

Mr. Clarence Kelley, Director  
FBI  
Washington, D.C.

Rt. 12, Frederick, Md. 21701  
11/20/76

Dear Mr. Kelley,

Well, the press has finally caught on that the country's top investigator does not know what goes on in his own office. He says. Deniability being what it is in speakden this is possible. So in the alternative, that he does know and that this misconduct serves what he chooses to regard as the FBI's interest. Either, in the day when considerations of honor prevailed in public service, would cause resignation.

I am aware of NBC's Carl Stern's broadcast and AP's Margaret Gentry's story and I am aware that these are not adequate explanations by our chief investigator. I am aware because I have seen to his knowing by mail, including certified mail, until it became apparent that our chief investigator could not even guarantee that his mail was entrusted to his FBI, some being signed for by the Office of the Deputy Attorney General. How good an investigator is one who can't receive his own mail and can't see to receiving it?

Your boys have committed felonies other than burglarizing those you and they do not like. Perjury is a felony. They practise it regularly, including in a current case under FOIA about which AP wrote 9/17. With regard to that your people lied to AP in saying "there is no indication when additional files would be made public." They know this to be false as I do. I am the litigant and I have official assurances.

I am aware that lying in your name does not trouble you because you did not respond when I called it to your attention. You have made not even pro forma denial of perjury by your agents, not even in court where it was proven repeatedly. Even admitted. There seems to be a good probability that those who committed these offenses or their office mates wrote the letters bearing your signature. Even those in which you refused to consider punishment and refused to forward complaints about these felonies to your in-house whitewashing operation called the Office of Professional "responsibility. It shares your faith in non-response.

So it is not true as you swore and as Ms. Gentry interpreted your words that you are without knowledge because you are not told. I did tell you. If you are without knowledge it is because you can't run your own shop and refuse to punish where punishment is needed and deserved. It is not because citizens do not seek to inform you. It is rather because the FBI has not changed except in its efforts at public relations, meaning public deception. The need of the Bureau and of the nation that needs the Bureau is not for a chief whose proud beast is of either ignorance or incompetence. Rather it is genuine reform and a cleansing of these evil practises.

In your name courts are lied to with regularity. This has yet to trouble you. What do you do besides make speeches? If the FBI needs a Director the Director should work and should control the FBI, not be its creature.

Maybe your counsel also keep secrets from you? These same counsel to whom you have referred me and <sup>also</sup> lie in your name to the same courts.

You can't even tell the truth about such simple matters as sequential numbers in FOIA cases. I try to get you to assign them to eliminate the built-in trickery for non-compliance. You write me and tell me you will not use them then you do use them and fail to give me the numbers you have assigned to my FOIA requests. No wonder. They go back to 1968 and 1969 and are without compliance when the law stipulates 10 days. There must be 25 that are so long overdue they are well past the oldest date in your manufactured backlog. With even your fabricated statistics you lie, as I can show you with letters you wrote others wailing over these great burdens you created with the intent of nullifying the Act you do not like because it makes you and the FBI accountable.

CC: Margaret Gentry, Carl Stern

For shame!

Harold Weisberg

Rt. 12, Frederick, Md. 21701  
11/20/76

Dear Margaret Gentry and Carl Stern,

In sending you carbons of my today's letter to Clarence Kelley I seek not attention but to inform you.

If you think the allegations of false swearing are exaggerated you are welcome to the records in a number of my FOIA cases. There is none in which the FBI sullied its record by not swearing falsely. If Mr. Stern still has the copy of my Frame-Up, assigned to him in early 1971, he will find that the final chapter deals with my first FOIA suit for suppressed King assassination evidence. A C.A. 718-70 Judge Curran awarded me a summary judgment, the offenses of the Department were that serious.

There is factual error in AP's account of these 442 released pages. They were not released in response to "requests." Mine that is the only one in court, C.A. 75-1996, before Judge Green. The requests involved date to 3/69, believe it or not. This is the real FBI in FOIA matters. I'm to get all these 18,000 pages at the least. They are but a miser fraction of the totality of the relevant files. However, I do get them earlier, those 442 pages by two weeks. If the FBI charges you the usual 10¢ a page you are welcome to xeroxes of what I get when I get it. The cost will be about half. If you want this and will pick them up at the xeroxer's it represents no real difficulty for me because I am preserving what are for me the originals for deposit in a university-system archive. I have copies made immediately from them for me and my lawyer. I will be doing this as long as I can pay for it. I've filed for a waiver under the Act and intend to pursue this in court if DJ denies it.

There is only one reservation on this. I became James Earl Ray's investigator after "Frame-Up" was printed. I did not tell Mr. Stern this when we met because I have not used this for any personal purposes. Ray has signed a privacy waiver for me only with regard to the next batch of records. When they are given to me they will, if DJ has been truthful, include legitimate questions of privacy. On such records I believe it would be better to obtain those that are supposed to eliminate what is a matter of legitimate privacy.

There is a total of 88 admitted volumes in FBI HQ alone. The first two total 440 pages. The extra two are from the third volume. I do not know whether either of you or your agencies want all this paper or want to read it. There is more that I have. FBI is not the respondent. DJ is. I have other records and other FBI records, including some pictures.

Arbitrarily and falsely the FBI is interpreting these 88 volumes to be relevant to a separate request I've made. This and their having misrepresented to the court is why they are treating this separately. Otherwise they'd admit more false swearing.

Ms. Gentry can satisfy herself on this false swearing easily now that AP has these 442 pages. SA Thomas Wiseman swore that there never were any other suspects and that there were no pictures of the scene of the crime. There is one Memphis FO communication forwarding as I recall 47 pictures of the scene of the crime in these 442 pages and many references to other suspects. The AP story refers to "Lautman and KKKs. There are others. I have more than 100 other pix, in this cause. These 47 are still withheld despite the contrary holding of the court.

James H. Lear is my lawyer. His office number is 223-5557. He has an office in his home also, 484-6023. By a carbon he will know of my desire that he make any records you may want available, including affidavits and transcripts. Subject to his judgment this extends to the two other FOIA cases he now has in court for me. One is the oldest of all, for the still-suppressed results of the scientific ballistics-type tests in the JFK case. The first request was in 1966. It has been to district and appeals courts three times each, to the Supreme Court and is the first of four cases cited by Congress as requiring the 1974 amendments. In July it won a sweeping remand for me from the appeals court. It held that

what I seek serves the nation's interest and that I "must" take first-person testimony from FBI agents who retired rather than be subjected to the discovery process. I knew of no precedent for either. That decision is "e. 75-2021. The case is C.A. 75-226. It is the first anywhere under the amended Act. The other case is for the still-suppressed Warren Commission executive session transcripts. I've forced the government to give me all except two full ones and 10 pages of a third. These are at issue in C.A. 75-1448. The 10 withheld pages of January 21, 1964 deal with an unnamed defector from I presume the KGB. All of that of 6/23/64 is supposed to deal with Nosenko. The 5/19/64 transcript is withheld on grounds of alleged privacy. I believe it is really withheld because it can expose Gerald Ford as a latter-day McCarthy in his effort to get to liberal Democrats fired by the Warren Commission. One is Herman Redlich, now dean of the NYU law school. The other is Joe Hall. He was one of John Ehrlichman's lawyers. He is also the partner of Pat Brown, father of Jerry's unsuccessful Democratic aspirant. This one was submitted for in camera inspection about Ray or Jhae. In the case itself I won an order requiring the CIA, not a respondent, to answer interrogatories. This was only last Thursday, mix 11/18.

Although I have a new book on the King assassination 2/3 in draft I have no desire to withhold anything I get in C.A. 75-1996. I plan no writing based on the other two cases. Later I'll probably use parts of what I hope for in C.A. 75-1448. Prior use by others is no problem if you have any interest.

Because there is the new committee while I'm writing I make several suggestions. If either NBC News or AP wants copies of the Warren Commission executive sessions my copies can be borrowed. I have all in xeroxes. I've used two, those of 1/22 and 1/27/63 as copy in two books, the fourth of my Whitewash series (which AP has) and Post Mortem. With that of 1/27 the cost of the book is less than half that of xeroxes from the Archives. It also has facsimiles of many other documents and copies of some court and other records. While I used my best copy of that of 1/22 in Post Mortem, which abounds in previously withheld records, I do have another copy that will yield clear xeroxes. It is available. I do not recall if AP has a copy of Post Mortem. I was not able to take it to NBC because it was printed while I was hospitalized ~~for acute~~ thrombophlebitis. Thereafter I was not able to promote it. I believe this book will be basic in the House investigation - if it is for real.

I'm not sure, "r. Stern, but I think I gave NBC radio news copies of the first records obtained in C.A. 75-1996 a year ago. I was then still pretty weak, weakened more by the trip to Nashville for confrontation with David Hollin that led to his asking for a new investigation two days later. If I did provide them, Herb Brubaker covered that press conference.

I did not intend to run on at this length. However, my purpose is to inform and try to be helpful. For several years this is going to be a live story. For those who would like a primer to the JFK assassination far and away the simplest is Presumed Guilty by Howard Reffman, now in a hardback reprint by A.S. Barnes. Other than my own work I can recommend - healthily and respectfully - only that of Sylvia Meagher (pronounced Mahr). Her Accessories After the Fact is now available in a Vintage reprint. It is superb. In about a month she will retire as a WBO editor. She will then leave on a round-the-world cruise and will not be available. I'll enclose lists of my books. "Frame-Up is the only book that disagreed with the official solution to the King assassination. It provided the basis for reopening the Ray case, now before the Supreme Court - cert. Jim Lesar is Ray's only counsel of record, by order of the sixth circuit court of appeals. He and I both have the 13 volumes of transcripts of the evidentiary hearing in that matter of 10/74. I believe these also will be basic in the work of the new committee. They have xeroxed my set of transcripts and that of the guilty-plea hearing. Lesar has the name index I've had made to them. He also has a full set of the many exhibits. I do not. For anyone who is going to cover the House committee I believe I am suggesting basic factual materials and such reading.

Sincerely,  
Harold Weisberg