

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ROGER B. FEINMAN,)
)
Plaintiff,)
)
v.) Civil Action No. 97C 1537
)
UNITED STATES DEPARTMENT OF JUSTICE;)
THE HONORABLE GRIFFIN B. BELL,)
)
Defendants.)

AFFIDAVIT OF QUINLAN J. SHEA, JR.

I, Quinlan J. Shea, Jr., being first sworn, do hereby depose
and say:

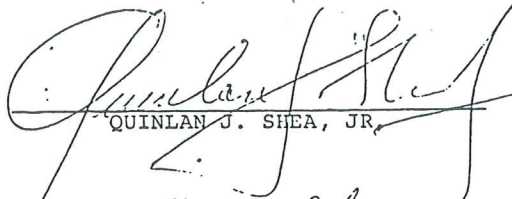
1. I am the Director, Office of Privacy and Information Appeals, Office of the Associate Attorney General, U. S. Department of Justice. One of the duties of my staff is to review files within the Office of the Attorney General that are the subject of a Freedom of Information Act request to determine whether they contain records within the scope of a request and, if so, what portions of those records should be made available to a requester. The information set forth herein is based on knowledge obtained in my official capacity.

2. On June 1, 1976, this Office received Mr. Feinman's initial request dated May 25, 1976. On June 22, we received plaintiff's appeal, dated June 19, 1976, from the failure of the Department to respond to his request within the statutory time limit. By letter dated August 12, Mr. Feinman was informed that files which might contain records within the scope of his request were permanently stored in a Federal Records Center and that they had already been requested. Notations in the initial request

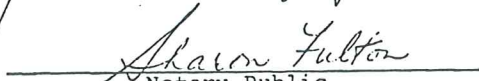
file of the Office indicate that there were at least three telephonic attempts to obtain those files in order to determine whether they in fact contained any records within the scope of Mr. Feinman's request. A note in the file indicates that, in April 1978, a large release of records regarding the assassination of President Kennedy was made by the Federal Bureau of Investigation, and that records within the scope of Mr. Feinman's request might well be available from the F.B.I. The file indicates unsuccessful attempts at that time to locate Mr. Feinman by telephone. The file was administratively closed shortly thereafter at the direction of the member of my staff who was then handling Mr. Feinman's request. I can only assume that the action of this staff member was based on the belief that Mr. Feinman's failure to recontact this Office for almost two years concerning this matter indicated that he was either no longer interested in pursuing his request or that his request had been satisfied by the F.B.I. release. I do not know why Mr. Feinman was not actually asked by letter whether he was still interested in a file search in the Office of the Attorney General, or was not, at the very least, advised of our action concerning his request. Neither can I explain why his letter of June 10, 1978, inquiring as to the status of his two-year old request was placed, unanswered, in his closed file folder.

3. I became personally aware of the serious administrative errors in this case only after receiving notification that Mr. Feinman had filed suit. I immediately caused a file search to be conducted in the Office of the Attorney General, and members of my staff also checked the indices for records located at the Federal Records Center which were generated by, or directed to, the Office of the Attorney General during the period of time

specified in Mr. Feinman's request. By letter dated July 18, 1979, I advised Mr. Feinman of the regrettable circumstances described in paragraph two, and further informed him that our record search has failed to disclose the existence of any information within the scope of his request [Attachment A].


QUINLAN J. SHEA, JR.

Subscribed and sworn to before me this 18th day of July, 1979.


Notary Public
My Commission Expires October 31, 1980