

write JL 7/24/83 JL agreed to send & didn't

March 13, 1983

To Henry LaHaie from Harold Weisberg via Jim Lesar, reur letter of February 15, 1983

While there is nothing unique in the fact that there is not a single truthful representation of fact in your letter and that its slurs also are untruthful, there also is nothing unusual in the Department's misuses of its fabrications and defamations, so because you did not file this particular departure from reality with the court and because I am not able to pay Mr. Lesar for his services, I respond.

If my recollection of the Privacy Act is correct, I have the right to ask that correction of error be included with all incorrect copies, so I ask that you attach a copy of this with all copies of your cited letter.

I do not know where you obtained your alleged knowledge of motion picture film, but each and every one of your representations is untruthful save for the fact that the Apruder copy is on a spool - which is the only way such film can be handled. I certainly see nothing in your letter justifying your calling my counsel a liar, yet you did this without even asking to examine that film. For your information, I asked him to report the possibility of damage to the emulsion, and it is real.

Years ago I had considerable experience with motion picture film, including mailing by the least expensive processors. Nobody ever regarded mailing loose film as "protecting" it, your fabrication, nobody ever mailed unsecured film in an envelope, with no other protection, and I recall no occasion on which the FBI or any processor ever mailed me any film under conditions which enabled it to unroll. Such film is always secured against unrolling because if it is loose it is possible for the emulsion to be scratched.

Without any basis at all you stated "I find it difficult to believe that the film was torn or damaged in the mail." You could have examed it. You are simply untruthful. When Mr. Lesar hand delivered this reel to me I found the physical damage

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to be exactly as he had described it as soon as he received it. While it is not possible for me to make a graphic representation of all the damages in the first foot of this reel, by slipping pieces of paper into the larger breaks and xeroxing (copy enclosed), it is quite obvious that Mr. Lesar was truthful and you were not. Whether or not there are other damages I will not know until I can have expert repair and examination made.

In your next paragraph you state that I was provided with the evidence envelope and you cite 89-43-1A81. This record is incomplete. It does not account for possession after this particular version of the Zapruder film left Dallas, and that is important information.

Next you state another untruth, that my counsel has asked you " to communicate directly with " me. You misrepresent, and based on Mr. Lesar's report to me follow-my request of him, you deliberately misrepresent, in alleging that what he asked of you is from his alleged "desire to hold down postage costs." This is false, It is a cheap shot, and it is dirty.

There is nothing I desire less than any direct contact with you and the record is quite clear, I have made no such effort - ever. What Mr. Lesar asked of you, at my request, is entirely a different matter, one sanctioned by the courts, by the U.S. Attorney's office, which originated the practise, by your Department, and by the Division of which you are part. In fact, it was the defendant's practise in all my JFK assassination FOIA cases until you became counsel in this case, and in my King cases until your office mate was involved in it.

Because of the distance between my counsel and me, my inability to get to Washington to get copies of filings from him and the undependability of the mails, in all my cases I have asked defendant's counsel to mail a copy of pleadings directly to me and in all instances I offered to pay even the cost of xeroxing. At my request,

when some of Mr. Lesar's copies of your pleadings reached me too late, I asked him to make this same request and offer. He reported to me that you refused. I asked only this, no more, and you are untruthful in representing anything else.

This is not "communicating" with me and your refusal to do it serves no apparent purpose other than seeking and obtaining unfair advantage, creating unnecessary delays and making extra and entirely unnecessary problems for me. Or, it seems to be just plain nasty. In any event, your representation is untruthful.

Of all the defendant's counsel in all my FOIA cases, only one other has refused to send me copies of pleadings. I do not believe it is a coincidence that he is your office mate, Or that even after he was instructed to send copies directly to me by the judge - and he agreed - he didn't.

Prior to the two of you, every Department counsel sent me copies and all refused my offers to payment.

From this long history and from the fact that what I asked also was ordered by a judge, I am confident that there is nothing at all unusual in the arrangement, nothing at all improper in it, and that you have some purpose for your misrepresentations.

Your apparent excuse for this fabrication is the slur that immediately follows, " I do not think that it is proper or advisable for me or my clients to deal directly with Mr. Weisberg, especially given his propensity to perceive bad faith in anything the FBI does."

First of all, I have had no contact of any kind with the FBI in these cases other than on its initiation or at the direction of the courts.

Whatever you may think or claim to think, I do not recall a single problem in the FBI's delivery of records directly to me, whether by my going to its building to receive them by hand, its preference, not mine, or when it mailed them to me. As you certainly know, this involved a large volume of records over a period of many years.

If there was ever any damage to them, I do not now recall it. And until you intruded with your fancies and fabrications, I do not recall a single delivery that was other than directly to me, with the single exception of an exceptional holiday-weekend, hand-delivery to my counsel's home - for the apparent purpose of being able to tell that court on the first working day thereafter that the records had been delivered. (And they were not FBI records. All other agencies and components also made all deliveries directly to me.)

In short, until you made up your cock-and-bull story, there was no association between the FBI and me except on its initiation, all its deliveries and all others were directly to me, there were no damaged shipments, no damaged films and no controversies.

With regard to my alleged perception of FBI bad faith - and this has nothing at all to do with mailing pleadings or records to me - as you lawyers like to say, the record speaks for itself. My allegations are under oath and I do not recall any serious effort by you or others to whom I have attributed bad faith to refute them. They are accompanied with documentation from the FBI's own records, most recently in this case, with my affidavit of March 1.

I don't know what you were smoking when you stated that "direct dealing with" me, your fabrication, not what was ever in question, "would preclude you (Mr. Lesar) from knowing first-hand what was transpiring in these cases - clearly an undesirable result," but you certainly know that this simply isn't true. There is the FBI's, the Department's, and your predecessor counsel's years long and untroubled practise of sending disclosed records directly to me, with a copy of the covering letter to my counsel. Your own file of them in this case ought to be large enough. Some years ago the FBI estimated that it had provided me with about a third of a million pages of records. It provided them directly to me.

You state that you "will continue to insist that " what you refer to as "any

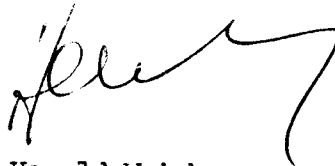
communications between the parties in these cases ... must go through you and me." I repeat, there is no such "communication" involved, now or in the past. Until you elected to see to it that this FBI copy of the Zapruder film was guaranteed to be damaged, I do not recall that you ever handled any deliveries of any kind, and until you saw to it that there would be a problem, there were no problems with many deliveries in this case.

Within my extensive experience it is the undeviating practise of the agencies, including the Department and the FBI, to deliver FOIA records directly to me. There is no apparent reason, other than perhaps your desire to create problems where without your intrusion there were none, for this practise to end. So, especially because you have made a mess and a controversy where there was no need for either, unless I am ordered to do so by the Court I will not accept any deliveries from the FBI through you. I have no desire for any such controversies, for any additional untruthful paper to stuff the Department's files for later misuse, or for any additional damage to any records provided. I have no way of knowing what you think of these records, but I regard them as important, now and in the future, I go to considerable trouble to preserve them exactly as I receive them and I don't want any more damage unnecessarily.

It may not have occurred to you, but the FBI has considerable experience in making good packages and until you intruded it never involved the more costly time of lawyers in doing work its clerks have always done well and you didn't.

Now with regard to mailing copies of formal pleadings, the only other matter, and certainly not in any rational sense "communication" between you and me, if your refusal to provide copies reflects the Department's concept of the purpose of FOIA or fairness in litigation or if it represents your or the Department's concept of common decency in dealing with an aging and unwell citizen, one of those who pays your salary, then I suppose this also speaks for itself.

The record, however, is quite clear: until you made all of this up, and it is all made up, and entirely untruthful, there never was any problem in my receiving the FBI's records, there never was any problem in sending me copies of pleadings, and the time of all parties was conserved by sending copies to me. You are assuring delays in this case and indulging pettiness, nothing else.

A handwritten signature in black ink, appearing to read 'Harold Weisberg', written in a cursive style.

Harold Weisberg





U.S. Department of Justice

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February 15, 1983

Mr. James H. Lesar
Attorney at Law
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Re: Weisberg v. Federal Bureau of
Investigation, USDC DC, Civil
Action No. 78-322/420

Dear Jim:

I am writing as the attorney for the defendant and in response to your letter of February 4, 1983.

I was pleased to learn that you received the copy of the "Zapruder" film which I sent you on February 2, 1983. I take exception, however, to your characterization that the film was not "properly packaged." The film was housed on a standard 16 mm plastic spool. The spool was then placed in a small envelope and, in order to further protect the film, that envelope was placed in a large thick envelope which was then mailed to you. Given those protective measures, I find it difficult to believe that the film was torn or damaged in the mail. Those protections also undercut your speculation "that the emulsion on the film may have been scratched."

In addition, the FBI has provided Mr. Weisberg with a copy of the evidence envelope which contains the Zapruder film. Indeed, such envelope (serial no. 89-43-1A81) was a part of the materials sent to Mr. Weisberg on October 18, 1978.

Lastly, I would like to comment on a complaint that you have raised periodically over the past year -- that is, my refusal to communicate directly with Mr. Weisberg or to permit the FBI to do so. Although I can understand your desire to hold down postage costs, I do not think that is proper or advisable for me or my client to deal directly with Mr. Weisberg, especially given his propensity to perceive bad faith in anything the FBI does.

Moreover, direct dealings with Mr. Weisberg would preclude you from knowing firsthand what was transpiring in these cases -- clearly, an undesirable result. Accordingly, I will continue to insist that any communication between the parties in these cases (be it formal pleadings or otherwise) must go through you and me. I hope that this explanation will preclude future requests on your part that I or the FBI send papers or other materials directly to Mr. Weisberg.

Sincerely,



HENRY I. LAHAIE
Trial Attorney
Federal Programs Branch
Civil Division