

Mr. J. Kevin O'Brien, Chief
FOI/PA Section
Information Resources Division
FBI
Washington, DC 20535

Harold Weisberg
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11/21/96

Dear Mr. O'Brien,

I could have dated this tomorrow but unlike you people, I do not play dirty tricks. It is what used to be your usual dirty trick to classify an old request as a new request on getting mail about it. That is what you have just done when each of the items referred to you is specific in stating that what is referred to is old requests the denial of information in which was properly ^{in Dec 1970} appealed. One was litigated. What I sent recently is what was everyday when I was able to use FOIA: the FBI merely lied. The first sentence in your attached form letter begins with this lie, "your new request is being handled" in accord with your backlog, with it at the bottom.

When FOIA was amended in 1974 one of my case was cited in the legislative history ^{ad} requiring the amending of the investigatory files exemption. That was my first request for Lab ^{JFK assassination} information. After that ¹ amending I refiled and broadened that request. It was litigated as CA 75-226 in federal district court for the District of Columbia.

When we announced our intention to depose Lab agent three decided to retire. The FBI then claimed we could not depose them because they no longer worked for the FBI. The court did not agree with that and we deposed four, including two of those three. The purpose of the ^{depositions} was to establish whether compliance with the request, which was sworn to, was truthful. It was not. What I sent this time is part of the proof that the FBI lied ~~to~~ to withhold what was within the request. (My Privacy Act request was not litigated but the FBI provided written assurance that if had been complied with, that assurance also being false from this new information.)

What should be attached to the papers you have is a page from the original printing of Hard Evidence, by David Fisher, that had been sent me. After reading that page I got the paperback reprint. The cover, that page and another page are enclosed. That page in the original is page 335 in the reprint. It is enclosed and it is highlighted. What is highlighted is within the litigated request about which your then agents lied wholeheartedly and it is within my request for all records on or about me. Mine was the first ~~of~~ of those books ~~Frazier~~ Frazier, who is one we deposed, says he was ordered to highlight and prepare a memo on.

Page 330 of the reprint states that eight-by-ten prints were made of each frame of the Zapruder film. That was within my request of the Lab and my request for all

JFK assassination records. In addition, I have the right to have copies of the individual frames of that film from the Zapruder estate. You can confirm this through the lawyer who handled that for me and who is not unknown to your section, Jim Lesar. He can also confirm, in the event you did not keep those records or do not want to take the time to go over them, that what I state above is in accord with the facts.

I have not kept up with changes in FOIA. It did have a provision for speedy processing of requests when unusual circumstances were present. That I am now 83 and in poor health, in addition to the fact that those requests were not complied with two decades ago was because of FBI dishonesty-lies- I believe are such unusual circumstances.

You may be proud of FBI dishonesty but as a citizen I'm ashamed of it. I resent also that I was imposed upon when I was elderly and in impaired health, as the FBI knew.

If I do not receive written assurance from you soon that you are not treating these old requests that should be older than any you have as current, as the new requests you say they are and they are not I do think I'll file a lawsuit. Given my age, the state of my health, the record of the FBI that has been getting overdue attention recently and I sought to avoid adding to, perhaps the kind of attention you so richly deserve will be what you get for forcing an elderly and ill man to go to court to get what you withheld from him by lying to him and to the courts.

There is also the fact that what is before you is explicit in stating that there was no new request. You do not mention that. You do not disagree with it. You just can't resist the temptation to behave badly again to withhold what you cannot withhold under the law and what could not be destroyed without the written permission of the Archivist.

Have you people no shame? No self-respect?

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As your files should show and I call to your attention, I did alleged perjury in CA 75-226. The FBI's defense was that I could do that ad infinitum because I knew more about the JFK assassination and its investigations than anyone then working for the FBI. Strange defense against proven perjury but it worked. As it may again as an attachment in what I'd file.

11/24/96

Dear Jim,

I am inclined to file by mail if the FBI does not ^astrighten this out fast.
I might do it in Baltimore where Paul Valentine might go to the court and
get the papers after he is informed.

And where if the Sun pays any attention to it, it is part of the LA Times
chain and that syndicate.

I do not know whether suits filed by octogenarians are commonplace but
I am inclined to believe that suits filed by those who are both that old and
were twice hospitalized for congestive heart failure are not really everyday.

And might get some attention.

Along with the FBI lying, to me and to the courts~~xxx~~.

And the DJ persuading a court to have me act as its consultant in my
lawsuit against it!

Promising to pay and then not giving me a cent!

I think the complaint might be genuine joy!

Hardy