

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

AFFIDAVIT

My name is Harold Weisberg. I reside at Route 12, Frederick, Maryland. I am the plaintiff in this case.

1. I received a copy of the Court's February 15 Opinion from my counsel on the afternoon of Friday, February 16, when I met him on my way home from addressing a university audience in Boston. I had only Saturday to prepare this affidavit so that it could be retyped and executed within the time permitted because of a prior commitment to address another audience and conduct seminars in a relatively inaccessible midwestern college for which I must leave on the morning of Tuesday, February 20. I must prepare my remarks and for the seminars. It is not possible for me to delay or cancel the obligation. I do not have many of these college appearances. Today's collegiate audiences have a preference for titillation from those known as conspiracy theorists, which I am not. However, these few appearances and occasional consultancies provide what income I have in addition to Social Security. I therefore will not have time to revise this affidavit after I draft it or as full an opportunity to inform the Court as I would prefer. I also will not be able to provide all the exhibits that, with time, I could retrieve from my files. Should the Court desire, I can provide amplification and added exhibits after. I am more than willing to do so.

2. I have read the Opinion, as I have read many other opinions, including recently that of the appeals court in Jordan v. Department of Justice. One does not have to be an eminence of the bench to understand the purposes and philosophy of the Freedom of Information Act (FOIA) with which I have had extensive personal experience. As the appeals court states in the Jordan case, the Act is a disclosure Act, not a nondisclosure Act. This Court's opinion is based on the opposite belief and

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philosophy. It misinterprets the purposes of the Act to be for withholding rather than maximum possible disclosure of public information.

3. It is my belief that a Court intending to be fair requires full and accurate information, not merely conclusory and self-serving statements. It is for this reason that I sought to provide as much information as I did in my affidavit of February 14 although as I indicated in that affidavit I was less well and less able than I had been because of illnesses that in themselves are a serious inhibition.

4. I have filed many information requests. In not a single case have I not obtained and made public information that had been denied, in plainer language officially suppressed, until after the case was in court. Whatever the official representations and explanations may be, this is the fact. In a number of other instances, significant information was withheld until the last minute before I would have filed a complaint. In other instances, when the Government prevailed at district court level, it opted to provide the withheld information rather than have the issue go before the court of appeals.

5. My files hold hundreds of pages of records originally classified "Top Secret." These when disclosed revealed no legitimate basis for any degree of classification, not even the lowest. In all cases unjustified claims to "National security" were made in an effort to withhold what was embarrassing to officials. In one such "Top Secret" record a former agency head justified perjury as right and proper.

6. In no case have I made any frivolous requests. This may not be apparent to those who are not subject experts. The courts are not subject experts. My instant request is not frivolous.

7. For the past decade and a half I have been in the position of one who could not practice Wordsworth's wisdom, of not being the first the new to try. The obligations of a writer in the nation of the First Amendment and of good citizenship have made this impossible. I attach an exhibit that does not represent my first such effort but is my first with the FBI and its Director. My purpose was to bring to light suppressed and significant information relating to the assassination of President Kennedy. (Exhibit 2, below) This is the subject of the information sought in the multi-part request at issue in this instant cause.

8. I regard the assassination of a President as the most subversive of

crimes in a land like ours. It nullifies the system and structure of our society. It negates the electoral process. I do not approach this subject as and my work is not the pursuit of a real-life whodunit. Rather do I regard any official failures following a crime of this magnitude as a further jeopardy to the nation. Among the consequences is an invisible but omnipresent threat against any official, particularly a president, who must make what he regards as a decision that can be unpopular in some, particularly in powerful, quarters.

9. My concern is with the integrity and functioning of our institutions. I am not in quest of unseen and unknown assassins.

10. In this sense my work is little understood outside the agencies which have and withhold the public information I seek so that I may be able to make it public and add to it other information and knowledge I have. I regard this as the responsibility and function of an American writer.

11. My first book was the very first book on the Warren Commission. It is not a work of criticism of the FBI, as part of the FBI recognized. (See Exhibit 4 below) The major responsibility, it states at the outset, was that of the Presidential Commission, the Warren Commission. My belief and philosophy are reflected in the dedication about which even a few judges and legislators wrote me favorably:

To my wife, whose ancestors dreamed of man's freedom, fought the Revolution to establish it, and preserved it by fighting both for and against the Union; who is the living embodiment of their spirit and deep beliefs; and whose great labor made this book possible, with the full appreciation of the value of this inheritance which became mine when my parents emigrated to a land in which their son would be born free, this book is lovingly dedicated.

12. Real, meaningful freedom and an effort to enable the people to participate in self-government is one of the purposes of the Freedom of Information Act, which requires that the people be able to know what their Government does and is doing. In a significant way the Act enables the rectification of official error by the people as well as the exposure of official wrongdoing. Both are involved in my work and in this instant cause. Exposure can be cleansing and healing where it is not opposed.

13. My actual information request, rather than the flagrant distortion of it by the Government that was accepted by the Court, is not a frivolous request. Its purposes include obtaining and making public information relating to this most subversive of crimes; information that will establish official intent to continue

to withhold relevant information under the Orwellian pretense of disclosing all possible information, the FBI's representation of 1977 and 1978; and what is also Orwellian, manipulation of information, misinformation and disinformation to continue to control what can be known and believed and to continue to prevent exposure of official failures at the time of and subsequent to the great tragedy.

14. Prior to the over-advertised and falsely-represented complete disclosure of all FBI information relating to the assassination of President Kennedy and its official investigation (see Exhibits 5 and 8), there was advance and exclusive disclosure to others of a significant volume of the records subsequently released although there is no doubt that I am the senior requester and the one who made most information requests. When the still withheld records that are the subject of my actual request are made available, this will become clear. The gulling of the Court in this news management and political mind control operation also will become clear. I provide proofs below because I have some such proofs and because in the course of manipulating what could and would be known and believed it was necessary to make such exclusive advance disclosure.

15. Discrimination against me is not new in the FBI. Systematically over a period of years, stated in formerly secret records, the FBI decided not to comply with any of my requests under the Act. Usually this was to the accompaniment of its litany of fabricated libels. Approval was on the highest level. Records I can provide include the "OK H" initialed approval of the Director. In the words of SA Marion Williams, the FBI had to "stop" me. It plotted with SA Lynda L. Shaneyfelt and spent public moneys in legal research for its step in pursuance of this effort to "stop" me with a phony libel action. Shaneyfelt was to file it and bog me down in court. The statute of limitations had run when I learned of these anti-American schemings. I then gave Department and FBI counsel a verbal waiver of the statute and followed with a written waiver to the since silent Shaneyfelt.

16. In this instant cause, when I was able to examine the first of the underlying records, it became apparent that the FBI was using massive disclosure as a means of obfuscating and of continuing to cover up its record, I believe its deficiencies in the investigation of the terrible crime. Systematic retrieval is impossible from 100,000 uncollated, unindexed pages. (The withholding of an existing index is addressed below.) In the earliest of the released records there was sufficient scandalous disclosure relating to the safely dead J. Edgar Hoover to capture and monopolize headlines and direct attention away from FBI

deficiencies and from those who survived Hoover. In addition, the FBI withheld many significant records which lie buried in its inaccessible field offices. On this subject the records of the Dallas Field Office, known as the Office of Origin, are of great significance. If they hold no "smoking gun," they hide a considerable deposit of the "family jewels."

17. All field office records copies of which were not in FBI Headquarters (FBIHQ) were automatically excluded from this so-called complete disclosure. As an example of what FBIHQ did not have I refer to what I included in my February 14 affidavit relating to the withholding of the reports on and copies of motion and still pictures of Charles Bronson, which include the actual assassination. (I included this in my prior affidavit for other purposes.)

18. As I have informed the Court, in September 1976, in C.A. 75-1996, I provided an incomplete list of two dozen ignored information requests I had made of the FBI since January 1, 1968. After Department counsel, the Department and the FBI became aware of this unprecedented noncompliance by this means - the filing of the requests and appeals were, of course, earlier means - no compliance followed. Subsequent to the January 16, 1978, Order in my C.A. 77-2155 (through which I obtained copies of the underlying records), the Department promised full compliance. Virtually total noncompliance with my actual requests continues to this very day. The FBI was so determined not to comply with my information requests that when the Department's appeals office sought to obtain copies of them from the FBI following the hearing in C.A. 77-2155, the FBI could not provide them. At least this is what I was told by the appeals office, to which I then provided a copy of the incomplete list I had been able to prepare for C.A. 75-1996. This list is attached as Exhibit 1. Months have passed. I still await action on the renewed appeals. I recall receiving only a single photograph of all the information sought in these requests. That photograph is only part of that 1968 request. The apparent inspiration for this limited and belated compliance years after that photograph was provided to a much later requester was the the FBI's knowledge that the House Select Committee on Assassinations, having obtained it from the FBI, was about to use it.

19. There have been inappropriate and improper sneering references by Department counsel to this Court about my alleged imagining of noncompliance and discrimination against me but this is the actuality, as many illustrations in addition to Exhibit 1 and what follows below leave beyond any doubt. The reason

is that I deal with fact and proofs and do not idly dream and expound easily rebutted conspiracy theories. The FBI much prefers, when it can no longer continue to withhold, to have misuse by these theorists. This defames all critics of the FBI and takes the edge off any disclosed evidence. It makes disclosure safe because it denies meaning to the disclosure, often gives the wrong meaning to it, and persuades those with a major influence on public opinion, ranging from the major media to important officials, that criticism of the FBI is unjustified and all critics are "nuts."

20. A common means of avoiding compliance is to misrepresent and rewrite my information requests. This instant cause is no exception. Any reading of my actual request and Complaint leaves no doubt that my request is not limited to the worksheets. I have repeatedly informed the Court of this. That the Court is not without recognition and understanding of this is displayed in the first sentence of the Opinion, "... seeks disclosure of worksheets and records relating to the processing, review and release of the material ... made public..." (emphasis added) No single sheet of these "records relating to the processing, review and release" had been provided to me. However, the Order makes no reference to that flagrant noncompliance with my actual request. (As I state below, the Opinion is in other factual error.)

21. Exhibit 2, one of the underlying records, is the earliest FBI record I have of what became FBI boilerplate in misrepresenting my actual requests. It reflects the FBI's deliberate distorting of my request to suit FBI ulterior purposes and as a figleaf for the nakedness of its ordained noncompliance. This particular copy is one of those to which I refer in my February 14 affidavit as provided by Paul Hoch, whose initials appear on it. The initials "DSL" are those of David S. Lifton, who provided the copy to Hoch. In turn, Lifton obtained the copy from others. This alone reflects wide distribution of the FBI's defamations. My purpose in setting forth this history is to underscore the FBI's misuse of FOIA and deliberate violation of the Privacy Act (PA) in its long-standing and entirely improper police-state efforts against me personally, not only my information requests. Exhibit 2 includes my May 23, 1966, letter to the Director of the FBI in which I asked that certain withheld information be made public and the FBI's immediate contortions, distortions and libels. I emphasize libels because prior to this disclosure to the press and general public and wide distribution among those

with whom I do not agree, some of whom do not love me, I had corrected the factual errors of the FBI's fabrications and had asked the FBI to enable me to make correction under PA. When I received no response at all, my counsel wrote the Director of the FBI. When he received no answer, my counsel wrote the Attorney General in an effort to prevent the misuse of these disclosures to defame me and my work. There was no response from the Attorney General. Exhibit 2 includes the libel that I have an unspecified "subversive background."

22. Although I was denied my rights under PA by the FBI, its Director and the Attorney General, I had nonetheless invoked these rights and provided a documented correction. I believe that because these and the relevant internal records are among the "records relating" to the processing and releases, they should not continue to be withheld. I provide a partial explanation.

23. One baseless fabrication I corrected in writing is that my wife and I annually celebrated the "Russian Revolution." This was convoluted from an unselfish religious event. Years ago the rabbi of the Jewish Welfare Board who ministered to Washington area military personnel brought them and their families to the farm my wife and I then had where they relaxed after observance of the Jewish high holidays. We arranged what were delights to the children, for them to observe the incubation and hatching of eggs, for them to gather eggs as laid by the hens and for them to fondle and play with other tame animals. I can provide photographs taken by this rabbi. If a Himmler might be proud of this FBI venture into Himmlerism, I am not proud of a Government that, knowing better, practiced such Nazi and KGB abuses.

24. Another such libel is that I conspired with a notorious anti-Semite, J. B. Stoner, to besmirch the saintly reputation of the FBI and to do this demanded to be interviewed by a Department lawyer. The actuality is that in 1969, at the request of the Criminal Division, I went to the Department's then Internal Security Division to provide other information requested of me. I then also gave the Department leads on what only much later became known as the FBI's less than saintly Cointelpro operations. In this particular case I provided accurate information about efforts by FBI Cointelpro operatives to provoke extreme racial violence.

25. Still another widely distributed FBI distortion based on which it claims I am subversive is a rectified error by the State Department. Yielding to

pre-McCarthy ultra- .tremist and racist political p .sures, it engaged in a pogrom. It fired a number of Jewish employees under the "McCarran Rider," since he;d to be unConstitutional. I was given no charges. No charges were made or made public. There was no hearing. When I fought back, I was vindicated. The action was rescinded and the Department issued a public apology. I attach as Exhibit 3 the unsolicited letter of commendation from my eminent counsel. (One was later a Supreme Court Justice. Another was a federal judge who had known me earlier. I assisted him when he was head of the Department's Anti-Trust Divion and provided him with information he did not receive from the FBI, about Nazi cartels. A third had been head of a federal agency.) There is no basis for any FBI attribution of "subversive" to me. I believe these and other similar acts by the FBI are subversive of every American concept.

26. My informing the Department of the FBI's Cointelproing when that evil was entirely unknown did not endear me to the FBI. Before then, to my knowledge and from copies I have, it had made extremely widespread distribution of these and other libelous distortions and fabrications throughout the Government. No Attorney General or Deputy was overlooked when I made any information request. The President himself was provided with these libels when my earliest published work attracted much attention, thanks in part to the FBI's efforts to Cointelpro me. This will become apparent in connection with Exhibit 4, another underlying record that follows.

27. This partial explanation is provided because it is part of the proof of the existence and withholding of the records relating to the processing and release of the underlying records. There can be no doubt because at the least there are copies of my letters and those of my counsel as well as his telegram referred to in my February 14 affidavit. Disclosure and/or nondisclosure and processing followed.

28. The wasting of a small fortune in time and money and the 1974 amending of the investigatory files exemption of the Act are a direct consequence of what began with the FBI's deliberate misrepresentation of the information request in my May 23, 1966, letter, Exhibit 2. I illustrate this with the request that the "spectrographic analysis" rather than the meaningless paraphrase of FBI testimony before the Warren Commission be made public. I refer to this testimony and I state that the agent "did not offer into evidence the spectrographic analysis ..." Rather than stating that he did not testify, I cite his testimony.

29. As what became a direct challenge to the FBI worked its way upward through the FBI's higher echelons, this was deliberately distorted. The first of many examples is on the first page of the Rosen to DeLoach memo that is part of Exhibit 2. Rosen represents falsely that I stated "that ... in testimony evidence was not introduced as to the spectrographic analysis ..." (emphasis added) I was well aware of the meaningless "evidence" of this FBI testimony. It is no more than that lead is "similar" to lead. I asked for and to this day, despite the long subsequent history of that request and litigation, have not received the stated results of the spectrographic examination.

30. I do not believe it is a digression to inform the Court further on this because it bears on motive for withholding and misrepresenting. Among the underlying records I have found several that relate to similar spectrographic examination of bullets from the killing of the Dallas policeman, J. D. Tippit. In the JFK case the FBI never departs from the meaningless description of the lead-compound bullet core material as "similar." This means absolutely nothing. Lead compounds are quite common. Examples range from printer's type metal to automobile wheel weights. These are "similar" to each other and to lead in bullets and many other objects. However, in the Tippit case the FBI's records include specifically stated evaluations, significant information never provided in the JFK case. The FBI abandons the meaninglessness of "similar" with regard to samples tested. It refers to both "quantitative" and "qualitative" comparisons and results.

31. There is no faithful representation of my actual request in this June 6, 1966, record from Exhibit 2. The FBI's highest echelons refused to respond, for which they obtained the "I concur, H" of the then Director.

32. On page 3 under "details" there is what is relevant to Paragraph 30 above, the knowing evasion of "similar in composition." This amounts to a confession of dissimilarity in the samples because of the capability of the scientific tests and because of the conclusions that can be reached and are stated in the Tippit spectrographic examinations.

33. In ascribing motive to the FBI's withholding from me I have referred to its "operations" against me. My most recent appeal of withholdings relating to "operations" is based on records I believe I would not have obtained if those processing the records understood their meaning. In my February 14 affidavit I refer to the FBI practice of assigning personnel without subject-matter expertise

to FOIA processing to assure automatic withholding. In this instance FBI ignorance had the opposite effect.

34. This recent appeal stems from records of the San Francisco Field Office. Although a few pages only were provided, disclosure was delayed for a year after they were located. These records leave it without possibility of doubt that an FBI informant attempted to do me harm when I was making public appearances with my first two books, at the end of 1966. Using some of the misinformation referred to above, he tried to "redbait" me on the "talk show" with the largest audience on the west coast. I refused to abide by the moderator's principled position that all of this was irrelevant and insisted on addressing it. The result was a dramatic confrontation in which it evolved that this caller-in was too young to have personal knowledge of the matters in question. His unsuccessful baiting effort led to much attention to my books, influenced their sale favorably and resulted in a standing-room-only audience at my only platform appearance on that trip. This was not the FBI's intent but I am not ungrateful for the results.

35. A similar FBI exploit on the east coast is reported in another of the underlying records in this instant cause that was included in the mailing from Hoch. It is attached as Exhibit 4. This second backfiring of FBI efforts to "Cointelpro" me is first in time, of July 1966. This record also provides an insight into FBI indirection and into how "impartial" some of the talk shows were and are.

36. Metromedia's WNEW-TV in New York City, then the largest independent TV station in the country, invited me to appear for a 20-minute segment on what was represented as a book-and-author interview. I did not know of the trap reflected in Exhibit 4, of asking the FBI to appear and do me harm. However, I have a very clear recollection of the entire affair, particularly of what was conspicuous in that kind of audience, four seemingly well informed New York City lawyers who gave every appearance of having made a careful study of the entire 900-page Warren Report. All four had pages marked for instant citation and quotation. They took over the entire audience participation.

37. As Exhibit 4 does not boast to FBIHQ, that dramatic confrontation actually ran two hours longer and reportedly got the station the highest ratings when it was aired. How these lawyers could have been so well informed is apparent in the second paragraph of Exhibit 4: the FBI did the work for them and for the station. It is phrased with FBI stereotyped language denoting leaking, the

pretense of providing "public source" information. However, in this instance the New York Field Office confessed to a bit more, never expecting the record to be seen outside the FBI: "all public source data and material which refuted criticism placed on the FBI." (emphasis added) This states specifically enough that the FBI undertook to provide information for others to use against me with the intent of injuring me.

38. In the same long report, which is carefully written not to disclose that the exploit kicked back, the FBIHQ canard of my being anti-FBI and anti-Warren Commission members is refuted on page 2. There it is stated that "he did not hold the FBI responsible for the Commission's report" and "explain(ed) that each member of the Commission was a dedicated man, fair, and put out his best work."

39. Exhibit 4 also states the show ran unexpectedly long. As it does not state, this dramatic confrontation with those FBI-prepared lawyers lasted an hour and a half. It required that much time, even in a gang-up, for these four lawyers to learn that FBI preparation is not necessarily factual or adequate preparation. There was an unforeseen result for which I also am not unappreciative. No copies of my first book were on sale the Monday after that Saturday midnight telecast. By the end of the first week, this unknown book was the best-selling work of nonfiction in New York, although I had no organized distribution or means of distribution. Wholesalers and book stores clamored for it by phone, beginning about 3 a.m. that Sunday morning, thanks to the FBI's effort to ruin my book and me with my first television appearance. However, I regard what the FBI did as improper for government and more improper for a police agency.

40. These are neither my only such experiences nor the only proofs of the monitoring by government of the expression of opinions and beliefs by me and other writers. As in another cause I informed this Court, I have a whole box of CIA transcripts of my appearances. I note the absence of any CIA denial in that cause as well as its failure to provide its copies in response to my request now of more than eight years ago.

41. If the Court desires, given more time I will provide many other illustrations of prejudice and discrimination against me and their resultant as well as causative inspiration of seemingly perpetual noncompliance and as a consequence the unnecessary burdening of the courts. This would include other records relevant to my instant request relating to the processing and release of

the files in question.

42. Among the withheld records relevant in this instant cause are existing records relating to prior disclosure to others of what I requested earlier (see Exhibit 1) and what was included in the general releases the first of which was on December 7, 1977. This is another manifestation of prejudice, discrimination and arbitrariness and capriciousness. With more time to search my records, I would provide additional proofs of this, including news accounts of the content of these records that I had asked for and had not been provided.

43. There was what amounts to an exclusive release to Paul Hoch. As I recall it was of three entire Sections or about 600 pages. This was long before the December 7, 1977, release. All records of that arrangement relate to the processing and release of the general releases and are within my request. The obvious FBI motive for withholding these records is to cover its discrimination and its overt dishonesty in its public pronouncements of equal access for all.

44. My first official notification of these releases was several months after the initial exclusive disclosures to Hoch. While the FBI's letter to me, attached as Exhibit 5, is dated December 2, 1977, it did not reach me until December 6, the day before the first release. Under my circumstances it would have been impossible for me to arrange to make any real examination of any records the next day. But I note the false representation of first release in paragraph 2: "The first segment of these materials will be made available beginning 9:30 a.m., December 7, 1977 ..."

45. I have previously informed the Court of the difficulty of access to some of my files coming from my medical limitations. Now there also are pressing time considerations. I have and with time can provide other proofs of my immediately preceding statements relating to discrimination, prejudice and prior release to Hoch (and others) of what I had requested earlier and had not been provided. In the course of the immediate and limited search I was able to make I came upon a proof indicating that my February 14 affidavit relating to dishonesty in the worksheets is considerably understated. In the portion of that affidavit relating to the FBI's worksheets I stated and proved that rather than a single set of worksheets, the set provided to me, there was a second FBI set on which there is relevant information not provided to me. I now find there is at least a third worksheet version.

46. Under date of November 25, 1977, which is prior to the date of first release represented in the FBI's letter to me, Exhibit 5, Hoch sent me a copy of one of the pages of worksheets that had been released to him along with some other papers and personal comments. I attach this Hoch worksheet as Exhibit 6. (Hoch added the typed notations.)

47. This Exhibit 6 worksheet is not the same as the one provided to me in this instant cause, which I attach as Exhibit 7. These are entirely different versions. They do not itemize the identical underlying records. Another obvious difference is improper obliterations on the Hoch set. The withholdings from Hoch, who does not have my record of taking the FBI to court, includes information the FBI is required to disclose, the exemptions claimed. Comparison of the inconsistent versions of allegedly identical records reveals different entries, different handwriting, different information and other differences, even though both sets are dated July 1977.

48. I cite as significant and indicative of withholding from me the fact that, while only two entries appear for Serial 91, the first item on each set, three such records are listed on the worksheet provided to Hoch. I regard this alone as relevant in this instant cause as proof of deliberate misrepresentation and of withholding to cover which false affidavits were provided. Withholdings from Hoch, on the other hand, in four instances extend to even the numbers of pages released, hardly secret or information within any exemption. In one case, Serial 96, the fact of referral to the CIA is withheld from Hoch. None of what was stricken through relating to the next entry on my worksheet was even posted on his set. What is incredible regarding my set is that while two pages are indicated as withheld, each and every one of the exemption claims noted is stricken through. As a result, the withholding from me is without claim to any exemption.

49. I believe that Exhibits 6 and 7 raise new and substantial questions about the integrity of the FBI's representations to this Court, particularly questions about the integrity of the Benson affidavit. Benson is an FBI "national security" expert with an established proclivity for finding "national security" secrets in the public domain. I note (b)(1) claims on the copy of the worksheet provided to me and no single (b)(1) claim on the Hoch copy relating, supposedly, to the same records. I cannot see how the FBI can justify making a (b)(1) claim with regard to records withheld from me when it did not make the (b)(1) claim for

the identical records earlier provided to Hoch.

50. If the worksheets were a single and honest set of itemizations, as they are supposed to be, providing them to me required little more than the mechanical act of taking them to self-feeding and collating Xerox machines with which the FBI is equipped.

51. The worksheets date to the middle of 1977. None were sent to me until April 12, 1978. Hoch sent me Exhibit 6 in November 1977. He may have written me about the underlying records prior to a letter about them of a month earlier, October 8, 1977. This is to say long before the general release of December 7, 1977, and a half year before any copies were provided to me Hoch had worksheets withheld from me.

52. The covering letter sent to me with the worksheets is attached as Exhibit 8. My prompt appeal, dated April 19, is Exhibit 9. It is obvious that xeroxing existing and disclosed worksheets did not require all the time taken by the FBI, not until after my complaint was filed.

53. While the foregoing Paragraphs detail added proofs of what I have characterized as discrimination to withhold from me and not to comply with my requests, I believe they hold proof of much more serious offenses. There clearly is less than full and truthful representation under oath by two FBI agents, both qualified as experts. I believe there are substantial questions of fraudulent misrepresentation and of false swearing to the material. Compliance was a material question at the time of the filing of the affidavits. With the Court's Opinion based entirely on these affidavits, their materiality now appears to be more than greatly enhanced. The entire case has turned on them and on them alone. The Court paid no attention to any of the information I provided and made no reference to any of it. While the Court did foreclose the possibility of my making response to the Benson affidavit, it is clear that the Opinion is based on these two affidavits and says it explicitly.

54. As the Court will be aware on reading my February 14 affidavit, I was greatly concerned over the Court's integrity and the FBI's unhidden attitude toward the Court. In the affidavit I was denied permission to file prior to the issuance of the Opinion, I drew upon much and in some ways unique knowledge and experience in an effort to inform the Court that, based on this experience and knowledge, I believed that the FBI was treating the Court as a sure thing, as virtually a

rubber stamp.

55. I have extensive experience with the most dubious of official affidavits, much experience with undenied false swearing in official affidavits, so I am aware that with the prosecutor not prosecuting himself taking liberties with truth and with the courts is not exceptional in FOIA cases. However, I have no prior experience with two FBI agents both swearing falsely to compliance based on three contradictory sets of worksheets. I recall only one prior experience with a phony worksheet. That was provided by the same SA Horace P. Beckwith who combined with Benson in this instant cause to swear to full compliance although copies of all three mutually contradictory worksheets are by the FBI unit with which he worked. I provide further information relating to Beckwith below.

56. In all my extensive prior experience I recall no such daring and combined flaunting of unconcern for any retribution. I regret that from this long experience and the expertise the Department states I possess I see no interpretation for these and other flagrant abuses other than coming from an FBI certainty that under any and all conditions this Court would find for it and ignore any offenses by it. I am truly sorry that the Court prevented my alerting it to this possibility. As the affidavit executed before the Opinion was issued makes clear, I did make the effort.

57. For the information and understanding of the Court, I believe that, beginning with my C.A. 75-199⁶, this instant cause is the only case in which worksheets did not accompany the underlying records.

58. To convey the significance of this I state that outside of this case before this Court I have no prior experience with FBI worksheets not accompanying the underlying historical-case records where the records inventoried total I would estimate at least a quarter of a million pages. These records outside of this case relate to the Presidential and the King assassinations. These may be the two most extensive investigations in FBI history.

59. The FBI's April 12 letter, Exhibit 8, appears to be unique in another respect. I can recall no other instance, before or after this date, in which the FBI did not represent that compliance was claimed to be complete or that other records would be provided to complete compliance. Exhibit 8 does neither. It merely implies that providing the worksheets constitutes compliance, the fiction with which this Court and through the Court I have been victimized. The formula

appears to be that G. Beckwith, a special variety of FBI expert, as is set forth in later Paragraphs.

60. My prompt appeal, Exhibit 9, spells this out. There has never been any FBI denial and there has been no response to or action on my appeal. The appeal is now 10 months old - under a 20-day Act and with a case in court.

61. With my appeal I enclosed a copy of the FBI's April 12 letter. My third paragraph states without any subsequent denial that the FBI's letter "makes no reference to the fact that the request is for more than just the worksheets ...". I also refer to the fact that the Department was supposed to be "monitoring compliance ...".

62. In my July 14 letter to the Department's appeals officer I refer to another letter relating to the worksheets involved in this instant cause. Primarily that letter addressed other worksheets copies of which I attached to show that they "are backward and upside down. They are also numbered in reverse..." With regard to the worksheets involved in this instant cause I reminded the Department "I've already informed you that the FBI is making (b)(1) claim to the public domain." In this I am stating that the Department was made aware of this long before the filing of the Benson affidavit I addressed in my February 14 affidavit.

63. In later Paragraphs of this affidavit I provide other proofs of this located by accident on February 17.

64. On a more informal basis, seeking to eliminate problems with compliance and to alert the Department to the actualities of noncompliance in this instant cause, I wrote the appeals authority on July 12. This letter, attached as Exhibit 10, states that the FBI has misrepresented and had sworn falsely in representing that there were no other relevant records. I cite this with reference to Exhibit 5 and the many other such notifications, which are within my request. I also informed the Department that the FBI had "already released some of the records on a grossly discriminatory basis to others," as I specify above with respect to Hoch. All such records are within my request which, as this letter states, is for scholarly purposes. In this letter I also spelled out what I go into in my February 14 affidavit about the withholding of public domain information relating to Oswald in Mexico. I believe it is apparent that I was informing the Department fully and from the lack of any denial quite accurately about the perpetuated and deliberate noncompliance in this instant cause.

65. (In this connection and with regard to the Benson affidavit's claim to secrecy about the known cooperation with the Mexican police, a college student who was using my CIA files on Saturday, February 17, selected some of these reporting what had already been disclosed about this allegedly secret cooperation. These excerpts and an explanation follow below.)

66. Most agencies and employees do not regard lightly allegations of deliberate false swearing to the material, the record that exists in this instant cause that I drew to the Department's attention in Exhibit 10 without even pro forma denial. In this connection and context I amplify my prior references to SA Horace P. Beckwith. He was assigned to the FBI FOIA unit in a supervisory role. He therefore had access to and certainly should have had personal knowledge of the existence of the other and still withheld records relating to processing and release that are within my request. In fact, it appears to be Beckwith who wrote Exhibit 8 to me in the name of the FBI's FOIA chief, Allen McCreight, because the initials "HPB" are written after McCreight's name. Unless there was another FBI FOIA SA whose initials are identical with Beckwith's, he had personal involvement in and knowledge of the instant matters yet did swear unfaithfully to this Court.

67. Beckwith, whose prior FBI experiences include clandestinity and illegal violation of the rights of Americans, appears to have evolved the formula in which the FBI would merely imply full compliance in this instant matter without provoking me by stating that falsehood in the letter. Inside the FBI and Department his craftiness would be regarded as representing full compliance while he avoided overt false representation of it in the letter. He did not lie but he did make a clever and successful effort to deceive.

68. At the time, although it was not general knowledge, Beckwith was an unindicted co-conspirator in the criminal case in which former Acting FBI Director L. Patrick Gray and others once high in the FBI are charged with serious offenses. This means that Beckwith's future was at stake, that his retirement, for example, could be denied to him at the whim of the Director or through other high officials if he incurred their displeasure. Under any circumstances, however sympathetic I am to his plight, I believe that the use of an unindicted co-conspirator to provide an affidavit and keeping this unusual qualification secret from a court are neither normal nor proper. In Beckwith's case prior to the Court's Opinion there was major news attention in Washington. His firing was front-page news.

His successful appeal, which resulted in punishment and reinstatement at a reduced level of rank and pay, attracted a little less attention. Both were reported prominently.

69. Whether or not it was his idea, it appears that Beckwith drafted Exhibit 5 and the formula of the prevailing false representation of pretending that my actual request was not made and that I asked for the worksheets only. However this may be, it simply is not possible that anyone connected in any manner with either the processing or the release of the underlying records was not aware of the existence of many more records relevant to my actual request.

70. My request includes more than the written notifications, press statements, plans for the actual release and arrangement for providing copies to the press and others. Among the other records that must exist and are relevant are those reflecting the reasons for ignoring the major repositories of records relating to the assassination and its investigation, the field offices, especially Dallas, the "Office of Origin."

71. Records relating to inventories of the Dallas files have not been provided in this instant cause. Those I provide herewith also were withheld in C.A. 75-1996 where they are quite relevant. These attached records are well known within the FBI's FOIA unit. Through their involvement in C.A. 75-1996 the existence of these and a hundred or more similar inventories should have been known to Beckwith and the Civil Division, which is Department counsel in this instant cause and in C.A. 75-1996. I obtained the copies of Exhibits 11 and 12 from the Dallas files in C.A. 76-0322. I believe I obtained these copies only because those processing the Dallas records were not aware of the earlier withholding from other files in the other cases in which they are relevant.

72. Exhibit 11 is an FBIHQ directive to all 59 field offices to provide inventories of all records relating to the assassinations of the President and Dr. King. The date is a half-year prior to the processing of the underlying records involved in this instant cause. Exhibit 12 is the response of the Dallas Field Office.

73. Exhibit 11 means that each of the 59 field offices was required to provide an inventory to FBIHQ. Exhibit 12 represents the vastness and uniqueness of the Dallas files.

74. On other recent occasions FBIHQ had similar needs and made similar

requests of all field offices. I do not have copies of them.

75. The Dallas collection, which later was enlarged, is of much more than the approximately 9,500 serials indicated. This volume alone, however, represents an enormous and significant storehouse of important historical information. A large number of records is not included in this inventory, which is limited to the carefully drawn FBIHQ directive. Many relevant and significant records not in FBIHQ files are in Dallas files. Illustrative are those attached to my February 14 affidavit relating to photographs of the crime and the crime scene. There is the unique record existence of which was kept entirely secret until inadvertent disclosure to me in C.A. 78-0322, "A special John F. Kennedy assassination files indices (sic) consisting of approximately 40 linear feet of 3x5 index cards ... maintained separate from the general indices ... also a special communications index" of about 30 inches, also maintained "separate from the general indices." (Exhibit 12, page 5)

76. These indices are within my other information requests. They have been withheld and I have appealed the withholding. There has been no decision on the appeal although months have elapsed. However, there is, as I indicated in my February 14 affidavit, a vital need for these indices in processing if the records released are to be processed properly. An illustration I cite is for the FOIA processors to have a means of knowing what is within the public domain. I therefore asked for the indices to be available to the FOIA processors. This is separate from providing me with copies pursuant to my requests because of the enormous and essential historical value these indices have. Without these existing indices there is no reasonable access to the hundreds of thousands of pages of information that are indexed.

77. If these indices had been consulted, there might have been less likelihood of misleading this Court into believing that what is within the public domain is an authentic national security secret. This Court might have avoided the embarrassing situation coming from its Opinion holding that what is within the public domain - including in the underlying records - is authentic national security information and is properly withheld.

78. As Exhibit 12 states, Dallas is the location of major and unique records. But FBIHQ represents otherwise, which provides added motive for withholding relevant records in this instant cause. The intent to mislead and deceive the

country and requesters as well as other officials of Government is apparent in Exhibit 5 where on page 2 it is represented that the second release, of January 18, 1978, "will cover the balance of our substantive investigation concerning this historical event."

79. The large number of relevant records originally withheld and since provided is among the proofs of the FBI's knowingly false representation quoted in the immediately preceding Paragraph. I received thousands of pages after the filing of the Beckwith affidavit.

80. The immediately preceding Paragraphs include substantial reasons to believe that among the records still withheld and relevant to my request are records relating to the nondisclosure of such relevant records as are indicated in these Paragraphs. Records relating to nondisclosure are within my request.

81. With time I now do not have I could provide many other illustrations of records relevant in this instant cause and not provided. Knowledge of their existence was withheld from the Court by the FBI. I could also provide other illustrations of motive for withholding and of embarrassing withheld information in addition to what is in this affidavit and that of February 14.

82. By foreclosing me from providing information that addresses the infidelity of the Benson affidavit and then almost immediately issuing its Opinion, the Court actually held (on pages 1 and 2) that it is right and proper to withhold as a matter of national security what is within the public domain, including what was already disclosed by the FBI and its FOIA unit without national security claim. My February 14 affidavit was executed prior to the date of the Opinion.

83. The Opinion reflects the Benson affidavit other than as I recall, perhaps the consequence of haste. The Opinion states that what is withheld in this instant cause "was supplied by foreign police agencies ... under a promise of confidentiality." No such record is or can be involved in this request and litigation. This language is from Benson's boilerplated generalities. Benson's actual allegation, clearly false, is that for reasons of "national security" the worksheets could not "reveal" the abbreviations of the identifications of these cooperating foreign police agencies. His false representations are that their identifications are not known and that the FBI had not already made the disclosure in the underlying records.

84. The Court appears to have been so impressed by the FBI affidavits that

the Opinion covers much more and goes much further than the very narrow question of the ludicrous alleged need for secrecy of initials like RCMP, which as I show in my February 14 affidavit had never been withheld before and were actually disclosed with the underlying records. The question before this Court was anything but "unauthorized disclosure," there being nothing to "disclose." (top of page 2) The honesty of the FBI's representation of "disclosure" is an ignored issue in this instant cause because of authorized earlier disclosure prior to and in the underlying records.

85. The Opinion also states that "substantial weight is to be accorded to agency affidavits." In context this means that a court must accept false swearing as gospel. The Opinion makes no reference to the absence of any affidavit disputing mine or of proof that material facts are not in dispute. If there is compliance with the Item of my request related to worksheets, as there is not, there is no representation to any compliance with the rest of my request. In fact, I have not received any compliance with the rest of my request, not a single piece of paper. Nor is there any affidavit attesting that the information sought in the rest of the request does not exist. Obviously there can be no such affidavit when I attach as exhibits copies of records of the nature of some of what remains withheld. I believe my affidavit is not contested. It is merely ignored by the Court.

86. Not being a lawyer I have trouble comprehending the language of the Opinion that "There has been no showing of lack of good faith on the part of the FBI." Lacking an education in the law, I labor under the layman's impression that false swearing is the opposite of good faith and that a affidavit alleging false swearing, if uncontested, is a "showing of a lack of good faith." I have received no affidavit in attempted refutation of my affidavit.

87. The Opinion states (at the bottom of page 2) that withholding file and symbol numbers is right and proper under Exemption 2. This is contrary to the testimony of the Department's own appeals officer in my C.A. 75-1996 on January 12 of this year. The Act includes the words "solely," "internal" and "personnel" as preconditions for the applicability of Exemption 2. I know of no claim by the FBI in this instant cause that its claim to this exemption meets all these requirements of the Act. Because of the limitation of this exemption to internal personnel matters, it is not applicable to file numbers that do not relate to FBI employees. Even if informants, who are not regularly FBI employees, were to be

encompassed, file numbers not used for the filing of personnel matters are withheld from me. The actual purposes served by such withholdings include preventing evaluation of information and hiding improper FBI activities.

88. At this point the Opinion expresses concern for "the disclosure of the identity" of FBI informants. As the Court appears to have understood it, this would be the consequence of not withholding arbitrary symbols used by the FBI for precisely the purpose of preventing disclosure of actual identity. While I cannot state that there is no obliteration of an informant symbol on any worksheet there is no need, in the processing of records, for informant symbol numbers to be included on any worksheets. Disclosure of the symbol identification does not disclose actual identity. Moreover, the FBI has disclosed symbol identifications to me as well as actual identities. It has disclosed actual identities to others.

89. To my knowledge the FBI has identified a number of its informers by name to the House Select Committee on Assassinations and caused them to become committee informants. In at least one case this was over that informant's written objection, which I have. While I agree with the need to protect informants, no issue of actual identification is involved in this instant cause and the FBI's practices with regard to the identification of informants is arbitrary and capricious. It makes disclosure for political purposes. In one recent case, when it sought to plant bad information with this committee, it turned over an informant known to be fabricating bad information. The informant was then turned over to Mark Lane by the committee. I have the FBI's records of that informant's complaint. The FBI's practice, even if the claim in this instant cause were justified, as it is not, is other than the FBI represents..

90. Purposes actually served by withholding arbitrary symbol numbers and file numbers, which also do not disclose any names, ^{etc} to hide FBI use of sources known to be undependable, use of the bad information they supply and to hide improper FBI activities.

91. I recall no relevance of the language of the Opinion on page 3 relating to the public interest in knowing informers' names. I have never, including in this instant cause, ever raised any such question or demand. I recall no FBI claim that any informer's name is involved.

92. On page 3 the Opinion refers to claim to the compilation of records for law enforcement purposes. I am not aware of any proof of any such compilation

in this instant cause. In my February 14 affidavit I cite the fact that there was no federal jurisdiction with regard to the assassination of the President. FBI Director Hoover so testified.

93. Moreover, the records involved in this instant cause are worksheets used in FOIA processing and other records relating to disclosure. If records relating to the assassination had been compiled for law enforcement purposes, as they were not, this appears not to be applicable to any records involved in this instant cause, which are limited as stated above.

94. With regard to the propriety of withholding the names of the special agents who processed the records, I can provide abundant proofs of the arbitrariness and capriciousness of this latter-day FBI claim. In fact, the names of those who processed more than 90 volumes of FBIHQ records relating to the assassination of Dr. King were included on the worksheets. As a result I was able to pinpoint an agent whose abuses of the exemptions was more spectacular and to demand and obtain his removal from FOIA processing. I believe this accounts for the present withholding of their names. I know of no instance of the withholding of any FBI name prior to the 1974 amending of the Act. There is no such withholding in the 10,000,000 published words of Warren Commission records.

95. With regard to the names of "individuals coming to the attention of the FBI who were not the subject of the investigation," of whom the Opinion states the belief that in this instant cause withheld information pertains to them, I know of no such issue or question in this instant cause which relates only to the processing and release of records. However, the Opinion here is in opposition to well-known and officially announced public policy and the Attorney General's determination that this is an "historical case," which requires more liberal disclosure. The Attorney General's policy statement requiring the disclosure of names to which the Opinion refers was made on May 5, 1977, if those names were involved in this instant cause, as they are not. From the Opinion the only names that would be disclosed are those of the dead, of Lee Harvey Oswald and Jack Ruby. They alone were "the subject of the investigation."

96. At the top of page 4 the Opinion represents that the FBI, with regard to the worksheets only, "invoked Exemption 7(D) to withhold the identity of confidential informants and information supplied by them." I am aware of no possibility of those questions existing on the worksheets, the only records

provided in this instant cause. I am not aware that the names of the informants or the information they provided is ever posted on any FOIA worksheet and I am not aware of any such need in creating or using the worksheets. I have read FBI FOIA worksheets covering the processing of hundreds of thousands of pages of underlying records. I have no recollection of ever having seen "the identity of confidential informants" or "information supplied by them" posted on a worksheet.

97. Moreover, Exemption 7(D) is not a blanketing exemption under which, under any and all circumstances, all "information supplied by" informers may be withheld. Informers, from copies provided to me by the FBI, supply newspaper clippings. While the information supplied by informers is not and cannot be an issue in this instant cause, the FBI's public reading room holds countless thousands of pages of "information supplied by them," FBI informers.

98. The Opinion's reference to "information provided by ... commercial or institutional sources" appears to reflect the misleading of the Court by the FBI's boilerplate. There is no relevance to worksheet entries. In fact, the FBI has always disclosed such information, hundreds of pages of it to me alone. The publicly available and published Warren Commission records include much such information provided by the FBI.

99. In my February 14 affidavit, I state that in this instant cause the FBI withheld what is within the public domain under spurious claim to a "national security" need. I provide examples of this reductio ad absurdum, of Benson swearing that disaster impended the entire police and intelligence systems if he did not withhold what is actually disclosed in the underlying records and in any event was not and never had been secret. Most of those illustrations relate to the Royal Canadian Mounted Police. In my February 14 affidavit I also stated that this is no less true of Mexico and that the FBI in the past made available information provided by various Mexican components. Beginning in 1976 the FBI provided me with much information relating to the King assassination provided to it by various foreign police organizations, including Mexican. Much information of this nature has always been available in the Warren Commission records. Earlier in this affidavit I referred to the finding of relevant records by a college student researching in my CIA files.

100. In what follows I provide as Exhibit 13 a small selection of CIA records disclosing its and the FBI's cooperative arrangements, both ways, with the

Mexican police. Exhibit 13 includes the CIA's number identifications of the records. These records are a small portion of a few of the earlier records from only the first part of the first batch of JFK assassination records disclosed by the CIA to me and others about the end of 1975. There are many other such records.

101. There are probably many more such CIA records in the public domain. The five attached examples were selected by an inexperienced undergraduate who was reading these CIA records for another purpose. I lack time for a personal search.

102. The cover page of #103-42 has this CIA handwritten explanation: "Information of (sic) Oswald passed on to Mexican Government." This discloses the kind of cooperation Benson swore is secret.

103. #56-20 reports what could have come only from Mexican authorities, that Sra. Silvia Duran would "be arrested immediately and held incommunicado..."

104. #59-23 reports that the CIA was passing information to "GOM AND ASKING THEY CHECK BORDER AIRPORTS." "GOM" is Government of Mexico.

105. "Copies of photo of Oswald reproduced for use of Legal Attache with Mexican police" is the information restored by hand after excisions from #11-6A.

106. Cooperation Benson swore is secret is explicit in #158-610, a cable that includes: "MEXICAN AUTHORITIES SHOULD INTERROGATE SILVIA DURAN TO EXTENT NECESSARY (to) CLARIFY OUTSTANDING POINTS WHICH BEEN RAISED YOUR CABLES LAST 48 HOURS. YOU MAY PROVIDE QUESTIONS TO MEXICAN INTERROGATORS..." (sic)

107. All the immediately foregoing records and without doubt many more CIA records reflecting Mexican cooperation with both CIA and FBI were in the public domain long before this rush to summary judgment. They and all the many such records relating to the King assassination provided to me by the FBI in C.A. 75-1996 and all the published and unpublished but available Warren Commission records disclosing foreign police cooperation were in the public domain prior to the Benson and Beckwith affidavits and prior to the creation of the worksheets.

108. Because my work is not concerned with idle conspiracy theorizing and does examine and is concerned with the functioning and integrity of our basic institutions, of which the judiciary is a most essential one, I deeply regret my inability to serve the Court better. This was an inevitable consequence of foreclosing me by refusing me a few days in which to provide my affidavit of February 14 and virtually simultaneously issuing the Opinion. While foreclosing

me from providing relevant and truth^{ful} information the Court gave unquestioning credence to FBI affidavits making nonexistent "national security" claims. If it is ever embarrassing to this Court that it held what was within the public domain and was never secret to be important "national security" secrets, it is in no way my responsibility. It is contrary to the effort I made to avoid the FBI-victimizing and the self-victimizing of the Court.

109. In the course of what search I was able to make to obtain information for this affidavit, I chanced upon a Government request for a month's extension of time. This was granted by the Court. My treatment was not even-handed.

110. Government counsel is not engaged in sole practice or representing a client who is unable to pay for legal services. Government counsel does not have an aging and ill client. Government counsel's client is not 50 miles away and unable to drive that distance. Government counsel's client does not have Social Security as the only regular income, is not without any staff, and is able to afford long-distance calls to confer with counsel.

111. In my efforts to safeguard the integrity of this Court, I noted depositions on August 16, 1978. The Court foreclosed me. In this I believe the Court foreclosed itself and jeopardized its independence from self-serving official claims that by then had already been challenged under oath.

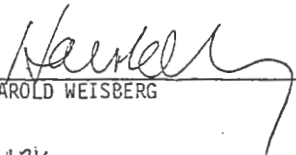
112. If I had been able to take depositions, which I can ill afford but sought to do and in the past had been instructed to do by the court of appeals to establish the existence or nonexistence of the information sought, a direct parallel with this instant cause, the possibility of embarrassment to the Court might thereby have been avoided.

113. If the Court does not accept my assurances of concern for the integrity of courts as one of our basic institutions, I sincerely regret this. I point to the costly and extensive efforts I have made to provide full and detailed information in this instant cause as in all others I have always undertaken to do. I am limited by not being a lawyer. I have serious medical and financial limitations. But despite these handicaps and an inability to confer with counsel in the preparation of affidavits, I have made the best efforts possible for me. I have been unstinting with my time when how much of it remains to me is uncertain.

114. If any part of this affidavit is unclear, I regret and apologize for it. The conditions under which I prepared this affidavit were difficult, the time

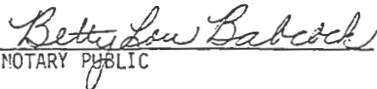
pressures heavy. To prepare a draft, on a single day, Saturday, I worked without any major interruption for almost 19 continuous hours. I did not stop for lunch. I gulped a hasty supper in about a quarter of an hour. There was no time for me to outline this affidavit in advance. It has not been possible for me to consult with counsel, to whom I will deliver the executed affidavit as soon as possible. I did not even engage in the course of exercise prescribed as essential to my medical situation and problems. To be able to read and correct the hasty draft, I had to get up the next day, Sunday, at 4 a.m. and then worked for 17 hours. To be able to hope to deliver the affidavit in time, my wife had to begin retyping it before I was finished, an undesirable practice. I did not prepare the speech I am to make, as I should have. The day before scheduled departure I found myself separated from the highway by 400 feet of snow up to two feet deep, but this affidavit took precedence over everything. I believe that if I were younger and in perfect health this still would represent a major effort and a taxing and rigorous period. I explain the actualities of my life, as I have undertaken to do in the past, so that the Court may understand that unclarity or awkward structures are not intended.

115. If the Court desires more information, I am willing to provide all that is possible for me. Although I am more weary and soon, inevitably, will be even wearier and will face a large backlog of matters neglected for the preparation of these affidavits, to the degree possible I will attempt to provide any necessary information because I believe in all interests the Court should reconsider its decision.


HAROLD WEISBERG

Before me this 21st ^{FEBRUARY} day of ~~January~~ 1979 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires October 8, 1982


NOTARY PUBLIC



<u>Exhibit No.</u>	<u>Page</u>	<u>Paragraph</u>
1	5	18
2	6	21
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9	14	52
10	16	64
11	18	72
12	18	72
13	24	100

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. Ferris. 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 WDCU and WFL 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 115 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 unknitting of the necktie after the Warren Commission used that knot as evidence. No compliance.

May 16, another repetition of the Ferris 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 "missile" 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. Lassar 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 ITC, 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, Caire 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 17, repeated January 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 116 form on renewed request of February 17
June 25, Deputy rejected June 28. After five years no response to appeal.

March 26, new DJ 116 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 Jix 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. Hiltner. (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, by 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 WGBV copyright is curious. 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 WBSU. 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 WBSU footage immediately, before the FBI obtained it. They were made by the photographer, Johann Bush. 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 WBSU footage actually comes from that of WBL, 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 WBSU 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 five 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 those requests, in each case indicating motive for withholding.

C.A-78-0249
EXHIBIT 2



Handwritten signature

HYATTSTOWN, MARYLAND 20738

Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Tranter
Rosen

PHEASANT-CHICKENS • ROCK-CORNISH GAME HENS • WA

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, HITCHHIKERS - THE REPORT ON THE MURDER 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 residential 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.

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 that 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.

JUL 1 1968

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

4113C

PLH ITEM #940

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

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

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 concludes 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.

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:ecm
 (9)
 JUL Enclosures

CONTINUED - OVER

DSL34B

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.

Handwritten notes and signatures:
A checkmark is present above the word "concur".
A signature "Rosen" is written below the checkmark.
Other initials and marks are scattered around the word "concur".

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

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 Weisberg further inquiry as to whether the bullet could be associated through residues with either the President's head 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 possible bullet fragments from the limousine, the President's head and the Governor's wrist, were only pieces of lead, similar 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.

DSL34B

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 more than an analysis of the investigation of the assassination of the late President. "It is a commentary of the freedom 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 determined 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 superficial and speculative nature of 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 "analyze the report itself exclusively on the basis of the Commission's own information." It is noted that of the 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. In 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 there 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 grind, hatreds or dislikes to be indulged, and political objectives 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 relating 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 contended whenever possible the Commission's report infers inefficiency of the Federal bureaucracy.

DSL 318

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. 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

- 6 -

CONTINUED - OVER

PLH TIEM # 947

90 90
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.

Jim

Ed

Karl

- 7 -

DSL34B

PLH ITEM # 9

C.A-78-0249
EXHIBIT 3

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

November 28, 1947

THURMAN ARNOLD
ABE FORTAS
PAUL A. PORTER
WALTON HAMILTON
MILTON V. FREEMAN
NORMAN DIAMOND
REED MILLER
L. H. NICHOLS

TELEPHONE
DISTRICT 3881

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
Thurman Arnold

Abe Fortas
Abe Fortas

Paul A. Porter
Paul A. Porter

Milton V. Freeman
Milton V. Freeman

Mr. Harold Weisberg
2322 N. Nottingham
Arlington, Virginia

UNITED STATES GOVERNMENT

Memorandum

C.A. 78-0249
EXHIBIT 4

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

Mr. Wick	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

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 "White-wash." 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 assassination 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-imposed 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-imposed by the publisher.

He stated he did not agree with the Warren Commission's report on the assassination 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)

OCT 21 1966

AUG 2 1966

PAIS REC-21

62-109060-4151

DSL35

JUL 22 1966

CRIME RESEARCH

5 AUG 9 1966

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

PLH ITEM # 94

EX-103
UNRECORDED COPY

NY 66-3476

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 wholly agree with the findings of the doctors in Dallas who tried to save the President's life on the day he was assassinated. 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 assassination.

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.

NY 66-3476

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 resemblance to OSWALD. At this point in his interview, he stated he believed the Commission bent evidenced 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 assassination; such as the public tranquility, was this assassination 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.

NY 66-3476

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 TIBBETT, 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

NY 66-3476

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 deformed. 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.

NY 66-3476

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 drawer 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 resemblance 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.

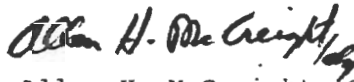
Mr. Harold Weisberg

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, Chief
Freedom of Information-Privacy Acts Branch
Records Management Division

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

File No: 106-82555
SECTION 3

Re: LEE HARVEY OSWALD

Date: JULY 1979
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
91 91A 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.
91 91B ENC	—	NEWSPAPER ARTICLE	1	1	NONE NOTP clip with LHO holding up his manacled hands
91 91C 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. 78-0249
EXHIBIT 6

90 52717

File No: 105-82553 Section 3 Re: LEE HARVEY OSWALD

Date: 7/77
(month/year) (17)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
91	11/23/63	Letter to Director from L. AZNAREZ with enclos.	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	
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	(b)(7) - 82 pg 1 referred to b(7) - 82 pg 2 referred to
not recorded	11/25	" " " "	3	1	b-1 DCRU
not recorded	11/26	Egans memo to Belmont	2	2	NONE - 1
97	11/27	CIA tel to Bu	1		b1 REFERRAL - CIA
N.R.	11/27	Egans memo to Belmont	2	2	

CIA-78-0249
 Ex. 7

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;



Harold Weisberg

Mr. Harold Weisberg

- (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. William J. Shea
Director, FOIA/PA Appeals
Department of Justice
Washington, D.C. 20530

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

Dear Sir,

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

The enclosed correspondence with Mr. McGrath relates to an item of the requests in C.A.78-1996. 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. McGrath'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. McGrath 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.

Sincerely,

Harold Weisberg

C.A-78-0249
EXHIBIT 10

Dear Sam,

7/12/78

This relates to my appeal relating to the information relating to the processing and release of the 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 straightforwardness 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 RA and wants to 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 worksheets and to deceive and mislead the Court provided a false affidavit by SA Herace P. Beckwith attesting that there are no other relevant records anywhere in the FBI. In fact I allude SA Beckwith's affidavit is perjurious and sought to have the Court confront 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 proof. 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 reluctance in letting the Department know some of what I believe is the FBI's reasons for not being truthful. It had 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 Gezell 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.

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 could 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 nagged 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 unexcised 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 practice with me is to deter by 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 those 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 that case the names of SAs are not to be withheld. The Bureau can provide this to you. It was written to Earl 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 tell 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 practice 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, as 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

HQ0375 3063254

HR AFD

DE HQ

TO J6200Z 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 APPOINTED 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 ALL INFORMATION IN THE BUREAU FILES, ALL INFORMATION 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 5 1977
FBI - DALLAS

107
84

PAGE TWO (02-11725) 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, 1978, TITLED "MARTIN LUTHER KING, JR.," BUREAU FILE 100-136870, 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 62-12366

(2) LEE HARVEY OSWALD

IS - R - CUBA

OO: DALLAS

BUREAU FILE 100-52555

(3) MARIA W. OSWALD

IS - I

SOPIC

BUREAU FILE 100-126732

(4) JACK RUBY

LEE HARVEY OSWALD - VICTIM

CIVIL RIGHTS

BUREAU FILE 44-24016

3

PAGE THREE (62-117293) CLEAR

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

BUREAU FILE 62-149456

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
ADDRESS; (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, POLY EXHIBITS AND ANY OTHER SIMILAR MATERIAL
WHICH IS IN ADDITION TO ROUTINE CORRESPONDENCE. IF ANY OF
THE ABOVE (TAPES, 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
SERIES IN CASE OF LOGS/TRANSCRIPTS AND POLY
EXHIBITS; ETC.

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

PAGE FOUR (69-117493) 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 REPORT WHETHER ANY MATERIAL RELATIVE TO THE MARTIN LUTHER KING, JR. ASSASSINATION (MEMPHIS) 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 MATTER MUST BE UNDERTAKEN IMMEDIATELY AND GIVEN THE HIGHEST PRIORITY. ROUTE YOUR RESULTS ATTENTION GENERAL INVESTIGATIVE DIVISION, CIVIL RIGHTS SECTION, CONGRESSIONAL IDENTITY UNIT. ALL LEGATS ADVISED SEPARATELY.

FBI

Date: 1/7/77

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

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)

89-43-9958

Special Agent in Charge

Sent

1830Z

M

Per

F B I

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: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

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: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

Date:

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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

F B I

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 2 1/2 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

C.A-78-0249
EXHIBIT 13

Information of OSWALD passed
to Mexican GOVT.

Document Number 103-42

for FOIA Review on APR 1976

RECORD COPY

25 NOV. 63

CLASSIFIED MESSAGE

ROUTING	
1	4
2	5
3	6

TO : DIRECTOR

FROM :

ACTION:

INFO :

XX

CS COPY

232048Z

IMMEDIATE DIR CITE

23 Nov 63 IN 6719

REF A. DIR 84888 *

B. (IN 6719) **

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

Document Number 56-20

CS COPY

23 Nov 63

For FOIA Review on APR 1976



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CLASSIFIED MESSAGE

[Redacted]

ROUTING	
1	4
2	5
3	6

TO : DIRECTOR

CS COPY

FROM :

ACTION:

INFO :

232254Z

23 Nov 63 IN 67233

PRIORITY DIR CITE

IP

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.

Document Number 59-23

for EOIA Review on APR 1976

23 Nov 63

[Redacted]

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⁶ Copies of photo of F Oswald
reproduced for use of Legal
Attache with Mexican police

Document Number 11-6A

for ECIA Review on

575
He made fifty (50)
copies of each of these
(which we got from
Legal Attache) for Leg.
Attache to use with
Mexican Police -

RECORD COPY

CLASSIFIED MESSAGE

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

INDEX
 NO INDEX
 FILE IN CS FILE NO.

12-62	
ROUTING	
1	4
2	5
3	6

TO :
FROM : DIRECTOR
CONF :
INFO :

CS COPY

27 Nov 63 20 12z

DEFERRED

ROUTINE

FLASH

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.

Document Number 158-610

3. ADVISE ASAP RESULTS INTERROGATION.

for FOIA Review on APR 1976

(END OF MESSAGE)

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

CS COPY

Richard Helms
RICHARD HELMS
RELEASING OFFICER

COORDINATING OFFICERS

AUTHENTICATING OFFICER

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