

7 8/19/82

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

FEDERAL BUREAU OF
INVESTIGATION,

Defendants.

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

SEVENTH 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 six previous declarations that were filed in these consolidated cases, 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 and New Orleans Field Offices.

2. Government counsel asked that I read the Memorandum of Points and Authorities filed in support of plaintiff's "Motion for Order Compelling Defendant to Provide Plaintiff with Photographic Copies of All Movie Films and Still Photographs of the FBI's Dallas and New Orleans Field Offices." Having read that memorandum, I make the following statements.

3. As I have stated before in these cases,^{*} plaintiff has been furnished with all releasable films relative to the JFK

^{*}/ See Second Declaration of John N. Phillips, ¶ 5, attached to Defendant's Reply to Plaintiff's Opposition to 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 Proposals, 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; and Fifth Declaration of John N. Phillips, ¶ 5, attached to Defendant's Reply to Plaintiff's Opposition to Motion for Partial Summary Judgment, filed on July 2, 1982.

assassination which are contained in the Dallas and New Orleans Field Offices. Those films were "photographically" reproduced. Thus, plaintiff has "photographic copies" of all the releasable films which pertain to his instant FOIA requests.

4. There are approximately 12,000 photographs in the Dallas and New Orleans Field Offices' files on the Kennedy assassination. Most of the photographs are black and white; however, there are some color ones. Many of these photographs were published in the 26 volume Final Report of the President's Commission on the Assassination of President John F. Kennedy ("Warren Commission").

5. Negatives are not available for most of the photographs. It would thus be necessary to make a negative before a print could be furnished to plaintiff. The cost of making a negative is \$5.35 for a black and white photograph and \$6.56 for a color one. The costs for a standard 8 x 10 print is \$3.40 for black and white and \$5.10 for color. Based on those reproduction expenses, it would have roughly cost \$94,300^{*} to provide plaintiff with "photographic" copies of all the photographs in the Dallas and New Orleans Field Offices which pertain to the JFK assassination.

6. Because of the large number of photographs and the substantial cost of their reproduction and because the Warren Commission published many of these photographs in its final report, the FBI decided to furnish plaintiff with photostatic (or as plaintiff incorrectly refers to them, "xerox") copies of the photographs in question.

7. The FBI still believes that it is unreasonably expensive to provide plaintiff with photographically reproduced pictures of all the photographs involved in this case. However, if plaintiff were to specify a limited number of photographs (i.e., less than 100) that he wants photographically reproduced, the FBI would be willing to provide him with such copies.

*/ This figure is based on the following conservative estimates: 10,000 negatives at \$5.35 per negative and 12,000 prints at \$3.40 per print.

I have read the foregoing statement consisting of three pages and fully understand its contents. In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 19 day of August, 1982.

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