## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JAMES H. LESAR,

Plaintiff,

v.

Civil Action Number 82-3600

UNITED STATES DEPARTMENT OF JUSTICE,

Defendant.

## DECLARATION OF WILLIS A. NEWTON

I, Willis A. Newton, make the following declaration based on my personal knowledge:

(1) I am a Miscellaneous Documents Examiner (MDE) assigned to the Freedom of Information-Privacy Acts (FOIPA) Section, Records Management Division, Federal Bureau of Investigation Headquarters (FBIHQ), Washington, D.C. I have been employed as an MDE in the FOIPA Section since April, 1977, assigned to the processing of FOIPA requests, including requests for records pertaining to the assassination of President John F. Kennedy.

(2) With the assistance of MDE Brian Scott Kinsey, I physically disposed of two duplicate sets of documents relating to the Kennedy assassination in trash receptacles at FBIHQ several years ago.

## EXPLANATION OF DUPLICATION OF MATERIALS FOR FOIPA REQUESTS

(3) Following the receipt of an FOIPA request, the original documents responsive to the request are duplicated, and any redactions necessary are made on that copy, which is commonly referred to as the "work copy." Upon completion of processing, the work copy is duplicated for release to the requester. The material released to the requester is commonly referred to as the "release copy". If appropriate, an additional release copy may also be placed in the FBI FOIPA Reading Room for review by the general public. It is not uncommon that release copies are disposed of if, for example, the duplication quality is poor, if duplication fees are not paid by a requester or if additional release copies are made, but not used in responding to other FOIA requests or by being placed in the reading room.

(4) The FOIPA Section and FBIHQ in general are extremely short of storage space for documents, and any unneeded extra copies of documents released to FOIPA requesters are disposed of.

(5) The two sets of documents at issue in this MMM, litigation were excess release copies of documents responsive MMM to FOIPA requests for FBIHQ records pertaining to the Kennedy assassination. An identical release copy of these documents is currently maintained in the FOIPA Reading Room at FBIHQ and several copies have been released to the public.

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(6) This material, stacked on the floor and on top of file cabinets in the work area, was an impediment to work efficiency and presented a potential safety hazard. Due to the severe space limitations prevailing at FBIHQ, in addition to the above reasons, this material was disposed of.

(7) Because my actions involved only the disposal with my of unneeded copies of material already available to the public, no record of any kind was prepared by me, or to my my with my knowledge anyone else.

I have read this statement consisting of three pages. In accordance with 28 USC 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 17 day of March, 1983.

WILLIS A. NEWTON // Miscellaneous Documents Examiner Federal Bureau of Investigation Washington, D.C.