

Whether or not Lieberman intends to misrepresent to this court is clarified in what he states about them (pages 21-2), beginning with his representation that "they are used in place of permanent symbol numbers" and his entirely unqualified and entirely false statement that the "(r)elease of these numbers would indicate both the number of sources utilized and the amount of information furnished by each."

Compounding this knowing misrepresentation, this attestation to the impossible, he states further that ~~"(s) combined with the dates, places and other information"~~ another impossibility, that

"they could be used to identify sources." There can be ~~any~~ any number of uses of the same T number within any FBI field office on any day. One can be a postal clerk, one can be a John Smith, another can be a Peter Jones, another a bank teller, and they would not be the same, obviously, nor would they be the same as any number of identical T numbers used the day before, the day after, or by any of the number of agents in any field office, all of whom use the identical T numbers for the identical purpose and for different persons. The only limit on the use of any one T number is writing a single document. If an agent prepares more than one report on a single day, he may use the same T number in each for entirely different people. There just is no way that the temporary, arbitrary, uncoded and random use of such a number can identify the source. Based on my examination of so very large a number of FBI records in which these numbers are used I cannot believe that there is any FBI agent who does not know that what Lieberman states to this court is not and cannot be true. In this I include all those involved in the processing of the records to begin with. I think also that if only because so many such records are involved in their work Department lawyers also know the truth of what I state here.

____/How those who without exception are not FBI employees or its official symbol informants can be classified as its "personnel" under the exemption that requires in addition that what is withheld relates "solely" to these personnel matters Lieberman does not state in claiming Exemption (b)(2) to withhold the temporary numbers used to replace the names within reports to be disseminated outside the agency.

29. While there was not in the FBI's JFK assassination investigation any need to make such exhaustive checks of phone calls and motel registrations over so large an area, they also are included, along with many, many other such illustrations in FBI records disclosed in the JFK assassination records, including in particular those in the case in which Phillips is the supervisor. Every flophouse and cheap hotel of the many places of this description was checked by the FBI for one day in Lee Harvey Oswald's life and the results were disclosed. So were all the credit and commercial institutions and even post office investigative results, including copies of the records of these categories Lieberman attests must be withheld - and there was no damage, no suffering of any kind, no improper disclosure.

27. The last Lieberman listing under (7)(D) is "temporary source symbols." He characterizes these as "confidential" sources and they in most cases are not confidential. The FBI boilerplates the claim that all those it interviews assume there is the implicit promise of confidentiality. I have interviewed a ~~fair~~ number of persons the FBI also interviewed on both subjects and I have yet to meet a single one who said that the FBI implied the information obtained was confidential or that it would keep the source's identity confidential. In seeking to justify the withholding of ~~which~~ intendedly meaningless and entirely uncoded temporary identifications Lieberman states (page 51) that "(t)hrough an analysis of these numbers and the information ~~provided~~ furnished by these sources, a knowledgeable person who is familiar with the facts and circumstances of the investigation may be able to identify" these confidential sources. I cannot imagine that there can be any FBI agent who does not know that this is completely false.

28. In preparing such records as Letterhead Memoranda, known as LHMs, the FBI does not include ~~such identifications~~ source names in the text. Where it wants not to have such names distributed, it replaces them with an admittedly temporary number in the text. After the end of the document, on a page or pages removed at FBIHQ before any distribution, there is a listing of these temporary symbols along with the name identifications. But each time such a symbol is used it

is used ~~to mask~~ bit once, for the purpose of that report and no other report. John Smith may be T-1 in one report and t-20 in the next report. There is no system, this is all arbitrary and one-time-only and Lieberman has to know that disclosure of such an arbitrary and entirely uncoded number cannot be used to "identify" any source to which it is applied. In fact, if anyone attempts to make any such use of these admittedly temporary number, confusion, not disclosure, is certain and inevitable, the exact opposite of what Lieberman, from that deep knowledge he has of the FBI and its procedures and practices, assures this court. This is necessarily an obvious misrepresentation for another reason: not once in those 26 Warren Commission records, not once in those I have examined in the 300 cubic feet of Commission records at the National Archives, and not once in about a third of a millions pages disclosed to me has there been any such claim and any such withholding. For the more than two decades of my intense examinations of so vast a number of the FBI's uses of these temporary symbol identifications it never made any such claim or any such withholding. It uses these temporary and entirely states to

29. arbitrary symbols to make what Lieberman ~~says~~ this court impossible and in that it is entirely successful.

29. Lieberman has a section of "classified information." While it is generally whether impossible to determine/what is withheld in its entirety as properly classified, in the records to which Lieberman attests there are illustrations of ~~entirely improper~~ ~~int~~ intended withholding ~~that was~~ as classified that was not proper. I attach below illustrations of this in the order of their appearance in his Exhibit R.

30. I presume because I caught it in the misrepresentation, that all its symbolized informants are living human beings, Lieberman no longer uses this description. He admits, ~~that~~ for the first time within my experience that the FBI uses informant numbers for "technical sources." (page 18. This means things like telephone taps and bugs for electronic eavesdropping. To withhold these numbers and the related file numbers (page 19) he and the FBI use (b)(2), and that, under the law, must apply to human beings for it can be used when related personnel "solely to the internal rules and practices."

There are no FBI "personnel" who are bugs or phone taps. Moreover, in my case before this court, the FBI produced as its expert witness Mr. Shea, the appeals director, and he then testified that use of (b)(2) to withhold information related to real informers is improper. They are completely covered by Exemption 7.

31. Lieberman can't, or at least doesn't, give this court an accurate description of the symbol numbers. He states that they are composed of two letters representing the field office and four numbers assigned to the informer and nothing else. In all instances the FBI uses an additional letter identification with these two letters and four numbers, "C" for criminal, "S" for security, really political, etc.

32. The FBI has released these symbol and file numbers to me without harm and indeed, without any interest at all when I informed it that it had also disclosed the actual names of these informers. While there is no question but that symbol informers require protection, there is a substantial question about whether or not in most instances disclosure of the symbol identification would identify the informer. Without question, in a small minority of instances a determined and informed person might be able to make a shrewd guess. However, in most instances this is not true and what Lieberman does not mention is the fact that an informed researcher can better evaluate information and the uses made of it by the FBI if he knows whether or not all of it comes from a single source or is, as is true of so much, bad information comes from a single source. Even the conditions under which a symbol informant obtains information can help in evaluating the information. In an instance before this court in my litigation, the FBI disclosed that one Marjorie Fetters, its symbol informer, took Jerry Ray, brother of Dr. King's alleged assassin, to her bed. There he allegedly gave her information incriminating his brother James and the FBI used that information and distributed it. In any evaluation of that information, whether or not Jerry imparted it with an objective in mind is a consideration. By withholding all symbol number and file identifications, numbers that do not automatically identify anyone, and by misrepresenting its electronic surveillances, authorized and unauthorized, and there are both kinds, the FBI clearly

intends to make use of this information in the public's interest impossible and to confuse everyone. There is no other purpose served in identifying bugs and phone taps as live informers. It could have as easily and even less confusingly internally

33. have assigned ~~the~~ a letter like "E" for electronic to its bugs and taps.

33. Perhaps there can be the conjectured harm stated by Lieberman in r_ere from cases of the disclosure of symbol informer file numbers but I know of no single instance of this and a number of such file numbers, along with the FBI's contact reports and xeroxes of the information provided by the informers have been disclosed to me. The automatic withholding of all these file numbers, without regard to whether any possibility of harm is indicated, serves only ~~to~~ to withhold information that can be embarrassing to the FBI.

tr above to informers.

However, disclosure of an informant's number does not, as Lieberman states, "indicate both the scope and the location of the source." Because all informant numbers have four digits, the scope is not indicated, and because the letter identifies only the field office, they do not pinpoint the location. The only identification is of the field office, and they cover enormous expanses of territory.

34. Again, the file numbers are not living FBI "personnel" and the use of (b)(2) is inappropriate and unnecessary because Exemption 7 can be invoked. The use of (b)(2) serves only to deceive, mislead and misinform the people who have interest in the information and in how the agencies of their government function.

35. With regard to "dissemination markings" (page 21) Lieberman states that they must be withheld because they "indicate either Federal Government agencies with investigative interests in those persons or organizations." He does not state that this represents any kind of problem to any government agencies and in fact they do not represent any such problem. Moreover, they have never been withheld in all the great volume of records I have examined. In fact, they are not withheld in the documents subject to this Vaughn listing. I attach as Exhibits ___ and ___ the first in each half of Lieberman's Exhibit R. He also states that these dissemination markings "have no effect on the substance of the documents themselves." He does not state that

the dissemination has no meaning, no significance or no importance in citizen evaluation of the functioning of the agencies of government, and if he were to make any such statements they would not be true. In my case before this court these disseminations indicate what, for example, amounts to FBI persecutions of blacks for no greater an offense than not being like by the FBI agents in Memphis. Nothing that can be harmful to the government is entailed in disseminations being disclosed, as is obvious from the fact that to now this is my first experience with them. However, if the FBI for example, refers certain information to the CIA, that can have significance to a requester. Disclosing this dissemination is in no way hurtful to the CIA, Or the immigration service. Or Internal Revenue. Or the Treasury.

36. I have never, to now, heard of the withholding of "information pertaining to manpower and technical capabilities of the FBI's Technical Services Division"(page 220) and if this includes what was known as the laboratory I have considered litigating experience with it and with the records it disclosed to me and to the Warren Commission as well as what it got for testing from the field offices and what it then sent to these field offices. Lieberman makes no reference to manpower disclosures in the budget or Congressional hearings for appropriations, where manpower needs are detailed. He also fails to explain how any of such information, particularly evidence, could be used in any criminal proceeding without the disclosure of what he attests must be withheld for the first time, to me at least, in the FBI's long history. Moreover, he also does not state that these capabilities are in any way unique or in any way exceed what is entirely normal and public with regard to "audio analysis." I am aware of what was asked of the FBI and it involves no more than the use of standard and well-known procedures already performed for the Congress by private persons. Can it be that the FBI is unaware of the similar testing done of President Nixon's clandestine tapings? No secret procedures were involved in them or what was asked of the FBI by the Attorney General as a result of referral from the Congress.

3737 I do have personal knowledge of aspects of this because the FBI has withheld from me the recordings it was to have analyzed. First it simply lied and claimed not to have them with Hillips as the supervisor and then, when by accident such recordings

were located exactly where I said they would be only for no search to be made for them, after several years they remain withheld - still without search for other copies that were kept elsewhere, where I informed the FBI they had been. What is really involved in this is substantial questions of FBI misrepresentations, to the courts and to the special board convoked -outside FOIA - to make the tests the FBI did not make for X the Congress. What also is certain, from unofficial recordings of exactly what the FBI was too analyze, is that the FBI's transcription of these recordings was significantly inaccurate. What the FBI may not know and what it is more likely not to know in the FOIPA unit is that these recordings of the assassination-period broadcasts by the Dallas police, were leaked by the Dallas police to a sycophantic writer, Judy Bonner, who in turn made dubs available to "critics" of the official investigations, including the FBI's.

38. "Audio Analysis" is not a function of FBI field offices. There thus is no apparent relevance to Lieberman's reference to field office management practices and problems with regard to FBIHQ technical services and "audio analysis." Nothing of this nature is indicated on the three pages to which he refers, 182-44 He claims (b)(2) for the three withholdings on these pages when quite clearly the information withheld and cannot does not relate "solely to the internal personnel rules and practices." (Emphasis added.) Exemption 7 (7)(E) can be invoked for investigative techniques and procedures, if there is need to protect them.

atX above. One of these questions is whether the FBI misled the special panel that made the requested study outside FOIS in representing as the original recordings what there is reason to believe may not be the original.s. Faced with the allegation that what it sent that panel was no originals in my other case in which Phillips is the FOIPA supervisor, the FBI has made no denial. It has merely stonewalled for many years and continues to withhold dubs of those recordings admittedly located and not exempt from disclosure. In fact, it was indicated to me that dubs were to be made for me.

technical

39. If there were genuine FBO concern over disclosure of its capabilities it would not have disclosed all that is in these three pages referring to farming such analysis out to the private sector.

40. The generalization Leiberman states with regard to withholding defamatory information (pages 25-6) are in some instances legitimate. When he states that "(t)here can be no articulable public interest served by the disclosure of this kind of information" he just does not know what he is talking about and he flies into the face of a long FBI record of disclosure of the most defamatory personal information, including what it knew was false. This also applies to other categories of persons he speaks about in the same paragraph, those who were the subject of FBI investigations not publicly acknowledged and those mentioned in FBI files. It never withheld this kind of information until after ~~Mr. H~~ Hoover was dead because he refused to permit such withholdings. Such information was not withheld from those estimated 10,000,000 words and FBI documents published by the Warren Commission or in its files that ¹ examined at the National Archives.

41. It withheld information that Clay Shaw, the central figure in the Garrison case in New Orleans and the person to believe was involved with Lee Harvey Oswald under the name of "Clay Bertrand," not only was homosexual but was a sado-masochist. "Clay Bertrand was testified to by a lawyer, Jean Andrees, now also dead.) (Shaw has been dead for many years." In that context indicated above, is there an "articulable public interest" in know that Shaw was such a person when that information is central in the FBI's and the Warren Commission's supposed investigations of "Clay long Bertrand" and of allegations that Oswald was homosexual? Yet after Shaw was dead and buried the FBI, with ¹Phillips its FOIA supervisor in my lawsuit, withheld all this information. There is no indication any of it exists in that lawsuit and the records disclosed in it even that all information on Shaw, dead before the request was made, is a specific item of that request. Yet the FBI disclosed a headquarters paraphrase of the New Orleans information in its FBIHQ general releases of 1977-8. ¹his information was given to Attorney General Clark, who made public statements based on it and the FBI later denied it have told Clark what he stated it had told him. Does this represent an "articulable public interest?" In Exhibit ___ attached the New Orleans

FBI's source acknowledged personal homosexual relations with Shaw, with two other FBI sources confirming him. This record reports other withheld and relevant New Orleans information, including receipt of "information from two sources that Clay Shaw is ~~identifiable~~ identical with an individual by the name of Clay Bertrand." (Where this FBIHQ record states only that was "in contact" with the lawyer, dean Andrews, "in connection with Lee Harvey Oswald," it avoids mention of how - to arrange counsel for Oswald. Andrews was confirmed by another lawyer, Sam Monk Zelden.

(sic)

~~xxxxxx~~ 42. I think it is obvious that neither Phillips nor his staff analyst ~~FBI's~~ Lieberman made the balancing test Lieberman refers to

42. The FBI is remarkably inconsistent in its claimed need to withhold defamatory information and its interest in protecting the innocent. When it made this claim in my case before this court I provided numerous illustrations of its contrary practice, with regard to Lee Harvey Oswald's mother, his widow, me and numerous black in jess Memphis records. It disclosed its records stating that Mother Oswald slept with a man to whom she was not married, as Marjorie Fetters also is disclosed in its records in that case to have done. It disclosed more than this with regard to Marina Oswald and it named the man with whom she slept, who was at the time married. It disclosed Marina Oswald's nocturnal sexual fantasies and longings. It disclosed, still in the case before this court, the names of young black women who allegedly slept with men and conceived by them and rather than having concern for their families, Lieberman's claim at this point, it went around and spread this information to those who employed the members of her family in an effort to get them fired and pressure her. With regard to my wife and me some of its infamy is in the cited case record, the total fabrication that we annually celebrated the Russian Revolution, the defamatory misrepresentation of an annual religious gathering at a farm we then owned. If as Lieberman states, "(t)he fact that ~~xxxxxx~~ an individual was the subject of an FBI investigation could create a negative connotation. The person could be stigmatized....particularly where no previous public acknowledgment has been indicated," how then, can the FBI explain the

its multitudinous representations that innumerable black are in some way subversive,

as it does throughout the records disclosed to me in the case before this court? In that record it has me classified under "bank robberies," which seems to be negative and defamatory enough, especially when I had no connection with any bank robbery and it did not allege that I did? (It also has me filed ~~as~~ in an espionage case when I had no such record and in other such defamatory "connotations.") It has alleged, ~~quite~~ entirely falsely, that I had a special relationship with a Soviet national inside the R USSR embassy and that someone from there visited me. I receive telephone calls about its defamations of me and my wife from members of the press who, it seems to be entirely unlikely, could have just stumbled on these records when in a single day there were more than 400,000 thousand of them to be examined.

5 43. Certainly people can be defamed by the FBI's disclosure of how it has them filed. It defamed every known critic of the official investigations of the JFK assassination by disclosing that it has them filed as subversives, the subversion consisting entirely of questioning the official solution to the crime or its investigations.

44. But not every disclosure is defamatory and there were no reported protests or claims of injury when under Director Hoover's order there were none of the withholdings from so vast a collection of FBI records published by the Commission. There has been none of which I know from similar disclosures in the vast accumulation of such records disclosed to me and placed in the FBI's public reading room of which I know. The only complaints of which I know are of FBI inaccuracy. People interviewed have told me that they told it what it did not report and that it reported what they did not say. It has ample motive for total withholding of identifications

45. While because its disclosures can embarrass it.

45. While without doubt it should be consistent in its claims to exemption and its disclosures (in my case in violation of my invocation of the Privacy Act before any disclosure), it cannot properly and honestly make a blanket claim to total withholding of such information as Lieberman refers to.

5 46. The release of the names of persons who provided information to the

FBI or of the information they provided, does not, automatically and in all cases, which is what Lieberman states harm them or interfere with law enforcement activities. Lieberman merely ~~states~~ make conclusory statements, without citing even a scintilla of support and the long and extensive record cited above refutes him completely. Such withholdings must be and I believe are required to be by the Act on a case-by-case basis.

47. When Lieberman and his automatic rubberstamping of the FBI's withholdings get to "Names and/or information pertaining to FBI employees involved in disciplinary matters" and the (b)(6) claim to withhold he flaunts his ignorance and his incompetence to make this attestation and transcends what is merely ridiculous. He claims (pages 2729) 27-29) that the names of the disciplined personnel is withheld because the House committee did not disclose those names. But he did not say that the FBI itself had made no disclosures and in fact all the names have been published, which is impossible is the FBI did not make them available. I will provide some of these disclosed names in connection with a selection of illustrations from Lieberman's Exhibit R. However, so the court can understand whether there is an "articulable public interest" in the identifications of those disciplined they are all accused of deficiencies in the performance of their duties with "e regard to Lee Harvey Oswald and thus at least by inference with a share in responsibility for the assassination of the President. With some it was another very serious matter that, if the official account of the assassination is to be believed, a deficiency and the ~~destruction~~ withholding of evidence that could have prevented that assassination. If Lieberman knew this he does not mention it to this court. If he did not know it he was not competent to file this declaration because it is that basic.

48. James Patrick Hosty wa Jr., was the Dallas Oswald case agent. He was a supposed expert on subversives while he parroted the line of extremists of the right and reportedly associated with them while a Dallas FBI SA, He was involved in a number of serious incidents which are not mentioned by Lieberman and which have been disclosed to me by the FBI, with the same records in its public reading room. ~~One of these~~ one of these led to Director Hoover ordering the FBI to break all relations with the

Dallas police. The FBI refused even police training to Dallas. Hoover's ire was aroused because a Dallas police lieutenant executed an affidavit stating that only minutes after the assassination, Hosty, the Oswald case agent, told him that they knew Oswald had the capability but did not think he would do any such thing. (As becomes clear below, this was the truth and the FBI knew it was the truth long before the FBI broke off all relations with the Dallas police over it.)

49. Long after the assassination because the FBI suppressed the information it had, it was leaked and then confirmed that several weeks before the assassination Oswald went to the Dallas FBI office and left a letter for Hosty in which he threatened extreme violence. Accounts in the FBI Inspector General's investigation-disclosed to me by the FBI- reflect uncertainty about the extent of his threat, not the threat itself. Some of the named FBI employees who knew of Oswald threat 12 years later recalled that he threatened to bomb the FBI office, others that he threatened to bomb the police headquarters, and some that he threatened to bomb both. Hosty acknowledged that he got a letter from Oswald and that immediately after the assassination he destroyed it on the direct instructions of the Special Agent in Charge. Yet several months later, when Hosty was a witness before the Warren Commission he swore that Oswald had no history of violence and gave no indication of any tendency toward violence. (Hosty has also reported before the assassination that Oswald beat his wife but apparently to the FBI that also is not violence.) FBI records disclosed to me indicate that after this knowingly perjurious testimony FBIHQ praised Hosty for it.

50. The disciplining, which I believe was unjust, is not for any of this. It is because allegedly Oswald should have been included in the FBI's index of dangerous people and a few other similar matters.

51. However, in this connection and as a blanket claim Lieberman states that all FBI employee names must be withheld, both those of the disciplined agents whose names were disclosed and all other employees in any connection within the records processed for Alken. Lieberman pretends that the Inspector General's report and the raw material on which it is based were not disclosed whereas it was all disclosed to me, even the handwritten notes of the interviews by the Inspector General.

52. Lieberman makes the conclusory statement that "(t)here is no identifiable or compelling public interest served by" disclosing the names of those disciplined or the administrative sanctions taken. Apparently contributing to the assassination of the President as the FBI itself explains that crime is not "identifiable" or "compelling" and how could there possibly be any "public interest" - as the FBI alone sees public interest.

53. Next (pages 29-31) Lieberman states that the ~~the~~ "names and identifying information of FBI Special Agents and clerical person^{nel} must be withheld." To underscore the ridiculousness of this claim I at this point cited Exhibit , an FBI Dallas record disclosed to me in the case in which the self-same SA Phillips is case supervisor. This record is from the Dallas JFK assassination main file. It not only discloses the names of all the special agents, it gives their home addresses and phone numbers. Thus it is obvious that the FBI is imposing upon the trust of this court or files ~~truth~~ ^{can} truth to it by those who ~~do~~ ^{do not} know anything about what they attest to under the penalties ^{do not care,} of perjury or both. Obviously, no legitimate purpose ~~is~~ under the Act is served by withholding the names of those whose names ^{the FBI has} already disclosed. A ^{n attorney} purpose ~~that~~ is served by this, however, ^{is} making it impossible to determine how the FBI employees performed their duties and how dependable their statements in this major, historical case are.

54. The names of the clerical personnel are also disclosed in the disclosed Inspector General records and a list of them is included in Lieberman's Exhibit R. Not only did he disclose would , allegedly, (Exhibit) ~~Having disclosed~~ this list of those he claims he is ~~protecting from~~ and make ~~the usual boilerplated claim that not to withhold~~ ^{already} their names "could result in harassment and intimidation," - he discloses awareness ^(in Exhibit R) of ~~harassment and intimidation~~ the existence of the Inspector General's investigation in which they were all disclosed years ago.

55. "There is no identifiable public interest served by releasing the names and initials of the FBI clerical personnel," Lieberman states, without any proof or basis for being credited offered or cited. This is similar to the claim he makes to withhold (the already disclosed) FBI SA names, also without reason, proof or evidence to support that conclusory statement. ~~Perhaps~~ ^{of the many} A few illustrations from the FBI's disclosures reflect the considerable public interest in those names and how those public employees performed or met their public responsibilities. The subject of the Inspector General's investigation is the receipt and destruction of a threat to bomb the man who, in the official story, about two weeks later killed the President. ~~Everyone, without any exception, kept~~ Without a single exception, each and every one of the FBI Dallas employees who were aware of this was and remained silent for more than a decade. If the official story is believed, their silence is directly or indirectly responsible for the assassination. Then, as soon as Oswald was safely dead, on instructions from FBIHQ (on which more below) the Dallas SQAC directed the Oswald case agent, Hosty, to destroy that extraordinarily significant piece of evidence, Oswald's threat. Then the new President appointed a presidential commission to investigate that crime and directed the FBI to assist it. The FBI on all levels, from the Director down, not only failed to inform the Commission of this Oswald threat and established tendency toward violence, its case agent, Hosty, perjured himself before that Commission - and was praised by FBIHQ for his perjury. That FBI employees, on all levels and including those whose name it now claims the need to withhold, could and did behave in this incredible manner may lead the FBI to attest that there is no public interest in it but those who pay for the FBI and its employees and who depend on it for their safety certainly hold a contrary view. To all except the culpable FBI there is great and readily-identifiable public interest in disclosure.

56. Lieberman pretends to a falsehood in pretending that the only SA names withheld are those who were disciplined. Other Dallas FBI SA names are withheld and later I will provide some of them. One that is withheld is that of the JFK assassination case agent, Robert P. Gemberling. Gemberling was not only publicly silent about

FBI transgressions about which he had personal knowledge, he retired from the FBI and hit the hustings with a radical-right doatribe about those who questioned the FBI's infallibility and record in this investigation. One element of Gemberling's silence has to do with the belated removal of a curbstone struck by an assassination bullet or bullet fragment for FBI laboratory analysis. Gemberling was aware that this damage had been patched, certainly not by the long-dead Oswald. Yet he was silent when the FBI went through the charade of testing the patch and pretending it was the residue of the original impact it tested and reported to the Commission and the world. Still another of those SAs examined motion and still pictures taken at the scene of the crime and at the time of the crime when they were made available immediately by the film processor. He stated that the movies are not of value because they do not even show by the FBI the building from which the shots were fired, a conclusion made before there was any real investigation. In fact that film holds almost 100 individual frames of not only the building but of the very window in which the FBI alleges Lee Harvey Oswald was when he assassinated the president. Only, there is nobody in that window in this movie. The stills, this agent said, are also valueless because, although they show the President (and many others) at the very moment of the crime, they do not show Oswald. Maybe the FBI would have it believed that there is no "identifiable" or "articulable" public interest in this but certainly most other Americans, those who pay the FBI, are entitled to a contrary view. Certainly we are entitled to know how who in the FBI performed his duties at that time of great crisis and during the subsequent investigation of that most subversive of crimes.

57. This Big Brotherly dictate of non-public interest extends (page 30) to withholding the name of a Dallas SA who had been transferred to Denver. The FBI which had already disclosed his name to me and made it publicly available in its reading room goes to all this not inconsiderable trouble and cost and imposes both trouble and cost on the court and plaintiff to withhold the name already disclosed, to brief the matter and provide the Lieberman declaration. For all the world as though the entire Inspector General's Report and underlying records were not already dis-

closed, Lieberman states that for him not to withhold this name could injure that SA, "Could give rise to an unfair, negative inference directed toward the Special Agent and therefore cause much embarrassment."

58. Grim this is, but not a fairy tale, this portrayal of the FBI by the FBI of its performance before during and after that most subversive of crimes in a society like ours, a crime that negates representative society, and FBI that through ignorance or malevolence so grossly misinforms a court of law and burdens it and others wrongly and unnecessarily and this when supposedly conforming to that most democratic of laws, the one that is said to guarantee the people the right to know what their government does.

59. Lieberman next (pages 31-32) continues his catalogue of conjectured horrors, not one of which is supposed by any evidence or citation of evidence, under the headings of "Unwarranted Invasion of Personal Privacy." In addressing his summary representation of this earlier and not only disputing his statements but citing the record which is that the FBI earlier had always disclosed precisely this information, beginning with Director Hoover's order that it do so, I have addressed and contradicted what he here states at greater length. Here I state only that if what Lieberman here states the FBI would never dare take a case to court because it could not produce a live witness. He here also enlarges upon the claim that for the FBI to identify local cooperating police agencies would mean the virtual end of law enforcement cooperation, if not law enforcement itself. As I stated earlier, he attests to fiction because the FBI's record with its disclosures to me, including before this court, refute him and this newer boilerplate. In general, all that he here states must be withheld earlier had never been withheld, not until the FBI and others saw this as a way of stonewalling and frustrating the Act and overwhelming requesters and their counsel. After 30 years of the routine disclosure of the names of those who do no more than their assigned duties, cooperating with other police agencies, including the FBI, he does not cite a single instance in which there really was any of these horrors he and his boilerplate conjecture. I have spoken to many police in a number of jurisdictions and their consistent complaint is that the FBI hogs

the credit for their work. The names of all the Dallas police, in FBI reports, were disclosed and published by the FBI, yet there is no report of any of these conjectured horrors to the police or to normal law-enforcement cooperation. The names of a large number of Memphis police who cooperated with the FBI were disclosed before this court, to me, yet there has not been any of the catastrophes the FBI and Lieberman lay on this court now.

60. "The FBI is firmly convinced," Lieberman states (page 48) "that any adverse effect on the existing system of exchange of information between cooperating law enforcement agencies would lead to disasterous, far-reaching consequences," He further assures this court that "unless the confidentiality under which ^{information} exchanges occur is protected, the willingness of cooperating agencies will be reconsidered" and thus, (i)f the identities of these agencies or the information they furnish were to be made public under FOIA," horror of horrorsm that disaster "and the ability of the FBI to fulfill its investigative responsibilities would be (emphasis added) eroded." Worse yet, he has already stated, if the names of the cooperating police were to be disclosed. Their personal lives, in addition, would be ruined, as Lieberman represent it for himself and for the FBI.

62. With so long a record of disclosures under FOIA, some more or less voluntary and some under the compulsion of the courts, including this court, it does seem just a teeny-weenie bit strange that with all its great experience with so many police forces and the great volume of records it keeps and indexes and such enormous fears of disasters it and Lieberman do not offer this court even a single example of such terrible things following FOIA disclosure. However, there is an extensive and detailed record, both before this court and also involving the police agencies involved in the JFK assassination investigation, and this record pught let Lieberman and the FBI enjoy less trouvled slepp and fewer fears about "the ability of the FBI to fulfill its investigative functions" except for what it does that not normal police activity, like interfering in proper and constitutionally proected activities, planting spies in religious and other groups engaged in proper activities ^{the charitable activities}, trying to induce popular leaders like Dr. Martin Luther King, Jr., to kill himself (disclosed to me

in the case before this court, including the names of the FBI people involved at all stages and even the name of the former SA who was the courier and flew to a distant city with the FBI's concoction so that when mailed it would not bear traces of Washington and FBIHQ.).

62. The abundant and public record should reassure the court and, if he is really troubled, Lieberman and the FBI up to its new director, that there is to worry about from the disclosure of what he and the FBI withhold - not only because so much of it is already disclosed by the FBI itself but because the most intimate details of the "cooperation" have in the past been disclosed, including to me, which gives me personal knowledge, with law enforcement being reduced to a shambles and without any reduction in inter-agency cooperation.

63. Before this court, in the ^{FBI' disclosed} MURKIN main files of Headquarters and a number of field offices and in other files, the extensive amount of information provided to the FBI was disclosed and is in the FBI's public reading room. And not just the reports of the "red" squad in Memphis. All of the details of the police investigations, rushed it to Washington by teletype and other rapid means and then amplified in lengthy and detailed memoranda and other means of reporting. As the police developed information they provided it to the FBI and the FBI promptly forwarded it to Washington throughout each day and at the end of each day the Memphis FBI ~~wired~~ wired and sometimes phoned a summary to FBIHQ. All disclosed, all public, all open in the FBI's reading room. This is true also of the other field offices and of foreign countries where, at least in theory, the FBI is not supposed to be operative and on this basis alone all information developed abroad and disclosed was information provided by those foreign police agencies. I recall that not fewer than eight such foreign countries' agencies are disclosed in the MURKIN file as having provided the information they developed, in some countries more than one agency. All disclosed, without any catastrophe.

63. The court may recall the matter of crime-scene photographs, a specific item of my request. The FBI denied that it had any crime scene photographs and I

described exactly what photographs the FBI had. This included those taken by the Memphis police. How did I know that the FBI had the Memphis police photographs? Contrary to the FBI's effort to intimidate the court and trouble it, I knew because one of the higher officials of the Memphis police told me. He also told me other details of their cooperation with the FBI.

64. The court may also recall the matter of the Time-Life photographs. How did I know the FBI had them? Because, contrary to the FBI's misrepresentation to this court, that if the cooperation of private persons is disclosed law enforcement is in ruins, I knew because the appropriate executive to that corporation ~~show~~ told me they had provided copies to the FBI.

65. What I state in the immediate preceding paragraphs about the cooperation with the FBI of other agencies applies also to the FBI's disclosed JFK assassination records, which are much more numerous than those in the King case. Even when local police performed illegal acts to obtain information and then provided it to the FBI the FBI disclosed by the information and the manner in which it was obtained illegally to me, this information also is in its reading room and readily available, and the sky did not fall on law enforcement.

66. The New Orleans police did a "black bag" job on an investigator for the reputed mafia boss Carlos Marcello, records relating to whom are involved in this instant cause and in the Vaughn indexing. It gave the FBI the originals it stole and all of this and the FBI's distribution is disclosed. Without a ripple of complaint.

INSERT
67. Contrary to Lieberman's nightmare all police agencies are anxious to let it be known that they do cooperate with the FBI. Their complaint is that the FBI takes credit for their work and tends to dominate and freeze them out. It is generally understood that all police agencies cooperate with the FBI and with each other.

68. A purpose other than the usual stonewalling and determination to withhold information from the public can be perceived in the really very large misrepresentation by the FBI through Lieberman - for the FBI to be able to continue to take credit for itself for the work of these other cooperating agencies.

68. How worried are the State of Texas and the City of Dallas and their police agencies about this horror Lieberman and the FBI would have this court believe? The Texas Court of Inquiry in the JFK assassination case deposited copies, aside from those it has available to the public in the Austin, Texas archive, with the Library of Congress, where I obtained a file drawer of records detailing the local cooperation with the FBI. The FBI, in turn, provided not only copies of its own records relating to this cooperation to the Warren Commission - the Commission's records, all disclosed, contain copies of the Texas versions of this cooperation with the FBI.

69. That is precisely what it did in MURKIN he when James Earl Ray was captured. The means by which he was identified is a means specifically rejected by FBIHQ when it was proposed: the Canadian "counties made a search of Canada's passports and found Ray's picture with his alias. Based on this information Scotland Yard nabbed Ray at the London airport. It notified the FBI promptly, so promptly that the FBI jumped the gun with an announcement taking credit for itself so fast that the FBI erred, so fast it was before the Attorney General could know and say a word.

70. The FBI was so open about police cooperativeness, until the present boilerplate about disasters was seen as a means of stonewalling requesters, overburdening the courts, negating the law, and protecting the FBI from embarrassment, it disclosed the fact that J. Edgar Hoover sent Christmas card to ~~XXXXXXXX~~ a cooperating & pro-Nazi high in the Portuguese police. I cannot say that this also is in the FBI's reading room but the information was disclosed to me and I was not the original requester.

71. Continuing with the FBI's ~~XXXXXX~~ recent-tears boilerplate, Lieberman states that the identities of and information provided by financial, credit and commercial institutions cannot be released because "that would impede future investigative efforts by the FBI by diminishing the willingness of such sources to aid the FBI." (pages 49-50) The FBI disclosed precisely those informations under Director Hoover's orders beginning with the Warren Commission, and continued to disclose it to me in all my FOIA litigation and the FBI, ~~so far as is known, receives un-~~ diminished cooperation. It has disclosed such cooperation to me even when it was improper and even when the field offices notified ~~the~~ FBIHQ that if any use were to be made, a subpoena would be required first. Yet so far as is known, it received undiminished cooperation from such private sources.

Under "Investigative Techniques and Procedures Lieberman concludes (pages 51-2) with the claim that it is necessary to withhold where microphones were placed and how many were used in two instances. Not to withhold, he says, "would educate criminals how to protect themselves against this type of surveillance." Perhaps it is might be

20

true of petty street criminals, if the FBI bugs them, but there is no reason to believe that any part of Lieberman's conjecture is true with regard to those able to afford bug detection services or who themselves have any sophistication. The maximum capability is always assumed and the number of possible locations is limitless, varying from case to case. He justifies the withholding of "monitoring information," with not another single word to describe it on the same claim, that not to withhold would educate criminals. This also is contrary ~~of the~~ to the FBI of the past, which the Department released such information to me and in one sensational case/made wholesale releases to the press, with a thick stack of verbatim transcripts and all the details Lieberman claims would jeopardize use of electronic surveillance.

73. This wholesale operation was when the ^{New Orleans} Department indicated District Attorney Jim Garrison on tax charges. (He was acquitted, and is now a State Supreme Court judge.) The complete identification of the taps and microphone surveillance ~~was~~ were disclosed in full, virtually bragged about, with no harm to use of the techniques or to law enforcement known.

74. In the case of Marina Oswald, ~~was~~ documented fully in my case before this Court, the FBI disclosed precisely this information, where the bugs were located, what was tapped, all all of the monitoring details. including the agents on each shift, their notes on what they overheard (they also taped what they heard and offered me that but I declined it) and even full details on where they monitored - from a disguised van parked nearby. Before it started using such boilerplate and began inherently threatening the courts with it they even disclosed the most intimately private information picked up with these electronic surveillances and was so unembarrassed they even disclosed their intrusions into her consultations with counsel.

75. In short, Lieberman offers nothing but entirely unsupported conjecture to support the withholdings he does not even understand because he is so uninformed and he is grossly ignorant of the subject matter when knowledge of it is a prerequisite to any honest statement under the penalties of perjury. The FBI's public record, cited in part above from memory, is exactly opposite what he states to the Court.

76.
31. Of course there are needs to withhold information, to protect the innocent and to avoid interfering with legitimate law enforcement and most people want no harm to the innocent or impediments to law enforcement. The attorneys general have held that even in such instances more disclosure is called ~~for~~ for in historical cases, of which this is one. In order to balance the competing interests knowing the subject matter and what has already been disclosed officials is a minimum requirement and of all the many subject-matter experts in its employ, including in its FOIPA unit, the FBI ~~selected~~ selected a subject-matter ignoramus to attest to and unload its unproved and boilerplated claims upon this court.

77. Where there is the potential for serious danger from disclosure, such as of the identifications of symbol rather than imaginary confidential informants, the FBI, contrary to Lieberman's representations, has disclosed real identifications, actual names. There are five such instances in my case before this court and I did not use all of them. I recall at least three others I did not use, symbols informants in Memphis. In each of these five cases I informed the FBI immediately and it never once responded, such is its concern. I believe it would want me to return those records and would want to remove them from its public reading room but despite seeing the FBI SAs involved regularly in those days, I got neither a letter nor a verbal comment. With regard to a ~~woman informant~~ named woman informant the FBI had inside the mafia, I was so concerned I called this to Quin Shea's attention but I still heard nothing from the FBI. In my case before this court the record shows that it disclosed the name of symbol informer Oliver Patterson over his written objections and at least one other of its St. Louis informants was disclosed. Yet there was no harm if there was a lack of FBI concern for their safety.

78. In the 52 pages of the Lieberman declaration there is not a single claim that is not contrary to the FBI's records with with and disclosures to me and of which I have close knowledge, such as what it authorized the Warren Commission to disclose.

79. I have ~~read~~ also read the FBI records in his Exhibit R. I have selected a few of them to illustrate what I state in the foregoing paragraphs and I attest of

personal knowledge in what I state about them in the following paragraphs. Where no

80. page numbers appear on the copies provided to me I identify those pages with a letter.

80. Page 13 includes the distribution to another agency Lieberman stated had to be withheld.

81. Letter A withhold what I've never known the FBI to withhold before and what it has always and in some volume disclosed to me, the employee of a media component who helped it.

82. Six pages of Item 71; typed pages numbered 14, 15, 32 and 33 address how these records were processed for disclosure in that all were originally to be held as properly classified as secret when it was never withheld and was in the published Warren Commission information and also was disclosed to me in other form and is in the FBI's reading room. Typed page 20, in context, ought not hold any properly classified information. With regard to the organizations mentioned by name, the FBI did disclose that it was able to and did intercept mail to them and had their waste paper collected for it by a building employee. Typed page 31, Lieberman page 107, the FBI has already disclosed that its pre assassination interest in Oswald and his wife was to determine whether they had been approached by the KGB. If this refers to another alleged FBI interest in Oswald, another interest was public knowledge, the subject of publisher Commission testimony, and was originally and improperly withheld from typed page 32, Lieberman pages 108, to ascertain if Oswald had been to the Soviet Embassy in Mexico City. I doubt the genuineness of this represented reflection of interest because the FBI knew because Oswald had identified himself by name and he was picked up on electronic surveillances by the CIA, which notified the FBI promptly. (The foregoing was publicly and officially disclosed.) I also call to the court's attention that all of the information referred to as obtained from Oswald was obtained by the Dallas police which, the FBI disclosed, gave it to the FBI- contrary to Lieberman's statement to this court, readily disclosed by the FBI.

Page 111 withholds as classified, required to be withheld by law, to protect

both private and allegedly confidential sources a well-known cock-and-bull story admittedly invented by an intelligence agent for the former Dominican dictator Samozoa in the hope that it would lead to severe United States action against Cuba. Ambassador was gung ho for it and if the CIA had not debunked the story and he had had his way World War III might well have started then. The man is Alvarado Ugarte and both the FBI and CIA disclosed the full details of ~~the~~ his fabrication and how he confessed to it. ^{known} This story has been publicly and officially disclosed for quite a few years yet in Lieberman's representation it must be withheld as currently and properly classified and the undisclosed and properly classified information of another agency he does not name, the CIA (There has also been State Department disclosure.) This also is another phoney claim to the need to withhold dissemination markings and other such frivolous and entirely imaginary reasons. Other similar stories also are officially disclosed.

Page 112 is a publicly disclosed story ~~like~~ of which there are several that could be within the redaction. One admitted by the FBI is that Commission ^{member} and later President Ford was an informant inside the Commission for Mr. DeLoach.

Page 113 and three attached pages refer to and are a paraphrase of what was long ago disclosed officially by both the FBI and CIA except possibly for some of page 113, of which the entire text is withheld. Nosenko had just been interviewed by the FBI's Washington field office, which sent this report to FBIHQ and the New York field office. From the filing numbers this was the subject of an earlier FOIA request. ~~and~~ The full texts of the several FBI interviews of Nosenko have been publicly available for years, without any redactions. He was also the subject of what the CIA described as full disclosure by it to the House Select Committee on Assassination. I therefore question whether any of the content of the paraphrase of the much larger disclosure qualifies for classification in any degree. I have no recollection of having seen page 113 before but I do know that if it refers to the FBI's informer known as "Fedora," that information also has long been within the public domain. Fedora was a defected Russian or a double agent.

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

Evans

Olson	
Belmont	
Mohr	
Walters	
DeLoach	
Evans	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

TO : MR. DLSON

Secret

DATE: December 10, 1963

FROM : J. H. GALE *JHG*

Agree 1678 REP/AMR
 Classified by *503* *5/5/87*
 Declassify on: OADR *4-12-83*
Dallas FO

SUBJECT: LEE HARVEY OSWALD
INTERNAL SECURITY - R

Classified by *6090*
 Exempt from GDS, Category *2+3*
 Date of Declassification Indefinite

Ap. 6/11/89

Dallas, Texas

Director instructed that complete analysis be made of any investigative deficiencies in Oswald case and analysis made concerning any necessary changes in our procedures re handling cases of this type -- analysis re procedure changes and dissemination policies handled separately.

Walters
Moynihan
Benigan
Walters

RESULTS OF FINDINGS RE INVESTIGATIVE DEFICIENCIES:

It is definitely felt subject Oswald should have been on the Security Index (SI) based on following facts: (This is based solely on information in our files at time of and prior to assassination and does not take into consideration information subsequently developed.) (1) Subject's defection to Russia and statement that he never would return to United States for any reason. (2) Stated he was Marxist and advised Department of State he would furnish Soviets any information he had acquired as Marine Aviation Electronics Expert. Also affirmed in writing allegiance to Soviet Union and said service in Marine Corps gave him chance to observe American imperialism. According to State Department Oswald displayed air of new "Sophomore" Party liner at that time. (3) Upon returning to the United States Oswald displayed cold, arrogant, general uncooperative attitude and refused to take Bureau Polygraph test to determine if he had cooperated with the Soviets or had current intelligence assignment. (4) On 9/28/62 it was learned Oswald was subscribing to "The Worker," east coast Communist newspaper. (5) In April, 1963, learned he had been in contact with Fair Play for Cuba Committee, New York, and passed out pamphlets and had placard around neck reading "Hands Off Cuba - Viva Fidel." (6) Wrote letter June 10, 1963, to "The Worker" asking for literature saying he was forming Fair Play for Cuba Committee in New Orleans and he sent honorary membership to "those fighters for peace" Mr. Gus Hall and Mr. B. Davis (Ben Davis). (7) Arrested August 9, 1963, New Orleans, passing out Fair Play for Cuba pamphlets on street. Shortly thereafter interviewed on radio and said Russia had gone soft on Communism and Cuba only real revolutionary country in world today. (8) Contact with Soviet Embassy, Mexico, September and October, 1963.

Field and Seat of Government employees who handled instant case maintain subject did not come within SI criteria. Inspector does not agree, believing that Oswald came within following category: "Investigation has developed information that an individual though not a member of or participant in the activities of subversive organization, has anarchist or revolutionary beliefs and is likely to seize

1 - Mr. Callahan

61-178-3050

REC-134

Searched _____ Numbered *23*

Page 143
Walters

~~SECRET~~

Memorandum for Mr. Tolson
Re: Lee Harvey Oswald

upon the opportunity presented by the national emergency to endanger the public safety as shown by overt acts or statements within the last three years, established through reliable sources, informants or individuals."

Upon subject's return from Russia to Texas on 6/14/62, he was interviewed and displayed a recalcitrant attitude. The only investigation conducted was to interview a number of Government officials, three relatives and check with two Communist Party informants. The case was then closed after a second interview with subject by Dallas report dated 8/30/62. No neighborhood or employment sources developed, wife not interviewed, mail covers or other techniques not used to determine whom Oswald in contact with or whether he had intelligence assignment. Inspector feels this limited investigation inadequate. Dallas Agent responsible for delinquencies until 3/26/63 was [redacted] who is now retired, and no explanations obtained from him.

Dallas reopened case 3/26/63 assigned to Special Agent [redacted] Jr., and supervised by Field Supervisor [redacted]. After sending Bureau a letter on 3/25/63 setting out leads to determine Oswald's employment and consider interviewing Oswald's wife, the Bureau was not furnished any information until 8/23/63 and then only after the Bureau had made inquiry of Dallas. It was not until 9/10/63 that Dallas reported subject Oswald subscribed to "The Worker" on 9/28/62 and on April 21, 1933, had been in contact with New York Fair Play for Cuba Committee, advising then that he passed out Fair Play for Cuba pamphlets and had placard around neck reading "Hands Off Cuba - Viva Fidel." Relief Supervisor [redacted] advised he received information from New York concerning subject's subscription to "The Worker" and took no action except to route it to former Agent [redacted]. He advised he did not feel this information warranted reopening case. Inspector does not agree, but feels in light of subject's defection, case should have been reopened at first indication of communist sympathy or activity.

Special Agent [redacted] advised that New York did not report Oswald's 4/21/63 Fair Play for Cuba contact to Dallas until letter sent 6/27/63 and Dallas did not feel it necessary to report it to Bureau until 9/10/63. [redacted] admits it "possibly" would have been better to have reported on this matter earlier.

Special Agent [redacted] New York, handled this matter and states information was received from anonymous source and that because of heavy volume of such material he handled urgent matters first and finished entire processing at approximately the end of June, 1963.

Supervisor [redacted] New York, makes similar explanation. Inspector feels 66-day delay from 4/21/63 to 6/27/63 entirely too long to process such material, particularly inasmuch as New York in no position to determine value of some of this material to other offices who have active cases opened on individuals concerned.

- 2 - ~~SECRET~~

~~SECRET~~
Memo for Mr. Tolson
Re: Lee Harvey Oswald

██████████ advised Dallas considered the most important aspect of this case the interview of Oswald's wife and did not deem it advisable to interview her in March, 1963, because they developed information that Oswald drinking to excess and beat up wife on several occasions. ██████████ stated that they allowed a 60-day "cooling-off period" and then couldn't locate Oswald or his wife until New Orleans located them in New Orleans and advised Dallas on 7/17/63. No instructions given New Orleans to interview Mrs. Oswald.

Certainly an asinine excuse
██████████ advised that after Oswald's return to Dallas was verified on 11/1/63 no interview was conducted of Mrs. Oswald because Dallas awaiting information from New Orleans. ██████████ advised investigation was designed to avoid having Oswald's wife "gain the impression she was being harassed or hounded because of her immigrant status in order that the interview when conducted might be as productive as possible."

just don't understand such solicitude
Inspector feels this entire facet of investigation mishandled. Mrs. Oswald definitely should have been interviewed and Inspector feels best time to get information from her would be after she was beaten up by her husband as it is felt she would be far more likely to cooperate when angry at Oswald than otherwise.

This certainly makes sense
On 11/1/63 Dallas determined from Mrs. Ruth Paine that Oswald working at the Texas School Book Depository (place from which assassination shot fired by Oswald). Mrs. Paine unaware of Oswald's residence but stated Oswald's wife living with her. ██████████ states he made pretext telephone call to Oswald's place of employment and was told Oswald residing with Mrs. Paine. Not recorded in file. On 11/5/63 Mrs. Paine recontacted and unable to furnish information as to Oswald's residence address, but stated Oswald had visited his wife at Paine's house on 11/2 and 3/63. At this point Dallas held investigation in abeyance and no further investigation made until assassination.

██████████ explained that he held investigation in abeyance to be certain he was in possession of all information from New Orleans so he could possibly interview Mrs. Oswald and conduct further investigation. He was aware as of 10/8/63 that Oswald had been in contact with the Soviet Embassy in Mexico City but felt because Oswald was employed in nonstrategic position where he would not have access to information important to national defense that he was justified in holding investigation in abeyance. Inspector definitely does not agree. New Orleans submitted 16-page report 10/31/63 and only leads outstanding in New Orleans were to ascertain Oswald's whereabouts. No indication New Orleans had any further data and New Orleans RUC'd case by form 11/19/63. Even if New Orleans had not reported all information in their possession, Dallas should have intensified investigation in light of Oswald's contact with Soviet Embassy and not held investigation in abeyance. Supervisor ██████████ advised he

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Memo to Mr. Tolson
Re: Lee Harvey Oswald

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b6-2

discussed above investigative steps with [redacted] and concurred with the manner in which handled. Both [redacted] and [redacted] did not feel Oswald made Security Index criteria.

b6-2

[redacted] No delinquency here and it will also be noted that Dallas was aware Oswald in contact with Soviet authorities in Mexico on 10/18/63. (S)

Lead set out by Dallas in March 25, 1963, letter for Dallas to determine present employment of Oswald and, thereafter, determine whether wife should be interviewed. This was not followed by Bureau for approximately five months until 8/21/63 when Dallas was asked about this lead after subject arrested in New Orleans for distributing Fair Play for Cuba pamphlets. Seat of Government Supervisor [redacted] states additional investigation not conducted until subject arrested for Fair Play for Cuba activity inasmuch as he reviewed investigation and evaluated that subject was not engaged in activities inimical to the United States. [redacted] states did not feel interview of subject's wife warranted and did not feel case should be reopened at Bureau on 3/25/63 merely to follow Dallas re consideration of interviewing wife. [redacted] advised he did not feel subject's activities came within purview of SI criteria.

b6-2

It will also be noted that stop placed against subject in Identification Division which was removed by [redacted] on 10/9/63 after subject arrested in New Orleans for Fair Play for Cuba Committee on 8/9/63. [redacted] advised stop was placed in event subject returned from Russia under an assumed name and was inadvertently not removed by him on 9/7/62 when case closed. Inspector feels [redacted] in error in removing stop on subject in Ident on 10/9/63, particularly after arrest on 8/9/63 for Fair Play for Cuba Committee activity in New Orleans. We might have missed further arrests without stop in Ident. Inspector also feels Gheesling erred in not having additional investigation conducted when subject returned to United States and Gheesling wrong in not having subject placed on SI.

b6-2

Instant case supervised at Seat of Government by Nationalities Intelligence Section regarding Fair Play for Cuba aspects and the Espionage Section regarding defection aspects and contact with Soviet Embassy in Mexico. Seat of Government Supervisor [redacted] supervised the Fair Play for Cuba aspects of this case from 8/16 until 10/31/63. He failed to have Oswald put on the SI in spite of considerable Fair Play for Cuba activity coupled with soviet defection background. In explanation he claims he did not feel Oswald met criteria for inclusion on SI.

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Memo for Mr. Tolson
Re: Lee Harvey Oswald

OBSERVATIONS:

As indicated above, there were a number of investigative and reporting delinquencies in the handling of the Oswald case. Oswald should have been on the Security Index; his wife should have been interviewed before the assassination, and investigation intensified - not held in abeyance - after Oswald contacted Soviet Embassy in Mexico. It was handled by two different Sections in the Domestic Intelligence Division, i. e., Nationalities Intelligence and Espionage. While Section Chiefs [redacted] did not see instant file or participate in the supervision of this case, it is felt that they have certain over-all responsibility for properly indoctrinating and training subordinate supervisory personnel and should be censured. This also applied to Inspector [redacted], who heads the Espionage Research Branch, and Assistant Director [redacted]

Likewise, [redacted] assigned Dallas until 4/24/63 and [redacted], assigned Dallas since 4/22/63, did not have an opportunity to review instant file. However, it is felt that they have over-all responsibility for properly training and indoctrinating subordinate personnel and should be censured.

Concerning the administrative action recommended hereinafter, there is the possibility that the Presidential Commission investigating instant matter will subpoena the investigating Agents. If this occurs, the possibility then exists that the Agents may be questioned concerning whether administrative action had been taken against them. However, it is felt these possibilities are sufficiently remote that the recommended action should go forward at this time. It appears unlikely at this time that the Commission's subpoenas would go down to the Agent level.

RECOMMENDATIONS:

do not recommend such administrative action as proposed -
minimization action preferred.

1. [redacted] (Veteran), Dallas - Censure and probation for inadequate investigation including earlier interview of Oswald's wife, delayed reporting, failure to put subject on Security Index, and for holding investigation in abeyance after being in receipt of information that subject had been in contact with Soviet Embassy, Mexico City. If approved, to be handled by the Administrative Division.

Jhb

V. K. [redacted]

yes.
K

SP [redacted]

~~SECRET~~

pages 143-8 are an Inspector General report on alleged FBI deficiencies with regard to Oswald. Only publicly known names are withheld. Checking to replace all of these names is beyond my present capabilities. I do identify the first Oswald case agent in Dallas as John W. Fain and his replacement as James ^Fartick Hosty, Jr. and even if this information had not earlier been disclosed there is no point in withholding it here because they both testified before the Commission and thus are easily identified in any event. ~~Howe~~ Kenneth Hosty's supervisor is named Howe. I do not recall the names of all FBIHQ supervisors who were disclip disciplined but I do recall that one was Richard ^Wogge. What is redacted at the top of page 147 has been disclosed by both the FBI and CIA, that Oswald was spotted in Mexico City and the ~~RUSSIA~~ USSR and Cuban embassies. I believe that all the FBIHQ names that are withheld are readily identified, if anyone has the interest, because their names and assignments are in disclosed records. (The crabbed notations are in Je Edgar ^Hoover's writing.)

Page B, Item 96 withholds a single FBI SA's name when from context it was disclosed to me in the list of all the Dallas SAs

Page C was earlier disclosed to me without any redaction and none is justified except as harassment because it is all public in any event from the SA with the withheld name going on national TV to advertise for speaking engagements. It is Robert P. Gemberling, who was the ~~JFK~~ assassination investigation in ^Dallas until he retired. He was also rehired on a parttime consultancy basis, also officially disclosed. His ~~wa~~ name appears on all the field office information forwarded to FBIHQ for the Warren Commission and was published by it and is in its available files at the National Srchives.

Item 100
Page D, two handwritten pages withholds and intended to withhold as a national security matter what is officially disclosed. That this remained classified until 1984 indicates the FBI attotide toward silly secrecy because all of this onformation has been available since the Warren Commission records were available. In addition, still further informatiin about this never-secret matter was disclosed to me in about 1978. I have no idea who the FBI wa gulling on page 2 but it was never a secret that the

photo in question was provided to the FBI legal attache in Mexico city by the CIA station there. I've forgotten the name of the assistant legal attache who flew from Mexico City to Dallas late the night the President was killed. He was later elected to Congress as a Republican. He flew in a public identified Navy plane and was met at the Dallas airport by SA Wallace Heitman. He also had with him a tape recording of an electronic intercept of Oswald, I've forgotten whether it was at the Russian, Cuban or both embassies, but this also has never been secret. The names of all the legats were also disclosed publicly. The FBI also released a memo to the Secret Service of the day after the assassination reporting what SAs who were familiar with Oswald had to say about the picture and his voice. So, what was there to classify or withhold? And why other than for harassment would the FBI do this now?

101 Page 101. If the redacted CIA name is that of the late James Angleton, which is not unlikely from another record relating to this general subject matter, the court knows how ridiculous this withholding is. The names of all the CIA people who were in a liaison role with the Commission have been disclosed if this is not Angleton and some are dead. If the withheld body of this record ~~states~~ states what was given to the CIA relating to Oswald in the USSR, that also has been disclosed. So also, supposedly, is the CIA's information.

Pages 168-177. not attached, also deal with the disciplining of FBI personnel/. They needlessly withhold other publicly disclosed names, like that of Milton Kaack in New Orleans. He refused to accept censure and left the FBI inst ad.

Page D withholds, allegedly to protect privacy, an indictment said to be "verbatim."

Doc ment E is a copy, bearing an FBIHQ number that is in sequence with later Congressional inquiries, of a document in the Warren Commission's files. The SA O'Connor reports also were disclosed and published them in 1967. There was, as I recall, at least two attributions to Castro, one ~~made~~ allegedly made by at the Brazilian embassy and reported in summaries that were printed in the United States by the Associated Press and the Castro speech of November 27, 1963 was broadcast by Cuba

20
reported
(some secret!) and also by the Associated Press, whose account I also published.

One of the FBI's non-secret sources was a Cuban, as I recall a former diplomat.

Exhibit ___ is the unidentified four-page FBI record disclosed to Allen early in this litigation. Two of these pages were in those to be indexed. I provide all four because they are relevant, ~~and~~ disclose what Lieberman states must be withheld and because they provide motive for FBI withholding and stonewalling. This outline might be from the House committee, but because what originated with it was not to be disclosed I do not believe it is of that origin. It appears to be an FBI damage-control outline, of what it might be called upon to face. ~~Some~~ The paperclip that are visible were placed earlier by me for other purposes, for use in another lawsuit where the FBI has elected to make no comment or response of any kind, the case in which I am pro se, now before the appeals court. The first page discloses the instant vision by which Director solved the case. He imposed it upon the FBI. B. s reads, "Hosty note destruction handled by Bureau on Nov 24 and effect in subsequent days." November 24 is the day Oswald was killed. This establishes, as I stated earlier, that FBIHQ was chief directly involved in the destruction of that very important evidence, Oswald's threatening letter hand delivered to the Dallas FBI, his threat to bomb. One page 2, B. & 4. reads, "Rosen characterization of FBI 'standing with pockets open waiting for evidence to drop in.'" Alex Rosen was then the assistant director in charge of the General Investigative Division. Page 3, D9, if it refers to withholding from the Commission that Hosty's name and phone and license numbers were withheld by the FBI, that was never secret. Also on page 3, this reflection of the FBI's opposition to the Warren Commission, formation of which Director Hoover opposed and resented, provides motive for withholding and stonewalling. The FBI did have an "adversary relationship" with the Commission and Hoover did block the appointment of the respected Criminal Division lawyer, Warren Olney, as Commission counsel. The FBI prepared this dossier's dossiers on the Commission members and staff at the outset and thus has dossiers on notables, the Chief Justice, Members of both Houses and a staffer since became a Senator, Arlen Specter, at least once since a judge, Burt

~~SECRET~~

The Federal Bureau Of Investigation

1. Early Bureau Response To The President's Assassination

A. November 22-23, 1963

1. Early teletypes; instructions to field; Hoover, Sullivan, Belmont memos; 80 agents to Dallas
2. Jenkins memo of Nov 24: Hoover says Oswald alone did it, Bureau must "convince the public Oswald is the real assassin."
3. Hoover memo on Nov 26: "wrap up investigation; seem to me we have the basic facts now" 62-109060-1490
4. Hoover memo on Nov 29: "hope to have investigation wrapped up by next week"

211326
classified by SS/HTJ/GCL
classify on: OADR 7/5/84

B. Lee Harvey Oswald

1. Establishing chain of evidence, bullet to gun, etc.

Refer

REFERRAL DOCUMENT
 FOI/PA # 211326
 APPEAL #
 CIVIL ACT. #
 E.O. # 12356
 DATE 7/5/84

2. Mosty note destruction: handling by Bureau on Nov 24 and effect in subsequent days

3. Interviews of Oswald associates, Marina wiretap M - MARINES, ETC.

C. Jack Ruby

1. Basic facts, early memos
2. Hoover suspicion of basement entry and assistance
3. extensive teletypes and reports on organized crime connections, also Hoover's own memos
4. contacts in 1959 as P.C.I - for use as informer on criminal element in Dallas

Referred

~~SECRET~~

Doc # 1

~~SECRET~~

2. Structure and Methods of the Bureau Investigation

A. Basic Organization and Jurisdiction

1. Legal basis of FBI involvement in probe, statutes,
2. Hoover and Belmont memos
3. Organization chart

B. General Investigative Division G.I.D.

1. Rosen testimony on "ancillary nature" of probe;
lack of meetings; assignment to bank robbery desk
2. Supervisors Senate testimony on physical evidence chain
3. Sullivan on lack of communication with Domestic
Intelligence - the Division running the probe of LEO
LACK OF COORDINATION BETWEEN DIV. 5+6.
4. Rosen characterization of FBI "standing with pockets open
waiting for evidence to drop in"
5. Supervisors testimony on LEO not being included in
G.I.D. probe other than in relation to physical evidence
6. Rosen didn't know of "Case Report" which found
deficiencies in Bureau coverage of Oswald
OIG HE INITIAL IT.

C. Domestic Intelligence Division D.I.D. Div. 5

1. LEO background established, prior coverage
2. Sullivan testimony on chaotic process, lack of input
3. Soviet experts handled Oswald investigation
4. Secret disciplining of DID officials who handled
pre-assassination investigation of Oswald
5. Incident of Sullivan's people copying CID files
6. Hosty note destruction: Sullivan lack of knowledge
7. Assignment of Ruby probe to Civil Rights Division
- outside of DID jurisdiction, thus not a part
of general Oswald investigation.

~~SECRET~~

~~SECRET~~

D. Investigation of Potential Cuban Aspects

1. Cancellation of orders to contact Cuban sources on May 23

Retellied
2. Deletion of [REDACTED] (S-1) (S) from memo provided to Commission (S-2) (S)

4. Cuban experts and supervisors excluded from investigation b1

5. Church Committee findings on narrow Cuban focus

6. [REDACTED] (S-1) (S)

E. Investigation of Potential Organized Crime Aspects

1. Hoover memos and teletypes on Ruby connections

2. Ruby phone records

3. Justice Dept. interest in probing O.C. aspects

4. Chicago interviews with Ruby associates

5. Evans and Staffeld (and Densby and Stanley) statements on not being consulted

6. Use of Ruby as informant on Dallas criminal element

7. LCN sources available at time

3. Bureau Relationship With Warren Commission

A. Formation of Warren Commission

1. Hoover opposition: memo and Jenkins memo

2. Katzenbach testimony and Sullivan statement

3. Early memos - adversary relationship

4. Hoover blocking Warren's choice for general counsel

5. Preparation of dossiers on staff and members.

~~SECRET~~

~~SECRET~~

B. Assistance To Warren Commission

1. Basic scope of official relationship
2. Early friction over informant allegation (LHO)
3. Withholding of Hosty name from Oswald notebook
4. Hoover instructions to agents not to volunteer info. to WC
5. Destruction of Hosty note: implications
6. Withholding of secret "Cale Report" on Bureau mistakes in earlier Oswald probe; disciplining of officials
7. Hoover instructions ordering that no Bureau official attend earliest WC session, despite Katzenbach request
8. Delay in sending information to Commission regarding Bureau's past nine contacts with Ruby
9. Apparent withholding of "Oswald imposter" memo of 1960-1961

Referred

- [REDACTED]
11. Handling of Ruby polygraph

C. Related Bureau Actions and Activities

- SEPT. 24, 1964
1. Preparation of dossiers on WC staff after the Report was out
 2. Hoover's leaking of early FBI report (Sullivan statement)
 3. Hoover views on Communism and Oswald (Kronheim letter)
 4. Sullivan relationship with Angleton: pre-arranging of answers to Commission questions.
 5. Secret plan to distribute Oswald-Marxist posters in Bureau plan to discredit Communist Party; prejudicial aspects
 6. Hoover reaction to Warren Report
 7. Subsequent preparation of sex dossiers on critics of probe
 8. Questions regarding FBI's continual pledge that "case will remain open for all time;" actual designation of it as "closed" in internal Bureau files.

~~SECRET~~

62-109090 SEC 27 7-20-66 FROM
SAC, NEW YORK TO DIRECTOR. ALSO:

62-109060-4151

HAROLD WEISBERG - AUTHOR OF BOOK
"WHITEWASH"

CRITICISM OF F.B.I. - WARREN COMM. REPORT.

62-109090-493 SAC, DALLAS TO DIRECTOR
8-16-66 SECTION 28

SILVIA MARR - INDEX ON THE TESTIMONY
AND EXHIBITS CONTAINED IN THE PRESIDENTS
COMM. ON THE ASSASSINATION OF PRES. J.F.K.

62-109090-539 SEC 29 11/25/66

WICK TO DeLOACH.

REPORT EXPLAINING DISCREPANCIES IN
J.F.K. AUTOPSY REPORT.

Griffin, and quite a few others who have since become quite prominent - and vulnerable. Such dossiers are not normal investigative practise and have nothing to do with the crime. (On the next pages there is reference to the "preparation of dossiers on WC staff after the report was out." (Emphasis in original, as is note of date of publication of the Report.) Page 4 holds further Hosty references and ~~more~~ still more on dossiers: "preparation of sex dossiers on ciritics of probe." (This by the FBI which proclaims its great longinf to protect the innocent and rights of privacy.) This page also reports, as I stated earlier, the Angleton (CIA)-FBI relationship - their "pre-arranging of answers to Commission questions. "

___ Most of the records disclosed to Allen in this lawsuit and that I have read were released relativelyt early, at about the time the outline above was disclosed. As a subject-matter expert with a good knowledge of what the FBI disclosed earlier, my evaluation of what is involved in this litigation is that ~~it is~~ much is new and important, especially with regard to the FBI practises that are not normal police agency or proper executive agency matters. Like deliberately misleading and deceiving, like manipulating the press and what the people of this nation might know and believe, like spying on writers and other private citizens and monitoring their writing and other activities. The nature of both the FBI's ~~conduct~~ conduct, which I regard as misconduct ina a free society, is more than enough to motivate any stonewalling, and burdening of this court to make it impatient and to overwork it with such things as unjustified withholdings and indexing of them- anything that could in any way delay or frustrate further disclosures that can be embarrassing now and into the future.

___ In preparing this affidavit I have made no searches because of the limitations imposed on me by my health. The ~~two~~ ^{three} documents not included in the Lieberman exhibit were on my desk in a small folder of such documents that I used in speaking to local civic groups in years past. I am without doubt that if a search were made to check on Lieberman it would disclose that when he was not untruthful it was almost by accident. I am also without doubt that the FBI's subject-matter experts, like

FOIPA Supervisor SA John N. Phillips and his experienced and informed staff of analysts who to my knowledge have been on this subject matter for many years, also are well aware of this. It would have been normal FBI practise to assign them to this case with and under Phillips. This raises question in my mind, based on my knowledge and experience with the FBI that this Court knows is extensive, of an intent to mislead and deceive this court. Those who normally would have been assigned to processing these records for disclosure to Allen, which did not include Lieberman, have to know that they were withholding improperly and without any justification at all and this, I believe, is why Lieberman and not they present this declaration by him. This FBI practise also is not at all new to me. In my extensive experience with the FBI it was standard procedure, partially attested to ~~above~~ earlier in this affidavit. When I sought to dismiss the case now before the appeals court, with prejudice to my health after the post-surgical complications I refer to above, in about 1981, the FBI successfully opposed that effort and that is the only reason it has been before the courts and remains there as a burden to the courts and to me, with nothing else accomplished by the FBI in or by its opposition to dismissal. Nothing, that is, expect further limiting the little I am able to do that it does not like and never has been able to fault on accuracy.

___ I have no current knowledge of SA Phillips' present assignment and I am not a lawyer. I would ~~be~~ not be surprised if the FBI had found it expedient to transfer him after I made and documented and it and he failed to make even pro forma denial of serious felonious misconduct by him on its behalf. I am aware of the Condrigan decision in this circuit and the general requirement that those who make attestation do them of personal knowledge. Phillips is one of several in the FBI who have that personal knowledge and Lieberman not only does not have it, he does not claim to know what he attests to. He attests to knowledge of FB procedures only and procedures have nothing to do with matters of fact of which samples appear in foregoing paragraphs of this affidavit. I would have been quite surprised if, after the charges

I amde against him in court and myself subject to serious sancyions if I erred in even the slighest way, he had attested to what Lieberman states because unlike Lieberman, who can claim he attested to only what he had been told, Phillips does have knowldge, including of what was disclosed to me under his supervision.