

3. Phillips again swears untruthfully in his present declaration. In this case his swearing to what is false and Department counsel's filing of his false swearing follow my sworn statement of the truth in my prior affidavit. His present claim to law enforcement purpose is repeated twice in his Paragraphs 5 and 5A, where he states that the FBI's investigation of the assassination of President Kennedy was a "criminal investigation." In his Paragraph 3 he swears that the records in question "are investigative records compiled for law enforcement purposes." He states they are part of an investigation to determine whether Lee Harvey Oswald ("the subject of the file of which the photographs are part") "were (his word) in violation of" three Sections of Title 18 of the United States Code. Oswald and not those persons in the photographs is the "subject of the file."

4. By this means he states what is not true, that the persons in the photographs are the subject of the investigation when they were not and he represents the investigation to be a "criminal investigation" for "law enforcement purposes" when it was neither. If he was not aware of truth and falsehood by any other means, I believe he was from the specifications, which included the FBI's file identifications, numbers and descriptions, in my prior affidavit.

5. My prior affidavit also states, "28. When President Kennedy was assassinated, it was not a violation of federal law and the FBI had no law enforcement purpose, as the late Director Hoover testified to the Warren Commission and as he told others." I am not aware of any counter-affidavit filed by the defendant in this instant cause or of any refutation or denial of it. I stated the undenied truth, which means that Phillips, who as case supervisor should have known the truth in any event, stated what is not true six months after I attested to the undenied truth.

h 6. The Hoover Warren Commission testimony to which I referred was on May 14, 1964. He then testified: "When President Johnson returned to Washington

W / (on November 22, 1963) he communicated with me within the first 24 hours and asked the Bureau to pick up the investigation of the assassination because as you are aware, there is no Federal jurisdiction for such an investigation. It is not a Federal crime to kill or attack the President or Vice President or any of the continuity of officers who would succeed to the Presidency. However, the President has a right to request the Bureau to make special investigations, and in this instance he asked that this investigation be made." (Hearings, Volume 5, page 98)

7. Among the others to whom I refer in my prior affidavit is the author William Manchester. Assistant Director Cartha D. DeLoach, who was then the FBI's chief publicist, arranged for the Director to be interviewed by Manchester. On June 4, 1966, DeLoach wrote a memorandum on the interview. (FBIHQ file 62-109060 and several others. Exhibit 1)

8. The FBI's file on the "Assassination of President John F. Kennedy" is an administrative rather than a law enforcement file. All FBI files beginning with the number "62" are, according to the FBI's own file description, "Miscellaneous - including Administrative Inquiry."

9. The FBI seized the case without authorization or jurisdiction and with full awareness that it lacked jurisdiction. At one point on page 2 of his memorandum on which Director Hoover's approval is initialed at its end, DeLoach quotes Hoover as stating this: "The Director advised Manchester that the FBI took this action (i.e., "moving into the investigation") despite the fact that there was no law making it a Federal crime to assassinate the President" and "The Director told Manchester that the FBI immediately entered the case, despite non-jurisdiction." The President phoned the Director that night. According to DeLoach, "The Director stated he advised the President that the FBI had already entered the case."

10. Phillips is the supervisor in my combined cases 78-0322/0420. He has filed many attestations in it pertaining to searches and the content of the JFK

assassination records involved in it. While that litigation seeks the records of two field offices, those field office records, in accord with FBI practice, identify the records with both field office and FBIHQ file numbers. It thus is inevitable that if Phillips did not know by any other means (as I am without doubt he did know) that the FBI's JFK assassination investigation was not a criminal investigation and had no law enforcement purpose, he knew from its official classification as an "Administrative Inquiry" that it was an administrative and not a criminal investigation.

11. If Phillips had any doubt at all, my prior affidavit states that this was not a criminal investigation and had no law enforcement purpose. He did not in any way of which I am aware deny, dispute, attempt to rebut or protest my prior affidavit or a number of similar affidavits in the other cases in which he is involved.

12. Phillips also knows from his work, responsibilities and attestations in my and other cases that none of the other FBIHQ and field office main files on the JFK assassination, like those on Lee and Marina Oswald, Jack Ruby and the Commission, is of any criminal investigation or for any law enforcement purpose.

HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 30th day of January 1983 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1986.

NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND