

Shenefield R/80 ITR m 75-6322

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Dear Jim:

The so-called Hostly records came. I have gone over them with considerable disgust and disappointment. The disappointment comes from the utter worthlessness of Metcalfe's word. It has yet to be other than a deception. Regardless of his intentions, it amounts to endless lies. The disgust is from the indecency of the FBI in its continuing demeaning and utterly inappropriate noncompliances.

As a result, I will have nothing more to do with any records provided in this litigation unless Metcalfe goes over them and is satisfied that his word is being kept and that the schedule, not kept to now, is kept. If he is unwilling to be a man of his word, so be it, and we will litigate what need not be litigated until he is so sick of it that he will be willing to join again the ranks of honorable people who mean their word when they give it and who see to it that they keep it.

The noncompliance situation these people have created is a geometrical progression from Catch-22.

I did file lengthy and documented appeals. If necessary, I can go back to them, particularly in connection with a Vaughn motion. Vaughn now looks like the road we must take. Shea and his people ignored most of my appeals. However, by the end of last year, there was an understanding, before Shenefield's letter of last December. So I know what I was to have gotten under it - and have not.

I wrote the FBI about these things, with copies to Shea as appeals. He asked me to write the FBI and when it, as usual, was totally unresponsive, I went back to him, again to no avail.

You took up some of these things with Metcalfe. I know of no constructive result, not even with regard to the records I've just received, although he may have led you to believe otherwise.

Now these things and many more like them are just not going to go away. In fact, some of the records I have received confirm the need to search the files the identifications of which I provided long ago and gave to Shea. These characters have actually provided new records reflecting their awareness of the requirement that they provide those files under the request - and have not provided them. Of course, under this agreement, they should have been provided long ago.

Take the worksheets, for example. How many times have you spoken to Metcalfe about them? They still have not corrected the improper ones, replaced all the unclear ones, or provided the dates they withheld so they could lie to the judge over their deliberate lying to us through Metcalfe.

The current batch also is not dated. The reason is obvious. If dated, these worksheets would provide proof of deliberate withholding of the records for almost three months after they were processed.

What are those records? Not the Hosty records I was to have gotten. Not at all.

This time the FBI FOIA gyp artists did not withhold a file title. They merely used a deceptive one, "Personnel Matters." Well, all "67" file records are "personnel matters." That is what "67" signifies. FBIHQ and each of the field offices have a series of "67" files and they are not all so titled. They are titled individually. The FBI sent records from a general or a catch-all file, used as a substitute for the correct one. Meanwhile, in it they have practiced a series of abuses, some ludicrous and some potentially hurtful to innocent FBI people. This is often a consequence of their harassing and unnecessary withholdings.

I have not kept a complete list of file numbers as I have identified them over the years, but in recent years I have. I do not know what Dallas has in 67-425, but I do know that it is not the Hosty file included in my appeals and which Shea told me I would get. I think it is 67-5593. I do not recall the FBIHQ Hosty number but I have a record of 67-798 including records pertaining to him. Serial 3048 is on him and 3050 is a Gale memo on disciplining.

There was a 1975 cover-the-Bureau's-ass phony investigation of Hosty's destruction of a threatening letter to him from Oswald. Of course, the FBI's exclusive excuse for not warning the local authorities about Oswald is the claim that he gave no indication of any tendency toward violence. How much more nonviolent can a man be than when he writes a threat to blow up the FBI? How much more Ghandian than when he threatens to blow up both the FBI and the Dallas police? These are two FBI versions of that threat that the FBI kept secret and destroyed after the assassination. So the FBI had much to worry about and much to hide. As they proceeded with their phony investigation, it soon developed that the FBI had perjury cases to avoid. As they learned that their agents were lying, they had more to cover up. Serious thought was given, for example, to charging the SAC of that time, Gordon Shanklin, with perjury. There was a series of reinter-views. Some of this, particularly some of his statements, is squirreled away in the Hosty personnel file.

Hosty, in addition, was the Oswald case agent. He managed to get involved in several other flaps. He is very much what Shea used to call a "player." These are among the more important historical records. This is why it was agreed that I would get them.

But the FBI's ass is today no smaller and no less sensitive, so it pulled this fraud to continue to withhold pertinent records, of which the Hosty statement(s) are but illustrative.

All the disciplining records are pertinent. Quite a few agents were disciplined. This was testified to before the HSCA by Inspector General Gale. I believe all such records are within my request.

Only the final notices to Hosty are in this batch.

What they have given me of the incident at Parkland hospital, where an FBI agent got himself knocked down by the Secret Service, at the emergency room door, is the FBI's cover-the-ass bullshit records. Enough of the truth has never been withheld. Some of the impartial witnesses include a Congressman whose statement was published by the Warren Commission. Medical personnel also were included.

You would never recognize what happened from this self-serving crap. They are records, of course, and should be disclosed, but so also should the honest ones.

That there are individual personnel files on each agent is illustrated in the large percentage of these records that relate to the electronic surveillance of Marina Oswald and were not provided with these records. Those who engaged in that gentlemanly pursuit, which the FBI connived and attributed to the Commission when it was Hoover's idea, were recommended for awards. (For your and Metcalfe's information, the FBI never bothered to ask permission to bug her house, but it did this. It disclosed the most personal and utterly irrelevant details of her personal life in the general releases of 1977 and 1978. Real gentlemen!)

Some of the withholdings in these records are neither necessary nor proper. Like information pertaining to these jobs and how filed. One of my earlier appeals is over the FBI's false pretense that these two forms of surveillance are a single live informant. This is the way they undertook to hide it in their files. For example, Serial 1633, "On 2/29/64 (obliterated) and (obliterated) were installed after midnight," followed by the same obliterations on when they were activated. The claim is 7D. Regardless of how the FBI phonies up its records, there was no live informant and thus no basis for the withholdings.

There is another series of records dealing with citations for good work. All the names are withheld but not all are not already disclosed. Including those not from Dallas, like Boguslav, who was her translator and control and even appeared with Marina before the Commission.

There is a very proper public interest in who did what in this extraordinarily important investigation, like who was willing to and did commit crimes against Marina Oswald.

There is the regular withholding throughout these records of what the FBI itself has released. Much was public before the official FBI releases. Take Serial 1648 (attached). The FBI itself disclosed this story, without withholding the names now withheld.

What was really talked about is SA Will Hayden Griffin. I am not looking it all up, but it is my recollection that there is White House involvement, through someone's brother.

Some of the (B)(6) withholdings appear to include what can embarrass the FBI, not agents like Hosty, and some were made public long ago by the FBI.

They actually took 7E for a pretext phone call! How unknown that secret super-secret intelligence method is!

There is a precious insight into these super-investigators and I cherish it. I do not recall seeing it in the 100-10461 Oswald file in which it is supposed to be filed. Hosty was called upon to explain why he did not report Oswald's address when he obtained it from the TSBQ office. TSBQ gave Hosty Oswald's correct permanent address. It was with the Paines. He had a temporary room in Dallas. So, Hosty explained away his failure to report by saying, "This address was known to the writer not to be the subject's true address. This was therefore reconsidered negative information; therefore not reported."

And this was three weeks after it was internationally known that the Oswald address was the one Hosty said he knew was not, that "negative" information.

Mack Sennett would have been so proud!

Then there are the DeMohrenschildt records, most of which were withheld as outside the fee waiver. That is not what Shea told me and it is entirely unreasonable. DeMohrenschildt figured in all investigations, including Garrison's, and he went out of his way to make himself even more of a public figure. He is an important "player," particularly with regard to the withheld records pertaining to him as an intelligence agent. All records about him are pertinent, including his suicide.

Until I see those records Metcalfe referred to as withheld by a big goof, I can not really say more about what I know is still withheld.

I trust you can see how I find this wretchedly bad FBI behavior.

I don't think there is anything in a lawyer's license that authorizes him to abuse trust, give and not keep his word, or in general become part of a nasty Cointelproing of all other parties.

It appears that these people want me to spend the rest of my life in unnecessary litigation they go out of their way to force. If I am going to have to litigate after the Vaughn, I would like you to explore what may be ^{be} distasteful to me, suing public employees for not performing their assigned tasks.

Sincerely,

Harold Weisberg