

C.A. 78-0249
EXHIBIT 10

Dear Quin,

7/12/78

This relates to my appeal relating to the information relating to the processing and release of 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 PA 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 Horace P. Beckwith attesting that there are no other relevant records anywhere in the FBI. In fact I alleged SA Beckwith's affidavit is perjurious and sought to have the Court 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 proofs. There can be no doubt that any FOIA agent had to know other records exist and are relevant.

My appeal from the denial of these other relevant records is not just to make a debating point of to obtain what I do not need and want. There is scholarly purpose in my request for all the relevant records. I have no 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 would care to know the meaning of the withholding as it relates to how the FBI investigated the assassination of the President my main purpose in providing this added information is so that the Department's classification review committee might for once escape being a rubber stamp for the FBI in its ongoing efforts to hide its past, however one may interpret that past.

So you can understand, a Legat flew to Dallas right after the President was killed with clandestine pictures and a tape of an intercepted conversation both alleged to be of Lee Harvey Oswald. Immediately FBI agents who knew Oswald made negative identification. In essence these are the withheld facts. I have known of this for years from my own sources. There came a time when for reasons that can be perceived there was a leak. The leak received extensive and 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 had 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 these years has eliminated that. These names were not withheld in the first part of the underlying documents processed. Abruptly there came a point at which they were withheld. Now in

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

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

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

In the enclosure I forgot to mention 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