

12/4/82

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....	:	
HAROLD WEISBERG,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Actions 78-0322
	:	and 78-0420
WILLIAM H. WEBSTER, et al.	:	
and	:	Consolidated
FEDERAL BUREAU OF INVESTIGATION,	:	
et al.,	:	
	:	
Defendants.	:	
.....	:	

AFFIDAVIT

My name is Harold Weisberg. I reside at 7627 Old Receiver Road, Frederick, Maryland. I am the plaintiff in this case.

1. In my haste to get my affidavit of October 1, 1982, to my counsel, I overlooked addressing the Sixth Declaration of FBI SA John N. Phillips. I intend this as a supplement to what I stated with regard to films and bad faith that are at issue in this case.

2. Phillips states that I am "aware of two other copyright claims and believe(s) there may be more." He does not state that I have identified these two claims as made in the past to deny me copies of the WDSU-TV and WWL-TV films, as I have. He also does not state that I made my first request of the FBI for these films on a DJ-118 FOIA request form dated January 1, 1969, as I have. Or that this request is among the 25 very old ones the Department five years ago promised the Senate would be taken care of, after which I heard nothing at from the Department or the FBI about them.

3. He also does not claim to have made a search for the or any other films that may have had copyright claims asserted to withhold them, and, obviously, he has neither made any such search nor caused one to be made nor ever intended to.

4. Phillips does claim, without any detail or any assertion of personal knowledge, that "a review was made of the FBI's inventory worksheets in these

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cases in an attempt to determine if there were any other copyright claims." He then states that "This review did not locate any other material withheld pursuant to copyright claims, other than the Abraham Zapruder film."

5. When Phillips states that the review "did not locate any other material withheld pursuant to copyright claims," he discloses that he knew he was engaging in a phony review because the inventory sheets would not disclose the "material." They could disclose a claim to exemption if any film is identified by name on the worksheets.

6. Phillips is evasive. In order to determine whether or not there are any other such films - which are field office records - it is necessary to check field office records to determine their present whereabouts. Because I have caught him repeatedly in his persisting evasiveness in referred to records that as of this moment are "contained" in the field offices, he dares not make or have the required search made. I know very well that the two films in question were sent to FBIHQ by the New Orleans office and that copies of them were made available to the Warren Commission. This also Phillips does not state, although the FBI's records disclose it.

7. On December 3, 1963, FBI New Orleans SA Nathan O. Brown received copies of both of these films, made for the FBI at Pan American Films, New Orleans. His brief reports, each of a single sentence only, are in the New Orleans main assassination file but are filed at FBIHQ in its "Oswald" file.

8. I have also attested that the FBI kept a prescribed number of photographic copies of all evidence it provided to the Commission. Phillips neither now nor in the past has ever addressed this. It is undenied. It cannot be denied because I provided copies of the documents recording the agreement between the Commission and the FBI.

9. Defendant has never denied my attestation that there is a record of every loaning of field office records. Instead, Phillips denied that the FBI ever loans, which is false. (Even when the FBI provides information to other federal agencies, it makes a property claim for that information.) Defendant, and Phillips in particular, have yet to deny that these films are and remain field office records.

10. Phillips' statement that a review of the inventory worksheets was

made is incomplete and incompetent. What kind of review was made, by whom and for what periods and other such pertinent information he does not state. He does not state, for example, that the review was not limited to the first month. The number of entries to be checked is quite large if there was a complete review because there are tens of thousands of such entries. He does not state that he made the search or has any personal knowledge.

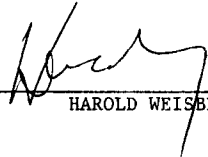
11. There was renewed FBI interest in these films on a number of occasions. One in particular was during the Garrison period, which was about five years later. Thus, even if the inventory worksheets would have provided a definitive response, which they could not, any review, whatever its character, if limited to the time of the New Orleans' original possession of these films or even to the period of life of the Warren Commission, would not and could not have disclosed the FBI's renewed interest of years later.

12. If defendant or Phillips had had any genuine interest in tracing these films, there would have been a New Orleans search and that search would have included the FD-340 evidence envelope on which is recorded the chain of possession and the record of loaning to FBIHQ. The reason defendant and Phillips did not do this is because that would disclose the fact that these films remain field office records. This reflects the intent to deceive and mislead the Court because I am to have received all field office records.

13. Phillips also has yet to address my attestation that six still photographs made from the Johann Rush/WDSU-TV footage were proved to the New Orleans FBI by Rush. According to New Orleans 89-69-114, Rush "made available to the reporting Agents six photographic prints which he had enlarged from 16mm. motion picture film he took on August 16, 1963," of Oswald in one of his leafletting operations. This states clearly that Rush did provide these six prints and he provided them to the New Orleans office, to "reporting Agents" Furman G. Boggan and William L. Newbrough.

14. With regard to other copyright claims, about which defendant has not asked me anything, there is the identical Dallas situation. There are such films and they were loaned to FBIHQ. I cite one example. Eddie Barker, of the Dallas CBS affiliate, gave a copy of all its footage to the Dallas FBI. No copy has been provided in this case.

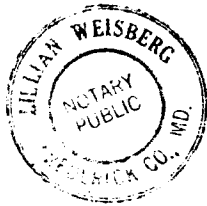
15. While it is possible to attribute these withholdings to a number of the improper purposes I have previously alleged, with regard to the WDSU-TV footage there can be an additional purpose. In previous affidavits I have stated that, according to the FBI's own reports, other film the FBI withheld, like that of John Martin of Minneapolis, are said to hold the picture of another and unidentified Oswald New Orleans associate. The Secret Service wrapper on its copy of this footage states specifically that two Oswald associates are shown. Only one of these was ever identified by the FBI. Several of my ignored requests and appeals related to this pre-assassination Oswald associate the FBI never really looked for.



HAROLD WEISBERG

Frederick County, Maryland

Before me this 4th day of October 1982 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1986.




NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND