

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

_____)
 JESSE C. TRENTADUE)
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 Plaintiff)
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 V)
)
 CENTRAL INTELLIGENCE AGENCY, et. al)
)
)
 Defendants)
 _____)



Civ. A. No. 2:08-CV-00788

DECLARATION OF EMANUEL (MANNY) JOHNSON, JR.

I, Emanuel Johnson, Jr. hereby declare that the information provided herein is based upon my personal knowledge:

- (1) I served as a Special Agent of the Federal Bureau of Investigation (FBI) from January 15, 1973 until May 3, 1999;
- (2) On April 20, 1995, the FBI opened a Command Post (CP), at the Washington Field Office (WFO), to handle all investigation related to the bombing of the Murrah Federal Building in Oklahoma City, Oklahoma, later code-named OKBOMB;
- (3) I was assigned as the first shift Supervisory Special Agent (SSA) which was from 8 am until 4 pm on April 20, 1995;
- (4) All investigation pertaining to OKBOMB was placed into "RAPID START";
- (5) "RAPID START" was a computerized system that allowed for all leads to be assigned a number, the identity of the person conducting the lead and the subsequent results of the lead were also catalogued into "RAPID START";
- (6) I have reviewed a redacted copy of a FD-302, [63-7], filed in this case on 8/18/10. A copy of that FD-302 is also attached to my declaration as Exhibit 1.
- (7) A FD-302 is a document prepared by a FBI Special Agent on any matter that may be of a testimonial nature, according to FBI rules and regulations, during the pertinent

time period;

- (8) This redacted copy of this FD-302, bears the markings 174A-OC-56120 SUB D – 2337 in the lower right corner;
- (9) The number 174 is the numerical classification that the FBI assigns to the investigation of bombing matters;
- (10) The alphabet A is the highest investigative priority within bombing matters;
- (11) The letters OC is the FBI's abbreviation for the Oklahoma City, Oklahoma Division of the FBI;
- (12) The number 56120 is the fifty-six thousandth, one hundred and twentieth bombing investigation within the Oklahoma City, Oklahoma Division of the FBI;
- (13) The letters SUB identifies a division of the main file, 56120, within itself, for a specific purpose;
- (14) The letter D is the identifier given to this particular divided file;
- (15) The main file contains a listing of all sub-files and the specific purpose for which the SUB file was opened;
- (15) The numbers 2337 is the two-thousandth, three hundred and thirty-seventh serial to be placed into SUB D;
- (16) A serial is simply a paper document placed within a file;
- (17) Serials are placed in ascending order;
- (18) Serials may have their own particular identifier, such as FD-302.;
- (19) Once a serial is originated, it is reviewed by the originator for accuracy, and then forwarded to the Supervisor for review, accuracy and compliance with rules and regulations;
- (20) One specific requirement was that all serials be marked for indexing to facilitate future retrieval;
- (21) A serial is marked for indexing by underlining the material to be indexed;
- (22) If no indexing is necessary, a serial must be so marked;
- (23) As part of the approval process, the Supervisor is responsible for insuring that a serial meets the FBI's regulations regarding indexing;

- (24) FBI rules and regulations prohibit a serial from being “uploaded” (entered) into its Automated Case System (ACS) or Electronic Case File (ECF) without the appropriate indexing mark;
- (25) The copy of 174A-OC-56120 SUB D – 2337 that I have reviewed does not have the required index markings;
- (26) This same copy of 174A-OC-56120 SUB D – 2337 that I have reviewed does not have the notation that it was ever uploaded into either ACS or ECF;
- (27) Whenever a serial is uploaded into ACS or ECF, it is so noted by the person doing the uploading with a date and the initials of the uploader;
- (28) The serialization (2337) of 174A-OC-56120 SUB D documents that it was placed into the paper file (non-computerized) because it would have been impossible to derive the serial number, 2337, without having a paper file with 2336 preceding serials;
- (29) I have read the supplemental declaration of Mr. David M Hardy [66-1], filed 9/20/10 in which he describes his efforts to comply with the Freedom of Information Act (FOIA);
- (30) It would be impossible for the FBI to locate 174A-OC-56120 SUB D – 2337, without a manual search of the paper file because it was not marked for indexing and therefore could not be located through a computerized search;
- (31) A manual search of any FBI paper file would reveal a listing which identifies all serials within that file;
- (32) I have personally supervised and participated in manual searches of FBI files to locate documents responsive to civil matters;
- (33) The FBI has required the person conducting the manual searches to certify in writing that a thorough search was personally conducted because of indexing failures;
- (34) I was commended by FBIHQ for my supervision of the Washington Field Office’s (WFO) correction of “significant deficiencies”, in the Evidence Control Center (ECC), that were identified in a prior bi/tri-annual inspection by the Inspection Division (ID) of FBIHQ;
- (35) The ECC is the repository of all evidence in the FBI;
- (36) Every item of evidence is logged into the ECC;
- (37) The ECC is restricted access;

- (38) The ECC's clerk documents all evidence entry, the identity of anyone who reviews the evidence and anyone who removes the evidence from the ECC, in the ECC log;
- (39) Evidence originates with the individual Special Agent's (SA) collection;
- (40) The originating SA prepares a FD-192, also known as a "bulky sheet" and or "green sheet";
- (41) The originating SA also prepares a FD-302 that identifies the evidence, its origin, from whom it was obtained and relevant case;
- (42) The Supervisor or his designee of the violation being investigated reviews the submitted FD-192 and FD-302 for compliance with FBI rules and regulations;
- (43) The Supervisor then approves the FD-192 and FD-302, if it is compliant with FBI rules and regulations;
- (44) A copy of the FD-192 accompanies the evidence;
- (45) Another copy of the FD-192 is filed in the substantive file of the violation being investigated;
- (46) The Supervisor of the substantive violation is required by FBI rules and regulations to review the substantive file at least every 120 days to insure compliance;
- (47) Any deficiencies are required to be corrected immediately;
- (48) Field Office Executive Management is also required to conduct periodic audits of the ECC;
- (49) FBIHQ's ID is also required to insure the "integrity" of the ECC during its bi/tri-annual inspection;
- (50) FBIHQ's ID is required to document its findings, in its bi/tri-annual inspection report, in regards to the ECC;
- (51) Any removal, relocation and/or disposition of any evidence from the ECC is documented in the file of the substantive violation;
- (52) Additionally, any info disseminated from FBI files are documented by a FD-159, which reflects what was disseminated to include the serial number, the date of dissemination, the person/agency to which it was disseminated and the reason for such;
- (53) I am aware from my personal experience as a FBI Supervisor that neither ACS nor ECF can be solely relied upon. Communications from FBIHQ to the field offices

have documented various problems with ACS.

I declare under penalty of perjury that the information stated above is true and correct to the best of my knowledge.

EXECUTED this 11th day of October 2010 at Woodbridge, Virginia.

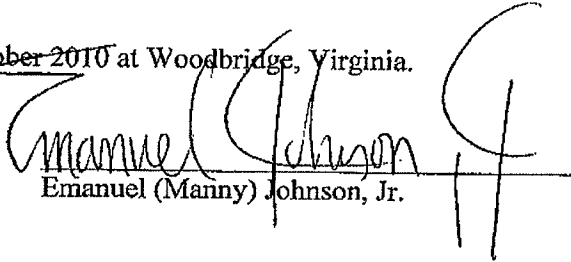

Emanuel (Manny) Johnson, Jr.

EXHIBIT 1

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/3/95

Supervisor Special Agent (SSA) [redacted] furnished the following items from Trooper CHARLES HANGER, through [redacted] General Council, Oklahoma Department of Public Safety:

- 1. One video tape;
- 2. Four Uniform Violations Complaints, B-76082/3/4/5;
- 3. Confiscated property receipt;
- 4. Affidavit of probable cause;
- 5. Two teletypes;
- 6. One memorandum, dated April 23, 1995, regarding evidence S.A. [redacted];
- 7. Copy of Michigan driver's license of MCVEIGH;
- 8. Three pages of jail/booking information;
- 9. One evidence inventory sheet.

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[redacted] acquired this evidence at 8:56 p.m. on April 27, 1995, from [redacted]

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Investigation on 4/28/95 at Oklahoma City, Oklahoma File # 174A-OC-56120 SUB D-
 by SA [redacted] /lvk Date dictated 4/28/95 3337

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