

Mr. Allen H. McCreight, Chief
FOIA/PA Branch
FBI
Washington, D.C. 20535

11/2/78

Dear Mr. McCreight,

And by a carbon for appeal to Mr. Shea:

The assistant who drafted your 10/31 letter to me ought not remain in place. Depending on your intentions and those of the Director he should be promoted or shipped off to Butte. He should not remain in FOIA work.

He is not unique in not giving the sequential number of the request to which you pretend response. None of your letters do this any more. With regard to the incompletely described request to which you refer, no wonder. It dates to 1/1/68 and to the best of my recollection this is your first response, even acknowledgement. (I do not recall with certainty whether this is the request the covering check for which was first shredded and then, with something less than the vaunted official skills, stuck back together again with Scotch tape and then cashed.) Unless my recollection is incorrect I made other and similar requests at the same time. If you find the right FBI wastebasket for FOIA requests it was ordered be ignored I believe you will find me correct. Or should I wait another 10+ years for that?

Please excuse my not searching my files for this. That presents more than the normal awkwardness for me right now because I had a bad fall not long ago and am stiff from it.

If you search for your proper wastebasket as you reflect search in compliance in this letter you will waste your time. So instead I refer you to the list of unmet requests I provided in about September 1976 in connection with my testimony in C.A. 75-1996. I am the last to want the FBI to waste more time in its FOIA endeavors than it has already found ways of wasting.

At the same time, whether or not on the same form then required, I also asked for two other similar films, those of John Martin of Minneapolis and a young man named Doyle (father, J. Pat as I recall), from Seattle or that area.

You report "a complete and thorough search of the indices to our central records system." Ordinarily, if you reported not finding what I know exists and reported only this search for it I'd refer you to your official memory holes, the appropriate field offices. With regard to the WDSU footage I am confident that there would be enough evidence of FBI good faith and due diligence so that the proof of the FBI's editing of this film would not be found after the most "complete and thorough search." In this case I can hardly find the time the rest of your letter warrants.

Now it happens that aside from my personal investigation of this film and what happened to it after the FBI borrowed it from WDSU-TV (for which my sources include the man who provided the FBI with the film and a friend of his and mine who had just seen it on the Kowicola before the FBI latched onto it) I have copies of some of the records you say you searched with totally negative results.

And it also happens that I have a copy of the FBI's procedures with evidence it copied for the Warren Commission. Again without checking my files you had at least three photographic copies.

You say there are not "any still photographs which had been printed from this film." With regard to this there is no point in mincing words. The FBI had at least six different frames printed as stills and showed these to witnesses seeking to make identification of persons in those frames. Anything that might be called a cursory

glance in FBIHQ should at the very least have disclosed a number of FD302s on this. I have them.

I am not at all sure that your description of the film is accurate and I can see how, by an inaccurate description, you might have succeeded in avoiding what was of great interest to the FBI and separately to the Warren Commission.

There is footage of the Oswald arrest NOT taken by WDSU, the other requests I refer to above. The WDSU footage is NOT ~~footage of~~ "film of Lee Harvey Oswald's arrest on August 9, 1963" and I'd be surprised if I so described it.

The first WDSU footage of which I have knowledge was taken ~~xxxxxxxtaxttxxdayxz~~ at the courthouse. The next was a week to the day after the date you refer to and was taken outside the then International Trade Mart. Both the courthouse footage and the other film I requested show more than a single FBI source, which may help explain your delay in any compliance and your inability to locate what was investigated extensively. I believe there was other footage of a TV show.

In addition to the FBI's prints from the film there were 17 prints made by Johann Rush, then a WDSU photographer and the photographer who took the ITM footage.

Prior to making any request of you I sought what was available at the National Archives. There were only three stills, two from the WDSU footage and one from WWL film. The Warren Commission printed these three stills.

It appears that the FBI's withholding began with the Commission, by providing it with two stills only. Neither of these stills includes what the FBI was actually, supposedly, investigating: a second assistant to Lee Harvey Oswald in his literature distribution. Supposedly the FBI was seeking this other person. It also supposedly had identified only Charles Hall Steele, Jr., not the second Oswald assistant. That this was the FBI's ostensible purpose is stated in a number of FBI records you have.

It required some time and effort, FOIA or no FOIA, for me to obtain a copy of the wrapper of the Secret Service's print of some WDSU footage. The identification of the film as stored in the Archives also includes reference to an unidentified other Oswald associate. My presumption was and is that this is the reason the Archives was unwilling to let me have a copy of this wrapper, the Commission not having sought this other person on its own.

As a result of my C.A.78-0420 you are supposed to have or to have processed the New Orleans field office files. That investigation centered in New Orleans. So you were not limited to a search of the indices you cite, of Headquarters files only, even though any real search should have disclosed more than I here report.

In short, for even the FBI have have come to know and marvel at, your letter is quite a contortion and distortion.

Aside from the wroggly-phrased WDSU request your letter refers to you having searched other film I have requested. Can you tell me why you did not then process these other pictures for me while you were at it?

While I have already appealed these denials, including what is encompassed by the immediately preceding paragraph, by a carbon of this letter I add to those appeals to Mr. Shea.

Of course if all those brave and diligent FBI agents you have working under you are more decrepit than I and if they can't find their way even through your central records indices, although I have never seen these indices I am confident that I can lead you in your use of them to find what your "complete and thorough" search did not disclose. If you desire this I will make myself available after the 11/22 status call in C.A.75-1996, with which you have some familiarity.

Sincerely,
Harold Weisberg