

20/11

ADMISSIONS

When the Dallas and New Orleans field offices received plaintiff's FOIA requests of December 25, 1977, it did not process them in the usual manner.

The usual manner is to search the general indices to determine if there is any material which may be responsive to the request, to review this material and then advise the requester the results of the search.

The usual procedure is prescribed by FBI regulations.

Instead of following the procedure required by FBI regulations, these field offices forwarded plaintiff's FOIA requests to FBIHQ, without ~~notifying~~ ^{informing} the plaintiff.

~~The FBI usually responds to requests for FBIHQ and FBIHQ usually responds to requests for FBIHQ.~~

~~Usually FBIHQ does not respond to requests for FBIHQ.~~

~~usually FBIHQ does not~~ do not

At FBIHQ SA Thomas H. Bresson, then assistant chief of FBIHQ's FOIPA branch, did not make any search to comply with plaintiff's requests.

Copies of the field office indices are not kept at FBIHQ.

FBIHQ therefore cannot make searches of the field office indices personally

SA Bresson/decided that all the FBI would provide in response to plaintiff's requests that Dallas files 89-43,100-10461, 44-1639 and 62-3588 would be processed for plaintiff in substitution of plaintiff's requests.

the FBIHQ equivalents of which

These are files/ in which FBIHQ decided to limit the House Select Committee on Assassinations, if possible.

When FBIHQ moved its files pertaining to the assassination of President Kennedy to a special location for the use of this committee, its equivalent of these files are the only ones it moved for the committee's use.

After plaintiff filed sui and after he appealed the denial of the information he requested, FBIHQ sent SAs Horace P. Beckwith and John W. Hawkes of the FOIPA Branch to Dallas. and disclose this in t is litigation.

The names of these SAs were not secret and Beckwith's was the subject of

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considerable public attention because he was an unindicted co-conspirator in the Weatherman-related prosecution of three top former FBI officials, including former Acting Director Fay Gray.

SA Udo H. Specht of the Dallas field office handled matters pertaining to the Kennedy assassination in that office, including with the press and in connection with this and other requests.

SA Specht was ~~known~~ publicly known to have and serve these responsibilities.

Notwithstanding the fact that their names were not secret and were disclosed in this litigation, in Defendant's Response to Plaintiff's Request for the Production of Documents the FBI asserted a (7)(c) claim to withhold their names from 89-49-10311.

The FBI has records pertaining in any way and all ways to searches connected with this case dated prior to June 2, 1978 with regard to the Dallas request and prior to August 30, 1978 with regard to the New Orleans request.

Notwithstanding the fact that the FBI has records of various kinds of earlier date, it did not provide them in response to the second items of Plaintiff's Request for the Production of Documents.

If these withheld records had been provided they would disclose that the FBI field offices did not make searches to respond to plaintiff's requests when they were received and that FBIHQ decided what the FBI would substitute for the plaintiff's actual requests.

The first supervisor of the JFK assassination investigation in the Dallas office was retired SA Robert P. Gemberling.

SA Gemberling remained case supervisor throughout the time in which most of the records in this case were created.

Shortly after his retirement the Dallas office requested permission of FBIHQ to rehire him on a part-time basis and shortly before plaintiff filed his litigated requests FBIHQ authorized the Dallas office to retain his services on an as needed basis

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because of his unique ~~specialized~~ knowledge of the assassination investigation.

(JL- do not cite record but it is #89-43-9971, dated 1/14/77)

Although Dallas field office requested permission to draw upon Gemberling's unique knowledge of records pertinent to plaintiff's request and based on his expertise FBIHQ au approved re-employing him on as as needed basis, the ~~XXXX~~ FBI did not ~~xxxxxxx~~ draw upon his unique knowledge after receiving plaintiff's requests. (JL-plural because of his knowledge of NO records also)

Gemberling had the best available knowledge of the names of persons and organizations who figured in the investigation.

Drawing upon his knowledge, the FBI could have located and processed responsive records that could be unknown to other Dallas FBI employees.

Gemberling could have knowledge of information plaintiff alleges the Dallas office had that is not claimed to be exempt and has not been provided.

Such information could include the FBI's tapes of the Dallas police radio broadcasts, still and motion pictures, records pertaining to those known as "critics" of the Warren Commission's and FBI's investigations and whether or not other persons and organizations figured in the investigations and pertaining to whom records have not been provided in this litigation.

There were conferences between the FBI and the Department's Office and information pertaining to information plaintiff claimed was pertinent and had not been provided.

Determining whether or not such information exists required searches.

Plaintiff's No. 3 request for the production of documents

It is the FBI's practise to prepare records pertaining such conferences or meetings or discussions.

requests records of any and all such communications.

Defendant's response is that the FBI has no such records.

One of the searches that resulted from such conferences or other meetings pertains to the FBI's withholding of field office records alleged to have been

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"previously processed" in the FBIHQ general releases of JG JFK assassination records.

Without such searches it was not possible to determine which records had been "previously processed."

As a result, more than 3,000 pages of records withheld as previously processed that in fact were not included in the FBIHQ general releases were processed and provided to plaintiff in this litigation.

Other illius examples include films of various kinds and tapes.

As a result, the FBI offered plaintiff the tapes of the electronic surveillances of Marina Oswald.

Locating them required searches.

Plaintiff declined copies of these tapes on the ground that their content was personal and did not pertain to the assassination investigation.

As a result of actions of the OP OIPA, other records were provided to plaintiff in this case. An example is records pertaining to the late George DeMohrenschildt.

Locating and providing such records required searches.

OPIA

As a result of actions a greater number of Dallas files were searched and records from them provided than four, which is the number of files provided by Bresson's order, after which compliance was claimed in this case.

Plaintiff's No. 4 request for the production of documents asks for "all covering letters or memoranda forwarding the Dallas police radio log to the Warren Commission," and in response the FBI said only "See Attachment B."

dated April 7, 1964
Attachment B refers to but a single set of such logs.

The FBI forwarded more than one such set of logs.

As a result of an additional request of the Warren Commission, which was not satisfied with the police transcripts, the Dallas FBI field office sent an agent to the Dallas police, with property of the Dallas office, including a Wollensak tape recorder, and the said agent returned with tapes of all the broadcasts for a three-day period.

no 5

Personnel of the Dallas field office then used these tapes in the preparation of the transcripts of logs that ~~xxxx~~ were forwarded to the Warren Commission.

Records pertaining to this were not provided to plaintiff in this litigation.

This can indicate that they are not filed in the files to which compliance was limited.

No search of any other files was made for such records.

Plaintiff did inform the FBI and its counsel in this case, under oath, of his knowledge of the FBI's having sent an agent to make and return with tapes, of their transcription by the Dallas field office and their forwarding to Washington, and stated that his knowledge came from FBI records prepared after the requests made of the Attorney General by the House of Representatives.

No search of other files to obtain this pertinent information was made after plaintiff ~~xxxxxxxx~~ provided this information to the FBI and its counsel.

Neither the FBI nor its counsel have denied or tried to disprove plaintiff's attestations pertaining to these tapes.

Such tapes are within the instruction to the FBI by the Department in this case.

Locating them requires searches.

No search slips pertaining to any such searches have been provided in this case.

Following ~~XXXXXXXX~~ OPIA action, under date of November 20, 1980, the Dallas field office forwarded six volumes of records pertaining to its telephone and microphone surveillances of Marina Oswald, and provided ~~as~~ comply pursuant to plaintiff's request for the production of records in which all files numbers are withheld under claims to exemptions (b)92 and (7)(D).

Exemption (b)(2) is "related solely to the internal personnel rules and practises of an agency."

Marina Oswald was never an employee of the FBI.

her

Wiretapping and bugging has nothing to do with "personnel rules and practises."

Exemption (7)(D) is limited to "the identity of a confidential source" or, under

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some conditions, "confidential information furnished only by the confidential source."
file

The numbers the FBI assigned to these six volumes is not a person who is a confidential source; is not "the identity of a confidential source;" and is not "confidential information furnished only by the confidential source."

These file numbers originate entirely within the FBIa and are not furnished to it by anyone.

After two of these file numbers were withheld from plaintiff in this case, plaintiff notified the FBI and its counsel that the FBI had already disclosed them and then provided them.

These file numbers are 66-1313 and 1313A.

In the document cited above these numbers are withheld under the cited claims to exemption despite plaintiff's having notified the FBI that it had disclosed them.

Although they are withheld, they are also disclosed in other records produced at the same time in response to the same request for the production of records.

In the records provided originally in this case the FBI made claim to exemption to withhold information that disclosed it had wiretapped and bugged Marina Oswald.

Marina Oswald was not the subject of any FBI criminal investigation.

The FBI did not request permission to bug Marina Oswald's home but it did bug her home.

The FBI's request for the Attorney General's permission was not based on any internal security investigation of her but ~~was~~ was based entirely on the request of the Warren Commission.

The Warren Commission was not authorized to make either criminal or internal security investigations.

File numbers ~~may~~ can be used by scholars and investigators to evaluate the dependability of ~~other~~ information contained in his official records.

The Attorney General has designated the investigation of the assassination of President Kennedy as an "historical case."²

There is to be more liberal disclosure in historical cases.

forwarded to FBIHQ by the Dallas office

Two of these six files/are described as "transcripts" of the electronic surveillance.
such

No verbatim transcripts have been provided to plaintiff.~~XXXXXXXXXXXX~~

Plaintiff's request No. 5 is for "Any list or indices of photographs on the
assassination of President Kennedy."

In response the FBI stated that "the FBI has no such lists or indices."
plaintiff

As ~~XXXXXX~~ has already informed the FBI and its counsel in this case, the
Dallas FBI had a special place for storing photographs outside the regular files.

No search of this special storage area has been made and reported in this case.

It is common FBI practise to keep photographs and other such evidence in what
it refers to as EBFs for enclosures behind files or bulkies, for bulky exhibits.

The FBI's field offices are required to provide regular justifications for the
preservation of such materials.

In Dallas, SA Gernberling provided such justifications, as required, in writing,
every six months.

His justifications included lists of these materials.
two sets of

At the very least, the FBI has/copies of the lists sent to FBIHQ by the Dallas
office, at FBIHQ and at Dallas.

The records provided in response to my request include references to pertinent
records still not provided by the FBI.

~~XX~~

The first record provided by the New Orleans office in response to the request
for the production of documents is dated "August 30, 1978," or nine months after
plaintiff's request.

The New Orleans office has records pertinent to my request for their production
of earlier date and has not provided them.

FBIHQ also has such documents of earlier date and has not provided them.

This cited New Orleans letter to the FBIHQ FOIPA Branch states that "All

indexed references to all known persons involved in or referred to in the investigation of the assassination of President Kennedy were searched through search slips."

This is not a truthful statement.

There are persons "referred to in the investigation" pertaining to whom the New Orleans office made no searches at all.

No such searches were made after plaintiff's appeals or after he provided affidavits containing information ~~pertaining to~~ attesting to their pertinence.

The FBI has not denied plaintiff's attestations.

The New Orleans office informed FBI FOIPA that after its searches it located "files separate from the main assassination file" and that they were "shipped to FBIHQ"

Such records have not been processed in response to plaintiff's request, even though the New Orleans office found them to be pertinent and sent them to FBI FOIPA for processing in this case.

The New Orleans office informed FOIPA that it has both the original ~~work~~ search slips and pertinent "workpapers."

No such workpapers have been provided in this case.

It is FBI practise for ~~a request~~ for searches to be made individually, on printed FBI forms.

The ~~work~~ search slips provided to plaintiff in this case are run in with each other, ~~and~~ are not each on separate forms and do not include the information to be inserted in those forms.

The Dallas office did not make and report the kind of search reported by New Orleans in this cited letter.

and tried

Clay Shaw was charged/by New Orleans District Attorney Jim Garrison in connection ~~with~~ with this assassination, records pertaining to Shaw were identified and not provided, and Shaw is known to be dead.

The FBI knows of other persons and orga nizations involved in the Garrison

investigation and has not made searches for records pertaining to them.

Such records are included in plaintiff's requests.

Plaintiff has informed the FBI of this over and over again, in this case and in document d appeals.

One of the means by which the FBI knows the identifications of such persons and organizations is lists sent by the Department of Justice in asking to know what the FBI knew about such persons and organizations.

Plaintiff ~~is~~ informed the FBI and its counsel of this in this litigation and under oath.

The FBI has not denied plaintiff's affirmation and reported or made any searches or produced any records as a result of his attestations.

no such searches are included in the alleged search slips provided to plaintiff in this case.

New Orleans reported further on its procedures under date of December 5, 1978. It limited its searches to ~~the assassination file,~~ the assassination file, and the names, Oswald, Ruby, Garrison, Shaw and David Ferris. It then limited itself further with regard to these persons to what it decided "related to the assassination of President Kennedy, and it sent nothing else to FBIHQ.

Plaintiff's requests are not limited to what the FBI may say it believes is "related to the assassination." The requests are quite specific in stating that they include no such limitation and are for "all records on or pertaining to" ~~such~~ persons who "figured in" the investigations.

The New Orleans office's language of August 30 is "or referred to".

This language is inconsistent with its December 30 limitation to "related to the assassination."

The FBI requires reasonable command and comprehension of the English language as a prerequisite to assignment to FOIPA work and of its special agents.

copy of
The September 9, 1980 FBIHQ letter to the Dallas and New Orleans

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field offices provided is not from the files of either office or from FBI Central Records.

It bears no file number for filing or retrieval.

It also does not bear any notations added by the field offices or on the FBIHQ record copy.

This also is true of the copies of the responses of those offices.

The Dallas field office covering shipment of the Marina Oswald bugging and wire-tapping records to FBIHQ in this case includes pertinent records not provided to plaintiff in this case.

The FBI makes the same (b)2 and (7)(D) claims to withhold from the entry "Copy of ~~XXXX~~ Dallas file (obliterated) consists of one volume, captioned "Jack Leon RUBY "JACK LEON RUBY:PCI." It is noted the original Dallas file (obliterated) was forwarded to FBIHQ by Dallas airtel to the Bureau dated 2/26/64."

The field offices have 137 files on each criminal informant, whether or not he remains an informant.

The FBI has disclosed that Ruby was its PCI. It has also alleged that contact with him was limited to a single agent and that he was not a productive informant.

Each time the agent has contact with an informant he is supposed to file a report on a regular printed FBI form, whether or not he also files other information about any contact.

^{at}
No such records have been provided to plaintiff in this case.

Such records ordinarily would not be included in the Ruby 44 (civil rights) file and in this case they were not ~~included~~ included therein.

The last ~~page of this document~~ entry on page 2 of this airtel, referring to a 1959 records dealing with gambling activities, has the SA's name withheld under both (b)(2) and (7)(C) claims. Is this the agent who asked Ruby to be an informant? If so, was his name not disclosed years ago? Is it really necessary to assert such claims after the ~~XXXXXX~~ attested they ought not and would not be, as a matter of policy, ~~and~~ after Director ~~MAX~~ Kelley stated that such names would not be withheld in his original cases and after Director Hoover specifically ordered that in this investigation none would be withheld? Is it not a fact that all such names were published by the Warren Commission after Director Hoover's decision?

There are three items completely withheld on the last page, under claims to (J)(2), (b)(2) and (7)(C). Written in the margin is "awaiting review by DRC."

(a) ~~XXXX~~ It usually require more than two years for a DRC review? ~~XXXX~~ It require two years with a case in court for five years?/

plaintiff's

In response to my 1977 request, none of these records were forwarded to FBIHQ from processing in this early 1978 case until the end of November of 1980.

In response to plaintiff's 1977 request and 1978 litigation no Dallas searches were made for "Warren Commission" and "President's Commission on the Assassination of President Kennedy" until October 28, 1980; and ~~XXXX~~ no searches were made under the names of Jack Ruby, Marina Oswald and Lee Harvey Oswald until October 15, 1980.

This ~~request~~ the copy of this document ~~XXXXXX~~ was not retrieved from Central Records.

It is an FBIHQ, not a Dallas or New Orleans copy.

This copy also bears no filing or other directions.

Central Records and indexed field office copies do bear added notations/ which this copy lacks.

The New Orleans airtel to FBIHQ of February 11, 1981 lists 11 names rechecked through the New Orleans indices. That search disclosed that some of the names were indexed to 190-00 files, copies of which were not sent to FBIHQ because they

"were found to be only referred to in administrative instructional directives."

The FBI files FOIA requests and litigation under 190.

FBIHQ provides such administrative instructional directives to the field offices.

FBIHQ provided such administrative and instructional directives to the field office in this case.

and

New Orleans did not send those indexed records to FBIHQ, FBIHQ did not ask that they be sent for processing in this case or in response to plaintiff's request for the production of documents under discovery.

The New Orleans records referred to are pertinent in response to plaintiff's request for the production of ~~documents~~ "a;; letters, memoranda and other ~~communications~~ communications pertaining to any and all searches made in connection with this case."

The FBI did not process all records relating to all the names listed by New Orleans in this case.

main

additional

In the assassination file New Orleans identified 28 documents. ~~These documents~~ ~~presented and provided to the FBIHQ~~

New Orleans did not search under the name of George DeMohrenschildt until early 1981 in this case.

It then located and did not send to FBIHQ to comply with plaintiff's request for the production of documents quoted above "administrative instructional" information pertaining to this litigation and also filed as 190.

The Dallas and New Orleans field offices were given instructions not to search under the names of "critics" but to search for "files on critics or criticism of the FBI's assassination investigation."

a)

The Dallas and New Orleans field offices both knew that the FBI files by names ^{FBI} and not under such headings and b) there is no appropriate file number for any such filings as "critics of the FBI" or the Warren Commission.

In the Dallas February 17, 1981 airtel to FBIHQ FOIPA in this case references to files 44-1638 should be to 44-1439 and to 100-~~61~~632 should be to 105-632.

In this 1978 litigation involving plaintiff's 1977 requests, the Dallas field office did not search under the name of George DeMohrenschildt until early 1981.

The FBI was well aware of George DeMohrenschildt's involvement in its^{and} the Warren Commission's ~~Patricia~~ investigation.

The FBI compiled a large amount of information on DeMohrenschildt in connection with these investigations.

The FBI even sent special agents to Haiti to interview DeMohrenschildt there in this investigation.

The Dallas field office made no search under the name of its former SA James P. Hosty until early 1981.

The Dallas FBI field office sent a blank search slip to FBIHQ on February 17, 1981 in this case.

The Dallas indices includes DeMohrenschildt ~~xxx~~ listings.

FBIHQ did not direct the Dallas field office to provide any search slips including all references to ~~DeMohrenschildt~~ Hosty.

No other Hosty search slip was provided to plaintiff in this case.

In this record the FBI discloses the numbers of the Marina Oswald electronic surveillance files, ~~161~~ 66-1313 and 66-1313A that it also withholds in other records provided at the same time under (b)(2) and (7)(C) claims.

^{like other above,}
This record/also is not a copy of any Central Records copy and lacks the information that is added on filing and any other FBI notations.

add on Gemberling

If there were pertinent ticklers of the period of the earlier part of the investigation, of the period when he was supervisor, Gemberling would know of such ticklers and, if he had them himself, where he had them and what if anything happened to them or what he did with them on his retirement or when he was assigned to other work.