

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG AND)	
JAMES H. LESAR,)	
)	
Plaintiffs,)	Civil Action Number
)	86-1547
v.)	
)	
UNITED STATES DEPARTMENT OF)	
JUSTICE,)	
)	
Defendant.)	

DECLARATION OF DAVID H. COOK

I, David H. Cook, make the following declaration:

(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 (RMD), FBI Headquarters (FBIHQ), Washington, D. C.

(2) Due to the nature of my official duties, I am familiar with the procedures followed in processing Freedom of Information Act (FOIA) requests received at FBIHQ; including plaintiff Weisberg's instant request for documents concerning the release of the FBI's John F. Kennedy assassination files.

(3) The following is in response to defendant's counsel's request for a review of Plaintiffs' Opposition to Defendant's Motion For Summary Judgment (hereinafter known as Plaintiffs' Opposition) and a response to the issues raised

*Dishy
go into all
we suggested!*

therein relating to the adequacy of the search. This is based on my personal knowledge and information supplied to me in my official capacity.

*Legal counsel DW7
Admin Divs
Revised 7/80?*

(4) I understand that defendant's reply memorandum will show that the FBI was required to search only in response to Item 7 of Mr. Weisberg's request of May 22, 1980, as limited by his letter of July 29, 1980.

(5) Mr. Weisberg's request was assigned to an employee who is familiar with the material placed in the Kennedy assassination files. This employee is also knowledgeable of administrative procedures for handling FOIA requests, and filing procedures of RMD. Therefore, the response to Mr. Weisberg's request was not limited to information obtained from the search, but was also based on *and only a clerk?* that employee's knowledge. The existence of the Library of Congress request was previously known by the employee. He was also aware of other requests for this information, which were reflected in the answers to the Blakey interrogatories, Exhibit H to the Llewellyn Declaration.

(A) Search Conducted Prior to Plaintiffs' Filing Of Opposition

*Why was this necessary if they have abstracts?
and why list file only?*

(6) As was previously stated in SA Llewellyn's Declaration, a page-by-page review of the Kennedy file was conducted of all material during the specific time frame. Plaintiffs were provided the only document found to be responsive to Mr. Weisberg's request. A search was also

*Admin Divs
Revised 7/80*

conducted of the file pertaining to Mr. Weisberg's FOIA requests. Based upon experience these files would be the obvious locations in which material of this nature would have been filed, if any existed.

not true - where they would not be

(B) Searches Conducted as a Result of Plaintiffs' Opposition

(7) Based on suggestions provided in Plaintiffs' Opposition, additional indices searches were made for any records pertaining to public deposits of Kennedy assassination records under the following:

- (a) Weisberg v. Bell C.A. 77-2155;
- (b) Project Onslaught;*
- (c) Onslaught;
- (d) Onslaught Project;
- (e) FBI Project Onslaught;
- (f) FBI Onslaught Project;
- (g) FOIA Project Onslaught;
- (h) FOIA Onslaught Project; and
- (i) On Slaughter.

all the same + irrelevant

(8) Nineteen cross references and one main file were located as a result of the additional searches conducted. (See, SA Llewellyn's Declaration for explanation of cross

* Project Onslaught was the name given to the second phase of two-part plan originating in 1976. This plan, submitted to the Congress, called for an expansion of the FOIPA Branch by the temporary and permanent assignment of personnel to eliminate an extensive backlog of FOIPA requests.

references and main files.) Listed below are the subject matters under which records were located:

- (a) Project Onslaught - 17 cross references
- (b) Onslaught - 2 cross references
- (c) Weisberg v. Bell - 1 Main file

Variations of the term "Project Onslaught" were searched and failed to reveal any additional records. A thorough review of the listed files failed to produce any documents pertaining to the public deposits or dissemination of the FOIA releases of the Kennedy assassination records, and is so noted on the search slips by the initials "NP" (not pertinent). The cross references contain documents pertaining to the administrative procedures for the initiation and continuance of Project Onslaught. The main file contains documents filed with the court and communications in 1980 pertaining to Mr. Weisberg's fee waiver. Copies of the search slips are enclosed herewith as Exhibit A.

(C) Search of Ticklers

(9) Plaintiffs also suggest that responsive documents may be located in "tickler" files. As plaintiffs have been advised previously, pertaining to other requests, a tickler is a photostatic or carbon copy of an original document. They are usually used as an administrative aid to follow the progress of a matter. In the FOIPA Section, ticklers are normally destroyed after they are six months old or when they are of no further use. Those ticklers which have

*Not
true
responsive
not correct section*

been maintained, pertain only to referrals of documents to other Government agencies. A review of these ticklers did not locate any records responsive to Mr. Weisberg's request.

(D) Consultations

*Who -
of mtgs?
attempts?
clips?*

(10) Additionally, Plaintiffs' Opposition suggests contacting "people who were involved in the project which produced the Kennedy assassination releases." Several persons, both current and retired, who were involved in this matter have been contacted, and they were unable to recall any documents "pertaining to the duplicate public deposits, if any, and where, when and how they were made, aside from the FBI's public reading room."

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of December, 1986.

David H. Cook

David H. Cook
Special Agent
Federal Bureau of Investigation
Washington, D. C.

FEDERAL BUREAU OF INVESTIGATION
Records/Operations Sections

62-16, 1986

- Name Searching Unit, 4989, TL# 121
- Service Unit, 4654, TL# 225
- Special File Room, 5991, TL# 122
- Forward to File Review, 5447, TL# 143
- Attention _____
- Return to Newton 6984 314
Supervisor, Room, TL#, Ext.

Scope of Search: (Check One)

- Automated Data Base (ADB)(Individual Born 1962 and After)
- Restricted Search (Active Index - 5 & 20)
- Restricted Search (Active & Inactive Index - 5 & 30)
- Unrestricted (Active & Inactive Index)

Type of Search Requested: (Check One)

- All References (Security & Criminal)
- Security Search
- Criminal Search
- Main _____ References Only

Special Instructions: (Check One)

- Exact Name Only (On the Nose)
- Buildup Variations
- Restricted to Locality of _____

Subject "Project Dunslaughter"

Birthdate & Place _____

Address _____

Localities _____

R# _____ Date 12/16 Searcher Initials AMU

	FILE NUMBER	SERIAL	ADB	ACTIVE	INACTIVE	DATE ON CARD M/Y
NP	66-1855-T-436X					
NP	190-0-53					
NP	62-99229-472					
NP	66-1855-T-466					
NP		-442				
NP		-462				
NP		-449				
NP		-457				
NP	190-0-1469					
NP	66-3-2801					
NP	66-1855-T-426					
NP		-428				
NP	66-1855-T-455					
NP	190-0-1306					
NP	66-1855-T-434					
NP		-447				
NP	190-12207-X3					

Exhibit A FBI/DOJ

