

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE UNITED STATES ATTORNEY

WASHINGTON, D.C. 20001

ADDRESS ALL MAIL TO:  
UNITED STATES ATTORNEY  
ROOM 3136-C  
UNITED STATES COURT HOUSE BUILDING  
390 AND CONSTITUTION AVENUE NW.

November 6, 1970

IN REPLY, PLEASE REFER TO  
INITIALS AND NUMBER

TAF:RWP:pg

Cl. 70-0339

Bernard Fensterwald, Esquire  
927 15th Street, N.W.  
Washington, D.C. 20005

Re: Harold Weisberg v. U.S. Department of Justice  
Civil Action No. 2301-70

Dear Mr. Fensterwald:

In accordance with the agreement made between your associate William G. Ohlhausen and Assistant United States Attorney Robert M. Werdig, Jr. of this office regarding your receipt of a notice from the Clerk of the Court scheduling oral argument on defendants' motion to dismiss or, in the alternative for summary judgment on Monday, November 9, 1970 at 9:30 a.m., Mr. Werdig appeared before Judge Sirica on Tuesday, November 3 and the Court agreed to reset the matter for argument at 9:30 a.m. on Monday, November 16, 1970.

Very truly yours,

THOMAS A. FLANNERY  
United States Attorney

By:

*Joseph M. Hannon*  
JOSEPH M. HANNON  
Chief, Civil Division

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

Civil Action

No. 2301-70

SUPPLEMENT TO MOTION OF DEFENDANT TO DISMISS THE  
ACTION OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

The defendant by its counsel, the United States Attorney for the District of Columbia, hereby files, to supplement its motion to dismiss the action or, in the alternative, for summary judgment, the annexed affidavit of Marion E. Williams as Defendant's Exhibit A.

For the reasons set forth in the original motion and in this supplement the Court should now dismiss the action or, in the alternative, enter judgment in favor of defendant.

\_\_\_\_\_  
THOMAS A. FLANNERY  
United States Attorney

\_\_\_\_\_  
JOSEPH M. HANNON  
Assistant United States Attorney

\_\_\_\_\_  
ROBERT M. WERDIG, JR.  
Assistant United States Attorney

Certificate of Service

I HEREBY CERTIFY that service of the foregoing Supplement to Motion of Defendant to Dismiss the Action or, in the Alternative, for Summary Judgment, together with Exhibit A, has been made upon plaintiff by mailing a copy to his attorney, Bernard Fensterwald, Jr., Esquire, 927 15th Street, N.W., Washington, D.C. 20005, on this 6th day of November, 1970.

\_\_\_\_\_  
ROBERT M. WERDIG, JR.  
Assistant United States Attorney

I, Marion E. Williams, a Special Agent of the Federal Bureau of Investigation, being duly sworn depose as follows:

1. I am an official of the FBI Laboratory and as such I have official access to FBI records.
2. I have reviewed the FBI Laboratory examinations referred to in the suit entitled "Harold Weisberg v. Department of Justice USDC D. C., Civil Action No. 2301-70," and more specifically, the spectrographic examinations of bullet fragments recovered during the investigation of the assassination of President John F. Kennedy and referred to in paragraphs 6 and 17 of the complaint in said case.
3. These spectrographic examinations were conducted for law enforcement purposes as a part of the FBI investigation into the assassination. The details of these examinations constitute a part of the investigative file, which was compiled for law enforcement purposes and is maintained by the Federal Bureau of Investigation concerning the investigation of the assassination of President John F. Kennedy.
4. The investigative file referred to in paragraph "3" above was compiled solely for the official use of U. S. Government personnel. This file is not disclosed by the Federal Bureau of Investigation to persons other than U. S. Government employees on a "need-to-know" basis.
5. The release of raw data from such investigative files to any and all persons who request them would seriously interfere with the efficient operation of the FBI and with the proper discharge of its important law enforcement responsibilities, since it would open the door to unwarranted invasions of privacy and other possible abuses by persons seeking information from such files. It could lead, for example, to exposure of confidential informants; the disclosure out of context of the names of innocent parties, such as witnesses;

the disclosure of the names of suspected persons on whom criminal justice action is not yet complete; possible blackmail; and, in general, do irreparable damage. Acquiescence to the Plaintiff's request in instant litigation would create a highly dangerous precedent in this regard.

SIGNED \_\_\_\_\_

Washington  
District of Columbia

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,

Deponent \_\_\_\_\_ has appeared and signed this affidavit first having sworn that the statements made therein are true.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for the District of Columbia