

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

RECEIVED

HAROLD WEISBERG,

Plaintiff,

v.

CLARENCE M. KELLEY, et al.,

Defendants

Civil Action No. 78-0249

MOTION FOR RECONSIDERATION AND CLARIFI-  
CATION PURSUANT TO RULES 52(b) and 59  
OF THE FEDERAL RULES OF CIVIL PROCEDURE

Pursuant to Rule 59 of the Federal Rules of Civil Procedure, plaintiff moves this Court to reconsider, alter, and amend the Order entered in this case on February 16, 1979 granting defendants summary judgment.

Pursuant to Rule 52(b) of the Federal Rules of Civil Procedure and the requirements established by Schwartz v. IRS, 511 F. 2d 1301 (D.C.Cir. 1975), plaintiff moves the Court to make additional findings of fact and conclusions of law clarifying the Court's Opinion entered in this case on February 16, 1979.

Specifically, plaintiff asks that the Court make the following findings:

1. At least three sets of worksheets pertaining to the FBI Headquarters' JFK assassination files exist but plaintiff has been given only one set. Thus, the defendants have not provided plaintiff with all worksheets coming within the scope of his request.

2. The affidavit of Bradley Benson does not state that he has examined the underlying documents which pertain to the allegedly classified notations made on certain of the worksheets provided to plaintiff.

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3. Mr. Bradley Benson did not in fact examine the underlying documents which pertain to the allegedly classified notations made on certain of the worksheets provided to plaintiff.

4. The classification level on some of the allegedly classified notations made on worksheets differs from the classification level of the underlying documents pertaining to them.

5. The affidavit of Bradley Benson does not state that the allegedly classified information appearing on worksheets is not already public knowledge.

6. The affidavit of Bradley Benson does not state that he balanced the damage to national security against the public interest in disclosure as required by Executive order 12065.

7. The worksheets provided Weisberg were classified only after he filed suit and after he was mailed copies of them.

8. The allegedly classified notations on worksheets were not classified at the time of origination as required by the applicable Executive order, Executive order 11652.

9. Paragraph (9) of the April 28, 1978 affidavit of Special Agent David M. Lattin failed to disclose that the worksheets were not classified at the time of origination as required by Executive order 11652 and instead misrepresented that "... they have been appropriately marked in accordance with EO 11652 and Section 4(A), and 28 C.F.R. 17.40, et. seq.

10. The affidavit of Bradley Benson does not state that the cooperation of the foreign police agencies whose identities have been excised from the worksheets under claim of national security is not already publicly known.

11. The cooperation of the Royal Canadian Mounted Police and other foreign police agencies with the FBI in the investigation of President Kennedy's assassination is already publicly known.

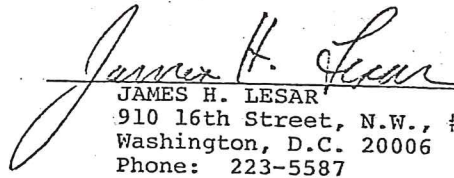
12. Providing plaintiff with documents which show what has already been disclosed, that the Royal Canadian Mounted Police cooperated with the FBI during the investigation of President Kennedy's assassination, will not cause identifiable harm to the security of the United States.

13. The affidavit of Bradley Benson does not state that the "intelligence methods" which are allegedly classified in the worksheets are not already publicly known.

14. Materials contained in the affidavits of Harold Weisberg submitted in support of plaintiff's motion for reconsideration show that the FBI has engaged in a pattern of bad faith conduct and dishonest representations with regard to plaintiff.

15. Under the decision of the Court of Appeals in Ray v. Turner, 587 F. 2d 1187 (1978), this court should afford plaintiff an opportunity for discovery and, after completion of discovery, should inspect the the records allegedly classified with the aid of a classification expert selected by plaintiff and the participation of plaintiff's counsel.

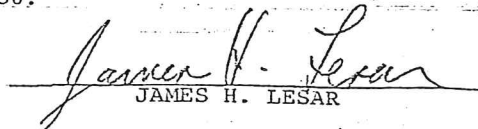
Respectfully submitted,

  
 JAMES H. LESAR  
 910 16th Street, N.W., #600  
 Washington, D.C. 20006  
 Phone: 223-5587

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 26th day of February, 1979, mailed a copy of the foregoing Motion for Reconsideration and Clarification Pursuant to Rules 52(b) and 59 of the Federal Rules of Civil Procedure to Mr. Emory J. Bailey, Attorney, U.S. Department of Justice, Washington, D.C. 20530.

  
 JAMES H. LESAR

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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HAROLD WEISBERG,

Plaintiff

v.

Civil Action No. 78-0249

CLARENCE M. KELLEY, et al.,

Defendants  
.....

MEMORANDUM OF POINTS AND AUTHORITIES

I. ALL WORKSHEETS WITHIN SCOPE OF REQUEST HAVE NOT BEEN PROVIDED

In the course of preparing a response to the affidavit of Special Agent Bradley M. Benson, plaintiff has learned that the set of worksheets which was given him on April 12, 1978 is not the only one pertaining to the JFK Headquarters files which were released on December 7, 1977 and thereafter. This was disclosed in the first instance by the affidavit of Benson himself, which describes the worksheets he reviewed as bearing classification stamps, whereas the copies provided Weisberg have none. In addition, this is evident from the fact that the worksheets are now said not to have been classified until April 27, 1978, when the set in Weisberg's possession was mailed to him on April 12, 1978.

In fact, plaintiff has now come across proof that there is a third set of worksheets, one which also differs from his own. Proof of this third set or worksheets comes from the files of another requestor. By comparing Exhibits 6 and 7 to Weisberg's affidavit of February 21, 1979, it can be seen that they differ in many particulars but are supposed to describe the same records. (Exhibit 6 was sent to Weisberg by another FOIA requestor, Mr.

Paul Hoch. Exhibit 7 was sent to Weisberg by the FBI)

It is apparent from this alone, that the FBI has not provided plaintiff with all the materials within the scope of his request.

## II. FBI'S AFFIDAVITS ARE NOT WORTHY OF CREDECE

The attached affidavits by plaintiff Weisberg show beyond any question that the affidavits submitted by the FBI are not worthy of the "substantial" (indeed "conclusive") weight accorded them by this court. The materials attached to Weisberg's February 14, 1979 affidavit would seem to establish that many, if not most of the excisions allegedly made on grounds on "national security" are consist of nothing more than hiding the initials "RCMP," which stand for "Royal Canadian Mounted Police." (See February 14, 1979 Weisberg Affidavit, ¶¶ 66-70 and exhibits 12-14) Exhibits 12-14 to Weisberg's February 14 affidavit demonstrate that the cooperation of the Royal Canadian Mounted Police with the FBI in investigation the assassination of President Kennedy has already been disclosed by the FBI's release of routing slips with this information on them. In addition, the fact that the Mounties cooperated with the FBI on this investigation has long been public knowledge. This information is available at the National Archives and Weisberg has himself published records which show the cooperation of the Mounties. (See February 14 Weisberg Affidavit, ¶¶ 99-107)

One would have to be imbecile not to assume that the Mounties cooperated with the FBI during its investigation. The claim that "revelation" of this cooperation extended by the Mounties would "cause identifiable harm" to the national security is ludicrous and makes a laughingstock of those who would so maintain.

There are other problems with the classification which demand that plaintiff be allowed to undertake discovery with respect to the FBI's claims, and that after that discovery has been completed,

the court should then consider whether or no in camera inspection with the aid of plaintiff's classification expert and attorney is necessary. Under the facts as they have now been developed, this is necessary if this Court is to comply with the decision of the Court of Appeals in Ray v. Turner, 587 F. 2d 1187.

For example, it is now apparent from Mr. Benson's affidavit that the worksheets were not classified until after plaintiff filed this lawsuit, a fact which is not in accordance with the provisions of Executive order 11652, which provides that classification is to occur at the time or origination. This in turn bears on the veracity and lack of good faith of the Lattin affidavit, which asserted that the proper procedures under Executive order 11652 had been followed. It is now apparent that they were not. This has left the Court in the position of having stated as fact what is not true.

Other questions are raised by the fact that the Benson affidavit does not state that he examined the underlying documents which pertain to the items of allegedly classified information on the worksheets. The underlying records do in some instances bear a classification level (or lack thereof) which is at variance with the "Confidential" classification level of the items on the worksheets.

Where an intelligence method is allegedly the basis for a claim of classification, the Benson affidavit proclaims that the loss of the method "would have a serious impact on the ability of the United States to obtain vital intelligence information." He does not state, however, that disclosure of the information on the worksheets would reveal an intelligence method not already known, or that it would result in the loss of that method. The likelihood that the FBI's claims in this regard are as spurious

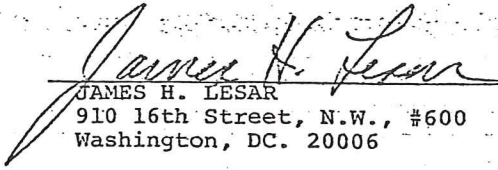
as its claim that it is necessary to excise the initials RCMP in order to protect national security. Thus one such claim allegedly made to protect an "intelligence gathering method" involves an internal FBI investigation of one of its own employees. It is highly unlikely that any method employed in such an investigation would be either unknown to the public or damaging to national security if made known.

III. CORRECTION TO PLAINTIFF'S FEBRUARY 14, 1979 AFFIDAVIT

Plaintiff's counsel did not complete his review of plaintiff's February 14, 1979 affidavit until Sunday, February 25, 1979. On that date he had a discussion with his client about the affidavit and a statement in paragraph 15 which counsel thought was in error. After some discussion of this matter, including reference to specific language in the Benson affidavit, plaintiff agreed that he made a misstatement in asserting that: "Reference is to the information in the files, not the worksheets."

Such a misstatement occurred because of the time pressures under which plaintiff has had to draw his affidavits in this case and the tremendously disadvantaged circumstances under which plaintiff and his counsel work, including the lack of money or other resources and the 50 miles which separate them. Plaintiff's serious medical problems, other obligations, and lack of assistance all add to the difficulties which have made it impossible for plaintiff's counsel to review the affidavits his client has drawn and make appropriate corrections and revisions. Had this court not denied a motion for a short extensions of time requested by plaintiff and the precipitously rushed out its opinion, this would would at least in some degree have been different.

Respectfully submitted,

  
A handwritten signature in cursive script, reading "James H. Lesar", is written over a horizontal line.

JAMES H. LESAR  
910 16th Street, N.W., #600  
Washington, DC. 20006

Attorney for Plaintiff



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,  
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Defendants

Civil Action No. 78-0249

O R D E R

Upon consideration of plaintiff's motion for reconsideration and clarification, defendant's opposition thereto, and the entire record herein, it is by the Court this \_\_\_\_\_ day of \_\_\_\_\_, 1979, hereby

ORDERED, that plaintiff's motion is GRANTED, and its further ORDERED, that this Court's Order granting defendants' summary judgment is hereby VACATED, and it is

further ORDERED that plaintiff shall have until the \_\_\_\_\_ day of \_\_\_\_\_, 1979 to complete discovery in this case.

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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HAROLD WEISBERG, :  
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 Plaintiff, :  
 :  
 v. : Civil Action No. 78-0249  
 :  
 CLARENCE M. KELLEY, et al., :  
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 Defendants. :  
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AFFIDAVIT

My name is Harold Weisberg. I reside at Route 12, Frederick, Maryland. I am the plaintiff in this case. I seek withheld information relating to the assassination of President Kennedy and to the official investigation of that crime.

1. I have previously informed the court of my professional experiences which include those of intelligence analyst, investigator and investigative reporter.

2. I have spent more time merely reading previously withheld FBI records than is required for earning a doctor of philosophy degree. The time I have devoted to studying, researching and investigating and responding to FBI affidavits and other allegations also is enough for the earning of an advanced degree.

3. Because FBI practice and motive for withholding bear on the credibility of the Benson affidavit and because the FBI's actual record in such matters is not generally known and understood - because in fact the FBI has much to hide that with compliance in this instant matter it may not be able to continue to hide - I provide explanations from my extensive prior experience and the knowledge I have obtained during the long work in which I have been engaged. In another cause the FBI itself has described my knowledge as unique.

4. What is normal FBI practice in cases that confront it with what it does not want to face or with its record in such cases that it does not want to be exposed and understood is not consistent with the public image the FBI has created with great care, often by clandestine means. True to Orwell, its propaganda efforts were under "General Crimes." It developed one of the more sophisticated and successful official leaking operations in Washington under the cover of never reaching conclusions in its reports and of not making "comment." To be able to

pretend it did not engage in the propaganda in which, covertly, it did engage, it generated false paper it could produce for any occasion. My files are rich with such adventures in case control and opinion control.

5. While as a generality the FBI prefers to avoid direct and outright lying, it has a long record of falsification by various means. This extends to false swearing under oath. Deceptions, misrepresentations, exaggerations, obfuscations and efforts to intimidate the courts (as with false "national security" claims) are commonplace within my experience. All these wrongs exist in the January 22, 1979, affidavit of FBISA Bradley B. Benson in this instant cause.

6. In the FBI's major case investigations I have examined extensively and with care over a period of a decade and a half, one standard means of "proving" its virtually ordained preconceptions is to avoid the crux of the evidence while expending great effort and compiling enormous files on the irrelevant. It then boasts of the success of its investigations with statistics of hours and money invested, files compiled and the like. As an example, incredible as it may appear, in its investigation of the assassination of President Kennedy, initially the FBI did not want the autopsy protocol and the photographs and X-rays of the autopsy examination. The FBI cannot control pictures and X-rays, but it can control the words on its own paper. It generates, and in this case generated, the paper it desires to suit its preconception. In this it totally omitted incontrovertible autopsy and other evidence not congenial to its preconceptions. Having avoided all of the autopsy evidence, the FBI was able to file a large five-volume report ordered by the President without any mention of the known wound in the front of the President's neck. Although it is not widely remembered, a third person, James T. Tague, was wounded during the assassination and a bullet is known to have missed the motorcade. There is no mention of Tague or of any shot that missed in all five volumes of the allegedly definitive FBI Presidentially-ordered report. If there had been the FBI could not have attributed the assassination to a lone assassin, to whom it did attribute three shots without any accounting of the above shooting. When I raised this and several other questions relating to the most basic evidence with the FBI in 1966, it did not respond. Records disclosed with those the processing and release of which are at issue in this instant cause disclose an FBI inability to address those questions. (FBIHQ #62-109060-4132, routed to most of the top FBI officials of the period.) In the assassinations of President

Kennedy and Dr. Martin Luther King, Jr., the FBI avoided pictures of the scene of the crime, for example, and in my C.A. 75-1996 actually swore it had no pictures of the scene of the assassination of Dr. King. This was deliberate false swearing because the file allegedly searched discloses two separate sets of contemporaneous crime scene photographs given to the FBI plus a set taken by the FBI for the use of its Exhibits Section in making a mock-up for trial. Predictably, essential details are missing from the elaborate mock-up, the details captured in photographs. While many contemporaneous photographs of the scene and the actual shooting of President Kennedy were also forced on the FBI and there were some it could not avoid, in fact, the FBI refused even to look at some, avoided and misrepresented others, and to the degree possible kept knowledge of these photographs secret in field office files and out of FBIHQ files. Two recent illustrations are of motion pictures of which I learned as a result of records I obtained in litigation filed at about the time of this instant suit, C.A. 78-0322. In one case, which has achieved extensive attention recently as a result of work by others following my making that record available, it has become apparent that, whether or not Oswald was the assassin or an assassin of the President, there was more than a single moving object at the window from which the FBI alleges the crime was committed. Yet that FBI report, of November 25, 1963, states that this motion picture, taken by Charles Bronson, does not even show the building. Another motion pictures was given, exposed but undeveloped, to the FBI. The cost of developing movie film was then about a dollar a reel. The FBI returned that reel undeveloped. In still another case, the unique motion pictures of the late Elsie (Mrs. John) Dorman, the FBI interviewed her and knew she took movies looking down on the assassination. It never obtained her movies. In 1967 I published an entire book on the FBI's avoidance of such relevant photographs.

7. Credibility, especially of an affidavit, which cannot be cross-examined and is generally all that is presented in FOIA cases, is very much an issue because courts tend to accept FBI affidavits as made only in good faith. In the preceding paragraph I have indicated some of the possible motives for withholdings that continue in this instant cause and for the unfaithful representations I find in the Benson affidavit and set forth in what follows.

8. The Benson affidavit is vintage FBI in what it does not say, in its

boilerplate and in what it does say that is not complete and sometimes is not truthful. It represents a deliberate effort to mislead and intimidate this Court.

9. Among the more serious of the many omissions of the Benson affidavit, which addresses allegedly proper and necessary "national security" withholdings, is any statement that what is withheld under claim of national security is not within the public domain. As I show below, much of what is withheld under claim to "national security" long has been within the public domain.

10. From my extensive experience I know that the FBI assigns personnel who are without subject-matter knowledge to the processing of records which hold the potential for embarrassment in these historical cases while not assigning those who do have subject-matter knowledge. The FBI has and keeps secret extensive indices it also does not consult in the processing of records in these historical cases. In this instant cause a single one of the special Dallas indices is of 40 linear feet of cards. Knowledge of the existence of these indices was withheld from the Department, even the appeals authority. (The indices are within my request in other cases. In both Kennedy and King cases the FBI remains silent and there has been no action on my appeals.) The automatic result, built-in by the FBI, is the withholding of what is within the public domain if only because those processing the records have no subject-matter knowledge and cannot consult these indices. In actual practice, even after I give the FBI xerox copies establishing that it withholds what is public, it continues to stonewall. It has not eschewed false and misleading affidavits with regard to its withholding of what is within the public domain.

11. I address Paragraph 10 of the Benson affidavit in particular because, unlike the boilerplate of generalized, irrelevant and conclusory representations that characterize the affidavit, it provides specifics I can address. It lists 13 Sections of the disclosed FBIHQ JFK assassination records a few of the worksheets of which "were found to contain classified data." By his wording Benson gives the impression to the Court that these are all the claims to classification made in all these hundreds of worksheets. This is not the case.

12. The factual inaccuracy and the imposition on the trust of the Court represented by this FBI adventure in misrepresenting and misleading is flagrant and easily detected. Particularly when the FBI is well aware of the examination

to which I subject its FOIA affidavits, this suggests that the FBI and Department counsel believe this Court is in their pocket and will rubber-stamp any allegation they make to this Court.

13. The Benson affidavit makes no reference to the underlying records. If the underlying records are not properly classified, then the worksheets are not properly classified. In fact, on this score also, by comparison with the underlying records, the Benson affidavit is not accurate and not truthful. There is either deliberate false swearing or what in a sense may be even worse, another manifestation of the contemptuous belief that this Court will sanction any FBI offense. Benson did not bother consult the records in question or he swore falsely if he did consult them. I provide proof below.

14. There is reason to credit the second alternative. However, this does not mean that falsifications are not also deliberate. When an expert witness provides an affidavit, it is a reasonable presumption that he has made a personal examination of the relevant records.

15. What Benson actually states is "(5) I have made a personal examination of these inventory worksheets utilized in the processing of files ... I have personal knowledge of the information set forth therein for which exemption (b)(1) ... is claimed." Reference is to the information in the files, not the worksheets. There is no way in which this can be ambiguity. Unless the "personal knowledge of the information set forth" comes from the underlying records, Benson does no more than rubber-stamp the worksheets.

16. The intent to deceive and misrepresent becomes clear in "(6) I have examined all the documents specified below and found that their classification is" proper.

17. Benson does not swear merely that "I have examined all the worksheets specified below." He refers to "worksheets" throughout but at this point he switches to the word "documents," clearly intending that it be taken as reference to the underlying records. However, there is but a single listing in the entire affidavit, that in Paragraph 10. In Paragraph 10 Benson is careful to refer to "worksheets," not "documents." His words are: "(10) The below-listed inventory worksheets were found to contain classified data. These worksheets are identified according to the file subject ..."

18. Unless there is the intent to deceive and misrepresent, there is no purpose in this redundancy in Paragraphs 5 and 6 and no purpose in the reference

to "documents" when there are no "documents specified below," only individual pages of worksheets. Of these Benson states what is not true, that he describes and justifies "each item classified in the worksheets." While he means only the relatively few in his list, which are a minuscule proportion of the (b)(1) classifications noted in the worksheets, of those he does list he provides no meaningful description. He has only conclusory and very generalized statements, made on the false pretense that stating anything further would endanger the "national security." Illustrations of the falsity of this claim follow below. I note this here because it bears on intent to mislead and deceive.

19. Also in Paragraph 10 Benson is not truthful in stating that "These worksheets are identified according to the file subject." He does not identify any one of the individual worksheets "according to the file subject." I believe this requires the explanation that follows.

20. Following his one tabulation Benson cites individual sheets of the worksheets by page numbers. There are no such page numbers on the copies provided to me. His worksheets and those provided in this instant cause are not identical.

21. All Benson's opinions offered in explanation of his tabulation are general, conclusory and misleading. They are also untrue and deceptive, as in his boilerplated allegation that disclosure of a tiny entry on a worksheet would "reveal cooperation with a foreign police agency." "Reveal" means to disclose what is not known. No such question is involved in this case. It is well known that police agencies of friendly powers cooperate with each other. It is well known that they in fact have an international organization to facilitate this boasted of cooperation. There is no prior time within my extensive experience in which the FBI has claimed that it was necessary to withhold the identification of the police agency whose information it withheld. To now it has included them.

22. In fact, when it suited FBI political purposes, information from foreign police often was not withheld and was used and disclosed extensively.

23. As a subject expert, this enabled me to prove that the FBI was withholding under FOIA what it had already disclosed. (It has made this claim for front-page news.) I have done this repeatedly in writing to the FBI and the Department's appeals authority and under oath in other cases without so much as a pro forma denial or any effort at refutation. In an effort to prevent my doing

that in this case, which is more than possible, Benson and the FBI have evolved this new generalized and conclusory formulation. Moreover, before courts prior to this Court, the FBI has identified many cooperating foreign police organizations. In a single current case, C.A. 75-1996, those include the Mexican police and similar Mexican agencies and those of Great Britain, Canada and Portugal that I recall. There are probably others. The FBI agreed to the Warren Commission's publication of information proving the cooperation that now, 15 years later, the FBI alleges an urgent need to withhold to avoid such catastrophes as the breaking of diplomatic relations, an actual Benson allegation. The Commission's Report expresses appreciation for such foreign cooperation. The FBI's records in the National Archives identify still other foreign police agencies and the information they provided is readily available to those who request it of the Archives. This includes espionage information and information about foreign intelligence defectors. This disclosure was approved by the FBI in 1965 and thereafter. Clearly within my extensive personal experience the special treatment and the special and spurious claim is reserved by the FBI for this Court.

24. I believe that selecting this Court for such an unjustified and entirely unnecessary extension of prior FBI claims to exemption and the FBI's misrepresentations are other indications of the FBI belief that this Court will take anything from it.

25. The alleged descriptions and amplifications of the items in the tabulation are utterly meaningless except to those who are looking for an excuse for unnecessary and harassing withholdings and require a figleaf. Moreover, Benson's descriptions and amplifications exist in a vacuum. The Court can cut the items in the list into individual pieces, throw them in the air, and then relate them at random with the Serials cited and it would make as much sense and have as much meaning. The Court would know neither more nor less, there is that little tangible meaning in Benson's affidavit.

26. Even Benson's ambiguities in his alleged explanations add little to his other deceptions, his "explanations" are so generalized and conclusory. That he is needlessly ambiguous is established in his very first item, on page 6, under the first of the Sections of his first breakdown. This is Section 170. Here he cites the withholding of "NR [Not Recorded] after 6845." On the next page his



boilerplate identifies the matter as the "non-recorded serial after serial 6845 and 6846." There is no non-recorded serial after serial 6846. Confusion is added by the worksheet entry "Referral to DCRU" (an internal Justice Department referral). Over this is lettered "No!" (After more than a year neither DCRU nor any other Department component has provided me with copies of numerous referrals to them that I can recall.)

27. It is improbable if not impossible that what is withheld under the worksheet entry for the Not Recorded Serial following Serial 6845 could "reveal" anything about any foreign police agency. The underlying record is an internal routing slip. Only five or six letters are withheld from the worksheet entry, which reads, "- - - - Routing Slip." (More relating to this follows below.)

28. As stated in Paragraph 19 above, Benson does not identify "according to the file subject," the opening claim of his Paragraph 10. Neither here nor at any other point in his affidavit does Benson provide the clear and published FBI file and subject identifications. I regard this as another possible manifestation of contempt for this Court and of the belief this Court will accept and approve anything from agencies like the FBI. There are no files described as Benson describes them in Paragraph 10, "JFK," "Oswald" and "Ruby." This unnecessary and confusing shorthand comes directly from pieces of paper added to the front of each volume for internal FOIA purposes.

29. I illustrate this with Exhibit 1, a slip clipped to the front of the first of the section of files in question. (Benson attaches no exhibits at all. I do, for the information of the Court.)

30. From Benson's affidavit the Court has no independent means of knowing which of the many "JFK," "Oswald" and "Ruby" files he cites. For example, I have been provided with two different "JFK" files from FBIHQ records under Order of the Court in C.A. 77-2155. There is no mention anywhere in the Benson affidavit of this second file on the JFK assassination. (There are still other "JFK" files.)

31. This strongly suggests that Benson went no deeper into those records and merely rubber-stamped what others had done, a belief reinforced by my further examination of his affidavit.

32. In fact, the FBI has unique identifications of the files in question. "JFK" is FBIHQ File No. 62-109060; "Oswald" is FBIHQ File No. 105-82555; "Ruby"

is FBIHQ File No. 44-24016.

33. In the FBI filing system of that period, 62 represented administrative inquiry - miscellaneous; 105 represented internal security with nationalistic tendencies; and 44 represented civil rights.

34. There is and was no secrecy about these FBI numerical file identifications. In addition to required publishings in the Federal Register, in August 1978 the FBI's Records Management Division published its Central Records Systems. Pages 4 and 5, printed in type too small for clear copying, clearly identify each of the FBI's 205 numerical classifications with their titles. 44 remains Civil Rights, so Ruby, the Oswald assassin, remains classified as Civil Rights. 62 includes administrative inquiry under the title "Miscellaneous - including Administrative Inquiry ..." (It should be noted that this is not a law enforcement file and that FOIA requires a law enforcement purpose.) 105 is now described as "Foreign Counterintelligence - Russia (formerly Internal Security) (Nationalistic Tendency - Foreign Intelligence) (Individuals and Organizations - by country.)"

35. An added reason for Benson's omission of the actual file identifications may be to obscure the fact that the FBI's investigation was not for a law enforcement purpose, as required by FOIA. As Director Hoover testified to the Warren Commission on May 14, 1964, "... there is no federal jurisdiction for such an investigation ... However, the President has a right to request the Bureau to make special investigations, and in this instance he asked that the investigation be made." (Page 98 of Commission Volume V.) Thus the file identification of 62, "Administrative Inquiry," rather than one denoting any law enforcement purpose, even of cooperation with the local police, who did have sole jurisdiction in both Presidential and Oswald murders.

36. The FBI has two proper ways of referring to and identifying the underlying records and the worksheets. Benson uses neither. Normal FBI practice is to use both. The previously cited FBI publication, Central Records System, is specific on FBI practice. The reasons for the system used include need for retrieval and the elimination of confusion. The FBI states that the basis for its "case filing system" is that where there is more than a single case subject of FBI interest "(I)n each situation separate files are created." (page 9)

37. Lack of the absolute identifications can lead to confusion because, in

addition to multiple files relating, for example, to the assassination of President Kennedy, each of the 59 field offices makes separate classifications and assigns its own file numbers. Benson's "JFK" is classified as a 62 case at FBIHQ but as an 89 case in Dallas. Benson's "Oswald" is a 105 in FBIHQ but a 100 in Dallas. The titles or captions, however, are consistent. Sometimes different words were used, sometimes FBI abbreviations instead of words, but they say essentially the same thing and permit identification. "IS - R - C" after "Oswald" denotes "Internal Security," "Russia" and "Cuba," which is the way that file on Oswald was titled at FBIHQ.

38. To illustrate this and to underscore Benson's radical departure from consistent FBI practice - no prior departures from it are within my experience - I use copies of the records from these particular files that I had to consult on a single day. Some, those with the "PLH" initials of my source, Paul L. Hoch, at the bottom, reached me by mail from California the same day I had to retrieve other copies from my own files to provide information desired of me by a person in Dallas, Texas. I came across the others as I was checking the list in Benson's Paragraph 10. Benson's departure from FBI practice and the resultant danger of confusion, as stated in Paragraph 37 above, will be apparent in this random illustration from records that, entirely by accident, I had to consult on this single day.

40. Exhibit 2 is an FBIHQ underlying record in this instant case. It bears the correct title. (Including the date of the crime is a variable, not always included.) The precise file number identification has been added. It is not "JFK" but 62-109060. The cross reference noted is 105-82555, not "Oswald." The document relates to the assassination and inquiry by the Warren Commission. However, no visible cross reference to any Commission file has been added.

41. Exhibit 3 is an FBI letter to the Commission's general counsel. The file number assigned is that on the assassination, 62-109060, and the cross filing is to the same 105-82555 file. Again, no cross reference to the Commission was added. While this kind of record, a letter, does not bear the usually typed-on title or caption, that is added in the reference to an earlier record. The means by which this is done is by citing the full title, not "JFK."

42. A year later on an internal FBIHQ document dealing with records relating to the assassination, although a new and more limiting subject is used to be precise and descriptive, the preexisting number for this file is used, 62-109090. (page 1 only, Exhibit 4) It should be noted that the eight-digit numbers are almost identical. They differ by a single digit only. This added possibility of misidentification is not deliberate on the FBI's part but it does underscore the need for using the FBI's precise and inflexible references to avoid confusion and error, as Benson does not. (Parenthetically, in paragraph 2 of Exhibit 4 FBI policy prior to the enactment of FOIA is stated as an "overriding policy favoring the fullest possible disclosure." The claims made in this instant cause and in the Benson affidavit are not consistent with the FBI's proud policy statement of more than 13 years ago.)

43. Attached as Exhibits 5 and 6 are two documents from the FBIHQ assassination file 62-109060 both of which are titled as from FBIHQ's 105-82555 file. Although the 105 number and serial cannot be ascertained from either copy, both are identifiable as from the 105-82555 file because that file title is included in the original typing of each memo. Although these documents are of consecutive dates, February 3 and 4, 1964, and were written by the same official, in Exhibit 5 the letter abbreviations for "Internal Security - Russia - Cuba" are used. In Exhibit 6 the words are spelled out. These exhibits illustrate other means of confusion that become possible when proper identification is omitted, as Benson omits all of them. These exhibits also illustrate that with the correct title the correct original file can be ascertained.

44. At the time two memos were written and ever since the man identified merely as SA Henry M. Wade was District Attorney of Dallas, Texas. The information disclosed fully in both exhibits is the kind of information for which the FBI makes claim to exemption in an arbitrary and capricious manner, including in this instant cause and in the Benson affidavit. Even Wade's "cover" as a reporter for a United States press service that was prominent in those days is disclosed along with Wade's code name and numerical identification. (In other records additional details are disclosed relating to Wade's informers. These included high-ranking Ecuadorian government officials. Such disclosures are for FBI political purposes. They also are information of the type the FBI and the Benson affidavit claim is never disclosed.)

45. Similar filing consistencies and inconsistencies are found in the Dallas Field Office files. Here my attached illustrations all deal with assassination photographs because these records hold the information for which I was asked, as stated above. These documents and the markings added also reflect that the serial number need not be assigned in the sequence of creation of the records, another factor that can cause confusion.

46. Exhibit 7 predates Exhibit 8 although both are of the same day, November 25, 1963. However, Exhibit 7 has the higher serial number. Both are captioned "ASSASSINATION OF PRESIDENT KENNEDY" and are from the 89-43 file.

47. This same assassination file was being used for photographs as late as the November 26, 1976, time of Exhibit 9. Exhibit 9 is more than 9,000 records later in the same assassination file, 89-43. None of these documents relating to pictures of the assassination bears a reference to the "Oswald - Internal Security" file, Dallas No. 100-10461.

48. However, Exhibit 10, a different 1963 report also relating to assassination motion pictures but written by a different FBI SA, is filed in the 100-10461 file without cross reference to the 89-43 assassination file.

49. Exhibits 7-10 were not sent to FBIHQ by Dallas, despite their content relating to photographs. Outside the FBI such photographs are generally considered to be good evidence. Exhibits 7, 8 and 10 also should have been given to the Warren Commission by the FBI, which acted as its investigative service. But the FBI was interested in only a "smoking gun" photograph. In Exhibit 8 the FBI represents Charles Bronson's photographs as worthless even though his still photographs, not so identified by the FBI, "did depict the President's car at the precise time shots were fired." The reason for disinterest so great that pictures of this content were not sent to Washington is that they allegedly were "not sufficiently clear for identification purposes." In the investigation of such a crime, there were important evidentiary needs other than identification, whether or not of Oswald, to be met. (The report does not reflect making any enlargement of the pictures for any purposes or any photographic intelligence performed.) Of the 8mm movie film this report states, "These films failed to show the building from which the shots were fired." While this description of the crime for which there was no eyewitness represents and serves the FBI's immediate preconception, reached

prior to investigation, this is not its sole flaw. A much more serious flaw is the fact that this statement could not be more grossly false.

50. These descriptions of the Bronson and other films represent one of the areas of potentially serious embarrassment for the FBI in this and other FOIA cases. This is because a private citizen/subject expert can detect what the nonsubject experts assigned by the FBI to the FOIA processing do not detect. Within my experience this accounts for withholdings and long delays as well as total noncompliance.

51. From prior similar experiences of my long FOIA past, I believe that if those who processed these records were able to perceive what I did these reports would have been withheld on some pretextual claim to exemption. Actually, these reports reflect an inadequate FBI investigation of the most serious and subversive of crimes in our country as well as FBI preconceptions that dominated the investigation and built in the official solution prior to investigation. This is reflected in other underlying FBIHQ records and was publicly reported when they were disclosed and read by the press. I believe Benson's pretextual claims are for such improper purposes.

52. I obtained the last four exhibits in C.A. 78-0322. I made copies available to others. Copies also were deposited in the FBI reading room. A reporter friend, Earl Golz of the Dallas Morning News, located Bronson and saw his still and motion pictures. Golz perceived immediately that the motion picture shows the very building the FBI stated it does not show. Even more significant, 92 frames of the movie include the very window from which the FBI alleges all the shots were fired by Oswald alone - and this only moments prior to the shooting. Subsequent analysis, which achieved considerable attention with and after Golz's publication on November 26 of last year, reportedly shows more than one image in motion where the FBI alleges that Oswald alone was present. The Dallas Morning News printed an entire newspaper page of individual frames of pictures from the Bronson movie showing this motion.

53. I believe this illustration shows the national purpose served by fullest possible disclosure of previously withheld information as well as motive for withholding under pretext followed by less than full and accurate representations to the courts, the true character of the Benson affidavit.

54. The importance of proper identification of the files in question is greater than indicated in the foregoing Paragraphs because of the utter and complete impossibility of some of the "national security" hazards conjectured by Benson and because his descriptions do not fit the underlying records. I show this below with copies of those records that have not been withheld from me. Where they have been withheld in their entirety, there is no mention by Benson of whether or not there are reasonably segregable portions, as there are.

55. What Benson does is to make a pretense rather than a representation of direct applicability in this instant cause, beginning at the top of page 2 of his affidavit, with Paragraph (5). The pretense is that all of the provisions of law and regulation cited are applicable to one or more of the withholdings on these worksheets. This is palpably false and in some instances is impossible. The subterfuge employed is to cite law and regulation, to claim personal knowledge and examination and then to catalogue the provisions of Section 1-301, followed by the representation that "one or more of these criteria" apply. If one applies, he has not sworn falsely but in context seeks to intimidate the Court with what is impossible. As a subject expert I state that there is no possibility that what was withheld can be "(a) Military plans, weapons or operations." (page 3); none regarding the "safeguarding nuclear materials or facilities," etc. If as he stated Benson is qualified, has personal knowledge and has made the examination to which he pretends, then with a total of a mere 19 entries to check he can and I believe should attest to any specific applicability of any claim and to exemption and any specific provision of law and/or regulation with regard to each entry. All of these generalities and irrelevancies serve no legitimate purpose in his affidavit. Whether or not they influence the Court, as clearly they are intended to do, they create an impossible situation for a plaintiff who lacks even the usual FBI wisp of smoke with which to grapple.

56. After all of the irrelevant for which a careful reading discloses not even a claim of relevance in this instant cause, Benson swears that from personal examination the withheld information is classified Confidential and only Confidential. This appears twice on page 2 in Paragraph (6)(a) and twice on page 5, Paragraph (9). The reference to alleged "Confidential" classification only is sandwiched in among other conjectured dangers to the national security, some

prefaced by "ifs" to make<sup>s</sup> their inapplicability. No matter how many times Benson swears to "Confidential" his affirmation is not consistent with the underlying record. I attach copies of actual records to establish this and the fact that there are reasonably segregable portions that remain withheld in their entirety. In this connection I note again that Benson has now<sup>s</sup> sworn to any personal examination that prevents disclosure of any reasonably segregable portions of the withheld underlying records, which also is in litigation.

57. Without proper and explicit identifications of those records for which Benson does not provide such identification, it would not be possible with certainty to provide the following copies. These are copies Benson could have attached as amplification for his affidavit, having allegedly made the necessary examinations, but he does not. I state "allegedly" because there is contradiction between his affidavit and the underlying records.

58. Another possible reason for an expert witness fudging over a precise identification of the files and for not providing copies of the relevant pages of the worksheets is because some of these pages raise substantial questions about the need if not also the legitimacy of the withholdings and others indicate pretty clearly that there is reasonably segregable information that remains withheld. Some of the attachments that follow will indicate the extent of what was excised where records were provided. Others relating to routing slips indicate that when they have a much higher classification than "Confidential" they have been released to me without any excisions.

59. I attach as Exhibit 11 the pages of the worksheets relating to the 10 items that should have been indicated in Benson's paragraph 10 as relating to the processing of File 62-109060. Where the file identification number or the section did not appear on the copies of these worksheet pages as provided to me I have added them, the file number at the top of the page above where it belongs on the printed form and the Section number to the right of this point.

60. The first item in the Benson list is represented as a Not Recorded Serial after 6841. That it is a Not Recorded Serial is not stated on that worksheet page although other entries are indicated as Not Recorded. There also are two Serials 6841 indicated, with an unexplained entry following each. Neither is identified as Not Recorded. Benson does not state which of these he attests



to although it appears to be clear enough from the withholding in the description of the second. It also appears that all four entries relating in one way or another unspecified way to Serial 6841 have to do with an "airtel" from New Orleans and what appears to be enclosed news articles, all probably dated 4/30/69. "Hot" New Orleans news of interest to the FBI at that time, aside from its improper interest in private citizens like me who were critical of it, had to do with the trial of Clay Shaw, who had been charged with conspiracy by then District Attorney Jim Garrison and by that date had been acquitted. The airtel merely states that it is forwarding two news stories. One is from the morning paper, the other from the afternoon paper. Both report that the Shaw defense received an extension of time for response to post-trial charges of perjury placed against Shaw.

61. The first unidentified object following the first listing of a Serial 5841 is identified as "Searching Indices Slip." There is no claim to classification for it. That withholding of the entire record is attributed to (b)(7)(c). No name is mentioned in the airtel, absent a withholding from me not indicated on the worksheet. In fact, the FBI has not claimed this exemption for many copies of its New Orleans indices searching slips in C.A. 78-0420, which also is before this Court. There appears to be no legitimate privacy interest to which this withholding can be attributed, particularly not if it relates to the sole subjects of the news accounts, Shaw and Garrison. Shaw has been dead for several years. That he had been a source for both the FBI and CIA is neither secret nor improper, given his post as manager of the New Orleans International Trade Mart (ITM) and the persons in whom the FBI had proper interest. People like the Nicaraguan dictator Somoza visited New Orleans under the ITM and similar auspices. Their presence in this country presented potentially serious and entirely legitimate concerns to federal agencies. It also is not secret that during the period of the Kennedy assassination and Oswald's prior life in New Orleans the FBI covered the Trade Mart regularly. It should have.

62. Initially the second unidentified object, after the second Serial 6841, was described as referred to the Department's DCRU, whose function is review. This is stricken through, as it also is with regard to the next listing, of Serial 6842, <sup>which is</sup> the next number on the Benson list. It would have been proper for there to have been a classification review, as it would have been proper to make an effort to determine whether what might appear to be classifiable was public knowledge and not secret. After both of these listings through of "To DCRU" there is written in

"b1." This also is written in after "(obliterated) Routing Slip," the description of the second unidentified object.

63. The FBI has given me copies of countless routing slips, even those said to relate to the "Top Secret," as will follow. Assuming that there was need and justification for some withholding from the routing slip, Benson does not state and there can be no honest claim that no portion of the routing slip was reasonably segregable. (Even if it does not relate to published news accounts.)

64. With regard to the withholding after Serial 6842, the situation is ludicrous. It reinforces my belief that all Benson did and all the FBI wanted him to do is rubber-stamp these withholdings. He simply cannot have compared this worksheet with what was provided to me.

65. The withholding is in the worksheet description of Serial 6842, which reads, "(obliterated) Report." If Benson is to be believed, what is withheld, if disclosed, could lead, if not to a nuclear holocaust, to the most dire of diplomatic consequences, to disclosure of the most urgent military or diplomatic secrets, or to hazard to the "safeguarding of nuclear materials or facilities." He is not specific about the catastrophes he suggests and lists but these are among them. (page 3, Paragraph 7, and page 7.)

66. I attach as Exhibit 12 the not withheld referral slip substituted for the record. It states in large letters what is withheld, that Serial 6842 of File 62-109060 is a report of the Royal Canadian Mounted Police.

67. There is no secret about collaboration between the Mounties and the FBI. It is public information, readily available in countless libraries and newspaper files and in copies of FBI records available in a number of public sources ranging from my files and the National Archives to the FBI's own public reading room. Were this not true, the FBI's "legal attache" or "Legat" has diplomatic recognition. So far from secret is this proper, necessary and very well known cooperation between the various national police agencies that those with which the FBI has formal "Legat" relationships are listed on printed FBI forms made available to me. A copy of one follows below for a different purpose. The fact of this cooperation "disclosure" of which, according to Benson's affidavit, could bring about indescribable troubles is so nonsecret it is the subject of public and well-publicized FBI testimony before the Congress, particularly when the FBI wanted to extend the approved number of Legats. Of course, it also is anything but secret

from the families of those assigned to these "legal attache" offices. Many years ago I learned I had a cousin assigned to one as an SA when my aunt and uncle told me.

68. There also is the small matter of the worksheet Benson is supposed to have checked representing the underlying record as of a single page, whereas the referral slip clearly states there are two pages.

69. The identical situation exists with what on the worksheet once again is not described as a Not Recorded Serial following Serial 6845 and with regard to Serial 6846. These are the next two on Benson's list. The routing slip is withheld, without pro forma claim that there is no segregable information. With regard to Serial 6846, what is withheld from the worksheet that Benson sanctions and justifies was disclosed a year ago in the records provided. The referral slip, Exhibit 13, shows clearly that it again is the same RCMP. Once again Benson's worksheet represents that there was but a single page and the referral slip again states there are two.

70. With regard to the next item on the Benson list, Serial 6849, the same withholding is justified as essential to the national defense. Again there was disclosure a year ago of what is now withheld, as the referral slip, Exhibit 14, shows. There are two minor differences. One is the use of the abbreviation "RCMP," the other is that in this instance the worksheet does not misrepresent the number of pages in the underlying record. I note this not only in fairness but also because the pages not included on the worksheets represent continued unjustified withholdings.

71. Next on Benson's list of worksheets is the Not Recorded Serial after Serial 6851. The referral slip, Exhibit 15, was given to me and countless reporters. Like Benson's other "national security" secrets, it, too, is readily available in the FBI's reading room.

72. The fact of referral to the DCRU is not stricken through with regard to the two immediately preceding illustrations. The Department apparently has found more than a year inadequate time for action on those referrals.

73. On the worksheet the only referral indicated for what Benson lists next, Serial 7424X, is to DCRU. This means that the Department apparently has not ruled after a year on whether the (b)(1) claim is justified. (Serial 7424 relates

to a false report confessed to by a Mexican woman who stated she was drunk and sorry about it.) Apparently there is no single part of the 11 pages of Serial 7424X that is reasonably segregable because it is withheld entirely. I recall no affidavit attesting that no part was segregable.

74. Two documents that are not withheld but from which there are excisions are next on the Benson list. These are Serials 7437X and 7437X1, respectively Exhibits 16 and 17. Both are as they were provided to me. The worksheets that Benson supposedly checked with "national security" care indicate the records are of four and seven pages, respectively, but the worksheets are blank under the column heading for pages released. Page 2 is withheld from Exhibit 7437X and page 6 from 7437X1.

75. At this point there is other withholding that again is misrepresented and again is rubber-stamped by Benson. Once again the number of pages varies in the records. The worksheets state that there are six pages to Serial 7437 and that all six were released to me. In fact, the record was withheld. It was replaced with a referral slip, attached as Exhibit 18. This reflects that the record was withheld in its entirety and was referred to the Secret Service. On Exhibit 18 the number of pages is given as seven, not six.

76. If Benson even glanced at Exhibits 16 and 17, Serials 7437X and 7437X1 prior to executing his affidavit, he would have known that he erred in attesting that all the information withheld from the worksheets is correctly classified "Confidential," and that all are represented by the letter "C." All the withholdings on these two exhibits are indicated as "S" and the documents are stamped "Secret." What is classified as "Secret" and is withheld includes what is within the public domain by front-page treatment and coast-to-coast TV coverage.

77. It is not possible to read excised Serial 7437X and understand what was at issue, but there is no problem if one consults newspaper stories and the published copies of public official proceedings - yet Benson approves "national security" classification.

78. The withholdings are so extensive that only limited sense can be made of what remains. For example, on page 3 of Serial 7437X there is a reference to a Mr. Stern who appears to have been of the staff of a Congressional committee but he is not otherwise identified. Earlier his full name was withheld, resulting in possible confusion with a staff counsel of the Warren Commission also named Stern.

The same FBISA who is the subject of these two Serials was a Warren Commission witness. His name is James Patrick Hosty, Jr. The unjustified withholdings are so extensive there is confusion between his Congressional and Commission testimony, both of which were published by the government. Only a subject expert can detect this. One point of this confusion is a remaining reference to Hosty's "return" to the Dallas Field Office. It happens that Hosty was disciplined and transferred from the Dallas Field Office in 1964 and these records are of 1975 events.

79. If any of the withholdings are properly subject to classification, then the Department and the FBI have been deceitful because both represented that they made full disclosure of what was very embarrassing to the government. Yet without subject-matter knowledge one cannot read these obliterated records and even guess what they relate to.

80. There are FBI misrepresentations to the Attorney General himself in what remains in Serial 7437X1, as in describing the FBI's handling of its pre-assassination interest in Oswald as an "extremely fast-moving case." (page 3) Slower motion could hardly be attributed to a decrepit snail.

81. Hosty was in charge of the Oswald file in Dallas. When the case was reassigned from New Orleans, it required, according to his Warren Commission testimony, a month for the file to reach Dallas. From early October, when Oswald returned from Mexico, until November 22, the day of the assassination, at this "extremely fast-moving pace" Hosty never got around to speaking to Oswald. He was no speedier after the assassination, from his Warren Commission testimony. He took a long time to type up reports of his other interviews, including of Marina Oswald, and then, naturally enough, with Oswald the only candidate for assassin, destroyed his notes of these interviews.

82. As released to me, the closest these records come to reporting what was within the public domain is in this quotation from the first page of Serial 7437X1, the Director's report to the Attorney General: "... Oswald allegedly left a note which was threatening in nature. This visit and note were not reported following the assassination of President Kennedy by Oswald." The statements are not accurate, resulting in still another misleading of the Attorney General.

83. The first sentence quoted would be accurate if the "allegedly" were transposed to read "Oswald left a note which was allegedly threatening in nature."

The second sentence is straight-out false and the FBI's own files of both the earlier period and relating to the 1975 incident are explicit on this. Both the visit and the note were reported "following the assassination" and are included in the Warren Commission testimony of Marina Oswald and the woman with whom she had temporary residence, Ruth Paine. Because this information was included in FBI Congressional testimony, the misrepresentation to the Attorney General is blatant.

84. What actually happened is that Oswald did leave a note at the FBI office for Hosty after Hosty spoke to Mrs. Oswald. Almost everyone in the Dallas FBI office had some knowledge of this. Years later and then only after the retirement of the Special Agent in Charge was secure, the Dallas Times-Herald was tipped off about Oswald having left this note. Before publishing the story it checked with FBIHQ. When the story of the only officially accepted assassin having left a note for the FBI agent in charge of his case was published and earlier rumors about Oswald having served the FBI as an informer were recalled, there was a major sensation. It received extensive attention. The FBI supposedly conducted a full inquiry. This included taking affidavits from every one of the employees of that office of the time, from the receptionist to the SAC. Not surprisingly after 12 years there was direct conflict in the affidavits over material information. It was not possible to determine what version was untruthful and thus not possible to prosecute false swearing over what was very embarrassing to the FBI. (Embarrassment would have been greater if the FBI had not succeeded in keeping this secret for those 12 years.) No further punishment is known to have been inflicted on Hosty. He also was permitted to speak freely to the press after his 1978 testimony before the House Select Committee on Assassinations. Even more atypical for the FBI, he was permitted to criticize the committee publicly.

85. What is absolutely certain in all of this is that, absent false representation by the FBI and the Department, there is nothing about the scandal that today is subject to any degree of classification because, entirely aside from what is within the public domain, there was official assurance that all was being made public. Other Sections of this file contain information that is relevant, including the stenographic transcript of Associate Director James B. Adams' testimony before a House Judiciary subcommittee.

86. This again illustrates the built-in results from assigning personnel who lack subject-matter knowledge to processing controversial historical cases involving vast amounts of records. This also illustrates the certain rubber-stamping from assigning a classification expert like Benson to a review of such classifications as appear on the worksheets and the predictable consequences, whether or not he has any subject-matter knowledge, of failure to review the underlying records to determine the legitimacy, even the rationality, of the classification noted on them and the different classification of the worksheets.

87. Benson swore to "confidential" classification only on the worksheets he reviewed. Both of these Serials are classified "Secret" and they are not the only ones with "Secret" classification claimed. (Two in the 105-82555 files are classified "Secret" and on another I see no classification marking at all.)

88. Last on Benson's 62-109060 list is the withholding relating to Serial 7980. The worksheet does not indicate the year of the record. Other records in this Section are of 1976 or 13 years after the assassination. There is no indication of classification until the time of processing for release at the end of 1977. The memo is of 30 pages. No portion was provided as reasonably segregable. Without abuse of the exemptions it is virtually impossible that no portion was reasonably segregable. Moreover, initially, the worksheet held no indication of any classification of the underlying record. Entries are in three different handwritings. The first entry is "left to DOJ." The second is "Possible b1." Third is "(7E) Reference to (obliterated)." As the Department's appeals authority testified in C.A. 75-1996 on January 12 of this year, there is no intelligence method used in the historical cases that is secret or can be endangered by disclosure of its past uses. Many have been disclosed in the Kennedy and King assassination records that have been released. On the other hand the spurious claim has been made for one of the oldest and best-known intelligence methods, pretext. In all prior cases, once the withheld information was disclosed, it became clear that there was no basis for classification and that withholding served only to harass and to avoid official embarrassment. From the referral slip, attached as Exhibit 19, it appears that the Department has not acted on the referral after a year or has decided what appears to be impossible, that there is no reasonably segregable portion of the 30 pages - not even the date of the record.

89. Benson has three obviously boilerplated pages of supposed explanations and justifications (pages 7-9). They are conclusory, lack specific reference to either the specific withholdings on the worksheets or the underlying records, and even state the impossible, that "disclosure" of what was already disclosed "would reveal cooperation with a foreign police agency." (emphasis added) He follows this in his boilerplated claims of need by alleging that what I here provide from public materials the FBI dare not "disclose" because "A more detailed description of the withheld classified portion of this document (i.e., the worksheet) could reasonably be expected to result in identifiable damage as explained in paragraph 8(a) above."

90. As I state above, there is no "explanation" in the cited Paragraph. It is merely a paraphrase of language of the Executive Order that in no tangible or specific way is by any means related to the withholdings in this instant cause.

91 Straightfacedly, Benson makes a confession he does not spell out to the Court: the worksheets were not classified in accord with the controlling Executive Order at the time in 1977 when they were created. The FBI was well aware of the requirement. His backhand if not underhand way of making the confession is "... this page was classified and marked Confidential on April 27, 1978, by Classification Authority Number 6855," whose name is not provided. (emphasis added) My request was two and a half months earlier.

92. Benson's second boilerplate "explanation" is identical with his citation to his Paragraph 8(a) only he substitutes 8(b). This claim is that disclosure of what is withheld "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." This conclusory and exceedingly vague claim does not meet the requirement of decisions of the appeals court that I have read in not showing that the methods are unknown rather than what is certain in this case, well known and used by all countries. The claim to "loss" of the method is carefully phrased to be deceptive because there is no secret method involved. Benson generalizes that "the loss would have a serious impact ..." But he fails to make even pro forma claim that the disclosure of what is withheld from the worksheets could in any way cause any such loss. His clear reason for evasiveness is the avoidance of charges of false swearing if what is withheld were disclosed or from the kind of information that



as the FBI well knows I can and do provide, as I do in this affidavit.

93. He extends this claim to internal FBI records of an internal FBI investigation, that of the scandalous Hosty matter described above and the equally scandalous effort of the FBI to hide that ugly bulge under its ample rug. It simply is not possible for the FBI to have used on itself or any Congressional committees any "intelligence gathering method" of which there also was any danger of "the loss" that "would have a serious impact" on our intelligence capabilities.

94. Benson has eight serials noted from six sections of the 105-82555 file, the one he styles merely "Oswald." Again he provides no copies of the worksheets. I attach as Exhibit 20 copies of the seven pages of relevant worksheets made from the copies provided to me. As can be seen, they bear no classification marking and thus also are a different set than the set based on which Benson provided his affidavit.

95. Benson's first is Serial 1494 from Section 69, the only Serial cited to that Section. (There is more than one Serial cited to Section 214 only.) As Benson rolls his boilerplate with one hand and flails his rubber stamp with the other, he "explains" the withholding on page 10 as that omnipresent cataclysmic possibility, "would reveal cooperation with a foreign police agency." At the same point he swears that this page was classified and marked as "Confidential" on April 27, 1978, by "... 6855." Again, the first classification was after the complaint was filed.

96. With this Benson and No. 6855 have extended the parameters of my experience with FBI stonewalling, misrepresentation and Rube Goldberg interpretations of FOIA and other Acts and regulations. This is established by the copy of the underlying document attached as Exhibit 21. There is no classification marking of any kind on this document. In the processing a note was made, "possible b1 for (obliterated) on page 3, #5." This was then stricken through and replaced by "p 3, b-2," indicating that the withholding was not made on national security claim. Next the obliteration of what was already held not to involve any national security information was itself marked "b1." Aside from the fact that if the original information is not subject to proper classification, the initials of the police agency also are not, all of this information relating to the cooperation of foreign police in the "Oswald" investigation was made public by the Warren Commission in 1964.

98. The Department has found this kind of use of (b)(2) to be inappropriate. On the worksheet there is this claim only for the two typed lines withheld on page 3 of the underlying record. Content is a general reference to FBI procedures in obscuring sources. There is no representation that what is withheld is not well known, as it inevitably is. But if any exemption is applicable it is, from Department practice and testimony, (b)(7)(C) or (D), not (b)(1) as claimed for the worksheet.

99. Serial 2095 (one page attached as Exhibit 22) is next on Benson's list, which once again fails to indicate that two different records are so numbered. Each is of two pages, identified as to and from the Legat, Ottawa. On this added basis, there is no secrecy, no information to protect to prevent the trashing of FBI cooperation with the RCMP. If as is doubtful there is any need to withhold in toto what was submitted to the FBI Laboratory for the Warren Commission, as is reflected in Exhibit 22, and if what is even more doubtful, there was justification for the "Secret" classification, Serial 2095 itself is classified "Secret" with the claim that no lower classification is possible for any of the withheld information. Yet the classification to which Benson attests is lower, "Confidential." Bearing on whether or not any classification is justified, subsequent to the April 1978 classification of these worksheets FBIHQ and the Dallas Field Office provided me with copies of what is represented as all case exhibits. This would seem to mean that the content withheld from Serial 2095 has been disclosed and that no classification justification exists. There also is the ever-present question, never addressed in this "historical" case, of the withheld information being within the public domain.

100. In addition, another substantial question of compliance, if anything is reasonably segregable on the second page of Exhibit 22, it has not been provided. I recall no affidavit claiming no content is reasonably segregable.

101. The third Serial listed under this category was marked "Confidential" at the 1964 time the record was generated. Whether or not the conditions of that day, particularly with regard to what is within the public domain, hold true today cannot be determined because of the nature of what is withheld as classified. The explanations, the standard boilerplate, appear to be considerably overblown if at all applicable in 1979.

102. The first sheet of the part of this record that was disclosed to me states that it was prepared for the Warren Commission in March 1964. Thereafter the Commission published a 900-page Report and appended 26 large printed volumes of an estimated 10,000 pages and 10,000,000 words. About 300 cubic feet of its records, most publicly available, are at the National Archives. There is every reason to believe that what is withheld today is no more than a rubber-stamping of the 1964 pre-Report confidentiality practiced by the FBI and the Commission, both of which wanted nothing except what was leaked to be known prior to issuance of the Report. Benson ignores the processing notation on the worksheet noting the inclusion of the information in two Warren Commission records, identified as CD 476 and CD 651. There is no indication of any consultation with these records or the National Archives to determine whether or not the information withheld on the worksheet is readily available at the Archives. The Attorney General has designated this as an historical case, which requires extra diligence in processing. I am certain that in 1967 I published some of the content of the underlying record.

103. A great number of the FBI's and CIA's Cuban sources of that period have since gone public on their own. In addition, the FBI has voluntarily identified a number to me and to others. I provide this explanation because due diligence and good faith required at least a casual effort to determine whether or not the information sworn to as requiring classification today is within the public domain. Instead, Benson boilerplates the inherent threat and effort to intimidate, the allegation that "extreme secrecy" is involved and "a more detailed explanation" in itself "could reasonably be expected to result in identifiable damage..." (page 11) Parenthetically, I note that if "extreme secrecy" is required, the level of "Confidential" is an inadequate protection and greater protection is as available as the closest rubber stamp.

104. The claimed reason for worksheet withholding relating to Serial 4106 is the same fictional "disclosure" of RCMP cooperation. The underlying records refer to the book of a refugee Ukrainian author actually translated into English and summarized by the FBI. The named man is described as a "mental" case. There is no privacy claim. However, the entire text of the Legat's communication is obliterated. Certainly every word did not have to be withheld to hide RCMP identification, Benson's sole claim. (page 11)

105. Benson's only claim for withholding from the worksheet covering Serial 4718 (attached as Exhibit 23) is the same fiction relating to the nonsecret cooperation with foreign police. As the underlying record states clearly, the FBI intended dissemination of the textual information, all of which is completely withheld. Obliteration in processing extended to the file and serial numbers as well as to what is indicated on the stamp relating to the initial classification, that "All information contained herein is unclassified except where shown otherwise." "Where shown otherwise" also is obliterated. What is withheld from the underlying record by these improper means makes it impossible to state with certainty that of which there is a very high probability, that there is no possibility of the worksheet disclosing in unexcised form any international police cooperation not previously well known and formally and diplomatically recognized. (I added the identifying numbers at the bottom of the exhibit.)

106. The record was given to the Warren Commission, raising all the public domain questions stated above. Inconsistently, an added page headed "Recommendations" is stamped "Confidential" but is disclosed without excision. It is apparent that classification of the added page was never justified. It was released without declassification, as required by Executive Order.

107. Of Serials 5024 and 5026, Benson states with regard to the worksheets "only that portion is withheld that would reveal cooperation with a foreign police agency." (page 12) Once again it is the nonsecret RCMP, indicated by the worksheet itself in the description of the source of both as "Legat Ottawa" and on Serial 5026, which is attached as Exhibit 24. Serial 5024 is withheld in its entirety, as one would not know from and as is not justified in the Benson affidavit. There certainly is some reasonably segregable information, as with Exhibit 23, where the entire text is obliterated yet some information is disclosed. Serial 5026 is in a different and special category. Nonetheless, it is impossible for any of the withheld information to "reveal" what was not earlier known about RCMP cooperation. With Serial 5026 the FBI's 1978 zealots withhold under spurious claim to exemption information that was never withheld and I actually published in a book in early 1967, or more than 11 years earlier. Details of the work the RCMP did for the Warren Commission and the FBI and copies of the records it obtained have been available at the Archives. I published some in facsimile and report details of the

RCMP's cooperation on 11 pages. This underscores the true character of the withholdings and of the claims made; the lack of need for these kinds of withholding; and the ulterior purposes they serve and I believe are intended to serve in what amounts to FBI Cointelproing of all other parties while simultaneously creating false FOIA cost statistics.

108. Examination of Serial 5026 discloses that it is not classified. This means that the FBI claim <sup>that</sup> the processing worksheet for the unclassified record must be classified is ridiculous.

109. The last worksheet under the 105-82555 category relates to Serial 5565, another of which there are two, not the one of the Benson affidavit. (pages 12 and 13) Once again the year is withheld on the worksheet. From the other records in this Section it is 1967 and apparently relates to the Garrison fiasco in New Orleans. Both are represented in the records provided to me by a single referral slip, attached as Exhibit 25. If this means that the CIA is the source of the information in the underlying record, there is no basis on which Benson has qualified himself to offer the expert opinions he gives relating to the CIA's sources on page 13. Most of the so-called information relating to the Garrison so-called investigation was not of substance. There is no claim that the withheld information is not within the public domain. Moreover, in initial processing, as the worksheet clearly reflects, no (b)(1) claim was made. The processing analysts merely raised a question about the possibility of such a claim. The question mark remains on the worksheet. Moreover, the sources indicated on the worksheet are not the CIA but the Mexico City Legat and the Dallas Field Office of the FBI.

110. Quite a number of these so-called secret sources have been dancing across the front pages of the tabloids, appearing before Congressional committees, been interviewed by the daily and Sunday newspapers and have been all over radio and TV, including many "talk" shows. In many ways they have become very public in the past decade and a half. It is a legitimate question with regard even to actual symbolized informers to ask if they are not now known as sources.

111. This is an "historical" case in which there is supposed to be maximum possible disclosure. An essential part of the overall historical importance is the deliberate fabrication of false stories, notoriously but not exclusively by anti-Castroites who tried to convert the great tragedy to their own ends by precipitating a United States attack on Cuba to depose Castro. Many of these anti-Castroites were FBI and CIA sources. All possible disclosure thus is important.

whether in whole or with justified excisions. In this case, as with all the other referrals I recall, no records have been provided in more than a year, a year and a half after the processing. With this and other CIA referrals there is the additional compliance question, were the records released by the CIA or by release of Commission copies filed at the Archives.

112. The one remaining worksheet referred to in the Benson affidavit is from Section 26 of what he calls "Ruby," actually FBIHQ File No. 44-24016. This single worksheet is attached as Exhibit 26. Although with regard to it as with those preceding Benson states it was classified on April 27, 1978, which is after the complaint was filed, the copy provided to me bears no indication of any classification.

113. With regard to this worksheet Benson also invokes the spectre of the collapse of international police cooperation. (page 13) While the worksheet refers only to "Legat" the underlying record states it is from Ottawa, again identifying RCMP. The worksheet states that all four pages were released to me. In fact, only the three pages that are attached as Exhibit 27 were provided.

114. Another purpose for attaching this exhibit is to show that even when, as in this instance, the FBI removes 100 percent of the textual material, some, even if little, segregable information remains.

115. The only claim made for any withholding on the worksheet is "b1." I am certain it is not possible for 100 percent of the withheld textual material to involve only national security secrets and that every single word of the text could lead to their disclosure. This is to say that there is a reason for withholding not indicated on the worksheets or claimed in the Benson affidavit. In addition, any comparison made between the worksheet and the underlying record, required for validity in making a claim for the worksheet classification and withholding, should have disclosed the factual misstatement relating to compliance in the worksheet, that all four pages were disclosed when only three obliterated pages were released to me.

116. There are few if any secrets relating to Jack Ruby. The most personal details have been widely publicized. These range from his sex life and interests that extended to animals, to his sanity and other medical information, and to allegations of criminal associations. There is no reasonable possibility that any

part of this record had to be withheld under the privacy or other exemptions. Ruby died in early 1967. He was unmarried.

117. From the foregoing Paragraphs it is apparent that the Benson affidavit is carelessly drawn boilerplate so indefinite that it does not make proper identification of the files in question; makes baseless and unnecessary claims to non-existing national security questions and then misstates the truth with regard to them; invokes "national security" to justify the withholding of information that is not only within the public domain but is actually disclosed in the underlying records; makes generalized conclusory and inapplicable claims to the alleged "national security" dangers that would exist from the "revealing" of what had already been disclosed, the implied dangers extending to nuclear and military secrets and diplomatic ruptures; and even claims that the processing worksheets covering entirely unclassified records are necessarily and properly classified. The Holy Scripture would not be safe in such minds and hands. The Act and requesters under it certainly are not.

118. Other and substantial questions of compliance remain, even of compliance limited to the worksheets only, which is not the limitation of my information request. There are substantial questions about the integrity of the worksheets other than as I have addressed these matters in the preceding Paragraphs relating to the Benson affidavit.

119. Where the worksheets are not accurate, neither the Benson nor the earlier affidavit of SA Horace P. Beckwith addresses the withholdings covered by them. It is obvious that either neither compared the worksheets with the underlying records, which is a minimum requirement for attesting to the worksheets by other than a rubber stamp, and that neither told the whole and undistorted truth. The Benson affidavit appears to be limited to his representation of withholdings in the worksheets under (b)(1) claim.

120. There is the most substantial doubt about very many (b)(1) claims where there is no obliteration on the worksheets. This still involves the processing and release of the underlying and other records, which is included in my request. There is, in fact, substantial reason to believe that less than fully honest worksheets were created to hide FBI misuse of classification and the Act to withhold what is embarrassing to the FBI and other agencies and, as I have indicated

earlier, what is within the public domain. There are misleading if not also false entries on the worksheets. This is not new within my experience. There has never been even pro forma denial when I have alleged this and provided proofs, as I do now. An earlier instance involved the same SA Beckwith who provided the earlier affidavit.

121. It does require my experience and knowledge in this field to be able to detect some of the exploits in noncompliance that are justified by misleading affidavits and those that can be expected to intimidate the Courts, especially with false representations of danger to the national security.

122. What follows is illustrative. It is possible because of a record I obtained in another cause and because of my extensive knowledge and my experience.

123. While hundreds of reporters, so-called subject experts, "critics" and "researchers" have had access to these records, what follows is totally unreported except by me and prior to now by me only through an appeal from the denial that after much of a year has received no response.

124. With more time and if my health and other conditions of my life do not preclude it, I can amplify what follows with much more relevant information and a number of additional exhibits.

125. What follows also relates to one of my information requests with which the FBI has not complied after more than three years. Reasons for that and related requests include official misrepresentation of Orwellian nature, the misleading of the Presidential Commission and the people of the country. This is part of a matter on which, from records in my possession, the President himself was misled. It is a matter I was encouraged to pursue by a Member of the Warren Commission, Senator Richard B. Russell, who told me it is an area of information relating to which he believed the executive agencies had underinformed and misled the Commission.

126. Exhibit 28 is the worksheet for FBIHQ 62-109060<sup>Serial 1338</sup> and the cover sheet for the set of bound worksheets in which it is included as provided to me. This is the first set of worksheets for that file and as can be seen the correct title and the file number are indicated.

127. Serial 1338 is a three-page teletype from Dallas of 11/23/63, all withheld under (b)(1). Referral to DCRU, followed by several hieroglyphics, is stricken through. As stated above, DCRU is a component of respondent Department of Justice.



If as would have been proper the referral was made, DCRU has not acted after more than a year and a half.

128. Exhibit 29 consists of two pages. The first is the worksheet covering Dallas Field Office file 89-43, Serials 287 and 287a. I obtained these records in C.A. 78-0322, which is before this Court. It should be noted that, although these appear from their numbers to be contiguous Serials, in fact they are separated in time by 13 and a half years. Serial 287 is the Dallas copy of FBIHQ 60-109060 Serial 1338, the withheld three-page teletype listed on Exhibit 28.

129. The Dallas records were processed at FBIHQ by the same unit that processed FBIHQ records. On the Dallas worksheet the FBI noted that I was not provided with a copy because it was <sup>released when</sup> "previously processed." This is not only the apparent meaning of "previously processed," it is what the FBI told me. Simultaneously, the FBI refuses to provide any reference to the records as "previously processed." Because in this case I have the correlation between the FBIHQ and Dallas, I state that the information was and is withheld.

130. The second page of Exhibit 29 is the "Routing Slip" indicated on the first page of the exhibit, the worksheet, as Serial 287a, dated March 24, 1977.

131. A routing slip is usually employed to explain what accompanies it. As stated above, I appealed this denial going on a year ago, without response. I interpreted this routing slip to mean that in 1977 FBIHQ returned its original copy of the 1963 teletype to Dallas in order that it not be retrievable from FBIHQ files.

132. It is long-standing FBI practice to use the inaccessible field office files as "memory holes" in order that FBIHQ be able to deny that its files hold embarrassing information. I have copies of FBIHQ records in which field offices are criticized and chastised for deviating from this practice and for sending embarrassing information to FBIHQ.

133. In the months following my appeal it has not been denied that this routing slip was used to rid FBIHQ's 62-109060 files of this three-page teletype. This, of course, does not constitute confirmation.

134. In this connection I note that the preceding Serial, 286, appears to be what must exist, the related memo to the Special Agent in Charge (SAC). That such a memo exists is indicated in the explanations of all of this that follow below.

135. This is an internal Dallas Field Office memo. It was referred to the

CIA. Whether or not this is proper, as I believe it is not, these memos are prepared on forms that hold and require other easily segregable information. In this instance the identifications of the reporting special agents, the nonsecret subject and what is public knowledge are reasonably segregable and did not have to be referred to the CIA or anywhere else - if the FBI's intent was compliance. I know enough about the hidden matter to be able to make unequivocal statements. In addition, there is a real question of waiver some of the details of which follow. I believe there was a waiver under the Act and under court decisions I have and have read. The waiver is from the release of other relevant records I have and from public sources to which there also was disclosure.

136. The routing slip states that there was a telephone call from "Mr. Malley," probably FBIHQ Inspector J. M. Malley. Its convoluted language describing "teletype ... dated 11/23/63" is "dealing with conversation of transcript."

137. I note I have found no reference to this routing slip on the worksheet for 62-109060-1338. Exhibit 28 shows no such entry was added at Serial 1338, as was done with Dallas Serial 287.

138. The routing slip indicates that the teletype had not previously been classified but that as of the 1977 day it was prepared - 13 and a half years later - it was suddenly classified "Top Secret." Its exemption from the declassification schedule is represented as "Indefinite."

139. What this means is that until 13 and a half years after the creation of the record, which actually was less than 24 hours after the President was assassinated, an unclassified record was suddenly given the highest classification. Suddenly it became the kind of record that, for example, could start a world war if its contents were disclosed. This is a palpable impossibility. The sudden ex poste facto classification clearly has other purposes, as I state below.

140. That there was no prior classification is established by the routing slip itself. The printed form requires that either downgrading or upgrading be indicated. Neither is indicated.

141. It is not by accident that this routing slip remained unclassified until 1977. It could not have been an oversight. Among the proofs is testimony my counsel took from three FBI FOIA supervisory special agents the Department presented as witnesses in my C.A. 75-1996. As of that September 1976 date, which is to say a

year prior to the classification of "Top Secret," what the FBI testified to as the third complete review of the Kennedy assassination records was in progress, in compliance with FOIA requests. Interestingly enough, although mine were established as the earliest of these requests, mine were not included in any of those three reviews and were not added to the ongoing FOIA review.

142. Convoluted as is the description "dealing with conversation of transcript," to a subject expert and to one who has some familiarity with the hundreds of thousands of pages of official records and extensive reporting and other writing in this Orwellian practice the references are clear.

143. The description, only a transcript, is incomplete. Photographs also are involved.

144. Officially, Lee Harvey Oswald is the lone assassin of the President. First the FBI, then the Warren Commission, declared there was no conspiracy, foreign or domestic. Oswald left New Orleans for Mexico City the end of September 1963. There is no absolute proof of the exact time of his departure or of his crossing the border on his return. The FBI did establish that he left his Hotel Comercio quarters on October 2, while he still had a day left from what he had paid for the accommodations and that he entered Texas at some time during the morning of October 3. There are contradictory official reports. I can provide one that states he crossed the border too late that day to have reached Dallas by the time he ostensibly filed for an unemployment payment. This record also states that the handwriting at the border and in Dallas are not the same - or that one of the signatures was not written by the real Lee Harvey Oswald.

145. While in Mexico Oswald sought a visa to Cuba allegedly in transit to the Soviet Union. If seriously intended, this was irrational because at that time one of the more difficult means of reaching the Soviet Union was by way of Cuba, as Oswald knew. He also knew from prior experience how easy it was to reach the Soviet Union via England and Finland. (In this connection I note that official investigation, particularly by the CIA, established there was no commercial transportation by which on the trip he did make Oswald could have left London when he did and reach Helsinki when he did.)

146. At least one phone call Oswald made from the Cuban to the Soviet Embassy in Mexico City was intercepted, taped, and transcribed by the CIA. This was not

reported by the Warren Commission or included in its appended 26 volumes of documentation.

147. When Oswald was arrested in Dallas the early afternoon of November 22, CIA and FBI employees in the United States Embassy in Mexico City recognized the name.

148. With time I do not now have I can provide documentation from the files of both agencies for what follows. FBI SA Eldon Rudd, then assigned to Mexico City Legat and now a Member of Congress, flew to Dallas in a Navy plane. Before the plane landed, a little after midnight, SAC Shanklin directed SA Wallace R. Heitman (if my unchecked recollection is correct) to meet Rudd and drive him to the Dallas FBI office. Rudd had with him the tape, the transcript and a number of photographs of a person initially said by the CIA to be Oswald as he left the Russian embassy. It was not Oswald, as the FBI recognized immediately. (Notwithstanding this, it showed one of these photos to Oswald's mother seeking identification.)

149. After FBI agents familiar with Oswald's voice and appearance heard the tape and examined the photographs, their negative identification was sent to FBIHQ by teletype and probably earlier by phone. This was still early in the morning of November 23. Also on November 23 Director Hoover wrote Secret Service Director James Rowley a six-page letter.

150. In this letter, which for a long time has been within the public domain, Hoover told Rowley of the negative identification of Oswald from the materials brought to Dallas by Rudd. While the Hoover letter appears to say that this negative identification was made from listening to the voice on the tape and the letter has been so interpreted by others, especially Mark Lane, in fact the letter is ambiguous and only implies that the negative identification was made by voice. It is possible that the "not Oswald" determination was made by the <sup>FBI</sup> from the photographs. They have been released. They do not resemble Oswald in size, weight, age or any features.

151. For a long time the CIA pretended there was no error, if it was simply an error, in labeling those as Oswald photographs. But the FBI was never under any misapprehension. I can provide copies of FBIHQ's immediate orders to make an identification of the person in those photographs. If this was done, I have received no such records.

152. With regard to either the photographs or the taking of the photographs or the cooperative arrangements between the United States and Mexican authorities, there never was any secrecy. I knew of the taping of the Oswald phone call years before that information was published.

153. With regard to Benson's newly claimed alleged need to hide such cooperative relationships even where the United States agents have diplomatic status, in itself clearly an imposition on the trust of the Court, I note that the routing slip in Exhibit 29 lists the 14 known Legal offices of that period. The cooperative arrangements were never secret. This form is not classified. In addition, as the FBI knew very well before seeking to mislead the Court and defraud me by the withholdings and the Benson affidavit, a number of persons with personal knowledge, notoriously E. Howard Hunt of Watergate, have published books containing detailed accounts of such arrangements and their participation in them.

154. Going along with this withheld teletype is the report of that time frame alleging Oswald had been an FBI or CIA informer. This report angered the FBI and terrified the Warren Commission, as its executive session transcripts established. Commissioner Allen Dulles, who had been Director, Central Intelligence, used such words as "Oh, terrible" and "terrific" to describe the consequences of the report being believed. The Commission's executive session transcripts also establish that its purpose was not to investigate this report but to "wipe it out." In the end the Commissioners agreed to the Dulles proposal to destroy that particular transcript. However, the stenotypist's tape remained and under FOIA I obtained a transcript of it.

155. One of those responsible for the report of Oswald as an informer is Alonzo Heidt Hudkins III, then a Texas newspaper reporter. He writes under the name by which he is better known, Lonnie Hudkins. Later he became my friend.

156. Hudkins has had his own relationships with federal agencies.

157. Several years ago Hudkins published an account of the taping of the conversation reported above and of the taking of the photographs. There had not been secrecy about the point from which the photographs were taken or the means. Even the Cuban Government knew. In fact, it is a well-known norm of the practice of intelligence, as is the local police involvement.

158. There was extensive reprinting of what Hudkins published as there

also had been of earlier published accounts which lacked the since-confirmed details Hudkins provided.

159. As stated above, all of this is included in my FOIA request of years ago. It remains without compliance, regardless of inappropriate sneering references by Department counsel to this Court. The CIA has acknowledged the similar information requests I made of it and merely stonewalls them and the appeals, apparently preferring the withholding and attrition and the possibilities of further wearying overburdened courts by forcing litigation that is the only alternative to a requester's acceptance of noncompliance.

160. I provide the following details because of their relevance to current and prior withholdings, representations by the Department with regard to my instant request, and the fidelity and dependability of the worksheets in question and withholdings from them. This also reflects the extraordinary degree to which information initially withheld and after long withholding was classified "Top Secret" was within the public domain prior to "Top Secret" classification. This also addresses motive in withholding and misrepresenting.

161. In November 1976 my counsel, Jim Lesar, and I were among those who participated in a week of scholarly seminars at the Stevens Point Branch of the University of Wisconsin. Mr. Lesar is a law graduate of a different University of Wisconsin branch. My records are being deposited at the Stevens Point branch.

162. The Saturday of that week there was a sensational published account of this Mexico City taping allegedly of Oswald. It appeared first in the Washington Post and then throughout the world. To the FBI's knowledge, from its records that I do have, Ronald Kessler, after a leak to him, had been working on that story for months. I do not know the source of his leak.

163. Such matters generally are not recorded. The FBI's now well authenticated method is to generate and preserve false paper to be able to deny it leaked when it did the leaking. I have such records.

164. The 1976 situation may bear on who had motive for leaking and who stood to be injured by the leaking. The end of 1976 coincides in time with several ongoing Senate and House investigations. The standing intelligence committees had been established and the House had created a Select Committee on Assassinations (HSCA). There had been and then was Congressional criticism of both the FBI and

CIA, each of which preferred critical attention to be focused on the other. Kessler's story and the subsequent sensation directed critical attention toward the CIA, not the FBI.

165. Kessler went to Mexico and interviewed the CIA personnel involved in the interception and the transcription of the tape, those taken to Dallas by Rudd. HSCA staff also did this.

166. Because this information was included in my requests both CIA and FBI had ignored, the Saturday morning of first publication I asked counsel to telegraph the Attorney General. In my presence he did, from Wisconsin. From 1976 to now I have received neither response nor compliance. There has been no action on my appeal. I believe the telegram was not even acknowledged by the Department.

167. When we reached the Chicago airport on our return the next day, a Sunday, attention to Kessler's sensation was so great that even as a "second day" story it took up virtually the entire front page of a major Chicago newspaper.

168. The date of the withheld teletype routing slip coincides in time with the continuation of the House Select Committee on Assassinations. It had been involved in unseemly public controversy between its chairman and chief counsel and staff director, then the well known former Philadelphia prosecutor, Richard Sprague. The committee had announced its determination to investigate the Kessler story fully. It had already conducted a preliminary investigation. At the time of this routing slip and belated "Top Secret" classification of the teletype, the FBI had ample motive for not wanting the information in the teletype to be known to the committee. It has similar motive for not wanting me to have that and the related information that is still withheld more than three years after my requests. Complicating official problems and adding motive for withholding is the fact that the officially declared assassin of the President was reported to have served both FBI and CIA.

169. In short, and in much greater detail than I have provided, the information covered up in the unfaithful worksheets and improperly classified as "Top Secret" in March 1977 was within the public domain before the processing of the underlying records and their release, which is the subject of my instant request. All of this is covered up in the worksheets and is ignored in the FBI's affidavits in this instant cause in which the Department misrepresents to this Court even the information sought in my request. I emphasize that while my instant request includes the

worksheets, it is not limited to them, despite the persisting misrepresentation. My request is for all records relating in any way to the processing and release of the JFK assassination records.

170. Disclosure to others of what remains denied to me when I am the prior requester is one of the reasons for the request. This practice has enabled what amounts to official propaganda. If necessary, given time, I will produce proofs of this.

171. In Section 17 of FBIHQ 62-109060 as released to me in place of Serial 1338, which is an internal FBI record, one copy of the November 23, 1973, teletype, there is a referral slip. (Attached as Exhibit 30) It indicates that the record was referred to the CIA. A year and a half is ample time for action on a referral, whether or not the referral was necessary and proper, as in this case I believe it was not. There has been no action. This is consistent with the CIA's own stonewalling of many years in response to my general and specific requests, both of which include the withheld information. When the CIA would not comply with an inclusive request, claiming that required time, I made requests for small portions of the withheld information. The CIA then claimed that it would not process individual subject requests because it was processing the inclusive request. This extends whipsawing into a triple Catch-22, the CIA's, the FBI's and their joint one. Each agency stonewalls, then stonewalls for the other, and each then claims it has complied only the other one has not. In this case, because I made the same requests of both, each is in noncompliance and remains in noncompliance after leaks and public use of the withheld information. However, unless they are both in court simultaneously and unless courts become unwilling to be manipulated, this contrivance for circumventing and violating the Act will not end. Particularly not when both agencies, in the guise of letting all their soiled linens hang out for airing and cleansing, instead lock them in secret and top secret closets.

172. Under any circumstances this is unseemly and inappropriate, especially with a "Freedom of Information" Act. It belies the words and intent of the Attorney General in his "historical case" determination. This and the unfaithful nature of the Department's affidavits mock the Act and belittle and seek to make a rubber stamp of the Court.

173. What I have set forth in the preceding Paragraphs, I believe, is a good



faith effort to inform the Court fully and accurately about the issues and statements of the Benson affidavit and about noncompliance it seeks to perpetuate. I believe the Court cannot function without being fully and accurately informed. I believe that if I fail in the plaintiff's part of meeting this obligation, the Constitutional independence of the judiciary can be and in this case would be impinged upon by those whose long record of withholding public information caused the Congress to pass the Act so that these improper withholdings of what can be embarrassing to officialdom would end. In the case of records that address the functioning of our basic institutions in time of greatest crisis, when confronted with the most subversive of all crimes, I believe it is urgent for this Court to be as conversant with fact and motive as possible. Otherwise the judgment of the Court is preordained by those whose willingness to do these things is responsible for the Act and its 1974 amending.

174. What was then required of me by my part in that amending is an obligation I cannot in good conscience or good citizenship not assume now or if necessary in the future.

175. While I was drafting this affidavit, my counsel informed me that the Court had refused my request for a few more days of time. I planned to be in Washington in another court on Tuesday, February 13, and to give the executed affidavit to my counsel then. When I was informed of the Court's rejection of this request, I decided to add more information for the Court at whatever future time it might be appropriate. It then turned out that it was impossible for me to leave home because of heavy snow and dangerous roads at the predawn time required to be able to make the only bus that could get me to Washington in time.

176. The information I seek in this instant cause is of considerable historical importance. At my age and in my other limiting circumstances, I would not have made the request or followed it with litigation if I were not certain of the importance of the withheld information. Some of the importance is indicated in the preceding Paragraphs. Compliance with my request would provide information that will establish FBI and Departmental reluctance to disclose records of nonsecret nature relating to the investigation of the assassination of a President.

177. With me alone this reluctance goes back to May 23, 1966. With my formal information requests it goes back to January 1, 1968, or for more than 11

years. With many other requests, in all of which I am in a public rather than a personal role, there remains extensive noncompliance. The degree of the obdurate FBI refusal to abide by letter or spirit of the law is reflected by its continuing refusal to respond to simple written requests. It has refused to respond to such requests as asking it to set a time for my examination of records in its reading room after it writes to inform me that I must make such arrangements in advance. When a long time passed and I received not even an acknowledgment I filed a request under the Act and in many months it also has not been even acknowledged. My appeal, also after many months, has not been acted on.

178. When I cannot obtain from the FBI an appointment to examine information already released and then cannot obtain copies of this released information, I believe there is no question but that at least with me the record of the FBI is one of determined refusal to abide by the Act. It is also a record guaranteed to force unnecessary litigation that, while burdensome to plaintiffs and the courts, serves improper FBI political objectives.

179. In the face of this understated representation of a long record, well established in a number of courts, I believe it is not even-handed and fair to deny me a short period of time, a matter of a few days only, in which to safeguard my interests (and I believe those of the Court) to make an effort to avoid what could be needless prolongation of litigation and what from long experience I believe is essential, an opportunity to present information bearing on whether or not the Court has been fully and accurately informed by the other side.

180. I do not assume the Court intended unfairness.

181. I do assume that when there are material facts in dispute a case is not ripe for Summary Judgment. Material facts are in dispute in this instant cause. Refusing me an opportunity to confront what I believe I have proven in the preceding Paragraphs to be unfaithful representations to this Court foreclosed me from informing the Court. While this may not have been the intent of the Court, it is the result. I therefore believe that I must now include the reasons that required me to ask my counsel to ask for the short extension of time that was denied me.

182. I am nearing my 66th birthday. Three and a half years ago I was hospitalized for acute thrombophlebitis in both legs and thighs. Permanent, serious and potentially fatal damage had already resulted. In itself, this condition imposed

stringent limitations upon me. I live on an anticoagulant that is used to poison animals. I am under medical injunction to avoid even slight bruising, any cuts, no matter how minor, falling or any other kind of accident. I must keep my legs elevated whenever possible. It is no easy matter to do this when typing, for example, or when riding. I must also get up and walk around every 20 minutes or so, which is a serious intrusion into concentration. I live in a woods on the side of a mountain, not close to Washington, in a fairly isolated setting the Washington Post recently described as "Waldenesque." (This was in an article that indicates my centrist and independent position in the controversial field in which I work.)

183. In the summer of 1977 an added, serious and also potentially fatal arterial illness was diagnosed. For a long time the combination of these serious and potentially fatal medical problems restricted my activity even more. The supply of blood to my head and brain is impeded. Recently I lost consciousness and thereafter had an impaired sense of balance and occasional fuzziness in the head. My doctor does not now want to make any added invasive tests because of the danger from them. Another and complete examination and evaluation are set for two weeks hence.

184. My wife, who is my age, provides the only assistance I have, has glaucoma, degeneration of the hip joints and other medical problems that impair even her mobility. During all of the time since the Benson affidavit was filed she has moved only with pain.

185. Because of our medical problems it is necessary that there be access to us and that in any medical emergency we be able to leave home.

186. Our lane is the length of a football field. It is tree-lined, which causes snow to drift in it and shelters it from the sun and thus discourages the thawing of snow and ice. It is necessary for me to keep our lane open.

187. Our only regular income is from Social Security and a small sum my wife earns that is lower than the maximum permitted by Social Security. I thus must depend on myself in assuring ingress and egress under adverse weather conditions. There has not been a time since the season's first snow when our land has not been covered with snow. Keeping the lane open, while it is good medical treatment for me, also takes time, more time because of my age and impaired health.

188. From before Christmas to now I have <sup>only once</sup> been to Washington. In that

time I have not been as far as 10 miles from home. Only rarely have I been half that short distance away. My travel has been restricted to such necessities as obtaining medicines, seeing the doctor, having my blood tested and obtaining groceries.

189. From the time of my hospitalization in 1975 I have made and continue to make adjustments in my life, abandoning more and more of what I once enjoyed to be able to devote what remains of my life as completely as possible to the work I have undertaken. The Department itself states my knowledge is unique in this field. I believe that continuing my work serves an important public purpose. There is no fair way in which my course since I became aware of possibly fatal illness can be regarded as pursuing only personal interest and ends.

190. I have already given all my work and records to the public, through a free archive in a major university system. When I obtain information that is comprehensible without subject expertise or with short explanations, I arrange to give it away. I do this by providing it to the press and to others, without pay and at my own cost, even for the copies I provide. Last week, for example, I gave the St. Louis Post-Dispatch almost 800 pages of FBI records I had not even had time to look at. Those are relevant to the investigation of the assassination of Dr. King and to FBI practices. The records are St. Louis Field Office records. Not many weeks before that, as a result of years of effort and of litigation initiated in 1975, I obtained copies of two executive session transcripts of the Warren Commission. I made arrangements to provide them to the press immediately and did so the very afternoon I obtained them. Of the more than 20 sets of copies for which I paid the xeroxing cost, I gave away to others working the field all those not taken by the press. This is consistent with practice that predates my hospitalization.

191. If I were now pursuing personal interest, I would be writing books, not affidavits.

192. I have spent every moment I could on my Freedom of Information cases beginning before the filing of the Benson affidavit. I am involved in other cases and they also have requirements. However, I have had to slight some of the other cases in recent months because of the limitations of my present life, as indicated above.

193. As soon as it was possible after I received a copy of the Benson affidavit, I commenced drafting this affidavit. There has been no major interruption

in this for any personal activity. The only interruptions I recall were when the press and others consulted me because of my subject-matter expertise.

194. To preserve their integrity for the university archive, I keep all the records I obtain separate from the files from which I write. The only space I have for these records is in the basement of our home, where I keep all these records in the form in which I receive them. All the records relevant in this instant cause are filed and kept in the basement.

195. While I am able to walk and do some work fairly well, stairs present a real problem for me. Walking up a flight shortens my breath. Walking up two flights without rest is too much for me. Getting into the lower file drawers searching for records also presents problems for me that most people do not have. These limitations have slowed me down much in preparing this affidavit.

196. There also have been times when for several hours at a time any kind of work was impossible for me because of these health problems.

197. My record also establishes that I do not engage in causing official embarrassment. From my prior journalistic experience, I am aware of the possibilities for ridicule of Benson, the FBI, the Department and its counsel when all are involved in an affidavit swearing that the information it has already put within the public domain must be withheld in the interest of "national security," even suggesting that nuclear and important diplomatic and military matters also are involved in it. I also am well aware of the possible news interest in the November 23, 1963, teletype and its belated Top Secret classification and other relevant information I have.

198. I have wasted no time in the preparation of this affidavit. I am rushing it to the degree possible for me, to so great a degree that my wife was retyping it while I was still drafting it.

199. Under such circumstances as these, it was not possible for me to prepare the affidavit any sooner.

200. If I did not believe the information I provide is important and relevant, I would not now be taking time to add to what was drafted when my counsel informed me that the request for the few extra days had been denied.

201. I also am not unaware of the possibility of embarrassment to the Court from accepting an affirmation that what is within the public domain justifies "national security" withholding. If I desired embarrassment for the Court, I would

not complete this affidavit and would not seek to provide the Court with the information by which it can avoid any such embarrassment.

202. Just before retyping of the last page of this affidavit and prior to leaving to find a notary before predicted snow and freezing rain could make driving too dangerous for me, I made a quick search to be able to add exhibits for the further information of the Court and as good-faith evidence that I do have the records I state I have and with time would provide.

203. Exhibit 31 is the partly-withheld record of the arrival of then SA Rudd with nonsecret information withheld. The record was not classified when generated. In the 1978 processing it was not properly classified in accord with the Executive Order. "Confidential" classification is indicated by the letter "C," not the "Top Secret" added to the relevant teletype. See Paragraph 148.

204. Exhibit 32 is the Hoover to Rowley letter referred to in Paragraph 149.

205. Exhibit 33 is the Kessler report referred to in Paragraph 162.

206. Exhibit 34 is not one of the records of a handwriting other than that of Oswald I referred to. There was not enough time to locate those others. As sign of good faith because the statement I made may seem improbable, I attach this page of the Dallas "Bulky" inventory obtained in C.A. 78-0322. The final entry under "leads ..." reads "Lab advised 'Oswald' on manifest not written by Oswald."

  
HAROLD WEISBERG

Before me this 14<sup>th</sup> day of February 1979 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July, 1982



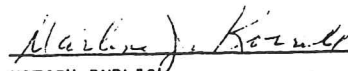
  
NOTARY PUBLIC

Exhibit No.	Page	Paragraph	Exhibit No.	Page	Paragraph
1	8	29	33	45	205
2	10	40	34	45	206
3	10	41			
4	11	42			
5	11	43			
6	11	43			
7	11	46			
8	12	46			
9	12	47			
10	12	48			
11	15	59			
12	17	66			
13	18	69			
14	18	70			
15	18	71			
16	19	74			
17	19	74			
18	19	75			
19	22	88			
20	24	94			
21	24	96			
22	25	99			
23	27	105			
24	27	107			
25	28	109			
26	29	112			
27	29	113			
28	31	126			
29	32	128			
30	39	171			
31	45	203			
32	45	204			

FBI WASH DC

FBI NEW ORLS

11-11 AM 2-28-6

TO DIRECTOR 62

FROM NEW ORLEAN

ASSASSINAT

TEXAS, NOVEMBER

CONCERNING... 00



CA 78-10-249  
EXHIBIT 1

JFK  
62-109060  
SECTION 170  
COPY 8

Y. DALLAS,  
- INFO

*Handwritten notes:*  
K  
K  
K

THERE APPEARED IN THE FEBRUARY TWENTYEIGHT INSTANT ISSUE OF THE NEW ORLEANS TIMES PICAYUNE NEWSPAPER AN ARTICLE SETTING FORTH THE AFTERNOON SESSION OF THE TRIAL OF CLAY L. SHAW ON FEBRUARY TWENTYSEVEN INSTANT.

ACCORDING TO THIS ARTICLE, THE AFTERNOON SESSION CONSISTED OF THE PROSECUTION CALLING REBUTTAL WITNESSES.

THE FIRST WITNESS CALLED WAS EMMETT J. BARBE, WHO TESTIFIED THAT IN NINETEEN SIXTYTHREE HE WAS THE GENERAL MAINTENANCE FOREMAN FOR THE WILLIAM D. REILY COFFEE COMPANY OF NEW ORLEANS. HE TESTIFIED THAT DURING THIS PERIOD LEE HARVEY OSWALD WAS EMPLOYED IN THE MAINTENANCE DEPARTMENT AND THAT ON JULY NINETEEN, NINETEEN SIXTYTHREE IT WAS NECESSARY FOR HIM TO FIRE OSWALD. THE DEFENSE HAD NO QUESTIONS TO ASK BARBE.

~~END CORR LINE 14 WRD 6 SHLD BE JULY~~

PAGE ONE

3 MAR 5 1969

*Handwritten:* 62-109060-6804  
Rab...  
5-11-69

59 MAR 13 1969



File No: 105-82555

Re: LEE HARVEY OSWALD

Date: 4/77  
(month/year)

C.A. 78-07-49

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
2090	2/25/64	BU Tel - Charlotte	1	1	
2090	2/22	DL A/T - BU	2	2	
2091	2/25	BU A/T - ME	2	2	
2092	2/25	BU Tel - NY	1	1	
2093	2/25	BU Tel - JP	2	2	
2094	2/25	BU A/T - ME	1	1	
2095	2/19	BU (Lab) det - Leg Attorney	2	2	b1, 2
2095	2/11	Legat Ottawa - BU	2	1	b1 - Page 1 and fig. 1 <del>2 - copy of [redacted] [redacted]</del>
NR	2/19	WFO A/T - <sup>HHH</sup> BU	7	7	A/T 091 b7d
NR	2/19	DL tel - BU	4	4	
NR	2/20	BU det <sup>+ouch</sup> - Ranken	5	5	
NR	2/19	DL tel - BU	10	10	

File No: 105-82553 Re: LEE HARVEY OSWALD

Date: 8/77  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
2458	3/11/69	Bu det <sup>+encls.</sup> → DL	2	2	
2459	3/11	Bu det <sup>+encls.</sup> → Roukin	2	2	
2460	3/12	Bu det <sup>+encls.</sup> → DL	2	2	
2461	3/12	Bu det → Legat M.C.	3	3	
2462	2/28	Rpt of SA J.M. Kennedy at SA.	33	33	WCD # 476
2463	3/11	Rpt of SA J.F. Housney at WFO	38	83	WCD # 637-1-Report marked confidential. b7C b-1 p 1+2, 3, 6, 7
					DCRU re classification of 302 on [redacted]
2464	2/27	<sup>memo</sup> Bronegan → Sullivan	2	0	b1 → is this over b1D classified
2464	2/26	Bu det <sup>+encls.</sup> → NY	4	0	p1+2 AT b-1 is this over classified. encls referral OK
2465	2/5	DL AT <sup>+encls.</sup> → BU	2	2	1st of p. 2 also classified?
2465	2/13	BU AT → HO	1	1	

File No: 105-82555

Re: OSWALD

Date: 8-77  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
4100	6/12/64	NY Tel. To Bus.	1	1	None
4101	6-16	Butel TO NO	3	3	"
4102	6-15	WFO airtel TO Bus.	2	2	"
4103	"	Moore memo TO Sullivan	1	1	"
4104	6/12	NY airtel TO Bus	1	1	"
4105	6/9	SF airtel TO Bus.	6	6	" b1, 2
4106	6-8	Ottawa let airtel TO Bus	5	5	B-1 b7d <del>referral</del>
also 4106	6-16	Hoover let. TO Rankin	2	2	B-1 on p. 2
4107	6-10	DL airtel TO Bus	3	3	None
also 4107	6-16	Hoover let TO Rankin	2	2	"
4108	6-10	Mex. let airtel TO Bus	5	5	B-7-D P. 1 source symbol
✓ 4109	6-11	mm airtel TO Bus.	6	6	B-1 pgs 1-2 referral CIA

700: 204 : 4708 → 4736

INDEXED BY: \_\_\_\_\_

b7c ↗

Inventory Worksheet  
FD-503 (2-18-77)

File No: 105-82555

Re: OSWALD

Date: 8/77  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
unrecorded	8/1/64	MEMO: Brennan → Sullivan	2	3	
unrecorded	8/12/64	AIRTEL: Bu → DL	1	1	
unrecorded	8/21/64	MEMO: BONN → BU	2	2	Refer ARMY
4717	8/19/64	U.S. EMBASSY MOSCOW → Bu	11	0	* REFER TO DCAM refer state 6-57 (B-1) CLASSIFIED CONFIDENTIAL b7 passing ACOM ← b7d
4718	8/12/64	MEMO: BRANBACH → Sullivan	2	2	(B-P) SOURCE TO: [REDACTED]
4719	8/24/64	AIRTEL: DL → BU	4	4	1
unrecorded	8/25/64	MEMO: STC → Bu	2	2	
4720	8/24/64	AIRTEL: WFO → Bu	2	2	
4720	8/24/64	Letter: JEM → J. L.P.	5	5	
4721	8/31/64	AIRTEL: Bu → DL	1	1	
4722	8/24/64	SA. Rpt. of J.M. KEMMY	16	16	* Paper to Bureau pp 1-14 cover pg. Bu → (B-D) MARKED CONFIDENTIAL b1
4723	9/1/64	Letter: JEM → J.L.P.	2	2	

9/3 - SECTION DOES NOT APPEAR  
TO HAVE GONE TO DCRM

52725

File No: 105-82555

Re: LEW HARVEY OSWALD

Date: 8/77  
(month/year)

Section 219

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
5016	9/24/64	MM MEMO → BU	1	1	p. 2-6: REPEROP
5017	9/24/64	DL AIRTEL → BU	2	2	none
5018	9/24/64	H ↔ RANKIN	5	5	none
5019	9/25/64	WFO AIRTEL → BU	3	3	none
5020	9/22/64	SF AIRTEL → BU	13	13	none
5021	9/23/64	NDL TELE → BU, NK	3	3	none
5022	9/24/64	NK TELE → BU, DV	2	2	P1-7d
5023	9/29/64	WFO AIRTEL → BU	2	2	none
5024	9/28/64	LEGAT OTTAWA → BU	2	0	P1, 2-7c -7D b1 <del>SECRET</del> b1 To DCRM *
5025	9/29/64	MEMORANDUM → BU	1	1	b1 none
5026	9/25/64	LEGAT OTTAWA → BU	5	5	b7d ARCHIVES & To DCRM CHECK <del>SECRET</del> b1
5027	9/15/64	WFO AIRTEL → BU	2	2	none b1

Inventory Worksheet  
FD-503 (2-18-77)

No. 105-  
2555

Re: Osasalk

Date: 9/88  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
	3/9	Bu let DOT	1	1	
	3/9	" " M. Watson	1	1	
	3/9	" " NASA	2	2	
	3/9	" " Dept. of St	1	1	
5565	3/9	Legal Mem all Bu	2	0	(7D) source of <del>confid</del> source & orig. info (7E) ID of <del>source</del> (b)(3) source
5565	3/9	LHM	3	0	(b)(7) DECU* Referral CIA* JOCW } CIA
	3/9	DL TP Bu	2	2	
5566	3/10	Legal Mem TP Bu	2	0	Referral CIA* DECU* } DECU CIA
	3/10	DID Memo	1	1	b1 } DECU
5567	3/10	Bu TP. AM	4	0	Referral CIA* DECU* } DECU CIA
5568	3/10	AM all Bu	1	1	(7D) ID of <del>confid</del> source b1
5568	3/10	LHM	3	3	b1

CA 79-0249  
EXHIBIT 21

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

# Memorandum

TO : W.C. SULLIVAN

FROM : W.A. BRANIGAN

SUBJECT: LEE HARVEY OSWALD  
INTERNAL SECURITY - RUSSIA

DATE: 1-16-64

- 1 - Belmont
- 1 - Rosen
- 1 - Sullivan
- 1 - Malley
- 1 - Branigan
- 1 - Turner

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Casper \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Gale \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Sullivan   
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holmes \_\_\_\_\_  
 Gandy \_\_\_\_\_

The following observations and recommendations are submitted for your consideration in connection with the proposal of the President's Commission to furnish all reports in the Ruby and Oswald cases to the prosecution and defense attorneys for the Ruby murder trial in Dallas:

1. We believe that the FBI has done a good job of investigation in this matter both before and after the assassination. We have nothing to hide and if all of the facts were to be made public and reviewed by the public, it is felt that the Bureau would not be criticized by reasonable people and legitimate organizations. However, in this instance, we are caught in the crosscurrents between the left and the right and each is trying to make a big conspiracy out of the assassination. They as well as others who have political or personal axes to grind will seize upon every opportunity to criticize the investigation as illustrated by some of the publicity since the assassination.

2. The issue in the murder trial is very narrow - whether Ruby was sane - and unless the attorneys intend to make a spectacle of it, the contents of our reports should not be disclosed. However, there is the definite danger that attempts will be made to persuade the jury that Ruby's action was justified because subject was directed by the Russians or the Cubans. Parts of our reports may be lifted out of context and by omission or innuendo the impression left that there was in fact such a conspiracy and that our investigation which failed to uncover it was incomplete.

The manner in which the reports were written add to this danger. The allegations were reported as received and then run out. The results of investigation may be hundreds of pages from the raw allegation and spread among several Dallas reports or those of other field offices. Time and the volume of information did not permit reporting the results of investigation along with the allegation.

105-82555-1494

105-82555  
 EIT:cgw  
 (9)

- 1 - 62-109090 (President's Commission)
- 1 - 44-24016 (Ruby)

*See memo 1-20-64  
 Belmont to Tolson  
 to Sullivan*

105-82555-1494

22 JAN 21 1964

UNRECORDED COPY FILED IN

Memo for Mr. Sullivan  
Re: LEE HARVEY OSWALD  
105-82555

RECOMMENDATION

It is recommended that the above facts be pointed out to the Commission; that we suggest that there be stringent conditions against publicizing our reports if they are given to the attorneys; and that we tell the Commission that we will set the record straight in any instance where only part of the facts are lifted from our reports and publicized.

3. Before disseminating our raw reports to the Commission we were careful to classify only those which included classified information from another agency or where it was necessary to protect a Bureau source. In some instances only a small portion of the report was of this nature but in accordance with classification rules, the whole report was classified.

RECOMMENDATION

It is recommended that we inform the Commission concerning the specific portions of the classified reports which cannot be declassified and which should, therefore, not be furnished to the attorneys in the Ruby prosecution.

4. There is a danger that the Bureau will be criticized for reporting rumor, gossip or other information which might be embarrassing to various individuals. Because of the nature of this case, the field was instructed to report everything. The reports, therefore, contain every allegation about Oswald, his acquaintances and associates; critical statements made by various individuals about President Kennedy and his family; allegations by mental cases; other persons trying to be helpful, et cetera. To assist in evaluating the information, we included in the reports data from our files



Memo for Mr. Sullivan  
Re: LEE HARVEY OSWALD  
105-82555

regarding many of the persons who furnished information particularly those who had a history of mental instability. We also included in the reports such things as the report of the autopsy of President Kennedy which the family did not want publicized; a statement of a captain of police in Dallas that he could not rely upon what General Walker said, et cetera. Some gossip could be regarded as libelous.

RECOMMENDATION

It is recommended that we specifically point out to the Commission that the reports contain information of this kind which in some instances could cause embarrassment to some citizens and in others could be considered by the persons named as unwarranted publication.

5. There is a danger that demands may be made upon the Bureau to identify our confidential sources of information. In these reports wherever possible we attributed the information to the original sources but we did use T symbols to cover such sources as [redacted] people who requested their identities concealed and our own confidential informants who for the most part were utilized to characterize persons or organizations mentioned in the reports.

RECOMMENDATION

Although we can answer inquiries concerning Western Union or bank sources by advising that a subpoena should be issued to obtain the information, it is recommended that we point out to the Commission that we cannot disclose the other sources without compromising our informants, damaging our relations with other agencies or breaching confidences, all of which would be detrimental to our future investigative operations.

It is believed that the above recommended action will serve to alert the Commission as to the dangers of releasing our reports and put us in a better position in the event such release later results in criticism of the Bureau.

1/5

17/1

V:10 A

Date: 2-11-64

To: Director, FBI

~~SECRET~~

(Bufile : 105-32555 )

Attention :

From: Legal Attache, Ottawa

( 163-364 )

412878

Title LEE HARVEY OSWALD	Character IS - R Reference Hycab 1-28-64.
----------------------------	--

Remarks:

7/12/77 md  
 Classified by 2040  
 Exempt from GDS Category 1  
 Date of Declassification Indefinite

All paragraphs Secret  
 unless otherwise marked.

COPY AND SPECIMENS  
 RETAINED IN LAB.



38-FEB 14 1964

EXP. PROC.

Dissemination

- May be made as received
- May be made as indicated by stamp on enclosure

Following offices would be interested in receiving copies of enclosures:

Dallas; New Orleans; Detroit

Status with this office:

- RUC
- Pending
- 5 - Bureau (1 cc - Dallas; New Orleans; Detroit (Enc. 4))
- 1 - Ottawa

INDEXED

ONE:  
 (6)

Do not write in space below	
105-32555-2095	REC 27
FEB 14 1964	

REC-48

CA 78-0249  
EXHIBIT 23

UNITED STATES GOVERNMENT

# Memorandum

- 1 - Belmont
- 1 - Rosen
- 1 - Sullivan

- Tolson \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Mohr \_\_\_\_\_
- Casper \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Evans \_\_\_\_\_
- Gale \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

TO : W. C. Sullivan *vics*

DATE: August 12, 1964

FROM : W. A. Branigan

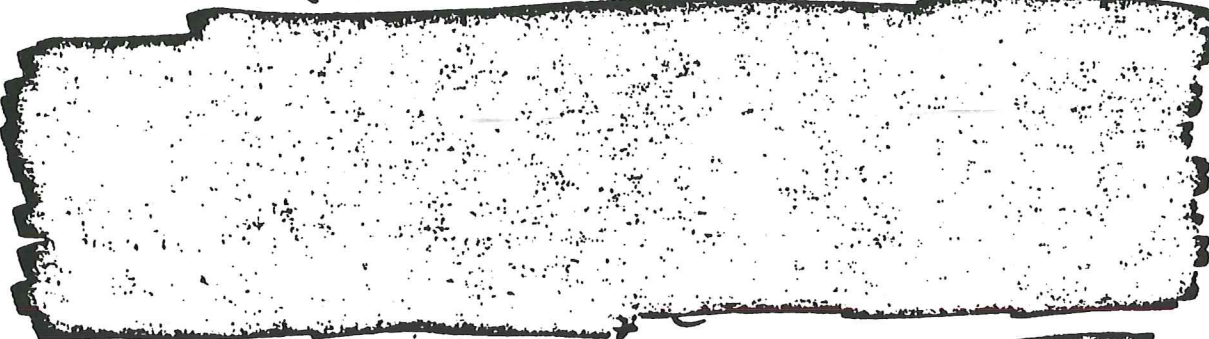
- 1 - Malley
- 1 - Liaison
- 1 - Branigan
- 1 - Stokes

SUBJECT: LEE HARVEY OSWALD  
INTERNAL SECURITY - RUSSIA - CUBA

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
EXCEPT WHERE SHOWN  
OTHERWISE

CONFIDENTIAL

*J. A. Branigan*  
*T. J. R.*



105-82555

JCS:pah  
(8)

~~CONFIDENTIAL~~  
Airtel to DL 8/20/64  
cc of envelope  
1964-11-12 Review to  
11/12/64

CONTINUED--OVER

CONFIDENTIAL

Classified by 2040  
Exempt from GDS, Category 1  
Date of Declassification Indefinite 9/26/77

69 EF : 1964

Memorandum to Mr. Sullivan  
Re: LEE HARVEY OSWALD  
105-82555

CONFIDENTIAL

RECOMMENDATIONS:

(1) That liaison obtain from the State Department its official report on this incident.

(2) That State be asked if they intend to disseminate to Central Intelligence Agency and to the President's Commission. If not, State should be informed that Bureau will find it necessary to make dissemination of the information in our possession.

*JES*  
*James*

*JES*

*Q*

8/13/64

RE Jessup State, requested to furnish information. C-112

8/13/64

Jessup furnished info from US Embassy, Bureau  
to this furnished to Warren Commission.  
if they will give to C.I.A. ———

attached.  
rel

CONFIDENTIAL

FBI

Date: September 25, 1964

Transmit the following in \_\_\_\_\_

(Type in plain text or code)

AIRTEL

VIA COURIER

(Priority or Method of Mailing)

TO: Director, FBI (105-82555) Attention: Criminal Section

FROM: Legat, Ottawa (163-364) (P)

SUBJECT: LEE HARVEY OSWALD, aka  
IS - R - CUBA

Re Ottawa airtel dated September 24, 1964.

Enclosed are original and five copies of letterhead memorandum setting out results of interviews of COLIN DAVIES and KENNETH G. ARMSTRONG

ARMSTRONG's statement indicates that SIMILAS knowingly deceived ARMSTRONG into buying the story by promising him pictures which he knew to be non-existent. The paragraph on page 13, center column, of the July issue of LIBERTY Magazine wherein he states a picture he took showed two figures beside the gun barrel, etc., was actually the main point of interest of this story. There is doubt that such a picture ever existed or exists now. if SIMILAS had taken the picture showing the assassin or assassins, it would have been exclusive and every medium would have been after it. According to COLIN DAVIES, the reporter, it would have been "The Million-Dollar Picture." No news editor would miss the opportunity of a scoop of this nature. SIMILAS told ARMSTRONG he had mailed this photograph, along with others, to the LIBERTY Magazine fully three months after he had been paid for the pictures lost by the Toronto Telegram and which supposedly contained this picture.

SIMILAS' story both DAVIES and ARMSTRONG, contains too many inconsistencies and "outright lies" to be taken seriously. he is an opportunist who saw a chance to cash in on the fact that he had witnessed the assassination and in order to do so, he had to make his story as convincing as possible, and that it is unfortunate that by a coincidence the negatives which would prove the lie have been lost.

- 6 - Bureau (Encs. 6)
- (2 - Dallas Liaison directed)
- 1 - Ottawa

MLI:MEG  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

105-82555-5026  
SOLOID SECTION

Co Co

[REDACTED]

Extra copies of this airtel are furnished for  
the Dallas office (100-10461).

INNES

he knew a Toronto man who had witnessed the assassination of President Kennedy and would I be interested in the story.

"Following this discussion, I subsequently contacted NORMAN SIMILAS and met him at the Park Plaza Hotel. On our first meeting we discussed his visit to Dallas and the events leading up to the assassination. This discussion probably lasted three hours and I got a lot of background.

"There were two subsequent meetings at which I got the remainder of the information that I wanted for my story.

"SIMILAS offered to supply me with pictures which were taken prior to and during the assassination. These were to be used to illustrate the story. SIMILAS supplied me with some pictures and he said he was having prints made of the other ones. It was my understanding that one of these pictures was the one in which two persons and the gun barrel could be seen, and these were to be forthcoming when developed. I phoned SIMILAS a day or so later and he said they had been mailed to me from a Post Office on Yonge St. I felt that they may have been misdirected and would be arriving at any time. After a week had gone by, ✓ Albert Plock, Art Director of Liberty, and I went through the entire amount of mail received during the previous weeks but we found nothing. I mention this because it was so important to the story to have that picture which contained the two faces at the window. We still held out hope that they might arrive in time for the second installment; however, they never did arrive.

"As I completed each portion of the manuscript I submitted it to SIMILAS for his approval or whatever changes he might suggest. I also went back and double checked on facts he had mentioned previously and his account was basically the same each time.

"The paragraph appearing in the center column on page 13 of the July issue of Liberty beginning, 'Will the investigation committee ...,' was discussed between SIMILAS and me, and originally this appeared in LIFE Magazine.

"It was obvious to me that SIMILAS must have done considerable research and read most of news and views published in order to form the opinion expressed in the next column regarding the assassin's perch.

"The second installment was completed and was set in galley-type, but was never published. Liberty Magazine ceased publishing after the July issue was released.

"I cannot think of anything else which would be of assistance to you except that before the story was used I showed HAROLD COOK, the publisher, SIMILAS' signature of approval which would eliminate the possibility of a misunderstanding between us.

(Signed) Kenneth G. Armstrong"



O P 78-0244  
EXHIBIT 25

THIS SERIAL HAS BEEN REFERRED TO  
ANOTHER AGENCY AND IS IN A PENDING STATUS:

FILE NO. 105-82555

SERIAL NO. 5565

PAGE NO. Entire Document

NO. OF PAGES 5

SECTION NO.

232

CTA

REFERRAL

Inventory Worksheet  
FD-503 (2-18-77)

File No: 44-24016

Re: JACK RUBY

Date: 8/77  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1670	6-25-64	LEGAT Ltr To Bureau <sup>by</sup>	4	4	DCRY - <del>██████████</del> - Bi - <sup>note</sup>
1671	7-6-64	HOOPER To RANKIN	1	1	None b1j BA
1672	6-15-64	INDIANAPOLIS Ltr	1	1	None
1673	6-?-?	RANKIN To HOOPER	2	2	None
1673	6-30-64	BUREAU To N.Y.	2	2	None
1674	6-26-64	RANKIN To HOOPER	1	1	None
1675	6-15-64	WFO AIRTEL WITH MEMO	9	9	None
UNREC		TRANSLATION FR. SPANISH	7	7	✓ RAW FILE <sup>down</sup> MISSING <sup>page</sup> <del>GROUP</del> PAGE
UNREC	6-29-64	DALLAS AIRTEL	1	1	None
1676	7-7-64	BUREAU To DALLAS	1	1	None
1676	7-3-64	RANKIN To HOOPER	2	2	None
1677	7-7-64	BUREAU To DALLAS	1	1	None

CA 98-0249  
EXHIBIT 26

4-5-62 (Rev. 4-29-61)

**CONFIDENTIAL** Date: 6-25-64  
To: Director, FBI (Bufile : 44-24016 )  
Attention: \_\_\_\_\_  
( 163-364 )

*gals*  
To: Legal Attache, Ottawa

Title JACK L. RUBY, Aka.; LEE HARVEY OSWALD, Aka. (deceased) VICTIM	Character CIVIL RIGHTS
	Reference LHM dated 6-3-64, at Dallas, Texas.

[REDACTED] (c)

[REDACTED] (c)

*1 cc - Bureau  
1 cc - Legal Attache  
1 cc - [unclear]  
T.S.*

[REDACTED] (c)

Following offices would be interested in receiving copies of enclosures:  
Dallas (44-1632)

Status with this office:  
 RUC  
 Pending  
3 - Bureau (1 cc - Dallas)

52  
MLI:jhc  
(4)  
ENCLOSURE

Do not write in space below	
1670	REC 4
18 JUL 1964	



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No.

WASHINGTON 25, D. C.

June 25, 1964

JACK L. BUEY;  
LEE HARVEY OSWALD -  
VICTIM

[REDACTED]

COPIES DESTROYED

21 JAN - 2 1973

Classified by 5040  
Exempt from GDS, Category 1  
Date of Declassification Indefinite

11/17/77 ETG/TLC



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No.

WASHINGTON 25, D. C.

June 25, 1964

JACK L. RUBY;  
LEE HARVEY OSWALD -  
VICTIM

[REDACTED]

[REDACTED]

11-11-64  
11-11-64  
11-11-64

C

ASSASSINATION  
OF PRESIDENT JOHN

F. KENNEDY

62-109060

INVENTORY

WORK SHEETS

(SECTIONS 1-70)

RELEASE

COPY 4

PART 1

File No: \_\_\_\_\_

Re: \_\_\_\_\_

Date: \_\_\_\_\_ (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1334	12/3/63	Citizen let and true copy	3	3	None
1334	12/5/63	Bulet reply	1	1	None
1335	12/2/63	Citizenlet	1	1	None
1335	12/5/63	Bulet reply	1	1	None
1336	11/29/63	Rosen to Belmont	1	1	None
1336	11/29/63	302 on Greer	3	3	None
1336	11	302 on Kellerman	4	4	None
1336	"	302 on Behn	2	2	None
1337	12/4/63	Brennan to Sullivan	1	1	None
1337	11/29/63	State Dept Document	2	0	Refer to state Dept.
1338	11/23/63	TT Fm Dallas	3	0	B-1 <del>to DEW</del> <del>*/</del>
1339	11/27/63	TT Fm Dallas	2	2	B7G

Inventory Worksheet  
FD-503 (2-18-77)

(2)

File No: 44-38861-3

Re: JFK ASSASSINATION

Date: 5/78  
(month/year)

CA 98-0249  
EXHIBIT 29

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b) or (3) cited)
			Actual	Released	
278	11/23/63	TELETYPE FROM SI TO DIR, DL ICE	2	0	PREVIOUSLY PROCESSED
279	11/22/63	MEMO FROM AGENT TO SAC, DL	1	1	
280	11/23/63	TELETYPE FROM CG TO DIR, DL, KC, NY WFO	3	0	PREVIOUSLY PROCESSED
281	11/22/63	MEMO FROM AGENT TO SAC, DL	3	3	
282	11/23/63	TELETYPE FROM BH TO DIR & DL	2	0	PREVIOUSLY PROCESSED
283	11/22/63	MEMO FROM AGENT TO SAC, DL	2	2	<del>REF</del>
284	11/24/63	LETTER FROM DL TO DIR	1	0	PREVIOUSLY PROCESSED
285	11/24/63	TELETYPE FROM DL TO DIR	6	0	PREVIOUSLY PROCESSED
286	11/23/63	MEMO FROM AGENT TO SAC, DL	4	0	b1 refer CIA
287	11/23/63	TELETYPE FROM DL TO DIR	3	0	PREVIOUSLY PROCESSED
287a	3/25/77	ROUTING SLIP FROM HQ TO DL	1	1	
288	11/23/63	TELETYPE FROM RH TO DIR, DL, NY & AL	2	0	PREVIOUSLY PROCESSED



0-70 (Rev. 1-7-77)

TO: SAC

- Albany
- Albuquerque
- Alexandria
- Anchorage
- Atlanta
- Baltimore
- Birmingham
- Boston
- Buffalo
- Butte
- Charlotte
- Chicago
- Cincinnati
- Cleveland
- Columbia
- Dallas
- Denver
- Detroit
- El Paso
- Honolulu

- Houston
- Indianapolis
- Jackson
- Jacksonville
- Kansas City
- Knoxville
- Las Vegas
- Little Rock
- Los Angeles
- Louisville
- Memphis
- Miami
- Milwaukee
- Minneapolis
- Mobile
- Newark
- New Haven
- New Orleans
- New York City
- Norfolk

- Oklahoma City
- Omaha
- Philadelphia
- Phoenix
- Pittsburgh
- Portland
- Richmond
- Sacramento
- St. Louis
- Salt Lake City
- San Antonio
- San Diego
- San Francisco
- San Juan
- Savannah
- Seattle
- Springfield
- Tampa
- Washington Field
- Quantico

TO LEGAT:

- Bern
- Bonn
- Brasilia
- Buenos Aires
- Caracas
- Hong Kong
- London
- Madrid
- Manila
- Mexico City
- Ottawa
- Paris
- Rome
- Tokyo

SAC, New Rochelle (MRA)  ASAC, Rapid City ("Min")

(Date)

RE: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY. RE TELEPHONIC REQUEST OF MR. MALLEY.

1. Re report SA \_\_\_\_\_ dated \_\_\_\_\_ at \_\_\_\_\_.
2. Re Dallas (office) (teletype) airtel/letter dated 11/23/63  
A/ dealing with conversation of transcript.
3. Re enclosure to \_\_\_\_\_ airtel/letter dated \_\_\_\_\_ at \_\_\_\_\_.
4. Other \_\_\_\_\_.

The following changes in classification have been made in the above communication(s).

- a. Declassified
- b. Classified Top Secret, exemption category 2  
by 3002, date 3/24/77, date of automatic  
declassification Indefinite
- c. Downgraded to \_\_\_\_\_, exemption category \_\_\_\_\_
- d. Upgraded to \_\_\_\_\_, exemption category \_\_\_\_\_  
by \_\_\_\_\_, date \_\_\_\_\_, date of automatic  
declassification \_\_\_\_\_.

89-43-287a

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 28 1977	
FBI - DALLAS	

Bufile 62-109060-1338  
Urfile

FBIHQ Division and Section

gce

CA 280249  
EXHIBIT 30

J.F.K.

Assassination

62-109060  
Section 17

Release  
Copy

1

THIS SERIAL HAS BEEN REFERRED TO  
ANOTHER AGENCY AND IS IN A PENDING STATUS:

FILE NO. 62-109060

SERIAL NO. 1338

PAGE NO. ALL

NO. OF PAGES 3

SECTION NO.

17

CIA

REFERRAL

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, DALLAS (89-43)

DATE: 11/22/63

FROM : SA W. R. HEITMAN

SUBJECT: ASSASSINATION OF  
PRESIDENT JOHN F. KENNEDY

[REDACTED]

ANDERSON advised SA ELDON RUDD is proceeding to Dallas in the Naval Attache plane, a C-47, ID # 50752. It is due to arrive at Love Field at approximately 2 AM, 11/23/63.

[REDACTED]

*Heitman meeting NAVY 50752 (plane)  
from Mexico City  
due in Love Field 2:47  
Heitman advised 11/21*

*Clark Anderson*

WRH:ej  
(3)

*Lead  
Heitman*

*to search plane*

89-43-103

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 22 1963	
FBI - DALLAS	

*Heitman*

C.A-78-0249  
EXHIBIT 32



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON 25, D.C.

November 23, 1963

Honorable James J. Rowley  
Chief, U. S. Secret Service  
Washington, D. C. 20220

Dear Mr. Rowley:

There are enclosed the results of our inquiry into the assassination of President John F. Kennedy and background information relative to Lee Harvey Oswald.

Additional information with respect to this matter will be furnished to you when available.

Sincerely yours,

*J. Edgar Hoover*

Enclosure

104



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No.

WASHINGTON 25, D. C.  
November 23, 1963

ASSASSINATION OF PRESIDENT JOHN F. KENNEDY  
DALLAS, TEXAS, NOVEMBER 22, 1963

President John F. Kennedy was shot and killed by an unknown assailant at approximately 12:30 p. m., November 22, 1963, in Dallas, Texas. Investigation was immediately instituted in an effort to identify and apprehend the person responsible for this assassination.

At approximately 2:00 p. m., information was received that a suspicious person had entered the Texas Theater which is located about six tenths of a mile from the four hundred block of East 10th Street in Dallas where J. D. Tippitt, a Dallas Police Department patrolman had been shot and killed about 1:13 p. m. Officers of the Dallas Police Department and FBI Agents converged on the theater and took into custody Lee Harvey Oswald who resisted arrest and attempted to fire a .38 caliber revolver which was taken from his person.

State complaints were filed on November 22, 1963, charging Oswald with the murder of President Kennedy and Patrolman Tippitt.

Investigation has established that Oswald was employed at the Texas School Book Depository which has been identified as the building from which the fatal shots were fired at the President. A fellow employee stated he took Oswald to work on the morning of November 22, 1963, at which time Oswald was carrying a package of sufficient length to contain a disassembled rifle and which Oswald said consisted of curtain rods. Oswald was observed on the fifth floor of the building in which he was employed at approximately 11:50 a. m., November 22, 1963. Oswald was again observed inside the building shortly after the shooting but could not be found thereafter. Another fellow employee stated shots were fired "right over his head" while this employee was watching the car occupied by President Kennedy passing in front of the building. A witness to the shooting stated that the shots were fired by

**Assassination of President John F. Kennedy**

a white man from a window on the sixth floor of the building in which Oswald was employed. This witness later selected Oswald in a line-up as the person who resembled the individual he observed fire the rifle from the window. The witness could not make a positive identification. Mrs. Earlene Roberts, 1026 North Beckley Street in Dallas, stated Oswald, using the name of O. H. Lee, had lived at her residence since October 14, 1963, and at about 1:00 p. m., November 22, 1963, came to her residence, picked up a jacket and left hurriedly.

A 6.5 caliber Italian carbine rifle with a four-power scope was found on the sixth floor of the building in which Oswald was employed and from which the shots at the President were fired. Investigation by our Chicago Office has revealed that a weapon of this description and identical serial number was sold to one A. Hidell, Post Office Box 2915, Dallas, Texas, on March 28, 1963, for \$21.45. This Post Office Box at that time was rented by Mrs. Lee H. Oswald, believed to be the mother of suspect. Oswald, at the time of his arrest, had in his possession a Selective Service card in the name of Alex Hidell. The recovered rifle as well as the .38 caliber revolver taken from Oswald, were immediately brought to the FBI Laboratory for examination.

It was determined that a bullet found on one of the stretchers at the hospital following the admittance of President Kennedy had been fired from the rifle referred to above. Examination also identified two bullet fragments found in the Presidential car as having been fired from this same weapon. Other examinations in the FBI Laboratory are continuing.

A brown paper bag possibly used to carry the rifle was found near the window on the sixth floor of the building from which the shots were fired. A latent fingerprint developed on this bag by the FBI Identification Division was identified with the left index finger impression of Lee Harvey Oswald.

Assassination of President John F. Kennedy

With respect to background information concerning Oswald, his birth date has been verified at New Orleans, Louisiana, as October 18, 1939. He attended high school at Fort Worth, Texas, and according to records of the Office of Naval Intelligence, enlisted in the United States Marine Corps at Dallas, Texas, on October 24, 1956, for a three-year term. He was released to inactive duty on September 11, 1959, but his military obligation continued until December 8, 1962.

According to information received from the State Department, he indicated to the American Embassy in Moscow on October 31, 1959, that he wished to renounce his American citizenship. He claimed at the time that he had been a radar operator in the Marine Corps and had told Soviet officials that if he were granted Soviet citizenship, he would make known information concerning the Marine Corps, which was in his possession. On this occasion he declared, "I am a Marxist." The United Press on November 15, 1959, reported that Soviet authorities had refused to grant Oswald Soviet citizenship, but would permit him to live in Russia as a resident alien.

Office of Naval Intelligence reported that Oswald had been undesirably discharged from the Marine Corps Reserve on August 17, 1960.

On January 30, 1961, Oswald corresponded with the then Secretary of the Navy John B. Connally, with respect to his undesirable discharge requesting that appropriate action be taken to change his status and indicating he intended to return to this country. This was followed by a letter dated March 22, 1962, directed to Assistant Director of Personnel, Brigadier General Tompkins, United States Marine Corps, at which time he made a similar complaint.

Information has likewise been received from the Office of Senator John G. Tower (Republican - Texas) that during 1961 Oswald had requested that Senator Tower intercede in his behalf with Soviet authorities, so that they would allow him to return to the United States.

According to information received from the State Department on May 17, 1962, Oswald and his wife, a Soviet citizen, had been granted exit permits to leave Russia, and the State Department had given approval for their travel to the United States accompanied by an infant child.



## Assassination of President John F. Kennedy

Oswald was interviewed by Special Agents of this Bureau at Fort Worth, Texas, on June 26, 1962, at which time he was curt, sullen and arrogant. He declined to answer questions as to why he made the trip to Russia or his experiences while there. He indicated that he had been employed as a sheet metal worker in a television factory and admired the Russian form of Government. He claimed familiarity with the theories of Karl Marx, but denied being a member of the Communist Party or having renounced his United States citizenship. According to Oswald, the Soviets never attempted to obtain information from him nor did he make any deals with the Soviets in order to obtain permission to return to the United States. He disclaimed any affiliation with Soviet intelligence.

Upon reinterview on August 16, 1962, he acknowledged recently visiting the Soviet Embassy in Washington, D. C., but indicated his visit was solely to register his wife's current address as required by Soviet law. He again denied requesting revocation of his United States citizenship or allegiance to the Soviet Government.

According to information developed by this Bureau, Oswald was arrested on August 9, 1963, for disturbing the peace in New Orleans, Louisiana, as a result of distributing a pamphlet for an organization known as "Fair Play for Cuba." He pleaded guilty and elected to pay a fine of \$10.

Oswald was interviewed on August 10, 1962, at which time he indicated he was unemployed and had been in New Orleans for approximately four months. While there he read literature distributed by the Fair Play for Cuba Committee which he considered not to be communist dominated or controlled. He corresponded with the Committee at 799 Broadway, New York City, and paid a \$5.00 membership fee. He received a membership card in the New Orleans chapter dated June 6, 1963, signed A. J. Hidell.

The Fair Play for Cuba Committee is a pro-Castro organization founded during the Spring of 1960, whose function is to propagandize the Castro regime.

The Central Intelligence Agency advised that on October 1, 1963, an extremely sensitive source had reported that an individual identified himself as Lee Oswald, who contacted the Soviet Embassy in Mexico City

## Assassination of President John F. Kennedy

Inquiring as to any messages. Special Agents of this Bureau, who have conversed with Oswald in Dallas, Texas, have observed photographs of the individual referred to above and have listened to a recording of his voice. These Special Agents are of the opinion that the above-referred-to individual was not Lee Harvey Oswald.

A highly confidential source of this Bureau advised that an individual identifying himself as Oswald on November 18, 1963, was in contact with the Soviet Embassy in Washington, D. C., at which time he referred to a recent meeting with Comrade Kostin at the Soviet Embassy in Mexico City. This individual indicated that he originally intended to visit the Embassy in Havana, Cuba, where he would have had time to complete his business, but that he had been unable to do so. He furnished his address as Box 626, Dallas, Texas, and claimed to be the husband of Marina Nikoleavna Oswald, a Soviet citizen and father of Audrey Marina Oswald, born October 20, 1963, at Dallas, Texas.

Oswald during previous interviews with FBI Agents claimed to have married his wife, Marina Nikoleavna Oswald, nee Fruskova, at Minsk, Russia, on April 20, 1961. He likewise claimed an American passport, number D092523, issued at New Orleans, Louisiana, on June 25, 1963, for proposed travel of three months to one year as a tourist to England, France, Germany, Holland, USSR, Finland, Italy, and Poland. He indicated an intention to depart from New Orleans during the latter part of 1963.

Additional information developed by this Bureau indicated one Lee Oswald during September, 1962, was a subscriber to "The Worker" an east coast communist newspaper.

# CIA Withheld Details on Oswald's Call

By Ronald Kessler  
Washington Post Staff Writer

In late September, 1963—eight weeks before the assassination of President Kennedy—Lee Harvey Oswald telephoned the Soviet embassy in Mexico City and tried to make a deal.

In exchange for unspecified information, he wanted a free trip to Russia.

This conversation was intercepted and recorded by the Central Intelligence Agency at the time. But it was not then turned over to the FBI, which has responsibility for investigating possible spies, and it was not later turned over to the Warren Commission during its investigation of the assassination.

The unanswered question is why not?

The existence of the CIA telephone intercept of Oswald's conversation in Mexico City and the contents of the still-secret transcript have been verified by The Washington Post. The Post has also verified that the CIA failed to turn over the complete

transcript to either the FBI or the Warren Commission.

Instead, the CIA gave the FBI in October, 1963, only a brief report saying Oswald had made contact with the Russians. It gave the Warren Commission a transcript of the taped conversation but for unexplained reasons failed to include in the transcript Oswald's offer of information and his suggestion that the Russians would want to pay his way to the Soviet Union.

The Post has also determined that the CIA, for unexplained reasons, told the Warren Commission that it learned of most of Oswald's activities in Mexico City only after the assassination. The fact is, however, that the CIA monitored and tape-recorded his conversation with both the Russian and Cuban embassies in Mexico City in the fall of 1963, before Kennedy's death.

It was the CIA's belief that the two embassies were heavily involved in the spy business and that, specifically, they were operational bases for intelligence activities directed at the United States.

So, with the full cooperation of the Mexican government, CIA wiretaps were installed on telephone lines going into both embassies.

The CIA was especially interested in U.S. citizens who made contact with the embassies.

Thus, when Oswald showed up in Mexico City in late September and telephoned the Russian embassy, his conversation was picked up from the wiretap. A transcript was made and circulated in the CIA offices in the American embassy in Mexico City.

The station chief at that time was the late Winston M. Scott, who personally reviewed all transcripts emanating from wiretaps on Soviet bloc installations.

The Oswald transcript, according to a CIA translator who worked with Scott, aroused a lot of interest.

"They usually picked up the transcripts the next day," he said. "This they wanted right away."

What that transcript contained is a matter of some dispute, and the CIA says it routinely destroyed the tape before the assassination. But some



LEE HARVEY OSWALD  
... telephoned Soviet embassy

copy of a CIA ...

... published ...

C.A. 78-0249  
EXHIBIT 33

# CIA Withheld Details on Oswald Call

## OSWALD, From A1

people who saw the transcript or heard the tape before the assassination recall that Oswald was trying to make a deal.

One of them is David A. Phillips, a former CIA officer, who now heads the Association of Retired Intelligence Officers and is a leading defender of CIA activities. Phillips was stationed in Mexico City at the time.

The transcript revealed, Phillips recalled, that Oswald told the Soviet embassy: "I have information you would be interested in, and I know you can pay my way" to Russia.

The stenographer who typed up the transcript and the translator who prepared it had similar recollections.

"He said he had some information to tell them," the typist said in an interview in Mexico. "His main concern was getting to one of the two countries [Russia or Cuba] and he wanted them to pay for it. He said he had to meet them."

The Warren Commission later concluded the Russians and Cubans were not much impressed by Oswald. This view is supported by Sylvia Duran, a Mexican citizen who worked in the Cuban embassy at the time of Oswald's visit. She talked to Oswald on Sept. 27, 1963, and recalls the meeting in some detail.

In a joint interview in Mexico City with this reporter and Post special correspondent Marlise Simons, Duran said Oswald told her that he wanted to travel to Cuba and Russia and displayed documents to show he was a "friend" of the Cuban revolution. Among other things, he claimed to be a member of the American Communist Party.

Duran said she informed Oswald that in order to travel to Russia he would have to obtain permission from the Soviets. Oswald went off and returned later in the day to inform Duran that he had obtained the necessary permission. Duran said she called the Soviet embassy and was told Oswald's application for a visa would take three to four months to process. Informed of this, Duran said,

Oswald "got really angry and red. He was gesticulating." Duran said she had to call for help from the Cuban consul who got into a shouting match with Oswald and told him to get out. Duran said she never saw him again.

However, Duran's story covered only the first day of Oswald's five-day stay in Mexico City. Oswald later referred in a letter to "meetings" he had in the Soviet Embassy.

How interested the CIA was in Oswald's dealings with the two embassies is uncertain.

The translator and typist who handled the transcript of the intercepted conversation recalled that the level of interest was high. But the CIA's own actions lead to a different conclusion.

The agency waited until Oct. 10, 1963, to notify the FBI of Oswald's activities. And its teletyped report made no mention of Oswald's offer of information in exchange for a free trip to Russia or of his attempts to travel to Cuba and Russia. "On October 1, 1963," the teletype message said, "a reliable and sensitive source in Mexico reported that an American male, who identified himself as Lee Oswald, contacted the Soviet Embassy in Mexico City inquiring whether the embassy had received any news concerning a telegram which had been sent to Washington."

That was strictly a routine handling of the matter, and similar to the standard reports made to the FBI at that time on other contacts with the communists by American citizens in Mexico.

Even after Kennedy's assassination, the CIA failed to turn over to the Warren Commission the full transcript of the telephone intercept it had made in Mexico City. Oswald's offer of information to the Russians in exchange for passage was omitted from the transcript, and the CIA claimed it did not know of most of Oswald's activities in Mexico City until after the assassination.

The significance of the CIA actions is difficult to assess. The FBI in the fall of 1963 was already showing in-

termittent interest in Oswald and might or might not have intensified that interest if it had been told of Oswald's conversations.

Whether the new information would have affected the Warren Commission's deliberations is also an open question. The commission investigated the possibility of a foreign conspiracy and concluded there was no evidence to show Oswald acted on behalf of a foreign power.

Nevertheless, there is yet no explanation for the CIA's handling of Oswald's conversations. The CIA today refuses to comment, saying it would not be appropriate in the light of an impending investigation by the House Select Committee on Assassinations.

When asked if they could explain the agency's actions, some CIA officers stationed at the time in Mexico City said the CIA may have had a relationship with Oswald that it sought to conceal. The CIA has denied this.

David W. Belin, who was an assistant counsel to the Warren Commission and later executive director of the Rockefeller commission's probe of the CIA, said that if the Warren Commission had known of Oswald's conversations and other new information, it would have been less sure that the assassination was not part of a foreign conspiracy.

Sen. Richard S. Schweiker (R-Pa.), who led the Senate intelligence committee's probe of the assassination, said that investigation would have taken on an "entirely different direction and perspective" if the committee had been aware of Oswald's conversations.

In interviews with The Post, Belin, who documented the CIA plots against Castro in his capacity as executive director of the Rockefeller commission, revealed the CIA also did not tell the Warren Commission of a report from an alleged witness to a meeting in Mexico City between Oswald and Cuban intelligence agents.

At the time, Cuban agents coordinated their more important activities

with agents of the KGB, the Soviet intelligence service.

Belin called on the CIA to make full disclosure of its knowledge of Oswald and his contacts with the Cubans and Russians.

Belin, a staunch defender of the Warren Commission's conclusion that Oswald was the lone assassin who killed Kennedy, said he recognizes the CIA's concern about disclosing secret sources and intelligence techniques. But he said a greater national interest would be served by disclosing the truth.

A CIA spokesman specifically denied that the agency has a report of a meeting between Oswald and Cuban agents. "The agency is aware of only one such specific allegation, and that was debunked," the spokesman said.

ITEM # DESCRIPTION TRANS REC'D REPORTED LEADS AND ACTION TAKEN OR TO BE TAKEN

J8  
 (D.106)

Mexican bus list of passengers  
 (Lab Spec. Q332)

② Pg 52  
 1-7-64

yes  
~~Page 1-4 of LHM report Mexico 12-11-63~~  
 Page 1-4 of LHM report Mexico AT 12-11-63  
 Page 1-2 of LHM report 2-15-64  
 Page 13 of LHM report 3-11-64  
 Page 17-21 of LHM report 5-2-64  
 Page 1-4 of LHM report 2-15-64

Manifest of Transporte Frontera Bus Co for Bus # 340, trip # 3, Mexico City to Nuevo Laredo, Mex., leaving 10-2-63, 1 pm arriving 6 am 10-3-63. Her name "Creswell" as occupying seat 4. Persons interviewed do not identify Creswell & no ticket # assigned; all persons departing Mexico took 10-3-63 airplane & flying into [unclear].

Summary of investigation in file tel to Bureau 5-26-64  
 Lab advised "Creswell" on manifest not written by Creswell.

15  
 14  
 13  
 12  
 11  
 10  
 9  
 8  
 7  
 6  
 5  
 4  
 3  
 2  
 1

100-10461-1001  
 100-10461-1001  
 100-10461-1001

Q.A. 78-0249  
 EXHIBIT 34

CA 98-0249  
EXHIBIT 2  
✓  
Mr. Tolson \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Bishop \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

# Memorandum

TO : Mr. Conrad

DATE: 3/27/64

FROM : R. H. Jevons

SUBJECT: ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY; 11/22/63  
DALLAS, TEXAS

YD  
3-27-64

Mr. Melvin Eisenberg, a member of the staff of The President's Commission, telephoned on the afternoon of 3/26/64, and inquired as to whether or not we had finished the Laboratory examinations of the bullets and cartridge cases involved in the murder of Officer J. D. Tippit (Officer Tippit was reportedly shot by Oswald.). My memorandum of 3/26/64, covered the results of these examinations.

Mr. Eisenberg was advised that the firearms examinations and the qualitative analysis (analysis for presence of chemical elements) of the bullet alloys had been completed; however, a quantitative analysis (determination of percentages of the chemical elements) had not been finished. Eisenberg replied that he did not desire the quantitative analysis of the alloys at this time; however, if this aspect proved to be of probative value, he would later request that this be done. The Commission was advised of results of the examinations by letter of 3/27/64.

**ACTION:**

For information.

105-82555

- 1-Mr. Belmont
- 1-Mr. Rosen
- 1-Mr. Sullivan
- 1-Mr. Malley

RHJ:feh (10)

*WIC*  
*Q*  
*POW*  
- UNREC.

MAR 31 1964

SIX

PLH ITEM # 675

CA 78-0249  
EXHIBIT 3

- 1-Mr. Belmont - Enclosures (3)
- 1-Mr. Rosen - Enclosures (3)
- 1-Mr. Sullivan - Enclosures (3)
- 1-Mr. Malley - Enclosures (3)
- 1-Mr. Lenihan - Enclosures (3)

March 27, 1964

By Courier Service

MAR 27 1 16 PM '64  
RECORDING ROOM

Honorable J. Lee Rankin  
 General Counsel  
 The President's Commission  
 200 Maryland Avenue, Northeast  
 Washington, D. C.

Dear Mr. Rankin:

The remaining three bullets from Officer J. D. Tippit's body were recently received from the Dallas Police Department and have been designated as C251, C252 and C253 in the Laboratory for identification purposes. These three bullets have been examined in the Laboratory and the results of the examinations are set forth below.

The C251 bullet is a caliber .38 Special copper-coated lead bullet of Winchester-Western manufacture. This bullet weighs 154.1 grains and was fired from a barrel rifled with five lands and grooves, right twist.

The C252 bullet is a caliber .38 Special lead bullet of Remington-Peters manufacture. This bullet weighs 154.8 grains. It was fired from a barrel rifled with five lands and grooves, right twist.

The C253 bullet is a copper-coated lead bullet of Winchester-Western manufacture. This bullet weighs 155.7 grains and was fired from a barrel rifled with five lands and grooves, right twist.

A portion of the surface of each bullet, C251, C252 and C253, is mutilated; however, microscopic marks remain on these bullets for comparison purposes. The C251, C252 and C253 bullets were compared with each other and with test bullets obtained from Oswald's revolver, C15, the .38 Special Smith and Wesson revolver, Serial No. V510210, Assembly No. 65248.

- Tolson
- Belmont
- Mohr
- Casper
- Callahan
- Conrad
- DeLoach
- Evans
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

105-82555

OBC:fcj (10)

MAIL ROOM  TELETYPE UNIT

NOTE: See memo 3/26/64, R. H. Jevons to Mr. Conrad re: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, DALLAS, TEXAS, 11/22/63.

PLH ITEM 7676

RECORDED COPY FILED IN

BY COURIER SVC.

ENCLOSURE

Handwritten signature

Honorable J. Lee Rankin

No conclusion could be reached as to whether or not C251 through C253 were fired from the same weapon or whether or not they were fired from C15. In addition, it was found that even consecutive .38 Special bullets test fired from the C15 revolver could not be identified with each other. In this connection, it should be noted that the barrel of C15 was designed for .38 S & W bullets and; therefore, it is slightly larger in diameter than barrels designed for .38 Special bullets. Firing of undersized bullets could cause erratic passage of the bullets down the barrel, resulting in individual microscopic characteristics which are not consistent. The barrel of the weapon could also be changing due to the accumulation of lead in the barrel or to wear. That one or both of the above conditions existed is apparent from the fact that consecutive .38 Special test bullets obtained from the C15 revolver could not be identified with each other.

Smith and Wesson revolvers such as C15 are among the weapons producing general rifling characteristics of the type found on C251, C252 and C253.

The lead alloy of the C251, C252 and C13 (the first bullet submitted by the Dallas Police Department in the Tippit case) Winchester-Western copper-coated bullets was spectrographically examined. This lead alloy was found to be qualitatively similar in composition to the lead alloy of the Western copper-coated bullets in the C51, C52, C55, C56, C57, C58, C59 and C137 cartridges. It is noted that these cartridges were among those obtained from the C15 revolver, Lee Harvey Oswald's pocket and the U. S. Secret Service.

The lead alloy comprising the C252 Remington-Peters bullet was spectrographically examined and found to be qualitatively similar in composition to the lead alloy comprising the Remington-Peters bullets in the C53, C54 and C139 cartridges, the remaining cartridges from the above sources.

There are attached photographs of the three bullets.

Sincerely yours,

H. Edgar Hoover

Enclosures (3)



Memorandum

TO : MR. W. C. SULLIVAN *WCS*

FROM : MR. W. A. BRANIGAN *WAB*

SUBJECT: PUBLIC DISCLOSURE OF  
WARREN COMMISSION RECORDS

- 1 - Mr. Belmont
- 1 - Mr. Callahan
- 1 - Mr. Conrad
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Malley
- 1 - Mr. Branigan
- 1 - Mr. Stokes

DATE: 7-29-65

*Handwritten notes and stamps:*  
 62-109090-463  
 SEARCHED  
 SERIALIZED  
 INDEXED  
 FILED  
 JUL 30 1965  
 FBI - NEW YORK  
 TROTTER  
 TELE. ROOM  
 HOLMES  
 GANDY

Memorandum from Mr. Rosen to Mr. Belmont dated 7-12-65 set forth facts concerning request of the Attorney General that we review pertinent documents in the possession of the National Archives relating to the assassination of President Kennedy for the purpose of recommending which of the material on file can be placed in the public domain. The Department furnished us with a set of guidelines to follow in making our review. (Copy of these guidelines is attached.) We have now completed our review of the pertinent material on file at the Archives. The purpose of this memorandum is to set forth our findings and our plans to complete this project.

We have reviewed over 2,000 documents and are prepared at this time to indicate which of these documents can go into the public domain as is. In our review we have been guided by the overriding policy favoring the fullest possible disclosure of this material. Our review has noted the reporting of some information which falls within the guidelines for excision and we are prepared to recommend the excision of such material on a page-to-page basis.

Examples of such material which falls within the guidelines are as follows:

REC-32 62-109090-463

Guideline 1 - Statutory requirements that prohibit disclosure. Example - Records of the Family Court in New York City concerning psychiatric treatment of Oswald as a youth.

Guideline 2 - Respect of security classifications. Examples - It has been necessary to classify some of our material in order to protect sensitive informants and investigative techniques and in line with classifications afforded material by other agencies. Examples - Considerable information was obtained from long-established sensitive sources of the Legal Attache in Mexico City. An anonymous source and a trash cover furnished some information reported and classified data from the Central Intelligence Agency (CIA) is among the material. We are, at this time, reviewing the Administrative Pages of our classified documents to determine if

JCS:hrt  
(9)  
Enc.

CONTINUED - OVER

*Handwritten:* ENCLOSURE 1-11-9-115-05

# Memorandum

TO : Mr. A. H. Belmont

DATE: February 3, 1964

FROM : Mr. W. C. Sullivan

- 1 - Mr. Belmont
- 1 - Mr. J. P. Mohr
- 1 - Mr. Rosen
- 1 - Mr. Callahan
- 1 - Mr. W. C. Sullivan
- 1 - Mr. Branigan
- 1 - Mr. Baumgardner
- 1 - Liaison
- 1 - Mr. Foarde

SUBJECT: LEE HARVEY OSWALD  
IS - R - CUBA

~~SECRET~~

The Director has requested further analysis of the operations of SA Henry M. Wade while Wade was serving in the Bureau's Special Intelligence Service (SIS) in Ecuador. The requested information is set forth herein.

SA Wade entered on duty on December 4, 1939, and resigned September 1, 1943, to enter the Armed Forces. On June 1, 1942, he was placed on leave without pay after completing five weeks of SIS training. He left New Orleans, Louisiana, on August 3, 1942, and arrived in Quito, Ecuador, on August 16, 1942. He was in an undercover capacity as an employee of Transradio Press Service Incorporated, 521 Fifth Avenue, New York City. He was assigned SIS Number 345 and used the code name "James" in signing communications. Within Ecuador, he was referred to as Confidential Informant Number 6. He left Ecuador 5/2/43.

As an undercover man, Wade was not directly associated with the Legal Attache's Office in Quito but did submit his vouchers and reports through that office. He was also given a post office box in New York City through which he could communicate directly with the Bureau. While in training he received Spanish lessons, a course in coding and secret inks, and definite instructions regarding preparation of his expense vouchers.

Wade submitted vouchers twice monthly through the Legal Attache who reviewed and forwarded them to Bureau. They were then checked and approved and a check was transmitted to the SIS Office in New York City for Wade's account. The monetary unit in Ecuador is a sucre which was, during Wade's tenure 7.3 cents or \$7.30 per hundred.

File review shows Wade operated under a system of controls requiring him to furnish complete data identifying informants used and payments made. It was policy to insist that receipts be obtained whenever possible. In the few instances where informants refused to sign receipts, Bureau was furnished all other data and record was still made of payment and informant who received same.

Enclosure

JJF:bmf  
(10)

Classified by  
Exempt from  
Date of Declassification

~~SECRET~~

23 FEB 25 1964

PERS. REC. UNIT #724

Handwritten notes and stamps in the top right corner, including a routing slip with names like "Belmont", "Mohr", "Rosen", "Callahan", "Sullivan", "Branigan", "Baumgardner", "Liaison", "Foarde".

Vertical stamp on the right edge of the page.

Memorandum

CA 78-0249  
EXHIBIT 16  
[Handwritten initials and routing slip]

TO : A. H. BELMONT *W*  
FROM : W. C. SULLIVAN *WCS*  
SUBJECT: LEE HARVEY OSWALD -  
INTERNAL SECURITY - RUSSIA - CUBA

DATE: February 4, 1964

*0*  
*Precedents*  
*Comm. [unclear]*

Tolson  
Belmont  
Mohr  
DeLoach  
Casper  
Callahan  
Conrad  
Felt  
Gale  
Rosen  
Sullivan  
Tavel  
Trotter  
Tele. Room  
Holmes  
Gandy

Our attached memorandum, 2/3/64, details the Special Intelligence Service (SIS) operations of former SA Henry M. Wade, particularly his handling of informants. With regard to the \$1,075 advance received by Wade before going to Ecuador, the Director has asked whether there was an accounting for this money. The Director also asked to see the copies of Wade's vouchers and of receipts received from informants by Wade. This is to provide the requested information.

With regard to the \$1,075 advance to Wade on 7/6/42 before he left for Ecuador, this money was completely accounted for by Wade and was paid back to the Bureau in four installments. Wade's voucher for July, 1942, listed his expenditure for passage from New Orleans to Ecuador. Accordingly, when this voucher was paid, on 9/4/42, \$402.47 was withheld to be deducted from his advance account. The balance of \$672.53 was paid back to the Bureau by Wade in three installments during June, 1943, after his return to this country. Two installments, totaling \$587.48, represented money which would have been paid to Wade for vouchers submitted by him covering his legitimate expenditures during the last month he was in Ecuador and included \$307.55 for his air travel from Quito to Washington. Instead, this money was credited to the advance fund of Wade. The remaining \$85.05 was repaid to the Bureau on June 4, 1943, by deducting this amount from money due Wade on an expense voucher for the period 5/15-31/43 after he was back in the United States. Therefore, the total amount advanced to Wade was completely accounted for and repaid to the Bureau in the form of deductions by the Bureau from money due him on his vouchers which itemized expenditures in detail. A copy of the Bureau's ledger sheet on Wade's advance account is attached.

Copies of the vouchers submitted by Wade while in Ecuador and the receipts he received from informants there are attached. In a few instances, we even have receipts from sub-informants who assisted Wade's informants but were not paid directly by Wade. As mentioned earlier, Wade had SIS #345 and, within Ecuador, was referred to as Confidential Informant #6. He also used the code name "James."

Enclosures

- 1 - Mr. Belmont
- 1 - Mr. J.P. Mohr
- 1 - Mr. N.P. Callahan
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Branigan
- 1 - Mr. Baumgardner
- 1 - Liaison
- 1 - Mr. Foarde

JJF:gp

(10)S

52 MAR 5 1964

PERS

ITEM # 725

ORIGINAL FILED

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

# Memorandum

SAC, DALLAS (89-43)

DATE: 11/25/63

FROM:

SA MILTON L. NEWSON

SUBJECT:

ASSASSINATION OF PRESIDENT KENNEDY

Mr. WALTER BENT, Sales Service Manager, Eastman Kodak Company, Processing Service Division, 3131 Manor Way, and Mr. CHARLES BRONSON, Chief Engineer, Zarel Manufacturing Company, 9230 Denton Drive, were contacted by SAS MILTON L. NEWSON and EMOY E. HORTON on 11/25/63.

Films taken by Mr. BRONSON at the time of the President's assassination including 35 mm. color slides which were taken with a Leica Camera, and 8 mm. Kodachrome film were reviewed. These films failed to show the building from which the shots were fired. Film did depict the President's car at the precise time shots were fired; however, the pictures were not sufficiently clear for identification purposes.

One of the 35 mm. color slides depicted a female wearing a brown coat taking pictures from an angle, which would have, undoubtedly, included the Texas School Book Depository Building in the background of her pictures. Her pictures evidently were taken just as the President was shot. Approximately five other individuals in the crowd were taking pictures at the time.

Arrangements have been made with Mr. WALTER BENT whereby each package of film received for processing by that company, will be returned to the owner of the film with a slip of paper attached requesting the individual to notify the local FBI Office in the event pictures in the package reflect the scene when the President was assassinated. Mr. BENT advised this company does the processing for all the southwestern states. An airtel is being furnished southwest offices notifying them of the above arrangements in the event they receive calls of this type.

2 - Dallas  
MLN/ss  
(2) *ms*

89-43-493

SEARCHED	INDEXED
SERIALIZED	FILED
NOV-25 1963	
FBI - DALLAS	

CA 78-0249  
EXHIBIT 9

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, DALLAS

DATE: 11/26/75

FROM : CLERK

SUBJECT: ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY

On November 26, 1975, DIXIE YATES, 1242 S. Britain, Irving, Texas, telephone number 254-8844, telephonically contacted the Dallas office of the FBI with the following information:

YATES stated that her daughter, LINDA CAROL YATES, worked as a secretary for maintenance at Braniff Airways in 1963. YATES stated that her daughter, LINDA, died after an operation in March 1974. While YATES was going through her personal effects, she came upon 14 black and white snapshots that had been taken by someone, possibly Braniff Airways, of President KENNEDY and his wife landing at Love Field on November 22, 1963. Four of the 14 photographs are of the Texas School Book Depository, one of which is a close-up. The other ten photographs are of President and Mrs. KENNEDY as they landed, deboarded, and entered their limousine at Love Field. At least one of the photographs of the Texas School Book Depository is not of the motorcade in front, but of the building itself. There is another photograph of the building showing the motorcade in front.

YATES stated that she has been in possession of these photographs since her daughter's death, but only upon viewing the CBS documentary about the Assassination on November 26, 1975, did she decide to notify the FBI. To her knowledge, the photos have never been seen before.

YATES stated that she would be glad to furnish these photographs to the FBI, but stated that she would like to eventually have them returned. YATES seemed to express a genuine desire to help the FBI and was not derogatory in any way. YATES was told she would be contacted by an agent re these photographs.

*4/1/75  
Yates advised  
17 copies of all photos  
will be made  
TS&S  
You show me photos  
she will return them  
to me  
RBJ*

89-48-9676

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 26 1975	
FBI - DALLAS	

*Pennington*

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, DALLAS (100-10461)

FROM : SA WILLIAM G. BROOKHART

SUBJECT: LEE HARVEY OSWALD, aka  
IS R CUBA

DATE: 12-30-63

On 12-27-63, Mrs. JAMES D. SCRUGGS, 3215 O'Bannon Drive, Dallas, Texas, made available to SA WILLIAM G. BROOKHART a magazine of 8 mm Kodachrome II taken by her son, JAMES ROBERT SCRUGGS, using a Bell and Howe 8 mm Zoomatic Director Series camera.

Mrs. SCRUGGS was given a receipt for the above-described film.

In view of the fact that JAMES ROBERT SCRUGGS has advised that the films he took do not include the assassination of President KENNEDY, and there are other films available of the Presidential Motorcade, these films are being returned to Mrs. SCRUGGS undeveloped and the receipt furnished to SA BROOKHART will be obtained and enclosed in the 1-A exhibit of this file.

WGB:mvs  
(2)

100-10461-2135

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 31 1963	
FBI - DALLAS	

122

CA 98-0-86  
 EXHIBIT 11

Inventory Worksheet  
 FD-503 (2-18-77)

File No: \_\_\_\_\_ Re: \_\_\_\_\_ Date: \_\_\_\_\_ (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
6838	4/21/69	Airtel Fm N.Y.O.	1	1	B7C
6838	4/21/69	LHM	1	1	None
6839	3/19/69	AG let to a USA	1	1	None REFER
unrecorded	4/26/69	Citizen let to Hoover	1	1	None
"	5/1/69	Bulet reply to above	1	1	None
6840	3/28/69	Jevons to Conrad	2	2	None
6841	4/30/69	Airtel Fm N.O.	1	1	None
○ —	—	Searching Indices Slip	1	0	None b7c
6841	—	News Articles	2	2	None
—	—	<del>████████</del> Routing Slip b1	1	0	<del>████████</del> b1
6842	4/30/69	<del>████████</del> Report	1	0	<del>████████</del> b1
6843	5/10/69	Let Fm Columbia	1	1	B7d

Inventory Worksheet  
FD-503 (2-18-77)

File No: \_\_\_\_\_

Re: \_\_\_\_\_

Date: \_\_\_\_\_

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
6843	5/10/69	L.H.M.	9	9	B7C(p.4,5) p.8,9 b1,7
6844	5/9/69	Let Fr Legat	1	0	To DCRU
6844	4/1/69	Telegram fr Military Intell	2	0	referred to Army
-	-	Citizen letter and True copy	3	3	None
6845	5/19/69	Bulet reply to above	1	1	None
-	-	[redacted] Routing Slip	1	0	referred to DCRU b1
6846	5/18/69	[redacted] Report b1	1	0	referred to DCRU b1
Unrecorded	5/1/69	Jones to Bishop	1	1	None
6847	5/21/69	let Fr Omaha	1	1	None
6847	5/20/69	Letter Fr Citizen	1	1	None



File No: 62-109060Re: J.F.K.Date: 8/77  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
6848	4-7/66	CHANGED TO MEMO	1	1	None
6849	5/21/69	<del>██████████</del> ← b1 REPORT	2	0	(B1) - DCRU
6850		"CHANGED TO"	1	1	
6851		"CHANGED TO"	-	-	
UNREC		b1 → <del>██████████</del> TRANSMITTAL TO DIRECTOR	1	0	(B1) - DCRU ex 10!
6852	6/4/69	DALLAS AIRTEL	6	5	None 152
6853	6/9/69	JFK TO HANSON	2	2	None
UNREC	6/11/69	Buairtel To Minn	1	1	b7c
UNREC	6/12/69	Phoenix AIRTEL 4/69	3	3	None
UNREC	6/14/69	Buairtel To Minn	2	2	b7c
UNREC	6/15/69	New Orleans AIRTEL	9	9	None
6854	6/17/69	MINNAPOLIS LETTER	1	1	None

Inventory Worksheet  
FD-503 (2-18-77)

900182

File No: 62-109060

Re: JFK

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
9422	11/24	Au TP LA	1	1	
9423	11/19	Coake memo to Callaghan	3	3	
9424	11/26	LA: TP Bu	2	2	(7E) idem info + v. BI + for article
9424a	11/26	HC let Bu (enc)	11	0	scrn (b)(7) * <del>Exempt from release</del> b1 b1J
9425	11/24	CMK let Callaghan	1	1	
9426	11/31	DOT let Bu	2	2	
9427	11/26	Au article	3	3	
9428	11/28	DL all Bu of enc	5	5	
9429	11/25	LA all Bu	1	1	
9429	11/25	LHM	2	2	
9430	11/19	LA TP Bu	1	1	
	11/28	SE let Bu	1	1	

Inventory Worksheet  
FD-503 (2-18-77)

File No: 62-109060

Re: JFK Section 184

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
7436	1995 12/10	DL all Bu	1	1	
J 7437	12/3	DL all Bu	1	1	
7437	12/3	LHM	6	6	Referred to Sec 475 of PSS (92) crim. info re activities
7437R	12/3	Russell memo to Callahan	4		(S1, 7) [redacted] info DECU b1, 5
7438R	12/3	Bu let DOJ	7		(S1, 7) [redacted] info DECU
7438	11/26	TR all Bu	2	2	
	11/26	LHM	15	15	(2) name of alleged murderer
J 7439	12/11	WH let Bu	2	2	
	12/11	LHM	5	5	
7440R	12/1	LA let Bu	1	1	
7440	12/1	HO all Bu	1	1	
7440	12/1	LHM of encl	7	7	(2) info, including murder & other prim. info

Inventory Worksheet  
FD-503 (2-18-77)

File No: 62 109060

Re: JFK

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
7576	10/4	CMK let. Sen. Stouffer	2	2	
7577	10/2	Faught let CMK	2	2	
7577	10/12	CMK let Faught	1	1	
7578	11/4	Bu TP KC	4	0	<del>not document</del> Refer to <del>DOJ</del> CIA
	10/6	Cooke Memo to Callaghan	1	0	SI - DECLU.
	11/5	DD Memo	2	2	} Refer to <del>DOJ</del> & CIA b1 ↓
7579	11/5	KC TP Bu	4	4	
7580	10/9	Cusky Memo to file	30	20	(70) Reference to <del>SECRET</del> POSSIBLE BY
7581	10/9	" " " "	10	20	Refer to DOJ
7582	10/9	" " " "	1	1	
	10/10	SO att Bu	1	1	Refer to DOJ
7583	11/9	MC att Bu	2	2	b7c

THIS SERIAL HAS BEEN REFERRED TO  
ANOTHER AGENCY AND IS IN A PENDING STATUS:

FILE NO. 62-109060

SERIAL NO. 6842

PAGE NO. \_\_\_\_\_

NO. OF PAGES 2

SECTION NO.

170

Royal Canadian Mounted Police

REFERRAL

THIS SERIAL HAS BEEN REFERRED TO  
ANOTHER AGENCY AND IS IN A PENDING STATUS:

FILE NO. 62-109060

SERIAL NO. 6846

PAGE NO. \_\_\_\_\_

NO. OF PAGES 2

SECTION NO.

170

*Royal Canadian Mounted Police*

REFERRAL

THIS SERIAL HAS BEEN REFERRED TO  
ANOTHER AGENCY AND IS IN A PENDING STATUS:

FILE NO. 62-109060

SERIAL NO. 6849

PAGE NO. \_\_\_\_\_

NO. OF PAGES 2

SECTION NO.

171

R.C.M.P.

REFERRAL

C.A. 78-0749  
EXHIBIT 15

THIS SERIAL HAS BEEN REFERRED TO  
ANOTHER AGENCY AND IS IN A PENDING STATUS:

FILE NO. 62-109060

SERIAL NO. UNREC. TRANSMISSION SLIP

PAGE NO. \_\_\_\_\_

NO. OF PAGES \_\_\_\_\_

SECTION NO.

171

RCMP

REFERRAL



OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

# Memorandum

SAC, DALLAS (89-43)

DATE: 11/25/63

TO:

SA MILTON L. NEWSOM

SUBJECT:

ASSASSINATION OF PRESIDENT KENNEDY

Mr. WALTER BENT, Sales Service Manager, Eastman Kodak Company, Processing Service Division, 3131 Manor Way, telephone PL 7-4654, Dallas, telephonically advised his company had received two rolls of 8 millimeter Kodachrome and one roll of 35 millimeter film in a package from Mr. CHARLES BRONSON, Chief Engineer, Zarel Mfg. Company, 9230 Denton Drive, Dallas, Texas.

Mr. BRONSON enclosed a letter with his film, stating that the film had been taken at the instant President KENNEDY was assassinated. BRONSON also advised in the letter that from the position he was stationed when he took the film, he feels quite certain the Texas School Book Depository building was clearly photographed and he feels that the window from which the shots were fired will be depicted in the film. He stated for this reason he believes he may have a picture of the assassin, as he fired the shots.

Mr. BENT stated Mr. BRONSON's letter indicated he desired to be cooperative regarding the film with proper authorities and BENT is of the opinion that BRONSON will have no objection to turning the film over to proper authorities in the event it is of value to the investigation.

Mr. BENT stated that he would make arrangements with Mr. BRONSON to view the film at the Kodak Processing Center and would arrange this so that FBI Agents could be present at the same time interview BRONSON concerning his film of the scene.

Mr. BENT assured his full cooperation regarding all film received of a like nature that may possibly be connected with this matter and arrangements were made with him to immediately notify SA NEWSOM of any film of possible value.

2 Dallas  
MLN:rab

89-43-518

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 25 1963	
FBI - DALLAS	
Newsom	

DL 89-43

The Eastman Kodak Processing Service Division receives all color film made by 8 millimeter Kodachrome in this area and also most other film for the area is processed by this division. Mr. BENT explained that his employees have not worked since Saturday and they are due back to work at 1:30 PM, 11/25/63. When processing of recent film orders begin, he expects other films taken at the approximate time of President's assassination.

He said that BRONSON's film should be processed and ready for viewing by 3:00 PM. He was told that SA NEWSOM would meet with him at that time.

UNITED STATES GOVERNMENT

# Memorandum

CA 78-0244  
EXHIBIT 16

Asst. Dir.:	_____
Adm. Serv.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	_____
Adm. Serv.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Legal Coun.	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Telephone Rm.	_____
Director Sec'y	_____

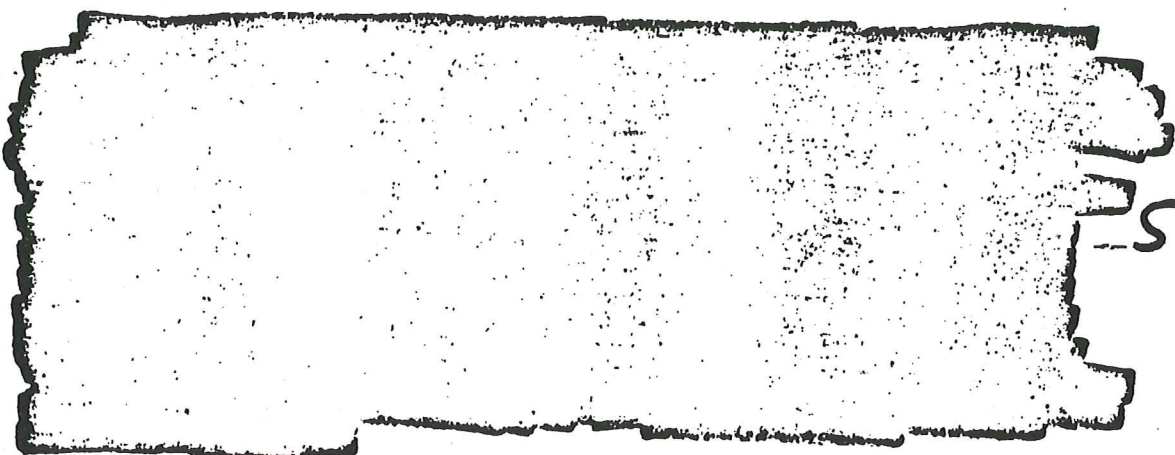
TO : MR. CALLAHAN

DATE: December 3, 1975

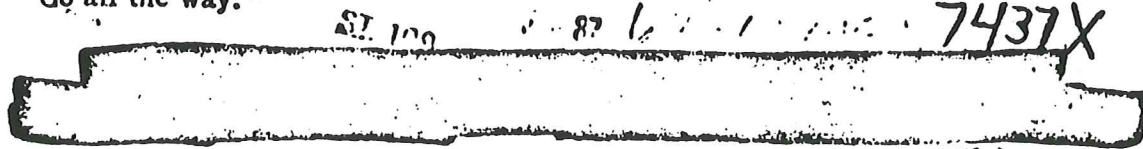
FROM : H. N. BASSETT *HNB*

SUBJECT: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

Reference is made to memorandum of 11/14/75 from Legal Counsel to Mr. Adams captioned "Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary" and the addendum of the Inspection Division, 11/18/75 (attached).



Referenced memorandum set forth results of the inquiry which had been conducted to date which clearly showed discrepancies in Hosty's allegations and it was recommended that Hosty be reinterviewed and confronted with the results of our inquiry. The Director agreed with this recommendation and also stated "Go all the way."



Enclosures - *Sent 12-4-75*

- 1 - Mr. Adams
- 1 - Mr. Mintz
- 1 - Mr. Wannall

NOV 18 1976

SECRET

CONTINUED OVER

7 HNB:blhg/376  
(5)

Classified by 3052  
Exem. from automatic  
downgrading and  
declassification

Memorandum to Mr. Callahan  
Re: Assassination of President John F. Kennedy

As an aside, Mr. Stern advised that he had been sent various news clippings concerning the Oswald visit to the Dallas Office prior to the assassination and the subsequent destruction of the note which Oswald had left. He asked me if I had reviewed Hosty's testimony before the Warren Commission and I told him that I had on two or three occasions. He inquired that in this review had he, Stern, asked any question of Hosty that might have elicited the fact that Oswald had visited the office. I told Mr. Stern that he had not asked any such question. He stated that he felt bad about this because apparently he had fallen down on his job although he agreed that he might not have received a truthful answer had he asked the key question. He further stated that certainly Hosty had had ample opportunity to advise him of that development during the conferences which he had held with Hosty prior to the latter's actual testimony. He asked if I would send him a transcript of any testimony which Hosty may subsequently furnish in which his, Stern's, name is mentioned and I told him that I would be glad to comply with his request.

OBSERVATIONS



Of particular significance is the fact that Hosty in his sworn statement of 11/14/75 specifically stated that upon his return to the Dallas Office following his testimony he noted "My name had been crossed out and former Assistant Special Agent in Charge Kyle Clark had written his name below mine and had initialed it for filing." There is no other way of interpreting this other than a categorical statement on Hosty's part; however, when confronted with the actual serial showing that Clark's name appeared nowhere on it he states, "I had assumed Clark's initials would have been on this serial since this case had been reassigned to Clark sometime after 11/22/63." It is noted that Hosty is due to be interviewed by representatives of the House Subcommittee on Civil and Constitutional Rights on 12/4/75.

Memorandum to Mr. Callahan  
Re: Assassination of President John F. Kennedy

RECOMMENDATIONS

1. That no further inquiry be conducted relative to this particular issue.

2. That the attached communication be forwarded to the Department advising them of Hosty's allegation and the results of our inquiry.

*Handwritten signature*

*Handwritten signature*

*Handwritten signature*

CA 98-0249  
EXHIBIT 17  
*[Signature]*

The Attorney General

December 3, 1975

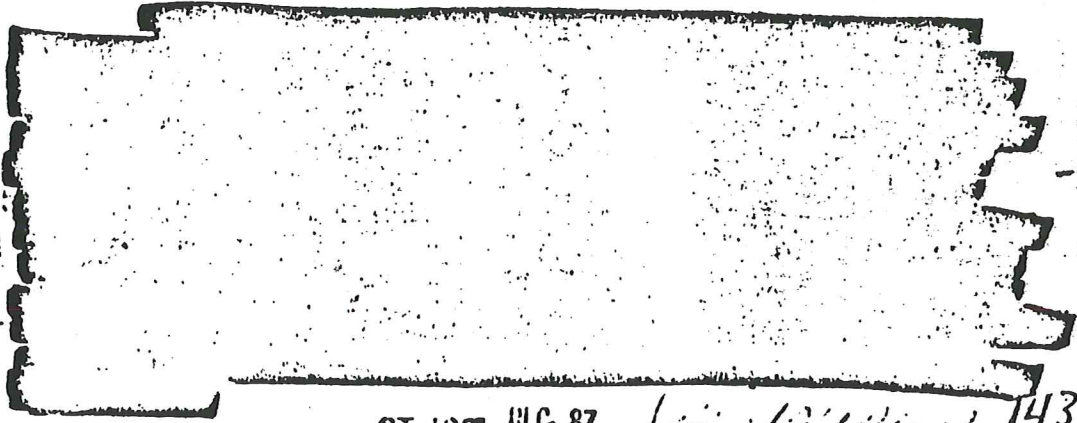
*fst*

Director, FBI

FEDERAL GOVERNMENT

ASSASSINATION OF PRESIDENT JOHN F. KENNEDY  
SECRET

Reference is made to my memoranda of July 29, 1975, and October 1, 1975, captioned as above, which advised you of the results of this Bureau's inquiry concerning an allegation that Lee Harvey Oswald had visited the FBI office in Dallas sometime prior to the assassination of President Kennedy for the purpose of talking to Special Agent (SA) James P. Kosty, Jr. In the absence of Mr. Kosty, Oswald allegedly left a note which was threatening in nature. This visit and note were not reported following the assassination of President Kennedy by Oswald.



MAILED 7  
DEC 2 1975

SI 1091 W.C. 87 *[Handwritten]* 743 TXI

SA Kosty, on November 14, 1975, furnished a sworn statement (attached) to SAC Williams in which he advised as follows: NOV 18 1976

- Assoc. Dir.
- Dep. AD Adm.
- Dep. AD Inv.
- Asst. Dir.:
- Admin.
- Comp. Syst.
- Ext. Affairs
- Files & Com.
- Gen. Inv.
- Ident.
- Inspection
- Intell.
- Laboratory
- Plan. & Eval.
- Spec. Inv.
- Training
- Legal Coun.
- Telephone Rm.
- Director's Sec'y



- 1 - Mr. Adams (Sent Separately)
- 1 - Mr. Mintz (Sent Separately)
- 1 - Mr. Wannall (Sent Separately)
- JAC:jmh
- (9)

SECRET  
See Note Page 7.  
5/18/77 DJC/inf.

MAIL ROOM  TELETYPE UNIT

Classified by 3002  
Declassify on: OADR  
Date of declassification is indefinite

20 30  
The Attorney General

[REDACTED]

S

[REDACTED]

S

[REDACTED]

S

[REDACTED]

S

Upon his return to the Dallas Office following this testimony he had occasion to look in volume I of the Oswald file and noted that both copies of the airtel were then the top serial in this volume. He observed that his name had been crossed out and former Assistant Special Agent in Charge (ASAC) Kyle Clark had written his, Clark's, name below Hosty's name and initialed the airtel for filing. He concludes that from the afternoon of November 22, 1963, until sometime in May, 1964, former ASAC Clark had retained the serial in his possession; however, felt that this would be proper in view of the fact the case was reassigned to Clark shortly after the assassination.

SECRET

**The Attorney General**

He stated he had not previously furnished this information concerning this particular airtel and its contents because it did not appear to be pertinent to previous inquiries until it became apparent that the House Committee might reopen the entire Oswald case.

Upon being advised of the contents of SA Hosty's sworn statement, the SAC of the Dallas Office was instructed to review pertinent files in his office. It was determined that the Washington Field Office airtel to the Director, two copies to Dallas, dated November 19, 1963, is serial 57 in the Oswald file (Xerox copy attached). A review of this serial determined that SA Hosty's name is crossed out in the block stamp but is initialed for filing by an individual using the initial "H." Former AFAC Clark's name does not appear on this serial, and it is believed highly probable that the initial "H" in this block stamp is that of Supervisor Howe. This determination is based on the following information contained in the Dallas files:

Serial 50 of the Oswald file is a copy of an airtel with two enclosures which the New Orleans Office sent to the Bureau, with copies to Dallas, dated October 24, 1963 (Xerox copies of this airtel and the two enclosures, serials 49 and 48, attached). On serial 50 there appears the following handwritten notation: "48 - 49 - 50 c/o to JFH 10/28/63. Obtained from his box and initialed into file to complete file following 11/27/63 H." The interpretation of this written notation is as follows:

These three serials were charged out to SA Hosty on October 28, 1963, and apparently were still in his workbox the date of, or shortly after, the assassination and initialed into the case file by Supervisor Howe in order to have continuity of an extremely fast-moving case. It is also noted that SA Hosty's name is crossed off on all three of these serials and apparently initialed into the file by Supervisor Howe. While no such written notation appears on the above-mentioned serial 57, it is logical to assume that the same action was taken on this serial in order to get all pertinent material into the Oswald case file. The SAC, Dallas, in furnishing this information, advised that the "H" appearing in these block stamps is not identical to the "H" which SA Hosty used when initialing mail for file.

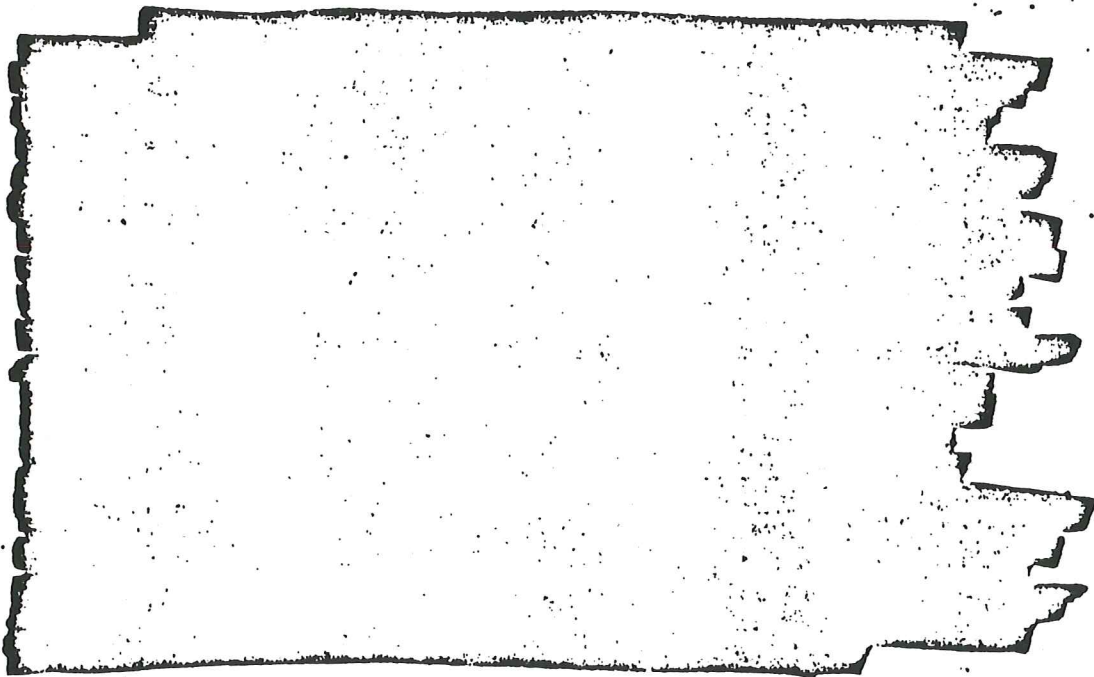
The SAC, Dallas, has also advised that the Oswald file has been "stripped" which means that duplicate copies of various serials in the file have been destroyed. This is standard operating procedure in our Chief Clerk's Offices in order to conserve space, and when a file is being stripped



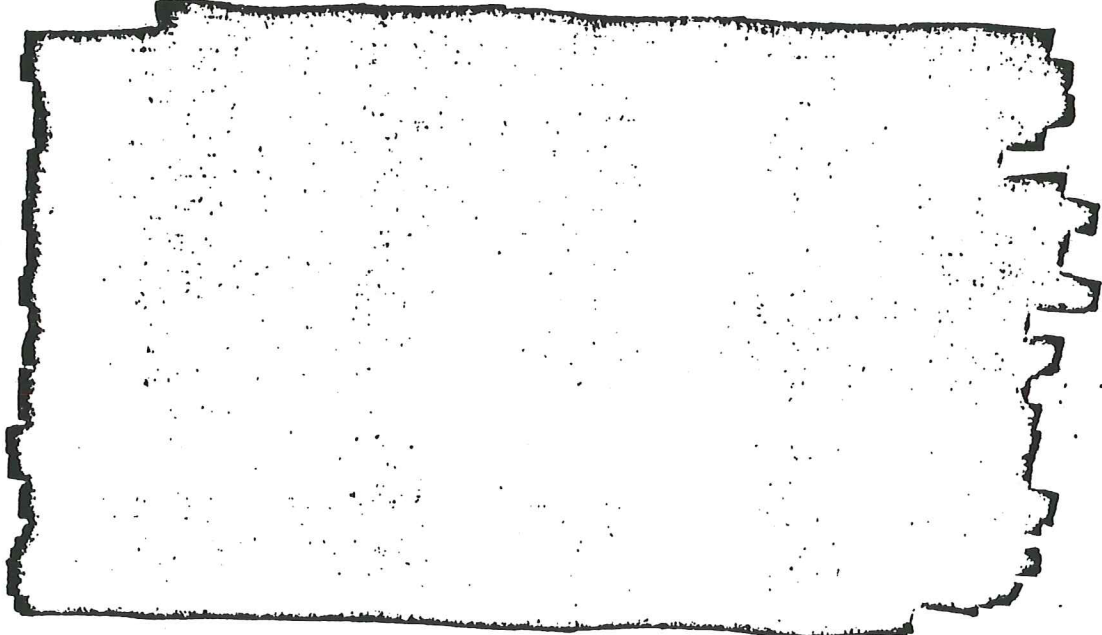
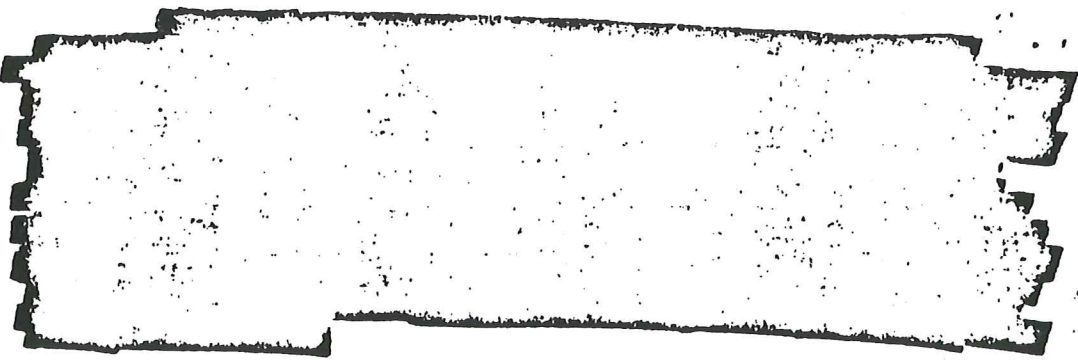
**The Attorney General**

and there are duplicate serials available, the action copy is retained in the file. It can only be assumed that the second copy of the airtel in question has been destroyed since it was not located in any other logical file in the Dallas Office, such as the file on Marina Oswald or the assassination file itself. However, under normal operating procedures, when two copies of a communication are received in an office, both copies are block stamped; one is initialed by the supervisor for filing, known as the file copy, and the other copy is routed to the Agent who has the case assigned to him, known as the action copy. We know in this instance that the action copy has been kept since indexing is done from this copy and the one in file shows indexing of a name mentioned in the communication.

While the Chief Clerk in Dallas could not be positive, it is her definite opinion that after the stripping occurred, the various volumes were consolidated in order to save space. It has been determined that volume I of the Oswald file now contains 174 serials, thus placing serial 57 in the first half of this volume.

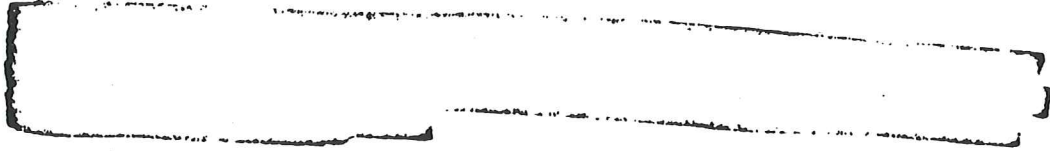


The Attorney General



In conclusion, SA Hosty stated that after reviewing copies of the above-referred-to serials, it appears that serials 48, 49 and 50 were placed in the file as the note indicated, to bring the file up to date. He states it is possible serial 57 was handled in the same manner; however, he still has doubts this was true with serial 57 because he was unable to locate either copy in the file and because of the statement made by Mr. Belmont that he was not to see this airtel.

The Attorney General



(S)

Enclosures - 6

1 - The Deputy Attorney General (Enclosures - 6)

1 - Assistant Attorney General  
Criminal Division (Enclosures - 6)

NOTE: Based on memorandum Bassett to Callahan, dated 12/3/75, captioned  
as above. HNB:bhg.

THIS SERIAL HAS BEEN REFERRED TO  
ANOTHER AGENCY AND IS IN A PENDING STATUS:

FILE NO. 62-109060

SERIAL NO. 7437

PAGE NO. \_\_\_\_\_

NO. OF PAGES. 7

SECTION NO.

184

Sec. Service

REFERRAL

THIS SERIAL HAS BEEN REFERRED TO  
ANOTHER AGENCY AND IS IN A PENDING STATUS:

FILE NO. 62-109060

SERIAL NO. 7580

PAGE NO. \_\_\_\_\_

NO. OF PAGES 30

SECTION NO.

187

DOJ

REFERRAL

Inventory Worksheet  
FD-503 (2-18-77)

6  
CC-52722

File No: 105-82553  
#19

Re: Lee Harvey Oswald

Date: 8/77  
(month/year)

C.A. 78-0-249  
EXHIBIT 20

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1487	1/24/64	Bu tel - Mi memo	1	1	
1486	1/22	Brennan → Sullivan	1	1	
1488	1/24	Bu A/T → WFO	1	1	
1489	1/20	SE NY → BU	2	2	
1490	1/21	memo Molley → Rosen	1	1	
1491	1/22	memo Rosen → Belmont	1	1	
1492	1/23	LA tel → Bu	1	1	
1493	1/24	AQ RDO → BU	1	1	
1494	1/16	memo Brennan → Sullivan	3	3	p 3 b2 p 3, 4, 5 b15
1495	1/17	KC tel → Bu	1	1	b7d
1495	1/20	Bu tel - H.C.	1	1	b7d
1496	1/23	Bu let (lab) → DL	2	2	