

JAMES H. LESAR
ATTORNEY AT LAW
2101 L STREET, N.W., SUITE 203
WASHINGTON, D. C. 20037
TELEPHONE (202) 223-5587

September 19, 1980

Mr. Daniel Metcalfe
Civil Division
U.S. Department of Justice
Washington, D.C. 20530

Re: Weisberg v. Webster, et al., Civil
Action No. 78-322; Weisberg v. Federal
Bureau of Investigation, et al., Civil
Action No. 78-420 (consolidated)

Dear Dan:

In my letter to you of June 17, 1980, I complained about the inexcusable delay in processing the 3x5 index cards maintained by the Dallas Field Office. In noting my anticipation that this index would be released in its entirety well in advance of the next status call, scheduled for October 14, 1980, I asked that you inform me if you had any reason to believe that this would not be the case. I also wrote that I wanted to assure that "there will be no dumping of a great volume of records on Mr. Weisberg at the last moment before a scheduled court hearing, as has happened in other cases."

Your response of June 27, 1980, admitted that the processing of the index "had been far slower than expected," but offered no explanation for this. You did state, however, that you had "re-emphasized to the appropriate Bureau personnel the need to conclude this process as quickly as possible" and that they had assured you that "they now target a completion date in advance of the next status call."

On August 12, 1980, Mr. Weisberg received sections 15 and 16 of the Dallas index. On September 10, 1980, he received sections 17 and 18. This brings the processing of the index up through entries beginning with the letters "CH". On March 15, 1980, the Bureau provided Mr. Weisberg with entries through the letters "BU". This means that the FBI is presently processing the index at the rate of less than one letter of the alphabet every six months! At this rate it will take the FBI some ten years to complete this task.

Most of every index card consists of blank space. Some cards have nothing more than a name and a number. Where there are multiple entries, there is but one name and several numbers. For

example, Mr. Weisberg informs me that there are six numbered cards on Fidel Castro. Aside from his name, nothing appears on the cards except the numbers that are citations to records and the number signifying the sequence of each Castro index card.

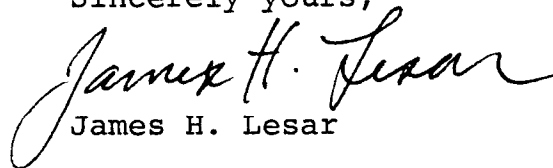
It is obvious that the FBI is not processing the Dallas index in good faith. Indeed, unless the FBI dumps tens of thousands of index cards on Mr. Weisberg in precisely the manner you have promised would not happen, it cannot fulfill the assurances you gave us that processing of the index would be completed prior to the October 14 status call.

The FBI's delay in providing the Dallas index has greatly handicapped Mr. Weisberg's ability to review, file, and make use of the index cards when they are provided. On Tuesday, September 16, 1980, he underwent arterial bypass surgery. In addition, the assistant who he depended upon to locate and file records for him has had to leave.

The delay in providing these records has become intolerable. This delay and the FBI's broken promises leave Mr. Weisberg no choice but to move the Court to set a tight schedule for the processing of the Dallas index.

If you care to offer any explanation for the FBI's failure to keep its promises, I ask that you provide it immediately. I would expect that such an explanation will include details that have been lacking in the general assurances given in the past, such as how many FBI agents have been assigned to this project and how many hours each of them has spent processing the index during each of the past six months.

Sincerely yours,



James H. Lesar