

AFFIDAVIT OF PLAINTIFF HAROLD WEISBERG

1/ ~~is~~ an a former reporter, investigative reporter, Senate investigator and editor, author of six books on the investigations of the assassinations of President John F. Kennedy and one book on ~~these~~ the investigations of Dr. Martin Luther King, Jr. Unlike the others known as "critics" of these official investigations, I am not a conspiracy theorist, pursue no whodunits and alone have made a definitive study of the workings of the basic institutions of our society in those times of great stress and since then. In this I have ~~considerable experience in~~ <sup>two decades of experience</sup> Freedom of Information Act requests and litigation with defendant Department of Justice and its various components. ~~over a period of xxxxxxxxxxxxxxxxx~~ <sup>913</sup> It is my consistent <sup>1/</sup> experience, contrary to the allegations and thrust of defendants reply of December 19, 1986, which I address in this affidavit, that the defendant never responds to my information requests unless I file suit and then, without a single exception in any of my many lawsuits, it stonewalls until that is no longer possible and <sup>then it</sup> never fails to misrepresent. The extent and extremities of these misrepresentations vary from court to court, judge to judge, and are practised in this instant cause. They are, as I detail <sup>herein</sup> below, basic to this Reply, including its attached December 19, 1986 declaration of FBI SA David L. Cook who, under decisions in this circuit with which I am familiar by now am unable to search for <sup>any</sup> a quote, is not even the proper person to provide such an attestation. / B

~~6. While I shall address these misrepresentations and departures from fact and truth in their order of appearance,~~ <sup>6</sup> for the court's better understanding I begin with <sup>the reply's</sup> ~~defendants~~ prejudicial and nonaccidental misrepresentation that I stood "by idly and then rush(ed) to Court just as the statute of limitations is about to run." (page 6)

This misrepresentation, known to be a misrepresentation to the Department, the office of the United States Attorney and the FBI, is given more importance on the previous page with defendant's misrepresentation <sup>my</sup> of August 28, 1980, <sup>letter (Exhibit 2)</sup> four days after I wrote <sup>this</sup> this letter I was admitted to Georgetown University Hospital, where two

2. There has not been a minute since the 1974 amending of the Freedom of Information Act when I have not been in litigation ~~with~~ involving the Department of Justice, the Federal Bureau of Investigation and the office of the United States Attorney and ~~this~~ subject matter. The legislative history of the amending of the investigatory files exemption of the Act establishes that one of my earlier FOIA lawsuits led to <sup>the</sup> ~~the amending of this exemption~~ and the opening of the files of the FBI and other agencies to the disclosure of "dirty linen" secrets like the FBI's Cointelpro operations. I base this affidavit on this extensive personal experience.

4. To reflect that deliberate noncompliance with and ~~then~~ the stonewalling of my requests is the <sup>defendant's</sup> stated official policy with regard to my requests I attach as <sup>marked</sup> Exhibit 1 <sup>September</sup> pages from the published 1977 hearings of the Senate's FOIA subcommittee, of which I was entirely unaware and with which I had no connection of any kind. One Department representative, the director of FOIA appeals, testified that ~~the exhibits~~ ~~was~~ ~~not~~ ~~defensible~~ he could not and would not attempt to defend the FBI's conduct with me. Deputy Assistant Attorney General Shaffer acknowledged that I do "have reason to complain" and he ~~promised~~ <sup>"assured"</sup> the Senate, supported by the chief of FOIA litigation, Mrs. Lynne Zusman, that "the Department is going to try to do something about his requests." <sup>The</sup> FBI's Inspector-general/ assistant director/FOIA head was present and remained silent. Doing <sup>it</sup> "something" did not include responding, even at that very late date, to those ignored 25 information requests. It did include the prompt organization of what was known as the "get Weisberg" crew of six Department lawyers all of whom were present before this court <sup>on January 16, 1978</sup> ~~a few~~ ~~more~~ ~~months~~ ~~later~~ in my C.A. 75-77-2155 and Mrs. Zusman's ~~hazkingzavazhazzazurk~~ coup the month after her testimony in which she talked another court into having me act as the defendant's consultant in my King FOIA suit referred to. Mrs. Zusman promised that court and my counsel that I would be paid the <sup>"guilt money"</sup> going consultant <sup>rate</sup> and later, when I wasn't paid at all (and still have not been), <sup>she</sup> ~~in~~ <sup>ed</sup> attesting to that same court that there

1B cont.

there was no contract because she did not have authority - even though she had carried out ~~acted on~~ Mr. Shaffer's instructions to her. Her promise to my counsel was made by phone the Sunday night before the Monday hearing before this court in my C.A. 73-2155. (I did file a book-length consultancy report and it was promptly ignored by the FBI and the Civil Division.) The misrepresentations to and misleading of the Senate the Department's ~~were under oath, and that was official testimony.~~

were under oath and these were the Department's official witnesses.

" 5. I make my representations to this court under the penalties of perjury rather than asking my counsel to argue as a sign of my own good faith and as an indication of the seriousness and importance I attach to representations made to a court by anyone, more by the executive agencies which, I believe, can undermine the constitutional independence of the judiciary by misleading and misrepresenting.

(and that 1975 lawsuit, filed after a series of requests going back to 1969<sup>9</sup>, is not yet over.

on 2 in 6

This was <sup>1967</sup> ~~the~~ recommendation of two different FBI special agents both of whom used the word "stop." ~~Since~~ Their recommendation was approved up to and including Director J. Edgar Hoover.

obstructions in my left femoral artery were diagnosed. I was operated on, a left femoral bypass was installed, <sup>complications and</sup> this was followed by two emergency operations, the second not uncommonly fatal, ~~and~~ I have since and forever will be severely limited in what I can do. I am able to walk short distances only, may not stand still, ~~at~~ <sup>all</sup>, have difficulty bending over and with stairs, which are, in addition, potentially dangerous to me, must sit with my legs elevated and then for not more than about 20 minutes at a time, <sup>(the length of time driving my car is not unsafe for me)</sup> and beginning with prescribed therapy taking three hours every morning now am instructed to spend five hours daily doing what is necessary for my survival. It thus is not only obvious but was well known to the defendant, <sup>could control</sup> that I did not merely "stand by idly." I <sup>u</sup> just was not able to do anything <sup>and</sup> when my attorney, James H. Mesar, found time to file suit pursuant to one of the many FOIA request ~~this defendant always stonewalls~~, he selected one he considered would take least time, <sup>as</sup> <sup>not</sup> <sup>T</sup> as this one should have and would have <sup>taken not be time</sup> <sup>of 2 hrs</sup> ~~were it not for defendant's~~ fierce determination to "stop" me and my writing, ~~a decision made in 1967 on~~ the recommendation of two different FBI special agents and approved up to and including

<sup>of my health and my legal limitations</sup> Director J. Edgar Hoover, there is not and cannot be any question about defendant's knowledge <sup>of my health and my legal limitations</sup> because in response to other such slurring in other litigation I provided copies of all my hospital bills and those of my family doctor, together with a complete and detailed medical history, under oath and subject to the penalties of perjury. Bearing on defendant's ~~activity which may~~ <sup>department witness</sup> practices with regard to me in FOIA litigation and concern for the truth and informing the courts honestly, in that very lawsuit and after I provided all that information, <sup>department witness</sup> defendants told the appeals court that I had asserted a ~~Svengali~~ Svengali-like influence over Mr. Mesar justifying having him disbarred and that the district court had "closely observed" this throughout that litigation - in which I was never once before it with him, when that was a physical impossibility and when the transcripts reflect that I was never once present.

On page 2 <sup>partly</sup> 7. Defendants correctly paraphrase their letter to me of July 1, 1980 <sup>(Exhibit 73)</sup> which begins with <sup>prejudicial</sup> an utter irrelevancy, ~~intended to be prejudicial and also is less than honest in what it on its in recounting that the department had granted me~~

---

on 3 in 7

This irrelevant reference to that 1978 decision at the very least suggests that I did  
invoke it<sup>o</sup>

~~azfanznainvzxbzbxnsenordixkxkxixjctxtkx~~

Defendants drag in what I never, ever invoked and could not possibly have if I had desired to, the specifically limited January 16, 1978 decision by this court in my C.A. 77-2155. I never mentioned it in this matter litigated or in any other matter so there is no reason consistent with honesty of intentions or desire not to deceive and mislead the courts for defendants to begin their cited letter by stating, "(o)n <sup>R</sup>January 16, 1978, United States District Court Judge Gerhard Gesell ordered" the FBI to provide me with copies of those records scheduled for release two days later, ~~and having nothing at~~ <sup>DN3</sup> ~~all to do with the litigated request of more than two years later.~~ Defendants then state what also is irrelevant, that this court's decision "was specific as to scope" and that my litigated request is "of for material which you believe us related to the assassinations and for which you believe fees also should be waived."

8. As presented in their Reply, defendants ~~misstate~~ refer to the irrelevant fee waiver by this Court as "specific as to scope" and "was not indefinite," which clearly infers that I ~~have~~ invoked this court's decision, which I had not, <sup>This also is inferred</sup> ~~and follows~~ <sup>from the</sup> ~~with the fabrication that I had invoked this court's decision in stating that the~~ <sup>Reply states</sup> FBI had informed me that this court's decision "could not extend" further. The Court can decide for itself why defendants misstate to it. I point out that they did and that this, too, could not be a mere careless accident. My request, ~~as~~ attached to defendant's Motion for Summary Judgment, makes no mention at all of any fee waiver. The reason I made no such mention is obvious and underscores whatever defendant's purposes were in ~~mis~~representing to this court that I had undertaken to misuse its earlier and irrelevant decision. The <sup>e</sup> reason is that the Department had already granted me an inclusive fee waiver, as the FBI and the <sup>e</sup> Department and its counsel knew very well.

9. Only because of the untruthful representation that I had invoked this court's earlier decision could defendants's Motion state, after selective further quotation of the FBI's July 1, 1980 letter to me, that the Department's regulations require either a promise to pay fees" or, <sup>e</sup> pretending that it did not exist, "determination to waive fees before the request is deemed ~~to~~ received." This omits that ~~the regulations~~

those regulations also require the <sup>FBI</sup> Department to provide both an estimate of the total cost and the amount of deposit it will require. *it never did.*

(D. Although I am not aware that an FBI branch chief has the authority to nullify a decision by the Deputy Attorney General of the United States, who granted me the inclusive fee waiver, I did not ~~then~~ argue this to the FBI in my response of July 29 *(Exhibit 4)* the misrepresentation of which is indispensable ~~to~~ <sup>the</sup> to defendant's reply. I began

*(I had assumed this to be the Department's intent. I handled*  
by stating my interpretation that the ~~Department had revoked the~~ FBI had revoked the fee waiver. ~~Instead I was quite specific in limiting myself to Item 7 of the original~~

12 items and, because I had no idea what the costs might be, further limited that item, and then stated that I would pay those costs. ~~and quite to the opposite of the~~ I neither state nor imply anything that can justify

the deliberate and permeating misrepresentation of the Reply, that I had dropped the ~~merely eliminated part of what was requested in~~ rest of the 12-item request, ~~I concluded~~ *July 29*

~~that I would pay the costs of providing the information sought in the more restricted item 7. This is~~

responsive to what the FBI had written me <sup>as</sup> and this becomes apparent in reading ~~the~~ *the Reply's quotation* defendant's own representation of what the FBI had written me, indented on page 2,

that "processing ...is being suspended until you indicate those ~~requests~~ requests or parts of requests for which you are willing to pay." I responded to this and only to this

*never* and I could not have been more specific, I <sup>would</sup> ~~was then willing~~ to pay for <sup>the</sup> restricted Item 7. I did no more and there is no basis in fact for the claim that I eliminated the

entire request except for Item 7, which the Reply states at several points and is basic to it. The other items involved unknown costs and the question of the existence of the fee waiver. I am clear on having several ~~phone~~ phone conversations with the then director

of appeals from my hospital bed but I cannot state with certainty that this matter was included in those conversations. I can, however, state with certainty that as soon as <sup>FBI flunky's</sup> it was possible for me after I was out of the hospital I did appeal the ~~FBI's~~

abrogation of the inclusive fee waiver granted by the Department's second in command and I state without equivocation that since then I have not been charged for a single record by the Department or the FBI and this includes records relating to both assassinations and their investigations.



11 ¶. The Reply fabriactes what is not true, that in responding to the FBI on what I ~~then~~ was willing to pay for (when it had not provided the required cost estimates), ~~that~~ I "expressly restricted my (his) request to <sup>(Page 3)</sup> Item 7." (I do not do this even by implication in responding to the FBI's statement that I must specify "the parts" of the request I am willing to pay for when I had received a full fee waiver that as of ~~this~~ the time of the filing of the Reply was still being <sup>honored</sup> ~~observed~~ by the defendants and I certainly did not do it "expressly" when the dictionary meaning of "expressly" is "in an express manner; explicitly; for the express purpose; specially" (random House Unabridged) and ~~with~~ <sup>with</sup> definitltely stated intent or application; in direct terms; plainly" (Funk & Wagnall's). When I make no reference at all to anything other than paying for ~~Item 7~~ <sup>records in Reply</sup> defendant's obviously misrepresents to this Court. (In the ~~the~~ <sup>Reply</sup> footnote on this page the defendant's represents that eliminating the rest of my request is "precisely" what I ~~wrote then~~ on July 29, the letter that, like all my other letters, makes no reference at all to the rest of the request, which I was leaving to the future <sup>and action on the appeal,</sup> ~~interpretation of the fee waiver~~, and ~~I~~ <sup>I</sup> ~~specific~~ in this regard was specific in reserving my right to recover what I paid for any ~~Item 7~~ records.)

to -

¶ Here by inference ("retroactively revise") and specifically on page 7 <sup>the Reply</sup> defendant's state that ~~sa~~ saying no more than that I would pay for the Item 7 records ~~ixxxxx~~ <sup>is</sup> making ~~up~~ <sup>another</sup> "atill another instance of retroactive expansion of a request" by me, cited to an earlier of my suits against this defendant, 705 F 2d 1344, 1354 n. 12 (D.C. Cir. 1983). There are several such citations and not having the cited sources I cannot be certain what those 1983 abd 1984 appela court decisions are. I do know, however, that I did not expand upon the requests that went up on appeal and that by the kinds of misrepresentations practised in this and in all my other FOIA cases the courts were deceived and misled. In the 1983 decision the appea,s cort was misled into believing that I was exapnding my request for the results of the spectrographic and nuclear activation testing in the JFK assassination investigating to include the President's clothing when it is a specific item of the first request, (In both

which I refiled and amended after the 1984 amending of the Act. Internal FBI records disclosed to me are specific in this regard. While I am not now able to ~~locate~~ search for and locate the request itself I recently did find an FBI internal record and cited it to the appeals court in ~~my~~ my brief in Nos. 86-5289,5290 which states misled into believing. the exact opposite of what that court had been led to believe. It is the FBI's legal counsel's memorandum. file 62-109060-7118 and states that my request is for "records concerning the results of spectrographic analysis of bullets, bullet fragments, garments and other object objects." (emphasis added) If as I believe, the second case cited is my combined C.A.s 78-0322/0420, misleading the appeals court into believing that I was expanding on my requests when ~~it~~ was no was child's play for the defendant who, citing from the same page of the same brief, "represent that the entire request is half of its introductory sentence only and that the actual request, the two paragraphs that follow, does not exist." Thus, all I had to do was ask to be provided what I actually requested and I was immediately accused of "expanding" in the actual request and the appeals court believed it.

9. I have not expanded my requests and it is not necessary to expand inclusive requests, which are the nature of the requests before the appeals court, and in ~~my~~ saying I would pay for item 7 and making no reference to the other 11 items of my request ~~it~~ was hardly expanding upon it not was I leaving it to the FBI to "devine" my intentions, which the ~~reply~~ states on page 3.

On page 4 the Reply is indignant because my ~~complaint~~ ~~is~~ ~~not~~ ~~an~~ ~~appeal~~ ~~to~~ ~~the~~ ~~FBI~~ ~~;~~ ~~it~~ ~~was~~ ~~addressed~~ ~~to~~ ~~the~~ ~~Office~~ ~~of~~ ~~Information~~ ~~and~~ ~~Privacy~~ ~~Appeals~~ ~~of~~ ~~the~~ ~~Department~~ ~~of~~ ~~Justice.~~" Appeals from FBI denials and withholdings are not, under the regulation, to the FBI and they are, under the regulations, properly addressed to OIP's appeals office.

on 6, as new 9 new-~~belonging~~

12. That I did not abandon my 12-item request is stated in my letter of July 29  
25, 1980 and is amplified in my letter of a month later. Rather than abandoning the  
full request I distinguish between it and what I was willing to then pay for in order  
to receive those records without further FBI stonewalling. I state that the  
"(t)he entire request pertains to the FBI's general releases pertaining to the  
assassination of President Kennedy. The quoted item pertains to any duplicate,  
public deposits of copies, if any." (Emphasis added) ~~Exhibit~~  
~~on this~~ ~~by stating~~ ~~that~~ ~~without~~ ~~regard~~ ~~to~~ ~~the~~ ~~other~~ ~~information~~ ~~requested~~

*This is:*

I do not state or suggest that I was abandoning the entire request or had no further  
interest in it. *I say "pertains," not "pertained." Present tense, not past tense. More*  
on *Ms and the reason in it follows. (I also continued to use the present tense in the correspondence*  
with regard to that of July 1. *and was changed on this.)*

13. The Reply complains about my counsel's interpretation of my letter of ~~July~~  
August 28 letter, which Mr. Besar did not have and found in my basement files. The  
Reply misrepresents that letter in representing that it I was only "criticizing the  
FBI for describing the request as one for documents pertaining to ~~the~~ assassination,  
rather than for documents pertaining to the release of assassination records." (emphasis  
in Reply)

*my  
if  
with*

14. What I actually began my August 29 letter doing is correcting the fabrication  
defendants now seek to foist off on this court, that I abandoned all but Item 7. What  
I actually say is the exact opposite of abandonment of the request, ~~when~~ I corrected  
(at July 29, 1980)  
the FBI's dating (and description) of my actual request: "My request, as the FBI knows  
very well, is of earlier date, the newest repetition of it being 5/22/80." Without  
denial, this states that I twice made the request before the time stated by the FBI  
and quite the opposite of reflecting abandonment of it, *I correct them what do mean it did I want in a te*  
throughout  
tense at several points.

15. The reason for distinguishing between ~~my~~ an effort actual request and assassination  
records is stated explicitly, *the subject matter* (to keep the FBI from stonewalling by putting it at the  
bottom of the backlog of project assassination requests when this request does not

Seek assassination records or require the time and effort of those in the FBI' with expertise on that subject, the dodge I correctly predicted it would resort ~~to~~ to after I was able to file suit.

16. Mr. Cesar did not have a copy of my August 28, 1980 letter to the FBI and he therefore could not have filed it earlier than he did. However, defendants did withheld it have a copy of it and they ~~written it~~ from their Answer. Had they not done this it is obvious they could not have misrepresented to this court that I had abandoned all of this request other than Item 7. They also would have disclosed my reason for offering to pay for the Item 7 record and for not abandoning the rest of my request, which I described as "this newest of your dirty tricks." Consistent with the fact that my study is of how our institutions work I began this paragraph by stating that "(t)he apparent purpose of these newest of your shenanigans is to hide the fact that the FBI, ~~with~~ (with) not fewer than six Department lawyers, tried unsuccessfully to deceive and mislead Judge Gesell and to defraud me (and the country through me) in C.A. 77-2155. . . . informed Judge Gesell that it was making deposits of its general releases throughout the country. It is to this that my instant (emphasis added) request pertains, not the assassination."

17. In C.A. 77-2155 Department counsel stated to this court that there would be these multiple deposits, which is ~~proven~~ proven to be false in the records disclosed in the Blakey case that I have read. (Defendants make ~~There is~~ repeated reference to the Blakey case in this instant cause without reference to what I here cite from it.) He was specific in stating that one of these deposits would be in the Library of Congress. Consistent with the intent to continue to misrepresent to this court and to hide defendant's earlier misrepresentation to this court is the selection of records provided to it by defendants. Exhibit G to the Lewellen declaration attached to the Motion for Summary Judgment is a request for those records from the Library of Congress, with notations indicating what was delivered and the Library's receipt for them. (Exhibit 6) However, ~~that~~ the FBI did not intend these records to be for deposit or, as it assured this court, to be available there as a permanent deposit.

18. The declaration of SA/FOIA supervisor John N. Phillips also attached to ~~the~~ Defendant's Motion for Summary Judgment, filed in the Blakey case, admits that those records were, rather than for deposit, and for general access rather "to assist the House Select Committee on Assassinations." In this SA Phillips, about whom more appears below, was partly truthful, and that is at least as good as his record in FOIA litigation of which I have considerable personal knowledge. SA Phillips was careful not to inform that court that the records did not remain with the Library of Congress, which is defendant's assurance to this court in my earlier case. This oversight, if that is what it is, did not trouble FBI SA/FOIA Supervisor David H. Cook, whose declaration is attached to the reply, or the FBI employee who had the personal knowledge to which SA Cook makes no claim, SA Cook explains defendant's resort to one who has no personal knowledge, himself, by stating that he consulted with another employee: "The existence of the Library of Congress request was previously known to this employee." (page 2)

19. Aside from the fact that "this employee" has first-person knowledge and ~~did not provide~~ defendant avoided providing his personal attestation and substituted SA Cook, who did not claim personal knowledge, what this serves to hide from this court and most certainly is known to defendant and at least some of these employees is the fact that once that House investigation was over the FBI took those records back from the Library, the exact opposite of their assurances to this court in my earlier case and what I was getting at in my information request. And if that is not sufficiently the exact opposite of that assurance to this court and the exact opposite of the cost figures heaped upon it what then happened ought be: the FBI destroyed those copies! It was compelled to admit this in the Blakey case.

20. Although I did not know this when I filed my request, I was certain that the FBI did not intend to paper the nation with records I was certain could be seriously embarrassing to it, as they have since been. Thus, when the FBI had failed to notify me of either the costs or the amount of the deposit it would require and with

my appeal from the FBI's unauthorized abrogation of the fee waiver granted me by the Department not acted on, in stating that I would pay the cost of the Item 7 records in my seriously misrepresented letter of July 29, I stated, and I also ask the court to note that I continue to refer to the entire request in the first person: "(t)he entire request pertains to the general releases pertaining to the assassination of President Kennedy. The quoted item pertains to ~~the~~ any duplicate ~~deposits~~ public deposits of copies, if any." (emphasis added)

21. And it is when the FBI responded to this by falsely pretending that it was a new request in their letter of August 26, ~~the~~ which begins, "(t)his is to respond to your Freedom of Information request dated July 29, 1980," that I wrote it ~~on~~ by return mail accusing it of dirty tricks and new shenanigans in my letter that it chose not to attach to its answer.

22. If not earlier, at the latest when it received my letter of August 28 the FBI knew very well that what it now seeks to foist off on this Court was false. My letter is quite ~~specific~~ pointed on this, unless alleging it was engaging in dirty tricks and shenanigans is not pointed in FOIA correspondence.

SA Thomas H. Bresson,  
23. ~~The~~ since promoted chief of the FBI's FOIA branch (and just about all of those who have stonewalled me and misrepresented to the courts have been promoted, in one instance a clerk becoming a special agent) has a side expertise in these matters. In other litigation to which I refer elsewhere in this affidavit, the refiled suit over which the Congress amended the investigatory files exemption, SA Bresson attested that I had amended ~~my~~ and added to my earlier request merely because I did not want what I added after the Act was amended. This helped that case stay before the courts for quite a few years, including several trips to the appeals court. All the misrepresentation defendants present to this court in this litigation stems from his deliberate misrepresentation, that on July 29, 1980, I filed a new FOIA request.

24. There now is, as a direct result of these misrepresentations in this instant cause, a clear record before it that the defendants did, as I state in my August 28 letter, undertake earlier to "deceive and mislead" it and to "defraud" it and me.

I regard this as a very serious matter, as it relates to the earlier litigation and as it relates to this instant cause. This is one of the reasons I elect, despite the burden it is for me now, to provide what I have to say subject to the penalties of perjury - and I dare defendants to try and refute what I say also subject to the penalties of perjury. Should this Court or defendants want to examine me under oath I will arrange transportation because I am not able to drive to Washington but ~~will require~~ because it would be provided by one not familiar with Washington and because I can walk only short distances parking near the courthouse would be needed. Because I cannot stand more than momentarily, I would have to sit in my wheelchair with a leg elevated and thus would not be at the microphone and I should be permitted to walk the length of the courtroom once or twice every 20 minutes or so. If either this Court or defendant has any question about my truthfulness or accuracy I am willing to testify and be cross examined.

25. SA Bresson's trickery in his letter of August 26, addressed above, is in one form or another pretty much boilerplated in all my FOIA litigation and several courts, including the appeals court, have been deceived and misled thereby. Two such instances are cited in the reply. Its recasting of ~~the~~ this boilerplate, based on the Bresson fabrication and nothing else, a fabrication that is apparent in defendant's ~~the~~ misrepresentation of ~~the~~ my letters and therefore not accidental, is that I "retroactively revise" my request; straight boilerplate from other cases, "expand the request;" and that my counsel is "like an accordion (in seeking) to expand what Mr. Weisberg had contracted (sic) by his July 29, 1980 letter." In support of these fabrications the reply cites two of my cases in which by such misrepresentations other courts were misled. I do not have the versions of those decisions cited and thus cannot retrieve them but I believe I understand which they are and I do state with no equivocation that the defendant did mislead the other courts and thus procured the kinds of decisions that could thereafter be laid upon other courts with immune dishonest. ~~REPRODUCED~~ "Another instance of retroactive expansion of a request" (Apep 7) is cited to my suit against the Department, 705 F.2d 1344, 1354 n. 12 (D.C.

on 6-6

Cir. 1983). I believe this is the case in which Bresson got away with attesting that I had refilled the ~~request~~ suit over which the investigatory files exemption was amended to include information that the FBI had kept secret and had not provided to the Warren Commission only because I did not want this information and therefore the FBI had not provided it. The falsely alleged "expansion" of that requests supposedly consisted of my request for what the FBI had and withheld, the results of a test ordered on, as it happens, what also was earlier before this court when I (alas!) was pro se, on President Kennedy's shirt collar. I now am not able to search for an provide the FBI's copy of my original request or the FBI's correct interpretation of what I sought in refiling that lawsuit, also disclosed to me by the FBI, but after the decision cited I sent copies of both to Mr. Desai and he may be able to provide them. In the recent past, however, I did come upon and recently used in ~~another~~ a brief in Nos. 86-5289, 5290, the FBI's legal counsel relevant memorandum, its file 62-109060-7118. It states that my request was for "reconrds concerning the results of spectrographic analysis of bullets, bullet fragments, garments and other objects." (emphasis added)

26. In the 1970 case in which I was pro se I requested photographs be taken for me of the President's shirt and the knot of his tie. The court ordered that these photographs be taken and made available for my examination. It was assured that this would be done. Then, after the litigation was over, and after vig ny vigorous complaints about delays, I was told that no photograph of the knot of the tie - and it is the knot, not the tie itself, that has evidentiary value - had been undone by the FBI. (The official account of the assassination is based on the allegation that a bullet entered President Kennedy's ~~s~~ neck in the back and exited in the front when it nicked <sup>an</sup> the upper corner of the knot and made hbullet holes in exiting through the shirt collar. Later I obtained, by FOIA, but from the <sup>U</sup>epartment, not the FBI, an original FBI photog aph not provided to the Commission showing that the damage to the shirt collar is two slits, not holes, any do not coincide with each other or the point at which the tie knot was nicked and when I asked for the results of a test made of this, I was accused of expanding my request.)

*(and not provided to the Warren Commission)*





4 The Library of Congress  
 3 Congressional Research Service  
 5 Washington, D.C. 20540

FEDERAL GOVERNMENT

December 6, 1977

Clarence M. Kelley  
 Director  
 Federal Bureau of Investigation  
 Washington, D.C. 20535

Dear Mr. Director:

We would greatly appreciate receiving as soon as possible a copy of the F.B.I.'s 80,000 page report entitled, "The Assassination of President John F. Kennedy." I understand that the Bureau can supply the Service one copy of this report at no cost. Our receipt of it would facilitate our continuing assistance to the House Select Committee on Assassinations.

Please telephone Mr. Stephen A. Langone, head of the Civil Rights section in our Government Division, concerning the transmittal of a copy of this report to us. Mr. Langone can be reached on 426-5834.

Thank you so much for the Bureau's prompt attention to this request.

Sincerely,

*Gilbert Gude*  
 Gilbert Gude  
 Director

1 ENCLOSURE

EX-111

REC-85

*Jeff*  
*phone contact*  
*12-16-77*  
*gg*

GG/r1a

*annex Bedy (Thomas Jeff Bedy)*  
*On A5009A*

27 BOXES OF ASSASSINATION  
 INVESTIGATION FILES  
 DELIVERED TO STEPHEN A. LANGONE  
 19-78 ksh  
 56 FEB 14 3 1978

1-31-78  
 2-1-78

F.O.I.A.

EXHIBIT G

LIBRARY OF CONGRESS RECEIPT FOR JOHN F. KENNEDY  
ASSASSINATION INVESTIGATION FILES, DELIVERED ON  
1-19-78:

Received 27 boxes of  
files.

Stephen A. Langone  
Library of Congress  
426-5834

1978  
The  
Gay  
78

ENCLOSURE

7750

9/28  
FOIA

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

G. Robert Blakey, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Department of Justice, et al., )  
 )  
 Defendants. )

Civil Action Number  
81-2194

DEPENDANT FEDERAL BUREAU OF INVESTIGATION ANSWERS  
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

I, John N. Phillips, being duly sworn, depose and  
say as follows:

(1) I am a Special Agent of the Federal Bureau of  
Investigation (FBI), assigned in a supervisory capacity to the  
Freedom of Information-Privacy Acts (FOIPA) Section, Records  
Management Division, FBI Headquarters (FBIHQ), Washington, D. C.  
The statements made herein are based upon my familiarity with  
the procedures followed in processing requests for information  
received pursuant to the Freedom of Information Act (FOIA) and  
upon information furnished to me by other individuals in the  
FBI.

(2) In my official capacity I have become aware of  
plaintiff's various FOIA requests which are the subject of  
instant litigation. Pursuant to Rule 33 of the Federal Rules  
of Civil Procedure, I am hereby providing the defendant FBI's  
answers, objections and/or responses to plaintiff's first set  
of interrogatories.

Interrogatory Number 1: What is the actual per page cost of the  
FBI of xeroxing documents?

Answer: No analysis of the FBI's cost of xeroxing documents in  
response to FOIPA requests has ever been conducted. Title 28,  
Code of Federal Regulations, Section 16.9 establishes a cost of

EXHIBIT H

UNITED STATES GOVERNMENT

# Memorandum

8/26/75  
8/22/75

- Asst. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Admin. \_\_\_\_\_
- Comp. Syst. \_\_\_\_\_
- Ext. Affairs \_\_\_\_\_
- Files & Com. \_\_\_\_\_
- Gen. Inv. \_\_\_\_\_
- Ident. \_\_\_\_\_
- Inspection \_\_\_\_\_
- Intell. \_\_\_\_\_
- Laboratory \_\_\_\_\_
- Legal Coun. \_\_\_\_\_
- Plan. & Eval. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

TO : Mr. WANNALL

DATE:

FROM : Mr. McDermott

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) REQUEST *of Harold Winberg*  
RE: YURI NOSENKO

Attached is a copy of the FOIA request and pertinent files and/or excised documents which appear subject to disclosure.

Addendum should include total Agent time expended in the review.

Please make every effort to insure that this memorandum, with its attached documents, is returned to the FOIA Section within (3) working days.

Questions on this matter should be discussed with Nell Kennedy, Room 5443 JEH, extension 4798.

RECOMMENDATION(S): (only items checked apply)

1. That the Intelligence Division(s)

review the excised document(s) to insure sufficient deletions have been made. Please explain briefly the reason for any additional deletions requested. If the materials proposed for disclosure are from a classified serial, insure that all portions which justified the classification have been deleted.

2. That the Intelligence Division:  
a. Review the classification of serial(s) 105-82555-2463 to insure documents should

remain classified, indicating on the file copies which paragraphs are classified; which paragraphs, if any, are unclassified; and those which have been declassified in their entirety. Addendum should note any newly declassified serials.

b. Review the balance of the file to determine if currently unclassified serials warrant classification. Newly classified serials should also have indicated on the file copies the classified and unclassified paragraphs. Addendum should note any newly classified serials.

closure  
mjs  
184

Mr. WANNALL  
Attention: Mr. FULTON

Mr. Bassett  
Attention: Mr. Griffith

SEP 22 1975  
OTHER PAGES DISCUSSED  
IN JANE F. SMITH'S LETTER  
ATTACHED FOR INFORMATION  
I AM NOT RELEASING THIS

ADDENDUM CI-1 SECTION/INTD LEE HARVEY OSWALD JPL:cm1 8/28/75

The Freedom of Information Section has referred a report made at Washington, D. C., dated 3/11/64, in this case to review page one for release. FOI requested that this page be reviewed to determine if it should be declassified.

Page one and part of page two is a portion of the synopsis of a report dealing with information furnished by Yury Nosenko concerning the stay of Oswald in Russia. The information furnished by Nosenko was included in the details of the report which has already been made public. There appears to be no objection to the release of the synopsis of the report as it pertains to the Nosenko information.

Time spent on this review was 45 minutes.

Not read, not used. Cesar let time for response run out without speaking to me

*[Handwritten mark]*

September 19, 1975

REC-45

100-351938-11  
EX-103

Mr. Marion Johnson  
Legislative, Judicial and Fiscal  
Branch  
Room 2F  
National Archives Building  
Washington, D.C. 20408

Dear Mr. Johnson:

This is in reply to a letter from Miss Jane F. Smith, National Archives, dated August 15th, with enclosures, regarding the Freedom of Information Act (FOIA) request of Mr. Harold Weisberg.

Please be advised that the information contained in page one of CD 651, which is an FBI report of Special Agent James F. Morrissey dated March 11, 1964, relating to Yuri Nosenko is granted and deletions have been made in the enclosed excised copy. Pages three through seven and eleven through twenty-one are withheld in their entirety, pursuant to the following subsections of Title 5, United States Code, Section 552:

- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would:
  - (C) constitute an unwarranted invasion of personal privacy;
  - (D) reveal the identity of a confidential source or information furnished only by the confidential source.

Our appeal procedures provide an appeal within thirty days may be directed to the Attorney General, Attention: Freedom of Information Appeals Unit, Washington, D.C. 20530. The envelope and the letter should be marked

1 - The Deputy Attorney General - Enclosures (4)  
Attention: Susan M. Hauser

nk/dmw

CONTINUED PAGE TWO

SEP 19 1975  
FBI

cc. Dir. \_\_\_\_\_  
 p. AD Adm. \_\_\_\_\_  
 p. AD Inv. \_\_\_\_\_  
 Dir. \_\_\_\_\_  
 \_\_\_\_\_  
 p. Syst. \_\_\_\_\_  
 Affairs \_\_\_\_\_  
 & Com. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

EXCISED COPY

Ret. 544

JCF

(H)

Marion Johnson

"Freedom of Information Appeal," Additionally, judicial review is thereafter available either in the requester's district of residence or place of business, or in the District of Columbia, the location of the records,

Copies of your enclosures are returned along with excised copy of page one of CD 651.

Sincerely yours,

Clarence M. Kelley  
Director

Enclosures (24)

NOTE: National Archives furnished a synopsis page of a FBI report in their possession and requested a certain portion of this page be released for their requester, Harold Weisburg. Since this information, which was furnished by Yuri Nosenko concerning the stay of Lee Harvey Oswald in Russia, was included in the details of the report and has already been made public, there appears to be no objection to the release of this portion of the synopsis. 105-82555-2463 p. 1.



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: [Redacted]  
Date: 3/11/64

Office: Washington, D. C.

Field Office: [Redacted]

Title: LEE HARVEY OSWALD

Character: [Redacted]

YURI IVANOVICH NOSENKO, recent Soviet defector, interviewed re OSWALD's stay in Russia. Stated OSWALD completely unknown to KGB prior to arrival in USSR. Indicated OSWALD expressed desire to remain in Russia upon arrival as tourist late 1959; was discouraged from remaining permanently in Russia; was considered not normal, nor very intelligent. OSWALD attempted suicide in Russia; threatened suicide upon hospital release if not allowed to

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE

100-361218-43

UNITED STATES OF AMERICA  
FEDERAL SERVICES ADMINISTR.

National Archives and Records Service  
Washington, DC 20408



August 15, 1975

Special Agent Thomas H. Bresson  
Federal Bureau of Investigation  
Washington, DC 20535.

Dear Mr. Bresson:

Enclosed are copies of a Freedom of Information letter of July 6, 1975, from Mr. Harold Weisberg, of our reply, and of pages 1-7 and 11-22 of Commission Document 651 of the President's Commission on the Assassination of President Kennedy. Mr. Weisberg's requests include in their scope page 1 of CD 651 relating to Yuri Nosenko and other persons. Pages 23-35, as well as page 2, of CD 651 relating to Nosenko have been released in accordance with a letter of the Department of Justice of January 24, 1975 (copy enclosed). Pages 1, 3-7, and 11-21 of CD 651 are still withheld from research.

Can page 1 of CD 651 also be declassified and released, either with or without releasing pages 3-7 and 11-21 at the same time? If necessary, can deletions be made in page 1 in order to release the remainder of that page relating to Nosenko?

Sincerely,

*Jane F. Smith*  
(MISS) JANE F. SMITH  
Director  
Civil Archives Division

Enclosure

CV 103

REC-42

SEP 22 1975

FOIA

ENCLOSURE  
10/1

JUN 22 1976

Keep Freedom in Your Future With U.S. Savings Bonds

Dr. James B. Rhoads, Archivist  
The National Archives  
Washington, D.C. 20408

7/6/75  
REPLY FILE 7/23  
NUMBER 76-17

Dear Dr. Rhoads,

This is a request for public information under the Freedom of Information Act unless you elect to make full response within the time prescribed by that law. Where you would prefer to respond by supplying the documents, that will satisfy me. Where there are no records, I would like to know this. Where documents are withheld, if any are, I would like to know enough about each to decide whether or not I want to make further effort to obtain any.

① Recently I obtained what is represented as all those records released in a 1973 declassification and thereafter. Among these is CD 702, a letter of March 31, 1964 from J. Edgar Hoover to J. Lee Rankin five pages long with eight attachments totalling another 12 pages. These relate to the FBI's criteria for informing the Secret Service about threats against the president and others.

I would like the documents relating to the withholding of these 13 pages for so long, particularly when they were published by the Commission as its Exhibit 836.

② I was also supplied with a May 22, 1964 letter Mr. Hoover wrote Mr. Rankin relating to Mexican tourists permits. While there is ~~no~~ <sup>Confidential</sup> classification marked on this letter it was declassified by the Department of Justice on August 13, 1965. It thereafter was not released by the Archives until its declassification of April 16, 1974. I would like what documents relate to this withholding for an extra nine years or, your option, an explanation that provides the same information.

③ There is a similar letter dated July 7, 1964 relating to Mexican Immigration Department records 46 enclosures of which were forwarded with it. This letter was originally classified Confidential. No declassification is stamped on it. The information I seek is the basis for the original classification and of the declassification - why it was ever classified and why it was not declassified for so long where there were all those regular reviews.

④ From the Oswald Post-Russian Period 3-1 files there is an almost illegible copy of the carbon of a letter Mr. Rankin wrote Mr. Hoover under date of April 24, 1964. It was classified Secret. After reading it I do not see what justified this classification. It was not declassified in any of the regular declassifications or reviews but was specially declassified by the Archives March 13 of this year. I would like what records there are relating to all aspects of this or, if you prefer, explanations. I would also like to know what is referred to by the Oswald dossier in the paragraph numbered 5 or if it is not lengthy, a copy.

⑤ The FBI placed no classification on its LHM summarizing its Nosenko interviews of February 26 and 27, 1964. It was not provided when I first requested copies of the Nosenko documents. It also bears no declassification. If there are records relating to withholding or releasing this I'd like copies or in the alternative explanations. (I have asked you earlier why my request was not filled fully and have had no response after a long time.) The last part of the first paragraph of this LHM has been blacked out. With the release of those documents it summarizes I presume there is nothing in this that now need be withheld and I would appreciate an uncensored copy.

⑥ I was provided with an unidentified page dated October 27, 1959 dealing with Oswald's Moscow hospitalization. On this I'd like to know the source and the reason for withholding all these years. <sup>Classification or declassification is indicated.</sup>

Date JUL 9 1975

100-251728 NN 76-5

Disc 7/23/75

Also declassified March 2 13 of this year is the page plus appendix report on Oswald's Foreign Activities, undated. Without close study it appears that parts of this were withheld in not less than four ways and times. With the disclosure of what in many of these places seems to have been the withheld source I ask for a review of these withholdings because I believe they are today neither necessary nor proper. An example is where these Nosenko papers are the source. With them not withheld reference to them it would seem need not be. If you agree I would appreciate copies of those pages that are incomplete in the version provided me.

I find no single CIA interview or report of any kind relating to what Nosenko told the CIA about Oswald or anything else relevant to the work of the Warren Commission. I ask for any and all such papers or any kind and if any are withheld, the records dealing with the withholding.

If there are any other Nosenko records of any kind still withheld I would like to have their identification and the records relating to any such withholding. I do not recall anything indicating that any such FBI records are now withheld but if any are I would like to know the same with regard to them.

There seems to have been an extraordinary declassification of records of this general kind around and after the March date. This date coincides with the decision to release to me the withheld executive session of January 22, 1964. Earlier I had obtained the January 27 transcript following my filing of C.A. 2052-73. It was apparent to the Archives that I was seeking everything available on this general subject with sufficient interest to file suits and to exhaust administrative remedies. These records to which I have referred herein were not identified in the existing available records but clearly are on the same general subject. I was never informed of them, their existence or their declassification despite the certainty of my active and long-time interest in everything relating to this general subject.

When I requested all these records on learning of their existence and what for all practical purposes amounts to their exclusive release to another, much more was still withheld than was supplied me. While I would welcome an explanation of all of this I also request all records relating to these extraordinary declassifications that also just happen to coincide with the political uses the government agencies can make of them.

Having read all of what is not withheld from me still I see no reason for any of the extraordinary procedures relating to any of these Nosenko and related records. Some were never classified by the FBI. The highest classification it affixed on any that I recall was Confidential. Some were illegally classified Top Secret but they did not originate with any executive agency.

As a matter of fact, with Nosenko's defection well known to the Russians as was everything else he knew and could have told and with these records dealing only with Oswald and related matters I see no justification for any classification at any time. The only people from whom information was withheld were the American people. No proper purpose of classification of any grade seems to have been served or in fact in mind. So, I intend my request to extend to all records of classification going back to the original withholdings and the reasons for them as well as the classifications and declassifications.

If in addition you would care to make any other explanation of the obvious discrimination, the continued withholding after my request and of what I regard as denial to me of rights to these materials I would welcome it.

Sincerely,

*Harold Weisberg*  
Harold Weisberg

Department of Justice  
Washington, D.C. 20530

JAN 24 1975

Received NA-1  
JAN 28 1975

Dr. James B. Rhoads  
Archivist of the United States  
National Archives & Records Service  
Washington, D. C., 20408

Attention: Marion M. Johnson

Dear Dr. Rhoads:

This responds to your request to the Attorney General for the views of the Department of Justice as to whether two classified documents (described below) maintained in the records of the Warren Commission may be declassified. Because these documents relate primarily to the activities of the Federal Bureau of Investigation, the Director of that Bureau was asked to review them. The Director has completed his review and has advised us as follows:

1. The Bureau interposes no objection to declassification of the letter dated April 24, 1964 addressed to Bureau Director J. Edgar Hoover by J. Lee Rankin, General Counsel of the Warren Commission.

2. The Bureau, after consultation with the Central Intelligence Agency which has an interest in the matter, likewise interposes no objection to declassification of the subject portion of the report of Special Agent James F. Morrissey, dated March 11, 1964; specifically pages 23-35 of Commission document 651.

ENCLOSURE

101-23-1738

With regard to your further question as to disclosure of the subject portion of the report of Special Agent Morrissey under the Freedom of Information Act, the Bureau advises that it interposes no objection to release of this material for research purposes.

Sincerely,

*Leon Ulman*

Leon Ulman  
Deputy Assistant Attorney General  
Office of Legal Counsel  
Chairman, Departmental Review  
Committee

July 31, 1975

Mr. Harold Weisberg  
Rt. 3  
Washington, Maryland 20901

Dear Mr. Weisberg:

This is in reply to your letter of July 6, 1975, received in this office on July 9, 1975, in which you make requests concerning the records of the President's Commission on the assassination of President Kennedy under the Freedom of Information Act (5 U.S.C. 552) as amended.

Your original request was for copies of all records released since the date of your request, which was on 7/6/75. If you are desirous of all records released by the Commission, except the 13 documents we have already furnished you, we will be pleased to furnish them.

Under the FOIA (Freedom of Information Act) requests for records are being made as follows:

- (a) The withholding from research of Commission Document 702. The documents which are withheld are 702 and 703, both of which are in the possession of the Federal Bureau of Investigation, Department of Justice (Washington, D.C. 20535). (Enclosed is a copy of the letter of July 14, 1975, which was sent to you regarding the withholding of these documents.)

- (b) The withholding from research of Commission Document 955. This document is a letter for Commission Document 955 and was not released to you. (See List 2 attached to the Department of Justice letter of July 17, 1975, which was sent to you.) We will be pleased to provide you with copies of the two-level documents (original and copies thereof) bearing on the subject of the assassination of President Kennedy and related matters. It was noted that the original and related documents were released to you on July 14, 1975, in response to your request of July 6, 1975, in which you requested copies of all records released since the date of your request.

See p. 3 for FB & action necessary

ENCLOSURE

100-357938

4/5

made available to you. We declassified the letter of May 22, 1954, from J. Edgar Hoover to J. Lee Rankin on the basis of the declassification of its enclosure (CD 995) by the Department of Justice letter of August 13, 1975, which to Rankin says the letter in concerning the Oswald trip to Mexico City and a reporter.

(3) Declassification of a letter of July 7, 1954, relating to Mexican Immigration Department records, 45 enclosures of which had been forwarded with it. We do not have records that show the reasons why documents were classified or declassified. Presumably the classified documents relating to investigation of Oswald's trip to Mexico were classified because relations with a foreign country were involved. We released this document when we could do so in carrying the file for Oswald's Mexico trip.

(4) Declassification of a letter of J. Lee Rankin to J. Edgar Hoover of April 24, 1954. This letter was withheld from release in our 1975 report because it involved the investigation of the assassination of Oswald and the question of foreign relations with Mexico. It was among the records the Department of Justice requested us to continue to withhold by its letter of April 13, 1973 (item 2 above). It was declassified and released by a letter of January 24, 1975, from the Department of Justice in response to our letter of July 31, 1974. We have been unable to identify the dossier Rankin had forwarded here.

(5) Documents relating to the withholding and releasing of the FBI letter to the CIA (NY) in connection with the CIA's (Consular Report 124). CD 124 is a copy of part of the portion of the CIA's report to the FBI, dated 1954 (NY 100-107080) and the FBI's letter to the CIA, dated 1954 (NY 100-107080). The letter of January 24, 1975, from the Department of Justice authorized the release of CD 124, with the exception of the related part of the FBI report of NY 100-107080, which is withheld under E.O. 11652 (1) (c).

(6) Page dated October 27, 1959, dealing with Oswald's hospitalization. As stated in our letter of June 17, 1975, the page relating to Oswald's Moscow hospitalization on October 27, 1959, is from the Oswald-July Chronology in the Committee's records. It was previously withheld from release because it contained information from a document withheld from release.



(7) Deleted in the Coleman-Glasson memorandum on Oswald's foreign activities. The deleted material is dated to you under 5 U.S.C. 552 (b) (5).

(8) CIA information or reports relating to what Horowitz told the CIA. No documents of this kind have been found in the records of the Commission.

(9) Horowitz records of any kind still withheld. These records consist of the following:

(a) Letter of Radin to Helms, March 6, 1964.

(b) Memorandum of Glasson to Helms, Mohr, Ball and Felt, March 9, 1964.

(c) Memorandum of Glasson to Helms, March 12, 1964.

(d) Memorandum of Helms to Glasson, March 12, 1964.

(e) Memorandum of Glasson to Helms, July 17, 1964.

(f) Memorandum of July 23, 1964 (no names given).

(g) Memorandum of Glasson to Helms, August 22, 1964.

(h) Transcript of a telephone conversation of Helms of June 21, 1964.

(i) Perhaps pages 43-44 of the transcript of a session of the Commission, which took place on June 21, 1964, and reading Horowitz.

**FBI** (j) Page 1 of Commission Report 351.

(k) Copy letter of CD 451.

... to the Commission under 5 U.S.C. 552 (b) (5). ... information relating to Oswald's foreign activities ... records of the Commission. We regret that a few items relating to Horowitz's list of records were inadvertently omitted in our previous letter to you.

... to the Commission, and the Commission's report to you.

(1) Copy of H. Keith Johnson (CIA) to Helms, July 17, 1964, which was also forwarded to you.

of the items referred to in the note are denied to you under 5 U.S.C. 552 (b) (5).

- (2) Letter of Thomas H. Karamerdisian, Deputy Director for Plans, CIA, to Robert H. Baker, Archivist of the United States, of October 2, 1967. This letter is denied to you under 5 U.S.C. 552 (b) (1).
- (3) Letter of May 1, 1975, of Robert F. Young, FOI Coordinator, CIA, to James B. Rhoads, which can be made available to you.
- (4) Note of Martin W. Johnson (H/EB) to Charles P. Dexter (CIA) July 22, 1974, and letter of John D. Morrison, Jr., Acting General Counsel, CIA, to James B. Rhoads, October 1, 1974, which can be made available to you.

(10) De-classification of certain records dated 11/13, 1975:

The de-classification actions referred to in the note are to be carried out from withholding up work on the records referred to there. The records are a researcher in order to be de-classified. One such record is with the CIA, on listing of CIA personnel in the CIA Directory for July 19 and August 11, 1975, and the CIA Directory for 1975, as well as letters received from the CIA dated August 5 and October 9, 1974, and January 9 and March 1, 1975, as stated to you under 5 U.S.C. 552 (b) (6).

The specific records to which you refer in this request apparently are the following:

- (a) Pages 23-35 of Confidential Document 651 relating to Yuri Nosenko. These pages were withheld from research in 1965 and 1973 at the request of the Department of Justice in its letter dated in the note above. They were de-classified by the letter of January 24, 1975, of the Department of Justice listed in the note above.
- (b) Letter of J. Edgar Hoover to J. Lee Rankin dated April 1, 1967. This letter was withheld from research by the Federal Bureau of Investigation in our 1967-68 review of the records because of the relevance of the letter to the investigation of General's Nosenko's trip and the question of Soviet-American relations. The Department of Justice refused to withhold the letter which related to the letter in its letter of April 1, 1973 (100-2-100).

(c) Transcript of an oral history interview of the transcription of January 22, 1974. A transcript was prepared by a Department of Defense cryptanalyst from the report's notes for that date and classified on the basis of the classification of the report's source. A copy of the transcript (M23) to the Director of the Department of Justice of December 12, 1974, regarding a review of the transcript and the reply of the Department of February 26, 1975, will be furnished to you.

(d) The undated Coleman-Sloman memorandum on Oswald's foreign activities. Most of this memorandum was declassified by the National Archives on the basis of published information. A letter of Charles E. Savage (CIA) to James B. Rhoads relating to declassification of a portion of the memorandum is dated to you under 5 U.S.C. 552 (b) (1).

Enclosed is a copy of the transcript of 5 U.S.C. 552 (b) which includes information cited in this letter. This copy of records we are furnishing you is for your information only.

The FBI will respond to you separately concerning the security classified information cited to you in this letter.

For your personal use, the records to you in this letter to the Deputy Assistant Attorney General, National Archives and Records Service, Washington, D.C. 20540. Records of security classified documents, which includes part of the original portions in the Coleman-Sloman memorandum on Oswald's foreign activities, regarding information to the Director of the Central Intelligence Agency, Washington, D.C. 20505.

*[Handwritten signature]*

Acting Assistant Archivist  
National Archives

CO: Official file - 1  
Reading file - 1  
Law file - 1

McL... 2231/1 7/24/75  
176-17  
176-5

*[Handwritten initials]*