

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARK A. ALLEN,

Plaintiff,

v.

DEPARTMENT OF DEFENSE, et. al.,

Defendants.

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Civil Action No. 81-2543

SUPPLEMENTAL FILING

9/11/83

In Defendants' Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment, defendant CIA brought to the Court's and plaintiff's attention a question concerning certain documents in the files of the Office of General Counsel that appeared to relate to the HSCA investigation. Defendant CIA has now examined these materials and, pursuant to this Court's directive, is filing the affidavit of Bonnie L. Edwards which describes these materials.

It appears that these materials were inadvertently not included with the rest of the materials composing the segregated collection pursuant to the CIA-HSCA Memorandum of Understanding. Defendant CIA respectfully submits that, to the extent that these materials concern or otherwise relate to the HSCA investigation, they belong in the segregated collection of HSCA-related materials located in the CIA Archives and Records

Center. As such, these materials are entitled to the same protection as the segregated collection. Defendant CIA respectfully submits that this administrative oversight should not operate to frustrate the intent of the HSCA and the CIA, as embodied in the Memorandum of Understanding and Congressman Louis Stokes' letter, to protect the integrity and confidentiality of materials relating to the HSCA's investigation.

Accordingly, defendant CIA respectfully submits it is entitled to summary judgment as to these materials for the reasons set forth in its Motion for Summary Judgment (and accompanying briefs) and the two affidavits by J. William Doswell, which are hereby specifically invoked with regard to these newly discovered materials.

Respectfully submitted,

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Assistant Attorney General

STANLEY S. HARRIS
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VINCENT M. GARVEY



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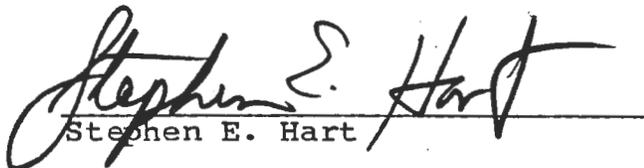
Attorneys for Defendants DOD and CIA

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 1983, I have served the foregoing Supplemental Filing and Edwards Affidavit by mailing a copy of each, postage prepaid, to:

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

Stanley Brand, Esq.
General Counsel to the Clerk
United States House of Representatives
Washington, DC 20515


Stephen E. Hart

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AFFIDAVIT

1. I, Bonnie L. Edwards, am a paralegal specialist with the Litigation Division of the Office of General Counsel, Central Intelligence Agency (CIA), and have served in that position since September 1981. In that capacity, I assist the Office of General Counsel in, among other things, the handling of documents and other materials relating to litigations involving the CIA. The statements herein are based upon my knowledge, upon information made available to me in my official capacity, upon judgments made in accordance therewith, and upon advice of the Office of General Counsel.

2. I have been advised that, in Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment, defendant CIA brought to the Court's and plaintiff's attention that a question had arisen whether copies of some documents in the files of the Office of General Counsel that appeared to relate to the HSCA investigation may inadvertently

not have been included in the segregated collection of materials at issue in this case pursuant to the CIA-HSCA Memorandum of Understanding.

3. I have reviewed those materials and have ascertained that they consist of the following: 35 pieces of microfiche containing photo-reproductions of approximately 372 documents totaling approximately 1721 pages, four (4) documents totaling approximately 505 pages, and five folders of material containing approximately 613 pages.

4. The contents of twenty-seven (27) of the thirty-five (35) pieces of microfiche include, inter alia, approximately two hundred and fifty-six (256) documents that concern or relate to the HSCA, including requests from the HSCA to the CIA for information or assistance in its investigation, documents concerning the administrative aspects of the CIA's cooperation with the HSCA investigation, and materials relating to the preparation of responses to HSCA requests for information or assistance. It should be noted that one of the five folders of material referred to in paragraph three above contains approximately 41 pages of material which duplicates material on this microfiche.

5. Also included in the twenty-seven (27) pieces of microfiche are:

- (a) Seven (7) documents that are copies of publicly available material on the HSCA, such as newspaper clippings and wire service items;

(b) Seven (7) non-responsive documents that relate to the HSCA investigation of the assassination of Martin Luther King, Jr.;

(c) One (1) non-responsive document that appears to have no bearing on, or connection with, the House Select Committee on Assassinations (HSCA) investigation and which, apparently, was mistakenly and incorrectly included with the other materials during microfiche processing;

6. The remaining eight (8) pieces of microfiche contain approximately one hundred and one (101) non-responsive documents which pre-date the HSCA. These documents consist of materials relating to the Warren Commission investigation (e.g., communications between the CIA and the Warren Commission), various requests -- none by the HSCA -- for access to, or declassification of, Warren Commission materials, and some materials concerning the handling of Warren Commission materials by the National Archives.*/ It should be noted that two of the

*/ The microfiche on which these documents are reproduced is labeled "OGC Subject Files, HSCA Correspondence." However, nothing contained therein mentions or relates to the HSCA. These materials appear to have been mistakenly filed and the microfiche inappropriately labeled.

five folders of materials referred to in paragraph three above contain approximately 353 pages of material which duplicates material on this microfiche.

7. The four (4) documents totaling approximately 505 pages consist of the following:

(a) Two (2) transcripts of testimony by John Hart and former Director of Central Intelligence Richard Helms before the HSCA (totaling approximately 454 pages);

(b) A copy of a fifty (50) page HSCA document with the heading "Select Committee on Assassinations, Agenda, Friday, September 15, 1978."

(c) A copy of a one (1) page CIA document with a routing slip attached.

8. One (1) folder of materials is labeled "DOC's Declassif For Helms Testimony." This folder contains a two-page table of contents and approximately 155 pages of materials organized with twenty-two (22) blank blue tab sheets. I have been advised that this material was prepared in connection with former DCI Richard Helms' testimony before the HSCA.

