

Personal files request, with Kelley's letter 10/14/77, received 10/17/77

- * No serial or file identification on first record, Wiseman affidavit of 4/21/76 in 1996. Question: Is this the actual record or a replacement? Bears no marks, identifications, etc. No serial or file identification, our motion to compel answers to interrogatories, noted "received 3/25, opposition due 5/6/76 J?D" With all its many attachments, including my long affidavit and its exhibits, through V, not a note or mark or file number. Replacement copy
- * to withhold marks on the one they had on file, notes, comments, etc?
100-351938-37 4/15/75, Kelley to Lesar. It forward 54 pages of lab material. Copy indicated for "Bufile 62-115530 (FOI REPLIES)" lined through. Refers to prior release with 4/10/75 letter. About 15 sets initials, attached. Rough count 55 pp. 37 has Susan M. Huaser's forwarding letter to FBI, FOIA unit. 37X Lesar's requesting letter of 4/15/75; 4/29/75 Legal Counsel to Mr. White is 37X1. No file notice on Lab Addendum 11/14/75 Kilty itemizing 8 records all but last lab worksheets, note. Last muzzle and windowsill pic.
??-X Legal Counsel (LS) to J.B. Adams. In review of situation he says they "agreed that the production of these documents would satisfy his request and moot the pending civil suit." After reporting status case, mentioning what Ryan said, three lines obliterated. One new name in copies typed at bottom is Mr. Sarhatt. The second page recommends approval of attached Kilty affidavit of 5/13/75 and has this language for which there is no basis in memo except perhaps in obliterated part: "In an effort to comply with Judge Pratt's wishes for an early determination of this matter."
Several copies of Kelley letters ~~file~~ follow without any file markings, same re our interrogatories to ERDA, Schurr's 2/14/75
39-6/20/75 Stack to Cochran (initials for Stack JWK or Kilty), copies to Blake, Bresson. This reports that Kilty got in touch with Heilman re curbstone. It also refers to records "concerning his examination and available in the Oswald file," which hardly seems to reflect either a real search of the kind of designation the lab would have for its lab work. This is ~~the~~ the report on the absence of the curbstone spectro plate. We were told by Kilty, Bresson and Frazier months earlier that they had them all. How could that have been "destroyed along with other plates which are disposed of periodically ~~1/1/75~~ according to policy set down in Bufile 62-38539" when all records were to have been preserved and all the other- and earlier - plates are supposed to have been preserved.
40- 6/17/75 M.J. Stack to Cochran, about my move to strike the Kilty affidavit, which is not here. States ~~file~~ that "Weisberg's requests ... were limited to the spectrographic analysis of lead smears from the curbstone." The most casual glance at the request proves this to be a fabrication. "The Laboratory has available a single page worksheet prepared b2" Shaneyfelt, which does not say that is all there is or of which they know. They say this single Shaneyfelt sheet "may be applicable to the 'microscopic study'." The second reason is likewise a fabrication, "concerns the fact that Weisberg was not given an FBI Laboratory Report dated December 5, 1963, which concerns the results of examination of the clothing of the President. Weisberg did not request this report." Not by date. I asked for all reports, which includes that one. This is how they deceive those above by misrepresenting the request. Ref to Archives CD205:153-4 not relevant to my request. I asked for their records, not those of Archives. The attached worksheet is one I've not been given. It has lab file numbers not masked. This report requires there to have been other records of that study not referred to here or produced. It also refers to filing in Dallas, 2 copies for 100-~~661~~ 10461 as well as Lab 105-8255-4668x? and Lab File #D-455927. The Hoover 8/13/64 letter to Rankin, names upper right masked, attached.
41-6/16/75 M.J. Stack Jr to Mr. Cochran on 5 pp released to me via Jim 3/31/75. It says the five pages are attached. Two are, the worksheet on the curbstone spectro and the sheet of two sketches. What had been obliterated from the worksheet is "file 105-82555-4668X and Lab File D-455927 HO and PC-81827 BX CP. Underneath exam by Shaneyfelt, typed in is written "Hal Griffith" and initials PH. These provide records to have been searched and not attested to as searched. After reporting that in a memo of points and authorities we "asked for this spectrographic testing" the rest is obliterated. So is the end of the memo save for recommendation, that the attached supplemental affidavit be approved and hand-carried to Ryan and Axelrad. 9 sets initials plus hand note. Aff. 6/23/75.

Serial obliterated with a large black box of obliteration. 6.20/75 Stack to Cochran referring to memos of 6/16 and 17 and par Memo Points and Authorities and Hoover to Rankin and what Rankin said at 1/27/64 ~~pr~~ ex sess. All else obliterated.

Serial 44 is 4/29/75 Kelley to Lesar. This means 42 or 43 is missing. Hauser's forwarding memo part of 44 with JL's 4/15/75 request. "NO _____" ~~written~~ written in margin opposite Item 7, other writers. Also 44 is 6/27 letter to James H. Lesar with AKAs written in as Jim Lesar and James H. Note at end lists all those opposed to compliance and to rejection.

* 45- 9/19/75 Kelly to Johnson on my Nosenko request. One of the attachments is an illegible letter from Archives or list. We should get clear copy. Johnson added note relating to 1/21/64 transcript.

46- This is the one that says "I will not release." It also includes my repeated request for the 11/66 press release under FOIA. Notes illegible. This is probably 46X. 46X1 is the letter enclosing a copy. The internal note added is longer than the letter, ~~which~~ It begins by identifying me as a "frequent critic of the Warren Commission. X1 inc. press release.

* 47- 12/19/74 Kelley to me re my undescribed request to AG, date of it not even given. Note at bottom internam copy refers to their 12/17 Legal Counsel to Adams. Includes a worksheet relating to 226 that I should have had to attach to my affidavit showing that as of 11/23 and the completion of the clothing tests the client for the work was still the Secret Service. Note that while the file number given is illegible there were numbers added when masking to that of the curbstone spectro. It and the 8/12 letter to Rankin are masked as they were when given to use, to hide the names of those with whom we could check compliance. Still Serial 47 M.E. Williams to Mr. White 3/19/75. He proposes listed documents for release to me, 5 items, 3 pp of Item 1 only on NAA, all others spectro. Also 47 is my renewed 11/27/74 spectro-NAA request. It makes clear that what the FBI said I did not ask for I did ask for, including all objects said to have been in contact with bullet(s). 12/17/74 Legal Counsel to Adams says it has proposed letter to me attached. Not attached. Not it does not question the existence of the records I ask for and is aware I want final reports not raw material. Says no longer can claim immunity.

48- 12/5/75 Axelrad to Mogen, DJ 145-12 2521 asking for litigation report by 12/19. Then 226 complaint.

* 49- 12/19/75 Director (PTB) to Civil (Greenspan) re their 12/5. Extensive copy designations. This on 1996. Suggested reply to complaint entirely obliterated. Followed by false claim to complete compliance 4/15 when not yet complied with. The note interpretes Tyler's letter as to "furnish him all he requested." After the file and before the 49 is B. Some of the earlier letters are attached but still not the one I wrote to Tyler asking that my request be processed, not a rewriting of it. But maybe it was earlier in this volume. I think it is.

* 50- 1/19/76, Director to Civil re their conference of 1/14/76. Last graf masked. Note at bottom "SEE NOTE PAGE 3." This is the only page, so at least 2 are withheld and not indicated as withheld here. On 226 appeal. Also 50, 2/10/76 Legal Counsel to Adams re their 12/19 and to 1/15/76 from USA, carbon provided FBI by DJ, attached. Rest obliterated. Wide distribution. But Silbert's letter is 53. Where are 51 and 52?

* 54X- 3/9/76 to Lesar. Also marked 54 is 2/20/76 Legal Counsel to Adams, large graf masked, on 1996. All 2d page masked except recommendation their draft be approved, re interrogatory answers. They were talking about protective order, which I recall was on the calendar when we got to the courtroom.

Another volume, mistakenly marked as second by me, notes next.

Personal files request, with Kelley's covering letter 10/14/77, received 10/17/77.

100-351938-55 first in first volume. o 3/2/76.

55X is Wiseman's letter for McDermott to Cochran. It discloses that they deliberately and knowingly rewrote my requests claiming in my interest; that they knew I wanted otherwise; that the Department had asked that they accommodate by 3/15 as per Lesar's attached 2/23; that they had "photographs of the scene," apparently to Wiseman's knowledge, all on p.1.

KILTY'S LAB ADDENDUM REFERS TO SERIALS 432 and 4682. I do not recall his giving us anything bearing those serials. ~~xxxxxxx~~ These appear not to be MURKIN numbers. General Investigative told FOIA unit that MFO had pix 3/8/76.

Second copy Lesar's letter 2/23 attached, not copied for him. Copied is Lesar's 12/29/75 in response to Tyler's 12/1/75. Note that they marked crime scene graf p. 1.

Wiseman/McDermott refer to Dept., not here. Will note if below.

Tyler's 12/1/75, Lesar's 4/15/75 repeated. Copy 4/15 for Kilty note, not complete.

* JL-Ask for full copy. Note 11/20 date on it. Copies Mintz, Cochran,

56- Legal Counsel (PTB-Blake) to Mr. J.B. Adams 3/10/76 refers to its 2/20 as Ser 54

They did not know we amended complaint until mid-February, not even that Dugan had filed their answer! Richard Greenspan Dept. Atty handling. Copies to Cochran (Kilty); Gallagher (Helterhoff); McDermott (Wiseman); Moore (Gunn); Mintz Litigation (Blake). These are other files to check. 7 attachments.

Note FBI does not question legitimacy of amending complaint, not in any way. Dugan appears to have fabricated that one. Some of their court records worth rereading, JL, in the light of what followed and for DJ's info. They claim that asking how they compile or represent results of tests is outside request for them. Interrog's 12,13. On the answers obviously there are records compiled in preparing responses. Not included. If immune, suggest Zusman's people look at them.

57- as 56, inc. copies, dated 3.25.76. Masking first page. No specific exemption here claimed. If covering letter refers to earlier claims, they do not relate to specific withholdings and thus require an appeal that might otherwise be obviated. This is memo on our 3/23 conference. P. 2 they admit "some delay." FBI and CRD offered "strenuous" objections to Tyler's assent 12/1.

To here they seem not to have included my letter to Tyler insisting that my request is what I asked for, not their rewriting of it, unless as I do not believe it was in first batch.

Note that on p. 4 they allege that Jim was told prior to filing suit what Tyler would respond. This has to be false, even in their evasive language.

* Comparing 3 and 4 it appears that the other rifles were tested and we have not been given the results. Ask them for every sheet of paper relating to the rifle and what is alleged to be connected to the rifle now, all tests. I've just finished arguing with John after telling him they were withholding on this. Item. I wrote earlier.

This seems to represent the few, I think about 10 pages we then were given as all the ballistics stuff. Two grafs masked.

57X- McDermott to Cochran (Kilty attn and Blake under Mintz) 4/9/76. On copies photos made. Hand note refers to "Memo 5/4/76."

58- 4/9/76, J.M. Powers to McDermott, copies Walsh (Groover); Mintz (Blake), Cochran (Kilty). Records we were given appear to be attached, showing same, apparently, excisions.

Not Recorded 4/9/76, MFO to HW, Murkin Serial 6112X on my requests and what it forwards. F-480 noted lower left corner p. 1.

* 59- 4/21/76, Legal Counsel to Adams recommending that attached Kilty affidavit be approved. There should have been something like this in 226 that was not provided? Does this account for delay in sending these records, two weeks after we sent check?

This makes it clear that Dugan was involved with Blake and knew what was going on and what we were and were not getting. This is 4/20/76 affidavit, 9 pp.

* 60- 5/10/76 Powers to Decker on costs represented in my check of 5/5/76, \$37. They charged me for searches of records then then made available to everyone?

61- 5/7/76 Legal Counsel to Adams re our 5/5/76 meeting. Similar copy distribution as above, less than some, no new names. Initial of writer PCM.

Misleading ref to review of WFO material. Virtually none displayed or referred to. This also reflects correct understanding that I told them I could prove they were holding back, not in compliance, p. 2, "...plaintiff ~~expressed~~ repeated his belief that the FBI possessed additional material not furnished him which would be responsive to his request." In fact I even filled in the names they withheld from records, all public domain. They also acknowledge I'd stated this at earlier meeting. They have Paul Wurtzel's name spelled correctly and have it accurate, that he was driving me that day.

P.4: "Mr. Weisberg strongly suggested that the scope of his request had not been complied with..." and that what they had given represented holding back. Includes my specification of records sent to WFO based on receipt (not my total knowledge). They admit I told them where to look and claim they asked that I do it in writing and that I refused. I do not recall this but can't they make notes when I tell them? Nothing further on WFO. They even admit I told them about WFO 3/23/76 but by this date had provided nothing and not claimed to have inquired or searched. They conclude with the claim they have not been able to locate what is responsive to my request. Compare with what they have since delivered.

62- 4/21/76, Legal Counsel to Adams by PTB, similar distribution indicated on typed copy plus others, bigshots, via stamp. Like Adams was reading all of this. This one is re attached Wiseman affidavit not attached. Get this copy, if they did not supply it it may have notations of interest. Dugan and Blake again in on preparation of affidavit. Not Recorded? 5/13/76 No visible serial, Leg. Counsel to Adams, similar distribution. Covers Time letter of 5/6/76. This letter was not written until the day after they showed me the Louw pictures.

Claim I'd been ~~shown~~ "furnished all non-exempt records located at FBIHQ within the scope of his request." They say that when I said otherwise "we voluntarily searched the Memphis office for any additional material which would be responsive to the request, They do not claim to have heard from me until day before I saw pix, then by phone, with ref only to copyright protection if I published their pix.

Whether or not part of this there is a memo on attachments to a 5/6/76 letter to Judge Green and attachments omitted by accident. What follows is Dunphy receipt and some notes they made. JL NOTE comment in hand re McMillan, requests, access? From CRD.

From May to September Canada got nothing from FBI.

63X 5/19/76 Lesar to Wiseman, 5/28 Kelley response, copies to Dugan, Susan Hauser in DAG off and Greenspan, Civil. withholding

Includes copies of pages we used showing silly and unnecessary and wrongful ~~without~~ without comment about them

64= Final order in 226, Axelrad to Philip Mogen, Chief, Litigation Unit FBI FOIA.

Are his initials on a record above?

65= 6/2/76 Legal Counsel to Adams. Re attached Wiseman 6/2/76 affidavit, in response from Green's directions that same day. 14 pp.

Not recorded following is 3/26 transcript, indications distribution many copies. P.11 on masking Green says there ought to be some explanation and Dugan agrees.

66= 6/1/76 Legal Counsel to Adams to recommend approval of attached affidavit, Donald Smith's due by next day. Executed 5/28, 11 pp. Re 12/23.

67= 6/14/76 Decker to Jenkins re 5/6/76 Time letter.

68 Missing-no sheet to explain why? Below 69. Out of sequence when bound.

69= Silbert re Rex Lee, DAG, Civil (Greenspan). On compliance and what they have to show court, not ever done. 68 is ditto 5/20, covering 5/18 transcript and calling attention to what court wants done on pp. 24-5. JL read all attached pages. I've started at 22 for you. This relates to 4/15, still not done or complied with, for Zusman, Schaffer, etc.

70= 5/4/76 memo of J. Cochran Jr. to McDermott, to which there were 28 enclosures and with record copies to McDermott (Wiseman), Mintz (Blake) Cichran, Herndon and Mones, records a cost of 2 hours or agent time and 6 hours of photographer's time to make eight color and two black and white prints of what I'd asked for. I'm lost in his arithmetic which makes a total of 29 picture copies but it certainly was nice of them to charge against me the time it necessarily required to have added attachments in the same number, even if only McDermott got duplicates. Now it must have been important for McDermott to know that Cochran estimated this work done at prevailing commercial rates would be \$97, for he told him so

I don't really think the photo lab was soliciting business from the middle ranks of leadership, but what a wonderful way of advertising while not advertising. But Honest Tom Wiseman "inasmuch as the prior charges so they added it all to \$32.

71= Number not clear, is McDermott's 3/30/76 to Cochran (J.J.McD, TLW initials) re JL's 3/5 that is next. It locates the death bullet pictures in "44-38861 5920 (section 5 of the bulkies)." I recall no breakdown on the bulkies being provided.

72= 6/16/76 Silbert to Rex Lee (by Dugan) June 10 transcript attached and cited to belief Green is about to lean on them if they continue to stall. Cites tr. 20-2, attached to JL's copy. On p. 17 she said she ruled that the names of agents may not be withheld. She gave the government the option of briefing if it did not accept. I recall no such brief. She repeats this at 20-2. Smith's 5/28 affidavit follows.

Numbering unclear, uncertain or absent beginning here with 7/12/76 Legal Counsel (PTB) to Adams attaching appellate No. 75-2021. Decision attached. Number appears more like 75 than 73.

74= 7/14/76 Axelrad to Mogen on same decision, copy attached, and instructs that they respond to discovery requests in 226. JL- did they really? JL-note marks and comments on this copy of decision.

74 request for 7/1/76 no visible serial, Silbert (Dugan) to Rex Lee re JL's 6/30 certification of compliance, attached. See no end, asks help of Criminal, Civil Rts, Vivil, FBI/OGC (Blake).

* Beckwith's 2/28/77 affidavit acknowledges that indexes are pursuant to copy order..

* 79 or 74? 11/18/76 Legal Counsel to Assistant Director, Records Management Div. with a Smith affidavit attached, date I can't make out. Bad copy. JL-not they gave affidavit to Lynne Zusman but appear not to have told her that they checked and learned that in fact my requests had been ignored. Copy for her

78-9/16/76, number clear, Bresson to Decker, Howard to testify that day.

77= clear number-is next, 10/15/76, Director (TLW) to Shaheen. JL:Note that this says they have referred my earlier letters to OPR. That means OPR has records to provide in response to my personal files request at least. Carbon Kelley 9/20 is 75X

72, last digit not ~~any~~ visible, 10/5/76 Legal Counsel to Assistant Director, Records Mgt., to furnish our 8/12/76 Req. Prof. Docs. Dugan did not "advise the FBI of this or furnish us a copy until 9/17/76." Page 2 Off Legal Counsel says they do not have to copy because questions are broad. Note that this refers to 226.

75X re 77, TLW's for Kelley 9/20 passing buck. "note copies, note p. 2. ,y ltr attached.

80-2/28/77, Asst Dir. Legal counsel to Zusman re Beckwith affidavit. JL-Note file indications.

??-2/17/77 Frazier's request for legal counsel. Serial also incomprehensible attached copy of subpoena. 83 is court reporter's certification that Frazier did not respond to notice. Serial on similar to Cunningham, 3/15/77, not visible End first bound unnumbered volume.