

Dear Mr. Shea,

5/27/81

Your and the FBI's total non-responsiveness with regard to the records to be provided to me in the field office JFK case as a result of administrative action appear to guarantee the total waste of all the time your office has in this matter and could not be better designed to either guarantee endless litigation or non-compliance with the Act.

Some of the exemptions claimed appear to be excessive, others unjustified.

If the worksheet for 89-43-Section 92 is to be believed, in Serial 10537 there are 81 pages of which not a single word is reasonably segregable.

According to the second page of this set of worksheets, prosecution of some kind appears to be imminent, which I find rather surprising. But the fact is that of the eight records not referred to DOJ, Exemption A was claimed for ~~several~~ <sup>seven</sup> records.

In Section 90, two FBI records are claimed to be "Not Agency Records" under the claim to exemption. Both are of 7/12/78. 10315 is "Dir to AAG," clearly an FBI record, and the same appears to pertain to 10314, a 41-page memorandum.

The same claim is made with regard to two Atlanta FBI records, Serials 10499 and 10500, both of 12/20/79, the first a LHM and the second to Dir.

In the part I appealed the FBI's fabrication, that it can and does destroy records at will and whim. Two records in those I received recently reflect the contrary, that where any destruction is permitted, there must be a request and an accounting. They are forms, in this case from Chicago to Dallas, but the form used by all offices. These are from the Ruby file, 44-1639, 6473 and 6474. I cannot explain the "NO FILE" notations on both.

~~It~~ Having to do with not filing and with the FBI's ability to locate records it wants to hide, there is the 10/23/75 Dallas to File (100-10461), pertaining to allegations by former clerk William Walters. The SAC states that "On express instructions of Deputy Associate Director JAMES ADAMS, I was told not to place letters in our file. These letters were forwarded by date indicated to Personal Attention of Mr. ADAMS. The letters deal with my inquiry into this matter in the Dallas Division." These hidden records are pertinent in this litigation and should have been included in the general releases. I appeal the withholdings.

The Walter matter is extensively in the public domain, including Congressional hearings.

Hearing on the FBI's intent not to comply with my request and other matters, including unjustified and unnecessary claims to exemption, etc three 89-43 records. According to 10311, the initial searches were limited to four files, clearly an inadequate and knowingly inadequate search. The withheld SA name is that of SA Specht, about whom I wrote you recently. He appears to have replaced Gemberling as the assassination honcho in Dallas and in addition to this supervisory function has a public relations function. According to this record, if there are Subs other than ~~the~~ they were not sent to FBIHQ for processing.

According to 89-43-10536 the indices for three files only were sent to FBIHQ for processing. All indices are within my request and the agreement is that copies of all indices would be provided.

In 10556 there is b2 and 7D claim for the file numbers of the disclosed surveillances on Marina Oswald, with the spurious 7D claim made for the phoney informer number used to hide what the FBI did. (Assuming that the wiretapping was not illegal, the FBI didn't even bother to ask for permission to bug her.) The withheld information is not solely of interest to the FBI and it has nothing at all to do with personnel matters.

I've already appealed the withholding of the Ruby FBI file number, information that to now the FBI has regularly disclosed, as I've informed you in the past with copies.

While I did state that I did not believe the actual transcripts of the taped interceptions should be disclosed, I was promised summaries of them.

Other withholdings are really designed to protect the FBI from full comprehension of its incredible failures when it declined to investigate the assassination of a President and instead followed a preconceived political course of assuming Oswald's lone guilt. Two of these matters are currently, supposedly, being looked into by the Department and the FBI. Both have already been embarrassing to the FBI because of the undisputed exposures of its failures by its critics, including me and those with whom I am associated. These are lines of inquiry following the work of the recent House assassins committee.

One of these matters pertains to the photographs taken by Charles Bronson. After

the Dallas FBI examined Bronson's film at the time of the assassination, at the processing plant, it reported what is grossly false, that the film is valueless because it does not ever show the building from which the FBI claims all shots were fired. (The FBI's attitude toward photographs is that they were valueless unless they showed Oswald with a smoking gun.) In fact Bronson's motion pictures include close to 100 individual shots of not only the building but that part of it and the particular windows that are important in the FBI's representations about the crime. (I've seen the film and I state that it disputes the FBI's representations.)

Knowledge of the Bronson film originates with me and this litigation, in which I obtained copies of the Dallas reports and distributed copies. When copies reached Gary Mack and Earl Golz, both of the media, in Dallas, they located Bronson and examined his film. They also arranged to protect his rights to his film. Bronson gave Golz permission to reproduce some frames in his paper, the Dallas Morning News. That paper devoted major front-page attention to the story and included about a page or more of enlargements of individual frames which do reflect objects in motion where the FBI claims only Oswald was.

One of the means by which I know and could report to you the name of SA Specht is ~~because~~ because of Gary Mack's reporting of their and other meetings and conferences. There is nothing secret about it and, in addition, if the FBI acts with and accepts information from critics and reports thereon, it has no basis for an atypical assertion that it is protecting the privacy of the critics when in fact the FBI had a major project of leaving the critics with no privacy and little reputation.

Withholding in 89-43-10382 is under 7C claim. What Specht, name also withheld, reports coincides with what Mack told me and I believe that Mack's is the name withheld. He also is a public figure, so there was, additionally, no basis. He is a public figure professionally, in his media career, and in his role of critic. Here the FBI is seeking to cover itself, not Mack, and to make exposure of what it remains up to more difficult.

This is the kind of record the FBI prepares for distribution, one not including what the FBI does not want to distribute. It does not hold all the information the FBI would have required and Mack, to the best of my recollection, did then provide. This means there

are pertinent and withheld records, as I have ample reason to believe, in addition, from my knowledge of what has been going on for several years now as the FBI continues to stonewall what is embarrassing to it.

There are similar and unjustified withholdings from what <sup>appears</sup> ~~is~~ to be Serial 10383, drafted by Specht as his SAC's report to FBIHQ of 11/27/78. This covers the LHM, 10382. Specht also has it garbled a bit. "Mack did not get the records under FOIA, I did. The first copies Mack got were forwarded by Paul Hoch. As is apparent from this airtel, the paper had by then printed its account of the Bronson film."

It may help you to understand that from 1978 until now the FBI has not issued any report on its examination of the Bronson film or on any computer enhancement of it, as the Attorney General agreed to do when asked by the House assassins committee.

In 10480 Specht reports ~~the~~ the continued offers of full cooperation by Bronson's lawyer, John Sigalos. This does not explain the FBI's silence and failures. The record also reports that by then, 8/19/79, "A computer enhancement was made from some of the frames of the original film."

Despite Sigalos's repeated offers to the FBI of a copy of the film, once there was satisfactory assurance of its protection, on 1/18/80 Specht's LHM reports he did not have a copy. It is written to suggest otherwise, of course, and allegedly to report his "investigation conducted .... in an effort to obtain the original and/or a copy..." Sigalos did arrange for a viewing the film, and Mack was also there. He acted as moderator, no doubt another factor impelling the FBI to claim privacy for him elsewhere.

Specht also reports that Bronson took 5 35mm shots, which Specht does not attach. (At least one shows the fatal shooting of the President from a different perspective, no doubt explaining the FBI's disinterest and its failure to even let the Warren Commission know of its existence.) Specht has no description of the still pictures in his memo.

Page 4 reports copies of the movie to the Department, promised by Sigalos.

Several <sup>weeks</sup> ~~days~~ later ~~(10528)~~ (10528, 3/13/80) Specht prepared another LHM on other film. This is <sup>the</sup> ~~the~~ only instance I recall of the FBI's withholding the name of a photograph who

had assassination film. In the other cases it even disclosed addresses, phones, etc. One is tempted to suspect that after its experiences with the Bronson film after I obtained knowledge of it the FBI's real purpose is to deter critics' locating other film it failed to come up with when it was supposed to be investigating the assassination of the "resident."

This LHM begins with a reference to an earlier record I do not recall having received, sent to FBIHQ on 12/27/79.

Specht's name appears to have been withheld from the text.

As late as 3/28/80 the FBI appears not to have provided the assurances of protection of the Bronson film asked by Sigalos. This record is Sigalos' letter to the Department offering copies of Bronson's and another film, that taken by Jack Daniel.

Serial 10553, 10/1/80, pertains to the analysis of the Dallas police recording of their 11/22/63 broadcasts.

This record records what I reported to you earlier, that the original records "were provided to the FBI within a few days of" the assassination. This also reports that the Dallas police captain made two reel-to-reel copies of the recordings and gave one to the FBI. He kept the other. So the FBI has had a copy since the time of the crime.

And did nothing at all.

One of the records allegedly of non-agency material is Serial 10500. What remains provides no indication of the subject matter and content. However, the fact that there are 47-file records, impersonation case, may indicate that the subject matter was disclosed earlier and here is withheld because of the House assassins committee's interest. The disclosed impersonation matter relates to an alleged contact of an SA with a publisher. No names were withheld in the original disclosures. (Jack Gilbert, Richard Berger, Random House, 62-109060-6184.)

I have just obtained a record which confirms what my prior appeals state with regard to the executive order on the preservation of JFK assassination evidence. This is from DJ 129-012-3, the Attorney General's 2/11/66 to the GSA Administrator. He wrote about the E.O., which was intended to obtain title to what was not already in the government's <sup>preservation</sup> protection.

The E.O. states that the entire body of evidence must be preserved in the national interest.

Here, referring to P.L. 89-318, the EAG states that "The Act, however, does express a public policy to preserve items of evidentiary significance, and I believe that this policy is equally applicable to items to which the United States holds title but which in fact are not covered by the Act."

In this the AG certainly includes all the FBI's records.

I believe that your silence and your abdication of your appeals responsibilities makes a joke of the entire process. If the agencies were willing to disclose public information there would be no need for the Act. If under the Act the agencies were willing to comply there would be no need for any appeals machinery.

What you have done is involve yourself just enough so that there might be the false pretense that the FBI is complying when clearly it isn't and never intended to.

It remains so devious that its covering letters omit any citation of any of the records forwarded.

Sincerely,

Harold Weisberg