

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARK A. ALLEN,)
)
 Plaintiff,)
)
 v.) Civil Action No. 81-1206
)
 FEDERAL BUREAU OF)
 INVESTIGATION, et al.,)
)
 Defendants.)
)

DEFENDANT FEDERAL BUREAU OF
INVESTIGATION'S ANSWERS AND
OBJECTIONS TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES

I, Thomas H. Bresson, being duly sworn, depose and say
as follows:

(1) I am a special Agent (SA) of the Federal
Bureau of Investigation (FBI), currently assigned as the
Deputy Assistant Director, Records Management Division, at
FBI Headquarters (FBIHQ), Washington, D.C. The statements
made herein are based upon my knowledge, my familiarity with
FBI recordkeeping procedures and the procedures followed in
processing requests for information received pursuant to
Title 5, United States Code (U.S.C.), Section 552, commonly
known as the Freedom of Information Act (FOIA), upon
information available to me in my official capacity, and upon
information furnished to the FBI by officials associated with
the Office of the Clerk, United States House of
Representatives.

(2) In my official capacity I have become aware of
plaintiff's FOIA request for all records relating to the
investigation by the U.S. House Select Committee on

Assassinations (HSCA) into the murder of President John F. Kennedy and plaintiff's subsequently initiated lawsuit to compel production by the FBI of all such materials. Pursuant to Rule 33 of the Federal Rules of Civil Procedure, I am hereby providing the defendant FBI's answers, and/or responses to plaintiff's first set of interrogatories.

INTERROGATORY NUMBER 1: Does the House of Representatives pay for the storage and safeguarding of the documents sought by Allen in this case?

ANSWER: No.

INTERROGATORY NUMBER 2: SEE BELOW.

INTERROGATORY NUMBER 3: If the answer to the foregoing interrogatory is yes, please state the legal authority for this position and cite all cases and regulations relied upon?

ANSWER: Since we have objected to answering the foregoing interrogatory, no response to this interrogatory is required.

INTERROGATORY NUMBER 4: Aside from the March 26, 1979, letter of Congressman Louis Stokes to Attorney General Griffin Bell, has there been any other attempt to assert Congressional control over any of the records sought by Allen? If so, please provide details.

ANSWER: In addition to the letter from Congressman Stokes to former Attorney General Bell referred to in the interrogatory, Congress reasserted its view that materials generated in response to the HSCA inquiry must not be released pursuant to a FOIA request in a letter from Edmund L. Henshaw, Jr., Clerk, U.S. House of Representatives, to FBI Director William H. Webster, dated March 2, 1981. A copy of this letter, along with a copy of the letter from Congressman Stokes, is being provided in response to plaintiff's Request for Production of Documents Number 1.

INTERROGATORY NUMBER 5: SEE BELOW.

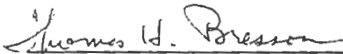
INTERROGATORY NUMBER 6: SEE BELOW.

INTERROGATORY NUMBER 7: Has the FBI ever made any of the records sought by Allen available to any other agency without first obtaining Congressional consent?

ANSWER: I have no personal knowledge, nor have I been made aware of any information, that would give me any reasonable belief that any of the records which the FBI has identified as within the scope of plaintiff's FOIA request have been disclosed to any other agency, either with or without Congressional consent.

INTERROGATORY NUMBER 8: Has the FBI classified any of the records sought by Allen in this case?

ANSWER: Yes.


THOMAS H. BRESSON
Special Agent
Federal Bureau of Investigation
Washington, D.C.

Subscribed and sworn to before me this 13th day of November, 1981.


Notary Public

My commission expires Sept. 14, 1982.

INTERROGATORY NUMBER 2: Is the Federal Bureau of Investigation precluded from making any of the records sought by Allen in this case available to another agency without first obtaining Congressional consent?

OBJECTION: Objection. This interrogatory is not relevant to the subject matter of this pending action, which involves issues of public disclosure only.

INTERROGATORY NUMBER 5: Which of the following categories of records sought by Allen does the FBI contend are Congressional records:

(A) FBI records sent to the House Select Committee on Assassinations?

(B) FBI records made available to the House Select Committee on Assassinations for perusal at FBI Headquarters or at FBI field offices?

(C) Internal FBI memoranda pertaining to the House Select Committee on Assassinations?

(D) FBI communications with other agencies pertaining to the House Select Committee on Assassinations?

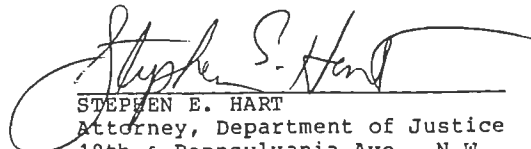
(E) Communications sent from the House Select Committee on Assassinations to the FBI?

(F) Communications sent from the FBI to the House Select Committee on Assassinations?

OBJECTION: Object, at this time, because the FBI is at present unable to authoritatively answer this interrogatory. This matter is under review at the Department of Justice. When that review is complete, the FBI will be prepared to answer this interrogatory.

INTERROGATORY NUMBER 6: If the answer to any part of the above interrogatory is yes, please briefly summarize the factual and legal basis for contending that each category of record constitutes Congressional records, including citations to any legal authority upon which the FBI relies.

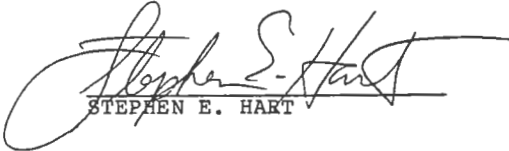
OBJECTION: To answer Interrogatory Number 6 would be unduly burdensome. The defendants' legal and factual position with respect to the materials in question will be contained in the government's dispositive motion, which the government anticipates filing after the close of all discovery in this action.


STEPHEN E. HART
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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 1981, I hand-served copies of the foregoing Defendant Federal Bureau of Investigation's Answers and Objections to Plaintiff's First Set of Interrogatories on plaintiff's counsel at Room 3533, U.S. Department of Justice, Washington, D. C. 20530.

Date: November 13, 1981


STEPHEN E. HART