UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, Plaintiff	)	Civil Action
v	)	No. 78-249
CLARENCE M. KELLEY, et al., Defendants	)	

FILED
FEB 15 1979
JAMES F. DAILEY, Clerk

OPINION

This is an action arising under the Freedom of Information Act wherein the plaintiff, Harold Weisberg, seeks disclosure of worksheets and records relating to the processing, review and release of the material on the assassination of President John F. Kennedy, made public by the Federal Bureau of Investigation on December 7, 1977 and thereafter. On April 12, 1978, 2,581 pages of worksheets were released to plaintiff pursuant to this request. Certain information was withheld pursuant to Title 5, U.S.C. §§ 552(b)(1), (b)(2), (b)(7)(C), (b)(7)(D) and (b)(7)(E). The matter is before the Court on cross-motions for summary judgment.

Exemption 1 of the Freedom of Information Act, (FOIA), protects from disclosure materials that are:

> (1)(A) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive Order.

Two affidavits submitted by defendants state that the deleted information was supplied by foreign police agencies, related to specific intelligence methods, and was produced under a promise of confidentiality. Defendants re-reviewed

the withheld material pursuant to the standards set forth in Executive Order 12065 which became effective December 1, 1978. It was determined that the unauthorized disclosure of this material reasonably could be expected to cause at least identifiable damage to the national security. The affidavit then further described that damage.

The legislative history clearly indicates that substantial weight is to be accorded to agency affidavits setting forth the basis for its claims of exemption under subsection (b)(1). S.Rep. 93-1200, 93d Cong., 2d Sess. 12 (1974); Weisman v Central Intelligence Agency, 565 F.2d 692 (D.C. Cir. 1977). Here the FBI affidavits show that the documents are classified according to the proper procedural criteria and that they are correctly withheld under both Executive Orders 11652 and 12065.

There has been no showing of lack of good faith on the part of the FBI. On the contrary, the agency has been in communication with the plaintiff throughout the pendency of the proceeding and has released 2,581 pages in response to this request. The defendants have sustained their burden of showing that the withheld material is protected from disclosure under Exemption 1.

The agency has deleted file and symbol numbers related to the informant program and the administration thereof, claiming both Exemption 2 and 7(D). Not only do these numbers relate to the internal practices of an agency under Exemption 2, but release of the numbers could result in the disclosure of the identity of the informant, protected by Exemption 7(D).

The Supreme Court stated:

> ...the clear legislative intent [of FOIA is] to assure public access to all governmental records whose disclosure would not harm significantly specific governmental interests. Department of the Air Force v. Rose, 425 U.S. 352 (1976) at 365.

It is obvious that the public's interest in knowing the names of FBI informants is neither significant nor genuine when compared with the FBI's need to keep this information confidential. Therefore the numbers utilized by the FBI have been properly withheld pursuant to Exemptions 2 and 7(D).

Subsection (b)(7)(C) of FOIA was enacted to protect "investigatory records compiled for law enforcement purposes ...to the extent that the production of such records would ...(C) constitute an unwarranted invasion of personal privacy." Defendants have invoked this section to withhold names, background data and other identifying information involving third parties as well as the names of FBI agents who produced the worksheets. This exemption should be applied using the de novo balancing test, weighing the public's interest in disclosure against the individual privacy interest and the extent of invasion of that interest. Congressional News Syndicate v U.S. Department of Justice, et al., 438 F. Supp. 538 (D.D.C. 1977). Here the information pertains to individuals coming to the attention of the FBI who were not the subject of the investigation. The public interest in disclosing this information does not outweigh the privacy interests of these individuals. Ott v Levi, 419 F.Supp. 750 (E.D.Md. 1976).

The agency has invoked Exemption 7(D) to withhold the identity of confidential informants and the information supplied by them. This is consistent with the legislative history which indicates that the exemption was intended to protect the identity of the source as well as information provided by the source which might reasonably lead to disclosure of the source's identity. 120 Cong. Rec. S-19, 812 (November 21, 1974) (Remarks of Sen. Phillip Hart). In Church of Scientology of California v U.S. Department of Justice, 410 F.Supp. 1297 (C.D.Cal. 1976) the Court found that the purpose of (7)(D) is "to protect against disclosure of confidential information provided by any source." Id at 1303. This would include any source whether it be an individual, an agency or a commercial or institutional source. Therefore the material is exempt under subsection (7)(D).

The FBI has asserted Exemption (7)(E) to protect two investigative techniques from disclosure. This is consistent with the purpose of the exemption. Ott v Levi, supra.

Finally, the action must be dismissed as to defendants Kelley and Bell since the FOIA grants jurisdiction to the courts "to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant." Neither Kelley nor Bell are agencies and therefore are not proper parties to this action.

Accordingly, defendants' motion for summary judgment is granted and plaintiff's motion for summary judgment is denied.

United States District Judge

Dated: Feb. 15, 1979.

(N)

FILED

FEB 15 1979

JAMES F. DAVEY, Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, Plaintiff	)	Civil Action
v	)	No. 78-249
CLARENCE M. KELLEY, et al., Defendants	)	

O R D E R

Upon consideration of defendants' motion for summary judgment, memoranda in support thereof and in opposition thereto, the entire record herein and oral argument of counsel, it is by the Court this 15th day of February 1979

ORDERED that defendants' motion for summary judgment is granted.

United States District Judge

NI

C.A-78-0249
EXHIBIT 1

Information requests of Department of Justice by Harold Weisberg

This list is not inclusive. There is a file of correspondence more than an inch thick I have not yet been able to go over. I recall none of my many checks not being cashed. This list includes 29 requests, not counting the many duplications of some of them. When with regard to one of these there was an exchange of more than 40 letters during my repetition of that one request, if the actual number of repetitions are counted, there were in excess of 100 requests with virtually total noncompliance.

Four of these earlier requests are for information in the King assassination. My requests represented in C.A. 75-1996 are not included in this listing. There has not been compliance with any of these four requests or a later, relevant one.

One of these requests was complied with after eight years of effort by me. After six years there was partial compliance with that request by another agency. The Department still has and still withholds relevant records, some of which I have obtained from a nonofficial source, which gives me personal knowledge.

In two cases there was incomplete compliance.

In three cases the records sought were claimed not to exist. In at least two this is proved to be false.

In one case one picture I have sought for more than seven years was released to another. It is more than three months since my protests. There has been no response and no compliance - after almost eight years, despite release.

1966

May 23, for spectrographic analysis JFK assassination. Still in litigation.

1967

July 10, for FBI press release. This press release related to my second book, unpublished at the time the press release was issued. Additional requests of four different Attorneys General on January 1, 1969, June 2, 1969, August 13, 1973, and September 27, 1975. Obtained October 17, 1975.

1968

September 14, repetition of January 11, 1967, request of National Archives for Department of Justice records on David W. Ferrie. After an exchange of not fewer than 44 requests and letters, after invocation of (b)(7), incomplete compliance December 21, 1970. Nothing since then.

1969

January 1, FBI photos, reports filed, not given to Warren Commission, taken by Moorman, Powell, Doyle and Martin. Number of repetitions of this request. They include WBAP and WBAL news film. No compliance.

January 1, fingerprint on leaflet supposedly taken from Lee Harvey Oswald. Not Oswald's print. Number of repetitions of this request. Never provided.

March 24, King assassination evidence, including ballistics, material given other writers, crime scene pictures. Not complied with.

March 30, reference to my January request for "Memorandum of Transfer" of JFK assassination evidence. "I have written many times," meaning to Archives, for what "I believe cannot properly be denied me." Earlier the Secret Service, the agency of paramount interest, had given this record to me. It was intercepted by the Archives and the Department of Justice and was denied me, despite many efforts and letters, until I was about to file a complaint. While other relevant records remain withheld from me, the memo was sent on March 28, 1975.

March 31, King evidence, press statements on case.

April 23, above repeated.

June 2, above repeated.

June 2, working papers of panel of experts who had made a secret examination of the JFK autopsy film and whose report had been released. Within a year I made at least a dozen efforts to obtain these records. I have found that many letters. Filed several DJ 118 forms. Eventually I was told, not by the Department, that these records had been destroyed.

November 4, request for records on "a missile" recovered during JFK autopsy.

1970

April 22, request for color pictures of JFK's clothing showing damage, other than those given Warren Commission. When I went to court and only then was permitted to see some of these pictures, the reason became apparent: some of the evidence had been destroyed, particularly by the unknotting of the necktie after the Warren Commission used that knot as evidence. No compliance.

May 14, another repetition of the Ferrie request. Withheld under (b)(7) June 12, 1970. Later, incomplete compliance.

May 16, two DJ 118 forms with checks totaling $15, neither ever provided:

1) Picture of "missle" recovered during JFK autopsy;
2) Records on chain of possession, processing of JFK autopsy film.

June 2, not then an FOIA request, protest to Attorney General over reports FBI agents were intruding into my life and work. Referred to Director, FBI, none of whom ever responded, even with pro forma denial.

September 15, FBI reports re Ronnie Caire. Eventually I was told what has to be false, that Caire was not interviewed by the FBI. It had represented to the Warren Commission that it had investigated all of Oswald's New Orleans job applications. Oswald had applied to Caire, who had a public relations agency and was active in Cuban endeavors in apparent violation of the neutrality act. Caire's address was masked in Oswald's addressbook.

September 15, resubmitted request on Oswald leaflet and fingerprint, as asked by Deputy's office, with check. After a number of other letters the denial was affirmed by the Attorney General December 14, 1970. As a result the identification of an associate of Oswald remains unknown. This leaflet was obtained by the New Orleans police from someone other than Oswald who was handing out Oswald's leaflets while picketing the carrier Wasp.

December 2, renewal of request of January 1, 1969, for photos and film turned over to FBI and not given to Warren Commission by it. Also ask for copies of reports filed by and about Powell. This was represented by Mr. Lesar as my first request because I then had not located that of January 1, 1969. Finally, on March 17, I was told what is false, that the film was all returned to those who had taken it. Of the Martin film, it "was viewed by the New Orleans office ... returned

... The photograph (sic) taken by Mr. James W. Powell, Special Agent, Region II, 112th INTC, Army Intelligence Corps, Dallas, Texas, was returned to Mr. Powell on June 20, 1964." I had interviewed Martin and Doyle and been told by both that edited copies of their movies showing Oswald leafleting and being arrested in New Orleans had been given to them instead of the originals. Martin, who lived in Minneapolis, gave his film to the Minneapolis field office, not the New Orleans field office. I have a copy of the copy returned to Martin. Neither of these films had been given to the Warren Commission. It was not told they had been obtained. It was not even told of Martin's existence. Despite my making the initial request January 1, 1969, and the cashing of my 1970 check, one Powell picture was released to another in 1975. It was published in 1976. Director Kelley has not responded to my letter of protest of June 4, 1976, and I have never been provided with a copy or the relevant reports. The Army replied by telling me both do not exist. No compliance.

December 7, for copies of what had been referred to the Attorney General, sworn statements of pathologists and neurologists supporting the Warren Commission. There were nonresponses and appeals. The last record I have found is my request of the Attorney General that he answer my letters on this. Neither he nor his successors have.

December 23, amended September 15, 1970, requests, Cairo and leaflet fingerprint. (Repeated again on March 28 and April 13, 1971.)

1971

January 4, "list of what your Department has released" otherwise "it is necessary to go to the Archives and examine each page separately. March 16, Deputy replied this "is not one (question) of obtaining information under the Freedom of Information Act." I have never been provided with these lists, which are public records. As a result it has been impossible for me to examine the released records because of the cost in time and money. The Archives has refused my prepaid request to provide me with copies of all JFK assassination records as they are released.

February 19, repeated Juanuary 4 request
March 28, repeated January 4 request
April 13, filed new DJ 118 form on January 4 request with protest over delays.

February 17, renewed request for pictures showing damage to JFK clothing.

March 4, filed new DJ 118 form on renewed request of February 17
June 25, Deputy rejected June 28. After five years no response to appeal.

March 28, new DJ 118 form on Cairo request of January 1, 1969, and September 15, 1970.

April 13, repeated above request.

March 28, new DJ 118 form on Oswald leaflet-fingerprint request of January 1, 1969, repeated September 15, 1970.

April 13, repeated above.

July 4, request for copy of indictment of New Orleans District Attorney Jim Garrison.

December 14, repeated request of July 4 for Garrison indictment. Not provided. Copies of attached affidavits only provided.

1972

June 7, request "for access to public information, the part of those files" reported in the New Orleans Times-Picayune "that relate to Pershing Gervais. That he is an informant is not secret, nor is what he did, or his subsequent history, which both he and the Department have publicized extensively." (As an informant Gervais, formerly close to Garrison, had himself wired with a bug and his phone calls taped in an unsuccessful entrapment effort. Garrison was acquitted.)

September 18, Deputy refused June 7 request while acknowledging it is for "public information." Instead of providing them, he referred me to the District Court in New Orleans for records it did not have. (But the Deputy did send me a copy of the speech by the Attorney General to the bar association.) No compliance.

1973

July 28, Appeals of denials of two items of Watergate evidence
August 13, entered into the records of two different courts. My earlier requests of the United States Attorney for the District of Columbia and the Watergate Special Prosecutor had been denied on the ground that what had been entered into evidence and reprinted, including in facsimile, was an "investigatory file." There has been no response to any appeal. I have not found the original request and another appeal.

1975

October 27, repeated January 1, 1969, and later requests for the Doyle, Martin and other films. No compliance.

October 27, repeated verbal request of March 18 for copies of records relating to a Silvershirt plot to overthrow the United States Government. These were not returned after I gave some to the FBI THE end of 1939 or early 1940. To June 4, 1976, I wrote four additional letters. No compliance.

October 27, request for copies of FBI HQ files on Lee Harvey Oswald. No compliance.

October 27, repeated request of April 22, 1970, and later for color pictures of JFK clothing. In response Director Kelley wrote me February 13, 1976, saying they were running more than three months late. This was then more than three months. It is now 11 months and there has been no compliance. My request was then six years old.

October 27, request for files on me. No compliance.

November 28, above request repeated. It was pretended that I had not filed this request until Director Kelley admitted finding it in his letter of February 13, 1976. No compliance.

December 20, request for scientific tests related to the murder of Dallas police officer J. D. Tippit. No compliance.

1976

January 30, request for list of all my requests because some have not been acknowledged. No compliance.

February 20, request for all information on the late J. A. Hilteer. (This follows up on requests of the National Archives for what had been withheld at the request of the FBI. When it was finally released it did not include what the Department had not given to the Warren Commission. This included a 1963 tape recording made by and later disclosed by the Miami police. I obtained a partial transcript from the Miami State's Attorney. The police said they had given the tape to the FBI. The tape includes details of threats against Dr. King and how he and JFK would be killed. The tape was exactly as the Warren Commission later said JFK was killed.) No compliance.

June 19, my FOIA/PA appeal to Levi on "the denials of the various FOIA/PA requests with which there has been no compliance." No response.

July 14, the above requested repeated by certified mail, No. 898596. No response although I have since written Mr. Quinlan Shea.

I delayed the appeals for twice the time Director Kelley had said responses were running late, until as long as the longest public statement of this time. Although response to appeal is required in 20 days, in three months there has not been even acknowledgment of receipt of the appeals. These appeals cover requests going back to September 14, 1968, eight years.

The 1966 request is still under litigation.

The 1967 request was finally complied with in 1975.

There was only partial compliance with the Ferrie request of September 14, 1968. Among the records still withheld I know of FBI reports that Ferrie was engaged in running guns to Cuba and similar endeavors. The FBI made these available to a private detective agency, to my knowledge. This private agency was run and owned by former FBI agents.

Using the Ferrie request as an illustration, these records which did not qualify for withholding were withheld under the privacy exemption. Those records subsequently released to me do not qualify for this exemption. The apparent reason was official embarrassment. Ferrie died within weeks of my first request. He had been dead for 10 months at the time of this request. He was unmarried. He left no children. What could have qualified for the privacy exemption was withheld from the Warren Commission. It is Ferrie's record of sex offenses against young boys. (It was not released to me. I have other proofs. There was relevance in this and with regard to the other withheld Ferrie records in the Warren investigation.) However, where political purposes were served by it, medical and other similar records, including of alleged homosexuality, were released to me, through the Archives. They are not included in the above list. I have neither used nor distributed copies. In earlier instances, where there had been no withholding, I censored

what I used to overcome the Department's lack of genuine concern over authentic rights to privacy. One example is in my book, Oswald in New Orleans, dating to early 1967. It also includes accurate reporting of the sex charges against Ferrie. One of the Department's real reasons for withholding Ferrie records is the cozy relationship he had with the FBI in New Orleans. The FBI withheld its knowledge of where he was at the time JFK was killed. He and SA Regis Kennedy were both in attendance upon the federal district court. SA Kennedy's report - delayed a week - does not include this information. Ferrie was also a participant in anti-Garrison parties in the FBI's New Orleans Field Office. I have the notes of other participants, reporters. The Department appears not to have informed the Warren Commission that as the investigator for the defense in its effort to deport Carlos Marcello, reputed top Mafia figure, Ferrie conducted the investigation that defeated deportation. There is much more that is relevant to Ferrie and the Department's continued withholdings. I cite this merely as a means of attributing motive and showing that the exemption was invoked without any justification and why there has not been compliance.

The still-withheld photographs are another example.

The Army intelligence agent, Powell, was confined in the Texas School Book Depository Building for some time. He entered it before it was sealed. Prior to entering it, he took at least one picture, the one released to another years after the denial to me. It shows the front of that building immediately after the shooting. It was not in the Warren Commission files of pictures. The reports agent Powell filed also are not. He was in that building with a loaded 35mm camera.

The relevance of the Doyle and Martin films is obvious. They show the Oswald arrest. The Martin film also shows a different view of Oswald than other pictures. Taken from over his right shoulder he looks entirely different. It shows the other participants in the fracas that Oswald did not start. It also shows what can be taken as a man giving a signal.

My information on the withheld originals of the WDSU-TV footage of Oswald's demonstration outside the New Orleans International Trade Mart Building, which to my knowledge housed CIA cover operations, comes from the then news director of that station. He loaned me the copy of his footage that the FBI returned after borrowing it immediately after the JFK assassination. He gave me permission to reproduce it subject to normal

restrictions of nonpublic use without permission. I do have this copy. The refusal based on WDSU copyright is spurious. The real reason is that the FBI edited material out of that film prior to making and returning the copy. This information comes additionally from the man who was public-relations director of the Trade Mart. He and the news director previewed the original footage before lending it to the FBI, as soon as Oswald's name was mentioned from Dallas. He was in the original footage. He is eliminated from what the FBI returned to WDSU. Also in that now missing footage was another Oswald associate. He and the public-relations director were both eliminated. Seventeen still prints were made from the WDSU footage immediately, before the FBI obtained it. They were made by the photographer, Johann Rush. I have .. FBI reports reflecting the showing of up to six of these at a time to those it interviewed. The Warren Commission files contain a total of only two of these. A third that may appear to be from the WDSU footage actually comes from that of WWL, which also made its footage available to me. Confirming the above, I finally was able to persuade the Secret Service to deposit its copy of the remaining WDSU footage in the National Archives. It required a major effort by me over some period of time to obtain a copy of the caption by the Secret Service. It says the film shows Oswald and two others engaged in that leafleting. The remaining film, however, includes only one other, Charles Hall Steele, Jr. I interviewed Mr. Steele on tape. He also said there was another man in the film, a man he did not know, a man not now in it.

This does not exhaust my personal knowledge of this still-denied film. I intend it as bearing on motive for withholding what is not within any exemption of the Act.

I can do this with just about every item in these requests, in each case indicating motive for withholding.

C.A-78-0249
EXHIBIT 2

Cook's Corner
HYATTSTOWN, MARYLAND 20734
PHEASANT-CHICKENS • ROCK-CORNISH GAME HENS • WA

Mr. Callah
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Trotter
Rou

May 23, 1968

Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation
Washington, D.C.

Dear Mr. Hoover,

Enclosed is a copy of my book WHITEWASH - THE REPORT ON THE WARREN REPORT. In it you will find quotations from your testimony and that of FBI Agents that I believe require immediate and unequivocal explanations and from the FBI's report to the Commission. Of the many things requiring explanation, I would like in particular to direct your attention to these three, in which it would seem no question of national security can be involved:

1) In your brief discussion of the assassination in the report to the Commission you say that three shots were fired, of which two hit the President and one the governor. This does not account for the bullet that hit the curbstone on Commerce Street, which you told the Commission you could not associate with the presidential car or any of its occupants. In another part of this report, dealing with Oswald, you told the Commission that the bullet that did not kill the President struck him in the back - not the neck - and did not go through his body. Here you seem to fail to account for the well-known wound in the front of the President's neck. And thus, are there not at least five bullets, the three you accounted for and the two you did not account for. The Commission itself considered the curbstone strike a separate bullet, and the President most certainly was wounded in the front of the neck.

REC 53

2) In his testimony before the Commission, FBI Agent Robert A. Frazier did not offer into evidence the spectrographic analysis of this bullet and that of the various bullet fragments. Neither did FBI Agent John F. Gallagher, the spectrographer. Agent Frazier's testimony is merely that the bullets were lead, which would seem to be considerable less information than spectrographic analysis could reveal. The custodian of this archive at the National Archives informs me this analysis is not included in his archive but is in the possession of the FBI. I call upon you to make it immediately available.

6 JUL 1 1966

3) In his testimony before the Commission, FBI Agent Frazier said that when the whole bullet was received by the FBI, it had been wiped clean. He does not reveal any FBI interest in this unusual destruction of evidence. He also testified that the cleansing of the bullet was not complete, that foreign matter remained in the grooves in the bullet. Yet his testimony does not show any FBI interest in learning what the nature of the residue was. Did the FBI make the appropriate tests. Could the residue be associated with either the President's body or the governor's? What effort, if any, was made to learn. And if no effort was made, why not.

Sincerely yours,

DSL34A

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PLH ITEM #940 8/4

C.A-78-0249
EXHIBIT 3

ARNOLD, FORTAS & PORTER
1200 EIGHTEENTH STREET, N. W.
WASHINGTON 6, D. C.

TELEPHONE
DISTRICT 3251

THURMAN ARNOLD
ABE FORTAS
PAUL A. PORTER
WALTON HAMILTON
MILTON V. FREEMAN
NORMAN DIAMOND
REED MILLER
[illegible] NIKOLORIC

November 28, 1947

Dear Mr. Weisberg:

We want you to know how deeply we appreciate your kind and generous gesture in sending us a gift and the warm sentiments which accompanied it. You know it was a pleasure to be of service to you and your own calmness and dignity under the most adverse circumstances were in no small measure responsible for your ultimate vindication.

Sincerely,

Thurman Arnold

Abe Fortas

Paul A. Porter

Milton V. Freeman

Mr. Harold Weisberg
2322 N. Nottingham
Arlington, Virginia

81

C.A-78-0249
EXHIBIT 4

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
ATTENTION: CRIME RECORDS

DATE: 7/20/66

FROM : SAC, NEW YORK (66-3476)

SUBJECT: HAROLD WEISBERG
AUTHOR OF "WHITEWASH"
COOPERATION WITH NEWS MEDIA
WNEW-TV

On 7/13/66, PAUL NOBLE, Producer of the Alan Burke television show, seen on Saturday nights on WNEW-TV, telephonically advised that ALAN BURKE's guest for the 7/23/66 show would be HAROLD WEISBERG, the author of the book "Whitewash." According to PAUL NOBLE, this program would be taped on 7/14/66. His purpose in calling was to furnish us this information, and he requested any information in possession of the FBI which could refute WEISBERG's book.

Mr. NOBLE was furnished all public source data and material which refuted criticism placed on the FBI or the Warren Commission for their investigation of the assasination of President KENNEDY. Arrangements were made so that the audio portion of the tape could be reviewed by the NYO.

On 7/19/66, the audio portion of the Alan Burke Show was reviewed by Special Agents of the NYO, a summary of which follows:

Mr. WEISBERG advised that he had problems in having his book published as there was a self-emposed embargo by the publishing firms that this was not a good topic for their business. He stated that no one in government entered into this embargo and that it was entirely self-emposed by the publisher.

He stated he did not agree with the Warren Commission's report on the assasination of President KENNEDY, nor of the two FBI reports on President KENNEDY's death. However, he did not go into detail of why he did not agree with the FBI reports.

2 - Bureau
1 - New York

FJI:jaw
(3)

62-109060-4151

DSL 35

1 - CRIME RESEARCH

PLH ITEM #94

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He advised that both the Warren Commission and the FBI were government agencies that were in some way involved either directly or indirectly with the President; such as the Secret Service protecting the President, and LEE OSWALD involved in assignments with the FBI.

He spoke of the autopsy performed by the Naval doctors in Washington, D.C., and how some of the first reports were destroyed by the Chief Examiner. He also stated that the Naval examinations did not wholely agree with the findings of the doctors in Dallas who tried to save the President's life on the day he was assasined. He explained that the doctors in Dallas had stated in their reports that there was a wound in the neck area of the President indicating a possibility of a person firing from another position other than that position of OSWALD's.

WEISBERG stated that it was his opinion that OSWALD was a fall guy, that there was someone else involved but that he did not know who, how many, or what their reasons were for killing President KENNEDY. He further stated that he could not name any organization or give any opinion of who might have taken part in this assasination.

He stated that the FBI reports were different from the Commission's report and that he did not hold the FBI responsible for the Commission's report, but that the Commission's staff was responsible and not the men on the Commission.

WEISBERG then went on to explain that each member of the Commission was a dedicated man, fair, and put out his best work. However, they erred in their findings. He also stated that he was not challenging the integrity of Chief Justice WARREN.

WEISBERG stated that he could not accept the Warren report in any form and set forth the conclusions of his book as follows:

1) The investigation was not done well.

2) The investigation must be done by Congress and must be public.

DSL35

PLH ITEM #

3) For him to succeed in bringing about the above second step, he must destroy, by means of his book, the findings of the Warren report or leave a very great doubt in everyone's mind.

He stated he did not feel the Commission proved that OSWALD could kill the President alone or that he must have had the help of another person. He further stated that OSWALD could not have killed police officer TIBETT. He stated he believed that the man who killed officer TIBETT bore a very close resemblence to OSWALD. At this point in his interview, he stated he believed the Commission bent evidence to their own thinking and should have investigated the death of officer TIBETT. He stated, based on the Commission's own investigation of OSWALD's movements, he could not have been in the area where TIBETT had been killed. He further stated that nowhere in the Commission's report is there any information on TIBETT's death.

In the discussion of the Warren Commission's report, WEISBERG stated that a number of problems confronted the government at the time of President KENNEDY's assasination; such as the public tranquility, was this assasination a conspiracy or a plot by a foreign government, and would it lead to war. All these thoughts lead to extremely difficult problems in conducting such an investigation.

He stated that in speaking of the men on the Commission, that they were loyal, dedicated and trustworthy citizens. However, because of their high position in public office and not being able to delegate these powers, they in turn delegated the investigation to staff members and this is the area in which they failed.

WEISBERG spoke about an unknown witness who was interviewed in Dallas, Texas, by a staff member and who was accused by this staff member of perjury and that the Commission never followed this up. He stated the Commission set about to prove a case against OSWALD, who was a person accused, rather than to obtain the truth.

DSL 35

He further pointed out that a man was arrested in a building across Houston Street in Dallas, Texas, for no other reason than for being unable to explain what he was doing there. This was just before Dallas Police had picked up OSWALD. He stated the Commission did not interview this person.

Several times during the interview, WEISBERG stated he doubted the accuracy of the Warren report but went out of his way to state he did not doubt the intent of the members of the Commission.

WEISBERG also spoke of finding a rifle in the Book Depository and three shells, that no one saw OSWALD carry the gun into the building, that the proof that OSWALD had bought such a gun was based on handwriting, and that no one had ever seen OSWALD with this rifle in his possession.

He also discussed, at some length, the autopsies performed on TIBETT, OSWALD, and President KENNEDY, and that in the report, only President KENNEDY is mentioned, and this is for the first time.

WEISBERG was very critical of the Dallas Police Department and stated "they were directly responsible for OSWALD's murder."

He then went on to explain that 70 Dallas Police officers were used to protect OSWALD and against the advice of the Sheriff's Office of Dallas and the FBI, they would not remove OSWALD on the night of February 23rd. He stated the reason the Dallas Police Department would not remove him was the Dallas Police Chief had told the Press the exact time he was planning to move him and that he wanted to keep this appointed time. He stated that he felt the Commission should have looked into the Dallas Police Department activities.

WEISBERG put great emphasis on the three shells found in the Book Depository. He stated that these shells, after examination, were found to have been in another rifle, other than the one found on the 6th floor. WEISBERG stated

DSL35

he was using as his authority Mr. HOOVER, Director of the FBI. He stated that although they had markings on them from the rifle found on the 6th floor, they were not able to say when they had been fired. He also stated that only one of OSWALD's palm prints was found on the rifle, in a position under the barrel of the gun, and that various prints of OSWALD's were found on the 6th floor, but these were of no value in the investigation because OSWALD worked on that floor in his every day duties at the Depository.

WEISBERG further stated that a bullet, described by the Commission as hitting President KENNEDY and Governor CONNELLY, could do all the things that it did and not be disformed. He described three bullets, the above mentioned one, the missed bullet, and the one in President KENNEDY's head. He pointed out that OSWALD was a rather poor shot, having scored a 191 in the Marine Corps and that a 190 was the qualifying score for a marksman.

WEISBERG discussed ballistics during the discussion and divided this into two parts:

1). concerning the President

2) concerning officer TIBETT.

WEISBERG stated that with regards to the President, some fragments can be identified and some cannot. He stated the FBI made a spectrographic analysis and a Special Agent GALLAGHER of the FBI, who made the analysis, was called as a witness only as the hearing concluded around September 15th, and that he was never asked for a spectrographic analysis nor is this analysis part of the record. Mr. WEISBERG stated even Mr. HOOVER said that the curbstone fragments were not associated with other bullet fragments.

With regard to officer TIBETT, WEISBERG stated that the FBI took his pistol to its laboratory in Washington, D.C., fired it 100 times, and could not associate the bullets with the pistol that they knew it was fired from.

DSL 35

In answer to a question about the speed of firing the rifle, WEISBERG stated that without regard to accuracy, and with a bullet in the breach, the most competent men in the FBI, "the fastest draw in Washington" took 2.3 seconds just to reload.

A person by the name of GEORGE ABBOTT asked Mr. WEISBERG about the question of a person masquerading as OSWALD. Mr. WEISBERG replied that he denoted a whole chapter in the book to this. Another person made the allegation that there was a man using the name OSWALD around September 15th. The FBI was asked to look into this and located three Cuban refugees, one of whom bore the resemblence of OSWALD. WEISBERG stated the Commission got around this by stating that OSWALD was in Mexico at the time.

This program is two hours in length and because of the great expense involved in taping this program, no extra copies of the tape could be made and none are available.

DSL 35

C.A. 78-0249
EXHIBIT 5

December 2, 1977

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Dear Mr. Weisberg:

Reference is made to the Federal Bureau of Investigation's (FBI) forthcoming release of file materials, under the Freedom of Information Act (FOIA), concerning the assassination of President John F. Kennedy.

The first segment of these materials will be made available beginning 9:30 a.m., December 7, 1977, in Room 1060, J. Edgar Hoover Building, 10th Street and Pennsylvania Avenue, Washington, D. C. Two sets of the materials will be made available during business hours for public review.

We normally require 48 hours advance notice from individuals who desire to make an appointment to review materials in our reading room. However, with respect to this release, no appointments are necessary for the first week. You may contact us at telephone number 324-3520 for any later appointment.

Due to limitations in space available for reviewing documents, each news organization is requested to limit the number of reviewers to two per session.

Materials to be released are copies from the raw investigative files of the FBI as they were compiled chronologically in our central records system during the investigation. Details of the substantive investigation were incorporated in reports which the FBI furnished in 1964 to the President's Commission on the Assassination of President Kennedy (Warren Commission). As you may be aware, many of these FBI investigative reports became part of the documentary record made public with the Warren Commission's testimony and exhibits in 1964, and subsequently made available in the National Archives.

P/C

Mr. Harold Weisberg

Our first segment FOIA release will consist of 40,001 pages of duplicated FBI documents, and will cover the first months of the investigation into President Kennedy's murder in Dallas, Texas, on November 22, 1963. A later second segment release will cover the balance of our substantive investigation concerning this historical event. Pursuant to Title 28, Code of Federal Regulations, 16.9, there is a fee of ten cents per page for duplication. A complete copy of the first segment release can be purchased for $4,000.10.

It will require substantial research effort by interested scholars to relate these FOIA materials to the public record. No index of our FBI materials is available to cross-reference these materials to other records of the assassination investigation, such as the material available at the National Archives.

I hope the above is of assistance to you.

Sincerely yours,

Allen H. McCreight

Allen H. McCreight, Chief
Freedom of Information-Privacy Acts Branch
Records Management Division

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

File No: 105-82555 SECTION 3 Re: LEE HARVEY OSWALD Date: JULY 1977 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)	
91A 91 IN	11-23-63	(R. Aznarez, New Orleans) LETTER FROM CITIZEN	2	4 pp. (2 cc.) 2	NONE	He wrote FBI about LHO in June; and what about Castro, H. Mathews, etc.
91B 91 ENC	—	NEWSPAPER ARTICLE	1	1	NONE	NOTP clip with LHO holding up his manacled hands
91C 91 OUT	11-27-63	LETTER TO CITIZEN	1	1	NONE	Thanks. Aznarez did furnish a FPCC handbill earlier **
92	—	(Don Maclean column, DC News) NEWSPAPER ARTICLE	2	2	NONE	With JEH comments objecting to implied FBI laxity **
93	11-29-63	MEMO FROM HOOVER	2	2	NONE	Call from Judge M. Kronheim re ACLU (unclear implications) *
94	11-22-63	BRENNAN TO SULLIVAN MEMO	1	1	NONE	INS has LHO letter to Connally; ONI file is coming to DC
95	11-24-63	BELMONT TO TOLSON MEMO	2	2	NONE	Conclusions on LHO; keeping Fritz off TV, etc. ***
96	11-24-63	BRENNAN TO SULLIVAN MEMO	1	[redacted]		
96B UNREC	11-24-63	NEW YORK TELETYPE	3	[redacted]		
96C UNREC	11-25-63	NEW YORK TELETYPE	3	[redacted]		
96D UNREC	11-26-63	EVANS TO BELMONT MEMO	2	2	NONE	Katzenbach suggestions re FBI report; JEH comments **
97	11-27-63	CIA RELEASE	1	[redacted]		
			21	13		

FBI/DOJ

C.A. 78-0322 EXHIBIT 6

78

62-52777

(17)

Inventory Worksheet
FD-503 (3-18-77)

File No: 105-82555 Section 3 Re: LEE HARVEY OSWALD Date: 7/77 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
91	11/23/63	letter to Director from R. AZNAREZ with encls.	3	3	
91	11/27	letter from Director to AZNAREZ	1	1	
92	12/5	newspaper article by Don MacLean	2	2	
93	11/29	JEH memo	2	2	
94	11/22	Brennan memo to Sullivan	2	2	
95	11/24	Belmont " to Tolson	1	1	
96	11/24	memo Brennan to Sullivan	1		REFERRAL - CIA
not recorded	11/24	N.Y. tel to Bu	3	1	~~(b7d ... pg1) refer to ... DCRU~~
not recorded	11/25	" " " "	3	1	b-1 ~~DCRU~~
not recorded	11/26	Evans memo to Belmont	2	2	NONE
97	11/27	CIA tel to Bu	1		b-1 Referral - CIA
N.R.	11/27	Evans memo to Belmont	2	2	

C.A-78-0249
EXHIBIT 7

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C.A-78-0249
EXHIBIT 8

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

April 12, 1978

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Dear Mr. Weisberg:

Enclosed are 2,581 pages of inventory worksheets utilized in the processing of files pertaining to the investigation into the Assassination of President John F. Kennedy. These pages are releasable under the provisions of the Freedom of Information Act (FOIA), Title 5, United States Code, Section 552. The deletions made in this material are based on one or more of the following subsections of Section 552:

(b)(1) information which is currently and properly classified pursuant to Executive Order 11652 in the interest of the national defense or foreign policy;

(b)(2) materials related solely to the internal rules and practices of the FBI;

(b)(7) investigatory records compiled for law enforcement purposes, the disclosure of which would:

(C) constitute an unwarranted invasion of the personal privacy of another person;

(D) reveal the identity of an individual who has furnished information to the FBI under confidential circumstances or reveal information furnished only by such a person and not apparently known to the public or otherwise accessible to the FBI by overt means;

(E) disclose investigative techniques and procedures, thereby impairing their future effectiveness.

Pursuant to the decision of the Deputy Attorney General, Office of Privacy and Information Appeals by letter dated March 31, 1978, to your attorney, James H. Lesar, no fee is being charged for the duplication of these documents.

You have 30 days from receipt of this letter to appeal to the Deputy Attorney General from any denial contained herein. Appeals should be directed in writing to the Deputy Attorney General (Attention: Office of Privacy and Information Appeals), Washington, D. C. 20530. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

Sincerely yours,

Allen H. McCreight, Chief
Freedom of Information-
Privacy Acts Branch
Records Management Division

Enclosures (7)

C.A-78-0249
EXHIBIT 9

Mr. Quinlan J. Shea
Director, FOIA/PA Appeals
Department of Justice
Washington, D.C. 20530 FOIA APPEAL

Rt. 12, Frederick, Md. 21701
4/19/78

Dear Quin,

This and the enclosure are intended as two appeals. Both relate to cases in courts. Jim Lesar, who was already overloaded, is further behind from having had to represent John Ray for two days before the House assassins committee.

The enclosed correspondence with Mr. McCreight relates to an Item of the requests in C.A.77-1996. I was told by the FBI that your office made a review on the merits of everything released to me in that case.

Also enclosed is a copy of Mr. McCreight's letter of April 12. It was with the carton of worksheets that was provided. This letter makes no reference to the fact that the request is for more than just the worksheets or that a complaint was filed. You informed me that you would be monitoring compliance on that request.

The omissions as well as the exemptions claimed on the worksheets leave me no alternative to appeal. However, I make the appeal with the understanding that you may not be able to process it promptly and with the belief that if there is opportunity to discuss the situation much if not all may be worked out in a mutually satisfactory manner.

I am informing Mr. McCreight with a carbon copy. I make use of this to save a letter and to thank him for the fact that the legibility of these worksheets seems to be better than that of any others within my experience and for binding them and labelling them so clearly with the files and the Sections they cover. This will be particularly helpful when the files are in the archive.

Last night I was able to make a spot check of the sheets covering the first few Sections of 62-109060, bound Sections 1-70. Among the questions raised immediately are these:

The removal of the names of the analysts, I presume under (b)(2). I believe that this fails to meet the standard "solely." I have much experience that it does not.

A number of referrals as a result of which no record was provided and no explanation of withholding was made. I believe this does not meet any standard and does not meet the requirement of the National Security Directive relating to referrals under E.O. 11652. It is my understanding that this requires action within 30 days, in the alternative, after 30 days processing by the referring agency as though the record were a record of the referring agency.

Records withheld in their entirety when "reasonably segregable" parts might be provided.

I have serious doubts about the applicability of (b)(7)(C),(D), and (E) to such records as worksheets in historical cases.

I noted one instance in which there was the word "referral" alone and another in which it was stricken through, no exemption claimed and no record provided.

And there is the fact that J. Edgar Hoover himself swore that the FBI's JFK investigation was not for law enforcement purposes. This was in his Commission testimony, Volume 5. You are familiar with the history of my C.A. 2301-70 in which a contrary claim was made by the Department and by the FBI.

There will probably be other questions when I have time to go over all but because this matter is now in court I believe all interests are best served by not delaying this. If your staff has any questions I am prepared to be as helpful as is possible.

Sincerly,

Harold Weisberg

80

C.A-78-0249
EXHIBIT 10

Dear Quin, 7/12/78

This relates to my appeal relating to the information relating to the processing and release of t e Dallas Field Office records, C.A.78-0249. If I have time I may add more relating to the underlying records, C.A.78-0322.

Please excuse my not having your letter, I think of 7/7, before me to quote. I used it in one of several affidavits I had to prepare in a hurry to deliver to Jim yesterday. It is early in the morning and I do not want to awaken my wife to find where the originals of what I used as exhibits are located.

I appreciate the atrightforwardness and informativeness of your letter. It also serves to illuminate the need I believe the Department has if it wants to comply with FOIA and PA and wants tp reduce its ever-increasing costs.

In this affidavit (of the two I worked on) I show how by not making a good-faith search for the records actually asked for the FBI restricted your review to the work-sheets and to deceive and mislead the Court provided a false affidavit by SA Horace P. Beckwith attesting that there are no other relevant records anywhere in the FBI. In fact I alleged SA Beckwith's affidavit is perjurious and sought to have the Court con-front whether SA Beckwith, who has access to the FBI's records, and I, who do not, commit perjury. I did this by making the unequivocal statement that there are other relevant records. Believe me, if the Court does not duck the issue, I have the proofs. There can be no doubt that any FOIA agent had to know other records exist and are relevant.

My appeal from the denial of these other relevant records is not just to make a debating point of to obtain what I do not need and want. There is scholarly purpose in my request for all the relevant records. I have no reluct nce in letting the Department know some of what I believe is the FBI's reasons for not being truthful. It h ad already released some of the records on a grossly discriminatory basis to others. One of the results was a syndicated news story that amounts to official propaganda. To be more explicit, about a month before the first release there was a partial release. AP had the story and a friend of mine received the records. Among the reasons the FBI does not want this known are the false representations you heard made to Judge Gesell on 1/16/78.

I have other reasons for wanting what I asked for. My purpose here is limited to making the Department aware, as well as seeking to obtain the withheld information at least cost and trouble to the Department and to me.

Some of the withholding in the worksheets by classification is to hide what is embarrassing. There is a national security classification for what is in the public domain. The FBI has taken unorthodox steps to make the underlying record unavailable and again I have the proof.

8P

I have as attachments to this affidavit several illustrations of classification of public knowledge. I did not tell the Court all I know with regard to these records. I merely gave it the FBI's expurgated copy together with an unexpurgated copy and an explanation of the meaning of what the FBI had sought to withhold after the content was within the public domain and had been prior to the processing of the records. While I would hope that there might be higher Department officials who would care to know the meaning of the withholding as it relates to how the FBI investigated the assassination of the President my main purpose in providing this added information is so that the Department's classification review committee might for once escape being a rubber stamp for the FBI in its ongoing efforts to hide its past, however one may interpret that past.

So you can understand, a Legat flew to Dallas right after the President was killed with clandestine pictures and a tape of an intercepted conversation both alleged to be of Lee Harvey Oswald. Immediately FBI agents who knew Oswald made negative identification. In essence these are the withheld facts. I have known of this for years from my own sources. There came a time when for reasons that can be perceived there was a leak. The leak received extensive and nagled attention, all pointing away from the FBI and to the CIA.

The other illustration is of an excision from a change of address card Lee Harvey Oswald sent The Worker. Actually the FBI has the original card and appears to have been shuffling it around once there was a Warren Commission. I provide the excised and un-excised copies.

To the Review committee the exemption claim may appear to be justified because it knows nothing of the subject matter. In reality the FBI regularly classifies and withholds what is within the public domain. These are but two examples. It is true with regard to other kinds of withholdings, as on techniques and methods and privacy.

I am appealing the names of the processing agents as well as the names of all the agents. There is no basis for the alleged fear the agents will be harassed. The Commission's countless pages of published unexcised records included all names and there was no harassment. True also of thousands of pages always available at the archives. With regard to the processing agents I believe one of the reasons for the change in policy that causes the present withholding when this had not been the practise with me if to deter my pinpointing those not suited for this kind of work. I have done this.

If there ever had been any basis for withholding FBI names in the underlying records, as contemporaneously the Director, the Chief Justice, the Attorney General and the White House and the Bureau of the Budget held there was not, the passing of all these years has eliminated that. These names were not withheld in the first part of the underlying documents processed. Abruptly there came a point at which they were withheld. Now in

C.A. 75-1996 I put into the record a letter from Director Kelley saying that in historical cases the names of SAs are not to be withheld. The Bureau can provide this to you. It was written to Emory Brown, of Howell, N.J. In addition, you are aware of the Attorney General's statement of 5/5/77. It requires that these names not be withheld.

So with this I am asking for the replacing of all records from which the names of SAs were withheld.

The names are not unknown. Most if not all were published in facsimile in the Commission's 26 volumes and are available at the Archives. Those who have retired are for the most part listed in the directory of the association of former agents. In C.A. 75-1996 Judge Green ordered that the names not be withheld. In C.A. 77-0692, in a transcript I read just yesterday, Judge Gesell ridiculed the whole thing. The real reasons, where there may be any reason other than harassment and inflating FOIA statistics, is more likely to relate to what the FBI did and did not do. I know of some cases of significant factual error, if error is the correct word.

In the enclosure I forgot to mail I have an illustration of the needless withholding of a known name. I know because earlier the FBI had not withheld it. This is the kind of record from which in the past, and in many thousands of records, the names were not withheld.

If none of this were true, compare it with the FBI's practise with me - what it released months after my attempts to exercise my rights under PA. (When may I expect the rest of those still withheld records?)

In C.A.75-1996 I had an extensive education in the futility of seeking to be cooperative with the FBI by informing it of withholdings and trying to work compliance out on an amicable basis. The FBI will not have this. It is determined to follow its own course, which includes all the withholding possible, not withholding that is either justified or required. So in this and other cases I am not going to provide many details to it in advance or on an informal basis. However, with this introduction, which is intended to let you know that I have proof, I am appealing the extraordinarily extensive withholdings from the Dallas Field Office files. I mean this to include both any and all JFK assassination and related information and PA information related to me. Entire files are being withheld.

I have gone over all the Dallas records that were provided. As I did this I indicated which ones I wanted copies of for a separate file so I could preserve what I received as I received it for the Archive at Wisconsin. When I can go over these copies I'll probably write you further. However, my review was for the purposes of my information request, not for litigation, so if I have further samples, they will be only samples. My purpose is not litigation. It is obtaining and using information.

Sincerely, Harold Weisberg

C.A-78-0249
EXHIBIT 11

HQ0075 0000254

KR AFD

DE HQ

R 060052Z JAN 77

FM DIRECTOR (62-117290)

TO ALL SACS ROUTINE

CLEAR

HOUSE SELECT COMMITTEE ON ASSASSINATIONS

REFERENCE BUREAU TELETYPE NOVEMBER 24, 1976.

REFERENCED BUREAU TELETYPE SET FORTH THE FACT THAT THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS (HSC) HAS BEEN CREATED BY THE NINETY-FOURTH CONGRESS TO INVESTIGATE THE DEATHS OF JOHN F. KENNEDY AND MARTIN LUTHER KING, JR.

IN CONNECTION WITH THE HSC INVESTIGATION THE UNITED STATES DEPARTMENT OF JUSTICE HAS INSTRUCTED THE BUREAU TO MAKE AVAILABLE, FOR REVIEW BY THE HSC STAFF, JUSTICE DEPARTMENT AND BUREAU FILES REGARDING THE JOHN F. KENNEDY ASSASSINATION AND MARTIN LUTHER KING, JR., ASSASSINATION AS WELL AS CLOSELY RELATED CASES.

IN ORDER TO PREPARE FOR THE HSC REVIEW, YOU ARE REQUESTED

89-43-9952

JAN 6 1977

FBI — DALLAS

89

PAGE TWO (CP-117284) CLEAR

TO PREPARE AN INVENTORY OF ALL MATERIALS AVAILABLE IN YOUR OFFICE REGARDING THE CASES SET FORTH BELOW. IT IS NOTED THAT BUREAU TELETYPE DATED DECEMBER 9, 1970, TITLED "MARTIN LUTHER KING, JR.," BUREAU FILE 100-106670, YOU WERE REQUESTED TO INVENTORY ALL PERTINENT MATERIAL RELATIVE TO THE MARTIN LUTHER KING, JR., ASSASSINATION. IT IS, THEREFORE, NOT NECESSARY FOR FIELD OFFICES AND LEGATS TO REINVENTORY THAT MATERIAL AT THIS TIME.

FILES TO BE INCLUDED IN YOUR CURRENT INVENTORY ARE:

(1) THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY
NOVEMBER 22, 1963
OO: DALLAS BUREAU FILE 62-109060

(2) LEE HARVEY OSWALD
IS - R - CUBA
OO: DALLAS BUREAU FILE 105-82555

(3) MARINA N. OSWALD
IS - R
SOBIR BUREAU FILE 100-106432

(4) JACK RUBY
LEE HARVEY OSWALD - VICTIM
CIVIL RIGHTS BUREAU FILE 44-24016

PAGE THREE (CG-117290) CLEAR

(5) PRESIDENT'S COMMISSION ON THE ASSASSINATION OF PRESIDENT KENNEDY (WARREN COMMISSION)

BUREAU FILE CG-[illegible]

IN PREPARING FIELD OFFICE INVENTORIES FOR ALL MAIN FILES RELATING TO ABOVE, THE FOLLOWING SPECIFIC ITEMS MUST BE INCLUDED: (A) FIELD OFFICE FILE NUMBER, INCLUDING OFFICE SYMBOL; (B) TITLE AND CHARACTER OF FILE; (C) VERY BRIEF DESCRIPTION OF FILE CONTENTS, INCLUDING WHETHER IT CONTAINS ANY TAPES, ELECTRONIC SURVEILLANCE LOGS AND/OR TRANSCRIPTS, PHOTOGRAPHS, BULKY EXHIBITS AND ANY OTHER SIMILAR MATERIAL WHICH IS IN ADDITION TO ROUTINE CORRESPONDENCE. IF ANY OF THE ABOVE ITEMS, ETC.) IS NOTED, VERY BRIEFLY DESCRIBE. INCLUDE STATEMENT DESCRIBING ALL SUBFILES RELATING TO THE MAIN FILE; (D) ACCOUNT FOR SIZE/SCOPE OF FILE AND RELATED MATTERS. FOR EXAMPLE, INDICATE NUMBERS OF SECTIONS AND VOLUMES IN FILE, VOLUME OF LOGS/TRANSCRIPTS AND BULKY EXHIBITS; ETC.

IT IS FURTHER NOTED THAT IN REFERENCED BUREAU TELETYPE OF NOVEMBER 24, 1976, YOU WERE REMINDED OF THE FACT THAT RECORDS POSSESSED EXCLUSIVELY BY INTELLIGENCE OR HISTORICAL

PAGE FOUR (62-117290) CLEAR

VALUE SUCH AS THE KENNEDY AND KING ASSASSINATION INVESTIGATIONS ARE EXCLUDED FROM OUR DESTRUCTION OF FILES AND RECORDS PROGRAM AND SHOULD NOT BE DESTROYED.

YOU ARE, THEREFORE, INSTRUCTED TO REPLY BY TELETYPE SETTING FORTH YOUR INVENTORY REGARDING THE ABOVE LISTED JOHN F. KENNEDY ASSASSINATION FILES. IN ADDITION, YOU ARE REQUESTED TO [illegible] WHETHER ANY MATERIAL RELATIVE TO THE DWNER [illegible] KING, JRNR ASSASSINATION (MURKIN) AND THE ABOVE LISTED FILES RELATED TO THE JOHN F. KENNEDY ASSASSINATION MAY HAVE BEEN DESTROYED UNDER THE DESTRUCTION OF FILES AND RECORDS PROGRAM. IF SO, INCLUDE A LISTING OF SAID FILES. THE HANDLING OF THIS [illegible] MUST BE UNDERTAKEN IMMEDIATELY AND GIVEN THE HIGHEST PRIORITY. ROUTE YOUR RESULTS ATTENTION GENERAL INVESTIGATIVE DIVISION, CIVIL RIGHTS SECTION, CONGRESSIONAL INQUIRY UNIT.

ALL LEGATS ADVISED SEPARATELY.

(Rev. 2-14-74)

C.A-78-0249
EXHIBIT 12

FBI

Date: 1/7/77

Transmit the following in _____ (Type in plaintext or code)

Via TELETYPE _____ (Precedence)

563

FM DALLAS (89-43) (P)

TO DIRECTOR (62-117290) PRIORITY

BT

E F T O

ATTN: GENERAL INVESTIGATIVE DIVISION, CIVIL RIGHTS SECTION, CONGRESSIONAL INQUIRY UNIT.

HOUSE SELECT COMMITTEE ON ASSASSINATIONS.

RE BUREAU TELETYPE TO ALL SACS, JANUARY 6, 1977.

RESULTS OF FILE INVENTORY, DALLAS DIVISION, AS FOLLOWS:

1. ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY, DALLAS, TEXAS, NOVEMBER 22, 1963, MISCELLANEOUS - INFORMATION CONCERNING. OO: DALLAS, BUREAU FILE 62-109060. DALLAS FILE 89-43.

THE DALLAS OFFICE IS OFFICE OF ORIGIN IN CAPTIONED CASE.

THIS FILE CONSISTS OF 122 VOLUMES, INCLUDING NINE VOLUMES OF NEWSPAPER CLIPPINGS. THE 122 VOLUMES CONTAIN 9930 SERIALS, WITH MANY INDIVIDUAL SERIALS CONTAINING NUMEROUS PAGES. THE

(1) - Dallas
UHS:bjw
(1)

89-43-9458

Approved: _____ Sent 1830Z M Per _____

Special Agent in Charge

GPO 1975 O - 569-820

8R

FBI

Date:

Transmit the following in _____ (Type in plaintext or code)

Via _____ (Precedence)

DL 89-43 PAGE TWO

ABOVE VOLUMES ARE APPROXIMATELY 13 LINEAR FEET IN SIZE. THIS FILE ALSO CONTAINS 301 EXHIBITS WITH MANY INDIVIDUAL EXHIBITS CONTAINING NUMEROUS PHOTOGRAPHS AND OTHER DOCUMENTS. THE EXHIBITS ARE APPROXIMATELY TWO LINEAR FEET IN SIZE.

2. LEE HARVEY OSWALD, AKA; INTERNAL SECURITY - RUSSIA - CUBA. OO: DALLAS. BUREAU FILE 105-82555, DALLAS FILE 100-10461.

THE DALLAS OFFICE IS OFFICE OF ORIGIN IN CAPTIONED CASE.

THIS FILE CONSISTS OF 105 VOLUMES, INCLUDING SIX VOLUMES OF TRANSLATIONS, THREE VOLUMES OF INVENTORY WORKSHEETS, AND ONE VOLUME OF OSWALD WRITINGS. THE 105 VOLUMES CONTAIN 9360 SERIALS, WITH MANY INDIVIDUAL SERIALS CONTAINING NUMEROUS PAGES. THE ABOVE VOLUMES ARE APPROXIMATELY 13 LINEAR FEET IN SIZE. THIS FILE ALSO CONTAINS 498 EXHIBITS, MANY INDIVIDUAL EXHIBITS CONTAINING NUMEROUS PHOTOGRAPHS AND OTHER DOCUMENTS. THESE EXHIBITS ARE APPROXIMATELY 2½ LINEAR FEET IN SIZE. IN ADDITION TO THE ABOVE EXHIBITS, ADDITIONAL BULKY EXHIBITS CONTAINING NUMEROUS PHOTOGRAPHS AND OTHER DOCUMENTS AS WELL AS COPIES OF WARREN COMMISSION EXHIBITS ARE LOCATED IN A SECURE METAL CABINET WITH THE TOTAL VOLUME OF THESE EXHIBITS BEING

Approved: _____ Special Agent in Charge Sent _____ M Per _____

GPO : 1975 O - 569-929

FD-36 (Rev. 2-14-74)

FBI

Date:

Transmit the following in _____ (Type in plaintext or code)

Via _____ (Precedence)

DL 89-43 PAGE THREE

APPROXIMATELY 15 CUBIC FEET.

3. MARINA NIKOLAEVNA PORTER, AKA, MARINA OSWALD, IS-R, OO: DALLAS, BUREAU FILE 105-126032, DALLAS FILE 105-1435.

THE DALLAS OFFICE IS OFFICE OF ORIGIN IN THIS CASE. THIS FILE CONSISTS OF ONE VOLUME CONTAINING 182 SERIALS. THIS FILE CONTAINS FOUR EXHIBITS IN THE SUB A SECTION.

4. JACK L. RUBY, AKA; LEE HARVEY OSWALD (DECEASED) - VICTIM. CR. BUREAU FILE 44-24016, DALLAS FILE 44-1639.

THE DALLAS OFFICE CONDUCTED THE PRIMARY SUBSTANTIVE INVESTIGATION IN CAPTIONED CASE. THIS FILE CONSISTS OF 94 VOLUMES, INCLUDING SEVEN VOLUMES OF NEWSPAPER CLIPPINGS. THESE 94 VOLUMES CONTAIN 6455 SERIALS, WITH MANY INDIVIDUAL SERIALS CONTAINING NUMEROUS PAGES. THE ABOVE VOLUMES ARE APPROXIMATELY 11 LINEAR FEET IN SIZE. THIS FILE ALSO CONTAINS 186 EXHIBITS, WITH MANY INDIVIDUAL EXHIBITS CONTAINING NUMEROUS PHOTOGRAPHS AND OTHER DOCUMENTS. THE EXHIBITS ARE APPROXIMATELY FIVE LINEAR FEET IN SIZE.

5. THE PRESIDENTS COMMISSION ON THE ASSASSINATION OF

Approved: _____ Special Agent in Charge Sent _____ M Per _____

GPO : 1975 O - 569-929

FD-36 (Rev. 2-14-74)

FBI

Date:

Transmit the following in _____ (Type in plaintext or code)

Via _____ (Precedence)

DL 89-43 PAGE FOUR

PRESIDENT KENNEDY. BUREAU FILE 62-109090. DALLAS FILE 62-3588.

THE DALLAS OFFICE SUBMITTED ROUTINE COMMUNICATIONS. A REVIEW OF THE 26 VOLUMES CONTAINING THE RESULTS OF HEARINGS BEFORE THE PRESIDENTS COMMISSION IS SET FORTH IN THIS FILE. THIS REVIEW WAS CONDUCTED BY SAS OF THE DALLAS OFFICE.

THIS FILE CONSISTS OF TWO VOLUMES CONTAINING 189 SERIALS. THE ONLY EXHIBITS IN CONNECTION WITH THIS FILE ARE BOOKS DEALING WITH THE PRESIDENTS COMMISSION AND TWO AFFIDAVITS FROM SAS OF THE FBI.

[redacted]

b2
b7D
b7E

b2
b7D
b7E

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

GPO : 1975 O - 569-929

FD-36 (Rev. 2-14-74)

FBI

Date:

Transmit the following in _____ (Type in plaintext or code)

Via _____ (Precedence)

DL 89-43 PAGE FIVE

[redacted] b7E

FOR THE ADDITIONAL INFORMATION OF THE BUREAU, THE DALLAS OFFICE HAS ESTABLISHED A SPECIAL JOHN F. KENNEDY ASSASSINATION FILES INDICES CONSISTING OF APPROXIMATELY 40 LINEAR FEET OF 3" BY 5" INDEX CARDS. THESE INDEX CARDS ARE MAINTAINED SEPARATE FROM THE GENERAL INDICES. ALSO ESTABLISHED WAS A SPECIAL COMMUNICATIONS INDEX IN THE EARLY MONTHS OF THE JFK ASSASSINATION INVESTIGATION CONSISTING OF APPROXIMATELY 2½ LINEAR FEET OF 5" BY 8" INDEX CARDS WHICH ARE ALSO MAINTAINED SEPARATE FROM THE GENERAL INDICES.

NO KNOWN MATERIAL RELATIVE TO THE MARTIN LUTHER KING, JR. ASSASSINATION (MURKIN) AND THE ABOVE LISTED FILES RELATED TO THE JOHN F. KENNEDY ASSASSINATION HAVE BEEN DESTROYED UNDER THE DESTRUCTION OF FILES AND RECORDS PROGRAM.

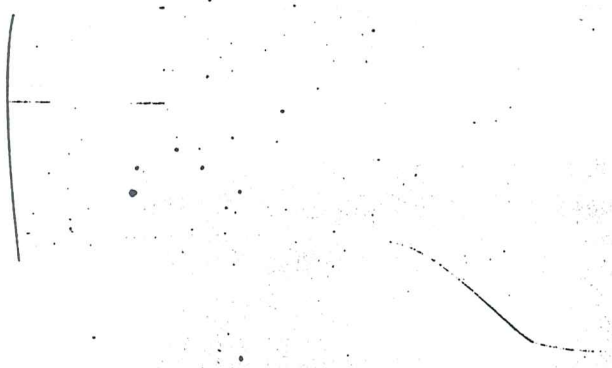
BT

#

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

GPO : 1975 O - 569-929

C.A-78-0249
EXHIBIT 13



o Information of Oswald passed to Mexican Govt.

Document Number 103-42
for FOIA Review on APR 1976

RECORD COPY

25 NOV. 63

85

CLASSIFIED MESSAGE

CS COPY

ROUTING	
1	4
2	5
3	6

TO : DIRECTOR
FROM :
ACTION :
INFO :
XX

232048Z

IMMEDIATE DIR CITE

23 Nov 63 IN 6719

REF A. DIR 84888 *

B. (IN 67189) **

1. SAW PHOTOS OF LEE OSWALD ON TELEVISION NIGHT OF 22 NOV AND IT OBVIOUS PHOTOS SENT TO DALLAS WERE NOT IDEN WITH DALLAS PHOTOS LEE OSWALD HELD DALLAS. DATES ARE AS GIVEN ON PHOTOS.

2. MEXICO REVIEWING ALL AVAILABLE PHOTOS

3. SILVIA DURAN WHO MEXICAN EMPLOYEE AT CUBAN EMBASSY

BE ARRESTED IMMEDIATELY AND HELD INCOMMUNICADO UNTIL SHE GIVES ALL DETAILS OF OSWALD KNOWN TO HER. (SEE REF B)

4.

Comments: *Photos sent from Mexico City were not those of Lee Oswald.

23 Nov 63

CLASSIFIED MESSAGE

ROUTING	
1	4
2	5
3	6

TO : DIRECTOR

FROM :

ACTION :

INFO :

CS COPY

2322542

23 Nov 63 IN 67233

PRIORITY DIR CITE

1. COMPLETE RECHECK PHOTOS AGAINST GOOD PRESS PHOTOS SHOWS NO EVIDENCE OSWALD VISIT.

NOTE ONLY VISIT WE KNOW HE MADE WAS CUBAN EMBASSY 28 SEPT, SATURDAY ON WHICH EMB CLOSED

2. CHECK MANIFEST ALL PLANES ARRIVING MEXI CENTRAL AIRPORT FROM U. S. FAILS SHOW OSWALD ARRIVAL UNDER ANY LIKELY VARIANT HIS NAME. PASSING THIS INFO GOM ASKING THEY CHECK BORDER AIRPORTS FROM WHICH OSWALD MIGHT HAVE FLOWN MEXICO CITY. WE DO NOT GET MANIFESTS THESE DOMESTIC FLIGHTS.

23 Nov 63

Copy No.

6 Copies of photo of L. Oswald
Reproduced for use of Legal
Attache with Mexican police

Document Number 11-64

for FOIA Review on [illegible]76

We made fifty (50)
copies of each of these
(which are sent from
Legal Attache) to Leg.
Attache to use with
Mexican Police —

RECORD COPY

CLASSIFIED MESSAGE

12-62

ORIG :
UNIT :
EXT :
DATE : 27 NOV. 1963

☐ INDEX
☐ NO INDEX
☐ FILE IN CS FILE NO.

ROUTING

1		4	
2		5	
3		6	

TO :

FROM: DIRECTOR

CONF:

INFO :

27 Nov 63 20 12z

☐ DEFERRED
☐ ROUTINE
☐ FLASH

CS COPY

TO FLASH

CITE DIR 85318

RE: (IN-69048)

1. THIS INSTRUCTION HAS BEEN COORDINATED WITH AND

2. MEXICAN AUTHORITIES SHOULD INTERROGATE SILVIA DURAN TO EXTENT NECESSARY CLARIFY OUTSTANDING POINTS WHICH BEEN RAISED YOUR CABLES LAST 48 HOURS. YOU MAY PROVIDE QUESTIONS TO MEXICAN INTERROGATORS BUT WE DO NOT REPEAT NOT WANT ANY AMERICANS TO CONFRONT SILVIA DURAN OR BE IN CONTACT WITH HER.

3. ADVISE ASAP RESULTS INTERROGATION.

(END OF MESSAGE)

Comment: Silvia Duran rearrested because she was attempting to leave Mexico for Cuba.

CS COPY

RICHARD HELMS
RELEASING OFFICER

COORDINATING OFFICERS

AUTHENTICATING OFFICER

Copy No.

Exhibit No.	Page	Paragraph
1	8	29
2	10	40
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
33	45	205
34	45	206

87

COPY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

CLARENCE M. KELLEY, et al.,

Defandants.

Civil Action No. 78-0249

ADDENDUM TO AFFIDAVIT OF 2/ /79

1) I have referred to the Jordan decision with regard to claim to Exemption (b)(2) in reference to the nature and content of the information withheld. I have stated that informers and sources and information obtained from them do not fall within this exemption, whether or not in all cases they and such information may fall within other exemptions.

2) I have reread the appeals court Jordan decision, not as a lawyer but as a subject expert. I find that in its No. 77-1240 the court devoted great attention to misuse of (b)(2) - 20 pages (19-38). The appeals court states exactly as I have stated to this Court - that Exemption (b)(2) is not intended for the uses made to cover withholding in this instant cause.

3) I also have just read for the first time themost recent records I have received from the FBI, from St. Louis Field Office files and processed at FBIHQ last month. The particular file is incompletely described on the worksheet as "170-Sub A-1A." Serial 1A40, which I will attach if it is physically possible, reflects on the first page an obliteration after "170" for which claim is made for applicability of both (b)(2) and (b)(7)(D). The attached record is described as "statement of cooperation," not as an employment record. In the FBI's own words informants are required to agree to their understanding "that I am not a federal employee and will not represent myself as such."

4) From the FBI's own interpretation, to the best of my knowledge to this very moment withheld from this and all other courts, its informers are not employees, not so in any sense and not subject to Exemption (b)(2).

84

5) In this same file there is what contradicts the broader and more usual FBI claim to the need to withhold all information received from other police components. Its usual "national security" claim covers all foreign and domestic police. In this instant cause the Benson affidavit refers to foreign police only. Serial 1A39 gives the lie to this claim, not for the first time within my experience with the FBI.

(sic) 5) The covering FD 340 form describes the attachments as "one copy each of Columbia Police Dept. Report #4333 & 4334." Xerox copies of the original, handwritten Police Department records then follow.

6) I have written this addendum on a stenographer's notebook I carried with me, at Monmouth College, Monmouth, Ill., the morning of February 21, 1979 while awaiting those who are to take me to where I am to conduct a seminar and in the hope that a pre-law student I met last night will be able to take me to a notary and to xeroxing facilities. If xeroxing facilities are not available after I return home I will prepare and provide copies of the FBI records referred to in these three handwritten pages of six numbered paragraphs. I make these statements subject to the penalties of perjury, under oath. I also state that contrary to prior and current FBI representations the FBI discloses its symbol number for this particular informant in Serial 1A36 and that Serial 1A42 is his handwritten request that he not be identified by name to the House Select Committee on Assassinations and that he not be compelled to become its informant, both requests ignored and violated by the FBI. This gives the lie to the FBI's representations in this instant cause and others regarding Informant and Symbol numbers and name identifications.

(signed) Harold Weisberg
HAROLD WEISBERG

Subscribed and sworn before me this 21st day of February 1979.

My commission expires 10-8-1982.

Betty Lou Babcock (signature)
Monmouth, Il.'

NOTARIAL
SEAL

CA 78-0249

Addendum to affidavit of 2/ /79

1) I have referred to the Jordan decision with regard to claim to Exemption (b)(2) in reference to the nature and content of the information withheld. I have stated that informers and sources and information obtained from them do not fall within this exemption, whether or not in all case they and such information may fall with in other exemption.

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8V

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4) From the FBI's own interpretation, to the best of my knowledge to this very moment withheld from me and all other courts, its informers are not employees not do in any sense and not subject to Exemption (b)(2)

5) On this same file there is what contradicts the broader and more usual FBI claim to the need to withhold all information received from other police components. Its usual "national security" claim covers all foreign and domestic police. In this instant case the Benson affidavit refers to foreign police only. Serial 1A39 gives the lie to this claim, not for the first time with my

3) experience with the FBI

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4) request that he not be identified by name to the House Select committee on assassination and that he not be compelled to become its informant, both request ignored and violated by the FBI. This gives the lie to the FBI's representations in this civil suit and others regarding Informant and Symbol numbers and name identifications

Harold Weisberg
HAROLD WEISBERG

Subscribed and sworn before me this 21st day of February, 1979.

My commission expires 10-8-1982

Betty Lou Babcock
Monmouth, Il

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4) From the FBI's own interpretation, to the best of my knowledge to this very moment withheld from the withheld all other counts, the informers are not employees not are in any sense and not subject to Exemption (b)(2)

5) On this same file there is what contradicts the broader and more usual FBI claim to the need to withhold all information received from other police components. It's usual "national security" claim covers all foreign and domestic police. In this instance since the Bensen affidavit refers to foreign police only. Serial 1439 gives the lie to this claim, not for the first time with my

2) "Sheet as "170-SuB A-1A." Serial 1A40, which I will attach if it is physically possible, reflects on the first page an obliteration after "170" in which claim is made for applicability of both (b)(6) and (b)(7)(D). The attached record is described a "statement of cooperation," not as an employment record. On the FBI's own words informants are required to agree to their understanding "that I am not a federal employee and will not represent myself as such."

4) From the FBI's own interpretation, to the best of my knowledge to this very moment withheld from the and all other counts, its informers are not employees not in any sense and not subject to Exemption (b)(2)

5) On this same file there is what contradicts the broader and more usual FBI claim to the need to withhold all information received from other police components. Its usual "national security" claim covers all foreign and domestic police. On this important count the Benson affidavit refers to foreign police only. Serial 1A39 gives the lie to this claim, not for the first time with my

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

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

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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 <u>all</u> the claims to classification made in <u>all</u> 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 informaation 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 officces 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 <u>specific</u> 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 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 not 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 bee 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 <u>two</u> Serials 6841 indicated, with an unexplained entry following each. <u>Neither</u> 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, which is 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 linings through of "To DCRU" there is written in

"bl." 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 bl." 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 - <u>not even the date of the record</u>.

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)(2) 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 that 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 symboled 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 fro his sex life and interests that extended to animals, to his sanity and other medical information, and to allegations of criminal associatons. 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, Serial 1338 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 released when "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 commmercial 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 FBI 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 Legat 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 involvemen .

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 only once 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 immmediately 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 14th 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

Marlene J. Kennedy
NOTARY PUBLIC

UNITED STATES GOVERNMENT

Memorandum

TO Mr. DeLoach

DATE: June 6, 1966

FROM A. Rosen

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Raupach
1 - Mr. Conrad
1 - Mr. Sullivan
1 - Mr. Wick

SUBJECT: ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY
NOVEMBER 22, 1963
DALLAS, TEXAS
MISCELLANEOUS - INFORMATION CONCERNING

SYNOPSIS:

A letter was received from Harold Weisberg of Hyattstown, Maryland enclosing his book, entitled "Whitewash - the report on the Warren Report." He believed that immediate and unequivocal explanations are required from the FBI in connection with the FBI's report to the President's Commission. He specifically demanded answers to three items.

(1) Relating to the number of bullets which were involved in the assassination he suggests five were fired. The Commission's report concluded three shots were fired.

(2) He states that in testimony before the President's Commission evidence was not introduced as to the spectographic analyses of a bullet and fragments. This is absolutely incorrect, since the testimony of a FBI Laboratory expert concerning spectographic analyses is set forth in the Commission's report.

EX-103 REC 53 62-109060-4132

(3) Weisberg alleges the whole bullet (located on Governor Connally's stretcher) had been wiped clean and that the FBI Laboratory expert testified that the cleansing of the bullet was not complete and that foreign matter remained in the grooves of the bullet. This is inaccurate since our Laboratory expert testified the bullet was clean when he received it and that there was no blood or tissue present.

6 JUL 1 1966

Weisberg formed his opinions after reading the FBI reports to the President's Commission dated 12/9/63 and 1/13/64. Both of these are located in the National Archives and are available to the public.

KMR:me:eem
(9)
Enclosures

CONTINUED - OVER

DSL 34B

PLH ITEM #941

8X

Memorandum to Mr. DeLoach
Re: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY

In connection with our original report to the Commission on 12/9/63, the Commission credited the Bureau by saying this report was of principal importance to them. Weisberg, in his book, describes this report in part as "neat, clean, colorful and optically attractive rendition of such tenuous content that a self-respecting undergraduate lawyer would hesitate to take it into an uncorrupted court."

His 208-page book has been reviewed. It is a vitriolic and diabolical criticism of the President's Commission, the FBI, the Secret Service, police agencies and other branches of the Government relating to the assassination investigation. Weisberg attempted to have his book published by 103 different publishers both in the United States and Europe, all of whom refused. He thereafter personally published a limited number and had it copyrighted in August, 1965. Weisberg, in his own comments stated, "In writing this book the author has had but one purpose. That was to show that the job assigned to and expected of the President's Commission on the assassination of John F. Kennedy has not been done." Weisberg has distorted the truth regarding the investigation of the assassination and has set forth his own theories and deductions of what should have been done. Illustrative of this, he contends the President was shot from both the front and back, and that another conspirator was therefore involved with Oswald. His book is full of errors and inconsistencies.

Due to the inaccuracies, falsehoods and deliberate slanting of facts to fit his own purpose, coupled with Weisberg's subversive background (memorandum Mr. Rosen to Mr. DeLoach, 6/1/66, attached) it is not felt the Bureau should add dignity or credibility to him by acknowledging his communication.

ACTION:

That Weisberg's communication not be acknowledged.

- 2 - SEE OVER FOR DETAILS

DSL 34B

PLH ITEM #941

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY

DETAILS:

A letter was received from Harold Weisberg enclosing his book entitled " Whitewash - the report on the Warren Report." He stated, in the book will be found quotations from the Director's testimony and that of FBI Agents that he believes require immediate and unequivocal explanations. He specifically pointed to three items which, in his opinion, "It would seem no question of National security can be involved." Weisberg indicated that in the brief discussion of the assassination in the report to the commission it was said that three shots were fired, of which two hit the President and one the Governor. Weisberg is referring to our initial report of December 9, 1963, furnished to the Commission. He read into this comment that this report did not account for the bullet that hit the curbstone and that the bullet that did not kill the President struck him in the back, not the neck and did not go through his body. He said this did not account for the wound in the front of the President's neck and therefore theorized at least five bullets were fired.

This matter has been thoroughly covered by separate memorandum as it relates to the article published in "The Washington Post" dated May 29, 1966. Weisberg's theory is completely in error as it is obvious he has not conducted thorough research into this matter as all pertinent information is available in the "President's Commission on the Assassination of President Kennedy Report."

In Weisberg's second point he states that in testimony before the Commission, evidence was not introduced as to the spectrographic analysis of a bullet and various bullet fragments. This is not correct since the Laboratory examiner's testimony to the Commission indicates that these items were examined spectrographically and were found to be similar in composition. The Laboratory examiner further pointed out that such similarity of composition does not necessarily mean that the fragments came from a particular bullet. Testimony as to the spectrographic comparison appears in Volume V, pages 67, 69, 73, 74 and in Volume XV, page 700.

In Weisberg's third point he states that the Laboratory expert testified that the bullet from Governor Connally's stretcher had been wiped clean. This is not

DSL34B

DETAILS CONTINUED PAGE FIVE.

PLH ITEM # 941

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY

true. The expert testified the bullet was clean when he received it and that no blood or tissue which would interfere with the firearms examination was present. (Volume III, pages 428 and 429). With regard to Weisber further inquiry as to whether the bullet could be associated through residues with either the President's h or the Governor's body, there was, in fact, no blood or tissue on the bullet for such an examination when the evidence was received in the FBI Laboratory.

The bullets, one from Governor Connally's stretcher and the two bullet fragments from the front seat area of the limousine were identified with Oswald's rifle and were found to be physically the same as Western 6.5 mm Mannlicher-Carcano ammunition components. The other possi bullet fragments from the limousine, the President's head and the Governor's wrist, were only pieces of lead, simila in metallic composition to the lead core portion of Western 6.5 mm ammunition. These lead fragments and the lead smears on the windshield of the limousine and the lead residue found on the curbing at the scene, which the Commission thoroughly investigated, do not possess characteristic compositions or shapes which would permit their positive identification as fragments or smears of specific bullets.

In connection with the background of Weisberg himself, he was the subject of a separate memorandum, a copy of which is attached.

Weisberg's book has been reviewed. It is a 6" by 9" paperbound book, obviously cheaply prepared and its selling price is indicated as $4.95. The book was copyrighted by Weisberg in 1965, and on the cover it states "The book that couldn't be printed." In this respect it is of importance to note in the preface Weisberg stated the book was offered to 63 United States book publishers during a 14-month period and of these 63 publishers, 21 had so little interest they declined even to read the book. In addition, 11 offers were made by Weisberg to publishers in 8 foreign countries, none of whom accepted his offer. In all Weisberg stated 103 offers of this book were made, not counting repeaters. He indicated following refusals of publishers to print his book he prepared a limited edition and copyrighted it in August, 1965.

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CONTINUED - OVER

PLH ITEM #941

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY

In Weisberg's own words he says his book is mor
than an analysis of the investigation of the assassinatic
of the late President. "It is a commentary of the freedo
of the press, the underpinning of the democratic society,
and a measure of the state of that society."

Following a review of this book it was determin
it is nothing more than a vitriolic and diabolical
criticism of the President's Commission and the FBI
relating to the assassination of President Kennedy. He
indicated the significant and complete manner in which the
report deals with the possibility of a conspiracy or of
a different assassin is only one of the ways in which the
Commission may have crippled itself. He contended it would
have been better if the Commission had had its own staff
of investigators and restricted the use of the FBI and
Secret Service to technical services.

Weisberg indicated his book is an attempt to
"analyse the report itself exclusively on the basis of
the Commission's own information." It is noted that of th
13 chapters in this book he quotes the Commission's
findings extensively but thereafter inserts his own
comments and theories as to what should have been done. I
every instance concerning all phases of the investigation
and the findings, he was critical. In Chapter 9 where he
discusses the witnesses and their treatment he stated ther
are always those people who suddenly see a chance to
become important, to themselves, to those for whom they
will testify, to their circle of friends and to the world
at large. He also said that there are nervous people and
neurotics inevitably there are those who have axes to grin
hatreds or dislikes to be indulged, and political objectiv
to be attained. From these comments it would appear that
Weisberg is adequately describing himself.

Weisberg said in respect to the Commission's
report, "What is most lacking in this report is analysis."
He has delved into the scientific findings and arrived
at his own conclusions without apparent background relatin
to scientific research.

Weisberg claimed the Commission's report was
abundantly clear that it distorts and misrepresents the
Commission's information on Oswald's politics. He claims
when the Commission did this, "Can there be any reason for
this except a desire to fool the public?" He also contend
whenever possible the Commission's report infers inefficie
of the Federal bureaucracy.

DSL 3+B

CONTINUED - OVER

PLH ITEM # 941

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY

Weisberg referred to the "Investigation of a Possible Conspiracy" involving Oswald. The Commission concluded there is no credible evidence that Lee Harvey Oswald was part of a conspiracy to assassinate President Kennedy. Weisberg said "On both counts the report is wrong. First, it had more than evidence of a conspiracy; it had irrefutable proof. Second, the Commission had highly credible evidence that Lee Harvey Oswald was, in fact, part of this conspiracy." Weisberg continues page after page in this particular vein of thinking. He criticized the Secret Service, the results of the autopsy examination and the bullet and fragments recovered, and the nature of the wounds of President Kennedy. It is quite obvious he has failed miserably in attempting to reconstruct the facts in their proper light.

In the author's conclusion he indicated in writing this book, the author has had but one purpose. That was to show that the job assigned and expected of the President's Commission on the assassination of John F. Kennedy has not been done. He then continues can the job really be done regardless of the consequences. Weisberg said, "Who can solve this crime?" Not the courts for there is no question which can be taken to court. Not the Commission, for it has already both failed and closed up, its work unfinished." Therefore he said "Only Congress remains."

Based on Weisberg's inadequate research he contends the President was shot from both front and back. "Nothing else makes sense. Nothing else is possible." He stated "There was not a single assassin, Oswald or any other. Thus there was at least one conspiracy - to kill the President."

Weisberg referred to an FBI report he observed in the National Archives which was carefully prepared document and one of the initial reports furnished to the President's Commission which the Commission commended us for. Weisberg described this report as "a tissue so thin and a polemic so undisguised that it would demean labors of a high police force investigating the purloining of a desiccated flounder." He further described this report as a "Neat, clean, colorful and optically attractive rendition of such tenuous content that a self-respecting undergraduate would hesitate to take it into an uncorrupted court."

DSL 34B

CONTINUED - OVER

PLH ITEM #941

Memorandum to Mr. DeLoach
RE: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY

It appears Weisberg, by publishing his book, is attempting to establish controversy and to expound his personal theories and deductions concerning the assassination investigation. This book is full of errors and inconsistencies and Weisberg has distorted the truth relating to the assassination investigation. Due to information contained in his book and Weisberg's background, the Bureau should not add dignity or credibility to him by answering his communication.

DSL34B

- 7 -

PLH ITEM - #

FBI WASH DC

FBI NEW ORLS

11-11 AM 2-28-6

TO DIRECTOR 62

FROM NEW ORLEAN

ASSASSINAT

TEXAS, NOVEMBER

CONCERNING... OO

JFK
62-109060
SECTION 170
COPY 8

Y. DALLAS,

- INFO

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

FBI
62-109060-6804
3 MAR 5 1969

59 MAR 13 1969

C C

ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

62-109060

INVENTORY WORK SHEETS

(SECTIONS 1-70)

RELEASE COPY 4 PART 1

Inventory Worksheet
FD-503 (5-18-77)

File No: _____ Re: _____ Date: _____ (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
1334	12/3/63	Citizenlet 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	11	302 on Behn	2	2	None
1336	12/2/63	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 ~~to DeLoach~~
1339	11/27/63	TT Fm Dallas	2	2	~~B7G~~

FBI/DOJ

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

8AA

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

(3)

File No: 89-43 SUBFILE 3 Re: JFK ASSASSINATION Date: 5/78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b) or (3) cited)
278	11/23/63	TELETYPE FROM SI TO DIR, DL + CE	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	~~b7C~~
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	11/29/63	MEMO FROM AGENT TO SAC, DL	4	0	b1 refer CIA
287	11/29/63	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 + SAC	2	0	PREVIOUSLY PROCESSED

FBI/DOJ

0-79 (Rev. 1-7-77)

TO: SAC:

- [ ] Albany
- [ ] Albuquerque
- [ ] Alexandria
- [ ] Anchorage
- [ ] Atlanta
- [ ] Baltimore
- [ ] Birmingham
- [ ] Boston
- [ ] Buffalo
- [ ] Butte
- [ ] Charlotte
- [ ] Chicago
- [ ] Cincinnati
- [ ] Cleveland
- [ ] Columbia
- [X] 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 (NRA) [ ] ASAC, Rapid City ("Minf") _____ (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 _____ (office) 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

89-43-287a

c. Downgraded to _____, exemption category _____, by _____, date _____, date of automatic declassification _____.

d. Upgraded to _____, exemption category _____, by _____, date _____, date of automatic declassification _____.

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___

MAR 28 1977

FBI - DALLAS

Bufile 62-109060-1338
Urfile

FBIHQ Division and Section

J.F.K.
Assassination
62-109060
Section 17

Release
Copy
1

8AC

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

ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

62-109060

INVENTORY WORK SHEETS

(SECTIONS 1-70)

RELEASE COPY 4

PART 1

8AD

Inventory Worksheet
FD-003 (5-18-77)

File No: _____ Ref: _____ Date: _____ (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
1334	12/3/63	Citizen let and tne 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	11	302 on Behn	2	2	None
1338	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 ~~to Dept~~ ✱
1339	11/27/63	TT Fm Dallas	2	2	B7G

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