

LH/100

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

1/19/81

Dear Mr. Bresson,

While I welcome your letter of the 5th and the ~~enclosed~~ copies of the JFK assassina-
spectrographic tion plates you enclosed, I do not welcome the factual inaccuracies, only some of which are only self-serving, and the incompleteness.

You refer to an alleged OPIA promise and report that, "being determined to honor it" you forward the enclosures. The thrust of what you say is that only now, meaning two months ago, you learned about the fact that these plates had not been provided.

This is not your first knowledge and because your letter is being misused in C.A. 75-226 I must correct you, as I do below.

You claim that the ~~enclosures~~ "constitute all of the spectrographic plates concerning the assassination of President Kennedy." If this is the truth then your prior claim that the plate pertaining to the testing of the curbstone is not true. Your claim then, in this same litigation, is that it was destroyed.

I note that in his "Memorandum In Response to my Motion to Compel the Release of these plates your counsel, based on no evidence and contrary to fact, claims that they "are not within the scope of his (meaning my) Freedom of Information Act request" in this case. This is false, as you, personally, know, and I ask that you rectify it. It also is inconsistent with the excuse given the Court for failing to produce the curbstone plate. This kind of gross and deliberate misrepresentation will, among other things, again prolong this oldest of all FOIA cases, unless you end ~~it~~ *misrepresentation* now and for all time.

With regard to the OPIA promise, the actuality is that your branch made the promise, through SA Horace Beckwith, in 1978, in response to my appeal to OPIA, which reported to me that it had taken the matter up with him and that the FBI had agreed to provide copies of the plates. I filed a number of ignored appeals seeking these plates since

then but there was no action until my counsel filed the Motion. You have personal knowledge of this through my letter of 8/17/80 to you. (You failed to respond.) On the second page, after recounting SA Beckwith's promise, I informed you that it did include the JFK assassination plates. Your representation and that of your counsel, that all of this stems from my counsel's unanswered letter of 12/24/80, therefore is not truthful. (I did make earlier requests. I located this letter for an affidavit in another case.)

You also have personal knowledge of the untruthfulness of your counsel's representation, that the plates are not within the request, because you, personally, offered them to me on March 14, 1975, when you knew I could not pay the \$50 per plate that you asked for copies. You then displayed them to my counsel and me, in your office. You were accompanied by SAs Robert Frazier and John Kilty, both of the Lab. The FBI's version of that conference is recorded in the Legal Counsel to Mr. J.B. Adams memo of 3/24/75. This same memo establishes the untruthfulness, and I believe the deliberate untruthfulness, of the FBI representation to the Court in C.A. 75-226, I believe by you and under oath, that I said I did not want any NAA data. I amended the original suit to include the NAAs, but the fact does not rest on this. The 3/24/75 memo states (paragraph 3) that "After the data was generally identified to him, and samples shown to him, he made specific requests for spectrographic and neutron activation material . . ." (Emphasis added).

Aside from establishing the untruthfulness of the representation to the Court this paragraph concludes by stating that I made "Additional request . . . for laboratory examination data . . . regarding testing done on a curbstone near the crime scene." This reflects the fact that any claimed later discovery that the curbstone plate is missing also means that the FBI did not make a good faith search in March 1975.

I do hope that the newfound determination you report can be extended to all your and your counsel's representations to the Court and to having them all full and complete and only truthful.

The copies of the plates provided raise many questions. The copies appear to be blurred, as you can see ^{by} examining the ^{ones} marked PC-79846 and dated 3/24/64.

These also bear the main FBIHQ file identification for the investigation of the assassination of President Kennedy, ^{a fact that} leave no doubts at all about pertinence to the request.

The FBI's representation in this case is that all the testing was done on or by November 23, 1963, and the results are incorporated in a Lab report of that date to then Dallas chief of police Jesse Curry. However, these two plates, not identified by their Q numbers, which is essential to any use or understanding of them, are dated four months later. They are not identified with the evidence tested. The plates for PC - 80185 are dated 4/13/64.

PC- 78243 has no date or any other identification and differs from other plates in including what they do not include.

PC-78243 is the only one dated on or before 11/23/63.

PC-78738 is dated later also, 12/4/63. Two other plates bearing the same number are dated 12/6/63 and 3/24/64. This is entirely inconsistent with all that the FBI has claimed with regard to this testing. I do not recall any records reflecting any repeated testing of any specimens. All the dates are inconsistent with the FBI's representations of when it performed such tests.

PC-78282 # 1 and # 2, are dated 11/25/63. One is identified as "Hole in coat," two as "Hole in coat liner & shirt." How one plate can hold two tests is unclear, if it can be done. There is what appears to be a #3. It is unclear. It holds no other identification.

The only identification of any Q numbers is on PC-78378, "Q-188 & Q-2 bullets." If the two plates scotch taped together for your printing of them are not each to have this identification, that is not clear for the identification appears only on the one taped as the upper one. There is no other identification of any bullet or part of bullet or bullet material on another object.

From the foregoing I believe it is obvious that these are essentially valueless, are designed to be valueless, and in no way justify your counsel's representation that "Plaintiff's motion is now moot."

I am not looking for waste paper or ~~scraps~~^{scraps} of film. My request is for information and what you send is not information. It is less than you could and should provide.

Each of these plates can be identified and if they are not identified to the FBI they served ~~no~~ purpose for the FBI.

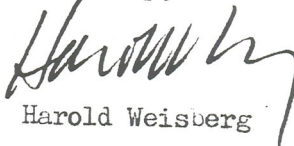
You are still playing games.

Each plate should be properly identified, with the specimen tested and any other pertinent information. The SAs, some since retired, did not carry all they learned from the testing in their heads.

Your letter is equivocal. Do these represent each plate made by the FBI in its testing for the JFK assassination investigation?

I would prefer that you not continue to ignore my letters and that your response ~~not~~ include cause for questioning its fullness, accuracy and truthfulness.

Sincerely,


Harold Weisberg