

4/9/82
Harold: This is what was missing from the materials I sent you last week when I mistakenly enclosed the original of the request for production of documents.
Jim

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLUMBIA

G. Robert Blakey,
 Plaintiff,
 v.
 Department of Justice, et al.,
 Defendants.

Civil Action Number
 81-2174

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

I, John N. Phillips, being duly sworn, depose and say as follows:

(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. The statements made herein are based upon my familiarity with the procedures followed in processing requests for information received pursuant to the Freedom of Information Act (FOIA) and upon information furnished to me by other individuals in the FBI.

(2) In my official capacity I have become aware of plaintiff's various FOIA requests which are the subject of instant litigation. Pursuant to Rule 33 of the Federal Rules of Civil Procedure, I am hereby providing the defendant FBI's answers, objections and/or responses to plaintiff's first set of interrogatories.

Interrogatory Number 1: What is the actual per page cost of the FBI of xeroxing documents?

Answer: No analysis of the FBI's cost of xeroxing documents in response to FOIPA requests has ever been conducted. Title 28, Code of Federal Regulations, Section 16.9 establishes a cost of

10¢ per page for copies of documents sought under the FOIPA. An analysis of the FBI's operations regarding responses to FOIPA requests received at FBIHQ and at FBI Field Offices would have to be conducted to ascertain the actual per page cost of xeroxing documents responsive to FOIPA requests. Such a study would be unduly burdensome to conduct and irrelevant as the 10 cents per page copying cost is established by the Department of Justice, of which the FBI is a component.

Interrogatory Number 2: Please give a complete breakdown of each component of the per page cost to the FBI of xeroxing documents.

Answer: See response to interrogatory number 1.

Interrogatory Number 3: How many requesters have sought copies of the FBI files on Lee Harvey Oswald and Jack Ruby sought by plaintiff in this action?

Answer: The FBI has received eight requests for the entire files regarding Lee Harvey Oswald and Jack Ruby. The FBI has also received one hundred fifty nine (159) requests for various documents concerning the assassination of John F. Kennedy, some of which may have involved documents in the Lee Harvey Oswald and Jack Ruby files.

Interrogatory Number 4: Were the records on Lee Harvey Oswald and Jack Ruby sought by plaintiff included as part of the general releases of FBI Headquarters records on the assassination of President Kennedy which the FBI made on December 7, 1977 and January 18, 1978?

Answer: Yes

Interrogatory Number 5: How many sets of Kennedy assassination records did the FBI produce for the December 7, 1977 and January 8, 1978, releases?

Answer: Ten

Interrogatory Number 6: Please list each requester who has been supplied the records sought by plaintiff in this action and state:

- a. the date on which the records were supplied;
- b. the number of pages supplied to the requester;
- c. the total amount paid by each requester for the copies received.

Answer: The following eight requesters have received the records sought by plaintiff: Mr. Harold Weisberg received 58,754 pages of material on January 18, 1978, 40,001 pages of material on April 13, 1978 and 21,993 pages of material on January 5, 1979. Mr. Weisberg did not pay for any of this material pursuant to a court order dated January 16, 1978, in the case entitled Harold Weisberg v. Griffin Bell, United States District Court, District of Columbia, Civil Action Number 77-2155.

The Associated Press, United Press International, NBC News, and the Washington Post all received 40,001 pages of material on December 7, 1977 and 58,754 pages on January 18, 1978 and paid \$9060.50 for this material.

Newsday received 40,001 pages of material on December 7, 1977, and paid \$4,000.10.

Southern Louisiana University received 40,001 pages on February 6, 1978 and 58,754 pages on March 1, 1978 at a cost of \$9060.50.

The Library of Congress received 98,755 pages of material on January 19, 1978, at no charge. This material was provided to the Library of Congress without charge to assist the House Select Committee on assassinations investigation into the assassination of President John F. Kennedy.

As stated in the response to interrogatory number 3 there have been 159 additional requests for various documents relating to the Kennedy assassination. The FBI objects to providing their identities and the dates and number of documents supplied to each. Their identity, number of pages, and dates supplied are irrelevant to the issue of plaintiff's fee waiver, or any other fact at issue in this litigation, and the requirement of their production would be unduly burdensome for the FBI.

Interrogatory Number 7: Please list each requester who has received a waiver or reduction of copying costs for Kennedy assassination document.

Answer: As stated in response to interrogatory number 6 Harold Weisberg received a waiver of fees for this material pursuant

to a court order dated January 16, 1978, in the case entitled Harold Weisberg v. Griffin Bell, United States District Court, District of Columbia, Civil Action Number 77-2155.

The Library of Congress was provided its copies at no cost so that they would be available to assist the House Select Committee on Assassinations investigation of the assassination of President Kennedy.

Interrogatory Number 8: Please state the total amount received by the FBI to date for copies of Kennedy assassination records.

Answer: The FBI objects to this question on the grounds that the amount received by the FBI to date for duplication of the Kennedy Assassination material is irrelevant to the issue of plaintiff's fee waiver and would be unduly burdensome on defendant to produce. However, except as noted in response to interrogatory number 7, any requester receiving over 250 pages of material, paid at a rate of 10¢ per page. In addition, any individual requesting copies of material from the Reading Room prior to February 17, 1981, was charged at the rate of 10¢ per page, no matter how many pages were requested.

Interrogatory Number 9: What was the total cost to the FBI of processing and producing the Kennedy assassination records released to the public on December 7, 1977 and January 18, 1978?

Answer: A definitive figure as to the total cost to the FBI of processing and producing the Kennedy assassination records released to the public on December 7, 1977 and January 18, 1978 is not available. A conservative estimate of the cost would be \$320,459.

Interrogatory Number 10: Please supply a breakdown of the figure given in response to Interrogatory 9.

Answer: The personnel costs for processing through November 17, 1977, was \$187,644. The personnel costs for processing from October 1, 1977 to February 28, 1978, were \$34,060. The dates mentioned in this response, though beyond the scope of the interrogatory, contain the only analysis of the processing costs available. In addition, duplication costs at 10 cents per page as allowed by Title 28, Code of Federal Regulations, Section

16.9 are approximately \$98,755.

Interrogatory Number 11: The September 12, 1979, letter of David G. Flanders to plaintiff (complaint Exhibit D) states that "in balancing the potential public benefit in this instance against the concomittant expenditure of public funds, we have determined that under reasonable standards the interests of the general public appear more likely to be served by the preservation of public funds". Please identify:

- a. the factors which were considered in weighing "the potential public benefit";
- b. the "reasonable standards" employed in determining that the interests of the general public "appear more likely to be served by the preservation of public funds"

Answer: No documentation exists as to the factors which were considered by FBI in denying plaintiff's request for a fee waiver. The primary factors in that denial would have been that the material had been previously processed for other requesters, all of whom (with the exception of Mr. Weisberg) paid, and, secondly, that the material had already been placed in the "public domain" through these paid releases in addition to its inclusion in the FBI's FOIPA Reading Room.

Interrogatory Number 12: The August 21, 1980, letter of Thomas H. Bresson to plaintiff (complaint Exhibit N) states that two documents pertaining to Rogelio Cisneros were referred to other agencies. Please identify each document referred to by date, FBI file and serial number, and title or caption and state:

- a. the agency to which the document was referred;
- b. the date of the referral;
- c. the action taken by the referrant agency, if any.

Answer: By letter dated April 25, 1978, two documents were referred to the Central Intelligence Agency (CIA). Document 1, serial 105-82555-4270 a Miami airtel to Director, FBI captioned Lee Harvey Oswald; Document 2, serial 105-82555-4263A San Juan airtel to Director, FBI captioned Lee Harvey Oswald.

The CIA has not yet made a response to these referrals and by letter dated Febraury 20,1980, the enclosure behind file to serial 105-82555-5366 was referred to the Secret Service.

This document is a Secret Service letter to Mr. J. Lee Rankin dated April 24, 1964, with enclosures. The Secret Service returned this document stating it could be released in its entirety. This document was released to the plaintiff by FBI letter dated November 17, 1981.

Prior to the transmittal of the August 21, 1980, FBI letter to plaintiff the April 25, 1978, letter to the CIA was counted only as one referral and not as a referral of two documents. This error was noted in the preparation of the January 31, 1981, FBI letter to plaintiff which contains the correct number of documents referred; "three".

Interrogatory Number 13: The January 30, 1981, letter of Thomas H. Bresson, to plaintiff states that three documents relating to Rogelio Cisneros were referred to other agencies. Please identify each of these documents by date, FBI file and serial number, and title or caption and state:

- a. the agency to which the document was referred;
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- c. the action taken by the referrant agency, if any.

Answer: See response to interrogatory number 12.

Interrogatory Number 14: What is the hourly wage of the FBI employee who monitors the FBI Reading Room while researchers examine FBI documents there?

Answer: The annual salary and GS rating of the employee monitoring the FBI's FOIA Reading Room is GS-4, \$11,490.

Interrogatory Number 15: What is the annual cost to the FBI of maintaining the FBI Reading Room?

Answer: The defendant objects to this question on the grounds that the cost of maintaining the FBI FOIA Reading Room is irrelevant to any fact at issue in this litigation and, secondly, that to establish this figure, an amortization study would have to be conducted regarding building cost, utility cost, maintenance fees, etc. Such a study would be unduly burdensome for defendant to produce.

Interrogatory Number 16: How much money did the FBI spend on public relations in the years 1977-1980? (Please give a breakdown of the annual figure).

Answer: The defendant objects to this question on the grounds that the amount of money spent by the FBI on public relations in the years 1977-1980 is irrelevant to any fact at issue in this litigation. Secondly, the FBI has no public relations budget per se. Various facets of the FBI's activities which might be considered by plaintiff to be "public relations" are spread throughout the various divisions at FBI Headquarters and Field Offices and, depending upon plaintiff's definition of "public relations," a detailed analysis of each component division of FBIHQ and each field office would have to be conducted. The defendant contends that such an analysis would be unduly burdensome.

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

Subscribed and sworn to before me this 19th day of January, 1982.

Lee Ann Wolstagle
Notary Public

My Commission expires April 30, 1984.

Objections included in the foregoing responses are asserted by counsel.

Respectfully submitted,

CHARLES F. C. RUFF
United States Attorney

ROYCE C. LAMBERTH
Assistant United States Attorney

Nathan Dodell
NATHAN DODELL
Assistant United States Attorney

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D w/Krus*

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Special Agent
Federal Bureau of Investigation
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Subscribed and sworn to before me this 19th day of January, 1982.

Lee Ann Wolstead
Notary Public

My Commission expires April 30, 1984.

Objections included in the foregoing responses are asserted by counsel.

Respectfully submitted,

CHARLES F. C. RUFF
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