

7627 Old Receiver Road
Frederick, MD 21701

December 4, 1979

Mr. David G. Flanders
FOIA/PA Branch
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Mr. Flanders:

Almost nine months ago I drafted the enclosed information request and the accompanying letter to Mr. Bresson, intending to discuss them with Mr. Lesar. It then was not possible to have this consultation. I then forgot until I came across a copy of the enclosed rough draft. It does not have the identified attachments referred to. If you desire them and cannot obtain them conveniently from your own records, I will search for them and provide them.

Our facilities and capabilities are limited and we are getting along in years, so I hope you will understand my use of a xerox of the rough draft for this request rather than having my wife retype it.

Sincerely,

Harold Weisberg

Enclosure

Information request of Harold Weisberg

This is my request under FOIA and PA for all records of any form, source or origin located and/or collected for and/or provided or not provided to the recent House Select Committee on Assassinations; for all such records directly or indirectly relating to political assassinations located and/or collected for and/or provided to or not provided to the Senate's intelligence committee and particularly the former Schweiker subcommittee; for all inventories asked of and/or provided by all field offices and offices of legal attaches and any other part of the FBI, including headquarters; for all indices, catalogues or inventories of any form or nature relating to the foreign; for all records relating directly or indirectly to the collecting and the providing and/or not providing of such records to these committees; and for any and all records prepared or compiled or to be compiled, prior to full and complete compliance with this request, relating to these committees and their work, particularly but not limited to what is believed to be error in or criticism of their work, conclusions, reports or any other published material, especially with regard to but not limited to executive agencies and their functioning and those known as critics of the official explanations of those assassinations and the agencies involved in these explanations and investigations.

Dear mr. Bresson:

The attached information request is for a large volume of records, as I am aware. To a degree it may appear to duplicate prior requests. It does not and is not intended to. While under the Acts I am not required to explain my purposes or interests, I believe it can be helpful if I do.

I believe it will help achieve compliance with minimum cost and trouble if the FBI believes me and accepts my offers of assistance, as in the past it has not, resulting in considerable cost to all parties.

This request is largely for information relating to two major crimes and their official investigations, what have been determined to be cases of unique historical importance by the Attorney General,

Though its counsel the FBI has in different ways told ~~me~~ two different federal courts that I have unique subject matter knowledge and expertise.

Beginning with the appeals court decision in No. 75-2021, I have been increasingly forced into a public-service rather than a private role in these matters. Public obligations ^{were} added to when the FBI made its own substitutions for my actual requests; by the Attorney General's historical case determination in my C.A. 75-1996; and by his similar determination regarding the assassination of President Kennedy.

Over a long period of time it has been official policy not to comply with my information requests. My first request relating to the assassination of President Kennedy was on May 23, 1966. My first requests relating to the assassination of Dr. King were in early 1968. On the highest levels the FBI decided to ignore my requests and not to comply with the Act, which requires that no requests be ignored.

The FOIA/PA Unit has some knowledge of this. Not long ago the Unit processed records of the Washington Field Office that had not been provided in compliance with my PA request. I attach a page from WFO File 197-22 which reflects this and the Unit's knowledge.

While I would have preferred for my information requests to have been complied with and to have been able to use this information in the writing I planned, this has ~~not~~ been made impossible by the FBI's refusal to comply with my requests.

I am now nearing my 66th birthday. I am in imperfect health. While I still want very much to resume writing and to use the information requested in my writing, I do ^{not} and will not shun the public responsibilities that have been thrust upon me.

As the FBI is aware, I have established a public archive for all this information and much other information I have collected over many years. I also make individual segments publicly available whenever use can be made of them.

Spectacular as these crimes were and controversial as discussion of them is, I do not approach them as whodunits.

Like President Johnson I am not satisfied with the official investigations and their conclusions.

Their consequences and how agencies functioned or failed to function are of great interest to me and I believe are now and in the future will continue to be of interest to the country.

Political assassination is, to me, the most subversive of crimes in a representative society. Political assassination negates the entire system of our society. If ^{neither} men nor institutions are perfect, I believe that those who drafted the Declaration of Independence and the Constitution conceived and established the best system of self-government known to the world, established ^b more individual freedom than the world has ever known, recognized that

such a system would always be in varying degrees of jeopardy and undertook, to the degree they could, to make the preservation of this system possible by individual Americans. In my view this responsibility ~~is~~ devolves upon those Americans willing to assume it.

It also is my belief that the Freedom of Information Act is in this spirit and has this purpose whether or not those in government at any time so regard it or requests made under it.

If there were any failures in these times of crisis and afterward the result is danger to our system of society and an invisible but omnipresent threat that may be perceived by political leaders.

I believe, for example, that any inhibition on a president's freedom to make any decision he may believe to be in the nation's interest when he anticipates opposition from any powerful interest becomes a danger to the nation.

If there were failures or if there were both failures and excellent work, then to the degree possible ~~this~~^{all} should be known to the people.

Individuals inside the government have relatively narrow responsibilities and perspectives. They can be dedicated to meeting what they regard as their responsibilities while lacking broad perspective or awareness of unseen consequence of what they do or do not do.

Governments, by their nature, tend to detest criticism and to be unwilling to consider the constructive end criticism can serve. Not necessarily for evil purposes governments also tend to be authoritarian. It is, in my belief, an American glory that we have improved ourselves, our government and the world in learning from and changing because of criticism and have deterred authoritarianism to preserve individual freedoms.

If this best system of self-government yet devised is to

flourish, then, as the Act states, the people must be able to know what the government does and does not do. For the people to be able to know, ~~what~~ individual Americans must assume responsibility and undertake to make available and comprehensible to the people information that those in government may desire not be known and understood.

Official investigations of great events and their consequences have their own importances, as do the events themselves. When these investigations are by the Congress and depend to a great extent on information provided by those who are the subject of Congressional investigation, if those in this unique position are able to influence the investigation, there can be another failure and another hazard. Conversely, if there is error and unjustified criticism of the executive agencies, while the danger is of a different nature, there is a failure and another hazard to the nation.

To cite the case of the House committee, I believe it has failed and that it has been unfair to the FBI. It has made false and widely distributed criticisms of the FBI. The committee seeks to cover its failures by scapegoating the FBI. There is no time ^{when} as a subject expert my views have been sought by the press and published that I did not express these beliefs.

I did not adopt these views for present convenience and use. There is no public appearance in which I have not made and explained them. Yet as you know I also criticize the FBI. I believe my criticisms are justified, balanced and can serve constructive purposes.

The FBI has been able to and in fact has manipulated both committees. Several means by which it did this with the House committee are set forth in my affidavits. The FBI has not contested these affidavits.

An example of the FBI's successful manipulation of the Church committee is in the testimony of Mr. J. B. Adams. (The material upon which he drew was to have been provided but it has not been on the claim that he drew upon no records.) My correct contemporaneous analysis of Mr. Adams' exploit led to the unmasking of a police agent in Memphis who had penetrated and spied upon Dr. Martin Luther King, Jr.'s party and other groups. Physically he was so close to Dr. King when Dr. King was killed that he was the first to reach the fallen body. Mr. Adams succeeded in directing the attention of that committee away from what the FBI did not want to be investigated.

• (Although my request is several years in the past I understand that withheld records relating to this person, Marrell McCullough, are now being processed for me.)

But whatever their offenses, today's world does not permit us not to have police and intelligence agencies. In a system of self-government the functioning of essential agencies requires that they be subject to examination and criticism, whether they regard it as fair or unfair, and that they be subject to control and correction.

You may or may not believe this expression of belief and if you credit some of the FBI's records relating to me you will not. On the other hand, if you examine the attached New York Field Office's report on my first television appearance, in August 1966, you will find that it understood me to be saying essentially what I say above. It also reported that I made no unfair criticism of the FBI. It correctly understood the belief expressed in my first book, that ultimate responsibility rested on the Warren Commission, not the FBI.

In this sense, after a decade and a half, the wheel has turned full scale and today ultimate responsibility is with the House committee

However, the role of the FBI has changed. It provided the

Commission's major investigative services. The committee had its own staff of so-called investigators. The FBI's role appears to have been largely the providing of records.

Insofar as the committee's work is public what is of substance, which lamentably is not most of it, is not original with the committee. Its uncredited sources range from the FBI on one extreme to my published work on the other. The committee's most dramatic moment on coast-to-coast TV was made possible by its eliminating the FBI identification from records I obtained in C.A. 75-1996 and representing this as the result of its investigation rather than that of the FBI.

Compilations have their own historical and evidentiary values and importances. This is as true of official records as it is of anthologies.

By the time of the House committee the FBI had had much experience with critics and with a number of earlier investigations, including several internal ones. (To the degree that records were inventoried, collected or provided to the committees or were the basis of FBI testimony, I intend such records to be included in this request.) The FBI had inquired into the substance of various criticisms and reports. Aspects of this are included in a different formulation in several of my pending requests. Compliance with them has been virtually nil. What I have seen in comment on my own work cannot be complete and is not accurate. But whether complete or accurate such records have considerable historical value. They reflect what went on and was believed inside the FBI, especially at the highest echelons and in particular as it reached and influenced the Director. How this was reflected^{to} and may have influenced the committees also has similar significance because of the nature and subject matter of the investigations. (This is a reason for including PA in my request.)

One internal investigation of the FBI in the King assassination have read was by the OPR. I ~~xxxxxx~~ it and a record of the FBI's reaction to and commentary on it. Each has historical importance. (I share some of the FBI's disagreement with the OPR report.)

My interest in any and all such investigations is not new. It is an Item of the request in C.A. 75-1996.

Outside of an agency whose primary responsibilities are law enforcement, different values and importances than its are seen and studied in the records I seek.

Studies of this nature can be and to a large degree have been frustrated by the uncollated and unindexed form of the records disclosed. For example, it is impossible to locate information by subject with any degree of success in the general JFK/^{assassination} releases which total about 100,000 pages. Therefore, beginning in 1975, I phrased requests to include indices.

While my requests/^{indices} have been by subject, where my requests have not been ignored most of the records provided have not been responsive to subject requests. By this means to a large degree my inquiry relating to the King assassination is deterred and in some respects frustrated by the FBI's successful substitution of about 40,000 uncollated pages from which it is difficult if not impossible to retrieve by subject. Specific Items of my actual request have not been complied with. ~~Some~~ Some records were destroyed after I filed suit and after I made specific request for the records of that office to be searched in compliance. In addition the FBI's substitution does not include, all the sources of the information I requested.

For these reasons also compilations are not duplicative. They greatly enhance the value and importance of records released earlier.

Aside from these large and inclusive concepts I illustrate with

specifics from my own experiences and requests.

In early 1968 I made a request for photographs taken and reports filed by an Army intelligence agent named Powell who was near and then was temporarily confined in the Texas School Book Depository building at the time the President was killed. For years the FBI ignored this request. Then, long after a Powell photograph was provided to a much later requester, the FBI sent me a copy of this photograph but no reports. Again I asked for the reports. To this day, after about a year, I have had no response. If those reports are in the 100,000 pages, there is no practical means of retrieving them.

You should recall my request for all results of all spectrographic and neutron activation analyses in the JFK assassination and the earlier history of that request. It led to the 1974 amending of the investigatory files exemption. In 1975 you proposed a conference, I accepted, asking that it be recorded. You refused. We conferred, after which you alleged that I had verbally waived the request I had made in writing. You then gave this as an explanation of why you had not provided the information I had amended the earlier case to include. This is one of the reasons that case is still in court.

I was offered copies of what I was told was all spectrographic plates, at a cost the FBI knew I could not pay, \$50 per small piece of film. (Copies were provided later to another requester at a much lower cost.) During the course of discovery in the litigation noncompliance forced, again the FBI claimed that one of these small and thin spectrographic plates had been thrown away to save space. The FBI knew this was not true and knew it was against regulations. Whatever did happen destroying one only of a number of thin pieces of ~~paper~~ film was not to save space.

My initial request was made in 1966. We are still in court on this in 1979. The first case went to the Supreme Court. The first and second cases have been to the appeals court four times. Only after we were before the appeals court for the fourth time did I obtain essential information not provided earlier. This includes but is not limited to information bearing on motive for destroying this spectrographic plate - if that is what happened - and not providing other information.

Neither the Act nor anything else authorizes the FBI to make exclusive determination of what information is of historical or any other importance to a requester. As a qualified subject expert I regard the withheld information referred to above as of great importance. Yet it was not provided voluntarily by the FBI in response to my request, in response to discovery, or in its substitution for my request.

That particular substitution is part of the history that bears on the need for me to make this instant request.

In the first case I asked for the results of the spectrographic examinations. (Spectrographic examinations are not a secret method.) The FBI alleged falsely that this was a request for "raw material", that this could lead even to the ruin of the FBI's informer system, which had no relevance, and that complying with my request by providing what I had not asked for, this "raw material," would be destructive to the FBI.

But in the second case, undeterred by these representations to the court, the FBI offered only its so-called "raw material" and a considerable volume of it. Most related to what I had not requested. But the FBI has never provided a competent, first-person affidavit to prove that the information I actually requested does not exist.

Such an affidavit, if truthful, would end ~~the~~ ^{the} case.

In more than a decade, throughout the course of this long and costly litigation, the FBI has not used this total defense.

In the first case the FBI prevailed temporarily on a false and misleading affidavit by a special agent who in another and once-secret record stated that the FBI had to "stop" me. From what? Finding "family jewels?"

The second case began in your office, as you should recall.

I illustrate further with the public testimony taken by the House committee from its expert witness. He is Dr. Vincent P. Guinn, who was urged on the FBI in 1963 by the then Atomic Energy Commission. The FBI refused to use Dr. Guinn. In 1963, he was virtually unique in his experience with the use of neutron activation analyses in criminalistics.

Dr. Guinn was given the FBI's specimens to test for the committee, limited to lead alloy bullet core material.

He stated that the specimens he was given do not match the official descriptions of them.

Historically and as a matter of evidence of the crime and the investigation, I regard this as important.

I regard it as more important when no records yet provided indicate what happened to a lead core specimen the FBI took from an essential item of evidence, the so-called "magic bullet." The FBI expert's Warren Commission testimony about this bullet did not mention the taking of this sample for testing. The FBI expert testified to metal missing at that point on the "magic bullet" without mentioning that the FBI itself removed some of that missing metal.

If it had not been for steps I took years ago in a different proceeding, it would not be known that the FBI took this metal and did not tell a Presidential commission. To this day it has not

provided me with a copy of any FBI report stating that it took this metal from that bullet.

While there remains no known accounting of what the FBI did with this metal that in secret it took from that bullet, suddenly, with specimens he stated do not match their official descriptions, Dr. Guinn finds that these different specimens of core material match the core material of the "magic bullet."

Dr. Guinn also testified that another sample, known as Q15, no longer exists. I was provided with no record explaining the disappearance of this essential specimen or even reporting it. I did obtain three different sworn FBI accounts relating to the testing and alleged nontesting of Q15.

This brief encapsulation indicates another area of importance to the records compiled for the Congress.

I do not want to spend what remains of my life making information requests of the FBI and then having to sue it when it refuses to comply. I do not want the cost for all parties this necessitates. And I did not seek the public responsibilities, in addition to those of an American writer, that I have had to assume.

In effect, the FBI has made my decisions for me.

It thus has required that I make this instant request, in part for the reasons indicated incompletely above.

I have taken this time and provided these partial explanations along with my request not because they are required, which they are not, but in the hope that the FBI will understand the public and historical need and will comply voluntarily.

As it always has been, my cooperation is available in working out details.

J. B. ...