



U.S. Department of Justice

Washington, D.C. 20530

SEP 20 2000

Fielding M. McGehee, III  
3553 Eugene Place  
San Diego, CA 92116

Dear Mr. McGehee:

Your Freedom of Information Act and/or Privacy Act (FOIA/PA) request was received by this office which serves as the receipt and referral unit for FOIA/PA requests addressed to the Department of Justice (DOJ). Federal agencies are required to respond to a FOIA request within twenty business days. This period does not begin until the request is actually received by the component within the DOJ that maintains the records sought.

Your request was originally sent to the Federal Bureau of Investigation (FBI). The FBI has returned your request to us because they do not have the records you requested.

We regret any inconvenience that our earlier response may have caused.

Sincerely,

*Jan Betty S. Clark*  
Benjamin F. Burrell, Director  
Facilities and Administrative  
Services Staff  
Justice Management Division



U.S. Department of Justice

Criminal Division

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Washington, D.C. 20530

SEP 22 2000

CRM-200000945F

Mr. Fielding M. McGehee, III  
3553 Eugene Place  
San Diego, California 92116

Dear Mr. McGehee:

This is in response to your request dated May 30, 2000, for a copy of the videotape of the shootings at the Port Kaituma Airstrip on November 18, 1978.

We have been advised by the Terrorism and Violent Crime Section that they no longer have a copy of this tape and that it is possible that the FBI maintains it. We note that your request was also referred to the F.B.I. Also, the FBI Reading Room has 48,738 pages and a 365 page case summary report concerning Jonestown and the murder of Congressman Leo J. Ryan, some of which is available on-line at [www.fbi.gov](http://www.fbi.gov).

In searching our files, we also ascertained that the United States, through the Office of the United States Attorney for the Northern District of California, filed a suit against Laurence John Layton, and it is possible that the Executive Office for United States Attorneys (EOUSA) (which Office is responsible for reviewing and processing United States Attorney records) may have records within the scope of your request. We are referring a copy of your request to the EOUSA for its review and direct response to you.

You have a right to an administrative appeal of this determination. Department regulations provide that such appeals must be filed within sixty days of your receipt of this letter. 28 C.F.R. 16.9. Your appeal should be addressed to: Co-Director, Office of Information and Privacy, United States Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530. Both the envelope and the letter should be clearly marked with the legend "FOIA Appeal." If you exercise this right and your appeal is denied, you also have the right to seek judicial review of this action in the federal judicial district (1) in

which you reside, (2) in which you have your principal place of business, (3) in which the records denied are located, or (4) for the District of Columbia.

Sincerely,

*Thomas J. McIntyre  
by/caf*

Thomas J. McIntyre, Chief  
Freedom of Information/Privacy Act Unit  
Office of Enforcement Operations



U.S. Department of Justice

Executive Office for United States Attorneys  
Freedom of Information/Privacy Act Unit  
600 E Street, N.W., Room 7300  
Washington, D.C. 20530  
202-616-6757 Fax 202-616-6478

FEB 28 2001

Request Number: 00-3277 Date of Receipt: 9-25-00

Requester: Fielding McGehee, II

Subject: Copy of videotape shooting at the Port Kaituma airstip  
11/18/00

Dear Requester:

In response to your Freedom of Information Act and/or Privacy Act request, the paragraph(s) checked below apply:

1. [ ] A search for records located in this office has revealed no records.
2. [XX] A search for records located in the United States Attorney's Office(s) for the Northern District of California has revealed no records.
3. [ ] The records which you have requested cannot be located.
4. [ ] This office is continuing its work on the other subject/districts mentioned in your request.
5. [XX] This is the final action my office will take on your request.

You may appeal my decision in this matter by writing within sixty (60) days, to:

Office of Information and Privacy  
United States Department of Justice  
Flag Building, Suite 570  
Washington, D.C. 20530

Both the envelope and the letter of appeal must be clearly marked "Freedom of Information Act/Privacy Act Appeal."

After the appeal has been decided, you may have judicial review by filing a complaint in the United States District Court for the judicial district in which you reside or have your principal place of business; the judicial district in which the requested records, if any, are located; or in the District of Columbia.

Sincerely,

*William G. Stewart*

/s/ Suzanne Little  
Assistant Director  
FOIA/PA Unit

Please note, after a thorough search, no specific videotape that you requested regarding the shooting at the Port Kaituma airstrip was located.



U.S. Department of Justice

Criminal Division  
Office of Enforcement Operations

(202) 616-0307

Washington, D.C. 20530

JAN 5 2001

CRM-20000945F

Mr. Fielding M. McGehee, III  
3553 Eugene Place  
San Diego, California 92116

Dear Mr. McGehee:

This is in response to your letter dated December 20, 2000, regarding your request for a videotape of the shootings at the Port Kaituma Airstrip on November 18, 1978.

The materials you enclosed do indicate that a copy of this videotape was in the possession of the Justice Department in 1979. That was two decades ago. As we explained in our letter of September 22, 2000, the Terrorism and Violent Crime Section, which evidently did have a copy of this tape at one time, has advised us it no longer has a copy. The attorneys who handled the Jonestown case are no longer with that section. It suggested that the FBI may still maintain a copy.

Under the circumstances it is not clear what I can do to assist you. I can only recommend that you make a request to the FBI to see whether it still has a copy of the tape. I note that, as the committee report states, in 1979 the Department declined to provide certain portions of the tape even to the Congressional committee on the basis that it constituted grand jury information, protected under Rule 6(e) of the Federal Rules of Criminal Procedure. As there is no temporal limitation on that provision, and it is not discretionary, it may be that this portion of the material, if it can be located, would still have to be withheld pursuant to Exemption 3.

Sincerely,

Thomas J. McIntyre, Chief  
Freedom of Information/Privacy Act Unit  
Criminal Division