

78-1107

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

12/24/78

Dear Mr. Shea,

This relates to my prior JFK assassination records appeals that have not been acted upon and asks for expedited processing and to what I have stated to you and to the Court in C.A. 75-1996, that the FBI saddles your office with unnecessary review of unnecessary and unjustified withholding as a means of ^{controlling} ~~controlling~~ the act, requesters and the courts.

We have just filed a Reply Brief with an Addendum in No. 78-1107, C.A. 75-225 in district court. I attach copies of none of the records we used.

With regard to the exemptions claimed as a basis for withholding under FOIA there is required to be a law enforcement purpose. Director Hoover testified to the Warren Commission that the FBI's JFK assassination investigation had no law enforcement purpose. I therefore ask again what law was being enforced and again appeal the denial of any records bearing on the purposes of this investigation and/or the basis for claiming a law enforcement purpose without so stating in an affidavit or in any other record provided to me. Of course I also appeal the withholdings themselves, meaning expedited processing of them under the actual appeals of many months ago.

With regard to 62-109090-466 no exemptions are cited at all. "(S)" alone is marginally indicated at three points. Under date of 1/10/78 No. 2040 made the initial classification, claiming indefinite exemption from GDS under Categories 1,2,3. Fifteen years have passed since the generation of the underlying records. Prior experience indicates classification was never justified and has been used to hide what can be embarrassing. In the ensuing years much of what remains withheld has become part of the public domain, including various kinds of surveillances. In addition these record and the underlying records relate to laboratory examinations of non-secret nature and to evidence of the same character. Moreover, long ago I asked that all classifications claimed in ongoing litigation be reviewed under the standards of the new E.O., now effective. I have had neither response nor such a review. With these matters having been in court I believe expediting processing is justified.

100-10461-9304 is a Dallas Field Office record (C.A. 78-0322) appeal^{ed} months ago specifically in the part of the appeal relating to the names of FBI personnel. Not only is this not to be done in historical cases, whether or not justified in others, Director Kelley stated that it would not be done, in this case I was led to believe it would not be done, and in most of the Dallas files, all~~er~~ processed early in the processing, no names were withheld. Inconsistently thereafter names were withheld, including ~~the~~ ^{those} not withheld earlier. In this case the withholding of the name serves no genuine privacy purpose but does serve to withhold the identification of one who is in a position to state whether or not a proper search was made, including in the case now on appeal, where precisely that is in question.

Pages four and five of 62-117290, 62-109090 and 62-3588 on these pages, was obtained by me from 89-43-9958. There has been no showing that the same information is not already available, none of any secret method and none of the withheld information being "solely" of interest to the FBI. I have already provided you with proofs of the public knowledge or various forms of surveillance in this case.

The possible relevance of other records relating to 89-43-8869 is clear from the content if one is a subject expert. Results of tests on the curbstone struck by a bullet during the JFK assassination have not been provided and the spectrographic plate (this one alone) is alleged, if not under oath, to have been destroyed, an allegation I have reason to believe is false. The bullet referred to could have cause that impact.

Sincerely, Harold Weisberg

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ADDENDUM 2

ROUTE IN ENVELOPE

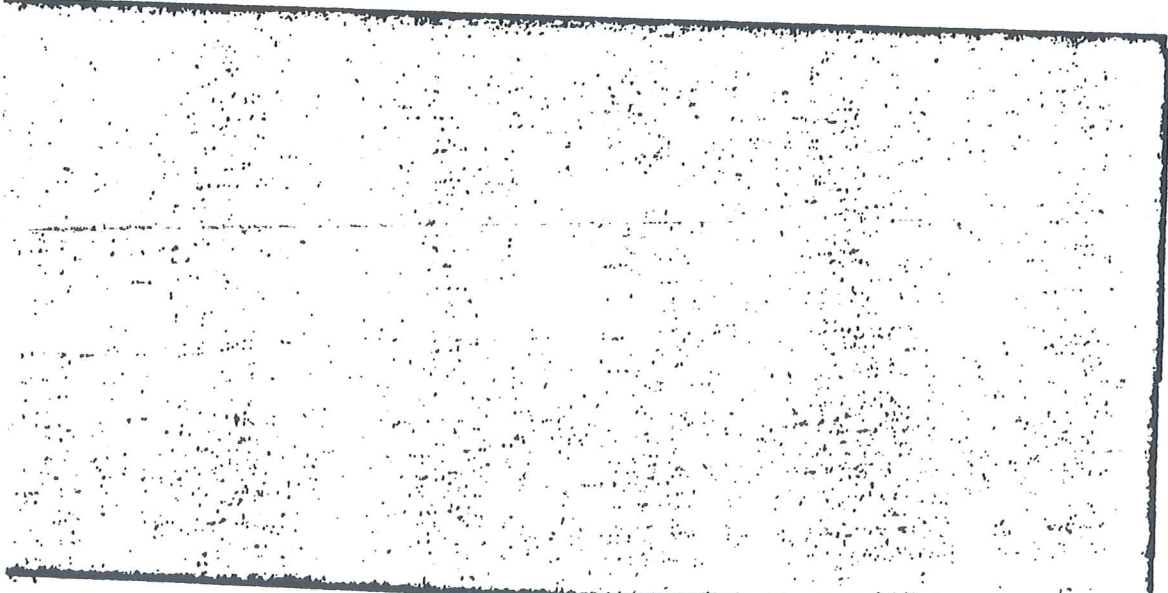
July 19, 1965

SECRET

O: Inspector J. R. Malley

E: COMMISSION DOCUMENTS ORIGINATING
 IN THE BUREAU
 PRESIDENT'S COMMISSION ON THE
 ASSASSINATION OF PRESIDENT KENNEDY

In connection with the pending review of documents originating the Bureau that were submitted in connection with this matter looking toward public disclosure, the Laboratory has completed a review of the files maintained of various Laboratory reports and other documents prepared in the Laboratory. In addition, the Laboratory has carefully scrutinized the 202-page listing of documents submitted for our review. Based upon these reviews two items were noted that should be withheld from public disclosure as follows:



asures (2)

REC 45 62 - 109 090 - 466 (3)

Mr. Sullivan (Mr. Stokes, Room 611 RB) (enc - 3) AUG 23 1965
 Mr. Raupach, Room 5716
 Mr. Griffith

Classified by 2040
 Exempt from GDS, Category 1, 2, 3
 Date of declassification Indefinite
 EF6/ak 1/10/78

U.S. Govt

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : SAC J. GORDON BRANKLIN (100-10461) DATE: 1/31/73

FROM : SA ROBERT P. GEMBERLING

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

OO: DALLAS

There is still being retained in the Dallas Office considerable material gathered in this investigation and maintained in the Bulky Exhibits of the Dallas Office. The inventory of Bulky Exhibits reflects such evidence.

All such material should continue to be retained in the Dallas Office due to the magnitude and importance of this matter and because we still receive frequent inquiries both from the Bureau and from private citizens necessitating such research in this case.

ACTION: Route to Clerk ~~in~~ connection with the semi-annual inventory of Bulky Exhibits.

1 - Dallas
HPG:jlh
guy

100-10461-9304

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 31 1973	
DALLAS	

Robert P. Gemberling



74)

F B I

Date:

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

Via _____
(Precedence)

DL 89-43 PAGE FOUR
PRESIDENT KENNEDY. BUREAU FILE 62-109090. DALLAS FILE
62-3588.

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

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

[REDACTED]

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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: _____

Special Agent in Charge

Sent _____

M

Per _____

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

*W. Wood
C. J. ...*

TO: SAC, DALLAS (89-43)

DATE: 2/15/69

FROM: SA ALFRED C. ELLINGTON

SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY,
NOVEMBER 22, 1963,
Dallas, Texas

*E. D. Wylie
10505 Cole Ridge*

MISCELLANEOUS INFORMATION CONCERNING

On this date, MR. M. OLIVER, 5810 Phoenix Drive, telephone EM 8-2130, contacted the Dallas Office by telephone, and advised he is employed by the Texas Highway Department, and was so employed during October and November, 1968. During this period, (October or November, 1968) while he was working in the vicinity of Commerce Street and Stemmons Freeway, "at the Commerce Street entrance to North Stemmons Freeway", he found a bullet "which appeared to have ricocheted off of something".

He said he picked up this bullet and put it in his pocket and has had it in his possession since that time. He said the bullet was "somewhat corroded, as if it had been in the weather for a long time". He said he mentioned his finding of the bullet to his engineer, who suggested it may be the "third bullet" which he had heard about in connection with the assassination of President KENNEDY, since he found it "in just about the right spot".

Mr. OLIVER said he has been trying to get in contact with MR. GARRISON, in New Orleans for about the last 2 or 3 weeks, but has been unsuccessful, and desires to furnish this bullet to the FBI "if you want it".

He said he is currently working on Highway 114, near Highway 183, and can be reached through the Texas Highway Department field office in that area, BL 4-3556.

Mr. OLIVER said he does not know what caliber this bullet is, but that the "front" of the bullet is the only damaged portion, and he feels the caliber can be easily determined by someone "who knows something about it".

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2-89-43
ACE:
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89-43-2219

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FEB 15 1969	
FBI - DALLAS	