

Sputro - JFK

Mr. Thomas H. Bresson, Chief
FOIPA Branch
FBI
Washington, D.C. 20535

1/7/81

Dear Mr. Bresson,

In your letter of January 5 you state, of the King assassination spectrographic plates you refer to as promised to me by Mr. Shea, that after "an extensive search," none "turned up."

It is my understanding that they were promised by the FBI, through SA Horace Bedowitz, and that Mr. Shea merely relayed the FBI's assurances.

That you cannot find any of these plates is not consistent with the deposition testimony of SA John Kilty.

It is not merely that these were, belatedly, promised to me. They are within the second item of my April 15, 1975 request. Your people have sworn to compliance over and over again, your counsel provides the same untruthful assurances to the Court repeatedly, and he is again seeking summary judgment. Of course your claim that you cannot find these plates, now made for the first time, raises substantial questions about your failing to inform the Court or me of your alleged inability to find them while swearing to full and complete compliance with an item requiring their production.

If you can't find something like spectrographic plates how can you file affidavits claiming that I received records based on a field office's belief that they were sent to PHENNY?

It is my understanding that such records may not be destroyed without authority, and that in the files they are replaced by a citation of the authority and a report of any such destruction. If they were destroyed, it would seem that you should have a record of it. Because authority is also requested, your files should hold a copy of any request.

This is, I believe, quite unusual and entirely inconsistent with all the FBI has represented about its preservation of records, particularly with regard to a matter that is in litigation, as this has been, constantly, since 1968, in one court or another.

I would like to know who made the search, when and where it was made, and anything else you can provide pertaining to the search. I regard this as important and by a carbon of this letter I will ask my counsel to call it to the attention of the Court.

Your own records reflect the fact that the FBI, supposedly, was preserving everything and in all ways being extraordinarily careful because, as of the time of my requests and continuing until after C.A. 75-1996 was filed, Ray had not exhausted his appeals. You therefore were required to have these plates long after the beginning of the instant litigation.

The FBI was also to have provided the spectrographic plates pertaining to the JFK assassination. It has not. I do not expect to hear from you, whenever you get around to this after all the many years ~~and~~ that case now on remand, that those plates also cannot be found because you, personally, displayed them to me in your office, when SAs Kilty and Frazier were with you and my counsel was with me.

SA Kilty also testified to the FBI's having information pertaining to neutron activation analysis that had not been provided. I have not received it and have not heard anything further about it from the FBI although I have raised this question on appeal and through counsel. With regard to this the FBI has also provided untruthful sworn assurances of full and complete compliance to the Court, even recently and ~~and~~ in the name of the SA whose initials are after your name. Your Legal Counsel Division counsel and Department counsel both heard this Kilty testimony. This withheld information has not been provided. Will you please let me know when to expect it?

You date the time of the alleged search at "when we became aware of the offer by OFIA to you of the plates." This is a rather strange formulation. However, the time SA Beckwith said the plates would be provided was the summer of 1978. You were "aware" then and long before then, from my letters. You also were "aware" as of the time of the Kilty deposition. You do not state that you made the search in response to my counsel's letter of about three months ago to Mr. Cole, although that also would reflect an exceptional delay with a case in court for more than five years and when you are pushing motions for summary judgement.

Was not the FBI aware of the pertinence of these plates at the time of my 1969 and 1975 requests that include them, or at the time I filed C.A. 75-1996? Was it not aware in 1976 when SA Kilty swore to full and complete compliance and persisted in this after + alleged continued non-compliance?

While this is not the first occasion, in this I am making you aware of false affirmations filed in this litigation by the FBI. The FBI has an unblemished records of doing nothing at all about false ~~swearings~~ ^{swearings}, except, perhaps, for promoting those who utter them. I would like to hear from you what, if anything, the FBI intends to do, with regard to the untruths presented to the Court and with regard to those who provide untruths to a court of law.

I am taking your tacit acknowledgment that I have not been provided with information called for by my requests and for which no claim to any exemption was made as an admission that the attestations of full and complete compliance are not truthful.

Sincerely,

Harold Weisberg