

Mr. James K. Hall, Chief
FOIPA Section
FBIHQ
Washington, D.C. 20535

11/10/83

Dear Mr. Hall,

In your yesterday's letter you state that the CIA has referred more than 10,000 pages of FBI records "pertaining to the assassination of President John F. Kennedy" that are within my (years old) requests of the CIA to the FBI for direct response to me. You indicate that all these records have been processed and that "the bulk of" them were disclosed in the general releases you date to 1977 but also extended into 1978. You also tell me that this material can be examined in the FBI's reading room, although it is well known within your section that this is physically impossible for me. And you inform me that under the Code of Federal Regulations it will be necessary for me to pay the costs of duplicating.

From your own letter it is apparent that the FBI has information "pertaining to the assassination of President" Kennedy that, contrary to its many assurances to me and several courts is not filed in the main assassination files. This, of course, confirms what I have stated to those courts, the FBI and the Department over a period of many years. It also confirms what Mr. Quinlan J. Shea, Jr., stated when he was in charge of appeals, that the FBI has and knows it has pertinent records that it withholds merely because it has filed them outside its main assassination files. Mr. Shea held that information was pertinent not by accident of filing but by content. I know of no revocation of his determination and it now seems there is no possibility of the FBI denying what your letter confirms.

I do not want duplicates of what I have but I do want a list of them, those records you state were disclosed earlier, in 1977 and 1978. I do want each and every one of these records that is not a duplicate. I presume that in the course of this referral and processing such lists were made and for my purposes they will be adequate.

Your letter also establishes noncompliance with the decision of the appeals office, that I would receive copies of all records pertaining to this and the King assassination and with the Department's assurances to the Senate FOIA subcommittee some seven years ago. Both were before the FBI abrogated the fee waiver that the Department granted me. The FBI thus is in the position of asking me to pay for its noncompliances.

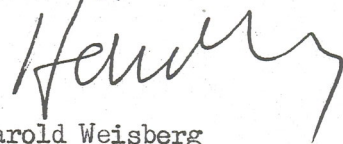
Because I do want these records promptly, particularly because of indications that some kind of spectacular is being arranged to commemorate the 20th anniversary of this assassination, I will pay for the nonduplicates if you insist but I will reserve my right to contest the fee-waiver revocation, which I did appeal without, to the best of my recollection, any action on that and so many other appeals.

I have at least some of the records relevant to the revocation of the fee waiver. The action was based on fabrications and falsehoods, without regard to the provisions of the regulations, and, I believe, are defamatory. If, as I sincerely hope I am not, I am forced to litigate, whether or not there was overt fabrication and falsehood and whether or not there was defamation -there is no question about hurt and damages - will, I believe, be relevant.

Some weeks ago you informed me that records pertaining to Yuri Nosenko were being processed. I doubt there are such requests more hoary than mine. I do not doubt, however, that the FBI might make them available to others prior to making them available to me. I therefore ask for information pertaining to these disclosures and for your assurances that they will not be made available to any others prior to your providing them to me.

I also desire not less than equal access to the records that are the subject of your yesterday's letter. Again, it does not appear to be likely that there are older requests of the CIA for that information because mine are eight years old. Moreover, as I remind you above, the FBI was to have disclosed this and other information to me years ago and it did not. So, if you insist on payment, please advise me of the sum and I will send you a check, but I repeat that I do reserve the right to recover this cost and have every intention of doing so. If you have, improperly, already disclosed this information to anyone else, I request that you send me copies promptly, along with a bill, and I will send my check promptly. In this event I request an explanation of exclusive disclosure to anyone else because of the seniority of my requests and the FBI's stated agreement that I was to receive copies of all such records as they were disclosed.

Sincerely,



Harold Weisberg