

7/2/82

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

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

FEDERAL BUREAU OF
INVESTIGATION, et al.,

Defendants.

FIFTH DECLARATION OF JOHN N. PHILLIPS

I, John N. Phillips, make the following declaration:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned in a supervisory capacity to the Freedom of Information-Privacy Acts (FOIPA) Section, Records Management Division, FBI Headquarters (FBIHQ), Washington, D.C. As I have indicated in the four previous declarations I have filed in this case, I am familiar, due to the nature of my official duties, with the procedures followed in processing Freedom of Information Act (FOIA) requests received by the FBI, including plaintiff's requests for records on the assassination of President John F. Kennedy (JFK assassination) contained in the FBI's Dallas (DL) and New Orleans (NO) Field Offices.

2. Government counsel asked that I read the memorandum brief filed by plaintiff's counsel in opposition to the defendant's motion for partial summary judgment (hereinafter "Pl. Opp."), and to respond to the four reasons given on pages 10-11 of that brief as to why the FBI's search was supposedly inadequate.

3. Plaintiff's counsel first claims that the FBI has failed to indicate that it has made a "search for all materials sought by [plaintiff's] requests." Pl. Opp. at 10. (Emphasis in the original). That is not accurate. In paragraph 3 of my first declaration, filed on March 2, 1982, I listed "all the files responsive to plaintiff's FOIA request [which] were searched and processed." (Emphasis added). Similarly, in paragraph 4 of my second declaration, filed on March 22, 1982, I indicated that

Exhibit A

Phillips 5th

plaintiff. And again I reiterate, with respect to any New Orleans records on those subject that the FBI found no separate main file on Clay Shaw or David Ferrie. Nor did the FBI locate any material on Mr. Shaw, Mr. Ferrie or Jim Garrison's investigation which pertained to the JFK case, other than what was channelled into the files on the Bureau's assassination investigation. Furthermore, it should be noted that, inasmuch as the FBI was not connected with Mr. Garrison's investigation, it has no main file on that investigation.

7. Lastly, government counsel asked that I comment on plaintiff counsel's claim that "the Bureau only indexes under names, not topics." Pl. Opp. at 14. This is simply not accurate. As I indicated in paragraph 3 of my fourth declaration, filed on May 3, 1982, the subject matter topics of the FBI's files vary; indeed, they may reference an individual, organization, company, publication, event, activity, etc. A good example of this variety is reflected in the captions of the files listed in paragraphs 12 and 13 of my fourth declaration.

I have read the foregoing statement consisting of 4 pages and fully understand its contents. I declare under penalty of perjury that the statement is true and correct.

Dated, this 2 day of July, 1982.

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