

To Quin Shea from Harold Weisberg, Appeal, JFK records 8/12/78  
Dallas Field Office #files 100-10461, Lee Harvey Oswald

In this appeal I include the de facto denial of those unidentifiable records withheld under worksheet notations as "previously processed" for the reasons stated earlier, that they cannot be identified in FBIHQ records provided and that they are withheld from FBIHQ records I have checked, contrary to Mr. McCright's representation that I have been given those indicated as previously processed.

This "Oswald" file<sup>s</sup> includes no Subs as provided. I am confident there are Subs that are withheld. (Sections of inventories and translations are not indicated as Subs.) I therefore appeal the denial of any Subs.

The Marina Oswald file remains withheld although translations of her correspondence are included in the 10461 records. I renew my appeal of the denial of the Marina Oswald file with confirmation that it is not included in the Lee Oswald file.

I also appeal the needless withholdings attributed to (b)(7)(E) on the ground of waiver in addition to earlier grounds. From recollection the 10461 records disclose physical, telephone and bug surveillances and indicate others. Records resulting from these and other surveillances are also withheld.

(When we can make copies I will be providing you with copies of records relevant to the appeal, including references to attachments that are not attached and not referred to on the worksheets, and to surveillances.)

Among the still withheld records are some Lee Harvey Oswald tax records. Some in fact are not withheld. I therefore regard the partial disclosure of tax records as a waiver and ask for those that remain withheld. The privacy question is frivolous with Oswald's death and the disclosure of other tax records in the JFK case, besides those of Oswald now disclosed. What is not frivolous is the possibility that these tax records reflect unaccounted Oswald income, as from being an informant. Particularly if these records do not reflect such income and do not indicate that Oswald was an informant do I believe a national purpose is served by disclosure. The converse is true, too.

There are references to a "Security Investigation" and to "security" reports that are not identifiably included if included in any way in records provided. So I appeal the denial of records relating to the security investigation and reports.

Other relevant files are referred to and not provided. I made notes of three in 105 files not provided. I appeal the denial of all relevant files, known to the FBI.

Because enough time has not passed for referrals to have been provided I regard not providing them now as a de facto denial and I appeal it. The worksheets are dated in June. Other records show that the processing began earlier. This means that by August the records could have been provided and I believe should have been. In some

prior cases years have passed without compliance. Almost two years with some King assassination records. This is long in excess of claimed backlogs. It was the practice of agencies without any claimed backlog. I am not at all sure that all King referrals have been provided or accounted for. Given the age of some of my requests, now more than a decade old, my age, the state of my health and the time already elapsed I believe expedited processing of all referrals is not an unreasonable expectation.

In reviewing these records I ~~ask~~ made notes of some, perhaps not all, agencies to which referrals are noted on the worksheets. I have heard nothing from any of these:

Navy Dept.; NIS; USA POSI; USMC; IRS; Secret Service; CIA; Air Force; Customs Service; Postal Service.

For your further information, the time available for processing of these referrals is up to four months. I have records of the making of FOIA <sup>Copies</sup> ~~clippings~~ of the records in this file on 5/18/78 by 185/213.

Withheld files are not limited to 105. <sup>These</sup> ~~the~~ withheld files are known to the FBI. I regard the withholdings as deliberate. As one illustration, Serial 77 is said to be in Sub 1A. I was provided 30 Sections identified as from Sub 1A. Obviously this was known to those who processed the records. The records are my source.

Another illustration of deliberate withholding is Serial 2668. It is recorded as destroyed but with a copy in 44-1639, as 2927. This was withheld, not provided. Another similar illustration is Serial 2745 and perhaps 3152 and 3432. My notes are unclear on the last two.

These Oswald records contain no reference to any of my extensive writing on him that would be relevant in the 100 file. I believe these records are filed elsewhere if not withheld in this file and I appeal their denial. In this connection I remind you of special Dallas files on relevant books, still not provided, also appealed.

The records relating to his writing SA Hosty a note and subsequent destruction of it and of what is called an investigation of the matter remain withheld. Similarly, some records of outside contacts with SAs and former SAs on this and similar subjects remain withheld. The Dallas papers reported their contacts not all of which are represented in the records provided. I know of others. This also is true of Oswald's New Orleans operations, including literature distribution and arrest.

No records relating to the killing of Oswald are provided. If 100% of these are included in the Ruby file (not yet provided) this would not be consistent with other filing practices. None of the relevant medical records and of the autopsy are provided. There are scandalous prior withholdings that can explain these withholdings. One is unreported and known injury to Oswald. Another is reported earlier surgery not reflected in the autopsy records in the Archives.

No records of Oswald's reported picketing or literature distributions in Dallas

and virtually none of political inquiry known to have been made are provided.

None of the notes made by any of the SAs or original statements of witnesses are provided.

Nor any of the many photographs referred to.

There are no records of the investigation of an Oswald at the Mexican border and in Dallas at the same time. These are referred to in the 89-43 file, where they also are not in what was provided. This is true of other investigatory voids, such as of the examination of a tape or tapes and photographs rushed up from Mexico City by then Legat SA Eldon Rudd. This extends to the records of false reportings of Oswald at the Cuban embassy in Mexico City and the allegations of persons like Alvarado Ugarte, but not him alone.

There are no records of any investigation to identify the person incorrectly referred to as Oswald in the Mexico City ~~no records~~ <sup>photographs</sup>. If there is any basis for the allegations of the House assassins committee of 7/30/78 in its releases of pictures and sketches then of this there also are no records provided. In this connection there were earlier allegations attributed to one Antonio Veciana and referring to meetings with an Oswald and Maurice (Morris) Bishop in Dallas. No records are provided, even though relevant references exist in the 89-43 files.

I recall no records relating to the providing of these and many other relevant records to a number of Congressional committees of both Houses. While I am aware of the possibility that the FBI// withheld Dallas Field Office files I am not assuming this and I do assume that there was compliance with Congressional requests. Yet the records provided include none of these.

While I believe my recollection is dependable, concentration and continuity of work on these records was interfered with by a large amount of time and regular interruptions by reporters over the leaking of FBI records relating to the King and the JFK assassinations. If my recollection is incorrect those who processed these records should be able to cite records indicating that my recollection is flawed, if it is.

The most recent of these leaks, all keyed to self-preservation and similar efforts by the House assassins committee, relates to an interpretation of a tape of Dallas police broadcasts at the time of the JFK assassination. This is not a new story. Several articles saying exactly the same thing were published quite some time ago by Penn Jones of Midlothian, which is near Dallas, in his small newsletter. There has been no reference to his newsletter or these allegations of a fourth shot recorded on tape. There thus are no reflections of any FBI inquiry into this tape or this alleged analysis of it. However, the FBI did have the relevant tapes and records. (Some recording was on disc.) It provided an incomplete transcript for the Warren Commission. I have not seen any transcript in these Dallas records provided to date. If there are any such

FBI inquiries into this published interpretation of the tape, which would be a direct refutation of the FBI's solution to the crime, I have seen no record, no indication in these Dallas records. (There are separate files relating to Penn "ones. not provided.)

I believe that any and all such records, however stored or described, should have been provided. I cannot imagine that there are none or that the Lab was not consulted in such matters. With these newer allegations and this void in the FBI records I ask for a dub of all police broadcast tapes or other recordings, including county, state and federal. If there are FBI records not provided, I ask for expedited processing of them because of the interest stirred up by the leaks, which do provide a current and serious national interest. Dubbing on cassettes will be adequate.

Another such tape surfaced in early 1964. I recall no records relating to this in either Dallas file. Such records, as you now know, can be located rapidly from the large index existence of which was withheld along the with index itself. I believe the request for expedited processing is here also relevant. (My recollection is that the 1964 tape was found not to be authentic. But the tapes the FBI has should be authentic.) The subject is topical and has attracted wide attention. Particularly if the allegations are not true do I believe the information should be made available promptly.

There are recordings of statements by witnesses that also have not been provided and in fact are not referred to in the records provided. In prior appeals I have referred to this in connection with withholdings relating to Dallas policeman Jim Chaney. If I did not mention that I have the phonograph record including officer Chaney's voice prepared by Gordon McClendon's radio station. KLIF, I do. If not prior to the distribution of this record then afterward there should have been some relevant FBI records. I believe they also are withheld and appeal this withholding. (There is no reference to them in the Oswald file and there is <sup>none</sup> ~~no~~ that I can expect from the Ruby file, which has not yet been provided.)