Dear Mr. Bresson, 4/18/79

Thanks you very much for your letter of 4/13 and the Newark and Little Rock Volumes. I particularly appreciate the improvement in the worksheets and the citation of where records were previously processed. Without this in such voluminous records it amounts to withholding of the record said to have been previously processed.

If you would be good enough to provide me with a list or any other kind of record of those requests of others similar to these and those of which you have provided me copies I would appreciate it very much not only because I have heard of records that have not been provided but because I have temporary student help in arranging the records in the form in which they will be transferred to the university. I will have this help to the end of the school year, which is now close.

For your information I keep these FOIA records to themselves and in the form in which I receive them so they can reach the university that way. The only space I have for this is in the basement. (I also have provided a special working area and special illumination for the use of others who use these records.) However, because of the arterial obstruction that developed after we met, when I had suffered only the blockages in the veins, I am not able to use the stairs often. I may have some records filed with the FOIA matters in my office. If this includes copies of record provided to others I would like to be able to identify and locate them and files them with all the other FOIA records and assure that they will be complete for transfer to the university.

If you will be kind enough to have this check made it will also provide you with a means of determining whether or not you have sent me all such records.

The Newark and Little Rock records include historically valuable information some of which, I believe, reflects favorably on the FBI and I have no reluctance in so telling you. For example, a Little Rock record I do not recall reading in another other file states the FBI's early recognition of the historical importance of the records. And the Newark records include information (from Nelson Delgado) not used by the Warren Commission on Oswald's Marine career, his alleged political views and his alleged Cuban interests and associations. It seems to me that particularly because of charges of withholding from the Commission such

information provides balance and perspective that will also be useful to historians and students. It can enable me to be more informative when I receive press inquiries.

The only question I have relating to these field office records aside from one I address in a separate memo has to do with the use of [redacted] exemption (b)(2). Beginning about four years ago I raised this with the FBI representative so I presume its continued use, particularly after the Department's testimony to its inappropriateness in my C.A. 75-1996, is not accidental.

In all references to this exemption by the FBI in its communications it omits the word of the statute, "solely." In historical cases and in all instnaces of the use that I recall of many uses this statutory requirement is not met.

I would much prefer that all areas of dispute that can be eliminated not have to go before courts and clutter them and you and me unnecessarily. If you are protecting the identity of an actual confidential informant you do not require (b)(2) because (b)(7)(D) is adequate. I am confident that your associates cannot tell you of any instance is which I have challenged the right of the FBI to protect the identity of an actual undisclosed confidential informant. The contrary is the case. I have informed your people and the Department when I have observed the accidental disclosure of identities of undisclosed informants so the identifications could be removed from the reading room copies.

While the FBI may not be willing to believe it I do try to be fair in my writing and in what I think. Because my work is a critical examination of the functioning of federal agencies I see such matters as those in the agencies may not. I therefore suggest to you that the unnecessary claim to (b)(2) will foster beliefs that will last forever, that the FBI is making misuse of this exemption to hide something because there is adequate protection in (b)(7)(D).

There is a case in point in C.A.75-1996, the Somersett/Milteer matter that Mr. Hartingh should recall and the Beckwith affidavit filed to perpetuate this improper withholding which continues to today and may yet cause serious new embarrassment to the FBI. (There has been no compliance since I informed the Court that the records withheld from me were disclosed to another and that Somersett had identified himself as a former FBI informer. Also that

he was long deceased.) Long after I informed the FBI and this other requester also informed the FBI and at my suggestion provided it with documentary proofs the FBI persisted in the use of (b)(2) with me and under oath in court.

Students and historians will consider this along with other facts. First, Somersett was disclosed as an FBI informant at the time of the John Kennedy assassination, if it was not then general knowledge. The Miami authorities provided a tape recording the FBI did not provide the Warren Commission in which Somersett recorded an accurate forecast of how the President would be killed a few days later. Coinciding with this the planned motorcade for the President in Miami was cancelled. In addition, the Milteer part of this tape included how in the official account Dr. King was killed later (and alleged earlier efforts to do it). I published these things in 1967. In ~~that year~~ 1967 Miami authorities also made Somersett/Milteer disclosure and this was the subject of extensive newspaper coverage. Later Somersett himself appeared in New Orleans and received added public attention, which I do not recall from the N.O.Field Office records I have read. His death and Milteer's were publicly reported. Outside the FBI those considering the foregoing facts and the FBI's continued withholding from me in a case in court along with its insistence on use of (b)(2) inevitably will wonder why the FBI persists in this, even after expression of judicial dissatisfaction.

Suspicion also is inevitable because you have other and fully adequate protection of the actual identity of an actual confidential informant.

Before you assumed you present responsibilities I made many offers of assistance to the FOIA unit because it is not staffed with subject experts. It was regularly withholding what is part of the public domain, as it continues to do, at considerable wasted cost and in violation of the Act. I am willing to provide this assistance still, as I may be doing voluntarily in the enclosed McBurney memo. There is no disclosure of secret information to me if one of your people calls me and ask what I know about such-and-such a name. If I do know anything it can save the FBI much cost and enable it to comply with the Act as it is not now doing.

Along with the Somersett/Milteer matter in the King case there is the continued with-

holding relating to Richard Geppert of the St. Louis area as an FBI informant even after his voluntary disclosure of this. Among the proofs of this that I provided last year is a tape recording of his personal appearance and confession on TV. This also is hardly suitable for a (b)(2) withholding.

My purposes in taking this time, as I hope you will see, are to facilitate compliance and to eliminate unnecessary problems and costs, really considerable wastes.

While I have not been able to make a complete examination of the copies of the Dallas JFK communications index, the one that was on 5x8 cards, historically and in the present it is a very valuable record. As I asked Mr. Lesar to inform you, the care your people took to assure that no content was eliminated in the copying is appreciated. I also appreciate the use of the closures with the Acco fasteners. Previously they have not been included in most instances. I have consumed the entire local supply of them for the earlier records. Their use not only protects the paper, it protects me because I am under a medical injuction against even slight cuts because I am on a heavy dose of anti-coagulent, which requires great care.

I will be reading this entire index when and as I can. However, as I asked Mr. Lesar to inform you, there are numerous instances of withholding without the claimed exemption being noted. This makes it impossible to determine what exemption is claimed, if any, or to make a meaningfully informative appeal. (See ↓ on next page.)

There has not been time for me to use this index along with the Newark and Little Rock records to determine whether large gaps in them can be explained by filing under other captions. However, I call these gaps to your attention and ask if they represent records not included. In Newark there is not any record after 1970. In Little Rock there is no record from 6/9/64 to 9/8/75. From all that was going on it would appear that there should be some records and I know there were directives from FBIHQ to all field offices. These are not included on the worksheets as previously processed.

If my indices can be of use to the FBI in its FOIA processing they are available to you. I now have them in more usable condition, if it is far from perfect condition. One is a 3x5 card index to all my published work, which can provide fairly comprehensive access to

some of what is within the public domain. All that I have indexed relating to the King assassination is in a separate 3x5 file. Through your local people or anyone else you are welcome to unsupervised access. I am also willing to consult my files for my work for you. I do this for the press whenever asked. Most recently this prevented criticism of the FBI in a publication of large circulation which was going for the fabrications of one Gary Campbell.

I believe there has been good progress in eliminating problems administratively. Other such problems do exist. I have called some to Mr. Shea's attention by appeals. If the FBI desires to reduce if not eliminate what need be litigated I will be as helpful to this end as I can.

Cc: Mr. Shea
Mr. Lesar

Sincerely,

Harold Weisberg

1. This index includes only the Oswald, assassination and Ruby files. Does it not include others, like the Commission, Marina Oswald and other relevant files?

2. The typed index I provided includes some of the published books on the subject. The FBI did not accept the cards relating to the guilty-plea hearing and the evidentiary hearing. All are now in a single card index.