

To Quin Shea from Harold Weisberg re: JFK assassination records, 6/8/79
my PA requests, appeals on both and in CA 75-1996.

Section 178 of 62-109060 includes a number of records relating to my renewal and amplification of the information request of C.A. 2301-70. My 11/27/74 letter to the AG is Serial 7147. (Attached, as are other records cited.) *New case is C.A. 75-226.*

These are important records to me. The notes added also are important. It is obvious from the poor quality of the xeroxing that this is a remote generation copy. One of the inevitable consequences is that the notes are illegible.

As will be seen there was filing in other files. All these records are also pertinent to my PA request. I therefore ask for copies of all records from all files. By this I mean to include all Divisions also, like the Laboratory Division.

With all the time that has elapsed since I filed my PA request and with the lawsuit *(C.A. 75-226)* that resulted [^]now before the appeals court and particularly because of traditional FBI withholdings of relevant records that I get only with difficulty and when the Department can and does argue the "settled judgement" principle I hope you will have the proper searches and compliance from the records both made promptly.

This first record may actually be 7147X. From the elimination of part of the material on the right-hand side of the page, ^{*in xeroxing*} it is not possible to be certain. This is true of other ^{*also.*} attachments ~~also~~. I therefore also ask for complete copies.

Because it represents a part of the request that has not been complied with I draw your attention particularly to the language I employed in the last paragraph, where the request includes all information ^{*relating to*} "the various objects said to have been in contact with them," referring to bullets allegedly fired during the assassination. I have recently seen for the first time several FBI records leaving it beyond doubt that the FBI has material of this description, knew it, withheld it through the litigation, including discovery and as of today continues to withhold it.

I have ^{*see*} appeal an FBI practise of shifting records to other files and then withholding them. This has happened with 7147, which was shifted to an FOIA/PA file, 190-1813X. When ^{*("changed to" sheet attached.)*} this ~~was~~ was done appears to be significant. [^]It was on 6/2/77. That it two and a half years later and just ~~happens~~ happens to be the approximate time of belated searching in response

to my PA request. (I believe that if it were not for the situation in C.A. 75-1996 at that time and the relevance of some PA records in that case there ^{would} not have been the belated search ^{then} either.)

With regard to this and the other records it is my recollection that after all these years there has been no compliance by other Departmental components. As these records show, copies were routed to various components, including of the FBI.

The FBI's response of 12/19/74 carries evasiveness and indirection to ^{include} ~~even~~ a proper identification of my request. It bears a date and could have been identified, if the FBI had to be lazy about identification, at least by the date it bears. Instead the FBI refers to what nobody else can know the meaning of, a letter it received on 12/6, without even the year being given. ^{and creating unnecessary FOIA problems} "his method of treating FOIA/PA requests (is not without its reward. The initials of the one who drafted the letter for the Director's signature coincide with those of the one who is now head of the FOIA/PA branch.

In addition to the Division in which THB was employed there are copies in the Adams, White and Mintz components. (White was Lab) The record referred to in the note appears to be Serial 7149X, which follows.

The illegible and partly eliminated notations indicate other distribution and filing. One appears to be another 62 ^{File This} ~~PA~~ notation on the side refers to a record of 5/22/75.

As provided to me the copy of my 11/27/74 letter is not attached to this copy of 7149X. Any notes added to the supposedly attached copy could have significance.

Legal counsel began the rewriting of my request while simultaneously underinforming and I think it might be said misleading Mr. Adams. My request is by no means limited to "analyses made for the Warren Commission." ^{The citing} ~~and editing~~ of a rehash of the alleged history of the prior case at the Supreme Court, ^{while omitting that} ~~when the Congress~~ cited it as a reason for amending the investigatory files exemption, is to lead Mr. Adams and the Director to believe, regardless of other language in the memo, that the original denial was proper and within the Act.

Legal counsel is explicit, however, in stating that none of the exemptions to the amended Act "appear applicable" to my request. ^{But} ~~However~~ what is recommended appears to limit all searches to the Lab, which means to automatically eliminate relevant records.

Whatever is represented by "Office, 7133" should be included in the searches required for compliance, from the inclusion on Serial 7156, the memo from M.E. Williams to Mr. White. This appears to be a duplicate Lab filing, so I believe unsearched Lab records are involved. (While with the prior records copies were routed to Lab SA Frazier, in this case it is to SA Cunningham.) M.E. Williams is the ^{Lab} SA who provided the misleading and non-responsive if not false affidavit on which the Department prevailed in C.A. 2301-70.

He is perceptive in the second paragraph, despite the propaganda line that is typical but unfactual in it, that what I seek is "available to him at the National Archives." Williams had to know this to be untrue. But based on this he recognizes that "his request must extend beyond these documents."

He itemizes "The material available in this case" as of three categories: "1. All the background information and data accumulated... 2. The compositional analyses arrived at from calculation of the raw data. 3. The final reports."

All information thus described has not been provided.

He next states, supposedly, all spectrographic analyses conducted. In this he does not include concrete, which was subjected to this testing.

In his description of what the search showed the Lab had there is no reference to the destruction of any spectrographic plates or any samples tested or any of the data. Since then it has been alleged that one plate, (naturally a coincidence that it is a plate of one of the testings of concrete also not mentioned) was destroyed allegedly to save perhaps an eighth of an inch of file space. Also there is no reference to the lack of any records relating to neutron activation analyses. It likewise is coincidence that among the objects not mentioned as subjected to either testing is the scrapings of glass from the limousine windshield. It was subjected to both testings and the specimen, which is not destroyed by the NAA, since has disappeared. So also have the NAA results. Supposedly.

A suspicious person could give a special interpretation to the uses that could be made of the plates and other data: "outside experts" could obtain knowledge from studying the materials. This can be interpreted as a hint that the FBI does not want any outside experts making any such study. (I remind you again of my ^{renewed} ~~renewed~~ request for the plates.)

Bearing further on the known limitation of the search based on which compliance was sworn to is Mr. Williams reference to the fact that only some of the information sought is "physically in the Laboratory." Other information is "interspersed in the case file." (There is no reference to what he knew was relevant, the Office of Origin records.)

Although initially I was given only a few pages his estimate of the number of pages involved in the NAA testing is 1,000. This exceeds what in the end I did receive.

Rather than "final reports" being "available" the FBI took the position that its *one* complete report was of 11/23/63, which is prior to ~~some~~ *some* of the *Spectrographic* testing, and that there were no "final reports." *(This was before any NAA testing.)*

This falsehood, by which I mean knowing and deliberate falsehood, is embodied in correspondence with another, unknown to me. Someone from the University of Missouri School of Medicine asked the Director on 2/25/75 *why* all files relevant to the spectrographic examinations had not been disclosed. The response, ^{Serial} 7163, which bears Mr. Bresson's initials, represents that all the results "are contained in an FBI report dated November 30, 1963, at Dallas," which "has been furnished to the National Archives and is available to the public."

Reference is to the Dallas rehash of the above-cited 11/23/63 Lab partial *and equivocal* summary of what had been tested to then. This did not include all spectrographic testing known to have been performed, aside from its incompleteness in other respects. There is no doubt about THB's intent to deceive and mislead: "We are therefore of the opinion that there has been full disclosure..."

The note includes the basis for the falsehood, "...based on ~~some~~ memorandum dated 5/28/70 in the Weisberg case." It is not attached at this point. I believe all copies from all files now have even greater significance and request that they be searched out and provided under this appeal. Among the importances that may not be apparent is the great cost that followed this untruthfulness, which included untruthfulness to all the courts up to and including the Supreme Court.

THB also wrote the (Not Recorded) 3/21/75 letter to my counsel. It refers to another letter not included here, that of 3/26 or 5 days later. Copies are filed in 62-115530 and what appears to be a 100 file. I'd appreciate copies of them, please.

There has been no compliance from the DAG's files. "Here a copy to those files is indicated. This is to say that there is additional indication of DAG records not provided.

Despite Mr. Williams' estimate of 50 pages relating to spectrographic records or calculations and of 1,000 relating to NAAs THB enclosed "17 pages of material described in my letter ~~me~~ to you dated March 26th, plus five pages of documents relating to the curbstome examination..."

That THB intended this to be all inclusive is indicated in the note, "We have previously approved the release of the 17 pages of material which relate to the spectrographic and neutron activation examinations conducted in the assassination of the John F. Kennedy case." *(Emphasis added)*

(It is my recollection that Mr. Bresson later provided an affidavit in which he alleged that I had stated I did not want the NAA data, no doubt the reason I amended the prior 2301-70 request to include it. This is why I add emphasis.) *(See below)*

This particular copy also is a remote generation copy and is unclear. No copy of the 3/26 record is included in this file.

For your information, the curbstome testing was not until after the middle of the year after the allegedly full report of 11/23(30)/63. The NAAs also were of 1964.

Serial 7175, a copy ^{ies} of which was routed to you and Ms. Hauser of the DAG's office, is to Dr. John Nichols. In this 4/25/75 letter THB refers to total charges of ~~the~~ \$42.60 for the copies provided. This figure does not coincide with any number of pages and if it includes search charges I recall no partial refund then made to me. He was given copies of what had been provided to me, from other records not included in this file where they do appear to belong. (Many other relevant records also are missing.) The added note is as long as the letter. "either states or identifies the records provided to Nichols."

No Serial number can be made out on the 1/29/75 letter Mr. Lesar wrote Mr. Silberman relating to my 1969 request for an inquiry into and records relating to "surveillance on him or other intrusions into his life by the " FBI. (I remind you that this is an Item of my requests in C.A.75-1996.)

If the copy of the THB 2/27/75 response drafted for the Director's signature had been of a more remote generation it would be completely illegible. Certainly the FBI can provided a clear copy of an original record. While a copy to the Attorney General (still not provided)

can be made out the other designated copy cannot be ascertained. It appears to be to a Bufile the number of which commences ~~with~~ ^{with} a 4. Neither 4 nor any file of the 40 series appears to have any relevance. 44 is Civil Rights, so perhaps because I raised questions about the FBI's violation of my rights it is so filed. I ask for a complete searching of such files in compliance with my PA request and in belated compliance in C.A. 75-1996.

From the records I have obtained, which is far from all known to exist, the untruthfulness of the denial can't be exaggerated: "...do not disclose any references to dissemination by us of information concerning him or his criticism of the Warren Commission along the lines indicated in your letter." There is no interpretation of "along the lines indicated in your letter that diminishes the untruthfulness, as you should know from copies I have provided you in connection with prior appeals.

Perhaps the fact that the author was high in the FOIA echelon and now is its acting chief may account for continued stonewalling of compliance under my PA request and the surveillance item of pertinence in C.A. 75-1996. That there in fact was surveillance prior to the time of this letter is established by records I sent you recently.

Copies are indicated for Messrs Mintz, McCreight and Bresson. Notes added to any of those copies would be of possible significance and I specifically ask for these copies and related records in those files that have not been searched in either case, JFK or King, or under my PA request. Yet any searching that disclosed this record, which is in the FBIHQ JFK assassination file, had to disclose these other files to be searched.

Most of the conclusion of the letter is illegible. But, "our files contain absolutely no information to substantiate these allegations" is stated. If you require copies of any records in addition to those I have already provided to establish the fact that this is a false representation and was known to be false when it was made please let me know. If there had been any compliance in any case from the AG's and DAG's files the fact of distribution of the defamations would have been apparent. Can it possibly be that this is what prevented the finding of any relevant records in those files? I recall hearing nothing further from your office since a 1977 discussion of this with an assistant, Ms. Robinson.

Again the note added is interesting and discloses both a "main file" on me and a remarkable

built-in limitation on the search and compliance. Before quoting I remind you that I learned from an Assistant Attorney General in charge of the Criminal Division that I was picked up during electronic surveillance of another. I have also informed you of other coverage of other persons that inevitably caused me to be picked up. There is also the surveillances of other agencies of which the FBI becomes beneficiary.

Also, perhaps I should explain the reference to the New York ^{referred to} tailing which was when I went to New York in connection with the publication of my book on the King assassination. I had injured a leg so I asked a friend to meet me at the train to help me with my luggage as far as the Roosevelt Hotel, where I was staying. When he got to Penn Station he saw both me and a man following me. He therefore continued to follow us and that man continued with me. As I recall now, even when I used the pay phones to seek the ^{one} man who I had expected to provide assistance. The man following me ^{to the phone and then} then followed me onto the subway.

The concluding sentence of the note added by THB begins "Review of Weisberg's main ~~files~~ files," which establishes that at FBIHQ ~~there~~ and I presume also in what would be Offices of Origin ~~in those main files~~ there are these "main files," in the plural, on me. (Long ago I filed the relevant appeals and you have not acted on them. I have referred to this over and over again in recent months without response.) There next is disclosure of the existence of other means of locating records on me, quoted without omission: "~~and~~ all references..." This means that there are other references, to what is not in my "main files." The incredible limitation, again quoted without omission, is to "since 1968..."

There is no way THB could have consulted any records relating to me without knowing of the many and extremely defamatory records of prior to 1968 and my lawyer's letter makes specific reference to a 1966 record, since obtained in heavily expurgated form. Perhaps THB worked his way around that because it is a record of what is denied, distri-
bution. In that case it was to President Johnson. Unable to address my work on a factual basis, when attention to it and other books which followed interested the White House the FBI resorted to defamation to avoid confrontation on fact. In this it succeeded, deceiving and misleading the President himself.

That this was the clear purpose of the quoted dishonesties is left without doubt by

what follows, again quoted without omission: "disclosed no evidence of him being the subject of a surveillance nor any indication of any dissemination being made along the lines he makes reference to."

This does not say there was no surveillance of me. It says I was not the "subject." If I was surveilled in any way, and I have provided you with proof that I have been at other times, whether or not I was the "subject" is immaterial.

Now it happens that again during the period of my book on the King assassination and after Bernard Fensterwald had represented me in C.A. 2301-70 and 718-70 (which is a King case) I went to his office to meet with Mr. Lesar, who then had no office of his own. Mr. Fensterwald was not in his office and I did not see him. But not long thereafter, when he was at federal district court on another case in which he was opposed by AUSA Werdig Mr. Werdig made reference to my having been to his office that day. Apparently he was fishing about further FOIA litigation. In any event, it was news to Mr. Fensterwald, who thereafter asked me about it,

I know of no way other than as the result of some surveillance that Mr. Werdig could have obtained accurate knowledge that I was at Mr. Fensterwald's office but inaccurate knowledge of my purpose in going there ^{Perhaps} ~~other than~~ by surveillance of which another person may have been the "subject." (Aside from Mr. Fensterwald's other clients there could have been interest in clients of the Cerni firm, which ^{then} was in the same suite of offices.)

"Monitoring what I say, my public appearances, etc., is a form of surveillance. I have provided you with copies of FBI records of this of prior to ~~the~~ 1968. If I have not also provided you with records of this after 1968 and ~~long~~ before the 1975 date of Mr. Bresson's letter they are copied and when I work my way to them I will provide them. ^{reflect} ~~will include~~ the FBI's thoroughness in them, xeroxes of even the reels of tape. ^{And? was the "subject."} ~~this~~

One of my purposes in meeting with Mr. Lesar the day Mr. Werdig told Mr. Fensterwald I was at his office had to do with CIA surveillance on me. I had learned that it had this done by a private agency. I had also learned the name of the manager of its Washington office. The CIA had, quite belatedly, denied this. I wanted a witness to my effort to obtain confirmation of it and asked Mr. Lesar to be that witness by being on an extension

phone. With Mr. Fensterwald not in his office his phone was free and I was permitted to use it, with Mr. Lesar on his secretary's phone. During the conversation, which caught the manager by surprise, he blurted out that in my field I had "the all-time track record" for the CIA's interest. I am confident Mr. Lesar will remember and confirm all the details I provide, including what Mr. Fensterwald later quoted Mr. Werdig as telling him.

The original copy of the Not Recorded Serial of 3/24/75, Legal Counsel to Adams, is filed elsewhere, the file number being eliminated in the xeroxing. The initials of the one who drafted the memo also are obliterated. The memo itself refers to a conference in Mr. Bresson's office.

There is withheld a record that definitely does exist. Before agreeing to attend the conference I asked Mr. Lesar to ask the FBI to tape record the conference because from prior experience I was confident the FBI would misrepresent what transpired. He did this in writing. In writing the request was refused. And what I anticipated came to pass, as I believe will become apparent. If it hasn't already.

Characteristically it is a self-serving record, as in stating ^(falsely) "This discussion resolved what apparently was Mr. Weisberg's confusion as to what data, other than that which had been furnished to the National Archives, was in existence and in possession of the FBI."

In passing I inform you that what "had been furnished to the National Archives" was not furnished by the FBI, which had refused to provide even replacements of missing records. The memo here refers to the Warren Commission's records. They were not "furnished to the National Archives." The Archives is the Commission's successor.

There was neither then nor since any "confusion" in my mind about what the FBI had. (Again I emphasize the absence of reference to Dallas files the importance of which were testified to on deposition by one of the FBI's representatives, SA Robert A. Frazier.) This was legal counsel's laying of a fraudulent basis for what ensued in the litigation the FBI knew would be inevitable when Mr. Lesar and I left the conference.

In relation to this I quote from the memo's representation of what I "made specific request for" because it is my recollection that after this conference Mr. Bresson provided an affidavit in which he stated the diametric opposite: "he made specific request for

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spectrographic and neutron activation material..." Specific details follow. But in the litigation exactly the opposite was presented to the Court. In fact it was stated that I had no interest in the NAA material and in fact ~~all~~ ^{it was} initially withheld. (It is my recollection that an uncollated mass of it was hand delivered to my counsel at his home the night of the last working day before a motion for summary judgement was to be made.)

The beginning of the second page, which is predicated on the delivery to me of all spectrographic and NAA records, would have been less untrue is this is what had happened when those initial 17 pages were provided rather than over a thousand, which existed:

"Both Mr. Weisberg and Mr. Lssar indicated this would be completely satisfactory to them and would cover the scope of the current FOIA request..." The later is unmitigated falsehood, one of the reasons the FBI refused to make and keep a recording of the conference.

The simplest basis for making it clear that I could not have made any such statement is the fact that from my knowledge of FBI practise I knew the importance of the files of the Office of Origin and I knew of other testing that has not to this day been acknowledged in any litigation. I had made an exhaustive study of the Warren Commission's copies of FBI records. I had published in facsimile FBIHQ's alterations of information provided by field offices. I had studied copies of the Lab's 11/23/63 report and the rehashing of it and other such records by the Office of Origin. And what also ought be ~~persuasive~~ persuasive, there is no reference to any NAA performed on copper-alloy bullet jacket material in this memo. I had already published the fact of this "omission" or if you prefer "oversight."

Contrary to SA Williams' earlier estimate the extent of the known records, inclusive on both forms of testing from the language already quoted, is placed at "approximately 20-30 copied pages..." (In this connection, "copied pages," please refer back to Mr. Bresson's 3/21 letter to Mr. Lesar referring to 17 pages plus 5 or 22 as of three days earlier than the 3/24 memo.)

It is not possible that ⁱⁱ Mr. Lesar said and in fact he ~~neither~~ said not indicated that this "would moot the civil litigation."

While what follows is interesting it is not truthful. It is reference to ~~my~~ alleged attempt #to formulate some additional FOIA requests regarding the Kennedy assassination...

I did not such thing. Rather, as what follows inadvertently reflects, I told the FBI of requests I would be making so that as it made other searches it could be aware that I would be seeking the same information and could save time for itself. That this is what I did is reflected in "indicated he plans to ~~pass~~ ^{pursue} further the Martin Luther King assassination case..." and other matters. ^(Emphasis added) I did ^{disclose} ~~disclose~~ my "plans" and I note the use of further because it reflects the FBI's awareness of my prior and ignored King requests.

It is true that Mr. Lesar reflected the Silberman correspondence referred to above as "not responsive." The reference to what was "furnished to former Congressman Boggs" is quite inadequate, as I am certain was known. The late Mr. Boggs also had been a member of the Warren Commission. His son had disclosed that the FBI had furnished the father with defamatory information. The son had made some available to the press. ^{What he was given by the FBI} ~~It~~ included the defamations of me given to the President, Attorneys General and others.

Although at the top of page 3 with reference to this the memo says "copy attached" in fact none is attached and it certainly is pertinent and easy enough to find. The request made is again misrepresented because I had not said anything about being the "subject of surveillance." (Nor had I limited it then or since to the FBI.) This is followed by a denial of "other intrusions into his life by the FBI." Now although it was not what I had in mind at the time, not being what had been reported to me, in fact the records supposedly examined prior to this reflect a clear "intrusion" into my life by the FBI in New York. I have provided you with copies of relevant records. The FBI undertook to try to ruin me with my first book my providing under-the-table information to what wound up as a panel of four lawyers ^{on a TV program. (Their} ~~whose~~ failures contributed to the spectacular success of that book which followed.) I ^{have} ~~has~~ also provided records of ^{another} ~~an~~ similar effort by a symbolled FBI informant in San Francisco. So there ^{FBI} ~~were~~ known intrusions into my life and the memorandum in this regard is absolutely, that favorite FBI word, false.

While I am confident that I made a request similar to were "Director Hoover's confidential files" searched, I know I did not know the "OC" distinction and ^{did} ~~do~~ not presume these were or were only "official." In fact I believed his personal files were personal. If I am correct in this personal files were not searched, as the OC were on 3/14. ^{Or what} ~~were~~ ^{remained of them}

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still appears
It ~~still appears~~ unlikely to me that Mr. Hoover's records did not include my pointed and totally accurate criticism of his erroneous Warren Commission testimony or records of the nature of those given to President Johnson.

That there is intent to mislead here is apparent from the limitation to FBIHQ records. Most of the records of the kind in question are never in HQ and are always in ~~the field offices~~ the field offices. I doubt there is any FBISA who was not aware of this.

However, the record is explicit in stating that after receiving Mr. Lesar's letter the FBI did not check with Tom Boggs, who had made the disclosure to the press.

There is reference to memos being sent to the Civil Division and the AUSA. They are not here and I recall no claim to exemption for them. In the past such memos have been disclosed.

The foregoing are all the relevant records in this Section, which I read for the first time yesterday, when my wife also made the attached copies.

The time of the last record referred to is long before any compliance with my PA requests. The FBI supposedly has separate copies of what was provided to me in supposed compliance with my PA request. I would like this appeal, which really relates to both the King and Kennedy assassination records as well as the PA request, to include a review of the records that were provided in still incomplete compliance. I believe that they as well as the readily identifiable other records like these in the general FBIHQ releases will make it clear that these records cited above are not accurate and not honest. I believe any inaccuracy or dishonesty is an important factor in FOIA and PA matters, particularly those before courts of law. If by the one now in charge of the FBI's FOIA/PA unit then I believe the matter is even more serious.

I have checked my file on the C.A.75-226 case. It is incomplete. What records I do have indicates that the affidavit I refer to above as having been executed by Mr. Bresson may have been by SA John Kilty, the other SA present at the conference. I do ~~not~~ find his first affidavit in this file. It states that the total of 54 pages provided after an addition to the original 22 makes compliance complete: "The FBI files to the best of my knowledge do not include any information requested by Mr. Weisberg other than the information made available to him."

The attached copy of Director Kelley's 4/10/75 letter is expurgated at the bottom to eliminate all notes and the initials of the actual author of the letter. ^(Appealed) However, it makes clear that no NAA information was provided until after my counsel's phone call to Mr. Bresson on an earlier date in April. The number cannot be made out on the remote-generation copy.

In checking my own writing (Post Mortem, page 422) I find I referred to the FBI's ^{pretense} that at the conference, ^{that} I stated I did not want the NAA material I requested and included in the complaint: "When we complained about the omission of the NAAs, the FBI had the gall to say I didn't ask for them."

Perhaps there was not an affidavit by SA ^BBresson. But it is beyond question that the information his own records states I did ask for was then withheld with the false representation that I had not asked for it.

Because of the frailty of recall and the volume of the records I did not ~~trust~~ ^{in this section any} my failure to see ~~a~~ copy of any 3/10/75 letter from the Director to Mr. Lesar. The worksheets ^{for} both the assassination and the Oswald files show no such record being provided. Its relevance to the foregoing is apparent, as is motive for withholding it.

I do hope that three years after my appeal it is not asking too much to ask that at least the records allegedly provided be complete, particularly when they are relevant to litigation.

The relevance of any FBI record stating that I did not ask for what is included in the complaint should be pretty obvious, too.

As relevant to FBI intent and further bearing on FBI truthfulness I provide also the Serial immediately preceding the first of those I attach relating to my FOIA request that became C.A. 75-226. (Serial 7146)

The most casual reading of the records relating to my request makes it obvious that the letter to Senator J. Bennett Johnson was of knowing untruthfulness.

The general releases of 1977 and 1978 leave no doubt on the score.

After the 1974 amending of the Act a constituent asked the Senator about the opening up of FBI records relating to the assassination of President Kennedy.

"The documents which have not been made available at the National Archives," the letter over Director Kelley's signature to the Senator states, "are contained in investigatory files compiled for law enforcement purposes and are therefore exempt from public disclosure" under FOIA.

The untruthfulnesses include the fact that there was no law enforcement purpose in the compilation of these records, as many FBI records have provided state repeatedly, and if there had been only those records that fall within the exemptions are "exempt from public disclosure," which even then falls short of the actuality, that they could be released as a matter of administrative discretion. (Prior to the date of this letter that had been done on occasion.)

The records provided do not contain any comment by Department counsel on the staff of the DAG, Ms. Susan Hauser, to whom a copy was routed.

I believe this kind of official statement by the FBI subsequent to the 1974 amending of the Act is a fairly forthright indication of FBI intent not to comply with the Act. My subsequent experience is in accord with this belief, as I believe the records I attach in themselves make clear.

There is another record in the same Section that bears on the FBI's faithfulness of reference internally, in records that work their way upward in the bureaucracy and in this case reached the Director, ~~XXXXXX~~.

Quinn Martin productions, which has a long record of producing film and TV shows to the FBI's liking (the FBI has what are virtually agents in residence on the sets), wanted to do a film for CBS on the assassination of President Kennedy. He asked what he received in other projects, official FBI assistance. For reasons that to a large degree are substantial and actual the FBI declined and offered assistance in what would amount to further FBI promotional movies.

One of the reasons advanced for recommending refusal to help Quinn Martin is that it could result in "An avalanche of requests under" FOIA. Of the FOIA requests "Up to this point," the 4/18/75 memo states, "such FOIA requests (such as one received from well-known FBI antagonist Mark Lane) have been declined on the basis of privacy..." (Emphasis added)

The one request from Mark Lane is not typical of FOIA requests. A single request does not reflect what by this date was a fairly substantial amount of litigation. Much more representative - and not mentioned in the record that would reach the Director personally - were my suits, particularly the one that is the subject of considerable space in this same Section of records.

It involved no considerations of privacy. Nor did my prior ones. Yet the Director was told that up to them FOIA requests "have been declined on the basis of privacy" and nothing else.

That the Director would not want privacy violated is a safe assumption. He was led to believe this is the only reason FOIA requests were rejected.

In this and in the record relating to Senator Johnson's inquiry I ~~am~~^{am} not appealing any withholding. Rather am I addressing what you, the Courts and I are required to accept in FOIA cases where the FBI alone knows where and how it has what filed and when all depend upon its word and the integrity of its word as well as its interpretations. I believe these

records indicate that the FBI's unconfirmed word cannot be accepted and should not be accepted in FOIA cases.

In addition, as I hope by now is pretty obvious, with regard to the records relating to both assassinations and my C.A. 75-226 in particular, the FBI has engaged in some pretty tricky filing. I have cited records that should have been in this Section and are not in it. What the FBI withholds from this Section in turn addresses the integrity of the FBI's representations as well as its prior intent not to be honest, ^{Witness its} refusal to make and keep a record of the conference and then providing what is an inherently incredible account of it for internal and again higher-level consumption and as it happened, ^{Miss led} ~~leading~~ to long, costly and continuing litigation - and this in the oldest of FOIA case, the one over which the investigatory files exemption was amended. Why else would my counsel's letter and the FBI's rejection of it not be in the file where it belongs? Only as part of an FBI advance and continuing effort to hide what it was up to.

When these are the actualities, as they are, and when such great periods of time pass and you do not act on the numerous and detailed appeals, usually accompanied by explanations I believe should be helpful to you, what else I can do to make the system work is quite seriously limited.

By now the record is also pretty clear ^{that when I obtain} ~~on my frequently using~~ records that had been withheld ^{they} establish that still others remain withheld.

Above where I refer to what I actually told SA Bresson about my old FOIA requests, where I say the FBI could have saved itself much time and trouble by knowing I would be ^{it is pertinent to cite} renewing them, ^{He testified} the testimony of SA Howard in C.A. 75-1996 ~~the next year~~ was that he was then engaged in the third review of Kennedy assassination records - but had no knowledge of my existing request for information from those very files. You have had a copy of the ^{The FBI had not planned non-compliance what I told SA Bresson would have been helpful to the FBI} list I provided. You also have my recent appeals based on continuing non-compliance.

To the degree I can I inform you so that appeal can have some meaning. I wish the record to now indicated the time, effort and cost required of me is justified. It has