

Mrs. Lynne Susan
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Civil Division
Department of Justice
Washington, D.C.

Rt. 12, Frederick, Md. 21701
11/15/77

Dear Lynne,

Because I did not get to my yesterday's mail until bedtime last night I write you without being able to consult Jim. He has a touch of the flu and we have but a single mail a day - it comes and goes at the same time. There are records of which you may perhaps want copies. I can provide them later.

Because while you may have some suspicions you and Bill are more or less in the position of taking the FBI's word and because we are to discuss other than the FBI's compliance on Friday, I do fear that when we are in chambers on Monday you may be under a misapprehension about the FBI and whether or not it is reasonably close to reasonable compliance. I am again informing you rather than pulling a surprise on you if we have to go to trial, in the hope that informing you may avoid the need for going to trial.

This also relates to what I have mentioned to you, that there is other litigation that might be avoided. When we can I am willing to deal with you and Bill on the basis of trust and to inform you in the hope that may avoid litigation. I'm sure Jim agrees.

During the hearings in U.A. 75-1996 there came a time when Jim considered it necessary to inform the judge that I am singled out as a special case for special non-compliance. We of course had our own ways of knowing and proving this before I obtained the FBI records that state non-compliance with all my requests was ordered and whether or not by him was approved by Hoover. This also was known to the Department.

We established that I had some two dozen FOIA requests that were without response, that all were long over, even with the claimed backlog, that the relevant records had been processed at least three times without a single piece of paper being provided to me, and that these requests under FOIA go back to 1968. If you want the testimony it was last September a year ago. SA Howard testified to the processing without any compliance, when cross examined by Jim, not voluntarily. I am certain the judge and her clerk will recall all of this. Dugan pretends he was denied the opportunity to cross examine me. Nonsense. He quit. The judge offered to recuse after a dental appointment, Jim did, and Dugan didn't. I can produce records relating to the testimony I gave. My wife is working on them now, when she has odd moments, so that all of this will be in an organized form.

My recollection of the details of my requests are not as clear as I'd like them to be. I know I started out trying to pig-point, to make simple requests relating to what was then of special interest, with the intention of making compliance easy. I believe that in the end my JWK requests covered all records. By the way, I know of the coming releases from the papers, still not from the FBI.

Whether or not my requests by now really are all-inclusive as I believe, they without doubt do include what follows.

One of the 1968 requests relates to Army intelligence files. Another I know is for all in headquarters relating to Lee Harvey Oswald. When the FBI persisted in stonewalling I turned to the Army and to Army Intelligence with requests. I began by sending the Department the DJ 118 form and a check that was cashed and ended being told by the Army and by Army Intelligence that a President can be assassinated and the Army has not a single record relating to it. Complete stonewalling. But with the Army and Army Intelligence I did know because at the very least there was an Army Intelligence agent named Powell who was on the scene with a camera and was confined to the building from which the government claims all the shots were fired - with his camera. He filed reports. The FBI obtained them and at least one picture. The latter I know because long after my request it gave one I regard as

well intended but inclined toward irresponsibility and sensationalism a print of one Powell picture. I have a copy of it.

This is far from the only case of the FBI obtaining relevant pictures and not giving them to the Warren Commission. I have old requests for others.

It now begins to get what I would describe as a bit Byzantine. There is more of this nature than I'll go into now. The Army tells me that the unit in Dallas was liquidated and that it can find no relevant records where they should be stored, at Indiantown Gap, Pa. Army Intelligence at Fort Meade also claims to have no records. Nobody disputes that they once existed. The inference is that a resident was killed and the Army destroyed all its records. The fact is that the FBI continues to withhold all its records from me.

But not from others, as I learned yesterday from a friend in California. He sent me a copy of a memo he wrote about recently released FBI records relating to Army Intelligence. I have written him asking his permission to give you copies if you want them.

These records the FBI continues to withhold from me include FBI knowledge of and reaction to Army Intelligence records in cities other than Dallas in Texas. They disclose that Army Intelligence knew of and informed the FBI of the Oswald connection with the name "Midell" at a time when it was not known, many hours before the FBI had access to the contents of Oswald's wallet, long before either of the searches of Oswald's residences. (Both were illegal, by the way.) I was not much more than an hour after Oswald was arrested.

My source informs me that the FBI's records he has disclose that at 3:15 local time the day of the assassination the FBI San Antonio FO was contacted by Col. Robert E. Jones of the 112th Army Intelligence Group, with more than the foregoing alias information and with reference to Army Intelligence files on Oswald from three other cities. The FBIHQ appears to have taken this initial information to represent possible co-conspirators. The time, 3:15 p.m., is but a quarter of an hour before the initial interrogation of Oswald, as I recall without any FBI agent present then. Yet by then the FBI records I do not have quote "ones as saying that "according to information he has received Oswald was carrying a Selective Service card having the name Alex Midell." There are some mysteries about this and such early knowledge of it by the Army but I do not now take time for them.

My point is that more than a year after we disclosed to others in court and by other means that the FBI is following the Hoover directive not to comply with my requests it continues to deny me all records and that nobody has tried to get the FBI to comply. It has been months since one or more Department lawyers discussed the processing of some of these requests with me and indicated records would soon be sent. They have not been. It has been quite some time since I was told essentially the same thing by phone by one in the DAG's office whose name I recall as Linda Robinson. But the records still have not been sent. The appeal, at least in theory, should have been processed long ago. I have repeated it without even acknowledgement, and that is past the due date.

The FBI's attitude, which from my experience remains unchanged except as compulsion has forced it to provide records, is not its glory. I can produce for you checks I sent to the DAG's office which were first torn up, then Scotch taped together and cashed, without the requested records being provided.

As recently as this past Friday its responses in Bill's office were not truthful. I can tell you what their explanation will be. I said they can use their indexes. They claim they have no indexes, as they have with me for months. I have sent Jim copies of several records I had copied by accident, sending them merely because they disclose that the FBI does index and even has a rubber stamp to include directions for indexing. Their out will be that in HQ they have no such indexes. I have been through this with them. If the HQ does not it knows very well that the field offices do and that this is especially important with what it calls "OO" or Office of Origin, "emphis. However, I believe that as it is pertinent in C.A.75-1996 all FOs had indexes. I believe that where I have obtained records from FOs

in most if not all cases I have proof of the existence in indexes within those FOs.

The 21st is very close. I'm trying to help you and Bill arrange for the necessary compliance in time to give some assurances of it to the judge on the 21st. Abd, of course, assurances that I will accept from you and Bill that I at least will not accept from the FBI. I have given it a large list of specific non-compliances over a period of about a year and a half without any significant response, with most of what I wrote it totally ignored.

This Army Intelligence matter is merely the most recent illustration of its intentions with regard to me and the subject in general, as well as toward FOIA and PA.

In a number of specific instances please believe me I will be able to attribute motive to the withholdings. You saw, if it was clear enough, that with the Mexico City sketch of the King suspect there is indication of the FBI's involvement in a fake and the certainty of its knowledge of the fakery. This is a specific ^{action of} ~~action of~~ ^{4/15/75} requests and I have been raising these questions for months. With the catalogues for which copyright exemption is claimed I can do the same. And with such more.

I've been rushing to make the mail. I hope I do. My wife has been trying to correct as I write.

A carbon will go to *in in the same mail.

Sincerely,

Harold Weisberg