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

8/17/80

Dear Mr. Bresson,

The third paragraph of your letter of the 11th is provocative for what it does say as wellx as for what it does not say.

You do say that these records are, between them, MURKIN Serials 5914 and 5920. You also say that you have provided them "as they appear" in the FBI's reading room. But you do not say that as they appear in the reading room is identical with as they appear in FBI files.

In Civil Action 75-1996 it is the representation of the Department and the FBI that I would be provided with all non-exempt MURKIN records, not those that the FBI would place in its reading room. Obviously, there can be pages in unserialized records that were not placed in the reading room and there is no apparent means of determining this. You here have 3936 pages bearing only two numbers. If you have not provided copies of both serials in full I appeal the withholdings and with this case in court I would like to hear from you promptly about this.

Your letter does not identify these two serials as what the FBI calls them, bulkies. Your letter also does not state that these two bulkies are <u>all</u> the MURKIN bulkies, and they are not.

So, when I am to have received all Murkin bulkies your letter fails to state that I have, and if I have not, that also I appeal. Again, I would like to be informed promptly.

It is interesting to me that you throw in an irrelevancy in a manner that permits the suggestion that I have received all material referred to in "You have previously been provided with approximately 100 pages of laboratory documents that deal specifically with ballistics tests, neutron activation analysis, spectrographic analysis . . ." Anyone reading your letter, without detailed knowledge, as a judge might lack detailed knowledge, could easily assume that I have "specifically" received all such information. In fact I have not. This was established when SA John W. Kilty was deposed last year in this case.

He was then represented by the same William G. Cole, to whom you refer, accompanied by Legal Counsel Division SA Jack Slicks, both of whom therefore have personal knowledge.

For your information, the materials included within your language are within the specific Items of my 4/15/75 request and SA Kilty provided an affidavit attesting to full and complete compliance, which I promptly disputed under oath. My affidavit identifies pertinent and withheld information. If my recollection is correct it also identified SA Kilty as a specialist in providing inaccurate and incomplete information under oath, a specialty in which he does not enjoy a monopoly.

Four or more years later SA Kilty disputed himself under oath. This is not unique, for I have known him to contradict himself under oath on another occasion, when he was in both contradictory versions disputed under oath by another (then retired) SA, who had personal knowledge.

The FBI did not dispute my affidavit. Instead it stonewalled and to this day continues to stonewall.

It is now about a year since SA Kilty acknowledged the existence of records that still are not provided and are included within your quoted language.

This includes the spectrographic plates. SA Beckwith agreed two years ago that they would be provided in this and the JFK case. They still have not been provided in either.

This includes most of the NAA records, as my affidavit identified them.

You should remember my knowledge of the nature and extent of NAA records from your personal participation in my C.A. 75-226. That suit, still in court, is the first filed under the amended Act. Earlier, as C.A. 2301-70, it had much to do with the amending of the Act, as I am certain you should recall. The new suit differes from the old suit in that it also includes all NAA records pertaining to the JFK assassination investigation. This was because no available record reflected the fact that the FBI did perform NAAs in the JFK case when C.A. 2301-70 was filed. But when compliance was alleged in C.A. 75-226 although I was not provided with any NAA information, you explained this by claiming I did not desire it. Your interpretation, that I amended the first suit to include what I did not want, contributes to its having been remanded by the appeals court twice. (This is not

a record. The first suit was there three times, as well as to the Supreme Court. If you had reviewed all pertinent records, including those you still have not provided, you would have noted that after the first of the five oral agruments before the appeals court but prior to its decision the Department recommended mooting that case.)

Your 8/11 letter also includes "Ballistics tests." In the King case, C.A. 75-1996, which includes all such information, the FBI states that it did not test fire the so-called Ray rifle, which the FBI refers to as the death rifle. However, the published records of the House Select Committee on Assassinations state that the FBI did test fire that rifle, which, ordinarily, one would have assumed. The committee states that it obtained the test-fired specimens from SA Courtlandt Cunningham. Unless the committee is in error the FBI appears to have misled the Court in C.A. 75-1996.

My counsel reminded Mr. Cole that SA Kilty had testified to the existence of pertinent and withheld information a year ago, that it still had not been provided, and he again asked for it. (As I state above, SA Slicks also had personal knowledge.) As of the last mail there still has been no response. My first requests were in 1969. The same information was requested again on 4/15/75. The existence of pertinent and withheld information was confirmed by the FBI itself under oath in 1979. I therefore wonder about your selection of language that is, essentially, irrelevant on August 11, 1980.

For your additional information, your analyst on this case, Ms. Connie Fruitt, testified on cross examination only the day before yesterday that the FBI had never asked for clarification of this or any other of my information requests.

In my direct quotation of your language that I describe as essentially irrelevant I omitted "the examination of cigarette butts." My request included those found in Atlanta. In response SA Kilty attested that none were found there but some were found in New Orleans. I have since learned that in fact cigarette remains appear to have been found in Atlanta, in the Ray rooming house rather than in his car. In the interest of speeding this long-delayed case to a reasonable conclusion I ask for nothing further about cigarette remains.

Sincerely, Harold Weisberg

Harold Weisberg