

Resumed 9/21/79, after further searching

This clearly does relate to matters involved in C.A. 75-226 and does involve withholding of the public domain, including what is disclosed in other FBI records.

From 105-82555 I attach Serial 1358. Supposedly attached ^{in it} is an AEC letter that has been within the public domain for years and is in the court record. Only it is not attached. Instead there is the referral slip claiming the record had been referred to the AEC. (It does not appear to have had any FOIA backlog and could have acted on the referral in the many months prior to the releases.) The withheld enclosure is clearly identified in the other parts of the Serial. Where they ~~refer~~ refer to what should have been sought by the tests by neutron activation analysis they are evasive and misleading.

The two pages of the Aebersold letter withheld in Serial 1358 as a referral that to this day has not been acted upon are not withheld from the 62-109090 file and I attach them. The most casual reading of them and comparing them with the FBI's internal records makes clear that the FBI's internal records do not mention what the AEC emphasized as important testing to be conducted. This appears to provide FBI motive for the unnecessary and unjustified referral (the record was within the public domain at the National Archives) and failure to act on the referral.

(You may recall having denied that the FBI withholds what is available at the National Archives.)

The FBI's response to the Commission letter in Serial 1358 above is attached from the 62-109090 file. (It is also 105-82555-1904.) The last sentence on the last page makes the need for more refined and definitive testing apparent, although it is not mentioned in the Jevens memo included in 1358.

I have previously raised the question, was the FBI misleading its own Director. The question exists with regard to the Commission, as is reflected in the attached 62-109090 Not Recorded of 2/12/64. It was led to expect nothing definitive from this testing and in fact was not told about it and it had not begun, save for the tests on the paraffin ~~casts~~ casts, which had been made by the Dallas police to determine whether or not Oswald had fired a weapon recently. (This test was negative on the face or on the firing of a rifle.)

When there is still withholding of information in the granddaddy of all FOIA cases and relating to non-secret testing methods, where there is apparent motive for the withholding that is not within the exemptions and then the worksheets also are not accurate, I believe the questions and the errors and the non-compliances are matters of significance.