



U.S. Department of Just

C.A. 75-0226
Exhibit

LS:JSKoppel:emh
145-12-2590

TELEPHONE:
(202) 633-5684

Washington, D.C. 20530

August 12, 1983

James H. Lesar, Esquire
Attorney at Law
1000 Wilson Boulevard
Suite 900
Arlington, VA 22209

RE: Harold Weisberg v. Department of Justice
(D.C. Cir. Nos. 82-1229, 82-1274, 83-1722,
and 83-1764)

Dear Mr. Lesar:

I am in receipt of your letter of August 4, 1983, proposing a settlement in the above-referenced case. Although I disagree with your characterization of the case, as I believe that Mr. Weisberg cannot be said to have "substantially prevailed" on the basis of the release of largely duplicative documents, I continue to be interested in investigating the possibilities of settlement. While your offer of a 10% reduction is appreciated, the figure you propose remains unacceptably high. I am prepared, however, to recommend to my superiors a \$10,000 settlement, which represents a reasonable reduction of the district court's exorbitant award.

I am in full accord with the view that there is much to be said for ending this protracted litigation. Thus, I remain available for further discussions regarding settlement, should you and your client wish to pursue the matter.

Sincerely,

Leonard Schaitman
LEONARD SCHAITMAN
Assistant Director
Appellate Staff
Civil Division

REQUEST FOR ACCESS TO OFFICIAL RECORD
UNDER 5 U.S.C. 552(a) and 28 CFR PART 16

See instructions for payment and delivery of this form at bottom of page

NAME OF REQUESTER Harold W. Wistoff	ADDRESS (street, city, state and zip code) Rt. 3, Frederick, Md. 21701
DATE 5/16/70	

DO YOU WISH TO RECEIVE COPIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <small>IF YES, SO INDICATE (no more than 10 copies of any document will be furnished).</small>	NUMBER OF COPIES REQUESTED 1 each	OFFICE AND CITY WHERE RECORD IS LOCATED (if known) Washington, D.C.
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DESCRIPTION OF RECORD REQUESTED (Include any information which may be helpful in locating record)
Spectrographic analysis of bullet, fragments of bullet and other objects, including garments and part of vehicle and curbstone said to have been struck by bullet and/or fragments during assassination of President Kennedy and wounding of Governor Connally. See my letter of 5/16/70

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? <input type="checkbox"/> YES <input type="checkbox"/> NO			
FILL IN IF IN PENDING LITIGATION	COURT (check one) <input type="checkbox"/> FEDERAL <input type="checkbox"/> STATE	DISTRICT	NAME OF CASE
			DOCKET NUMBER

There is no prospective litigation if request is complied with

Harold W. Wistoff
SIGNATURE

FOR USE BY DEPARTMENT OF JUSTICE ONLY

HIS REQUEST IS:

GRANTED

DENIED

REFERRED

A MINIMUM FEE OF \$3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box)

FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD \$ 1.00 _____

FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL \$ 1.00 _____

COPIES OF DOCUMENTS:
50¢ FIRST PAGE, 25¢ EACH ADDITIONAL PAGE _____

FOR CERTIFICATION OF TRUE COPY \$ 1.00 EACH _____

FOR ATTESTATION UNDER THE SEAL OF THE DEPARTMENT \$ 3.00 EACH _____

GSA CHARGE _____

TOTAL CHARGE _____

Payment under this section shall be made in cash, or by United States money order, or by check payable to the Treasurer of the United States. Postage stamps will not be accepted.

This form may be delivered to any of the offices listed in 28 C. F. R. 16.2 or mailed to: Office of the Deputy Attorney General, Department of Justice, Washington, D. C. 20530

FEDERAL GOVERNMENT

June 7, 1978

Assistant Attorney General
Criminal Division
Attention: Mr. Robert L. Kauch
Director, FBI

- 1 - Mr. Mintz
(Attn: Mr. Coulson)
- 2 - Mr. Bailey
1 - Mr. McCreight
- 1 - Mr. Foster

HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

Enclosed are the original and two copies of a memorandum responding in full to an HSCA request of May 11, 1978, which asks for delivery of [REDACTED]

HSCA

(Handwritten initials)

The Committee is making this request at the FBI's suggestion in lieu of a request for all President John F. Kennedy assassination files in both Field Offices.

Several weeks ago, HSCA Staff Member Robert Genzman informally inquired regarding the feasibility of obtaining all assassination files from the FBI's Dallas and New Orleans Field Offices. He was then advised that the sheer volume of such files (approximately 4196 volumes or 170,000 pages) would create a severe burden on the FBI to obtain, reproduce and process them for HSCA access or delivery.

REC-5 62-117290-958

It was pointed out that such an undertaking should be approached with judicious consideration since, as the Department is aware, in a case such as the assassination of President Kennedy, all substantive information being reported and recorded by intra and interoffice communications was ultimately included in reports or communications furnished to FBI Headquarters (FBIHQ). The HSCA has already had access to or delivery of all such reporting from the FBIHQ files on the President John F. Kennedy and Reverend Martin Luther King, Jr., assassinations. Furthermore, the HSCA has also received delivery of the Memphis Field Office files in the King assassination and these should amply demonstrate FBI reporting procedures. If the Committee has found anything to the contrary during a review of these files, it should, perhaps, be requested to identify such a specific instance in order to show cause why it requires review of the voluminous Field Office files pertaining to the assassination of President Kennedy.

JUL 7 1978

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

(Handwritten signature and date)
Delivered 6-7-78

SEE NOTE PAGE 3. . .

57-26 ENCLOSURE

Return to [Handwritten name] Rm 8988

FBI/DOJ

Assistant Attorney General
Criminal Division
Attention: Mr. Robert L. Kauch

In order to assist the Committee, it has been suggested to Mr. Genzman that the Committee make this present request so that upon delivery of the preassassination documents, it might thoroughly analyze and compare the Field Office documents to the FBIHQ documents already furnished. By so doing, it should become apparent to the Committee that no substantive information bearing on the course or outcome of the Lee Harvey Oswald investigation was omitted from reports or communications ultimately directed to FBIHQ.

In addition, it has been suggested to Mr. Genzman that, once the HSCA has had ample opportunity to thoroughly digest the contents of the preassassination Field documents as compared to the FBIHQ documents, should it have further reservations about the type of information residing in Field Office files and not sent to FBIHQ, it might then consider requesting documents from the Dallas Field Office post-assassination files for a very narrow time frame. If this fails to satisfy Committee requirements and if you concur, the Committee would then be offered a copy of the Freedom of Information Act release on the Dallas Field Office President John F. Kennedy assassination files, which will be produced in response to a pending request from Mr. Harold Weisberg. However, it is estimated that at least 90 days will be required to process the Dallas Field Office files requested by Mr. Weisberg.

In short, an existing court order requires production of the Dallas and New Orleans Field Office files for Mr. Weisberg. Absent a compelling reason not presently in evidence, it is felt that a Committee request for a separate production of all Dallas and New Orleans Field Office files would create an undue burden on the FBI's already strained resources in this area and should be resisted strenuously.

You are requested to furnish a copy of the memorandum to the HSCA.

Enclosures (3)