

7627 Old Receiver Road
Frederick, MD 21701

December 7, 1980

Thomas H. Bresson, Chief
Freedom of Information-Privacy Acts Branch
Records Management Division
Federal Bureau of Investigation
Department of Justice
Washington, DC 20535

Dear Mr. Bresson:

Your letter of December 3, 1980, refers to tapes and motion pictures to be provided and to remain withheld. In most cases you provide no identification of them. This leaves me no alternative but to appeal, which I do with a copy to Mr. Shea. I regret that the FBI continues to practice unnecessary and unjustified withholdings, even in correspondence. This increases the costs to all parties and reflects unfavorably on the FBI.

You say that only two tapes were found in New Orleans and you provide a dub of one. However, FBI records in my possession leave little doubt that there are more pertinent New Orleans tapes, whether or not all are filed in the files to which, arbitrarily and capriciously, search was restricted.

It is not now possible for me to check the cited Dallas and New Orleans records to determine the subject matter of the three tapes you say you are withholding under (b)(7)(C) and (D). However, there should be more than two Marina Oswald tapes alone.

You do not account for any tapes pertaining to J. Edgar Garrison's JFK assassination adventures and to him, yet in other cases the FBI has disclosed proof of taping him.

You also state that, of six located movie films, one, that taken by Robert J. E. Hughes, was provided to me. I have not been well and presently am not able to make any real searches. I do not recall receiving the Hughes film. If you will be kind enough to send me a copy of the covering letter, that particular matter can be straightened out rapidly.

You did send me a copy of the Doyle film - more than a decade late and then only after I provided proof that it was being processed for a later requester. I loaned that print to the Dallas Morning News, which lost it. It ordered a replacement from the FBI many months ago, longer ago than the claimed backlog. To the best of my knowledge, the FBI still has not provided the paper with the print to replace the lost one. This is a nonproject request and no processing is required. Only mechanical duplication is required.

Withholding the Zapruder film now, under (b)(3), is ludicrous and unnecessary. It has been broadcast from coast to coast on prime time TV. On many other occasions it was on local TV. It has been broadcast extensively abroad. Many copies are floating around and have been advertised for sale. I reprinted frames of

this film in 1966 and thereafter, without any protest from Zapruder or Time, Inc. I likewise showed individual frames of the motion picture on TV from coast to coast, without any protest. There also is a court decision regarding this film and fair use of it (Geis). The film also is evidence in the Clay Shaw case, when it also was shown repeatedly.

I welcome your promise to process any other films or tapes that turn up. I would appreciate a meaningful promise that a good-faith search will be made for them. They have considerable historical value.

Other field office films and tapes were sent to FBIHQ. These are included in the general releases and are now in the reading room. Several years ago, after receiving FBI notification that it requires appointments to be made to view them, I wrote asking for an appointment. The FBI refused to respond. I then requested copies. When the FBI refused to acknowledge that FOIA request, I filed an appeal. I have not received any response to that appeal or my many reminders.

It now is impossible for me to get to and use the FBI reading room. Without copies I am denied access, which I first requested more than a decade ago.

Your letter raises an additional question because it constitutes acknowledgment that, for FOIA purposes, tapes are records. Yet in C.A. 75-1996, the FBI ~~has~~ steadfastly pretends that the opposite is true. I just do not see how, in the face of this admission, the FBI can continue to withhold any tape in C.A. 75-1996 or pertaining to any other matter.

Sincerely,

Harold Weisberg