To Quin Shea from Harold Weisberg JFK assassination records, 3/15/79
appeal from unjustified and unjustifiable withholdings,
including of the public domain in FBIHQ records processing

As the FBI well knew an item by item comparison between the worksheets and the underlying records is impossible. Nonetheless it took no chances when it provided the records it gave me after the Order of the Court in C.A.77-2155 - it withheld the worksheets, departing from practise to do this. Then, in partial compliance with my C.A. 78-0249, it did provide worksheets when it was impossible for me to make the kind of comparison that is necessary to understand the withholdings. I have to now filed a number of appeals to which there has been no response. In this I add new details of appeal and provide new illustrations.

These represent an enormous and deliberate waste of time and tax money. I believe it represents the continuation of the FBI's long-standing campaign to escape the disclosure purposes of the Act. This means to nullify the Act to the degree possible while compiling contrived and misrepresentative statistics reflecting the artificially high costs it created in order to misrepresent the cost of complying with the Act. Of course at the same time this effected still new non-compliance, created greater backlogs and requires more wasted time and work to comply.

You will also recall our disagreement over "previously processed" in which I stated that for this not to represent a new form of withholding at the very least the worksheets require a citation of where previously processed so that the record could be located. (This still leaves such information as is included on field office copies withheld. There is always added information on field office copies, especially those of the Office of Origin.)

The FBI does make such comparisons, not for compliance but to protect itself from charges of non-compliance, as I now know and include with illustrations. First it withholds what need not be withheld and in fact is improperly withheld and then it checks known public sources and find it has withheld what is within the public domain. The enclosed small sample will provide a number of different illustrations of this. I include the samples but will not take time to address all of them.

In this case the FBI was withholding what had been released by publication in the Warren Commission records and then by order of the White House and the Director himself in the unpublished records stored in the Archives. Actually. You will find samples. Having learned this the FBI then checked its planned withholdings against the copies available at the Archives, sometimes only by phone. This clearly was not to get caught again withholding the public domain. In any event it continued to withhold the public domain despite the cautions sometimes written in very large size and with a very black impression.

It is possible for me to call these things to your attention only by accident. The copies of worksheets I include herewith represents a minuscule portion of the FBIHQ JFK releases of late 1977 and early 1978. When a few honoraria enabled it I got the part-time help of a college student, first to combine the two releases into files. This is to say that both sections of each file are now arranged in numerical order within each file number. Each Section is in an individual file folder, which identifies the contents, so that when the records are shipped to the University all of this is in proper condition.

In the course of checking the worksheets to learn the final serial numbers for posting on the file folders various matters caught this student's eye. She took some up with me. This necessitated explanations as a result of which the student had other questions which she also took up with me. By the time she reached the so-called Oswald file, 105-82555, from a few of the worksheets of which samples are provided herewith, she had the experience of integrating the two parts of the so-called assassination file, 62-109060.

As a practical matter the FBI is not going to reprocess all these hundred thousand pages.

What is now apparent is that the FBI, realizing that the House assassins committee atop the Church committee, would be making much public; and realizing that interest in the subject matter is not going to end; and realizing that I, for example, had about two dozen information requests going back to the first of 1968, decided to pick and chose what it would disclose and then proclaim that it was baring all. It used disclosure of this vast amount of paper, most of which is relevant to nothing substantial, as a means of continuing non-disclosure. Thus, after an agreement with Department counsel for the first 5,000 or so pages of field office files reviewed in my C.A.78-0322 to be submitted to your office as a means of avoiding this kind of situation the FBI merely violated this agreement and nobody saw any of its processing of the field office files until it provided what it falsely represented as all to me. In this the FBI was able to perpetuate its violations of the Act and everything else, add a few new twists and once again confront everyone with a fait accompli.

Referrals, of which I have already written to you at some length in prior appeals, have been converted into a new machine for what appears to be permanent non-compliance, as these worksheet selections reflect in greatly understated form. In particular these two great powers of FOIA non-compliance, the FBI and the CIA, sharing a common antipathy for the cleansing rays of light and exposures of their festering sores of the past, have worked out what amounts to a treaty, you withhold for me and I'll withhold for you.

However, this appears on the subject of political assassinations, to involve the entire bureaucracy for there is to the best of my recollection total non-compliance from those agencies which have no reported FOIA backlogs.

Unfortunately, none of the agencies distinguished itself in those times of crisis

and there is no real doubt that all agencies by now are well aware of the power of those who want to continue to hide. You will find sufficient samples in what is provided herewith.

There appears to be no one with any input in the entire FBI who has either awareness of or concern for the permanent cloud all of this will keep over the FBI. It is, without need, creating and perpetuating doubts about itself, of the past and of this period in which it is, allegedly, asking the essential information available. For years people will be coming accross the thousands of examples that ought to inspire suspicion. How can one justfy this perpetual withholding of the public domain? Why should people not wonder and include in their wonders what else lies hidden in some locked file?

This will be particularly true on the questions of Oswald and the FBI and CIA and to a lesser degree other intelligence agencies like ONI. Instead of laying this suspicion to rest the FBI and CIA present performances are perpetuating the suspicion. (These samples are from the Oswald file and include many referrals to the CIA.)

It is also apparent that the FBI refuses to regard FOIA as an act for disclosure and continues to use its power in determined misuse of the Act for non-disclosure. Why else make all these costly checks with the copies of the records that have been public for up to 15 years?

All of this presents many problems to me and responsibilities I cannot shun when I am perforce in a public role in this.

The FBI to now has succeeded in corrupting the judicial process in my request for all records relating to the processing and release of the FBIHQ records. Such matters as I here address are within that request. It was not a frivolous request. The disclosure and non-disclosure involved in these records is of separate and substantial historical interest and importance.

If I can do nothing extensive about the bed the FBI made for itsself and in which it now lies I can pull the sheet back a bit.

In what I will provide latter from copies made of the underlying records you will see that once again the FBI has used these releases and withholdings for Cointelproing, for manipulating and controlling what can be known and for booby-trapping the House assassins committee into attractive but idle and diversionary conspiracy theorizing.

This extends to joint FBI-CIA withholding of information that if not withheld (and not properly withheld to begin with) would have precluded these adventures in mind-control of the nation. I have particular but not exclusive reference to questions of Oswald in Mexico. I have prior appeals relating to this about which I have been told nothing after a long period of time. There is now no possibility that appeals could in any way deter this successful [redacted] mind-management operation made possible by uninhibited and delibate misues of FOIA.

This extends to other agencies and Departmental components. Why, for example, does INS still withheld what was referred to it in July 1977, 20 ~~months~~ months ago?

Whatever the records may be the mere fact of this stonewalling will forever fuel new rumors and suspicions about what else the FBI and INS combined to do other than what they did do at the outset, blackmail the young and worried widow Marina Oswald. (I reported this accurately in 1965 writing and confirmatory records are now available. The FBI got rid of Secret Service participation, did not trust local INS, and then spelled it all out so clearly that Marina was able to give indication of it to Senator Russell and thereafter said only what she understood it was wanted for her to say. The interpreter "explained" for her that while she had been a liar prior to her testimony, in many, including tape-recorded interviews, henceforth she would only be truthful, forget about all she'd said.)

State withholds records. Want a nice suspicion? It is a fact that the consular official who refused to accept Oswald's supposed rejection of American citizenship was actually CIA. He was, too. And when it came time for him to review his testimony, naturally he was not available, being not far from Washington. So it was "reviewed" for him by "State."

And then there is that figure from the Penkovsky case who figures in Oswald's addressbook. He was the Moscow Embassy doctor.

Suspicions about the Army? Well, for some unexplained reason, as I established by FOIA, it destroyed all its records relating to the assassination of its commander-in-chief. (Do you recall my 1968 request for the records relating to the presence of an Army intelligence agent at the scene of the crime? His records were destroyed by the Army, the FBI remains in non-compliance with my request for its copies after more than a decade, and now the Army appears not to have acted on FBI referrals in 20 months.)

Why should IRS not act on referrals in all this time? Is it unreasonable to suspect that Oswald reported otherwise unexplained income? As an informer's tidbits? Supposedly he never made more than about $60 a week in his life, with a wife and two kids for exemptions.

I am not in quest of whodunits, do not expect to find any smoking guns. I address the functioning, malfunctioning and non-functioning of our institutions at these times of great stress and thereafter. Compliance, non-compliance and frustration of FOIA are relevant in this work and that is what I am talking about, filed C.A.78-0249 over and causes this appeal.

It is a pretty Byzantine business, as is the FBI's behavior from the furst and since. When it could not address my accurate work it addressed me by a series of the most vicious fabrications, precluded my effective use of PA, aborted and ignored the use I did make, and as you will see separately, had new and more defamatory false allegations - relating to which it has provided no records. (Naturally. I'd refute them, too.)

The names of SAs are not to be withheld in historical cases. Therefore we have in-

consistencies here. We have the disclosure of the names in describing the records but the withholding of the names of those processing the records. This withholding did not begin until I was able to pinpoint which SAs most abused the Act, the AG's policy statements, the pronouncements of the FBI Director and the Orders of judges. Since then the names have been withheld. I attach obliterations where the name was not omitted to begin with - on the set provided to me if not the FBI's own set of worksheets.

There is no real privacy to protect and there is none possible in historical cases anyway. So why else obliterate and withhold the names of the processors? Perhaps the samples of worksheets provided hereiwth are adequate explanation.

A history buff might see an appeal of this nature as well as the practises appealed as an historical record. Those whose interests are limited to the present will have no concern, as long as they can accomplish the purposes of the present, regardless of other interests.

While for the most part these copies of ~~[illegible]~~ the worksheets I provide reflect the care with which the analysts specified that what was not withheld was, as the first says," PUBLISHED IN WARREN REPORT," almost in anticipation of supervisory objection, and thus also reflect in later pages the exact citations, many of the pages also serve other purposes.

The first, for example, reflects my having obtained from several agencies records of which it informed the FBI. (Conspicuously, this never includes CIA.) Where these include military agencies, true of most on first page (serial 17, etc.) the FBI nonetheless made b2 claim for "NAVY DEPARTMENT COMMUNICATION." How this became "solely" an FBI internal matter you may be able to perceive. I cannot. Or why.

Please bear in mind that all of this pre-assassination Oswald record supposedly was made public by the Government, through the Commission and other agencies.

These records also are within a separate request others and I made long ago for all pre-assassination records on Oswald. This is not merely a matter of FBIHQ convenience in exploiting seeming and pretended full disclosure. These records are covered by earlier requests that as subject requests remain without response.

Please note also that while the FBI asserts a 7C claim to withhold the names of its FOIA processors beginning with this sheet it does not withhold the names of those involved in similar occupations in other agencies.

On the page that begins with 23 there is a variant of reference to the Warren Commission, "WCD." These references are to records identified in the Archivies as Commission Documents 9 and 10.

While the more common claims to exemption are made here and following there is great probability that the withheld information is and has been within the public domain. This underscores the important and only legitimate, if I may use the word, reasons for hiding

the existence of the indices and refusing to get them to Washington for use in this processing. That alone was a costly if successful effort to frustrate the Act and enable withholding of the public domain.

On the sheet the first number of which is 39 you will note two references to referrals to the CIA - in July 1977. Prior to then the CIA had begun similar non-response to FOIA requests and coming House assassins committee disclosures. In a short time the CIA suspended all further releases. It refuses to comply with subject requests on the ground that they will be included in the overall disclosures and then simply refuses to make any of the so-called complete disclosures.

However, a few CIA records of this period have been disclosed, beginning about 1975.

So on noting these claims to the right to withhold by referral I asked a second student who is working on my CIA files to see if there is a record which coincides with this first claim, Serial 40. It is described as of two pages. I again remind you that all of the information of this period is supposed to have been disclosed in published and unpublished Warren Commission records. This is pre-assassination information about Oswald, with the withheld record, characteristically Orwellian practise, described as a "CIA [redacted] Release."

It just happens that in the Batch A of the CIA" releases" there is a two-page document of this date and relating to Oswald in Mexico. I insert it at this point in the worksheet pages for your convenience.

If this record had not been disclosed by the CIA the fact would still be that all of the content has been within the public domain for years. And the FBI knows it. Why, then the withholding? Why did the CIA not respond - if it did not respond - to the referral? No backlog impeded xeroxing of released records or interferes with consultation with the CIA's own list of its disclosed records.

One possible explanation is to hide persisting FBI false swearing to the courts. In my experience this was most recently in C.A.78-0249 in which the FBI swore that cooperation with foreign official bodies must be hidden to preserve the secrecy required by national security. The CIA extends this (as in C.A. 76-1997, in the same court) to the false pretense that it cannot acknolledge the existence of its stations in foreign countries.

This record discloses that there are CIA and FBI offices in Mexico City.

In this connection I do not recall the FBI's explanation of the obliteration following the b1 claim for Serial 39. Its affidavits allegely covered all obliterations from these worksheets and that of SA Bradley Benson all for which such claims as b1 were made.

I will not call all the other such situations reflected in this minute sample of the FBI's releases to your attention but I believe little if any is not within the public domain and these powers of non-compliance are abiding by their mutual-stonewalling treaty.

When withholding is extensive and the records are multitudinous a subject expert

cannot always be certain but there is reasonable certainty that the next to the bottom two Not Recorded entries withhold what is within the public domain under a combination of two b1 claims, b2 and b7D plus unexplained obliterations missing from the FBI's affidavits in C.A.78-0249.

If the FBI processors were less interested in covering the FBI's - - - and more interested in complying with theletter and spirit of the Act a phone call to the source used at the Archives, Marion Johnson, an authentic expert, would have let the FBI know that the letter was published - officially, that is. The details and means of interceptions are also public. (You may be interested in knowing that this extended to such precautions as garbology with the Daily Worker.)

There remains no legitimate claim except for the proper name of an intercepter for the FBI.

This page raises questions about referrals to DCRU. There are many. The student made a list of those in this batch of worksheets. If DCRU has acted I do not recall being informed. If it approved these claims to b1 then it needs informing, unless it wants to persist as an FBI rubber stamp.

I invite your attention to the note at the bottom of the sheet that begins with 410. It reflects open FBI contempt for the directives of the Attorney General which is and has been the FBI's practise. Here, however, there was the precaution of checking with the Archives. All those and phoney 7D and 7C claims could not be asserted safely because all was made public 15 years ago - and have a 15 year history of having caused no harm, which is separate from the AG's directives. The intent to misuse the Act is obvious.

There is no claim to exemption for the Not Recorded Serial following 450. The entry reads "Possible b1. " No claim is made

Several pages relate to Serial 454 and I believe still more to CD 75, which the large note says is to be checked before excising. There remain unjustified exemption entries for b1,2,7D and 7E. (I am certain there is no legitimate claim to E possible in these records, there being nothing secret.)

How well informed the processors are is reflected on the second 454 page, where for the Ferrie who was dead for more than a decade there was to have been a 7C claim. All those details of Ferrie's life, used extensively by the FBI to deceive and mislead the AG in 1967 (from other records I have) were reported in the local paper and court records.

This is but one of the countless illustrations of the FBI's current effort to use, meaning misuse, FOIA to withhold what was not withhold prior to enactment of FOIA.

The obliteration on the next page I am certain was not justified in the Benson affidavit. And here what is involved has already been released.

That all is well known New Orleans material, if my recollection is correct, what was originally withheld from me at the Archives before the Garrison period, after his adventure became public knowledge and for much of its life if not until afterward.

I'm not checking.

Serial 456 is one of the more ludicrous illustrations from the FBI's past as well as its present. These sheets are unclear but theyappear to say that there are the listed withholdings that require six sheets despite "WCD 7 checked No Excisions in Text" note. Therefore they had to rexerox. In the course of this the column for pages releases is blank on all six sheets.

Well, there was a time when there was extensive withholding from CD 7 at the request of the FBI. I went over those three large volumes carefully in 1966. I would not pretend that my present recollection is fully accurate. I am pretty confident of the secrets I report, however.

The FBI neglected to instruct the Archives to withhold any or all of the index. So it was easy to detect what was withheld. I won't go into all of that. But there is about 200 pages at the end, almost all relating to radical rights so liked by the FBI and so loving of if. (Don't laugh. When it refused the time of day to the Los Angeles Time, which made a normal reportorial request for information it made a field check of a Bircher lady and then loaded her up with reprints and in another record I've read recently decided to provide information to one its records showed had been a member of the Minute Men and similar groups when he wanted information to counter criticism of the Warren Commission and the FBI, including mine.)So while for the FBI there was no such thing as "privacy" for those it considered "liberals" and called reds there was nothing but concern for those of the right, the farthur right the more the concern. I'm talking about nuts, not genuine conservatives. This included General Walker and his gang. Even one whose name I recall as Dreadfulwater.

Can you begin to imagine the cost that comes from this persisting FBI wrong-headedness, its open contempt for the AG's directives and its deliberate misinterpretation of FOIA? Just take this Serial as an illustration and make your own guess. It had actually withheld what was within the public domain and had no right not to be within the public domain and then had to reprocess. But it is careful to keep cost statisstics with which to deceive the Congress, as I believe may have happened ggain recently, and all others where it might be effective. The cost code in on the upper right-hand corner of each sheet. (Now will they start excising them, too?)

This does not represent legitimate FOIA costs. It represents the continuing cost of FBI refusal to stay within legal and administrative boundaries.

Serial 457 probably refers to a matter I've appealed already and relating to which there has been extensive international public attention. It appears here that DCRU rubber-stamped the withholding of the entirety of what is within the public domain. The description is " CIA letter of transmittal & transcript." I appealed the trickery by which FBIHQ classified a relevant three-page teletype on this for the first time in 1977, when it was found to be TOP SECRET despite the earlier FBI letter disclosing the content.

The FBI was nothing if not diligent in seeking to withhold under a disclosure law and the AG's historical case determination. Take page 587 of this three-volume CD7 report, a report of an investigation for the Warren Commission. Despite popular contrary belief the FBI had and admitted having no jurisdiction.

Before the rexeroxing required by extensive and unnecessary and unjustified withholdings prior to belated checking with the Archives - which also means the FBI's own records of what was no longer withheld - the entry for this page read, "outside scope."

(Not much having to do with the actual crime was not outside the scope of a serious inquiry.)

With this appearing to have been approved by DCRU there is the continuing question of its rubber-stamping non-existing "national security" claims.

It gets more interesting with 460, where the CIA's memo went to the FBI's Domestic Intelligence Division. Supposedly the CIA is precluded from domestic operations and by this time other FBI components were supposedly in charge of the assassination investigation.

A number of seemingly related items are withhled by these means on this sheet.

As you turn the pages you will note that each one selected by the student holds a reference to the Commission's records and their disclosure.

When you get to 512 you'll find that despite disclosure as CD 33 there are b1 and 7D claims for the cover of the record, which one would believe is its summary, and a similar situation with regard to 514, which adds b2. It continues. I'll not list all but 527 is next for these kinds of claims. It does not change with a different analyst in Section 30, as its first page discloses with Serial 624.