

Rt. 12, Frederick, Md. 21701
1/28/78

Mr. Joseph P. Mc Mahon, Supervising SA
FBI
701 Loyola Ave.
New Orleans, La. 70013

Dear Mr. McMahon,

My attorney, Mr. Jim Lesar, has sent me a copy of your letter to him dated 1/23/78.

You delayed any response for two times the period permitted by the Acts under which we made the information request. You failed to notify us of the need for more time, unless I am unaware of a letter. And in the end you appear to resort to semantics in order to refuse compliance.

Your first paragraph is correct in stating that the request is for all records, including "of any distribution of those records."

Having stated the request correctly you then appear to resort to what in my experience is a standard FBI device for evasion, and I mean to suggest that evasion is an illegal act.

First you apply a limit the exact meaning of which is not stated, "There are two main files...which pertain to "r. Weisberg." My request is not limited to whatever you mean by "main" files. It includes all records of any nature or source and wherever or however filed. They can be minor files. They can be what you call "do not file" files. They can be what you call "internal security" files, even "treason."

You have many individual files under a wide variety of identifications. From my associations in New Orleans and elsewhere in the territory of the New Orleans Field Office you can have me under "Racial Matters-Bombing." If you have a designation for pot smokers, you may even find records of me there. You will find me in your files of clippings, as you will in files relating to Jim Garrison and what was called in New Orleans his "probe." My acquaintances and associations in New Orleans include persons I have every reason to believe were of interest to your office, whether or not that was a proper interest.

Because my work in New Orleans involved an interest in some of its agents I do ask that you abandon these devices and do what lawful behavior requires of you, make a search in good faith and with due diligence of those files that are indexed and those that the GAO has recently reported are not covered by normal indices.

Please don't forget the files on Warren Commission and Garrison witnesses.

During the days of the Garrison adventure there were meetings in the NO FO. From some of the accounts they might be described as festive occasions. In addition to the SAs there were other participants. These other participants ranged from the late David Ferrie to reporters. It may not be known to the FBI but some of your guests were not exactly what you might consider "secure." My files include reporter's notes on such gatherings and the discussions that were enjoyed by the participants, the FBI and its guests. So I again ask that on this round you do as you should have done to begin with, make a good-faith search for all records. Another suggestion is that you not overlook your files on finks.

In your second paragraph you refer to one "main" file that "concerns" my civil suit, C.A. 75-1996. You also refer to the second "main" file as "regarding records of the assassination of President John F. Kennedy and others." Of the former you state what is not true, that I have all the information in it. Of the second you say what is contradicted by FBI HQ, that it "is being processed" under FOIA/PA. Those records are alleged to have been released five days before you stated they are being processed. So this becomes rather confusing.

Some NO FO King assassination records were provided to me. Not all. Under the terms of a stipulation requested by the FBI as an alternative to filing a Vaughn v. Rosen inventory the FBI was required to give me a list of all the relevant files in certain field offices of which New Orleans was one. Instead, from what the FBI informed me, it provided me with no list of any kind, no record of copies it did not provide, and claimed it provided only what had not been provided from FBI HQ files. The New Orleans records have include directions from HQ that certain investigations be conducted. What was provided does not include the results of such investigations. I have difficulty believing that the orders of HQ were not followed in New Orleans. I also have examined certain FBI materials relating to New Orleans that were not provided by the FBI. I have received no record relating to the investigations of such materials. To facilitate a related search for all that you continue to withhold I give you one illustration.

There is a map of New Orleans that is attributed to ~~the~~ James Earl Ray. A number of locations are marked on it. When I examined it, which was after it had been dusted for fingerprints, part of this map was missing. I made some investigation of the locations marked on that map. I not only cannot imagine the dauntless FBI not investigating all the locations marked on that map - I cannot conceive of its not having had any interest in some of the locations.

Now if you have provided me with the results of any such investigations, please be kind enough to provide me with the references. I have all the records that I was told came from the NO FO files separately and exactly as I received them. I can find each section and each serial without difficulty.

There are not the only locations that should have been investigated. There also are persons who should have been investigated. I recall the reluctance of the NO FO to inquire into some of these persons. I also find no reference of any kind to others who were probable suspects of one kind or another. Some of these might be in internal security or racial matter files and others of similar content.

In short you have not complied with the requests in C.A.75-1996 and I would like you to now. I also would like what I have not been provided, a list of all the files searched and of all those sent to Washington under this suit. If the separation of what was supposedly provided from HQ files was made in New Orleans, then you have worksheets and similar records that are relevant and I would also like for purposes of checking. These also would constitute a kind of inventory.

When you tell me that some JFK assassination records are available in the FBI reading room, as you do in your third paragraph, you are deliberately/refusing to comply. I did not have to be told that some expurgated records are available in the reading room. A week before your letter questions of this nature were litigated. The FBI lost and did not appeal. I am not required to go to the FBI reading room. You are required to provide copies, not irrelevant referrals.

Your misrepresentation in this is extensive, significant and cannot be innocent. You actually represent that every NO FO record is duplicated in a single part of FBI HQ, its central files. This is false in more ways than one. All HQ files are not in central files and all FOs have records they do not send to Washington. These are only some of the reasons I addressed separate requests to the NO FO.

It is not your function or your right to state what is or is not "readily available" to me elsewhere, as at the FBI reading room. In fact nothing is "readily available" to me there, whether or not you are aware of this and the reasons for it. I believe it is your function to comply with my information requests from the NO FO files and to do it promptly and in good faith, as the Acts provide. I hope it is not asking too much to ask that you please do this now.

The volume of records provided by HQ is so great I believe it is not impossible that in processing them control over contents may not be complete. Also, some of those engaged in the processing are no longer in Washington. I therefore let you know that I was provided with some internal records that include orders that my information requests not be complied with, requests that go back to 1968. Other records reflect plans for steps to be taken against me. In one instance the word "stop" was used.

In 1969 I wrote the Attorney General to report that I had been informed of what I regarded as improper acts by agents and of intrusions into my life and work. Without checking old files I cannot be certain that I informed the Attorney General of the source of these reports to me. I did have the New Orleans Field Office in mind. I do have a copy of the referral to the Director for an investigation. I do not have the results or any other New Orleans records relating to this or to the reasons for the reports being made to me.

It may also facilitate your belated search to know that in and around New Orleans I was in association with narcotics and criminal informants.

I do not believe that the NO FO requires any help from me in making a conscientious search of all relevant records under all requests, both FOIA and PA. However, if you believe otherwise, please ask me for whatever information you may require. It would save time if you have any such questions if you send them directly to me. Mr. Cesar is not in a position to respond to them. He would have to forward your letter to me.

I have just reread your letter. I do not find it to state that you have complied with my PA request. Your letter is phrased to suggest this but it falls short of stating it. I am confident that even in what may be in the reading room you have not provided what is required to be provided to me under the terms of PA. Also, PA requires that some records that are provided to requesters not be provided to others. Prior to the deposit of the last JFK releases Mr. Cesar reminded the Department of this and that I had not waived my rights under that Act. Last summer, when the Bureau did provide a smattering of its records, I also notified it of this in writing, particularly because some of those records were total fabrications. If you have not been informed of it I also provided proofs of the infidelity to fact of some of those records.

Sincerely,

Harold Weisberg



*In Reply, Please Refer to
File No.*

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

701 Loyola Avenue
New Orleans, Louisiana 70113
January 23, 1978

Mr. James H. Lesar
Attorney at Law
910 Sixteenth Street, N.W.
Suite 600
Washington, D.C. 20006

Dear Mr. Lesar:

I have received your letter dated January 1, 1978, which enclosed an affidavit bearing Mr. Harold Weisberg's notarized signature. You requested all records of the New Orleans, Louisiana, Division of the Federal Bureau of Investigation on or pertaining to Mr. Weisberg, and records of any distribution of those records.

There are two main files in the New Orleans Division which pertain to Mr. Harold Weisberg. One concerns the civil suit Harold Weisberg versus U. S. Department of Justice (USDOJ), civil action #75-1996. The other main file concerns Mr. Weisberg's request regarding records of the assassination of President John F. Kennedy and others, which, as you are aware, is being processed pursuant to the provisions of the Freedom of Information and Privacy Acts (FOIPA) at FBI Headquarters, Washington, D.C. Mr. Weisberg presently possesses the information in both these FBI files, which are available at FBI Headquarters, Washington, D.C.

The only other references to Mr. Weisberg in the files of the New Orleans Office of the FBI are in regard to the assassination of President John Fitzgerald Kennedy at Dallas, Texas, on November 22, 1963. This information was previously processed under FOIPA legislation and released at Washington, D.C. It is available to public scrutiny in the Reading Room at FBI Headquarters, Washington, D.C., or copies may be obtained from that location at the cost of ten cents per page.

It appears that either Mr. Weisberg presently possesses the information contained in the New Orleans records or it is readily available at FBI Headquarters, Washington, D.C. The processing of these records has been accomplished at Washington, D.C., as required by the Code of Federal Regulations, Section 16.57(c). FBI Headquarters has been notified of these facts.

Very truly yours,

FRANCIS M. MULLEN, JR.
Special Agent in Charge

By: *Joseph P. McMahon / JPM*
JOSEPH P. MC MAHON
Supervisory Special Agent