

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, )  
 )  
Plaintiff )  
 )  
v. ) CIVIL ACTION NO.  
 ) 78-0249  
CLARENCE M. KELLEY, et al., )  
 )  
Defendants )  
 )  
\_\_\_\_\_ )

AFFIDAVIT OF BRADLEY B. BENSON

I, Bradley B. Benson, being duly sworn, depose  
and say as follows:

(1) This affidavit supplements the affidavit  
of Special Agent (SA) David M. Lattin dated April 28, 1978,  
and is intended to set forth the results of my personal  
independent examination of the inventory worksheets described  
in paragraph (4), infra, under the provisions of Executive  
Order (EO) 12065. The exemption set forth in Title 5,  
United States Code, Section 552 (b)(1) was utilized to  
withhold items of information classified pursuant thereto.

(2) I am a Special Agent of the Federal Bureau  
of Investigation (FBI), assigned in a supervisory capacity  
to the Document Classification Review Unit in the Records  
Management Division at FBI Headquarters, Washington, D. C.

(3) I have been authorized to classify FBI documents  
pursuant to EO 12065, Section 1-204. My current assignment  
in classification matters involves a review of classified  
documents requested under the Freedom of Information Act-  
Privacy Acts (FOIPA) as to their suitability for continued  
classification under EO 12065, and, when indicated, declassification.

(4) The documents referred to herein are inventory  
worksheets utilized in the processing under the FOIPA of  
files pertaining to the investigation of the assassination  
of President John F. Kennedy. These worksheets are referred  
to in the affidavit of Special Agent Horace P. Beckwith  
which was filed in this matter, April 28, 1978.

*Does not refer to underlying records say he even looked at them, or that any of  
the withheld info on worksheets or underlying records is not within public  
domain. Does he report an effort to learn & inform court?*

*only*

(5) I have made a personal independent examination of these inventory worksheets utilized in the processing of files pertaining to the investigation of the assassination of President John F. Kennedy. I have personal knowledge of the information set forth therein for which exemption (b) (1) pursuant to Title 5, United States Code, Section 552 is claimed.

*SP, 11 NO ref. to under-ly ing memo. Ref 9/10, in by list of worksheets*

(6) I have examined all the documents specified below and found that their classification is in conformity with procedural criteria set forth in EO 11652 and the Department of Justice (DOJ) Implementing Order 489-72 (contained in Code of Federal Regulations, Title 28, Chapter 1, Part 17), in that:

*only confidential some Top Secret worksheets with hole*

(a) the material has been classified by an appropriately designated Classifying Officer with authority to classify documents. The documents have been properly stamped as "Confidential," with the date of classification and the identity of the Classifying Officer noted thereon. The General Declassification Schedule exemption category and declassification date has also been placed on the document. As provided in the EO, the documents bear the declassification date of "indefinite." Following each classified item a marking of a "C" for "Confidential," appears. Items not marked as "C," are unclassified.

(B) The items classified contain information concerning national security, that is, regarding national defense or foreign relations of the United States; and the revelation of the information could reasonably be expected to cause damage to the national security.

(7) The information in these documents is also classified in conformity with substantive requirements set forth in EO 12065. Section 1-301 identifies the type of information which may be considered for classification:

*In this case, why not relevant to information to*

- (a) Military plans, weapons, or operations; — ?
- (b) Foreign government information;
- (c) Intelligence activities, sources or methods;
- (d) Foreign relations or foreign activities of the United States;
- (e) Scientific, technological, or economic matters — ? relating to the national security;
- (f) United States Government programs for — safeguarding nuclear materials or facilities: or
- (g) Other categories of information which are related to national security and which require protection against unauthorized disclosure as determined by the President, by a person designated by the President pursuant to Section 1-201, or by an agency head.

The information classified in these inventory worksheets concerns one or more of these criteria in Section 1-301, EO 12065, and, as an original classification authority, I have determined that its unauthorized disclosure reasonably could be expected to cause at least identifiable damage to the national security (1-302, EO 12065). The identifiable damage is detailed below in paragraphs 8 (a), (b) and (c).

(8) A further explanation of the identifiable damage to the national security that could reasonably be expected from the unauthorized disclosure of the information classified in these inventory worksheets is as follows:

*Not in public domain  
interpol as  
not public domain*

- (a) If a withheld classified item identifies a foreign government source or international organization source, the item is so identified but with no further particularity. The information may not be further described without breaching

if already  
disclosed  
Did it with  
Mexico?

Did they in  
these cases?  
in this case?

in worksheets?  
means in transcript  
he does not so  
attest

and if  
lowest  
classification  
only?

no possibility?

newspaper?  
Pretst call?  
interview?

the assurance of confidentiality afforded the foreign source. The revelation of either the identity of the source or the information furnished could reasonably be expected to cause identifiable damage to the national security by the curtailment of the flow of such information from foreign or international sources who demand or expect confidentiality. The revelation could harm foreign relations, cause expulsion of United States officials and precipitate a break in normal diplomatic intercourse. The revelation could cause physical harm or other personal disruption in the lives of cooperative foreign officials and their sources.

(b) If a withheld classified item contains the identity of a source or method providing information regarding a specific foreign relations matter or activity of the United States, that data identifying the source or method is identified but not described with particularity. Revelation of the source, method or information, in addition to damage to source/method operations cited below, could reasonably be expected to cause identifiable or serious damage to the national security by causing a break in diplomatic relations, reprisal against United States citizens and disclosure of particular United States intelligence interests in the foreign country, and allow countermeasures to be implemented by hostile intelligence agencies.

(c) If a withheld classified item contains classified data which specifies the source or method by which the information was obtained, that

*newspaper  
without FBI review*

?

*after 15  
years?*

*in this case?*

fact is so indicated. In these instances, more particular descriptions regarding the identity of the source or method could reasonably be expected to cause identifiable damage to the national security. This damage may entail:

- (1) Death of the source;
- (2) Discontinuance of the source's services with resulting loss of intelligence information;
- (3) Damage to other ongoing intelligence activities;
- (4) Modification or cancellation of future intelligence activities;
- (5) Permitting hostile entities to evaluate the number and objectives of informants targeted against them, and take appropriate countermeasures, again causing loss of intelligence information; and
- (6) Causing an overall chilling effect on intelligence collection by reducing the climate of cooperativeness from sources, both current and prospective, not willing to risk the probability of exposure with its potential effect on loss of jobs, friends, and status.

(9) The standard for designating information as "Confidential" under the previous EO is whether its unauthorized disclosure could reasonably be expected to cause damage to the national security (EO 11652, 1(C)). Effective December 1, 1978, EO 12065, 1-104, specifies "identifiable" damage as the criterion for "Confidential." During my examination of these documents, the prior classification of the documents pursuant to EO 11652 was reviewed to determine its current appropriateness pursuant to EO 12065. I assert that all material classified "Confidential" in these inventory worksheets meets both standards. The classified items were also reviewed to identify any reasonably segregable portion that could be declassified, and none were found.

*1-3  
worksheets*

(10) The below-listed inventory worksheets were found to contain classified data. These worksheets are identified according to the file subject, section and serial to which they refer. A description and justification of classification for each item classified in these worksheets follows in this order:

<u>Subject</u>	<u>Section</u>	<u>Serial</u>
JFK <i>Not proper identity restrictions</i>	170	✓ 0 Not Recorded (NR) after 6841 and 6842
		0 NR after 6845
		0 6846
	171	✓ 0 6849
		0 NR after 6851
		0 7424X
	184	✓ ✓ 7437X (S)
		✓ ✓ 7437X1 (S)
	187	0 7580
OSWALD	69	✓ ✓ 1494 (no class. info etc)
	86	✓ ✓ 2095 (S)
	96	✓ ✓ 2463 (S)
	174	✓ ✓ 4106 (C)
	204	✓ ✓ 4718 (C)
	0 214	0 5024
		✓ ✓ 5026 (no class)
0 232	0 5565	
RUBY	62	✓ 1670 (C)

The Inventory worksheets pertaining to Section 170, (JFK), dated August, 1977, consist of 8 pages. Page 7 contains a reference to serials 6841 and 6842.

Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (b) and 1-302. Only that portion is classified that would reveal cooperation with a foreign police agency.

*not  
HNDW?  
not EGT*

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(a), above.

The Inventory worksheets pertaining to Section 170, (JFK), dated August, 1977, consist of 8 pages. Page 8 contains a reference to non-recorded serial after 6845 and 6846.

Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (b) and 1-302. Only that portion is classified that would reveal cooperation with a foreign police agency.

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(a), above.

The Inventory worksheets pertaining to Section 171, (JFK), dated August, 1977, consist of 4 pages. Page 1 contains a reference to serial 6849 and not recorded serial after 6851.

Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (b) and 1-302. Only that portion is classified that would reveal cooperation with a foreign police agency.

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(a), above.

The Inventory worksheets pertaining to Section 183, (JFK), not dated, consist of 5 pages. Page 4 contains a reference to serial 7424X.

Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (c) and 1-302. Only that portion is classified that would identify an intelligence gathering method which remains in use by the United States Government today, the loss of which would have a serious impact on the ability of the United States to obtain vital intelligence information.

*Not  
Present  
Does not  
show this  
and/or  
would cause  
"loss"  
which  
breaks  
in returns*

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(b), above.

The Inventory worksheets pertaining to Section 184, (JFK), not dated, consist of 7 pages. Page 1 contains a reference to serials 7437X and 7437X1.



Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (c) and 1-302. Only that portion is classified that would identify an intelligence gathering method which remains in use by the United States Government today, the loss of which would have a serious impact on the ability of the United States to obtain vital intelligence information.

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(b), above.

The Inventory worksheets pertaining to Section 187, (JFK), not dated, consist of 6 pages. Page 5 contains a reference to serial 7580.

Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (c) and 1-302. Only that portion is classified that would identify an intelligence gathering method which remains in use by the United States Government today, the loss of which would have a serious impact on the ability of the United States to obtain vital intelligence information.

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(b), above.

The Inventory worksheets pertaining to Section 69, (Oswald), dated August, 1977, consist of 6 pages. Page 1 contains a reference to serial 1494.

Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (b) and 1-302. Only that portion is classified that would reveal cooperation with a foreign police agency.

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(a), above.

The Inventory worksheets pertaining to Section 86, (Oswald), dated August, 1977, consist of 4 pages. Page 3 contains a reference to serial 2095.

Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (b) and 1-302. Only that portion is classified that would reveal cooperation with a foreign police agency.

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(a), above.

The Inventory worksheets pertaining to Section 96, (Oswald), dated August, 1977, consist of 6 pages. Page 3 contains a reference to serial 2463.

Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (c) and 1-302. Only that portion is classified that would identify foreign intelligence sources. These sources were recruited with a pledge of extreme secrecy and can be expected to provide information only as long as they feel secure in the knowledge that they are protected from retribution and embarrassment.

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(c), above.

The Inventory worksheets pertaining to Section 174, (Oswald), dated August, 1977, consist of 3 pages. Page 1 contains a reference to serial 4106.

Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (b) and 1-302. Only that portion is classified that would reveal cooperation with a foreign police agency.

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(a), above.

The Inventory worksheets pertaining to Section 204, (Oswald), dated August, 1977, consist of 4 pages. Page 2 contains a reference to serial 4718.

Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (b) and 1-302. Only that portion is classified that would reveal cooperation with a foreign police agency.

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(a), above.

The Inventory worksheets pertaining to Section 214, (Oswald), dated August, 1977, consist of 4 pages. Page 1 contains a reference to serials 5024 and 5026.

Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (b) and 1-302. Only that portion is classified that would reveal cooperation with a foreign police agency.

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(a), above.

The Inventory worksheets pertaining to Section 232, (Oswald), dated August 28, 1978, consist of 7 pages. Page 5 contains a reference to serial 5565.

Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings

under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (c) and 1-302. Only that portion is classified that would identify foreign intelligence sources. These sources were recruited with a pledge of extreme secrecy and can be expected to provide information only as long as they feel secure in the knowledge that they are protected from retribution and embarrassment.

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(c), above.

The Inventory worksheets pertaining to Section 62, (Ruby), dated August, 1977, consist of 4 pages. Page 2 contains a reference to serial 1670.

Under EO 11652, this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855. The classification level and paragraph markings under Executive Order 11652 are still appropriate under Executive Order 12065. The withheld classified portion meets the classification requirements of Executive Order 12065, 1-301 (b) and 1-302. Only that portion is classified that would reveal cooperation with a foreign police agency.

A more detailed description of the withheld classified portion of this document could reasonably be expected to result in identifiable damage as explained in paragraph 8(a), above.

*Bradley B. Benson*

Bradley B. Benson  
Special Agent  
Federal Bureau of Investigation  
Washington, D. C.

Subscribed and sworn to before me this 22<sup>nd</sup> day  
of January, 1979.

*Man B. Kicher*  
Notary Public

My commission expires September 14, 1982.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served the foregoing Notice of Filing and Affidavit upon plaintiff by depositing a copy thereof in the United States mail, first class, postage prepaid to:

James H. Lesar  
910 Sixteenth Street, N.W.  
Washington, D.C. 20006

on the 22nd day of January, 1979.

  
EMORY J. BAILEY

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

CIVIL ACTION No. 78-0249


CLARENCE M. KELLEY, et al.,

Defendants.

NOTICE OF FILING OF AFFIDAVIT


Defendants, by and through counsel, hereby submit the affidavit of Bradley B. Benson. This affidavit is submitted in compliance with the Court's order of January 12, 1979, pertaining to the above captioned matter.

Respectfully submitted,

  
BARBARA ALLEN BABCOCK  
Assistant Attorney General

EARL J. SILBERT  
United States Attorney

  
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