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March 2, 1981

Mr. Thomas H. Bresson, Chief
FOI/PA Branch
Records Management Division
Federal Bureau of Investigation
Washington, D.C. 20535

Re: Weisberg v. Webster, Civil
Action No. 78-322; Weisberg v.
FBI, Civil Action No. 78-420

Dear Mr. Bresson:

By letter dated December 16, 1980, then Associate Attorney General John H. Shenefield acted upon the pending administrative appeals of my client, Mr. Harold Weisberg, in the above entitled cases. Mr. Shenefield affirmed the Bureau's actions in some respects, but he also required it to conduct further searches for responsive records and to reprocess certain portions of the Dallas and New Orleans files.

Mr. Shenefield specifically upheld the excision of the names of FBI Special Agents "in the more recent portions of the processed files." The legal and ethical propriety of this determination is at best questionable, particularly in light of two affidavits which the FBI has filed in Weisberg v. U.S. Department of Justice, Civil Action No. 75-1996, Mr. Weisberg's suit for records pertaining to the assassination of Dr. Martin Luther King, Jr. and other matters. For example, a pertinent passage in the April 23, 1980 affidavit of FBI Special Agent Martin Wood filed in that case states:

During the early processing of records pertinent to plaintiff's requests, the names of FBI Special Agents who were in the field offices investigating various leads were originally excised pursuant to exemption (b)(7)(C). This was done to protect them from possible harassment and to prevent public exposure which would affect their ability to perform their responsibilities as law enforcement officers. Beginning in Section 86 of the FBIHQ MURKIN file and continuing through records more currently processed, upon a reconsideration of the historical nature of this material, the names of FBI Special Agents were left in

the text of the documents. Consequently, wherever a Special Agent's name was located in the documents retrieved for this sampling, the name was restored in the document. This was done in documents numbered 13, 17, 25, and 28. The (b)(7)(C) exemption for these names is hereby withdrawn.

This same passage is repeated, virtually verbatim, in the September 19, 1980 affidavit of FBI Special Agent John N. Phillips filed in the same lawsuit.

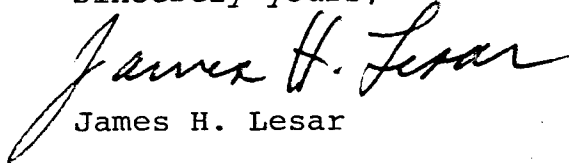
Having restored the names of FBI Special Agents to King assassination documents being reprocessed as part of a Vaughn sampling because of a "reconsideration of the historical nature" of the materials, the FBI cannot legally or ethically refuse to restore the names of FBI agents to the Dallas and New Orleans field office records it has been instructed to reprocess. Indeed, the historical importance of the Kennedy assassination files greatly exceeds that of the King assassination records. In addition, the names of FBI Special Agents were never excised from the thousands of pages of FBI reports published by the Warren Commission.

In my view, the position taken by the FBI with respect to King assassination records must also be applied to the names of FBI Special Agents previously excised from the Dallas and New Orleans records that are being reprocessed. The names of FBI Special Agents should be restored to all Dallas and New Orleans field office records that are being reprocessed. I would appreciate it if you would advise me as to whether you agree with me, and if not, why not.

With respect to the files on George De Mohrenshild which now to be provided to Mr. Weisberg, it is my understanding that the FBI intends to provide only those records on De Mohrenshild that it regards as within the scope of the fee waiver which the Department of Justice awarded Mr. Weisberg in 1978 for records pertaining to the assassination of President Kennedy. Mr. Weisberg considers all FBI records that pertain to Mr. De Mohrenshild as being pertinent to the investigation into the assassination of President Kennedy. Mr. Weisberg bases his position upon several factors: (1) Mr. De Mohrenshild's friendly relationship with the "loner" Lee Harvey Oswald; (2) De Mohrenshild's background of intelligence activities; (3) speculation about De Mohrenshild's role in the assassination that has appeared in a number of books and articles; (4) statements made by De Mohrenshild implying a role in the President's assassination; (5) the investigative interest of the House Select Committee on Assassinations in De Mohrenshild, and (6) De Mohrenshild's death, apparently by suicide, immediately before he was to be interviewed by a staff member of the House Select Committee on Assassinations.

If the FBI persists in its determination to release only some of its files on De Mohrenshild to Mr. Weisberg, then I request that the FBI provide us with an inventory and description of those documents it is not releasing, as well as a justification for its action which sets forth the reason why the withheld record(s) should not be viewed as being pertinent to the investigation of President Kennedy's assassination. In this regard, I would specifically ask that the FBI indicate whether any such withheld records on De Mohrenshild were provided to the House Select Committee on Assassinations in connection with its investigation.

Sincerely yours,

A handwritten signature in cursive script that reads "James H. Lesar". The signature is written in dark ink and is positioned above the typed name.

James H. Lesar

cc: Mr. Dan Metcalfe
Mr. Quinlan J. Shea, Jr.