

Mr. Thomas H. Bresson, Chief
FOIPA Branch
FBI
Washington, D.C. 20535

8/28/80

Dear Mr. Bresson,

Your letter of the 25 states what is not true, that it "is in response to your Freedom of Information Act request dated July 29, 1980, for material relating to the assassination of President Kennedy."

My request, as the FBI knows very well, is of earlier date, the newest repetition of it being of 5/22/80.

This request also is not for "documents pertaining to the assassination." It states explicitly that it is, rather, for records pertaining to the FBI's general releases of 12/77 and 1/78 of assassination records.

The apparent reason for this newest of the FBI's long series of misrepresentations of my FOIA requests is to stonewall a request compliance with which will disclose that the FBI made deliberate misrepresentations to a federal court.

Having rewritten my requests to make it one for JFK assassination records you then, according to your letter of the 25th, added it to your stack of requests for JFK assassination requests, where it certainly will be further stonewalled, and to assure this, "assigned (it) to an employee who is familiar with the material pertaining to the assassination of President Kennedy, which "are being handled in chronological order, date of at based on the/receipt of FBI Headquarters."

Even for you and the FBI the last is a rather tall one, for you are not and never have "handled in chronological order based on the date of receipt." I have simple requests of more than 12 years that remain ignored. I provided a list of these in 1976 and they also remain ignored, just about all of the two dozen of them.

The JFK assassination was 11/22/63. The information included within the instant request dates to 1977 and is not for assassination information. It therefore does not require the knowledge of the employee familiar with assassination information requests.

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The apparent purpose of these newest of your shenanigans is to hide the fact that the FBI, aided by the devotion of the time, effort and cost of not fewer than six Department lawyers, tried unsuccessfully to deceive and mislead Judge Gesell and to defraud me (and the country through me) in C.A. 77-2155. In this newest of your dirty tricks you have also proven FBI testimony in my C.A. 75-1996, which is still in court, false to be ~~my~~ testimony. I believe the same is true of FBI testimony to the Congress.

In its efforts to defraud me the FBI informed Judge Gesell that it was making deposits of its general releases throughout the country. It is to this that my instant request pertains, not to the assassination.

In C.A. 75-1996 the FBI provided testimony that in response to the interest of Congressman Don Edwards and his committee it had instituted a first-in, first-out system in which requests were divided into project and non-project cases. This distinction was size, smaller requests being non-project. My instant request is a non-project request.

The FBI's testimony is that an initial search was made within 48 hours, to make this determination and to be able to inform the requester of the number of records involved and their cost. You have now written me twice, pertaining to this renewal of an older and ignored and misrepresented request, without once meeting what is required of you by the FBI's 1976 testimony in C.A. 75-1996.

It is my understanding of the size of the FBI's backlog of non-project cases that without these dirty tricks you would have come to and past this instant request.

If this is true, as I have every reason to believe it is, then it is quite apparent that the dishonesties cited above are intended not only to stonewall my request and to "stop" me, the explicit FBI determination of 1967, its own word, but also to prevent proving that it deliberately misrepresented to Judge Gesell and Judge Green - and the Congress on more than one occasion.

When I first made this request, in early 1978, the FBI misrepresented it and deceived that Court. To accomplish this it obtained a false and misleading affidavit from SA Horace

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P. Beckwith. He was an ideal selection for his career of false and misleading FOIA affidavits because he was an unindicted co-conspirator in the Pat Gray case and thus was very vulnerable. He was nearing retirement and was subject to instant firing and other punishment.

Beckwith's sworn misrepresentations include that I did not request what I had requested. It is not until the FBI prevailed on the basis of sworn falsehood and misrepresentation that I renewed the request. As soon as it did prevail, as you very well know, I renewed this request in a manner that eliminated such false pretenses.

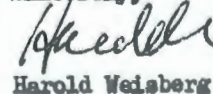
As long as the FBI is immune in such practices it can safely resort to the new dirty tricks outlined above.

Of course the cost is great, but then the FBI's campaign against compliance with the Act is based on wasting enormous sums of tax money, as my not inconsiderable experience leaves without doubt. In this it has the by-product of preventing disclosure of what can embarrass it.

You, personally, have demonstrated skills in these areas. You represented in my C.A. 75-226 that I had filed a request and a lawsuit only because I didn't want what I asked for in the request and included in the complaint. Since then that case has been remanded for the second time, a considerable cost to all parties, thanks to you. It is the first case filed under the amended Act as well as the case over which the investigatory files exemption was amended. (This also is to say that contrary to your cited letter the FBI still has not complied with my 5/23/66 request.)

I am filing a copy of this letter as an appeal, which means that you have again created artificial costs and added to all backlogs. I also ask that you now process this non-project request in its proper chronological sequence. You received it before the end of May, three months ago. If you have not yet reached requests of the date of 5/22 I ask that you inform me of this and when you expect to reach it, by that date.

Sincerely,


Harold Weisberg



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

AUG 25 1980

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in response to your Freedom of Information Act request dated July 29, 1980, for material relating to the release of documents pertaining to the assassination of President Kennedy.

Your request, along with requests from other individuals, has been assigned to an employee who is familiar with the material pertaining to the assassination of President Kennedy. These requests are being handled in chronological order based on the date of receipt at FBI Headquarters. Your request will be handled as expeditiously as possible.

Your patience and cooperation in this matter is appreciated.

Sincerely yours,

Thomas H. Bresson/JHP

Thomas H. Bresson, Chief
Freedom of Information-
Privacy Acts Branch
Records Management Division

Mr. David Flanders
FOIPA Branch
FBI
Wash. D.C. 20535

5/22/80

FOIA request

Dear Mr. Flanders,

Beginning in 12/77 the FBI made what it referred to as general release of records pertaining to the assassination of President Kennedy and its investigation.

This request pertains to those releases and is for all records pertaining to them, to

- 1) The decision to make these releases
- 2) The reasons for making the decision and for making it when it was made
- 3) For including and excluding files that were included and excluded
- 4) For not including any field office files, particularly the major files of the Office of Origin
- 5) Lists of pertinent records and/or files, whether included or excluded and of withholdings, in part or in toto, including by referral, when referral was made and when responded to; and of justifications of withholdings
- 6) The disclosure of the records disclosed and the non-disclosure of the records not disclosed
- 7) Conditions and restrictions, access and distribution of what was disclosed, including duplicate copies, if any, and where, when and how deposited
- 8) Effects, including benefits or liabilities, to any part or function of the Government, including litigation, ongoing or anticipated, and FOIA requests
- 9) Costs of making and not making these disclosures
- 10) Any references to me in any of the records described in this request
- 11) The processing of the disclosures, including copies of all worksheets not yet provided to me, and approval or disapproval of higher or other authority
- 12) Efforts, if any, to determine whether what was withheld was public domain or had been disclosed by the FBI or other agencies, including by claim to classification

If you have any questions, please ask them. Sincerely, Harold Weisberg

