

Dear Jim,

3/27/82

Your letter of the 25th, which refers to the three phone conversations we had after Judge Smith expressed a strong desire to end C.A. 78-032, is not as inclusive as what I proposed. If the FBI agrees to my offer and performs in good faith and with due diligence, I will do more than merely waive a Vaughn. I will move to dismiss and I will not refile this litigation.

Prior to the recent calendar call I asked you to make a similar offer to the Department. You reported that it was rejected out-of-hand. I believe either offer represents an enormous saving for the Department. I have offered to settle for considerably less than what I believe is mine as a matter of right under the Act.

However, when as recently as the ~~upper~~ Department's Reply of the 23rd and its letter to me of the 25th, there is obvious hanky-panky, I emphasize that a good-faith compliance is required.

I address some of this newest hankypanky below, where I will handle each item on a separate sheet of paper, and in my response to the FBI's letter, copy enclosed. Because I believe it says enough about the film and tapes and Hosty matters, I do not have separate sheets on them. If you require more, please let me know.

They, like the other matters, are all included in the appeals I filed long ago.

The appeals are considerably more detailed. Usually copies of pertinent FBI records are attached to them and the Department has them.

If the Department does not agree, I want to respond to this Reply and its attachments. Phillips flaunts his customary contempt for fact and there are other defects and inadequacies in them. Material facts will remain in dispute.

I will write you separately about the FBI's Orwellian purposes in insisting upon an unnecessary Vaughn.

Sincerely,



- Harold Weisberg

The Oswald-Mexico matter - teletype and transcript of intercept of his phone call(s)

Contrary to the "Department's representations, my appeals, to a large degree, are captioned. ~~These are~~ ^{These are} ~~ad~~ ^{ad} caption "Oswald-Mexico." If the Department wants to retrieve them now. They are illuminated with copies of many FBI records that are disclosed.

Off the top of my head, the most important of the withheld records are a teletype about it and the transcript of a phone intercept. To the best of my recollection Oswald phoned from the Cuban consulate to the Russian Embassy. There was at least one such intercept and it was taped. Virtually all but the exact words has been made public by the government. I can tell you the number of the Navy plane on which tape and pictures said to have been of Oswald were flown to Dallas from Mexico City, what agent met the plane, where and at what time, and what then was done at the Dallas field office. Dallas first sent a teletype to Washington and then, by request, a transcript. This was after midnight 11/22/63 and the next early morning. On 11/23 Hoover sent then Secret Service Director James Rowley a six-page letter, disclosed and attached to the appeals, stating that FBI agents familiar with Oswald looked at the pictures and listened to the tapes and said it wasn't Oswald. The letter is ambiguous and it is possible that Hoover said the pictures were not of Oswald, as latter became known. Until records were being processed for disclosure those withheld were not classified. To the best of my knowledge, aside from the exact words, it had all been disclosed by the government. During processing, some of these records were suddenly upped from unclassified to "Top Secret."

The House assassins committee went into this in some detail, and publicly.

Earlier there had been a new leak to the Washington Post and it syndicated a story that attracted extensive attention. *(Years earlier most of this had been leaked to a friend of mine. His story also was syndicated.)* You may remember that one Sunday, when we were in the Chicago airport, returning from the University of Wisconsin, this story took up the entire front page of a Chicago paper. (The Post interviewed the tapper and the transcriber of the tape(s).)

Dallas SA Wallace Haitman met the plane. SA Eldon Rudd, who later ran successfully for Congress, was the Mexico City Assistant Consular Attache who carried the pictures and tape(s).

Oswald's income tax records

Some of his letters about this have been disclosed.

With regard to what remains withheld the FBI is simply refusing to do what it was told to do by the appeals office. The Associate Attorney General, in his letter of December 16, 1980, Attachment 3 to the recent Reply, is specific on page 4, where with regard to this he stated, " I am specifically finding that the denial of access ...was improper." The FBI stalled any compliance until the past few weeks. Then it sent me copies of Jack Ruby's income returns and related records and those of his relatives and friends.

They withhold only Oswald's.

You may remember the reports that Oswald had been a paid FBI informer. The FBI denied this. It seems to me that if his income tax does not reflect any such source of income the FBI would be more than willing to disclose it.

I do not see how the FBI, in recent weeks, can disclose what I state above and still withhold Oswald's.

Records pertaining to my reporting a mafia threat against Jim Garrison to the FBI

I believe you used the word "intercept" in reporting this to Department counsel. It is more than an intercept, although it appears impossible that there was not an early-morning intercept on my phone in New Orleans. Again, I have gone into great detail on this in my appeals, to which copies of disclosed FBI records are appended.

The FBI's own disclosed records make it beyond doubt that other and withheld records exist.

At about 4 a.m. New Orleans time I received a person-to-person call from ^{Harv Morgan,} a well-known San Francisco reporter who also had a talk show. I knew he would not have phoned me at that time, after waking my wife to learn where I was, unless it was a matter he regarded as of some consequence. So, before I accepted the call, I got my tape recorder and taped the ensuing conversation. It was of an alleged mafia contract, already let, on Garrison. It was conveyed to him by a man named Richard Rye. I knew that Garrison had left the night before to speak at a university so I awakened the ranking New Orleans policeman assigned to his office, told him about it, and he came, immediately, and listened to the tape. I wanted to give the tape to the FBI immediately, but he wanted to clear it with the assistant SA Garrison had left in charge and get his OK. He wanted to confer with his associates, which took time. When they agreed for me to inform the FBI I phoned and spoke to an SA who gave his name as Hood. The disclosed New Orleans records gives the correct time for my call. However, timed and dated FBIHQ records, attached to the appeal, reflect the fact that FBIHQ had been informed of this by New Orleans about two hours earlier than the time I phoned the FBI. The only apparent means of the FBI's knowledge before I told it is electronic. The records reflecting how the FBI knew and what it did with that knowledge before I informed it remain withheld.

An Elsur search alone is inadequate. There are too many other places for such information to be sequestered. There are do-not-file files and places the SACs kept what they regarded as delicate.

Garrison records

The disclosed New Orleans records reflect the fact that pertinent Garrison records are in an 80 file ("Laboratory Research Matters") and I think in a 67 file. That Garrison was the subject of electronic surveillance is disclosed in an unsuccessful prosecution of him, in which some transcripts were disclosed, and in a record disclosed to me in C.A. 75-1996. I know of tapes being stored by, and in fact made by the Lab because of what has been disclosed to me by the FBI. The language of the request is for "all records on or pertaining to" those who figured in his investigation, as, of course, he did.

Right or wrong, good or bad, he is one of the more significant figures in the JFK assassination investigation, historically. He is also very much of a public figure. I doubt that there is anything defamatory about him that has not been disclosed one way or another. The FBI leaked his military medical records, which include the psychological. At the same time, my interest is not defamation, so I do not seek what is defamatory.

If there is any kind of real problem for the FBI here, whether of the bulk of the records or their personal or defamatory content, I see nothing to keep us from working out what it can be satisfied with. We can probably eliminate much from a list of references, which they should have made long ago in any event.

All intercepts are within the request. The one I got in C.A. 75-1996 appears to pertain to Edward Grady Partin, who, with his "teamsters", are within the allegations received by the FBI in any event.

The FBI has already disclosed that it had informers on ^{Garrison,} him, including in his own office. It also has disclosed that ^{secretly} his staff provided the FBI with office records. (There was a considerable hassle when that staffer, Comstock, needed those records back -JFK assassination records. Some Comstock records also are filed as 67s, as documented in my appeals.)

Warren Commission critics

The critics are public persons if by no other means by what the FBI did to and disclosed about them, partly reflected ⁱⁿ ~~in~~ records disclosed to me.

We also are a significant part of the history of the assassination investigation.

Phillips undertook to deceive and mislead the Court in what he states in his declaration, that there is nothing not provided. The trick he used is to have a search made for a file titled, the quotations marks in his declaration, "Warren Commission critics." This, however, is not what the Associate directed the FBI to do. It was to search for ~~records~~ ^{records} on the critics and on criticism of the investigations. This was to include "any official or unofficial administrative files."

In a number of instances I was able to attach the FBI's filing numbers to my appeals. It has disclosed that it does have us filed, especially in Dallas, which is the Office of Origin. It has no problem locating this withheld information.

To simplify its work and in deference to the judge's desire for speed I am willing to waive some and if the FBI agrees, will provide assist.

The FBI's thinking is reflected by the fact that critics were automatically filed as security-related internal-security cases.

Some of these records are pretty far out. The FBI told the White House, Attorneys General and other officials and even the Congress that my wife and I annually celebrated the Russian revolution with an outing at our home. Nothing like it ever happened and couldn't have. ^{The FBI} ~~it~~ converted an annual gathering at our farm, ^{religious} after the Jewish high holidays, which are quite some time before the Russian(s) celebrate their revolution, into this defamations ^{The FBI} ~~It~~ also prepared people to try to ruin me and my books on radio and TV. One was a symbol FBI informer. It hasn't left us much privacy. However, there is some that, despite the FBI's leaking of it and my dislike of him, like the Mark Lane sex record and pictures, that I think should not be disclosed. The FBI can claim exemptions. The Lane facts are disclosed, not the details and it is the details that I think should not be disclosed officially.

Attorney's fees and costs

I think there should be no reasonable question. The FBI has a long record of not responding in any way until I sue or it is compelled by other means. It was and from what has been disclosed remains policy, stated and approved policy, not to respond to my requests. We have used these records in C.A. 75-1996, where they are entirely undisputed. In that case also, to reflect implementation of that policy, ^{in 1976} I provided a list of about 25 individual JFK assassination requests, some for as little as a single record, that after ^{up to} almost a decade remained ignored. To this day almost all those requests remain ignored. So ^{also} do many I've made since then. There is no question but that I had to sue to get these records and that even after I filed suit it required considerable effort to obtain what should have been provided voluntarily.

After I filed suit the FBI planned to limit itself to the main Oswald, Ruby and Commission files. The ^{of files it provided} list in its new proposed Order reflects how many more files it now acknowledges are pertinent, 18 of them.

Even after I identified what it had kept secret even from the Warren Commission, the existence of its special assassination indices, which ^{take} ~~take~~ up more than two ^{the FBI} hundred file cabinets, packed solid, ~~it~~ tried to avoid disclosing them.

The appeals court has found that the JFK assassination is a subject of extraordinary public interest. In this case I have brought to light much that remained unknown, even after the recent Congressional investigations. An example is the Charles Bronson film which, incredibly, ^{Dallas} the FBI said did not even show the building from which it claims that Oswald alone fired all the shots. In fact the film shows almost 100 individual pictures of that very window and those around it and in a manner not in accord with the FBI's representations. The FBI ^{has} ~~has~~ been stonewalling the investigation ^{of this} ordered by the Attorney General for more than two years.

The larger of the indexes that the FBI resisted disclosing may well be the most ^{disclosed} important single assassination record as evaluated by historians.