

Understanding the FBI ^{Post} 10/31/76

THE OTHER DAY, Victor Lowe, an official of the General Accounting Office was testifying before Congress about GAO's progress in its systematic audit of the FBI. In the course of his testimony, he told the members of Congress a very revealing little story about the bureau. According to Mr. Lowe, "a suspect wrote 10 worthless checks totaling \$887 at two military installations. The FBI investigated the case and presented it to the U.S. Attorney. The suspect was convicted of each of 10 complaints and the FBI reported 10 convictions."

Ten convictions? It doesn't take a statistician to see how quickly an agency's statistical portfolio can be improved by such practices, and Mr. Lowe came up with other examples from a GAO sampling of FBI cases:

- The bureau was asked to check the backgrounds of two plaintiffs who were suing the government for \$1 million in a land transaction. Before the bureau could report back to the U.S. Attorney, the plaintiffs' claim was dismissed on the merits by the court. Nonetheless, FBI statistics record the case as a "\$1 million saving" for the government by the bureau.

- The FBI recovered copies of a copyrighted film from a collector, who had made no money from showing the film. "However," Mr. Lowe testified, "the FBI claimed a recovery of \$329,627, ascertained by applying a certain per cent to the original film's gross receipts to date."

Mr. Lowe went through various categories of statistical gyrations engaged in by the bureau to make itself look good. It was all part of the enormous public relations effort undertaken when the late J. Edgar Hoover was building the FBI's image as the most formidable police agency on earth, an agency that claimed annually to imprison "14,000 felons" for 55,000

years." In many instances pointed out by Mr. Lowe and others before him, those claims bore little relation to reality. At the same time, there was a rule, "Don't Embarrass the Bureau," and to breach it might lead to banishment to Missoula or worse. So, naturally, FBI burglaries were not part of the annual statistical portfolio of bureau accomplishments, nor were the accumulations of instances of harassment of citizens whose ideology displeased Mr. Hoover.

But Mr. Lowe's testimony is part of an extremely encouraging development. The bureau as an institution is undergoing profound change, and the fact that Mr. Lowe was able to testify as he did is only one manifestation of that change. When GAO began to audit every important phase of the bureau's operations, the FBI (with the backing of the Department of Justice) resisted intrusion into the recesses of its operations. A great deal of negotiating was needed before the bureau agreed to permit GAO to sample the results of its cases. The reason we know about the details of some of the FBI's inflated claims is that it permitted GAO to look into its caseload. There was a time when such outside inspection was not only forbidden, but unthinkable.

It is this sort of outside examination that can recreate the FBI as an effective police agency. The outlines of this FBI-in-the-making are already visible in the call by FBI Director Clarence Kelley for "quality over quantity" in the cases his agents now handle. This transitional process is neither pleasant nor easy. But the end result is likely to be a real police agency, one that need not rely on cooked up figures for its prestige. Such an FBI would be one that people respected for its achievements, not for its phony claims.

UNITED STATES DEPARTMENT OF JUSTICE

12, 1975

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

January 26, 1976

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in response to your letter dated January 12, 1976, addressed to Special Agent Thomas H. Bresson of our Freedom of Information-Privacy Acts (FOIPA) Section.

Our records indicate you have pending with this Bureau requests for information involving three separate subject matters. We have been unable to initiate processing of these requests due to a current heavy workload.

Your October 27, 1975, letter contains your request for information concerning the Silver Shirts and a request for certain film footage in connection with the John F. Kennedy Assassination. The third request was contained in your letter dated December 20, 1975, relative to certain laboratory data which may have pertinence to the murder of Officer J. D. Tippit in Dallas, Texas.

Each of your letters was responded to by communications dated November 24, 1975, and January 7, 1976, respectively. These letters advise in essence that we have a considerable backlog of FOIPA requests on hand and that in an effort to deal with all requests equitably, they are being treated in chronological order based on date of receipt. We have received nearly 14,000 FOIPA requests during the calendar year 1975, and this overwhelming volume has precluded us from handling them as promptly as we desire or in compliance with statutory requirements.

Your requests will be treated under the provisions of the Freedom of Information Act (FOIA), and are being handled in a section of the FBI that deals with both FOIA and Privacy Act requests. Please be assured that the FBI in no way intends to "stonewall" you with respect to your Freedom of Information Act requests.

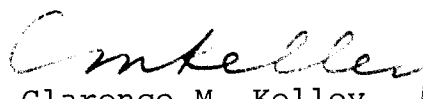


Mr. Harold Weisberg

We will advise you further within the next 30 work days regarding the results of our search for the information you have requested and a determination as to its releasability.

You may, of course, treat the failure to respond within the statutory time period as a denial of your request. You may appeal to the Attorney General from any denial contained herein. Appeals should be directed in writing to the Attorney General (Attention: Freedom of Information Appeals Unit), Washington, D. C., 20530. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Following the Attorney General's decision, judicial review is available in the district of your residence or principal place of business, or in the District of Columbia, where the records are situated.

Sincerely yours,


Clarence M. Kelley
Director



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

February 13, 1976

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in response to your letter dated January 30, 1976, concerning your pending Freedom of Information-Privacy Acts (FOIPA) requests.

You may be assured there has been no "deliberate creation of confusion" on the part of the FBI in connection with the accounting for, and processing of your requests. As was previously stated there has been an overwhelming number of requests during the past year, and we are currently more than three months behind in responding to these requests. They are being handled in chronological order based on the date of receipt for this reason.

In those instances where a verbal request has been made, the requester has been informed that he must submit his request in writing before any action can be taken. This was explained to you by Special Agent Thomas H. Bresson of our FOIPA Section with regard to your verbal request made in March, 1975.

Your request directed to the Attorney General dated November 28, 1975, for information concerning you personally has been located. This request was referred to the FBI on December 5, 1975, and our acknowledgement to you was dated December 12, 1975. We appreciate your bringing this to our attention in order to clarify the record in this regard.

Your request concerning the release of pictures of President Kennedy's clothing was contained in your letter dated October 27, 1975, which was referred to in our letter of January 26, 1976. Your October 27th letter further contains requests concerning the files on Lee Harvey Oswald, film footage on Lee Harvey Oswald in connection with the John F. Kennedy Assassination, and documents relating to the Silver Shirts.



Mr. Harold Weisberg


Our letter of January 26, 1976, also acknowledged receipt of your December 20, 1975, request for any laboratory data regarding the murder of Dallas Police Officer J. D. Tippit.

On December 31, 1975, we received a referral from the Department of Justice which was dated December 23, 1975. This was submitted by Mr. James H. Lesar on your behalf in connection with the assassination of Dr. Martin Luther King, Jr. This request in itself is far-reaching in scope and will entail considerable searching time once processing can be initiated.

I would like to reiterate that the FBI is not trying to circumvent the law, and request that you bring to our attention any other requests that have not been referenced in this letter.

We regret that FOIPA requests received from you and other individuals cannot be handled in a more expeditious manner, but as it has been previously explained, the voluminous number of requests received preclude this. We have increased our FOIPA staff to approximately 200 employees in an effort to alleviate the situation in this regard.

Sincerely yours,


Clarence M. Kelley
Director

Rt. 12, Frederick, Md. 21701
12/20/75

Mr. Thomas Bresson FOIA REQUEST
FOIA Officer
FBI
Washington, D.C.

Dear Mr. Bresson,

This is my request under FOIA for copies of the spectrographic analyses, neutron activation analyses or any similar tests by the FBI in the case of the murder of Office J.D.Tippit in Dallas, Texas, 11/22/63.

By this I mean the reports of any and all such tests as may have been performed on the recovered bullets, all recovered shells, on the ammunition found in the pistol and the pockets of Lee Harvey Oswald, on Officer Tippit's clothing and all comparisons between any of these and the pistol and any of the other objects.

For your information and that of any searchers, the FBI could not connect these bullets and the pistol ballistically.

The bullets did not match the shells (thus my interest in any testing of the powder in the discharged shells and the unfired ones).

One automatic shell was found at the scene.

In the absence of ballistics proofs I presume there was greater interest in the tests the results of which I seek because they could enable what was not possibly ballistically, connecting Oswald with that murder.

By clothing I mean to include such objects as buttons, one of which was struck by a bullet.

Sincerely,

Harold Weisberg

82 Squankum Road
Howell, New Jersey 07731
June 18, 1976

By Certified Mail 388972

Honorable Edward H. Levi
Attorney General
United States Department of Justice
Washington, D. C. 20535

Dear Mr. Attorney General:

As of the present, I have received no answer to my letter of April 23, 1976 which was received at the Justice Department on April 26, 1976. I believe that I should be entitled to a reply and trust that my request for such an answer will not be considered as a request under the Freedom of Information Act.

If the delay is due to financial reasons, I will be glad to forward a self addressed stamped envelope.

Yours truly,

Emory L. Brown, Jr.

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OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

JUL 7 1976

Mr. Emory L. Brown, Jr.
82 Squankum Road
Howell, New Jersey 07731

Dear Mr. Brown:

This is to advise you that your administrative appeal to the Deputy Attorney General from the action by the Federal Bureau of Investigation,

on your request under the Freedom of Information Act for information from the files of the Department of Justice was received by this Unit on April 27, 1976.

This Unit has a substantial backlog of pending appeals received prior to yours and a shortage of attorneys. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general policy of assigning appeals to Unit attorneys in the order of receipt. Your appeal is number 1755. Please mention this number in any future correspondence with this Office concerning this specific appeal. Over 1068 appeals have thus far been completed or assigned for processing.

We will notify you of the decision of the Deputy Attorney General on your appeal as soon as we can. We regret, however, that we have been unable to do so within the time limits specified by the Act. For that reason, I must advise you that you have the right to seek judicial review of this matter in an appropriate United States District Court.

The necessity for this delay is regretted and your continuing courtesy is appreciated.

Very truly yours,

Richard M. Rogers

Richard M. Rogers, Deputy Chief
Freedom of Information and Privacy Unit



82 Squankum Road
Howell, New Jersey 07731
July 12, 1976

Mr. Richard M. Rogers, Deputy Chief
Freedom of Information and Privacy Unit
United States Department of Justice
Washington, D. C. 20530

Dear Mr. Rogers:

Reference is made to your letter dated July 7, 1976.

My records do not reflect that any administrative appeal has been made to the Deputy Attorney General concerning a request made under the Freedom of Information Act. The fact of the matter is that no such request was made and I therefore fail to see the reason for your letter.

My letter was addressed to the Attorney General and I ask why Mr. Kelley would not furnish me with certain information which I was seeking. This particular information was not sought under the provisions of the Freedom of Information Act although at times Mr. Kelley had alluded to such having been the case and at other times that it was not. Now, once again, my request is being classified as one coming under the Freedom of Information Act. At this time let me state that such is not yet the case.

If you are in a position to make such a decision, I would like to be advised as to whether not my request is of such a nature that it should be filed under the Freedom of Information Act. It would be gratifying if the Department would stop beat-around the bush and and take a final position on the matter.

Sincerely,

Emory L Brown, Jr.

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

August 18, 1976

Mr. Emory L. Brown, Jr.
82 Squankum Road
Howell, New Jersey 07731

Dear Mr. Brown:

This is in reference to your letter of April 21, 1976, requesting documents pursuant to the Freedom of Information-Privacy Acts (FOIPA).

There were no Neutron Activation Analysis (NAA) examinations conducted on the lead smear found on Q609 nor any of the clothing from President Kennedy or Governor Connally.

Enclosed you will find 16 pages of documents pertaining to various examinations performed by the FBI Laboratory which may be of interest to you.

The first 4 pages are the NAA data and results on the paraffin casts from Lee Harvey Oswald's hands (Q53A through Q53G). The remaining documents pertain to spectrographic examinations conducted on President Kennedy's clothing (PC-78282), Governor Connally's clothing (PC-80185), a wrist watch and ring (PC-78339), and bullets from Officer Tippit (PC-79846).

Sincerely yours,

A handwritten signature in cursive script that reads "Clarence M. Kelley".

Clarence M. Kelley
Director

Enclosures (16)



82 Squankum Road
Howell, New Jersey 07731
August 23, 1976

Mr. Clarence M. Kelley, Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D. C. 20535

Dear Mr. Kelley:

Reference is made to your letter dated August 18, 1976 and the enclosures concerning Spectrographic analysis.

It is apparent that on at least six different pages of certain information has been deleted by overlaying pieces of blank paper on the original document before copying. This information relates to the F.B.I., file and lab numbers as well as the name of the examiner and in one instance, the lower half of a page has been deleted and in another, the name of the Special Agent delivering the evidence to be examined. Is there any particular reason why this information has been removed? If not, I would appreciate have it.

Since the bullets recovered from the body of Dallas police officer J. D. Tippit could not be identified as having been fired from Oswald's revolver to the exclusion of all others, were they compared to the six removed from the revolver and the five taken from Oswalds person, by means of Neutron Activation Analysis? If so, I would be interested in being furnished with a copy of that examination.

Thank you very much for the sixteen pages of documents sent with your recent letter.

Sincerely,

Emory L. Brown, Jr.

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

September 17, 1976

Mr. Emory L. Brown, Jr.
82 Squankum Road
Howell, New Jersey 07731

Dear Mr. Brown:

This is in reference to your letter dated August 23, 1976, regarding FBI laboratory documents which were furnished to you concerning the John F. Kennedy assassination.

Enclosed are undeleted copies of those pages which contained excisions. In those FBI investigations which are not historical in nature, we normally delete this information pursuant to the Freedom of Information/Privacy Acts (FOI/PA) by the following subsections of Title 5, United States Code, Section 552:

- (b) (2) materials related solely to the internal rules and practices of the FBI;
- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would:
 - (F) endanger the life or physical safety of law enforcement personnel.

The assassination of John F. Kennedy, of course, is historical and this information should not have been deleted since it is already a matter of public record.

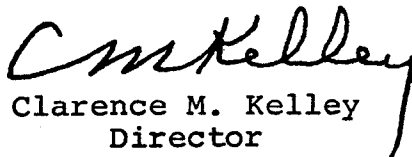
In reference to your question regarding the bullets recovered from the body of Dallas police officer J. D. Tippit, the only metal fragments examined by neutron activation analysis were specimens Q1, Q2, Q4, Q5, Q9 and Q14. You have previously received copies of these examinations.



Mr. Emory L. Brown, Jr.

As you may or may not be aware, Special Agents John F. Gallagher, Robert A. Frazier, Paul Morgan Stombaugh and Cortlandt Cunningham testified before the President's Commission concerning these examinations. Their testimony is printed in the "Hearings Before the President's Commission on the Assassination of President Kennedy," and a copy should be available at a local public library.

Sincerely yours,


Clarence M. Kelley
Director

Enclosures (6)