0322- photos

Mr. James A. Hall, Chief
FOIPA Section
FBI
Washington, D.C. 20535

3/27/82

Dear Mr. Hall,

In the March 25, 1982 answer to my letter of February 18, 1982, SA Phillips resorts to the identical misrepresentation and deception he employed in his March 22, 1982 declaration. In both formulations, with regard to Dallas film and tapes, he says there are none "contained" in the Dallas office that have not been provided. He does not state and without perjury he cannot state that there are no Dallas films and tapes that have not been provided because he knows there are. The most perfunctory Dallas search will disclose their existence and there present location. They can be provided and they were to have been provided long ago pursuant to the December 16, 1980 letter of Associate Attorney General John H. Shenefield.

In that letter the AAG states that "there are various films and tapes in these (i.e., Dallas and New Orleans) files which were not processed for possible release to Mr. Weisberg. The Bureau will now consult with him regarding these materials and will process any which are of interest to him."

Since then the FBI has not consulted to me with regard to this matter and until the imminence of action in court did not bother to respond to my letters about it. And even now it seeks again to deceive and mislead in order to withhold public information. The one matter taken up with my counsel was the Marina Oswald tapes. Because of their nature and that content which was known to me I waived them only. They hold personal information that ought not be made public.

If the judge believed the Phillips affirmation he was deceived and mislead, and it cannot be accidental.

When those films and tapes were loaned by the Dallas office, unless it departed from clear FBI practise it prepared a covering inventory, copies of which are required to be in its files and those of FBIHQ. They also are included in pre-existing

Dallas inventories.

It simply is not possible that FBIHQ is not aware of the present location of these films and tapes for at least the past five years. It likewise is impossible that Dallas could not inform FBIHQ, should any inquiry have been necessary, of what left its office, when it left and where it was sent.

If I have to inform the Court of this I will. However, day before yesterday the Court reflected a great desire to end this litigation, a desire I share, and I would prefer not to bother the Court without need.

And if SA Phillips were as familiar with this case as he would like the Court to believe, he would never have dared try pull such a dirty trick.

I have read the Dallas records. The film is a matter of great interest to me. My third book is devoted to the existing film that was suppressed. It includes the facsimile reproduction of a number of Dallas records pertaining to the film that Dallas obtained, to some it avoided obtaining until it had no choice, and what it sent to the Warren Commission. The information contained in the Dallas records I received in C.A. 78-0322 adds greatly to what was available in the Commission's records. The Dallas records also reflect the fact that although the Dallas office pretended otherwise it made copies of what it sent to the Commission and kept this fact secret from the Commission.

From the time of the AAG's letter until now the FBI has not claimed that Dallas does not "contain" these records nor did it represent to the appeals office that they did not exist. At its request I was in touch with the appeals office. I was informed that I would receive prints of all film and dubs of all tapes. The appeals office was aware of their existence, if not, as I believe, their location at that time.

With regard to the third paragraph of your letter, what I wrote was based on a list prepared by a student. When I began to write you further about this I discovered error in that student's work. It now is not possible for me to duplicate that checking, particularly not within any length of time I believe the Court

would now consider. I therefore waive that matter.

With regard to the Hosty matter, one record in particular is of interest to me and locating it should not present you with any major problem. It was placed in a 67 file the number of which I now do not recall. I did write the appeals office about this and I believe provided the number then. However, that appeal was ignored and there is no letter from it to which I can refer.

For your information and assistance, Lee Harvey Oswald, before the assassination, went to the Dallas office and left a threatening letter for Hosty. All knowledge of this was withheld from the Commission. (The FBI told the Commission it had no reason to believe that Oswald had any predisposition toward violence and thus had not told the Dallas police of his presence in Dallas or his past.) After the retirement of then SAC Gordon Shanklin, the fact of this threat by Oswald and its destruction was leaked to the Dallas Times-Herald. There followed an Inspector General's investigation the records of which were disclosed to me. During that investigation it was necessary to interview some of those with knowledge over and over again. Charging Shanklin with perjury was considered. When Hosty and Shanklin contradicted each other - Hosty said that Shanklin told him to destroy Oswald's threat after the assassination - additional information was sought. Instead of being placed in the file with all the other records, what I believe was the final statement by Hosty was placed in that 67 file. The matter is of considerable historical importance. If locating this in Dallas is any kind of problem, there should be a copy at FBIHQ which ought not be difficult to locate.

You close your letter by suggesting that I am making an additional request. I think it is apparent that I am not making any additional request.

Sincerely yours,

Harold Weisberg