

To Quin Shea from Harold Weisberg re JFK Assassination records;
Enclosed FBI denial; appeal

8/5/78

I will spend more time on this and provide explanations because I believe the 8/4/78 denial by Mr. McCreight represents a deliberate abuse of the A/c and of me; states what should be known to be false; and appears to be part of a new orchestration of FOIA cacophony, all of which I believe should receive the attention of higher authority.

First please note that once again Mr. McCreight fails to provide any sequential number. Initially, when I asked the FBI to assign them, it refused. Now that it has assigned them, it refuses to provide them. This wastes much time and money and makes precise response difficult for me.

With me motive in not providing sequential numbers is apparent. They would prove the falsity of the FBI's representation, that it processes requests in order of their receipt. I still await compliance with 1968 requests, despite assurances to the courts and the Congress.

If Mr. McCreight is unwilling to provide reference numbers I am unwilling to take the time for file searches because his 8/4/78 letter lacks fidelity in referring to my letter of 5/5/78 only.

Mr. McCreight's language is "information concerning the tie worn by President John F. Kennedy at the time of his assassination..."

My efforts to obtain information of this general description of both the Archives and the Department were so fruitless, so beset with unnecessary denials and evasions and frustrations, that I filed G.A. 2569-70, pro se. I had made specific request as then required, of the Deputy Attorney General, for such information.

In G.A. 2569-70 there was misrepresentation of a GSA-Kennedy family letter agreement prepared by the Department, a misrepresentation of controlling Archives regulations and the ex poste facto revision of these regulations to make them consistent with the false representation of them to the court. My copy of the regulations of the time of the request is in the court records, which means for all practical purposes, unavailable to me. I have been unsuccessful in obtaining a copy of the Archives, which will send me only the later regulations, those not in effect at the time of the request and litigation.

In court the Government, while claiming that it could not provide me with copies of pictures it would take for me, did agree to take and make available those pictures I had requested. On this basis it prevailed.

It then did not do this until after I complained to the court. (At this point I offer the opinion that this now gets Byzantine, given the importance of the knot of the tie as evidence and the fact that it had been tied when used by the Warren Commission, when it was in the FBI's possession and control.)

Finally the Archives notified me that it would take the pictures requested and would make them available on or after a given date.

When I appeared at the Archives to examine these pictures I was notified for the first time that the Government was unable to do as it had assured Judge Gesell it would do, take photographs of the knot of the tie as described in the request, because the tie was unknotted. The Archives has confirmed this in writing. The entire matter is discussed in my book Post Mortem, with some photographs and primitive sketches included.

The FBI represented to the Warren Commission that a small nick in the upper left-hand corner of the knot had been made or could have been made by a bullet exiting at that point (as worn) and simultaneously had made two tears in the neckband of the collar.

The magic attributed to this bullet is nowhere and in no way any greater.

The damage to the knot is at the upper extreme. The holes in the shirt do not coincide with each other or with the point of damage to the knot of the tie.

When the FBI first photographed this knot and the tie for its report known as GD1 it deformed the tie and the knot to give the appearance of a hole in the center of the knot. I reproduce this photograph in the book.

When the FBI gave the Commission photographs of the shirt they were made to be unclear. They also did not include any photographs of any evidentiary value. The photography is of such extraordinary obfuscatory accomplishment that the pattern is not discernible in the Archives, meaning Commission photographs. (These are those I told Mr. McCreight I had stated specifically ¹ did not want or need, having them.)

For the Department's further understanding I add other explanations and will provide more if asked. I do not regard either the assassination of a President or FOIA as appropriate to what I believe is updated Cointelpro activities not restricted to the FBI.

If the representations of the official explanation of the assassination relating to the knot of the tie and the tears in the neckband of the shirt are not true beyond any reasonable question then the solution to that most subversive of crimes in a country like ours is fictional and the fiction is of official concoction.

Spectrographic examination of these fabrics at these points disclosed no traces of any metal. Spectrographic examination of the back of the shirt and jacket did disclose traces of metal such as bullets are made of.

So there will be no remaining doubt I add that the damage to both the tie and the shirt at the points described were from a scalpel during emergency-room processes, as the unperceived Warren Commission testimony by the only competent witnesses establishes and as the doctor in charge reaffirmed to me when I interviewed him.

This gets us back to my suit that was instrumental in the 1974 FOIA amendments. In C.A. 2301-70 I requested and was denied the results of all spectrographic analyses. You are aware of the subsequent history. However, I suggest it would not now be inappropriate for the Department to review the FBI's affidavit in that case, both the one filed in court and the one provided to me in substitution for the one filed, as well as the subsequent history of all the FBI agents involved. All took retirement at an earlier age than mine, just coinciding with the refiling of this suit as C.A. 75-226, the first suit under the amended Act. The Department then took the position that because of these retirements the former SAs could not be deposed. On appeal the decision supporting the Government was reversed, as you may recall.

While the former SAs were much less informative than they could have been, a characterization I regard as understated, Robert Frazier did state that he had directed that a study be made of exactly what I point out above, the damages to the collar and tie knot, and that it had been made by ~~SA~~ another agent. No such results, in fact no record of any kind relating to these additional tests, has been provided in C.A. 75-226. Instead the Department was successful in forestalling further discovery. (In connection with discovery, I have now obtained other records that should have been provided and were not.)

Now the FBI is seeking to stonewall on this again, in and in the way stated in Mr. McCreight's letter.

In what follows I will not attempt to distinguish between the overt lies and the misrepresentations and evasions in Mr. McCreight's enclosed letter because they all serve the same wrongful end.

"... based on the limited information you provided, ..."

The FBI has no need to limit itself to whatever it interprets in this one letter of mine. That is arbitrary, capricious and a deliberate contrivance in an effort to by-pass the more than adequate information available to the FBI's FOIA unit. I believe that even "based" on this limited information, however the FBI interprets it, it has more than is required for a good-faith search. I believe also that this is part of a new scheme to frustrate the good-faith requirement imposed on all agencies under FOIA.

"...to make an accurate (sic) search of our central records system."

There is no need to restrict to whatever may be included in (or out of) the central records system. With regard to the kind of information sought there are many other components in which information is readily available to the FBI. Like the Lab. Moreover, as all FBI agents should know, the primary source in cases of this kind is the Office of Origin (OO). Mr. Frazier so testified in the deposition referred to above. Imitation of searches to central records is deliberate non-compliance.

"As there is no index pertaining specifically to the files on the Assassination...."

Here I mince no words. This is an ugly and deliberate lie which has the obvious intent of FBI lawlessness.

There is indeed such an index. It is 40 linear feet in length. It is not possible that the FBI does not know this. It is the FBI's own index. Its existence does not have to be conjectured, reasonable as the conjecture is. The FBI FOIA unit has processed the records holding the proof. The FBI is further aware of this index from its needs related to the House assassins committee.

Should the FBI now seek to explain away its lie by claiming that it was referring only to its central files, which the letter does not state, then its offense against decency and the Act will be even greater for it will be confessing deliberate mis-~~mis~~ representation and the intent to deceive.

"... as they contain over 98,000 pages, we are unable to go any further in our search for ^{the} records you seek."

I do not merely characterize this - I denounce it as another incredible and deliberate lie because all the FBI need do is phone or write its Dallas office, where I have already made a request for all records in any event.

In this connection, despite what is obvious and the direct testimony of Mr.razier not a single relevant record has been produced from the Dallas Field Office files on precisely this subject. I believe Mr. McCreight has attested to the completion of that search.

"To do so would require a page by page review of all records pertaining to the Assassination and the FOI/PA does not require this type of ^{exhaustive} exhumation of records."

This too is false, the identical falsehood in the identical word filed by the Civil Division on 7/19/78 in my C.A. 77-1997 where the falsehood is by and on behalf of the CIA. It is this that I refer to as orchestration, the identical lie at the identical period of time and on the identical purpose of violating the clear requirements of the Act - another attempt to rewrite it in court with an unpopular plaintiff and a much-abused and little-understood subject.

I believe the foregoing explains the Cointelpro operations of Mr. McCreight and his fellow operatives in misrepresenting the records of the Dallas office to hide the existence of its indices and then to misrepresent further that it can comply with my request without providing all the records that are relevant and are known to exist and, like these indices, are withheld. The fact is that Mr. McCreight and his Cointelproers sought to withhold proof of the existence of these records by withholding those records from me in C.A. 75-1996, to which they also relate.

If the abuse were merely of me or of the Act I would be indignant. However, the abuse is not thus limited. The subject is the investigation of the crime that nullified our system of self-government, an FBI investigation. The records of the investigation

are records of the FBI's performance at its time of greatest testing. There never was a time of greater worry over real national security, as distinguished from the FBI fictions under which it abused many innocent people, including me. Nothing presents a greater danger than that which subverts our entire system of society. This is what the assassination of any President represents.

I recognize that I have used vigorous means of expressing myself and the emotions I feel when confronted by the newest of these endless official misconducts. I am willing to face any issue or question, against any one or any combination, to be held to account, to repeat what I state under oath if the FBI will subject itself to the same penalties and swear as Mr. McCreight has written me.

I do not expect this. There is a long history of FBI false swearing, of my proving it and of the FBI failing to have spunk enough to register a single if only a pro forma denial.

I have asked that this complaint/appeal be taken up with higher authority. If there were any possibility that the falsehoods listed could be accidental I would not make this request. Whether or not the technical provisions of the amended Act, which includes punitive provisions, are met by the situation of which I complain, I believe there is no question but that the moral and ethical situation requires consideration of punishment.

And, of course, I am appealing Mr. McCreight's denial of the information sought for so long.