI counsel, trained and experienced in the law, knows less than an aged, infirm and ill layman, the possibility of ignorance causing this serious misrepresentation vaporized when I quoted the entire Rule verbatim. Yet thereafter the same and certainly deliberate misrepresentation, that the one-year limit applied and had run, was repeated by the FBI's counsel.

Moreover, even if this were not true, the year still has not run because it is much less than a year since this Court issued its judgment, so not only the last three clauses of the Rule can be invoked, all of them can be and are.

THIS COURT ERRED IN NOT MAKING ANY FINDING OF FACT

I also invoked Rules 52 and 59, the latter pertaining to new trial and the amending of judgment. The first words of clause (a) of Rule 52 are, "In all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specifically and state separately the conclusions of law thereon, and judgment shall be entered pursuant to Rule 58; and in granting or refusing interlocutory injunctions the court shall similarly set forth the findings of fact and conclusions of law which constitute the grounds for its action ..." Clause (b) provides for amending judgments. Even "when findings of fact are made in actions tried by the court without a jury" - and this Court made no "Findings of Fact" - "the

question of the sufficiency of the evidence to support the findings of fact may thereafter be raised ..." The FBI has not raised any question of the sufficiency of the evidence I presented. In fact, it has entirely ignored all the evidence I presented and, with ample opportunity to do so, has presented no evidence of its own for, in truth, it cannot. The only evidence before this Court is the entirely undenied evidence I presented and thus there is no other evidence before the Court on my Motion for it to consider. On its part the Court erred in not making any Findings of Fact. For these reasons the Court may, and I believe it should, vacate the judgment obtained by the serious, undenied and I think criminal misconduct by which it was procured. Moreover, in the absence of even a scintilla of contradictory evidence, I believe that under the Rules I am entitled to no less and that the Court has no alternative.

Phillips 5.13

71

"The FBI searches I processed all the Dallas and New Orleans files that were responsive to plaintiff's FOIA request." (Emphasis added). And finally, in paragraph 25 of my fourth declaration, filed on May 3, I stated that the same files set out in paragraph 3 of my first declaration "were [the ones] determined by the FBI to be responsive to plaintiff's FOIA request." Notwithstanding these unequivocal statements, I will once again declare, in an attempt to satisfy plaintiff's concerns, that the records listed in paragraph 3 of my first declaration and paragraph 25 of my fourth declaration encompass all the records which were determined by the FBI to be responsive to plaintiff's FOIA request.

4. Plaintiff's counsel next raises a question whether the FBI searched its "tickler" records in Dallas or New Orleans on the Kennedy assassination. Before addressing that question, a brief explanation of "ticklers" is in order.

A "tickler" is a carbon copy of a document which is prepared for the information and temporary use of individuals at FBIHQ who need to follow the progress of a certain matter. There are no set policies or procedures for the retention or maintenance of "ticklers." Rather, each employee has his own system for handling "ticklers," depending on what is most convenient for him. In addition, each employee normally discards his "tickler" copy of a document once it is no longer of any use to him.

Not all FBI divisions maintain "ticklers." Indeed, most FBI field offices, including the Dallas and New Orleans Field Offices, do not produce or maintain "ticklers."

Accordingly, the answer to plaintiff's question concerning "ticklers" is simply that there are no such documents in the Dallas and New Orleans Field Offices. But even if those field offices had maintained "ticklers", it would have been virtually impossible to search for the ones responsive to plaintiff's FOIA requests inasmuch as their maintenance varies among the employees who use them. Moreover, it would have been useless to do so since they are merely carbon copies of documents that have already been processed in response to plaintiff's requests.

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of a certain matter. I also stated that not all FBI divisions maintain "ticklers" and that indeed most FBI field offices, including the Dallas and New Orleans Offices, do not produce or maintain these types of records.

In response to those statements, plaintiff produced a document (i.e., Exhibit 2 attached to Harold Weisberg's affidavit of July 21, 1982) ("Weisberg Affidavit"), which he claims demonstrates that the Dallas Field Office does produce and maintain ticklers. That document indicates that a file on Marina Nikolaevna Porter was being closed on March 6, 1978, but that the agent wanted to reopen the case in six months "for verification of the address of subject and family." To remind him of the reopening, the agent directed a rotor clerk, per a notation at the end of the memorandum, to prepare a "six (6) months tickler for reopening."

In this context, it is clear that the agent was not requesting the production of a photostatic or carbon copy (i.e., a "tickler" copy) of the memorandum in question. He was instead directing a clerk to prepare a 3 x 5 card indicating the action that was to be taken six months hence. This card, in turn, would have been placed in a chronologically arranged system of other such cards which contained similar types of reminders. As each time period elapsed, the noted action would be taken and the "tickler" card would be thrown away.

Exhibit 2 attached to Weisberg's Affidavit thus does not refute the statement in paragraph 4 of my fifth declaration that most FBI field offices, including the Dallas and New Orleans Offices, do not produce or maintain "tickler" copies of the documents that they generate. Rather, it merely demonstrates that FBI agents often utilize an informal card system to remind them of certain actions that should be taken in the future.

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(12) Bureau airtel dated 2/14/64, advised Dallas and New Orleans that the amended pages were not to be inserted in the 12/23/63, report since the changes were not substantive and dealt primarily with page numbering of the original address book. The amended pages did not include the Hosty data (105-82555-2021). SAC Francis M. Mullen, Jr., New Orleans Division, reviewed the New Orleans Lee Harvey Oswald file on 11/15/77, and advised that pages 672 through 701 conformed to Bufiles.

(13) Former SA Gemberling and SA Kessler furnished affidavits dated 2/25/64, Bufile 105-82555-2243 and 105-82555-2244 respectively, which essentially explained the conversion of Kessler's office memorandum to a report insert and stated that the Hosty data was omitted from both the memorandum and report since it was not of lead value. These affidavits were furnished to the Warren Commission by Bureau letter dated 2/27/64, (105-82555-2240).

(14) SA Udo H. Specht, Dallas Division, has conducted exhaustive searches to locate the original Kessler memorandum without success.

(15) Comparison of all four versions of pages 672 through 701 reflect the following:

(A) The 12/19/63, version appears identical to the 12/23/63, report version except for a minor pen change to a street number.

(B) Only the tickler version contains the Hosty data.

(C) The tickler, report and amended page versions differ in many respects. For example, 25 pages of the tickler copy do not coincide with the 30 pages of the report version to include page 696 which pertains to the Hosty data.

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Cole material continued

also see

62-116395-1239XL

(material referred to was  
delivered 1/13/76 - perhaps  
Serial 1262X.)

Allen

Cole report 12/10/63  
"Lee Harvey Oswald"

13-R

(not excised)

67-778-3050

may be copy in a Hasty 7 folder

DL a/H 9/29/67

copy: see above

67-778-3114

also see SSC 7 folders:

1/14/76 Wilson Comm. - Oswald

12/11/75 Davidson to Callahan  
Hasty memo

also see

62-116395-1262X and its

encl behind file

continued



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Federal Bureau Of Investigation

Response To The President's Assassination

November 22-25, 1963

- 1. Early teletypes; instructions to field; Hoover, Sullivan, Belmont memos; 80 agents to Dallas
- 2. Jenkins memo of Nov 24: Hoover says Oswald alone did it, Bureau must "convince the public Oswald is the real assassin."
- 3. Hoover memo on Nov 26: "wrap up investigation; seem to us we have the basic facts now" 62-109060-1490
- 4. Hoover memo on Nov 27: "hope to have investigation wrapped up by next week"

B. Lee Harvey Oswald

- 1. Establishing chain of evidence, bullet to gun, etc.

Refer

3. Hosty note destruction: handling by Bureau on Nov 24 and effect in subsequent days

4. Interviews of Oswald associates, Marina wiretap etc.

C. Jack Ruby

- 1. Basic facts - early memo
- 2. Hoover suspicion of basement entry and assistance
- 3. extensive teletypes and reports on organized crime connections, also Hoover's own memos
- 4. contacts in 1959 as P.C.I. - for use as informer on criminal element in Dallas

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Doc # 1

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2. Structure and Methods of the Bureau Investigation

A. Basic Organization and Jurisdiction

1. Legal basis of FBI involvement in probe, statutes,
2. Hoover and Belmont memos
3. Organization chart

B. General Investigative Division G.I.D.

1. Rosen testimony on "ancillary nature" of probe; lack of meetings; assignment to bank robbery desk
2. Supervisors Senate testimony on physical evidence chain
3. Sullivan on lack of communication with Domestic Intelligence - the Division running the probe of LHO  
LACK OF COORDINATION BETWEEN DIV 5 & 6.
4. Rosen characterization of FBI "standing with pockets open waiting for evidence to drop in"
5. Supervisors testimony on LHO not being included in G.I.D. probe other than in relation to physical evidence
6. Rosen didn't know of "Case Report" which found deficiencies in Bureau coverage of Oswald  
DEC 16 INITIAL LT.

C. Domestic Intelligence Division D.I.D. Div. 5

1. LHO background established, prior coverage
2. Sullivan testimony on chaotic process, lack of input
3. Soviet experts handled Oswald investigation
4. Secret disciplining of DID officials who handled pre-assassination investigation of Oswald
5. Incident of Sullivan's people copying GID files
6. Hosty note destruction: Sullivan lack of knowledge
7. Assignment of Ruby probe to Civil Rights Division - outside of DID jurisdiction, thus not a part of general Oswald investigation.

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**D. Investigation of Potential Cuban Aspects**

1. Cancellation of orders to contact Cuban sources on Nov 23

*Retell*  
2. Deletion of [REDACTED] (S-1)(S) from memo provided to Commission (S-2)(S)

4. Cuban experts and supervisors excluded from investigation

5. Church Committee findings on narrow Cuban focus

6. [REDACTED] (S-1)(S)

**E. Investigation of Potential Organized Crime Aspects**

1. Hoover memo and teletypes on Ruby connections

2. Ruby phone records

3. Justice Dept. interest in probing O.C. aspects

4. Chicago interviews with Ruby associates

5. Evans and Staffeld (and Danahy and Stanley) statements on not being consulted

6. Use of Ruby as informant on Dallas criminal element

7. LCN sources available at time

**3. Bureau Relationship With Warren Commission**

**A. Formation of Warren Commission**

1. Hoover opposition: memo and Jenkins memo

2. Katzenbach testimony and Sullivan statement

3. Early memos - adversary relationship

4. Hoover blocking Warren's choice for general counsel

5. Preparation of dossiers on staff and members.

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**B. Assistance To Warren Commission**

1. Basic scope of official relationship
2. Early friction over informant allegation (LEO)
3. Withholding of Hosty name from Oswald notebook
4. Hoover instructions to agents not to volunteer info. to WC
5. Destruction of Hosty note: implications
6. Withholding of secret "Cale Report" on Bureau mistakes in earlier Oswald probe; disciplining of officials
7. Hoover instructions ordering that no Bureau official attend earliest WC session, despite Katzenbach request
8. Delay in sending information to Commission regarding Bureau's past mine contacts with Ruby
9. Apparent withholding of "oswald imposter" memos of 1960-1961

Referri

**11. Handling of Ruby polygraph**

**C. Related Bureau Actions and Activities**

- SEPT. 24 1964
1. Preparation of dossiers on WC staff after the Report was out
  2. Hoover's leaking of early FBI report (Sullivan statement)
  3. Hoover views on Communism and Oswald (Kronheim letter)
  4. Sullivan<sup>00</sup> relationship with Angleton: pre-arranging of answers to Commission questions.
  5. Secret plan to distribute Oswald-Marxist posters in Bureau plan to discredit Communist Party; prejudicial aspects
  6. Hoover reaction to Warren Report
  7. Subsequent preparation of sex dossiers on critics of probe
  8. Questions regarding FBI's continual pledge that "case will remain open for all time;" actual designation of it as "closed" in internal Bureau files.

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U.S. Department of Justice

Office of Legal Policy

Office of Information and Privacy

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Washington, D.C. 20530

DEC 31 1984

Re: Appeal Nos. 80-1644  
and 81-0533  
RLH:PLH

ld W W b D d Weisberg  
Re C 39H Receiver Road  
k, M M , K , MD. 21701

We i i 9 W Weisberg:

s l e a s letter is to advise you that we have located certain  
that t h t that appear to be responsive to your requests to the  
Di W i D Division for records relating to the assassination of  
at J O L t t John F. Kennedy. Those requests are the subject of  
os. . 20 os. 80-1644 and 81-0533. These records contain the  
di o i b dictabelt provided to the HSCA by the Dallas Police  
We 9 W We have also located unindexed working copies of  
s of fo - of that tape in the Technical Services Division of  
Head O b s e Headquarters. These records are now being reviewed and a  
det e t e b determination will be made as soon as possible.

u wi i w n will be interested to know that these records were  
as e s as a result of a lead uncovered by Ms. Hubbell during the  
ing o p n g of certain documents you requested from the Criminal  
n th - h t n that were referred to this Office. The dictabelt and  
doc v o b documents have been stored for the last several years in  
ice 9 i c e safe of Roger Cabbage, a Criminal Division attorney,  
an n s an assistant to Robert Keuch.

Sincerely,



Richard L. Huff, Co-Director  
Office of Information and  
Privacy

Indices searches were made in the Dallas Field Office to locate material on Mr. Hosty. No main files or miscellaneous files on Mr. Hosty were located; however, there was a general personnel matters file (67-425) containing material on Mr. Hosty relative to the JFK assassination which was processed and, where appropriate, released to plaintiff.

The New Orleans Field Office conducted indices searches for material on Mr. Garrison. Two files (included in the NO miscellaneous references) were located and processed for release. Two other documents relative to the JFK assassination which contained Mr. Garrison's name (i.e., see references) were also located and processed. Because Mr. Garrison is a well know public figure in New Orleans, his name was found in numerous other documents, none of which pertained to the Kennedy assassination; accordingly, those documents were not processed.

Finally, no files were located on "critics" or "Warren Commission critics" in either the Dallas or New Orleans Field Offices.

5. Contrary to his assertions, plaintiff has been furnished with all releasable films and tapes relative to the JFK assassination contained in the Dallas and New Orleans Field Offices.

6. In his opposition papers, plaintiff contends that the 94,965 "previously processed" pages should be included in the proposed sample Vaughn Index. As noted in paragraph 4 of my earlier declaration, the "previously processed" documents consist of material in FBIHQ files on the JFK assassination. Those documents were processed prior to this litigation pursuant to a separate FOIA request by plaintiff for FBIHQ records on the Kennedy assassination. Accordingly, when plaintiff later requested DL and NO documents on the JFK assassination, the FBI reviewed all such documents and excluded records duplicative of those that had been processed in the FBIHQ request. To have

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(R3)

The third criticism presented by plaintiff's counsel with respect to the adequacy of the FBI's search is the assertion that the agency failed to produce certain films, tapes and photographs contained in the Dallas files on the Kennedy assassination, "including tapes on 'critics' like Jim Garrison and the Dallas police radio broadcast." Pl. Opp. at 11. This assertion is false.

All photographs in the Dallas and New Orleans Field Offices' files on the Kennedy assassination, including those referenced by plaintiff's counsel, were processed in response to plaintiff's FOIA requests. Those photographs not subject to a FOIA exemption were provided to plaintiff in the form of photostatic copies.

In addition, I have indicated on a number of occasions that plaintiff has been furnished with all releasable films and tapes relative to the JFK assassination contained in the Dallas and New Orleans Field Offices. (See paragraph 5 of my second declaration, filed on March 22, 1982; paragraph 3(g) of my third declaration, filed on April 15, 1982; paragraph 20 of my fourth declaration, filed on May 3, 1982). In one last attempt to placate plaintiff's doubts, I reiterate that the FBI has notified plaintiff of all films and tapes in the Dallas and New Orleans Field Offices' files which pertain in any manner to the Kennedy assassination, and that he has been provided with copies of those films and tapes which are releasable.

6. The fourth accusation made by plaintiff's counsel in his opposition brief is that the FBI ignored certain parts of plaintiff's FOIA requests. This accusation, similar to the previous ones, has absolutely no foundation.

As I spelled out in great detail in my fourth declaration, filed on May 3, 1982, all records on or pertaining to persons or organizations who figured in the investigation of the Kennedy assassination -- as far as those records were related to that investigation -- were processed and, where appropriate, released

Phillips SM

1/26/82

R4

(d) Whether the FBI searched for records referenced in a Dallas memorandum dated October 23, 1975, attached as Exhibit 11 to Weisberg's Affidavit.

As I indicated in paragraph 18(e) of my fourth declaration attached to Defendant's Motion for Partial Summary, filed on May 3, 1982, the FBI's search in these cases did locate records concerning the allegations of Mr. William Walter. By letter dated May 15, 1981, plaintiff was provided with the records pertaining to Mr. Walter's allegations that had not been previously processed in the FBIHQ files.<sup>\*/</sup>

(e) Whether the FBI searched for all films and tapes.

As I have stated several times in these cases,<sup>\*\*/</sup> plaintiff has been furnished all releasable films and tapes in the Dallas and New Orleans Field Offices which pertain to the JFK assassination. Furthermore, as I indicated in paragraph 3(g) of my third declaration, some tapes and films (this includes the "Thomas Alyea film") were sent to FBIHQ during the investigation and thus are involved in the pending administrative appeal of plaintiff's separate FOIA request for FBIHQ material. Lastly, there are no tapes of "the recorded police radio broadcasts" in either the Dallas or New Orleans Field Offices.<sup>\*\*\*/</sup>

<sup>\*/</sup> Most of the records surrounding Mr. Walter's allegations were previously processed pursuant to a separate FOIA request by plaintiff. That processing of the FBIHQ Kennedy files was explained in paragraph 6 of my second declaration attached to Defendant's Reply to Plaintiff's Opposition to the Motion Concerning the Adjudication of Certain Exemption Claims, filed on March 22, 1982.

<sup>\*\*/</sup> See Second Declaration of John N. Phillips, ¶ 5, attached to Defendant's Reply to Plaintiff's Opposition to the Motion Concerning the Adjudication of Certain Exemption Claims, filed on March 22, 1982; Third Declaration of John N. Phillips, ¶ 3(g), attached to Defendant's Response to Plaintiff's Settlement Proposal, filed on April 15, 1982; Fourth Declaration of John N. Phillips, ¶¶ 20 and 24, attached to Defendant's Motion for Partial Summary Judgment, filed on May 3, 1982; Fifth Declaration of John N. Phillips, ¶ 5, attached to Defendant's Reply to Plaintiff's Opposition to the Motion for Partial Summary Judgment, filed on July 2, 1982; and Seventh Declaration of John N. Phillips, ¶ 3, attached to Defendant's Opposition to Plaintiff's Motion for Order Compelling Photographic Copies of All Movie Films and Still Photographs in the FBI's Dallas and New Orleans Field Offices, filed on August 19, 1982.

<sup>\*\*\*/</sup> It should be noted that a tape of the recorded Dallas police radio broadcasts was made by an FBI official for use by the Warren Commission. However, a copy of that tape was not maintained by the Bureau in its files on the assassination.



Phillips 4th 4/29/82

C1

21. In addition, the FBI agreed, pursuant to a request by plaintiff's attorney, to furnish him all the indices search slips prepared by the Dallas Field Office. Thus, plaintiff has the capability for determining what files were searched and processed by the FBI in response to his Dallas FOIA request.

B. Searches Undertaken In The New Orleans Field Office As A Result Of The Administrative Appeal

22. As a result of the Associate Attorney General's decision on plaintiff's administrative appeals, the New Orleans Field Office conducted, again under the direction of Special Agent Clifford H. Anderson, new indices searches for all the subjects listed in that decision. (See paragraph 17, supra). Moreover, an all reference indices search was made for material on George DeMohrenschildt, as well as for "critics" or "criticism" of the assassination investigation.

23. In February 1981, the New Orleans office advised FBIHQ that no additional "main" or "see" references had been located on the subjects listed by the Associate Attorney General. Likewise, no "main" or "see" references had been found on George DeMohrenschildt (other than an FOIPA administrative instructional document) or on "critics" or "criticism" of the FBI's assassination investigation. However, the New Orleans Field Office did forward to FBIHQ all material filed in 89-69 subsequent to that file having been sent to the FOIPA Section for processing. Upon processing this new material, plaintiff was furnished the releasable portions.

24. Furthermore, as a result of the administrative appeal, the FBI conducted a search for films and tapes contained in the New Orleans Field Office pertaining to the JFK assassination. Two tapes were located and processed: one was released to plaintiff whereas the other was withheld pursuant to (b)(7)(C), (D) of the FOIA. (See paragraph 3(g) of my declaration of April 15, 1982.

25. In addition, the FBI agreed, pursuant to a request by plaintiff's attorney, to furnish plaintiff with all the indices search slips prepared by the New Orleans Field Office. Accordingly, similar to Dallas, plaintiff has the capability for

Phillips 4th

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d) George DeMohrenschildt

1 "main" file: 105-632 - "George DeMohrenschildt."  
This file consists of an internal security investigation on Mr. DeMohrenschildt beginning in 1940.

1 "see" reference in file 100-8149; caption withheld pursuant to privacy interests.

e) Administrative Files

152 "see" references in the following files:

67-425 - "Personnel Matters General."  
This is the material on SA James P. Hosty. (151 "see" references).

One file - captioned, "Inquiry Concerning Authenticity of Alleged Teletype Directed to All SACs 11/17/63 Captioned 'Threat To Assassinate President Kennedy, in Dallas, Texas 11/22/63, Miscellaneous Information Concerning.'" This file concerns the allegations of a William Walter that there was a teletype sent to all SACs about a threat to assassinate President Kennedy. (1 "see" reference).

f) Warren Commission and Critics or Criticism of the FBI's Investigation

No additional "main" files or miscellaneous "see" references on the Warren Commission were located. Likewise, no material was found on "critics" or "criticism" of the FBI's assassination investigation.

19. The additional Dallas material listed above was processed and the releasable parts were furnished to plaintiff. Plaintiff was also furnished with all releasable material filed in 89-43 and 44-1639 subsequent to those files having been sent to FBIHQ for processing by the FOIPA Section.

20. Furthermore, as a result of the administrative appeal, the FBI conducted a search for films and tapes contained in the Dallas Field Office pertaining to the JFK assassination. Six films and six tapes were located and processed. As noted in paragraph 3(g) of my declaration of April 15, 1982 (attached to the Defendants' Response to Plaintiff's Settlement Proposal), plaintiff was furnished those films and tapes that were releasable.

ED

7/21/77

# L H Oswald in Cuba allegation

## Frank Sturgis claim re Miami Oswald document

### Material researched for memo:

SENSTUDY Book 5 'Final Report'

62-116395 Section 52: Not Recorded communication (located immediately above Serial 1444 (also see serial 1444?))

62-109060 Section 177: Most serials between 7123+7140 contain info re Frank Sturgis. (Perhaps other serials, also.)

62-109060 Section 178: Serials 7145, 7150, and Not Rec'd above 7160, others? contain info re Sturgis

62-109060 Sect. 179: Serial 7193, others? contain info re Sturgis

105-82555 ~~62-109060~~ Sect 126: Serial 3103 in Miami report 4/4/64 containing FD302 dated 3/24/64 (interview of Martino).

62-116395 Section 46, Serial 1250X - this serial contains documents concerning Oswald's trip to Mexico. Especially see page 2 of the 15<sup>th</sup> document attached to Serial 1250X. (Sullivan to Belmont memo "L.H.O." dated 1/28/64)

62-115530 Sect 214 Serial 10046 - info re Sturgis.

105-82555 Sect. 123 Serial 2993; material in Section 157?

\* 105-82555 Sect. 69 Serials 1519 & 1505 (FD302 1/14/64 Fiorini interview)

64-44828 Martino Main file

Allen

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DL 1/4/64

K 2253 - No

O 261, 1721, 1737

Hunt Post. NR for date

94-8 sub 75

DL Morning News NR for the date

94-68463

Kennedy  
7376, 2793 p. 44, 3004

62-109090 - 236 334, 335, 338, 347  
No Good

Oswald

2932, 3077, 3199, 3401, 3432.

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Allen

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The Bureau establishes control files as another means of maintaining control of information and activities on specific subjects. Control files usually are set up in connection with various investigative activities such as gambling investigations, organized crime programs, political organizations under investigation, protection of the President, and any other topic needing control between the individual case files. For example, a Headquarters control file exists for bank robbery suspects in classification 91, Bank Robbery. This file, in Headquarters 91-1419, consists of documents relating to suspects who are the subjects of various classification 91 investigations. Sometimes the control files are lists of other files, names of organizations and case file numbers, or public correspondence files on a specific case that has drawn public attention.

Another standard filing procedure is the use of sub-files. At times they are created when the original file is too large and is divided into sub-units, each with its own numerical designation. The Bureau also uses alphabetically designated sub-files to control records such as newsclippings, informant reports, and transcripts when they become too voluminous to be included in the main case file. Finally, the Bureau routinely files voluminous enclosures to correspondence or reports directly behind the case file as an enclosure-behind-file (EBF).

Two classifications, 62 (Administrative Inquiries) and 66 (Administrative Matters), were established about 1921 as repositories for miscellaneous administrative files. Bureau manuals list major subject areas for inclusion in the classifications, but there are file topics beyond those subject areas in both classifications. The documentation is voluminous and varied, and thus the classifications are very heterogeneous in topics and significance. For example, classification 62 contains chronic public correspondence files and informant control files. The miscellaneous nature of the two administrative classifications is an aberration from the Bureau's adherence to a strict case file system of records keeping.

Although most of the files maintenance procedures adopted in the Bureau Headquarters are duplicated in Field Offices and overseas Legats, some variations do exist. Field Offices separate their closed and pending investigative files. The latter are retained by the operational unit pursuing the investigation, while the former are centrally maintained in a closed file area. Closed Field Office and Legat files in which there are few serials are frequently consolidated into one volume of records.

Because the files are numbered consecutively, the same case will not have the same number at Headquarters and in the Field Offices. Classification of investigations is idiosyncratic, both in the Field Offices and Headquarters, so that the same cases may be in different classifications in the Field Offices and Headquarters. The 00 files in the Field Offices are usually only copies of policy documents from Headquarters with few internal Field Office documents that would alter the policies in each classification. Classification 80 at Headquarters is Laboratory Research Matters, while in the Field Offices it is the public relations classification euphemistically named Research Matters at Headquarters (classification 94).

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