

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....
: HAROLD WEISBERG, :
: :
: Plaintiff, :
: :
: V. " : Civil Action Nos. 78-0322
: and 78-0420
: FEDERAL BUREAU OF INVESTIGATION, : Consolidated
: :
: Defendant. :
: :
: :
.....

AFFIDAVIT

My name is Harold Weisberg. I am the plaintiff in these consolidated cases. I reside at 7627 Old Receiver Road, Frederick, Maryland. My subject-matter expertise and professional experience are stated in my earlier affidavits.

1. In recent affidavits I have addressed untruthfulness and other flaws in all defendant's submissions identified in those affidavits. Earlier, in other affidavits, I addressed untruthfulness and other flaws in defendant's declarations by FBIHQ case supervisor SA John Phillips and New Orleans case supervisor SA Clifford Anderson and in defendant's Answers to my Interrogatories.

2. In my affidavits, which also address searches, noncompliance with my requests and defendant's discovery, I stated, without any attestations being filed in rebuttal, that discovery was neither necessary nor attested to as necessary, that it would be excessively burdensome for me, and that in any event, to the degree possible, in my affidavits and appeals I had already provided all the information and documentation of which I am aware. There is no FBI attestation addressing the information and documentation I provided in my appeals. Instead,

without any evidentiary support, FBI counsel alleges, among other things and on his own authority (quoted from Reply of June 23, 1983, which repeats such language from other submissions), that my "complaints and their alleged factual underpinnings" are presented "in an ever-expanding piecemeal fashion;" that my "claims" are "conclusory" and "newly devised;" and that "there is absolutely no evidence in these cases that indicates a further search is warranted." All of these representations are not truthful, and are rebutted in the case record, without refutation, and characteristically, no FBI evidence is cited in support of them. I stated throughout this litigation that all the information and documentation I am aware of is included in the ignored affidavits and appeals I filed, and there has been no FBI attempt to refute this.

3. After I was informed by my counsel that FBI counsel refused absolutely to have the FBI search and comply with regard to a New Orleanian, Ronnie Caire, who is also the subject of a separate, prepaid FOIA request I filed in 1970 and with which the FBI still refuses to comply, I attached copies of two of my Caire appeals to my affidavit of July 6, 1983, as Exhibit 7. There are an undenied two file drawers of such detailed, informative and thoroughly documented appeals and it is, obviously, impossible to attach all of this to affidavits, particularly when the FBI and its counsel insist on ignoring and entirely misrepresenting them. This also would serve no useful purpose because I have already provided all of this information and documentation. All the appeals were sent or handed to Quinlan J. Shea, Jr., then Director of the Office of Privacy and Information Appeals. That defendant's counsel is aware of this and now misrepresents it I show in my July 6 affidavit. In it I cite his own ^u submission of January 19, 1983, It refers to these appeals as my "input" pursuant to defendant's request.

4. While there is no need for any discovery from me for the FBI to make

belatedly all such searches not made, as for records pertaining to Caire, and there is no FBI attestation to the contrary; the irrefutable facts are that all such records are pertinent; that I provided much more information and documentation than could possibly be required if, as it does not, the FBI needed any such information; and that in the course of refusing to comply with my 1970 requests, FBIHQ already had obtained the Caire information, copies of ^{which} ~~which~~ I attached to that appeal. Those attached FBIHQ records report the existence of and identify this withheld New Orleans Caire information.

5. I stated that the effort I made to provide accurate and complete information reflected in that Caire appeal is exceptional and greatly exceeds anything that could reasonably be requested of a plaintiff in FOIA litigation. I also stated that the appeal is a fair representation of my other appeals.

6. After I completed the draft of my July 6, 1983, affidavit and while my wife was retyping it, I started to clear my desk again and in the course of this, mixed in with papers that have nothing to do with my FOIA litigation, I found eight pages of one of my appeals pertaining to the FBI's Dallas Oswald case agent, James P. Hosty, Jr. (Later, the FBI was directed to make an all-reference Hosty search.) These pages, which I attach as Exhibit 1, are from the appeal I prepared and filed May 15-16, 1979. They also fairly represent the content, time, effort and cost of these informative, accurate, detailed and thoroughly documented appeals. (For identification and citation, encircled in the upper righthand corners, I add arbitrary numbers to these eight pages.)

7. While I now have no independent recollection of my purposes months ago in making copies of these pages of that one of several Hosty appeals, I believe they include indicating that I did provide all such information I had and the extent of the documentation I attached to appeals. A count of the references to

the documents I provided in these pages only (marked with a "W" in the margin) reveals that I provided 31 attachments^{ments} of varying length. All are official records, mostly the FBI's. They, as the Caire appeal reflects, were provided to me by the FBI. I also provided copies of pages of Hosty's testimony before the Warren Commission.

8. Like the Caire appeals, Exhibit 1 reflects the truth about my appeals and the untruthfulness of the FBI's descriptions of them and of my alleged method in this litigation. Exhibit 1 also establishes that the one Hosty search slip provided and attested to as full and complete (albeit it is entirely blank!) is a phony. It also reflects the fact that, as I have alleged without contradiction, sworn or unsworn, no useful or legitimate purpose would be served by my now going to the enormous amount of work required by the FBI's discovery demands because it has a clear record of ignoring all such information that I provided in this litigation (and in other litigation, absent compulsion).

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10. Bearing on the FBI's intentions not to search, not to comply and to stonewall, is the fact that even its (nonexistent) search, represented by its (entirely blank) search slip, was not^(allegedly)~~allegedly~~ made until almost twenty months after I provided this detailed, fully explanatory and thoroughly documented appeal. For all that time the FBI does not even pretend to have made any Hosty search. Instead, it stonewalled until directed to make an all-reference search by the appeals office. Not until February 1981, in response to a 1977 request and this May 1979 appeal, did the FBI do even as little pertaining to Hosty information as is reflected by this one entirely blank "search" slip. And even then, after

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directives from the appeals office, it did not provide the pertinent information I correctly and specifically identified in this May 1979 appeal.

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12. I do not have knowledge of the nature and extent of appeals filed in other cases the attorney general has designated as significant historical cases and involving many records, but I do know the amount of effort and cost entailed in providing this kind of information and documentation and for a requester/plaintiff they are great. I cannot conceive that it is at all commonplace and I do not believe that ~~any~~ ~~if any~~ - if any - requesters/plaintiffs could or would invest all this time and cost, even if any had comparable subject-matter expertise on which to draw.

13. The FBI and its counsel now describe the "search" represented by their entirely blank Hossy search slip as "exhaustive" when, ~~two years~~ ^{two 207 months} after I filed this appeal, the FBI did not identify and did not process all the pertinent information correctly identified in this appeal.

14. In this appeal, as in all I can recall, I provided copies of FBI records reflecting the existence of pertinent information and the fact that no search had been made for it. By this I mean to state also that the FBI knew all that I provided and more and still did not search for or provide even this pertinent information after I filed this appeal in early 1979.

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16. The FBI has not denied that it has this information allegedly destroyed in the form of duplicates and/or summaries. It ignored and continues to ignore my attestations and all their support, which is not limited to Director Kelley. It claims compliance nonetheless, while it even actually continues to withhold such pertinent information after I correctly identified it and it located duplicates, as attested to by Supervisor Anderson. (I have identified other duplicates and summaries and that also is ignored by the FBI.)

17. On a number of occasions and at three points in this excerpt from a single appeal (pages 2,3,4), I provided the correct information that pertinent records are withheld by filing them outside the files in which they belong and should be filed and then no searching those other files of which the FBI knew and of which I informed it.

18. With regard to field office records withheld as previously processed at FBIHQ, I provided the information (on page 3) that (as the FBI knew in any event) FBIHQ copies are not and cannot be identical with field office copies and

that the latter hold significant information not duplicated on FBIHQ copies. In the record referred to, the important information in question existed only on the Dallas copy, which was not provided.

19. With regard to cited Dallas records titled "Lee Harvey Oswald" and thus, without question, pertinent in this litigation ^(C) but withheld from me in it, I provided the correct file number and serial of the personnel file in which it was hidden, together with extensive and accurate background information. This, as is the cited Caire appeal, is anything but a lack of specificity, or "newly devised" or any kind of "expansion" of my complaints or requests. These appeals typical of the kind of information and documentation I provided only to have the FGI ignore ^{or} ₁ it. B

20. Despite his not having made any effort to provide any evidence in refutation of my attestations to the degree to which I had already provided all the information and documentation demanded on discovery, FBI counsel actually represented to this Court that unless I comply with his discovery demands the FBI cannot defend itself. In the face of the kinds of information I did provide, as illustrated in these appeals, any such representation is of knowing untruthfulness.

21. It happens that one of these "discovery" matters is addressed in this very old and long-ignored appeal. FBI counsel, without support in any FBI attestation, claims such a need to know so the FBI can defend itself with regard to my representation that it has and has not searched its own unorthodox means of preserving information outside of its central records system. He claims the need to know not merely that there is reason to believe what I attested to, or that he wants some proof. He demands each and every bit of information I have and each and every relevant document. He describes this kind of all-inclusive request as "very limited."

22. One of these means of keeping records outside of the FBI's field office central records systems is, as I stated correctly, putting them in what the FBI refers to as the SAC's "personal and confidential files." On page 4 of this exhibit I have placed an "X" in the margin opposite my reference to the existence of these "SAC's 'personal and confidential files.'" Thus, although there is not and cannot be any attestation to needing such information^{FM} - and all those places I referred to are well known and are referred to in published literature and disclosed FBI records so there cannot safely be any such attestation - if the FBI had any good-faith basis for needing to know how I know, this once citation is all that is or could be required for it to know of the ~~existence of such~~^{existence of such} repositories of pertinent information.

23. In this appeal I refer to records titled "Lee Harvey Oswald," so there can be no question of relevance.

24. With regard to the various untruths stated by FBI's counsel, that without my providing such information the FBI cannot defend itself or with such information it will establish beyond question the thoroughness and completeness of its so-called searches, at this point I states, "I have received no records from any such file under any request or in any suit and no claim to exemption covering any such files. I appeal the denials."

25. I provided a copy of the FBI's own record identifying the record filed in the SAC's "personal and confidential file" as titled "Lee Harvey Oswald." I therefore provided the FBI's own proof of pertinence and its own proof of the existence of this SAC's "personal and confidential file." It is obvious that the FBI never needed any discovery from me to know that such SAC "personal and confidential" files exist, hold pertinent information, and were not searched. There is absolutely no way, as FBI counsel certainly knows, that my duplicating this kind

of information all over again would or could enable him to prove complete FBI searches and compliance.

26. This appeal also reflects (at the bottom of page 4) that spurious claims, like "privacy," were made extensively to withhold nonexempt information that was within the public domain and that cannot be justified in any sample Vaughn, if one is even provided, because they are too extensive, have already been specified, and no sample can possibly include an appreciable percentage of them. What is withheld from the point referred to in the FBI record attached to my appeal is the reference to the Kansas City SAC, whose withheld name, Williams, I provided without looking it up because the FBI disclosed it in this litigation.

27. With regard to FBI motive in withholding some of the information, as specified in my prior affidavits and not refuted or even disputed, at the bottom of page 5 and continuing on page 6 I provide an encapsulation of the information reflecting the FBI's false statement that it did not inform the Dallas police of Oswald's presence because he had "showed no tendency toward violence." I provided a copy of Hosty's sworn testimony to this vital untruth before the Warren Commission. "No, sir," swore ^oHosty, the man who later admitted his personal destruction, on his SAC's orders, of Oswald's threat to blow up the FBI office (and in some versions also the Dallas police headquarters) there "was no indication that he ^owould commit a violent act." Hosty also swore that there was no indication "to me that he was capable of violence." In this regard, I also provided Hosty's own reports stating that Oswald "drank to excess and beat his wife on numerous occasions." Having written this, but in the expectation of perpetual secrecy, Hosty actually swore to the exact opposite. (Page 7)

28. Throughout this appeal I cite and provide proof of other FBI untruthfulness. That I allege it in my affidavits does not mean it is a new "complaint."

It is commonplace with the FBI, as I know from my examination of so many of its records and have documented without refutation.

29. With regard to my allegation, based on FBI records I provided, that the FBI knew it was not complying with my requests in limiting records provided in this litigation ~~to~~ those it regards as "involved in the assassination" when this is not the language of my request, the appeal states that Hosty testified "that the FBI considered nobody else involved in the assassination," only Oswald, and of that also I provided a copy.

30. Attaching these pages of this appeal did not require any time or effort for me or any searching from two file drawers of appeals, without any special basis for any selection, because I had made copies earlier and they were mislaid on my desk, in unrelated papers. This haphazard appearance, as well as the Caire search I did make after being informed by my counsel of FBI counsel's absolute refusal to provide any Caire information, reflect the actual nature of my appeals, all of which are in the government's files because S provided them by request and as appeals in this litigation. All this and all similar information thus was readily available to him when FBI counsel made only untruthful representations about ~~my~~ ^{my} appeals. But untruthfulness is required for him to allege that I have not provided what I did provide, to allege that the FBI needs discovery so it can defend itself, and that if I would "only" comply with his spurious discovery demands, which means provide what I have already provided, the FBI could prove that it did what it has never done, searched to comply with my requests and complied with them.

31. Without this permeating untruthfulness he also could not demand sanctions against me, or threaten to have me thrown in jail, or demand the dismissal of this long-stonewalled litigation, or hope that the FBI could perpetuate its

refusals to search in response to or comply with my actual requests.

HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 8th day of July 1983 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1986.

NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND

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11. Yet as of this late date in 1983, with all those appeals in defendant's own files, with all their documentation, its counsel now describes my appeals as lacking specificity. Examination of Exhibit 1 reflects the dishonesty of this and all other such representations, as quoted above. (Bearing on this alleged lack of specificity, I emphasize that I did not merely cite FBI records - at my cost I provided copies of them, with explanations.)

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27. With regard to FBI motive in withholding some of the information, as specified in my prior affidavits and not refuted or even disputed, at the bottom of page 5 and continuing on page 6 I provide an encapsulation of the information reflecting the FBI's false statement that it did not inform the Dallas police of Oswald's presence because he had "showed no tendency toward violence." I provided a copy of Hosty's sworn testimony to this vital untruth before the Warren Commission. "No, sir," swore Hosty, the man who later admitted his personal destruction, on his SAC's orders, of Oswald's threat to blow up the FBI office (and in some versions also the Dallas police headquarters) there "was no indication that he would commit a violent act." Hosty also swore that there was no indication "to me that he was capable of violence." In this regard, I also provided Hosty's own reports stating that Oswald "drank to excess and beat his wife on numerous occasions." Having written this, but in the expectation of perpetual secrecy, Hosty actually swore to the exact opposite. (Page 7)

28. Throughout this appeal I cite and provide proof of other FBI untruthfulness. That I allege it in my affidavits does not mean it is a new "complaint."

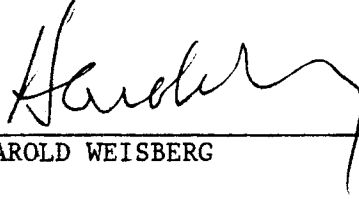
It is commonplace with the FBI, as I know from my examination of so many of its records and have documented without refutation.

29. With regard to my allegation, based on FBI records I provided, that the FBI knew it was not complying with my requests in limiting records provided in this litigation to those it regards as "involved in the assassination" when this is not the language of my request, the appeal states that Hosty testified "that the FBI considered nobody else involved in the assassination," only Oswald, and of that also I provided a copy.

30. Attaching these pages of this appeal did not require any time or effort for me or any searching from two file drawers of appeals, without any special basis for any selection, because I had made copies earlier and they were mislaid on my desk, in unrelated papers. This haphazard appearance, as well as the Caire search I did make after being informed by my counsel of FBI counsel's absolute refusal to provide any Caire information, reflect the actual nature of my appeals, all of which are in the government's files because I provided them by request and as appeals in this litigation. All this and all similar information thus was readily available to him when FBI counsel made only untruthful representations about my appeals. But untruthfulness is required for him to allege that I have not provided what I did provide, to allege that the FBI needs discovery so it can defend itself, and that if I would "only" comply with his spurious discovery demands, which means provide what I have already provided, the FBI could prove that it did what it has never done, searched to comply with my requests and complied with them.

31. Without this permeating untruthfulness he also could not demand sanctions against me, or threaten to have me thrown in jail, or demand the dismissal of this long-stonewalled litigation, or hope that the FBI could perpetuate its

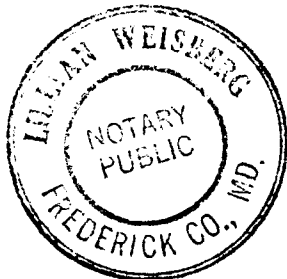
refusals to search in response to or comply with my actual requests.

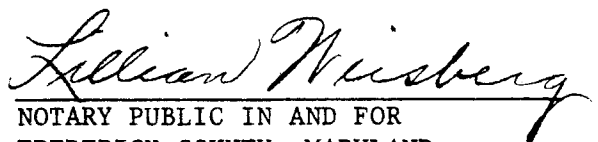

HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 8th day of July 1983 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1986.




NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND

JFK assassination appeals: the Hosty flap; Oswald's visit to the FBI and its destruction of his alleged threatening letter

My earlier appeals illustrate the situation created when an agency like the FBI refuses to comply with specific information requests for long periods of time and then smothers the requester with vast volumes of paper most of which are merely a tribute to the FBI's capacity to devoting itself to the irrelevant so this can cover its failure to address the relevant.

With no guide to the approximately 100,000 sheets of paper it was difficult to find any relevant records. Then it was not possible to find all of them because they are scattered - in different files, even different locations.

Then it becomes impossible to remember all of them.

This exactly duplicates the situation in the King case, where the FBI has yet to respond to my actual requests after more than a decade yet has given me some 50,000 pages most of which are without meaning, in terms of the crime itself.

In further review of the records I have come across others of relevance. Some raise new questions. For example, in 62-109060 Section 180, a Legal Counsel to Adams memo of 9/17/75 on which notations, including any possible Serial Number are illegible. Either a copy of the original ^{is} ~~is~~ filed in 62-116435 as 77. I do not know what this file includes but the information in the copy I have relates to the House investigation of the Hosty flap.

I also draw your attention to the last sentence on the first page. It quotes Director Kelley as testifying that the FBI does not destroy investigative records. This cannot then be used, as it has been used, as an alleged explanation for not supplying me with copies.

Now that I have found and read a fairly large number of relevant records I can understand the refusal of the FBI to permit any outside investigation (on page 2). The real FBI purpose was to control what could be known. I have read the available results of its so-called investigation and have read what it did not investigate to the degree it is available. It does essentially the same thing in non-compliance and in partial compliance with my information requests.

Serial 7582 states that a transcript is attached. It was not in the records provided.

(u)

(u)

(u)

(w)

48 and 49 as "Previously Processed." In the FBIHQ files these are listed on the worksheet (attached) as 43 IN and 43 OUT. Although 43 IN is an FBI record, from the Legat., Mexico, it is referred to the CIA. From 7/71 until now, 22 months later, the CIA has not provided that (and other) records. (Referral slip attached.) On 43 OUT a note on page 2 is withheld. After the obliteration "secret" classification is indicated. The basis for the claim, from the worksheet, is no more than that the ~~source~~ information came from the CIA. In fact there is no reason to believe that the information is not within the public domain and every reason to believe it is. (The intercepts of Oswald and the wrong pictures in Mexico City.)

(w)

Other withholdings under claim to classification also appealed in 7437X.

(w)

7462X is of 12/31/75. It is Assistant Director (Inspection) H.N. Bassett's report on the House subcommittee testimony of four FBI witnesses whose evidence allegedly has been released in these files, in the FBI's internal investigation. Bassett begins by referring to what is not provided in any record I have been able to locate, "a detailed review" of the testimony of these four. I appeal the withholding. For these 10 pages such records of a detailed review are required.

Discussion of Hosty's testimony begins on page 3. Some of the material duplicates his Warren Commission testimony, which is available and I have reviewed it again.

Questions of who is telling the truth if not of who is perjurious relating to the investigation of the assassination of a President remain. In fact, they are more numerous.

Hosty is one of the agents disciplined over the JFK cases. This is public knowledge and it was testified to before a number of committees, most recently and in some detail the House assassins by the then Inspector, J.H. Gale, who filed a report I have not seen in these records and therefore believe remains withheld. (Appealed.)

(w)

The disciplinary action and reasons for it are discussed beginning in paragraph 3 on page 3. Here there are references to records not provided, relevant and I appeal their denial. They should be in HQ and Dallas files. These were the subject of public testimony and are part of the FBI's disclosed internal investigation. In connection with the JFK case and the Oswald case questions were asked and answered (12/5/63) in writing. Their content was discussed before the committee and are in this memo. The means of withholding

and seeking to identify the cited records took an entire day for the student who is helping me at the moment.

This trace shows that essential and relevant records are withheld by filing them in other files although they without any doubt are essential to this file and to this subject, as the attached records show.

(W)

If by any chance there is properly classified information that is withheld, the reasonably segregable also is withheld. An example is the identification of Stern. His first name and official function are not a matter of national security, an appeal to which you have not responded.

In 7437X on page 2 under "Observations" and in the sense of relating to Hosty's disclosed statements there is an opening "Secret" claim. Error is attributed to Hosty and a record is cited. The recommendation is for no further inquiry and sending the AG the attached communication, dated 12/3/75.

(W)

In it there is similar withholding. On the ~~xxx~~ first page the second "Secret" claim is made for quotation from the disclosed Hosty statement. Following a colon and continuing for four more paragraphs on page 2!

Not providing the supposed attachments with the record ~~providing~~ required some search for them. The first cited on page 3 is "serial 57 in the Oswald file." It is a WFO airtel of 11/19/63. With the entire matter relating to marks made on it in Dallas, the Dallas copy is withheld as "Previously Processed." ~~XXXXXXXXXX~~ (Attached is the worksheet page for it from 100-10461.) ~~Current & Serial both attached~~ The record is also 105-82555-78. However, this available record is not identical with the Dallas copy, which is the subject of the inquiry over Hosty's conduct in the JFK assassination investigation and with regard to both Oswalds.

(W)

(W)

The memo to the AG refers to Hosty's representation, that he had crossed his name off the record, and then states "A review of this serial ~~xxx~~ determined that SA Hosty's name is crossed out in the block stamp..." This and other information here referred to is on the withheld Dallas copy only. Obviously neither Hosty nor his Dallas supervisor could have marked the FBIHQ copy of the WFO communication.

(W)

I cite this as and also as more than the fact that "Previously 'rocessed" is a means

(4)

appears to be filing of JFK assassination investigation records in personnel files only (or other than in the 62-109060 and 105-82555 files) and not including copies in the files relating to the assassination investigation. This is a clear and to the best of my recollection unique departure from practise, which is to indicate a copy in addition for personnel files.

One of these records is identified on page 6, last paragraph, as in 67-798 as 3048. It is described as a Dallas airtel of 12/8/63 in response to the questions of 12/5 and 12/6 "enclosing among other things an undated 24-page letterhead memorandum (LHM) captioned "Lee Harvey Oswald, aka," responding to 15 of Gale's questions." This description places the record clearly within my requests. Denial appealed. (W)

At the top of page 7 there is reference to the SACs' "personal and confidential file." I have received no records from any such file under any request or in any suit and no claim to any exemption covering any such files. I appeal the denials. (W) X

Although Dallas records did not disclose some of those cited above, on page 7 it is stated that Hosty provided copies to Director Kelley in 1973. They are not here. They are relevant wherever or however filed. Denial appealed. Again filing appears to have been of JFK assassination investigation information in a personnel file only. (W)

Pages 7 and 8 of this memo make the relevance of the 24 pp. LHM clearly ~~relevant~~. There is reference to a covering airtel for it on page 8, 3rd paragraph.

A note added at the end, probably with the year of the date incorrect, states that on 1/12/75 copies including the 12/6/63 record were sent to Dallas. If these remained there I do not recall reading them in the Dallas files and I believe I would have made a separate copy for subject filing because of my strong interest in this overall ~~matter~~ matter from the outset, from the research for my first book.

The "we have absolutely nothing to hide" Legal Counsel to Adams 11/14/75 memo referred to above, 7407X, attached, is captioned as relating to the House subcommittee's public inquiry. (The hearings were covered extensively, including by coast-to-coast TV.) The first paragraph, which normally states the purpose, is entirely withheld, claimed to be "Secret." The second paragraph discloses that reasonably segregable information is withheld, if only the identification of SAC Williams and the reference to him. (Kansas City, Mo.) (W)

5

There follows a reference to a new Hosty memo I do not recall seeing. It is relevant. (W)

From context what is withheld as "Secret" on page 2 is preparation for public testimony. It includes what is supposedly disclosed in what Hosty testified to, others testified to, and the FBI disclosed as part of its internal investigation.

There then is another "Secret" withholding, apparently in reference to what is public knowledge of Oswald in Mexico. It is apparently in reference to the WFO airtel referred to and included above. This is said to be attached as Tab 3. It isn't. It is not possible to determine all of what supposedly was attached. If there are references to two earlier Tabs they are included in what is obliterated as "Secret" and are reasonably segregable.

(attached hereto)

100-10461-50 is said to be attached and is, but of the two attachments to it

only one is in this Volume although the memo states that both are. (The 105-82533-42 version of 100-10461-50 is attached.)

"Stripping" of the file that has to have been after the assassination is next represented as normal practise and proper. This is followed by the total withholding (page 5) of what is "pertinent" in the WFO airtel, which reports that Oswald was in Mexico and intercepted and/or photographed there and/or under the wrong name, etc. Not a single word or more than a page, of four or more entire paragraphs, is found to be reasonably segregable because not a word of them is not obliterated. Impossible as this is, with regard to what is public domain in particular, it is this that is followed by the chest-thumping of "we are showing that we have absolutely nothing to hide." (page 6) and the Director's "Go all the way." (page 7)

One wonders what more would have been withheld without the order to "Go all the way" and if the FBI were not "showing that we have absolutely nothing to hide" over the totality of suppression of Oswald's visit to the DFO and his reported threat.

Of course it has always been the official FBI position that before the assassination Oswald showed no tendency toward violence. And when SA Hosty was quoted to the contrary by the head of the intelligence unit of the Dallas police he filed an affidavit denying it - without reference to his having received and destroyed the written alleged threat to such violence as blowing up the Dallas office and the police department. (W)

None of the many FBI people who knew about this ever said a word outside the FBI, from clerks to the top at FBIHQ, no obviously there was nothing to hide. Why else hide it?

Even more, why hide it when Oswald was the only officially accused assassin, the lone assassin according to the FBI?

In earlier appeal I made reference to the total truthfulness of Hosty's Commission testimony, and as I state above I reviewed it again. I attach two pages (473 and 475) as published in Volume 4.

When asked, considering that Oswald was a defector and the rest of his earlier history "did it occur to you at all that he was a potentially dangerous person?" Hosty testified "No, sir," adding, there was "no indication that he would commit a violent act" and no indication "to me that he was capable of violence." (See also page 473)

Two pages later he testified that the FBI considered nobody else involved in the assassination, that the Oswald case was assigned to him and that all records came to him.

(Elsewhere in this testimony he testified to and use was made of Mexico information that remains withheld from me today.)

Hosty also testified that after the Oswald file had been closed he had it reopened in March of 1963 (455-6), after which it was closed as a Dallas case when referred to New Orleans and "Then in October the case was shifted back to Dallas again." Asked to be more specific he said, "Well, actually November 4 would be our request..." (Not provided in records I have. Appealed.)

All those withheld Mexico bits of information appear not to have stirred the FBI very much, Hosty or anyone else. Nothing had happened as of the time of the assassination (page 459). Hosty said he was waiting ^{until} "New Orleans forwarded the necessary papers to me." There was no hurry because "Oswald was not employed in a sensitive industry."

Oswald had left New Orleans the end of September and the NO FO immediately informed Dallas, which received the information 10/3. (p. 446)

Hosty also testified that the change back to Dallas did not reach there until the afternoon of the day before the assassination. (p. 462) He claims he did not get it until after the assassination.

This picture of the FBI and its only candidate for assassin, of its investigation

and procedures, of its withholding as secret what proved it had absolutely nothing to hide and, of course, of its having kept the Oswald trip to the FBI and his alleged threat entirely secret, plus the nature of the omissions in the FBI's internal investigation, prompted me to make further searches, for information and to determine truthfulness. ^{This} ~~which~~ relates to whether, ^{there is} ~~related~~ despite all the chest-thumping, ~~related~~ to something to hide and misuse of FOIA to hide it.

It is not only ^{the} Oswald pre-assassination visit to the FBI seeking Hosty and leaving the alleged threat to blow the place up that convinced Hosty and the FBI Oswald ~~was~~ was a man of non-violence. Hosty's own report of 9/10/63 (100-10461-Section 1) is persuasive in recounting how Oswald "drank to excess and beat his wife on numerous occasions." (Copy of record attached.)

On the same day Hosty transferred the cases of both Oswalds to New Orleans. (105-^{attached} 82555-34 and 35. Oswald had moved to New Orleans that April.

Despite, if not contrary to Hosty's testimony there is 100-16926-9 (attached), which Hosty ~~also~~ wrote. Here Dallas is listed, as of 10/22/63, a full month earlier than he testified, as Office of Origin in both ^{Oswald} ~~cases, both Oswalds~~. (The first paragraph is withheld as "Secret," which I appeal.)

Then, on 11/4/63, on learning that and reporting that Oswald was working in Dallas, he reported that New Orleans was OO. (105-82555-48, attached.)

There is a record of the 11/15/63 return of the Marina case to Dallas (105-82555-47, attached) but we have found no record of the return of the Lee Oswald case. As this record states and as Hosty told the Warren Commission, he already had all the information. Whatever the withheld Mexico information he received there was no reason to wait until the case was transferred back from New Orleans before launching any investigation.

Hosty did testify that there is a record and that the Bureau receives a copy (type-script, p. 6021, attached) but worksheets for the period from the previous July until after the assassination (100-¹⁶⁶⁰¹ ~~10461~~, Serials 23-45, attached) reflect no Dallas record of this.

The use of Serials to which Xs are added led me to check the surrounding records and

(W)

(W)

(W)

(W)

(W)

(W)

10
the worksheets. This added confusion and disclosed discrepancies. I use 7437X to illustrate.

(W)
(W)
(on the worksheet (attached).)
There are two different records identified as 7437. The second, indicated as of six pages, all disclosed to me, is followed by a comment that appears to say there is a referral to the Secret Service and does say "crim info re writers." But the Volume itself holds neither 7437. Instead there is a single referral slip, to the Secret Service, of all 7 pages, which can be of both records despite indication of one only. / got neither.

(W)
The net result and the effectiveness of the FBI's control over outside investigation and its internal investigation are reflected in the AP's reporting of the disclosure of these records. (Attached 89-69A -1425. The FBI's own proclamation of the extensiveness of this and its Walter investigation are ~~heralded~~ heralded as "most extensive" in the lead and nothing "shakes the conclusions of both the FBI and the Warren Commission."

(This is rather odd in view of the Hoover/FBI disagreement with the Warren Commission over the shots.)

How in so short a period with so many thousands of pages to examine the AP managed to come up with just what the FBI wanted covered and to say just what the FBI wanted said is one of the reasons I filed my request for all records relating to the processing and release of these records. (The case is C.A. 78-0249.)

Anything and everything relating in any way to the searching, disclosure or non-disclosure of any kind of Hosty records is also, necessarily, in the context of Oswald ^{Hosty's} being ~~his~~ case, going to the ~~FBI~~ FBI Dallas Office right before the assassination, and of reports immediately after the assassination that Oswald had had an FBI (and/or CIA) connection.

In making any denial the FBI was in a bad position. It had to prove a negative when it alone had any possible proofs and it had motive, if the report was truthful, for not telling the truth.

On the other hand, as former CIA Director Dulles told his fellow Commissioners on 1/27/64, the transcript of which was withheld from me for years, if it were true the FBI would lie.

When there is no action on appeal for so long and when the FBI ~~itself~~ itself is so