UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant

Civil Action Nos.
78-322 and 78-420
(Consolidated)

DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

Defendant, Federal Bureau of Investigation, hereby responds to plaintiff's First Set of Interrogatories.

GENERAL OBJECTIONS

Defendant objects in part to plaintiff's definition that "phrases such as 'the Kennedy assassination' and the 'investigation of President Kennedy's assassination' include not only the FBI's initial investigation of the murder but also any subsequent, subsidiary or ancillary investigations . . . [including] such matters as the investigation by New Orleans District Attorney Jim Garrison, the investigation of the House Select Committee on Assassinations and the FBI's internal probe of FBI Agent James P. Hosty, Jr." The FOIA requests in these consolidated cases asked for copies of all records in the FBI's Dallas and New Orleans Field Offices pertaining to the assassination of President John F. Kennedy. Any records unique to the House Select Committee on Assassinations are not, and never were, contained in the Dallas

and New Orleans Field Offices. In addition, as the FBI has noted several times in this litigation, the FBI was not involved in or connected with Jim Garrison's investigation of the JFK assassination and thus mainained no main files on Mr. Garrison's investigation; rather, any information or documents concerning Mr. Garrison's investigation were channelled into the New Orleans main files on the assassination. Given these facts, any reference in plaintiff's interrogatories to the investigation of the Kennedy assassination will be deemed by the defendant to encompass: (1) the FBI's investigation of the assassination and any records generated by that investigation which were contained in the Dallas and New Orleans Field Offices at the time plaintiff made the FOIA requests in these consolidated cases; and (2) the FBI's internal probe of former Special Agent James P. Hosty, to the extent that any such records were contained in the Dallas Field Office at the time plaintiff made his FOIA request to that office. (The Hosty matter will be included only because then Associate Attorney General John Shenefield directed the Dallas office on December 16, 1980, to conduct, as a matter of agency discretion, an all reference search of its general indices with respect to Mr. Hosty.)

INTERROGATORY 1. Did the FBI's Dallas Field Office create "tickler" files during the course of the investigation into the assassination of President John F. Kennedy?

Answer To Interrogatory 1. If plaintiff is asking whether the Dallas Field Office created files consisting of photostatic or carbon copies of the originals of investigative documents, the

purpose of which was to enable a Special Agent or other employee to follow the progress of the Kennedy investigation including the need to take further action, the answer is "no." Indeed, the creation of these types of files has never been standard operating procedure with the Dallas office.

If plaintiff is asking whether individual agents in the Dallas Field Office have utilized a system of chronologically arranged index cards which contain reminders to take certain action on specified dates with respect to any of the Field Office's investigations, the answer is "yes." Such a system, however, would not have been restricted to the Kennedy investigation nor has the office ever retained index cards the specified dates of which have lapsed.

INTERROGATORY 2. Did the FBI's New Orleans Field Office create "tickler" files during the course of the investigation into the assassination of President Kennedy?

Answer To Interrogatory 2. If plaintiff is asking whether the New Orleans Field Office created files consisting of photostatic or carbon copies of the originals of investigative documents, the purpose of which was to enable a Special Agent or other employee to follow the progress of the Kennedy investigation including the need to take further action, the answer is "no." The creation of these types of files has never been standard operating procedure with the New Orleans office.

If plaintiff is asking whether individual agents in the New Orleans Field Office have utilized a system of chronologically

arranged index cards which contain reminders to take certain action on specified dates with respect to any of the Field Office's investigations, the answer is "yes." Such a system, however, would not have been restricted to the Kennedy investigation nor has the office ever retained index cards the specified dates of which have lapsed.

INTERROGATORY 3. In response to Mr. Weisberg's Freedom of Information Act requests, did the FBI conduct a search for "tickler" files in the Dallas and New Orleans Field Offices? If so, please describe the search(es) made and state who made them and on what date(s).

Answer To Interrogatory 3. Since, as noted in the answers to interrogatories nos. 1 and 2, there were and are no "tickler" files in either Dallas or New Orleans on the JFK assassination, the FBI did not conduct a search for such files.

INTERROGATORY 4. Have any "ticklers" in the Dallas and New Orleans Field Offices been destroyed? If so, please list the records destroyed and the date(s) on which they were destroyed.

Answer To Interrogatory 4. See defendant's answers to interrogarories nos. 1 and 2.

INTERROGATORY 5. Please define "JUNE" AND "JUNE MAIL" as used by the FBI and list the kinds of records contained in "JUNE" and "JUNE MAIL" files or bearing such designations.

ANSWER TO INTERROGATORY 5. The "June" designation for FBI documents was instituted in June, 1949. This designation was placed on FBI documents containing information from highly confidential

sources or for sensitive information which, for the most part, was derived from electronic surveillance. Documents which contained such data were sometimes referred to as "June Mail" or "June" documents. When the "June" designation was instituted by the FBI, all offices were instructed on how such documents were to be handled and maintained. Various types of FBI documents such as letters, memoranda, airtels, teletypes, inserts, etc., were designated as "June."

Documents in the "June" category were handled in a special manner so as to limit the access to such documents within the Bureau. These documents were indexed and serialized as other documents in any FBI investigative file, but they were maintained in a separate secure area apart from the main investigative file. At FBI Headquarters ("FBIHQ"), "June" documents were maintained in the Special File Room. All other offices of the FBI were instructed to similarly handle "June" documents.

All "June" documents were within the Central Records System of the FBI. These documents were maintained in folders under the same file number as the main file from which they were segregated. Thus, such documents, similar to all other FBI documents, were retrievable through a search of the General Index to the FBI's Central Records System. For example, if an FBI investigation under the 100 classification consisted of 50 serials and the serial number 25 was designated as "June," then the main file (100-9999) would have contained all serials except number 25. In that file would have been a one-page form document in place of

serial 25 which would have indicated where this serial was separately maintained.

Therefore, if a topic was searched for in the General Index of the Central Records System at FBIHQ or any field office, all references to that topic including both the main file and "SEE" references would have been identified. Once the file specified on the index card was retrieved, any document in that file which was designated "June" was then also retrievable.

By letter dated November 7, 1978, all FBI offices were advised that the "June" designation was no longer to be used. Those documents which had been designated as "June" were to be reviewed to determine if they should continue to be separately maintained. At the same time, FBIHQ and all other offices were instructed to ensure that any documents which continued to be maintained separate from the main files were to be properly charged out -- that is, in the place of any segregated documents there must be a form which indicates the separate location of such documents.

INTERROGATORY 6. Do the Dallas and New Orleans Field Offices have any "JUNE" or "JUNE MAIL" files? If so, please state:

(a) whether such files are maintained separate from the main files:

(b) whether such files are separately indexed;

(c) the precise location in each field office where such files are kept;

(d) whether such files have been loaned or transferred elsewhere;

(e) how such records are ordered, arranged and stored.

Answer To Interrogatory 6. Prior to November 7, 1978, both the Dallas and New Orleans Field Offices maintained "June" files.

(a) Yes, such files were maintained separately from the main files.

(b) No, such files were not separately indexed.

(c) During the Kennedy investigation, such files were kept in the SAC safes.

(d) No, such files were never loaned or transferred; however, any "June" documents which were responsive to plaintiff's FOIA requests sub judice were forwarded to FBIHQ for processing subsequent to plaintiff making those requests.

(e) See defendant's answer to interrogatory no. 5.

INTERROGATORY 7. Has the FBI conducted a search for any "JUNE" or "JUNE MAIL" records pertaining to the Kennedy assassination in:

(a) Dallas Field Office files;

(b) New Orleans Field Office files;

Answer To Interrogatory 7. Both field offices' search for records pertaining to the Kennedy assassination encompassed their respective "June" files.

INTERROGATORY 8. Are there any records in the FBI's "JUNE" or "JUNE MAIL" files which are not also contained in the FBI's "main" files?

Answer To Interrogatory 8. No. As noted in the defendant's answer to interrogatory no. 5, "June" documents are a part of the main files, all of which are indexed under the FBI's Central Records System.

INTERROGATORY 9. Are all "JUNE" or "JUNE MAIL" records indexed in the FBI' Central Records index both at FBI Headquarters and in FBI field offices?

Answer to Interrogatory 9. Yes.

INTERROGATORY 10. Were any "JUNE" or "JUNE MAIL" files created which in any way relate to the investigation into the assassination of President Kennedy conducted by New Orleans District Attorney Jim Garrison?

Answer To Interrogatory 10. No, the FBI was not involved in or connected in any manner with Jim Garrison's investigation of the JFK assassination.

INTERROGATORY 11. Do the Dallas and New Orleans Field Offices contain:

(a) special file rooms;

(b) SAC safes;

(c) "Personal and Confidential" or "P&C" files;

(d) "do not file" files;

(e) other repositories convenient to and for use by case agents and supervisors?

Answer To Interrogatory 11.

(a) At the time of plaintiff's FOIA requests in these consolidated cases, neither field office contained

special file rooms. The New Orleans office still does not contain such a room, whereas the Dallas office has, within the past few years, set up a special file room.

(b) yes;

(c) yes;

(d) no;

(e) At the time of plaintiff's FOIA requests in these consolidated cases, neither field office contained "other repositories convenient to and for use by case agents and supervisors."

INTERROGATORY 12. Has the FBI conducted a search to determine whether there are any records in the Dallas and New Orleans Field Offices related to the assassination of President Kennedy which repose in:

(a) special file rooms;

(b) SAC safes;

(c) "Personal and Confidential" or "P&C" files;

(d) "do not file" files;

(e) other respositories convenient to and for use by case agents and supervisors?

If so, please describe such searches, stating when, how, and by whom they were made.

Answer To Interrogatory 12.

(a) Not applicable; see defendant's answer to interrogatory no. 11(a).

(b) The FBI's search did encompass the SAC safes in the Dallas and New Orleans Field Offices.

(c) The FBI's search did encompass the "Personal & Confidential" files in the Dallas and New Orleans Field Offices.

(d) Not applicable; see defendants' answer to interrogatory no. 11(d).

(e) Not applicable; see defendant's answer to interrogatory no. 11(e).

Interrogatory 13. Do the Dallas and New Orleans Field Offices have any lists, inventories or indices of films, photographs or tapes obtained during the course of the investigation into President Kennedy's assassination?

Answer To Interrogatory 13. No.

INTERROGATORY 14. When FBI field offices transmitted films, photographs or tapes to FBI Headquarters, did a covering letter or memorandum accompany them?

Answer To Interrogatory 14. Standard operating procedure would have called for the transmittal of such material to have been accompanied by a written communication.

INTERROGATORY 15. When the FBI transmitted films, photographs or tapes to the Warren Commission, did a covering letter or memorandum accompany them?

Answer to Interrogatory 15. The transmittal of all materials to the Warren Commission was effectuated by FBIHQ, not by the Dallas or New Orleans Field Offices. The standard operating procedure

would have called for the transmittal of such materials to have been accompanied by a written communication.

Interrogatory 16. Does the FBI consider films, photographs and tapes obtained by the Dallas and New Orleans Field Offices which were subsequently sent to Headquarters to be field office records or Headquarters records?

Answer To Interrogatory 16. Those films, photographs and tapes which were sent to FBIHQ by the field offices during the course of the JFK assassination investigation are considered by the FBI to be FBIHQ records. On the other hand, those films, photographs and tapes which were sent to FBIHQ to be processed in response to plaintiff's FOIA requests sub judice are considered by the FBI to be records of the field offices.

INTERROGATORY 17. Did the FBI ever obtain tapes of the Dallas police radio broadcasts? If so, please state:

(a) when and how the FBI obtained these tapes;

(b) when these tapes came into the possession of the Dallas field office;

(c) where these tapes are presently located;

(d) whether any search has been made to locate the tapes;

(e) whether a covering letter or memorandum accompanied transmittal of the tapes to FBI Headquarters or the Warren Commission, and if so, the date(s) of same.

Answer To Interrogatory 17. The FBI has never maintained a copy of the tape of the recorded Dallas police radio broadcasts. However, as has been noted before in this litigation, a tape of

those recorded broadcasts was made by an FBI official on behalf of, and for use by, the Warren Commission.

INTERROGATORY 19.*/ Describe in detail any search which has been made for the tapes of the Dallas police radio broadcasts, stating when, how and by whom any such search was made.

Answer To Interrogatory 19. In April 1981, a search for a tape of the Dallas police radio broadcasts was undertaken of all the records in the Dallas and FBIHQ files pertaining to the JFK assassination. The search was conducted by Willis A. Newton of the FBI's Freedom of Information-Privacy Acts (FOIPA) Section in response to a request from the FBI's Technical Services Division for the National Academy of Sciences. The search revealed that the FBI never maintained a tape of those broadcasts. (See defendant's answer to interrogatory no. 17).

INTERROGATORY 20. Did the FBI ever obtain films made by Thomas Alyea? If so, please state:

(a) whether a search has been made for the Alyea film and if so, when, how and by whom the search was made;

(b) where the film is presently located;

(c) which FBI office originally obtained the film;

(d) whether the FBI is asserting any exemption for the film;

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*/ As propounded to defendant, plaintiff's interrogatories did not contain an interrogatory numbered "18."

(e) whether there is any record reflecting the transmittal of the film to FBI Headquarters and/or the Warren Commission and if so, the date(s) of same?

Answer To Interrogatory 20. Yes, the FBI did obtain the film made by Thomas Alyea.

(a) Willis A. Newton of the FBI's FOIPA Section conducted a search for this film in approximately April 1979, in response to a FOIA request from another individual. The film was located in FBIHQ file 62-109060-4193.

(b) FBIHQ file 62-109060-4193

(c) The Dallas Field Office obtained the film during the course of the JFK assassination investigation.

(d) The FBI has not asserted any exemption with respect to the film.

(e) The record reflecting trasmittal of the film to FBIHQ is dated April 13, 1964, and is located in FBIHQ file 105-82555-3306.

INTERROGATORY 21. Did the following persons or organizations figure in investigations into the assassination of President Kennedy:

(a) the Free Cuban Committee

(b) Double Check

(c) Alpha 66

(d) DRE

(e) JURE

(f) MNR

(g) Sylvia Odio

(h) Carlos Bringuier

(i) Ronnie Caire

(j) Dean Andrews

(k) Perry Russo?

If the FBI contends they did not, please state why not.

Answer To Interrogatory 21. If plaintiff is asking whether the above listed organizations and persons were investigated by the FBI as suspects in the Kennedy assassination, the answer is "no." If plaintiff is asking whether the names of any of the above listed organizations and persons appear in the FBI's records on the JFK assassination, the answer is "yes." In fact, the names of all the organizations and persons listed by plaintiff, except the Free Cuban Committee and MNR, are indexed in Dallas' 3x5 Special Index. Those cards and the corresponding documents in Dallas' main files on the JFK assassination were process in response to plaintiff's FOIA request.

INTERROGATORY 22. Has the FBI searched for records on any of the persons and organizations listed in the preceding interrogatory? If so, please list the date(s) on which each such search was made, the subject of the search and who made the search. Also describe in detail the nature of the search.

Answer To Interrogatory 22. With reference to plaintiff's FOIA requests in these cases, the FBI has not undertaken a separate search through its general indices for records on any of the persons or organizations listed in interrogatory no. 21. However, as noted in the preceding answer, the names of all the organizations and persons listed by plaintiff, except the Free Cuban

Committee and MNR, are indexed in Dallas' 3x5 special Index. Those cards and the corresponding documents in Dallas' main files on the JFK assassination were processed in response to plaintiff's FOIA request.

INTERROGATORY 23. Which of the following persons and organizations does the FBI consider not to be Warren Commission critics:

(a) Mark Lane; (b) Harold Weisberg; (c) Howard Roffman; (d) Sylvia Meagher; (e) Josiah Thompson; (f) Jim Garrison; (g) Joaquim Joesten; (h) Leo Sauvage; (i) Edward J. Epstein; (j) Richard Popkin; (k) Paul Hoch; (l) David Lifton; (m) Mary Ferrell; (n) Earl Golz; (o) Penn Jones; (p) Harold Feldman; (q) Vincent Salandria; (r) Bernard "Bud" Fensterwald, Jr.; (s) Hal Verb; (t) Sylvan Fox; (u) Robert Kafka; (v) Nerin Gun; (w) Herve Lamar (James Hepburn); (x) Willard Robertson; (y) Cecil Shilston; (z) Thomas Buchanan; (aa) Truth and Consequences; (bb) Assassination Inquiry Committee; (cc) Assassination Information Bureau; (dd) Citizens Commission of Inquiry; (ee) Citizens Committee of Inquiry.

Answer To Interrogatory 23. The defendant recognizes most of the names listed as being those of organizations and individuals who have voiced varying degrees of criticism of the Warren Commission. Some of the names, however, are not familiar to the defendant. In any event, the list does and could not possibly represent an exhaustive enumeration of all those individuals who have expressed, at one time or another, criticism of the Warren Commission. Indeed, that is one of the reasons why the defendant is confident that when then Associate Attorney General John Shenefield directed the FBI to conduct, "as a matter of agency discretion," a search

for "files on 'critics' or 'criticism' of the FBI's assassination investigation," he did not intend for the Bureau to search for records on a non-discrete group of individuals whom he never attempted to identify by name.

INTERROGATORY 24. Has the FBI searched for the records on any of the persons and organizations listed in the preceding interrogatory? If so, please list the date(s) on which each such search was made and the subject of the search.

Answer to Interrogatory 24. With reference to plaintiff's FOIA requests in these consolidated cases, the FBI has not undertaken a search for records on the names of the persons and organizations listed as critics of the Warren Commission in interrogatory 23. However, the New Orleans Field Office did conduct a search for any records on Jim Garrison which pertained to the JFK assassination since plaintiff's FOIA request to the New Orleans Office specifically asked for such records. As has been noted before in this litigation, the FBI located no main files or material on this subject other than what merged into the "main" files on the Bureau's investigation of the assassination. Those files, in turn, were included in the files that were processed in response to plaintiff's FOIA requests.

INTERROGATORY 21(a)*/ Has the FBI searched for all records "pertaining to persons or organizations" who figured in the investigations into the Kennedy assassination regardless of whether those records are in the main files?

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*/ As propounded to defendant, plaintiff's interrogatories at this point were misnumbered in that numbers 21-24 were duplicated. To avoid possible confusion in future references to the answers to these interrogatories, the defendant has renumbered interrogatories 21-24 on page seven of plaintiff's First Set of Interrogatories as interrogatories 21(a), 22(a), 23(a) and 24(a), respectively.

Answer to Interrogatory 21(a). As has been noted before in this litigation, the FBI's multi-tiered search in these consolidated cases did encompass all records pertaining to organizations and person who figured in the Bureau's investigation. This search was not limited to records located in the "main" files on the JFK assassination.

INTERROGATORY 22(a). Has the FBI searched the files on all "see" references within the main files?

Answer To Interrogatory 22(a). With reference to plaintiff's FOIA requests in these cases, the FBI did conduct a search for all "see" references. Moreover, plaintiff was provided with a copy of the search slips showing the results of that search.

INTERROGATORY 23(a). Has the FBI searched for the records referred to in Exhibits 4, 5, and 6 to the July 21, 1982 Weisberg Affidavit ("Second Weisberg Affidavit)?

Answer To Interrogatory 23(a). With reference to plaintiff's FOIA requests in these consolidated cases, the FBI has not undertaken a search for the records described in this interrogatory.

INTERROGATORY 24(a). Has the FBI searched for the relevant but undisclosed records referred to in Exhibits 7-10 to the Second Weisberg Affidavit?

Answer to Interrogatory 24(a). First, defendant objects to plaintiff's characterization that the records referred to in Exhibits 7-10 of Weisberg's Second Affidavit are "relevant but undisclosed."

In answering this interrogatory, it should be noted that Exhibits 7-10 are themselves records located and processed as a

result of the FBI's search in these consolidated cases. Furthermore, several of the documents referred to in the records designated as Exhibit 7 and 9 were encompassed in the FBI search since they were a part of two of the New Orleans "main" files on the JFK assassination -- that is, file nos. 89-69 and 100-16601. Those documents were processed and, if non-exempt, "disclosed" to plaintiff.

The FBI has not conducted in these consolidated cases a search for the remaining documents referred to in Exhibits 7-10. As has been stated before in this litigation, the FBI does not believe that the FOIA requires an agency to make additional searches based solely on what is contained in the records located as a result of the search conducted in response to the original FOIA request.

INTERROGATORY 25. Has the FBI searched for all records on Mrs. Marguerite Oswald?

Answer to Interrogatory 25. With reference to plaintiff's FOIA requests in these consolidated cases, the Dallas Field Office has not undertaken a separate search of its general indices for records on Mrs. Marguerite Oswald, mother of Lee Harvey Oswald. However, Mrs. Oswald's name is indexed on several cards in Dallas' 3x5 Special Index. Those cards, in turn, pinpoint the Dallas records on the JFK assassination which contain references to Mrs. Oswald. All of those cards and corresponding records were processed in response to plaintiff's FOIA requests.

On the other hand, the New Orleans Field Office, which does not have a separately maintained special index similar to Dallas', did search its general indices for responsive records on

Mrs. Oswald. As result of that search, several "see" references on Mrs. Oswald were located and sent to FBIHQ for processing.

INTERROGATORY 26. Has the FBI searched for records referred to in the October 25, 1975 memorandum by the Dallas SAC which is Exhibit 11 to the Second Weisberg Affidavit?

This is answer to response.

Answer to Interrogatory 26. The FBI's search in these cases did locate records concerning the allegations of Mr. William Walter.

INTERROGATORY 27. Has the FBI conducted a search for the ticklers referred to in FBI file No. 105-1425, serials 166 and 174? If so, please describe the search in detail, stating when and how it was amde and by whom.

Answer to Interrogatory 27. FBI file No. 105-1425 has nothing to do with the Kennedy assassination; defendant assumes that plaintiff actually means serials 166 and 174 in FBI file 105-1435.

The ticklers referenced in serials 166 and 174 of FBI file 105-1435 are not retrievable photostatic or carbon copies of the original documents. Rather, they were index cards which comprised part of a chronologically arranged system of other such cards containing reminders to perform certain actions on specified dates. As the specified dates elapsed, the noted action was taken and the index cards were thrown away. Hence, the FBI has not conducted a search for these "tickler" index cards because it is clear that they no longer exist.

INTERROGATORY 28. Has the FBI conducted a search for records on Carlos Marcello and other Mafia figures investigated by the FBI, the Warren Commission, and Jim Garrison? If so, please describe the search in detail, stating when and how it was made and by whom.

Answer to Interrogatory 28. With reference to plaintiff's FOIA requests in these consolidated cases, the FBI has not undertaken a separate search for records on Carlos Marcello. The FBI does not know who plaintiff is referring to when he mentions "other Mafia figures" and thus the Bureau cannot respond to that aspect of the interrogatory. With respect to the investigations by the Warren Commission and Jim Garrision, defendant adopts its general objections stated at the outset of these responses.

INTERROGATORY 29. Has the FBI searched for records on former FBI Special Agent James P. Hosty, Jr.? If so, please describe the search in detail, stating when and how it was made and by whom.

Answer to Interrogatory 29. Pursuant to then Associate Attorney General John Shenefield's decision of December 16, 1980, on plaintiff's administrative appeals in these cases, the Dallas Field Office conducted, under the direction of Special Agent Udo H. Specht, an all reference indices search for material on former Special Agent James P. Hosty, Jr. This search was undertaken in approximately February 1981.

INTERROGATORY 30. Is a Dallas record on James P. Hosty, Jr. filed at FBI Headquarters as file No. 67-798-3048?

Answer to Interrogatory 30. Yes, FBIHQ has a record on James P. Hosty, Jr., filed as no. 67-798-3048. That document is a duplicate of Dallas document 67-425-1384 which was processed and released to plaintiff.

INTERROGATORY 31. Did the FBI search the Dallas Field Office files for any records on Clay Shaw or David Ferrie?

Answer To Interrogatory 31. The Dallas Field Office has not conducted a separate search of its general indices for records on Clay Shaw or David Ferrie in response to the FOIA request which plaintiff sent to the Dallas office. However, both men's names appear in Dallas' 3x5 Special Index and in the corresponding records in the Dallas files on the JFK assassination. Those index cards and records were processed in response to plaintiff's FOIA request.

INTERROGATORY 32. Do the Dallas and New Orleans Field Offices maintain ELSUR indices? If so, please list all subjects on which an ELSUR search was conducted in each field office and state when and by whom the search was made.

Answer to Interrogatory 32. Defendant objects to this interrogatory because it seeks information which falls outside the fourteen issues listed by plaintiff in his Amended Statement of Genuine Issue of Material Fact in Dispute, filed on July 26, 1982. It is defendant's position that any discovery on the adequacy of the FBI's search in these cases is limited to the fourteen points enumerated by plaintiff since, under the dictates of Local Rule 1-9(h), those points represent "all material facts as to which [plaintiff] contended there exists a genuine issue necessary to be litigated . . . ." (Emphasis added).

INTERROGATORY 33. Subsequent to the filing of Mr. Weisberg's affidavit alleging that he had been picked up on a wiretap in New Orleans, did the FBI make any investigation to determine if this was true?

Answer to Interrogatory 33. Defendant objects to this interrogatory because it seeks information which falls outside the fourteen issues listed by plaintiff in his Amended Statement of Genuine Issue of Material Fact in Dispute, filed on July 26, 1982. It is defendant's position that any discovery on the adequacy of the FBI's search in these cases is limited to the fourteen points enumerated by plaintiff since, under the dictates of Local Rule 1-9(h), those points represent "all material facts as to which [plaintiff] contended there exists a genuine issue necessary to be litigated . . . ." (Emphasis added).

INTERROGATORY 34. In regard to the further search ordered in this case by the December 16, 1980 letter of Associate Attorney General John H. Shenefield, did the FBI receive any guidelines or instructions regarding this search other than those contained in Shenefield's letter itself?

Answer to Interrogatory 34. No.

INTERROGATORY 35. Were the search slips which Weisberg was furnished by the FBI in this case the original search slips? Had some of all of them been rewritten?

Answer to Interrogatory 35. The search slips provided to plaintiff were copies of the original search slips. None of those documents had been rewritten.

INTERROGATORY 36. Have the answers to the foregoing interrogatories been based on the personal knowledge of the person swearing to them?

Answer to Interrogatory 36. The following persons answered all or part of the interrogatories which correspond with their names. Their answers were based on personal knowledge and information acquired or made available to them in the course of their official duties.

Individual		Interrogatory Number
Clifford H. Anderson	--	2, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 21, 22, 24, 21(a), 22(a), 25, 28.
Udo H. Specht	--	1, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 21, 22, 24, 21(a), 22(a), 25, 26, 27, 28, 29, 31.
John N. Phillips	--	8, 9, 14, 15, 16, 17, 21, 22, 23, 24, 23(a), 24(a), 26, 27, 28, 30, 34, 35.
Willis A. Newton	--	17, 19, 20, 23, 24, 34, 35.
Thomas E. Vornberger	--	5, 8, 9.

We have read the foregoing answers to Plaintiff's First Set of Interrogatories and declare under penalty of perjury that such answers are true and correct to the best of our knowledge and belief.

Clifford H. Anderson

Willis A. Newton

Udo H. Specht

Thomas E. Vornberger

John N. Phillips

The general objections and the objections interposed to interrogatories 24(a), 32 and 33 were made by the undersigned attorneys.

J. PAUL McGRATH
Assistant Attorney General

STANLEY S. HARRIS
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CERTIFICATE OF SERVICE

I hereby certify on this 14th day of January, 1983, I have served the foregoing Defendant's Response To Plaintiff's First Set Of Interrogatories by first class mail, postage pre-paid to:

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

Henry J. LaHaie

HENRY J. LaHAIE