

Dallas 1/1/80

Mr. David G. Flanders, Chief  
POLARIS Branch  
FBI  
Washington, D.C. 20535

5/17/80

Dear Mr. Flanders,

Your letter of 4/25/80 acknowledges receipt of my letters of 3/23 and 29/80, notes that in that of 3/29 I stated some notes made by Ms. Barrett were enclosed when they were not and that my comments pertaining to the materials received will be reviewed with the Department.

This is ambiguous from the copies of my letters that I find. It is possible that one is mislaid or misfiled, but I find no copy of my 3/29 letter and two copies of letters dated 3/26. If you'd please send me a copy of the 3/29 letter I'd appreciate it and will undertake to locate Ms. Barrett's notes to which I referred. Meanwhile, your letter does not refer to a second letter of 3/23 so, particularly when you do not state that you are taking all the matters to which I referred up with DJ, I don't know what you may not have. I'd like to know this also in order that no last-minute problems turn up to interfere with the expectation of Department counsel expectation that all problems can be worked out prior to the deadline he gave to the Court.

You state that "because of the volume" of JFK assassination records you "cannot attempt to explain what you regard as inconsistencies or improper use of the exemptions." It is my impression that all claims to exemption must be justified. On rereading these letters I find that I informed you of a (b)(1) claim for what is stated to be unclassified material. This is not ~~an~~ a mere inconsistency.

We worked out an agreement on "previously processed." In one letter I stated that Ms. Barrett had done some checking and found that all were not ~~account~~ provided. This appears to me that the cross-reference was withheld, does not exist or that the record supposedly provided to me had not been.

I informed you I did not find IRS referrals. I believe you could have responded to this, as for example informing what you provided and when so I might be able to locate them or that they had not been provided.

You said no copies of copies of a photo and a sketch I loaned to the FBI shortly after Mr. King was killed and made comments I described as inaccurate in the sense of "cover the Bureau's ass" paper having to do with the source of the sketch. I raised questions about possible withholdings of King assassination records having to do with the origin of the sketch, Mexico City, rather than the Memphis origin suggested in your letter. I requested the withheld information quite a long time ago and appealed the withholding thereafter. The FBI did provide assurances to the Court and me on this matter in 11/77.

Also pertaining to Mexico City, JFK assassination records, I noted an index entry under address book, for Insurgentes 30 and asked if this could be an error because the address Insurgentes 309 was used on a letter with which what is purported to be a letter from Lee Harvey Oswald to a Mr. Hart was sent to me and others. I believe Mr. Barrett did not find a corresponding document.

I referred to other missing records, like five pertaining to "Anisak," a CIA operative who was a Cuban official, with the explanation for your branch, that he is one Casbola and was to have assassinated Castro for the CIA, with poison he was given the day the President was killed. I referred to confirmation of this matter by a Senate committee. Withholding such records is not a mere inconsistency, particularly not after the matter was placed within the public domain.

Delivery of the Dulias index did not contact until long after the time I was assured, and I believe your counsel was assured because I believe I was informed by him, I would have all of it. I have received what does not go through the letter B and I have had no word of when I may expect the remainder or any cause of any delay.

I stated that the processing was not in accord with the understanding in that it stretched "confidential source" to include anyone at all and not confidential sources, to withhold what was disclosed by the Warren Commission with the FBI's agreement more than 15 years earlier. This is not mere inconsistency.

I have heard nothing from WJ about any of these and related matters I did raise.

These are not inconsequential matters, particularly not in this historical case.

The FBI might not need to be reminded of what followed its earlier adventure in attempting to rewrite the exceptions through an act as I informed Mr. Shea when he denied you withhold what the Warren Commission disclosed I am fully prepared to prove this.

provided

The FBI agrees so it is not withholding, ~~provides~~ the same assurance to the district and appeals court and I then specify records that are withheld, and your answer is that you are making every effort to be accurate and can't explain this? I do not regard that as any kind of an answer. It is not even inconsistency.

If the FBI wants amicable solutions to the very existing problems it is going to have to make meaningful responses and make some good-faith effort to resolve them. This letter does not represent a meaningful response to me and an appreciable part of the time your counsel informed the Court this would take has already passed.

Of course, if the FBI wants another interminable case, that is its decision, one I cannot alter and can accommodate. Perhaps I should say will accommodate.

I do not know what internal communication, if any, there is, so I use this means of informing you and through my counsel, your counsel, of the fact that I have provided Mr. Shea with the identifications of pertinent files not searched and from which there has been no compliance. Mr. Shea, to whom I will also provide a copy, has not as yet responded.

Sincerely,

Harold Weisberg