

the Dallas and New Orleans field offices, which I had requested. Mr. Shea and Mr. Mitchell established that the ~~field~~^{withheld} field office records are not exact duplicates and so testified on deposition in 1979.

6. In Mr. Shea's second "progress report," of October 26, 1978, he informed my counsel that "the issue should be resolved in favor of your client." (page 15) This has not been done.

7. In the two JFK cases, the FBI agreed to provide as cross-references copies of the field office worksheets annotated to include the pertinent HQ serial numbers. As soon as I received ^{five} those pertaining to Dallas records, the only ones provided although New Orleans also is included, I checked them. This disclosed that in a large number of instances the cross-references were void. No serial identification was provided for a large number of records. I appealed immediately. It was apparent that, if the FBI's HQ records held these records that supposedly had been provided to me, their serial identifications were available and should have been included. The absence of serial numbers indicated that HQ records claimed to have been provided were not provided. This turned out to be the fact.

8. Under date of May 30, 1980, the FBI finally admitted that 2369 pages of Dallas records claimed to have been provided from FBIHQ records had not been provided and could not even be found at FBIHQ. (Exhibit 1)

9. The FBI phoned-up a cover-the-Bureau explanation, that "upon preparation of the cross-index and during the processing of the Dallas 3x5 index cards it was determined that these documents were not located in the Headquarters files."

10. The truth is that the Dallas 3x5 index has not yet been processed. What was provided under date of March 14, 1980, all that has been provided to date, does not include all of the second letter of the alphabet. When the FBI provided the single cross-reference I have received, on March 15, 1980, it did not report discovery of 2369 missing pages. It did not acknowledge that it had withheld an admitted 2369 pages of pertinent records until two and a half months later, after I provided it and Mr. Shea with proof that it had not listed all the required serial numbers on the cross-references.

11. As late as the FBI's letter of May 21, 1980 (Exhibit 2), it made no reference to allegedly having discovered, more than two months earlier, that these 2369 pages were missing or that they would be provided. Instead, it pretended that the exemptions claimed on the cross-references need not agree with the claims

made to withhold all or part of the underlying records. This led to the representation that claims to exemption other than are made for the underlying records can be made for them as indexed.

12. In Exhibit 2 the FBI refers to my letter of March 17, 1980, only in the sense of inconsistent claims to exemption. Actually, I reported that examination of "the worksheets themselves," meaning the cross-references, served "to raise ~~serious~~ serious questions about them" as well as the claims to exemption. I illustrated this by providing copies of the cross-reference worksheets and the original worksheets. I also informed Mr. Shea that "where the worksheets say nothing is withheld and no claim to exemption is made there is actual withholding." In what the FBI's May 21 letter does not refer to, my March 28 amplification of the appeal, I provided Mr. Shea with copies of Ms. Barrett's notes specifying the identifications of records allegedly "previously processed" that were not accounted for in the cross-references.

13. These missing 2369 pages are those that originated with only one of the FBI's 59 field offices. The FBI has not yet responded with respect to New Orleans JFK records. I have provided Mr. Shea with proof that pertinent New Orleans records are not included in FBIHQ records. The total number of missing records is not reported, if it is known.

14. With regard to the MURKIN field office records withheld as "previously processed," those without question missing from FBIHQ files include the inventories of 58 of the 59 field offices. Chicago's inventory was not withheld from FBIHQ MURKIN records. By the most remarkable of coincidences, if coincidence it is, not one of the field offices provided me with a copy of any of the inventories they provided the FBIHQ. These inventories disclose the pertinent holdings of each field office, by file identification and by volume. By means of the Dallas inventory, the only JFK one that escaped the censors, I was able to establish the existence of pertinent files that had not been searched and from which no records had been provided.

15. The withheld MURKIN inventories are certain to disclose records neither searched nor provided. I have already established this by other means, without cross-references or inventories, from correspondence between HQ and one field office. That field office did not send all its MURKIN records to HQ for

processing and disclosure to me. On an earlier occasion and for other purposes, it sent HQ MURKIN records it did not send in this instant cause.

16. In response to my appeal, two years ago the FBI did collect all these deliberately withheld inventories and was to have provided copies. To date it has not. They are MURKIN records and are so captioned at HQ and all the field offices.

17. The FBI has continued to withhold these inventories, two years after they were to have been provided, for the same reason it has not provided cross-references for the MURKIN field office records allegedly provided from HQ files. This is because, as with the 369 pages of JFK records, the FBI withheld as "previously processed" records it did not provide from HQ files. I have reported that HQ MURKIN records are missing from the time the first of them were provided, beginning almost four years ago. Cross-references and inventories will disclose the deliberate withholding of what allegedly was "previously processed" and was not.

18. Proofs of the deliberate withholding of pertinent MURKIN records are included in my prior affidavits and remains entirely undisputed. These proofs include HQ directives to the field offices to limit the MURKIN records sent to HQ for processing. As a result the field offices did not send all their MURKIN records to FBIHQ for processing and release in this instant cause. FBIHQ therefore knows, without preparing cross-references, that all field office MURKIN records could not have been "previously processed" in HQ files and were not. It also knows that my examination of the withheld MURKIN field office inventories can produce additional proofs of deliberate withholding in this instant cause. Because the director^{1/25} for the filing of inventories also include JFK assassination records and political records on Dr. King, the FBI also knows that these inventories will provide me with proof of noncompliance in JFK records litigation and with respect to the King political files it agreed to provide outside of this instant cause but, after more than three years, has not yet begun to provide.

19. The now admittedly withheld 2369 pages of Dallas field office records, earlier represented as already provided from HQ records, prove that in even important and delicate political cases of great historical significance large numbers of records do disappear from FBIHQ files, the FBI cannot account for them, and that the "previously processed" claim is entirely undependable. In this

instance because the fact of withholding of pertinent information as "previously processed" when, in fact, it was not provided also remains without dispute in the case records, and throughout my many documented appeals that, with the copies of pertinent FBI records I provided, fill two file drawers.

HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this _____ day of June 1980 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1982.

NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND