

To Quin Shea from Harold Weisberg re: JFK assassination records,
my PA requests, appeals on both and in CA 75-1996.

6/8/79

Section 178 of 62-109060 includes a number of records relating to my renewal and amplification of the information request of C.A. 2301-70. My 11/27/74 letter to the AG is Serial 7147. (Attached, as are other records cited.) *New case is C.A. 75-226.*

These are important records to me. The notes added also are important. It is obvious from the poor quality of the xeroxing that this is a remote generation copy. One of the inevitable consequences is that the notes are illegible.

As will be seen there was filing in other files. All these records are also pertinent to my PA request. I therefore ask for copies of all records from all files. By this I mean to include all Divisions also, like the Laboratory Division.

With all the time that has elapsed since I filed my PA request and with the lawsuit *(C.A. 75-226)* that resulted [^] now before the appeals court and particularly because of traditional FBI withholdings of relevant records that I get only with difficulty and when the Department can and does argue the "settled judgement" principle I hope you will have the proper searches and compliance from the records both made promptly.

This first record may actually be 7147X. From the elimination of part of the material on the right-hand side of the page ^{*in xeroxing*} it is not possible to be certain. This is true of other attachments ^{*also*}. I therefore also ask for complete copies.

Because it represents a part of the request that has not been complied with I draw your attention particularly to the language I employed in the last paragraph, where the request includes all information ^{*relating to*} "the various objects said to have been in contact with them," referring to bullets allegedly fired during the assassination. I have recently seen for the first time several FBI records leaving it beyond doubt that the FBI has material of this description, knew it, withheld it through the litigation, including discovery and as of today continues to withhold it.

I have ^{*ed*} appeal an FBI practise of shifting records to other files and then withholding them. This has happened with 7147, which was shifted to an FOIA/PA file, 190-1813X. When *("changed to" sheet attached.)* this ~~was~~ was done appears to be significant. [^] It was on 6/2/77. That it two and a half years later and just ~~happened~~ happens to be the approximate time of belated searching in response

to my PA request. (I believe that if it were not for the situation in C.A. 75-1996 at that time and the relevance of some PA records in that case there ^{would} not have been the belated search ^{then} either.)

With regard to this and the other records it is my recollection that after all these years there has been no compliance by other Departmental components. As these records show, copies were routed to various components, including of the FBI.

The FBI's response of 12/19/74 carries evasiveness and indirection to ^{include} ~~even~~ a proper identification of my request. It bears a date and could have been identified, if the FBI had to be lazy about identification, at least by the date it bears. Instead the FBI refers to what nobody else can know the meaning of, a letter it received on 12/6, without even the year being given. ^{and create my unnecessary FOIA problems} This method of treating FOIA/PA requests is not without its reward. The initials of the one who drafted the letter for the Director's signature coincide with those of the one who is now head of the FOIA/PA branch.

In addition to the Division in which THB was employed there are copies in the Adams, White and Mintz components. (White was Lab) The record referred to in the note appears to be Serial 7149X, which follows.

The illegible and partly eliminated notations indicate other distribution and filing. One appears to be another 62 ^{File This} ~~PA~~ notation on the side refers to a record of 5/22/75.

As provided to me the copy of my 11/27/74 letter is not attached to this copy of 7149X. Any notes added to the supposedly attached copy could have significance.

Legal counsel began the rewriting of my request while simultaneously underinforming and I think it might be said misleading Mr. Adams. My request is by no means limited to "analyses made for the Warren Commission." ^{The citing} ~~And quoting~~ of a rehash of the alleged history of the prior case at the Supreme Court, ^{while omitting that} ~~when~~ the Congress cited it as a reason for amending the investigatory files exemption, is to lead Mr. Adams and the Director to believe, regardless of other language in the memo, that the original denial was proper and within the Act.

Legal counsel is explicit, however, in stating that none of the exemptions to the amended Act "appear applicable" to my request. ^{But!} ~~However,~~ what is recommended appears to limit all searches to the Lab, which means to automatically eliminate relevant records.

Whatever is represented by "Office, 7133" should be included in the searches required for compliance, from the inclusion on Serial 7156, the memo from M.E. Williams to Mr. White. This appears to be a duplicate Lab filing, so I believe unsearched Lab records are involved. (While with the prior records copies were routed to Lab SA Prazier, in this case it is to SA Cunningham.) M.E. Williams is the SA who provided the misleading and non-responsive if not false affidavit on which the Department prevailed in C.A. 2301-70.

He is perceptive in the second paragraph, despite the propaganda line that is typical but unfactual in it, that what I seek is "available to him at the National Archives." Williams had to know this to be untrue. But based on this he recognizes that "his request must extend beyond these documents."

He itemizes "The material available in this case" as of three categories: "1. All the background information and adata accumulated... 2. The compositional analyses arrived at from calculation of the raw data. 3. The final reports."

All information thus described has not been provided.

He next states, supposedly, all spectrographic analyses conducted. In this he does not include concrete, which was subjected to this testing.

In his description of what the search showed the Lab had there is no reference to the destruction of any spectrographic plates or any samples tested or any of the data. Since then it has been alleged that one plate, (naturally a coincidence that it is a plate of one of the testings of concrete also not mentioned) was destroyed allegedly to save perhaps an eighth of an inch of file space. Also there is no reference to the lack of any records relating to neutron activation analyses. It likewise is coincidence that among the objects not mentioned as subjected to either testing is the scrapings of glass from the limousine windshield. It was subjected to both testings and the specimen, which is not destroyed by the NAA, since has disappeared. So also have the NAA results. Supposedly.

A suspicious person could give a special interpretation to the uses that could be made of the plates and other data: "outside experts" could obtain knowledge from studying the materials. This can be interpreted as a hint that the FBI does not want any outside experts making any such study. (I remind you again of my ~~request~~^{renewed} request for the plates.)

Bearing further on the known limitation of the search based on which compliance was sworn to is Mr. Williams reference to the fact that only some of the information sought is "physically in the Laboratory." Other information is "interspersed in the case file." (There is no reference to what he knew was relevant, the Office of Origin records.)

Although initially I was given only a few pages his estimate of the number of pages involved in the NAA testing is 1,000. This exceeds what in the end I did receive.

Rather than "final reports" being "available" the FBI took the position that its ^{one} complete report was of 11/23/63, which is prior to ^{some} ~~most~~ ^{spectrographic} of the testing, and that there were no "final reports." (This was before any NAA testing.)

This falsehood, by which I mean knowing and deliberate falsehood, is embodied in correspondence with another, unknown to me. Someone from the University of Missouri School of Medicine asked the Director on 2/25/75 ^{why} all files relevant to the spectrographic examinations had not been disclosed. The response, ^{Serial} 7163, which bears Mr. Bresson's initials, represents that all the results "are contained in an FBI report dated November 30, 1963, at Dallas," which "has been furnished to the National Archives and is available to the public."

Reference is to the Dallas rehash of the above-cited 11/23/63 Lab partial ^{and equivocal} summary of what had been tested to then. This did not include all spectrographic testing known to have been performed, aside from its incompleteness in other respects. There is no doubt about THB's intent to deceive and mislead: "We are therefore of the opinion that there has been full disclosure..."

The note includes the basis for the falsehood, "...based on ~~5/28/70~~ memorandum dated 5/28/70 in the Weisberg case." It is not attached at this point. I believe all copies from all files now have even greater significance and request that they be searched out and provided under this appeal. Among the importances that may not be apparent is the great cost that followed this untruthfulness, which included untruthfulness to all the courts up to and including the Supreme Court.

THB also wrote the (Not Recorded) 3/21/75 letter to my counsel. It refers to another letter not included here, that of 3/26 or 5 days later. Copies are filed in 62-115530 and what appears to be a 100 file. I'd appreciate copies of them, please.

There has been no compliance from the DAG's files. ^uere a copy to those files is indicated. This is to say that there is additional indication of DAG records not provided.

Despite Mr. Williams' estimate of 50 pages relating to spectrographic records or calculations and of 1,000 relating to NAAs THB enclosed "17 pages of material described in my letter ~~me~~ to you dated March 26th, plus five pages of documents relating to the curbstome examination..."

That THB intended this to be all inclusive is indicated in the note, "We have previously approved the release of the 17 pages of material which relate to the spectrographic and neutron activation examinations conducted in the assassination of the John F. Kennedy case." *(Emphasis added)*

(It is my recollection that Mr. Bresson later provided an affidavit in which he alleged that I had stated I did not want the NAA data, no doubt the reason I amended the prior 2301-70 request to include it. This is why I add emphasis.) *(see below)*

This particular copy also is a remote generation copy and is unclear. No copy of the 3/26 record is included in this file.

For your information, the curbstome testing was not until after the middle of the year after the allegedly full report of 11/23(30)/63. The NAAs also were of 1964.

Serial 7175, a copy ^{ies} of which was routed to you and Ms. Hauser of the DAG's office, is to Dr. John Nichols. In this 4/25/75 letter THB refers to total charges of ~~the~~ \$42.60 for the copies provided. This figure does not coincide with any number of pages and if it includes search charges I recall no partial refund then made to me. He was given copies of what had been provided to me, from other records not included in this file where they do appear to belong. (Many other relevant records also are missing.) The added note is as long as the letter. "either states or identifies the records provided to Nichols."

No Serial number can be made out on the 1/29/75 letter Mr. Lesar wrote Mr. Silberman relating to my 1969 request for an inquiry into and records relating to "surveillance on him or other intrusions into his life by the " FBI. (I remind you that this is an item of my requests in C.A.75-1996.)

If the copy of the THB 2/27/75 response drafted for the Director's signature had been of a more remote generation it would be completely illegible. Certainly the FBI can provide a clear copy of an original record. While a copy to the Attorney General (still not provided)

can be made out the other designated copy cannot be ascertained. It appears to be to a Bufile the number of which commences ^{with} ~~with~~ a 4. Neither 4 nor any file of the 40 series appears to have any relevance. 44 is Civil Rights, so perhaps because I raised questions about the FBI's violation of my rights it is so filed. I ask for a complete searching of such files in compliance with my PA request and in belated compliance in C.A. 75-1996.

From the records I have obtained, which is far from all known to exist, the untruthfulness of the denial can't be exaggerated: "...do not disclose any references to dissemination by us of information concerning him or his criticism of the Warren Commission along the lines indicated in your letter." There is no interpretation of "along the lines indicated in your letter that diminishes the untruthfulness, as you should know from copies I have provided you in connection with prior appeals.

Perhaps the fact that the author was high in the FOIA echelon and now is its acting chief may account for continued stonewalling of compliance under my PA request and the surveillance item of pertinence in C.A. 75-1996. That there in fact was surveillance prior to the time of this letter is established by records I sent you recently.

Copies are indicated for Messrs Mintz, McCreight and Bresson. Notes added to any of those copies would be of possible significance and I specifically ask for these copies and related records in those files that have not been searched in either case, JFK or King, or under my PA request. Yet any searching that disclosed this record, which is in the FBIHQ JFK assassination file, had to disclose these other files to be searched.

Most of the conclusion of the letter is illegible. But, "our files contain absolutely no information to substantiate these allegations" is stated. If you require copies of any records in addition to those I have already provided to establish the fact that this is a false representation and was known to be false when it was made please let me know. If there had been any compliance in any case from the AG's and DAG's files the fact of distribution of the defamations would have been apparent. Can it possibly be that this is what prevented the finding of any relevant records in those files? I recall hearing nothing further from your office since a 1977 discussion of this with an assistant, Ms. Robinson.

Again the note added is interesting and discloses both a "main file" on me and a remarkable

built-in limitation on the search and compliance. Before quoting I remind you that I learned from an Assistant Attorney General in charge of the Criminal Division that I was picked up during electronic surveillance of another. I have also informed you of other coverage of other persons that inevitably caused me to be picked up. There is also the surveillances of other agencies of which the FBI becomes beneficiary.

Also, perhaps I should explain the reference to the New York ^{reported to} tailing which was when I went to New York in connection with the publication of my book on the King assassination. I had injured a leg so I asked a friend to meet me at the train to help me with my luggage as far as the Roosevelt Hotel, where I was staying. When he got to Penn Station he saw both me and a man following me. He therefore continued to follow us, and that man continued with me. As I recall now, even when I used the pay phones to seek the ^{one} man who I had expected to provide assistance. The man following me ^{to the phone and then} ~~then followed me~~ onto the subway.

The concluding sentence of the note added by THB begins "Review of Weisberg's main ~~star~~ files," which establishes that at FBIHQ ~~and~~ and I presume also in what would be Offices of Origin ~~in those main files~~ there are these "main files," in the plural, on me. (Long ago I filed the relevant appeals and you have not acted on them. I have referred to this over and over again in recent months without response.) There next is disclosure of the existence of other means of locating records on me, quoted without omission: "~~and~~ all references..." This means that there are other references, to what is not in my "main files." The incredible limitation, again quoted without omission, is to "since 1968..."

There is no way THB could have consulted any records relating to me without knowing of the many and extremely defamatory records of prior to 1968 and my lawyer's letter makes specific reference to a 1966 record, since obtained in heavily expurgated form. Perhaps THB worked his way around that because it is a record of what is denied, distribution. In that case it was to President Johnson. Unable to address my work on a factual basis, when attention to it and other books which followed interested the White House the FBI resorted to defamation to avoid confrontation on fact. In this it succeeded, deceiving and misleading the President himself.

That this was the clear purpose of the quoted dishonesties is left without doubt by

what follows, again quoted without omission: "disclosed no evidence of him being the subject of a surveillance nor any indication of any dissemination being made along the lines he makes reference to."

This does not say there was no surveillance of me. It says I was not the "subject." If I was surveilled in any way, and I have provided you with proof that I have been at other times, whether or not I was the "subject" is immaterial.

Now it happens that again during the period of my book on the King assassination and after Bernard Fensterwald had represented me in C.A. 2301-70 and 718-70 (which is a King case) I went to his office to meet with Mr. Lesar, who then had no office of his own. Mr. Fensterwald was not in his office and I did not see him. But not long thereafter, when he was at federal district court on another case in which he was opposed by AUSA Werdig Mr. Werdig made reference to my having been to his office that day. Apparently he was fishing about further FOIA litigation. In any event, it was news to Mr. Fensterwald, who thereafter asked me about it,

I know of no way other than as the result of some surveillance that Mr. Werdig could have obtained accurate knowledge that I was at Mr. Fensterwald's office but inaccurate knowledge of my purpose in going there ^{Perhaps/} ~~other than~~ by surveillance of which another person may have been the "subject." (Aside from Mr. Fensterwald's other clients there could have been interest in clients of the Cerni firm, which ^{then} was in the same suite of offices.)

"Monitoring what I say, my public appearances, etc., is a form of surveillance. I have provided you with copies of FBI records of this of prior to 1968. If I have not also provided you with records of this after 1968 and ~~long~~ before the 1975 date of Mr. Bresson's letter they are copied and when I work my way to them I will provide them. ^{This} will ~~include~~ ^{reflect/} the FBI's thoroughness in them, xeroxes of even the reels of tape. ^{And! was the "subject."}

One of my purposes in meeting with Mr. Lesar the day Mr. Werdig told Mr. Fensterwald I was at his office had to do with CIA surveillance on me. I had learned that it had this done by a private agency. I had also learned the name of the manager of its Washington office. The CIA had, quite belatedly, denied this. I wanted a witness to my effort to obtain confirmation of it and asked Mr. Lesar to be that witness by being on an extension

phone. With Mr. Fensterwald not in his office his phone was free and I was permitted to use it, with Mr. Lesar on his secretary's phone. During the conversation, which caught the manager by surprise, he blurted out that in my field I had "the all-time track record" for the CIA's interest. I am confident Mr. Lesar will remember and confirm all the details I provide, including what Mr. Fensterwald later quoted Mr. Werdig as telling him.

The original copy of the Not Recorded Serial of 3/24/75, Legal Counsel to Adams, is filed elsewhere, the file number being eliminated in the xeroxing. The initials of the one who drafted the memo also are obliterated. The memo itself refers to a conference in Mr. Bresson's office.

There is withheld a record that definitely does exist. Before agreeing to attend the conference I asked Mr. Lesar to ask the FBI to tape record the conference because from prior experience I was confident the FBI would misrepresent what transpired. He did this in writing. In writing the request was refused. And what I anticipated came to pass, as I believe will become apparent. If it hasn't already.

Characteristically it is a self-serving record, as in stating ^(falsely) "This discussion resolved what apparently was Mr. Weisberg's confusion as to what data, other than that which had been furnished to the National Archives, was in existence and in possession of the FBI."

In passing I inform you that what "had been furnished to the National Archives" was not furnished by the FBI, which had refused to provide even replacements of missing records. The memo here refers to the Warren Commission's records. They were not "furnished to the National Archives." The Archives is the Commission's successor.

There was neither then nor since any "confusion" in my mind about what the FBI had. (Again I emphasize the absence of reference to Dallas files the importance of which were testified to on deposition by one of the FBI's representatives, SA Robert A. Frazier.) This was legal counsel's laying of a fraudulent basis for what ensued in the litigation the FBI knew would be inevitable when Mr. Lesar and I left the conference.

In relation to this I quote from the memo's representation of what I "made specific request for" because it is my recollection that after this conference Mr. Bresson provided an affidavit in which he stated the diametric opposite: "he made specific request for

spectrographic and neutron activation material..." Specific details follow. But in the litigation exactly the opposite was presented to the Court. In fact it was stated that I had no interest in the NAA material and in fact ~~all~~^{it was} initially withheld. (It is my recollection that an uncollated mass of it was hand delivered to my counsel at his home the night of the last working day before a motion for summary judgement was to be made.)

The beginning of the second page, which is predicated on the delivery to me of all spectrographic and NAA records, would have been less untrue if this is what had happened when those initial 17 pages were provided rather than over a thousand, which existed:

"Both Mr. Weisberg and Mr. Lesar indicated this would be completely satisfactory to them and would cover the scope of the current FOIA request..." The latter is unmitigated falsehood, one of the reasons the FBI refused to make and keep a recording of the conference.

The simplest basis for making it clear that I could not have made any such statement is the fact that from my knowledge of FBI practice I knew the importance of the files of the Office of Origin and I knew of other testing that has not to this day been acknowledged in any litigation. I had made an exhaustive study of the Warren Commission's copies of FBI records. I had published in facsimile FBIHQ's alterations of information provided by field offices. I had studied copies of the Lab's 11/23/63 report and the rehashing of it and other such records by the Office of Origin. And what also ought be ~~persuasive~~ persuasive, there is no reference to any NAA performed on copper-alloy bullet jacket material in this memo. I had already published the fact of this "omission" or if you prefer "oversight."

Contrary to SA Williams' earlier estimate the extent of the known records, inclusive on both forms of testing from the language already quoted, is placed at "approximately 20-30 copied pages..." (In this connection, "copied pages," please refer back to Mr. Bresson's 3/21 letter to Mr. Lesar referring to 17 pages plus 5 or 22 as of three days earlier than the 3/24 memo.)

It is not possible that Mr. Lesar said and in fact he ~~neither~~ said not indicated that this "would moot the civil litigation."

While what follows is interesting it is not truthful. It is reference to my alleged attempt #to formulate some additional FOIA requests regarding the Kennedy assassination... 11