

FBI WASH DC

FBI NEW ORLS

11-11 AM 2-23-6

TO DIRECTOR 62

FROM NEW ORLEAN

ASSASSINAT

TEXAS, NOVEMBER

CONCERNING... 00



JFK

62-109060

SECTION 170

COPY 8

C.A. 98-82-89
EXHIBIT 1

DALLAS

INFO

Handwritten notes and signatures:
K
K
K

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

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

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

END CORR LINE 14 WRD 6 SHLD BE JULY

PAGE ONE

3 MAR 5 1969

REC-103 62-109060-6804

Handwritten notes:
Ralph
5-11-69

59 MAR 13 1969

FBI WASH DC

FBI NEW ORLS

11-11 AM 2-28-6

TO DIRECTOR 62

FROM NEW ORLEAN

ASSASSINAT

TEXAS, NOVEMBER

CONCERNING... 00



JFK
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SECTION 170
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V. DALLAS

- INFO

Handwritten notes:
TEIS
K
5-11-69

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FBI NEW ORLS

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FROM NEW ORLEAN

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TEXAS, NOVEMBER

CONCERNING... 00



JFK
62-109060
SECTION 170
COPY 8

Y. DALLAS,

- INFO

Handwritten notes and signatures:
T-15
K
5-11-69

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PAGE ONE

3 MAR 5 1969

Handwritten notes:
62-109060-6804
Rabkin
EX-118

59 MAR 13 1969

ASSASSINATION
OF PRESIDENT JOHN

F. KENNEDY

62-109060

INVENTORY

WORK SHEETS

(SECTIONS 1-70)

RELEASE

COPY 4

PART 1

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

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1334	12/3/63	Citizen let and true copy	3	3	None
1334	12/5/63	Bulet reply	1	1	None
1335	12/2/63	Citizenlet	1	1	None
1335	12/5/63	Bulet reply	1	1	None
1336	11/29/63	Roses to Belmont	1	1	None
1336	11/29/63	302 on Greer	3	3	None
1336	11	302 on Kellerman	4	4	None
1336	"	302 on Behn	2-2	2	None
1337	12/2/63	Brennan to Sullivan	1	1	None
1337	11/29/63	State Dept Document	2	0	Refer to state Dept.
1338	11/23/63	TT Fm Dallas	3	0	B-1 inform to Deed ✓
1339	11/27/63	TFm Dallas	2	2	B7C

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

FILE NO. 62-109060

SERIAL NO. 7580

PAGE NO. _____

NO. OF PAGES 30

SECTION NO.

187

DOJ

REFERRAL

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

(2)

Date: 5/8
(month/year)

File No: 89-43 Section 3 Re: JFK Assassination

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b) or (3) cited)
			Actual	Released	
278	11/29/63	LETTERS FROM STRAIN, DL TO ICE	2	0	REQUISITELY PROCESSED
279	11/29/63	MEMORANDUM FROM SA SAC, DL	1	1	
280	11/29/63	LETTERS FROM CLEGG, DL, JC, TRAWER	3	0	REQUISITELY PROCESSED
281	11/22/63	MEMORANDUM FROM SA SAC, DL	3	3	
282	11/25/63	LETTERS FROM BLY, DL TO DL	2	0	REQUISITELY PROCESSED
283	11/22/63	MEMORANDUM FROM SA SAC, DL	2	2	
284	11/24/63	LETTERS FROM DL TO DL	1	0	REQUISITELY PROCESSED
285	11/29/63	LETTERS FROM DL TO DL	6	0	REQUISITELY PROCESSED
286	11/29/63	MEMORANDUM FROM SA SAC, DL	4	0	b1 refer CIA
287	11/29/63	LETTERS FROM DL TO DL	3	0	REQUISITELY PROCESSED
287a	3/26/77	ROUTING SLIP FROM HQ TO DL	1	1	
288	11/23/63	LETTERS FROM SA SAC, DL, DL, DL, DL	2	0	REQUISITELY PROCESSED

0-70 (Rev. 1-7-77)
TO: SAC

- | | | |
|--|--|---|
| <input type="checkbox"/> Albany | <input type="checkbox"/> Houston | <input type="checkbox"/> Oklahoma City |
| <input type="checkbox"/> Albuquerque | <input type="checkbox"/> Indianapolis | <input type="checkbox"/> Omaha |
| <input type="checkbox"/> Alexandria | <input type="checkbox"/> Jackson | <input type="checkbox"/> Philadelphia |
| <input type="checkbox"/> Anchorage | <input type="checkbox"/> Jacksonville | <input type="checkbox"/> Phoenix |
| <input type="checkbox"/> Atlanta | <input type="checkbox"/> Kansas City | <input type="checkbox"/> Pittsburgh |
| <input type="checkbox"/> Baltimore | <input type="checkbox"/> Knoxville | <input type="checkbox"/> Portland |
| <input type="checkbox"/> Birmingham | <input type="checkbox"/> Las Vegas | <input type="checkbox"/> Richmond |
| <input type="checkbox"/> Boston | <input type="checkbox"/> Little Rock | <input type="checkbox"/> Sacramento |
| <input type="checkbox"/> Buffalo | <input type="checkbox"/> Los Angeles | <input type="checkbox"/> St. Louis |
| <input type="checkbox"/> Butte | <input type="checkbox"/> Louisville | <input type="checkbox"/> Salt Lake City |
| <input type="checkbox"/> Charlotte | <input type="checkbox"/> Memphis | <input type="checkbox"/> San Antonio |
| <input type="checkbox"/> Chicago | <input type="checkbox"/> Miami | <input type="checkbox"/> San Diego |
| <input type="checkbox"/> Cincinnati | <input type="checkbox"/> Milwaukee | <input type="checkbox"/> San Francisco |
| <input type="checkbox"/> Cleveland | <input type="checkbox"/> Minneapolis | <input type="checkbox"/> San Juan |
| <input type="checkbox"/> Columbia | <input type="checkbox"/> Mobile | <input type="checkbox"/> Savannah |
| <input checked="" type="checkbox"/> Dallas | <input type="checkbox"/> Newark | <input type="checkbox"/> Seattle |
| <input type="checkbox"/> Denver | <input type="checkbox"/> New Haven | <input type="checkbox"/> Springfield |
| <input type="checkbox"/> Detroit | <input type="checkbox"/> New Orleans | <input type="checkbox"/> Tampa |
| <input type="checkbox"/> El Paso | <input type="checkbox"/> New York City | <input type="checkbox"/> Washington Field |
| <input type="checkbox"/> Honolulu | <input type="checkbox"/> Norfolk | <input type="checkbox"/> Quantico |

TO LEGAT:

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

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

(Date)

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

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

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

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

89-43-287a

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 28 1977	
FBI - DALLAS	

Bufile 62-109060-1338
Urfile

FBIHQ Division and Section

gce

J.F.K.

Assassination

62-109060

Section 17

Release
Copy

1

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

FILE NO. 62-109060

SERIAL NO. 1338

PAGE NO. ALL

NO. OF PAGES 3

SECTION NO.

17

CIA

REFERRAL

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

FILED
FEB 15 1979

O P I N I O N JAMES F. DANNEY, Clerk

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

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

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

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

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

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

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

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

The Supreme Court stated:

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

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

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

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

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

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

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


United States District Judge

Dated: Feb. 15, 1979.

(P)

