

1- Informing H2 - did not qualify for 10501 - Finance testimony
 3- 10501 like 3/1/02
 4- wording about
 6- no answer - see how / two to me
 7- not responsive
 Our 12th in any other manner, proceeding, function, etc
 15-7 personal

20- important
 21- If true should Decker not have supplied notes
 than with held?
 Rhoads off - 3 get to cite with for class. "by secret"
 says "complete" but not with authority for classification of how done
 by whom, when & whether or not it has that requirement. See in
 his writing, he does it up on his words. on this. ^{does not say anything at all}
 Motion Dismiss. Lack jurisdiction? Relief can't be granted
 No genuine issue? Ask general to hear evidence & reports
 Statement. Material facts
 1) Commission not authentic under 10501?
 2) no claim legal right, no prof meets qualification. Any body can
 rubber-stamp anything
 5) It is inconsistent?
 7) Error of clerical & marks violation law of regulation
 Comment - Take material facts, taken in proper context, prove me
 element my claim A) I complied with law of regulation
 b) they waived rights under law - not addressed & not denied,
 of my with held. Note that I do not meet requirements of that
 they failed to press issue as regulations require proof.
 A member of Commission disqualified only for personal profit.

memo points with.

① see why not / "why" on "the provisions" because
see up to public except what the "provisions" exempt.
Here they seek to smother responsibilities, in the way
of prof.

Refer up to 10501 without at any point showing
a) that it applies + b) if it can, it was used properly
Borden & them, not me (at law)

No connection between my + this manuscript, at which
there were no interviews & from do any way
F - not applicable unless LHO was agreed. If not, pardon
court

② (How could "Congress drive the Executive's determination in
these matters" with an independent commission that
investigated the Executive?) They are straining to be
able to take drink. The quote is not relevant in this
case because the material does not fall with in the
Ex. order, esp. as of the time of my denial, when
there was only 10501. Why "pluribus do Ex. order
to 10501" if LHO never said that. Note Phrases say
"deposit and receipt. Note, also "what to our individual
affairs and foreign policy. Whether if not LHO was
her right is "what" do "not advise and for policy"
Also, "the fact" has been "disputed by respondent" in this
copy of 4) I think I am in the position of the respondent
in drinks.

3/

The sense in which this is quoted so it can apply in my case is to say that if there is proof of a misrepresentation the court notwithstanding the duty of the District Court under 552 (a)(3) "is" "dispute at an end". I do not think any Supreme Ct decision - viz. *Chiswick* - is as applied in this case, not in which can it be claimed that "The Plaintiff has required by Ex Order that the documents in question be kept secret."

③

There is no showing anywhere that any order or requirement or direction apply to what is herein sought.

Rhodes aff does not show this to be true & he has no way of knowing. The classification having been stamped from de his custody. He fails to cite any authority for the assumption to which he swears.

If

We have to define "deliberative process" because this session was held for day hearing and not as a means of deciding whether to hold a hearing. It was in fact a report on a report of fact. There is no proof - no showing of any kind that this was part of "governmental deliberative process" (quote Fed.?) (Moreover, a summary is not classified. Assumption not based on fact that

"The transcript necessarily embodies & reflects his work and these pages are the practice was to not support in any way of in fact cannot be. They are a document produced in the court. The allegations here are

4) They have argued not a "witness paper" no my flawed
from it no included in report? A question "what?"
No "opinion are expressed" no were say "John is promulgated."
Merely in receipt of fact in pursuit of local interest -
most, a purpose specifically but local with enactment
of 5 USC 552 - An American inspection will establish what
my private investigation show & they will therefore
in American inspection.

Paper than being "deliberate" and staff excluded
I see here that the citation of the "primary purpose"
rule (460 F.2d at 1033) is apparently what I noted
above.

(4-5) Much can be applicable only if there is a conspiracy to take LHO's
career as a federal informant with no law-enforcement purpose, a
political for informant. Not a language that not "all factual
material was to be rendered exempt from compelled disclosure."
Not a - Commission did set policy - Warren (2 F/R) was on -
but, the Gary Brandy & most, esp. when there is
deliberation, are available. I believe each part of this is
unimportant and all that is in point in their arguments.

5) 44 v. File "when it is demonstrated" - which it is not here or a way -
where "that the files in question" - and no "files" are in question -
" (1) were investigatory in nature" - which is not the true or accepted to be
proven - and " (2) were compiled for law enforcement purposes" - which is a
deliberately false statement and is a complete & total lie -
"Sibility" - quotations taken from a base that is in no sense
parallel to even relevant. In fact, Phoenix
affidavit - the only government evidence -

3) Answers to the falsity. It was impossible for the W.C. to "compile" any thing for any law enforcement purpose. This further assumes that all the Commission files were a) investigatory & b) for law-enforcement purpose. The truth is that none of the Commission's own files were investigatory and the Commission had no single investigator on its staff and it had no law-enforcement authority or purpose.

2) You use them in Churney language on "The whole point of exemption?"
Aspen is based on "The ability of any investigatory body" to function. In the sense of the law, it of Aspen this Commission was not and could not have been such a body of what is sought in this action is not and cannot be of such a nature.

"Few persons would respond candidly to investigatory" - No person was asked to respond to any thing in what is sought and no person was ever asked to respond to any thing by the W.C. except for publication - 15 volumes of printed govt. 10 forms of records, at the reports prepared by the originals - a total of an estimate 10, 000, 000 published works - but the publisher now alleges this?

Why of the techniques? There is neither such a question nor the remotest possibility.
W. v. D. is an applicable case as is here admitted, is admitted in a sense that really it might be as if it has any relevance supports as above here. Then what is used as it has been called law enforcement purpose is used instead on whether what is sought is encompassed by the definition of "W. v. D." & as though there were law-enforcement procedures

6) (7) How is it "clear" that "documents such as the transcript plaintiff seeks are exempt"? There is not even a minimal description of the contents, which for all the world shows can be a discussion of the actions of 1954. There is no showing of what exempt - be shown, it being ~~trivially~~ completely impossible on both part of law that it is necessary for the very operation of our government. "What is at issue here is not what the actual language refers to," The investigatory files of the (FBI)

at some point in here refer to the pages of FBI
I w. reports made public in Wasserman above.
There is in this case no "Attorney General's designation and classification," what is sought not having ever been under his control. But policy on such matters and documents was set by the AG then in office & by the Dir of the Commission & by the Pres of the US - examples referred to above.

Not a re phrase: Was this not withheld in present view of the President?
Citizen quoted is of a case in which court held the record was not under what circumstances the files were compiled. "Due to abuse is a deliberate deception of this country by a gross and deliberate misrepresentation of what is at issue, the plaintiff sought recovery, what is that recovery is justice, an alleged government purpose of an agency with law enforcement process & responsibilities, is both totally absent and completely impossible in this case.

2) Complaint not covered by responses
first they have to show how allegations are applicable they
can allege anything

10 - not addressed

Quote Report on 1) no meeting at all
2) no law enforcement - profile

My name is Harold Weisberg. I am a writer, residing at Route 8, Frederick, Md. I have devoted the past ten years to an intensive study of political assassinations and have published more than a million words on this subject. I have made what I believe to be the most exhaustive study of the work of the Warren Commission ever made. I believe also that I have devoted more time to this study than all the senior members of the staff of the Warren Commission plus the members devoted to their function. In connection with this study I have spent countless hours at the National Archives examining and obtaining copies of its records of the Warren Commission and what is not generally known, of other relevant records not generated by the Warren Commission. I am familiar with the Commission's work, its record-keeping, its filing system and its sources.

Prior to engaging upon this decade-long effort my experience included that of a Senate investigator and editor and during World War II, as both soldier and civilian, I served in intelligence, where my primary responsibilities were those of an intelligence analyst. From these experiences I am familiar with the handling of transcripts of official proceedings and have handled, had printed and testified in court and served as a Department of Justice expert on them. *Wmt1*

I am the plaintiff in Civil Action 2052-73 in the United States District Court for the District of Columbia. I have read Defendant's Motion to Dismiss in this action and the answers to interrogatories appended affidavit of Dr. James B. Rhoads, Statement of Material Facts and Memorandum of Points and Authorities.

Inherent in these is the statement that the Warren Commission classified the transcript sought in this action and that the Commission performed the classification under authority of Executive Order No. 10501, and that the Commission had this authority and exercised it properly. *Wmt2*

In his affidavit Dr. Rhoads swears that his statement "is true and complete." He is the official custodian of the records of which this said transcript is part and to my knowledge has personal knowledge of this particular archive.

His ~~statement~~ affirmation that his statement with respect to the classification of this said transcript is false and to him and/or whoever drafted his affidavit had to

Draft - Some used elsewhere

2

I have read Executive Order 10501 and believe and therefore allege that in fact the
Commission did have have ~~this~~ ^{this} authority/~~to~~ under Executive Order 10501. I have also read
Executive Order 11652. It was not promulgated until after the life of the Warren Commission
ended and until long after my request for this transcript was made and rejected.

Four executive session transcripts are withheld in full, three in part.

Of all these ~~seven~~ executive sessions a total of four are withheld in full and part
as three. As the exhibits attached to the complaint in this action show, in no case did
Dr. Rhoads allege that a single one of these seven acts of withhold was due to any
alleged need in any "deliberative" function or purpose.

be known to be false because this knowledge is required of them in pursuit of their duties and because the proof of its falsity is in the files in their custody of which I have obtained copies from them, some of which are attached hereto as exhibits.

I believe the intent was to deceive this court and to frustrate the law, neither in the United States Government uncommon practise with Dr. Rhoads and others/with political interests in the areas in which I have worked in contact with them. ~~Examples of~~ Other examples will follow.

Only by semantics and evasions can the oath of Dr. Rhoads be calimed to be "true." With respect to "completteness" it is false. Attached exhibits of Warren Commission records that are separate and filed separately from what can be claimed to be its investigative function. as the transcript sought in this action was and is kept deparate from the so-called investigative files, are appended to indicate to the court the incompletteness of Dr. Rhoads' affidavit.

The classification of the transcript sought in this action as well as of all other classified transcripts, including those that were published, was not by the Commission members or any of its staff to whom claimed authority may have been delegated, if it existed, nor was it by any employee of the Government of the United States. It was by the commercial court-reporting firm employed by the Commission, Ward & Paul.

Contrary to the claims by defendants in the pleadings and attachments cited above, almost all of the Commission's executive sessions are publicly available, particularly and repeatedly those dealing with what is styled the "deliberative" process. I have all that have not been withheld from me by Defendants. By volume, as would not be known by these pleadings, they make a stack of about three inches, by weight about seven pounds. The Commission did not order its "deliberative" processes kept secret and the expressed desire of the Chairman, then also Chief Justice of the United States, was quite to the contrary and to Defendants' knowledge opposed to their practise and statements to this court.

Prior to the hiring of the commercial court-reporting service, these services were supplied by the Department of Justice. The Department of Justice did not classify these transcripts. Nor did The National Archives thereafter. To illustrate this attached as

Exhibits 1 and 2 are the first two pages of the first of the series of Executive sessions. It was held, prior to establishment of the Commission's own offices, at the National Archives December 5, 1963. It was "Reported and Transcribed" by "Ookie Dyer" of the office of Defendants' counsel in this instant action, the United States Attorney for the District of Columbia.

All seven members of the Commission were present and not one caused any classification to be affixed to the transcript. The session was deliberative in nature and in some respect of utmost sensitivity and delicacy. Unlike most if not all other executive sessions, this one had a witness, the then Deputy Attorney General of the United States to whom the then Attorney General, the late Robert F. Kennedy, delegated all his functions and responsibilities with respect to the assassination of his brother.

Attached hereto as Exhibit 3 is the first of a series of Ward & Paul worksheets itemizing all of its work for the Commission, with the designation "File No. PC-2" in the upper right-hand corner. This is the Commission's file number but the sheet itself is that of the court-reporting firm, supplied to the Commission. It stamped even its housekeeping records "Top Secret," as this and all other similar records show.

Each and every entry on this sheet, which covers all transcripts, including those published, through March 4, 1964, is stamped "Top Secret" under the column headings "Type" and "Location."

Marina Oswald, whose testimony like that of all 552 other witnesses was published in a total of 15 volumes, was the first witness, her lengthy testimony beginning February 3, 1964. This is represented by the fourth itemization in Exhibit 3.

That this "Top Secret" transcript was published is established by Exhibit 4, which is Page One of Volume One of the Commission's 15 volumes of ~~transcripts~~ printed transcripts.

Showing further

That this transcript classified "Top Secret" was never so considered by the Commission during its life and prior to publication of the printed transcripts is the Exhibit 5, the attached letter from the witness ordering transcripts from the court report with the authorization of the Commission.

Still further showing that the classification "Top Secret" was by the court-reporting firm rather than the Commission or and federal agency is the attached Exhibit 6, which is the receipt for the transcript sought in this action. The classification "Top Secret" is included after "in re" rather than a description of "in re" in this receipt prepared by the court-reporting firm. It was signed by the secretary to the general counsel and the senior countersigned by a partner of the firm, Jesse L Ward, Jr. This receipt represents what the contract provided, overnight delivery. ~~xi~~ The transcript was prepared and delivered and the receipt was obtained by 9:10 a.m., prior to any reading by any member of the Commission or any employee.

The foregoing was common practise. Where federal employees with a knowledge of classification and authority to classify handled these transcripts they did not do as the court-reporting firm did. Most of the testimony was taken in the form of depositions and largely away from Washington and with no members of the Commission present. The stenographic services were subcontracted to local court-reporting firms. Exhibit 7 is one of countless available cases selected to illustrate because of the trivial nature of the ~~transcript~~ testimony.

Exhibit 7 is the letter of April 20, 1964 from the then United States Attorney in New Orleans with which he forwarded not to the Commission but to Ward & Paul the transcripts of six witnesses deposed in New Orleans. There is no classification of any kind on it. However, when it was billed to the Commission and when the receipt was obtained, it was designated "Top Secret." Exhibit 8 is for one of these transcripts. It is receipt No. 3237, "in re TOP SECRET -- Deposition of: Julian Evans."

What became "Top Secret" prior to reaching the Commission was also published by the Commission. Attached hereto as Exhibits 9 and 10 are the Preface and the Table of Contents of the ~~book~~ ^{eight} volume of the Commissions hearings. All transcripts forwarded without classification by the United States Attorney in New Orleans with that of Julian Evans is included in this volume. And what became "Top Secret" is the recollection of a man old enough to be Lee Harvey Oswald's grandfather of Oswald as a boy!

There came a time when this published testimony was downgraded by the court-reporting firm for reasons having nothing to do with "national security" or "foreign policy" and regretted it. On May 14, 1964, Wayne Birdsell of Ward & Paul sent an internal memo to "Mr. Creelmore" lamenting the consequences of their downgrading, ~~xxxx~~ "CONFIDENTIAL instead of TOP SECRET" when "my troubles just started." These "troubles had to do with internal affairs of the court-reporting firm, witness Mr. Birdsell's complaint, "Can't we get takes properly marked? I don't mind doing it downstairs -- but can't see why I should. Each take should be properly marked."

A "take" is the part of the proceeding taken by a court reporter. And internally, having nothing to do with the Commission, with the downgrading in classification, ~~xxxx~~ its employees ~~xxxx~~ apparently being aware of the extra precautions that must be taken with highly-classified materials, "we stopped logging in takes from reporters covering the proceedings," which was where "my troubles just started."

Jim-not WC files. Prefer not to use as exhibit. Have included with them for you, identified as 10A

And thus it would appear were the mechanics of keeping tabs inside a court-reporting commercial operation alchemized into a matter of the greatest "national security" which even impinged into Foreign Policy," vis Oswald's boyhood in New Orleans, for one of countless examples of the ultimate in triviality and irrelevance.

It is affiant's belief that none of this is accidental and that in order to accomplish ulterior and improper ends the Archivist of the United States and the Department of Justice have undertaken a systematic campaign to deny affiant public information" and, when necessary to this purpose, the courts have been deceived.

As one example, there is C.A. 2569-70. In that case, the Department of Justice filed an affidavit from the same Dr. James B. Rhoads. With a request the initial requirement for use of the rights specified in § 5 U.S.C. 552 Dr. Rhoads swore ("aragrpag (Paragraph 9, page 5) that "Plaintiff has never specifically requested permission" and "not has he specifically requested permission to photograph" the evidence to which I sought access. Hence, pivotal in my understanding of the law, Dr. Rhoads addressed

m 6

In C.A. 2569-70 The National Archives and the Department of Justice withheld from this court as it had from plaintiff the most relevant of its regulations. That regulation required the providing of copies of pictures of three-dimensional objects in that particular object, and pictures are what was sought in that action. After this court had been imposed upon by having this most relevant of the regulations withheld from it, the National Archives amended that regulation to delete that particular provision. However, it still provides pictures of three-dimension objects. The amending of the regulation gives it the power of censorship.

whether I had complied with the law and whether he had violated it, "Consequently, the National Archives and Records Service has never denied such requests."

Not unrelated to what affiant regards as false swearing and the deliberate intent to misrepresent to and to deceive this court is the fact that the Assistant United States Attorney certified to this court that he had delivered to affiant certain exhibits attached to his motion whereas in fact he had not and did not thereafter in response to three requests by Plaintiff. These withheld exhibits, which did not reach Plaintiff until too late, prove that Plaintiff did in fact make the requests, save for the semantics employed. Plaintiff did not ask to take his own photographs. He asked that the normal practise be followed, that the National Archives take the requested photographs. It is this that was deceptively misrepresented to this court in the affirmed words, "nor has he specifically requested permission to photograph."

Yet in its Statement of Material Facts, the Government concluded with quotation ~~of the denial of the requests~~ of the denial of the requests "Dr. Rhoads swore had not been made, "has been denied to you only in terms of furnishing you a personal copy of the photograph."

Relevant to what was at issue in C.A. 2569-70 is a letter agreement of non-secret nature between the representative of the executors of the estate of the late President and the Administrator of General Services. It is a Government exhibit in C.A. 2569-70. Affiant made formal request for it the moment its existence became known and was denied. Access in any form. Rights changed. *pro se.*

This letter agreement gave to the United States the garments worn by the President when he was assassinated. It also pretended to give what was not the property of the State and was the property of the Government. There was no proper way of classifying this public information. When affiant asked for it he was denied by employment of a spurious description that was not subject to change. An extensive file can be submitted on this.

At that time Dr. Rhoads was Assistant Archivist, but he was to affiant's personal knowledge in active charge of that particular archive, about which affiant conferred with him. While affiant was denied this contract, which was subject to sensational journalistic

treatment, especially because of the Kennedy name and the nature of the materials, Dr. Rhoads was alert to one who would treat it sensationally while not sensitive to the evidentiary value. Understanding that required much specialized work. In time Dr. Rhoads actually solicited Fred Graham, then of the New York Times, to make an official request for this contract, telling Graham, who told affiant, that if Graham were to ask for it under 5 U.S.C.552 he, Rhoads, would have to give it to him. While Graham had not spoken to Rhoads for this purpose and in fact had been unaware of the availability of the contract, Dr. he took Rhoads hint, asked for and was given the contract exclusively, in open violation of Archives regulations, and did write the kind of sensational story in which all that was hidden or an evidentiary value went unreported. The story effectively killed any attention to the contract thereafter.

One fact thus hidden is the destruction of the most essential photographic evidence dealing with the crime. ~~There is~~ another is the use of the Kennedy family to hide evidence that was government rather than family property.

Sp determined were the National Archives and Record Service to deny this public information to one who could understand its evidentiary value that he and it further violated their own regulations by not giving affiant, the only one who had made formal and proper request for it, a copy at the same time they forced on on Graham. Not until two days after Graham's story appeared did affiant get his copy.

This is not the only such illustration of political manipulation to cause the kind of attention Dr. Rhoads desired for political reasons. Another deals with other of these executive sessions. Affiant had a standing request for all materials dealing with the medical evidence. Those of the executive sessions which were subject to sensational treatment, especially by the uninformed and more particularly for use detrimental to the reputation of the Commission's chairman, then Chief Justice, we specially declassified for a writer who had no background in the fact and evidence. He did use it sensationally. Affiant was not given those sessions dealing with the medical evidence. And what the Defendants declassified for political purpose for this writer did deal with the "deliberative process," exactly that which was used to defame the former chairman.

Contrary to the pleadings to which this responds, most of the declassified ~~is~~ transcripts do deal with the reality of the deliberative process. The longest single one, ^{separately} pages 7826-8071, declassified by the Archivist July 17, 1972 and so stamped and signed, had ^{opening, explanatory} five staff members and three expert witnesses present to deliberate, in the/words of the general counsel, "whatever the Commission may later determine to do with regard to such information as may be obtained."

Also contrary to the pretended official adherence to the law, this particular transcript is loaded with the defamatory about a witness not like by officialdom. Therefore, the allegations of her illicit sex relations were declassified when they are relevant to no part of the inquiry.

This kind of thing has been made available with regularity. Affiant has always done what the government has not when defamatory information was relevant. Affiant always masked either the name or the defamation.

The Department of Justice ~~The Attorney General~~ declassified about 50 pages of FBI investigative reports ^{was sent} affiant ~~was~~ dealing with a man's sexual problems, imputations of homosexuality and even the psychiatric reports.

Should it interest this court, affiant will deliver all the declassified transcripts and this separate and specially-declassified file which should not have been and was for political purposes and it can have that means of evaluating the integrity of ~~the~~ and 'Defendants' counsel's Defendants' representations to it. Or, should the court desire, a selection of them plus the written proofs about the foregoing allegations of political misuse of declassification for ulterior and political purposes.

Affiant made vigorous protest over both of these glagrant violations of his right of access under the law and political misuse of raw power for ulterior purposes. The then Archivist quietly retired and Dr. Rhoas was appointed his successor.

Affiant's requests for public information were scrutinized after he read the documents and asked for them to be xeroxed, the norm. Documents that on rereading by officials were seen to be politically embarrassing were immediately classified and denied affiant even though they had been declassified and made available to everyone, as the law requires.

The Department of Justice is the lusty collaborator in this suppression of public information that can and does disclose official misdeeds, falsifications and misrepresentation, especially where it shows investigatory failures and covering up. So anxious is the National Archives to deny affiant that which from his extensive work he can understand and that which can embarrass ~~the~~ officialdom that a special lawyer in the General Services Administration was assigned to scrutinize affiant's requests and all correspondence. Affiant has the identification of this lawyer and the proof of automatic forwarding to him for this scrutiny.

The Department of Justice, which defends all Freedom of Information law actions, itself is the grossest and most deliberate violator of the law and takes the lead in contriving spurious justifications under the exemption provisions of the law to deny public information and to deliberately deceive the courts. Two of the examples in affiant's experience and files illustrate this. Affiant believes them pertinent because he believes and therefore alleges that in this instant action the Department is deliberately deceiving this court, which affiant also believes is without the ~~mean~~ independent means of being aware of it.

Affiant has thrice made requests of the Department of Justice for access to public court records in the possession of the Department, generated by the Department, and not otherwise accessible to affiant.

The first of these is recorded in Civi C.A.718-70 in the federal district court for the District of Columbia. As in this instant case the Department contrive an utterly

Were this not enough, the Department then created a false document and with excitement and carelessness mailed affiant the manufactured substitute for the real record, the file cover. In this manufacture the Department eliminated the fact that it had actually classified the public record of a public trial of an American. By persistence affiant finally obtained ~~the~~ a copy of the authentic record. (Jim- attach as Exhibit? If we do, renumber. If you agree, I think we should really feed ^{resell} on this one.)

alleged fictitious claim to the applicability of the investigatory-files exemption, it ~~exercised~~ first to affiant and then to the court that public, court records, used in public and reported by the press were "investigatory files." It further claimed not to have them when in fact it had duplicate sets, including those of the court, which it confiscated so that there could be no access to these records, which include proof of perjury and subornation of perjury.

In accordance with undeviating practise, the Department first stalled, asking for delays it did not require. When it had exhausted the possibilities of delay rather than face exposure in court it agreed to ~~submit~~ make available to affiant what ~~information~~ it had claimed to be both non-existent and exempt. When it then did not make its promise good affiant went to court. The court gave the Department a week in which to make ~~them~~ ~~information~~ give this withheld information to affiant.

A Department of Justice lawyer thereupon swore falsely to having given some of this withheld information to affiant in an affidavit attached as Exhibit 11. Proof that this was a deliberate false swearing to what affiant believes was most material in that case, the covering letter with which thereafter that particular bit of information was given to affiant is attached as Exhibit 12.

Even then the Department still sought to withhold proof of its own official dishonesty, did not comply with the directive of the court, and affiant was awarded a summary judgment by the court.

Currently, affiant has sought and been denied two exhibits used by the Department in two different trials. On denial he made proper appeal to the Department. Affiant's lower-level appeal was made July 15, 1973. It was rejected July 25, 1973 with this public evidence used in courts against described as "investigatory files." Affiant appealed as directed to the Attorney General on July 28, 1973. Notwithstanding the fact that applicable departmental regulations require action within 10 days there was no response. Affiant again wrote the Attorney General on August 13, 1973. But to this day there has been no response, not even pro forma acknowledgement of the appeal.

Both of the documents sought by affiant were released to the press. Both have been

widely reproduced in partial facsimile. Both are currently of the most controversial and political nature. Yet the Department denies what it has released publicly to affiant, claiming the exemption applicable ~~HERETO~~ to "investigatory files."

What "defendants did not tell this court is the basis for ~~alleging~~ claiming that this sought executive session is "an investigatory file for law enforcement purposes." When affiant asked ~~him~~ Dr. Rhoads how a body which had no law-enforcement purposes, powers or responsibilities could meet this requirement of the law his ~~response~~ "explanation" of August 13, 1971, attached hereto as Exhibit 13, was merely that "If any violations of federal law had been found by the Commission, the information could have been used for law enforcement purposes in the prosecution of the offenders."

By this contrivance it would seem that the Constitution and the "eclaration of Independence could be withheld under the investigatory-file exemption. In addition, with no witnesses heard and with the subject matter of that executive session - not disclosed to this court or to affiant in response to his request attached to the complaint - even that remote possibility of the contrived excuse is patently impossible.

There is no other explanation of the justification of the invocation of Exemption 7.

Because Vice President Ford, then a member of the Warren Commission, sold part of the transcript withheld from affiant, a project in which he was assisted by placing a former political crony on the public payroll to be his ghost writer, the purposes of this misrepresented executive session and some of the actual words are known.

The meeting was called by general counsel, J. Lee Rankin, to report "that the startling allegations to the members," that Oswald had been an "undercover agent" for the FBI. Exhibit, Ford's book.

This was not news on January 27. It had been withheld from the members of the Commission. Then Congressman Ford used such words as "shock" and "startling" to describe the members' reactions.

However, the only thing new is that Texas officials were interested in this report, which had been withheld from the members themselves although the FBI, Secret Service and the Commission's own staff was well aware of it. Attached hereto are copies of Commission records which so prove. ~~(CONFIDENTIAL)~~ It is and is explicit enough that the alarm was over probable Texas official use of what was being suppressed for political reasons, what the Texans knew and reported to the general counsel several days earlier.

The facts are
~~show~~ that this rumor had appeared in print in Texas and in Pennsylvania, that the FBI and the Secret Service had conducted investigations ~~in~~ months and a half earlier, and that these actual investigative reports were never withheld by the Commission. They are numerous, they appear in different files none of which were classified or withheld, and affiant can supply the numerous pages of them he has.

The transcript sought in this action was one in which fact was reported, that fact not a deliberative session. which Texas officials had reported and had not been told to keep secret. Two of those officials have recounted their recollection to affiant. It was later, after holding hearings and taking testimony that the Commission did deliberate. Its conclusions from this testimony, taken much later, and the deliberations even later, are embodied in the report (pp. 327- (pp. 325-7) with the conclusion that "Oswald was not an agent for the U.S. Government."

insert

Dr. Rhoads swears that only the CIA and the FBI have ever seen this transcript. Affiant therefore wonders how the lawyers whose names are signed to the pleadings can represent to this court what the transcript does and does not contain or even whether it can be interpreted as they interpret it, which is quite different than Dr. Rhoads does.

Title 3--The President

Letter of November 23, 1964

[REPORT OF THE PRESIDENT'S COMMISSION ON THE ASSASSINATION
OF PRESIDENT KENNEDY]

[Nonapplicability of Declassification Procedures]

THE WHITE HOUSE,
Washington, November 23, 1964.

DEAR MR. CHAIRMAN:

The procedures set forth in Section 5(i) of Executive Order No. 10501 with respect to the declassification of material shall have no application to the Report of the President's Commission on the Assassination of President Kennedy and the exhibit volumes thereto.

This letter shall be published in the FEDERAL REGISTER.

Sincerely,

LYNDON B. JOHNSON

HONORABLE EARL WARREN,
Chairman,

President's Commission on the Assassination of President
Kennedy,
200 Maryland Avenue NE.,
Washington, D.C.

Memorandum of February 1, 1965

[CABINET COMMITTEE ON FEDERAL STAFF RETIREMENT SYSTEMS]

*Memorandum for The Secretary of State, The Secretary of Defense,
The Postmaster General, The Secretary of Labor, The Secretary of
Health, Education, and Welfare, The Director of the Bureau of the
Budget, The Chairman of the Civil Service Commission*

The Federal Government pays an important part of the compensation of its employees in the form of benefits under staff retirement plans. Such plans are provided for civilian employees of the executive departments and agencies, and for members of the uniformed services. The patterns and amounts of these payments must be effective for their purpose. The payments must be properly related to the personal service upon which they are based, and to similar retirement benefit programs elsewhere in the economy.

The retirement policies of the Federal Government, as employer, and the programs and methods by which these policies are made effective were last examined in the reports of the Committee on Retirement Policy made in 1954. Since then numerous adjustments have been made in these Federal programs.

In order to establish up-to-date guides for use in the executive branch in considering proposed changes and further improvements in retirement plans, I request that the whole structure of our retirement policies be reviewed as to objectives, coverage of both civilian and

Attachment

Summary of Views of Interested Federal Agencies
Concerning the Disclosure to the Public of Materials
Delivered to the National Archives by the President's
Commission on the Assassination of President Kennedy.

In response to inquiry by the Department of Justice, the federal agencies which submitted reports or other materials to the President's Commission expressed the following views regarding the disclosure of these materials to the public.

1. Federal Bureau of Investigation. The Federal Bureau of Investigation recognizes that materials furnished by it for use by the President's Commission, except those which were classified for reasons of national security, are in the public domain. Most of the material furnished by the Bureau was unclassified. Security classification was necessary in some instances to prevent the identification of confidential informants, to protect the secrecy of confidential investigative techniques, to avoid disclosure of information showing the Bureau's coverage of the Soviet Embassy in Washington, D. C., and to maintain the classification imposed by other agencies on information furnished by them to the Bureau. The Bureau believes that classified material should be disclosed only to persons having the necessary security clearance.

The Bureau believes that another problem is presented by unclassified material, some of which contains reports of rumor, gossip, and similar data involving innocent people. Some of this unclassified material contains the results of extensive investigations of Mrs. Marina Oswald and various associates of the Oswalds. Disclosure of such material, the Bureau believes, would be a source of unwarranted embarrassment to the people concerned. Some material contained in unclassified documents was furnished to the Bureau in confidence by sources such as banks and hotels. The records of these sources cannot be produced except pursuant to a court order. Public disclosure of this information might cause the Bureau to lose the cooperation of such sources in the future and might subject the sources to civil suit.

A separate problem is presented by records of the Bureau's investigation of Mr. Jack Ruby, whose conviction for the murder of Oswald is still under review in the Texas courts.

The Bureau, which has retained records of all material furnished to the President's Commission, is prepared to examine all classified documents in order to extract the classified information and make the remainder available to the public. In addition, the Bureau is prepared to review the classification of all classified documents at least once a year and at any time in response to a specific inquiry concerning the classification of a particular document.

While pointing out the problems noted above concerning undisclosed material, the Bureau makes no specific recommendation concerning such items.

2. Secret Service. The Secret Service recommends that access to its investigative reports furnished to the President's Commission remain restricted for all reports in the following categories:

- "(1) Reports affecting national security.
- "(2) Reports which reveal the extent of Presidential protection or protective techniques.
- "(3) Reports mentioning innocent persons having no connection with the subject of the investigation that would needlessly embarrass or damage the innocent parties.
- "(4) Reports containing information given to us in confidence which, when investigated, was found to:
 - (a) have no connection with the assassination;
 - (b) be untrue, yet the reports would be embarrassing, both to the supplier of the information who may have acted in good faith in view of the importance of the subject matter of the investigation, or to the person concerning whom the information was furnished; e. g., derogatory remarks about President Kennedy attributed to persons before and after the assassination.

"(5) Reports containing information from confidential informants from which readers might draw an inference, erroneously or correctly, as to the identity of the confidential informant."

The Secret Service has indicated its willingness to examine the reports furnished by it to the President's Commission for the purpose of determining which items may be made available to the public now (including declassification, if necessary) and which may be made available at some future time less than 75 years hence. It has also recommended an annual review of the necessity for continuing restrictions on particular items.

3. Post Office Department. The Postal Inspection Service furnished documents and information to various investigative agencies including the Federal Bureau of Investigation and the Secret Service. It believes that the receiving agencies should determine whether or not such documents and information should be disclosed.

The Inspection Service submitted directly to the President's Commission a summary of its activities, which was not a classified document. The Service has no objection to the publication of this document, but believes that the approval of the Federal Bureau of Investigation and the Secret Service should be obtained. The Inspection Service furnished to the President's Commission "copies of the front and back of POD Form 2153-X, dated September 18, 1963, covering a publication 'OGONEK' addressed to Mr. Lee H. Oswald, Box 2915, Dallas, Texas." The Service believes that these copies should not be made generally available at this time.

The Service has indicated its willingness to examine any documents furnished by it to the President's Commission for the purpose of determining whether they can be released to the public.

4. Central Intelligence Agency. The Central Intelligence Agency believes that items furnished by it to the President's Commission and withheld from the public domain under security controls should not be excepted from the normal 75-year period of nondisclosure. The Agency cooperated fully with the President's Commission and made every effort to release material furnished to the Commission for the public record.

Wherever it was possible without jeopardizing the national security or this country's posture abroad, security classifications were graded down. Because of this policy, very little of the material furnished by the Agency is now withheld from the public. The criteria which were applied in determining whether or not to release information were: (1) the evidential value of the information in question; (2) the protection of sensitive sources and methods of operation; and (3) the possibility of international ramifications in view of the fact that most of the material was acquired abroad, particularly in Mexico and the U. S. S. R. None of the withheld material has a direct bearing on the assassination of President Kennedy.

The Agency believes that the national security requires the continuance of restrictions on withheld documents and that this interest outweighs all other considerations. It recommends that at the end of the 75-year period another security appraisal be made before such documents are disclosed.

5. Department of State. The Department of State made every effort to cooperate with the President's Commission in releasing to the public all significant information concerning the assassination of the President. In a small number of cases, the publication of documents was restricted in order to protect coding systems, in the interest of national security, to avoid personal embarrassment, or because a later revision of a draft document containing the substance of the draft had been released for publication. (Where coding was involved, the full substance of the document in question was made available for publication.) A few documents were classified and have been restricted accordingly.

Some of the material which has not yet been made available could probably be released if necessary. It will probably be possible to release other material within the next ten years. In cases where a document was furnished by the Department but originated with another agency, the approval of the originating agency should be obtained. The Department is prepared to examine material furnished by it to the President's Commission now and on an annual basis hereafter to reevaluate the necessity for nondisclosure.

6. Department of Defense. The Department of Defense has examined material at the National Archives which has been identified as furnished to the President's Commission by the Department. Some of the material, consisting of investigative reports and other material relating to individuals, is of a kind normally not disclosed to the public. In view of the exceptional nature of the work of the President's Commission, however, the Department does not object to the disclosure of this material, all of which is unclassified. If further material is later identified as originating with the Department of Defense, the Department requests an opportunity to review such material before it is disclosed.

7. Internal Revenue Service. The Internal Revenue Service has no objection to unrestricted public examination of documents concerning matters included in the public record by the Report of the President's Commission.

Tax returns which have not been made a matter of public record are protected from disclosure by Sections 6103 and 7213 of the Internal Revenue Code and by 5 U. S. C. Section 22. The President has statutory authority to disclose such protected information, but the Service recommends that in accordance with the spirit of the statute, tax returns not made matters of public record not be made available for general inspection.

A determination concerning other items furnished to the President's Commission should be made on an individual basis. Many documents reflect protected tax return information. Others contain information which would indicate the identity of a confidential informant, which is scandalous and not relevant to the subject of the Commission's inquiry, which consists of unconfirmed allegations by third parties, or which discloses the Service's policies respecting collection, auditing, settling, or prosecution. The Service has traditionally maintained a policy of nondisclosure of information of this sort and believes that the public recognizes the necessity for this policy. The Service believes that disclosure of material of the kind indicated would not add significantly to the comprehensive report of the President's Commission or to public information concerning the assassination of President Kennedy. Accordingly, the Service believes that no public interest would be served by disclosure. The Service believes that except in exceptional circumstances, documents of which portions must remain undisclosed

be restricted in their entirety. If documents containing deletions are released they are likely to prompt curiosity about the deletions and may produce charges that significant information is being withheld.

As a means of assuring the public of the thoroughness of the Commission's investigation, the Service suggests that letters received by it from the President's Commission requesting documents, along with transmittal replies, be made available for inspection. Clearance to disclose such letters would have to be obtained from the President's Commission, the originating agency.

The Service has indicated its willingness to inspect material furnished by it to the President's Commission now and at periodic intervals to determine whether such material may be made available to the public. It suggests that material be withheld only if: (1) disclosure is prohibited by law or agency regulations; (2) disclosure would be detrimental to the administration of the laws administered by the agency concerned; (3) the material relates to scandalous information unrelated to the assassination; (4) the material consists of unsubstantiated information or allegations; or (5) the material could embarrass or damage innocent persons without serving the public interest in full disclosure of information pertaining to the assassination of President Kennedy.

8. Immigration and Naturalization Service. The Immigration and Naturalization Service has previously authorized the President's Commission to publish all documents furnished to it by the Service. Accordingly, the Service has no objection to the immediate disclosure of all such documents to the public.

Weisberg v. General Services Administration
[Civil Action No. 2052-73]

- ✓ 11-13-73 Complaint
 - ✓ Exhibit A: Letter Weisberg-Rhoads [5/4/68]
 - ✓ Exhibit B: Letter Rhoads-Weisberg [5/20/68]
 - ✓ Exhibit C: Letter Angel-Weisberg [6/21/71]
 - ✓ Exhibit D: Letter Weisberg-Vawter [2/8/72]

- ✓ 11-29-73 Plaintiff's Interrogatories

- ✓ 1-14-74 Defendant's Motion For Extension of Time Within Which To Answer Or Otherwise Plead With Respect To Complaint And Respond To Interrogatories

- ✓ 1-16-74 Order [granting Defendant's Motion for Extension of Time]

- ✓ 2-13-74 Defendant's Motion To Dismiss Or, In The Alternative, For Summary Judgment
 - Memorandum of Points And Authorities
 - Statement of Material Facts
 - Proposed Order
 - ✓ Affidavit of Dr. James B. Rhoads [1/10/74]

- 2-22-74
- ✓ 2-13-74 Answers To Interrogatories [1/16/74]

- ✓ 2-22-74 Plaintiff's Motion For Extension of Time Within Which To Oppose Defendant's Motion To Dismiss Or For Summary Judgment

- ✓ 2-25-74 Order [granting Plaintiff's Motion for Extension of Time]

- ✓ 2-27-74 Plaintiff's Second Set of Interrogatories

- ✓ 3-7-74 Motion to Strike Affidavit of Dr. Rhoads
 - ✓ Memorandum of Points and Authorities
 - ✓ Proposed Order

- ✓ 3-12-74 Opposition to Defendant's Motion to Dismiss Or, In The Alternative, For Summary Judgment
- ✓ Affidavit of Harold Weisberg
 - ✓ Exhibit A: Outside cover sheet of December 5, 1963, Warren Commission Executive Session
 - ✓ Exhibit B: Inside cover sheet of December 5, 1963, Warren Commission Executive Session
 - ✓ Exhibit C: Ward & Paul worksheet [1/27/64--3/4/64]
 - ✓ Exhibit D: Ward & Paul Receipt No. 3013
 - ✓ Exhibit E: Letter United States Attorney Louis E. LaCour-Jesse Ward
 - ✓ Exhibit F: Ward & Paul Receipt No. 3237
 - ✓ Exhibit G: Preface To Warren Commission Vol. VIII
 - ✓ Exhibit H: Contents to Warren Commission Vol. VIII
 - ✓ Exhibit I: Chapter One of Portrait of the Assassin
 - ✓ Exhibit J: Executive Order 11130
- ✓ 3-20-74 Defendant's Opposition to Plaintiff's Motion to Strike Affidavit of Dr. James B. Rhoads
- ✓ 4-1-74 Answers to Interrogatories (second set) [3/22/74]
- ✓ 4-1-74 Objections to Interrogatories
- ✓ 4-4-74 Memorandum and Order
- ✓ 4-17-74 Defendant's Memorandum Pursuant to Order of the Court
- ✓ Affidavit of J. Lee Rankin
 - ✓ Letter Earl Warren-Bernard L. Boutin, GSA [12/21/63]
 - ✓ Letter Jesse Ward-J. Lee Rankin [1/7/64]
 - ✓ Letter J. Lee Rankin-Jesse Ward [1/8/64]
 - ✓ Letter J. Lee Rankin-Ward & Paul [5/1/64]
- 4-22-74 Supplement to Defendant's Memorandum Pursuant to Order of the Court
- ✓ 4-26-74 Plaintiff's Memorandum Pursuant to Order of the Court
- ✓ Exhibit A: Supplemental Affidavit of Harold Weisberg
 - ✓ Exhibit B: Pages 1-12 of December 16, 1963 Warren Commission Executive Session transcript

- Exhibit C: Warren Commission Rules
- Exhibit D: Page 26 of Warren Commission Executive Session transcript for January 21, 1964
- E Exhibit E: Ward & Paul receipts No. WA4555 and WA3752 for sale of witness transcripts
- Exhibit F: Letter Mayor Robert H. L. Johnson of Cedar Rapids, Iowa, to President Lyndon Johnson [1/4/65]
- Exhibit G: White House Memorandum for Acting Attorney General Katzenbach [1/18/65]
- Exhibit H: Attorney General's Memorandum of 4/13/65 with page one of the attachment thereto
- Exhibit I: White House Memorandum by McGeorge Bundy approving Attorney General's guideline's for disclosure of Warren Commission records [4/19/65]
- Exhibit J: Page 20 of April 30, 1964, Warren Commission Executive Session transcript
- Exhibit K: Agenda for January 27, 1964 Executive Session
- Exhibit L: Letter Weisberg-Rhoads 1/27/64

- ✓ 4-29-74 Request For Production of Documents
- ✓ 5-3-74 Memorandum and Order [granting Defendant Summary Judgment on Exemption 7 grounds]
- ✓ 5-13-74 Motion for Reconsideration