

5/16/70

Mr. Richard Kleindienst
Deputy Attorney General
Department of Justice
Washington, D.C.

Dear Mr. Kleindienst,

Your Department has engaged in a systematic effort to vitiate the clear intent of Congress and the law on "Freedom of Information" to the point that inquiries properly made are ignored. Seeking of you what is my right and your obligation to respond to has been converted into a futility. Even so simple a request for forms you require for citizens to use the law is blatantly ignored. Moreover, when I asked for copies of your instructions two days ago at two different offices of your Department, not only was I not given any, but in the proper office they even declined to take my name and address so they could mail these instructions to me. I have, in the past, addressed a number of requests to the Attorney General. He has, on not one occasion, made response. I have asked of your office that when my requests were rejected, as I anticipated they would be, the record indicating this is automatic when not ignored, it be in the name of the Attorney General so that the organized mechanism for delaying me would not be put into play again. In every case, this has not been done. I have three times addressed appeals from decisions to the Attorney General only to have them also ignored. I regard this record as one in which your Department has effectively surrendered any rights to insist upon compliance with those rules you employ only to frustrate my proper requests and, in the event it becomes necessary, am prepared to test this in court.

I would prefer that this not become necessary, that you change your ways, start making response, eliminate the deception and falsehood from them-in short, recognize that Congress passes laws and Presidents sign them so that they will be obeyed, most of all by that Department in whose care the sanctity and integrity of the law is vested. Or, the Department from which we have been hearing so much about what it calls "law and order". Like charity, I suggest that should begin at home.

Herewith I enclose three completed BW-118 forms. In each of these three cases my most recent requests have been made some time ago. In not one of them has there been response.

Two of them are conspicuously flagrant, and I single them out for explanation. My first request for the spectrographic analysis of the bullet, fragments of bullet and objects said to have been struck by either when the President was assassinated and Governor Connally injured is dated in May 1968. There has never been response to it or its subsequent repetition. I addressed a request for this same public, non-secret information to the Attorney General 40 days ago. My first request of your Department for those documents relating to the late William Ferris of New Orleans was made under the previous administration, and my most recent, still unanswered, was addressed to your office two months ago.

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Because the record does not encourage belief you will provide what I seek with recourse to the courts, I feel it would be unwise for me to disclose everything I can. But because I want voluntary compliance with the law and because despite your best contrary efforts, I do not want to have this result in embarrassment for you or the government, I do suggest some of them.

With regard to the spectrographic analysis, if you are not aware of it, not then having been in your present position, I think you should know that if it does not agree in the most minute detail with the interpretation put upon it by the Warren Commission, their Report is a fiction. It was, in ways I do not explain, "considered by" that Commission. These words are from the executive order of the Attorney General of October 31, 1966. Moreover, it was, to all practical purposes, made public and published in different form, repeatedly, by the Commission. Most recently, this was done by former Dallas Chief of Police Jesse Curry, in a book bearing his name. When I asked for it of the National Archives, in person, the day this executive order was reported in the press, in my presence a representative of your Department told the National Archives it had been transferred there pursuant to this order. When we checked the file he cited, we found it was but a paraphrase. To the best of my knowledge, there has been no response to the report made to him that this was not the analysis itself. This analysis involved no secret processes, no informants whose identities need be hidden, no defamations of the innocent, and does not in any way fall under the right to withhold embodied in any of the guidelines for withholding.

Your Department, through Mr. Vinson, told me the various documents relating to David Ferrie were being reviewed with the intent of seeing whether they would be made available. I never heard further from him. The National Archives told me it had no knowledge of any such review. Obviously, it is impossible for me to provide you with an identification of each and every such suppressed document, but to the degree I can, it is already in your files. In fairness to you, for I do not seek scandal but I do seek information I believe is properly mine, I want you to know that I have some of what is said to be withheld and it cannot possibly be withheld properly. As I have already explained, what might tend to reflect upon the innocent has already been made public, rather extensively, by the men involved and by their attorney, in a book and its serialization. Ferrie himself is dead, was unmarried, and his sexual tastes are public knowledge in a variety of ways, including but not limited to public reporting of criminal charges against him for them and in his contesting of these charges and his subsequent loss of employment because of them.

With regard to the photograph identified as FBI Exhibit 60, requested in my letter of April 23, 1970, addressed to the Attorney General, I provide this information and request:

This is a picture of President Kennedy's shirt. The shirt itself is withheld from examination and study and any taking of pictures of it is prevented on the seemingly proper ground that neither the government nor his estate want any undignified or sensational use of it. I have explored this thoroughly with the National Archives and the representative of the estate, verbally and in extensive correspondence. However, there is no use to which the available pictures can be put that is of any other nature, for they show nothing but his blood. This is not what I want to study or, perhaps, to show (my chief purpose is study).

FBI Exhibit 80 is available at the National Archives and it has been published by the Warren Commission and by others. However, someone in your Department has gone to some trouble to see to it that the photograph at the National Archives is entirely useless for any serious study or to assure that it can be used only for no other than undignified or sensational purposes. Instead of a photographic print there is a photograph of the printed page. Now FBI Exhibit 80 is not lithographic but is photographic in nature. With the screen built-in for printing, any enlargement is effectively precluded. My interest is the only non-sensational one. It is restricted to the tabs of the shirt through which a bullet is alleged to have passed. I do not, really, want the entire picture, and I would much prefer the largest clear enlargement you can have made of just this very small area of the shirt. My purpose is as simple as it is obvious. It is entirely restricted to a study of the damage to the shirt by the alleged bullet. I would much prefer any enlargement of this very small area of the shirt, which would eliminate all the gore, to a standard 8x10 glossy print of the exhibit itself. If you will not do this, as I hope you will, then I will accept the clearest possible photograph of the original negative of FBI Exhibit 80. However, because I am confident the Department would prefer no suggestion that it is withholding evidence relating to the murder of a President, I do hope you will provide me with the enlargement instead, showing only the damage. It will be obvious, I hope, that there is no undignified use of such an enlargement of the original negative that is remotely possible, even if I were intending to publish it, which I am not.

The law, as you know better than I, imposes no burden upon me to make any explanation of what I seek under it. I hope you will understand that I have taken this time, gone to this trouble, in a sincere effort to put you in a position to understand that my purposes are serious, scholarly, proper and entirely within the intent of Congress and covered by the law. If you will reflect but a moment, perhaps you will also understand that, at possible cost to myself, I have sought to put you in a position to save yourself and the Department embarrassment if you do as you have in the past.

On the other hand, I will no longer accept the standard Departmental whipping from pillar to post. One of these requests to which your Department has never responded is four years old. The request embodied in my Civil Action 718-70 was a year old at the time you acceded to the perfectly proper request but only after I filed the action and you could no longer delay trial. If I have not heard from you within two weeks that you will comply with these requests, or if I get a rejection in any name other than that of the Attorney General, I will proceed with further civil actions. I would much prefer to avoid this. Most sincerely, I hope you would also.

Sincerely,

Harold Weisberg

U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20530



REQUEST FOR ACCESS TO OFFICIAL RECORD
UNDER 5 U.S.C. 552(a) and 28 CFR PART 16

See instructions for payment and delivery of this form at bottom of page

NAME OF REQUESTER Harold Weisberg		ADDRESS (street, city, state and zip code) Rt. 8, Frederick, Md. 21701	
DATE 5/16/70			
DO YOU WISH TO RECEIVE COPIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SO INDICATE (no more than 10 copies of any document will be furnished).		NUMBER OF COPIES REQUESTED 1 each	OFFICE AND CITY WHERE RECORD IS LOCATED (if known) Washington, D.C.

DESCRIPTION OF RECORD REQUESTED (include any information which may be helpful in locating record)

Enlarged photograph of part of FBI Exhibit 60 (Warren Commission material) as described in my enclosed letter of 5/16/70) preferred, or, if this cannot be done and only if it cannot, one 8/10 glossy photographic print of FBI Exhibit, whichever is provided being made from original negative.

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
FILL IN IF IN PENDING LITIGATION →	COURT (check one)	DISTRICT	NAME OF CASE	DOCKET NUMBER
	<input type="checkbox"/> FEDERAL <input type="checkbox"/> STATE			

There is no prospective litigation if request is complied with

SIGNATURE	
<p>FOR USE BY DEPARTMENT OF JUSTICE ONLY</p> <p>THIS REQUEST IS:</p> <p><input type="checkbox"/> GRANTED</p> <p><input type="checkbox"/> DENIED</p> <p><input type="checkbox"/> REFERRED</p>	<p>A MINIMUM FEE OF \$3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box)</p> <p>FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD \$ 1.00 _____</p> <p>FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL \$ 1.00 _____</p> <p>COPIES OF DOCUMENTS:</p> <p>50¢ FIRST PAGE, 25¢ EACH ADDITIONAL PAGE _____</p> <p>FOR CERTIFICATION OF TRUE COPY \$ 1.00 EACH _____</p> <p>FOR ATTESTATION UNDER THE SEAL OF THE DEPARTMENT \$ 3.00 EACH _____</p> <p>GSA CHARGE _____</p> <p>TOTAL CHARGE _____</p>

Payment under this section shall be made in cash, or by United States money order, or by check payable to the Treasurer of the United States. Postage stamps will not be accepted.

This form may be delivered to any of the offices listed in 28 C. F. R. 16.2 or mailed to: Office of the Deputy Attorney General, Department of Justice, Washington, D. C. 20530