

Classification

JFK assassination records appeals  
Improper classifications ( a 2040 job)  
Withholding of the public domain  
Field office records

Harold Weisberg 9/3/79

Some time ago, when I first came across the attached FBI 0-79 form covering N.O. 100-16601-1243, I may have appealed denials. The amount of time required to check improper and seemingly improper and unnecessary FBI withholdings is considerable, as is the time required if one is not to agree that the FBI has limitless licence to violate the Act, rewrite it and in the course rewrite an important part of American history.

With this form FBIHQ, through its <sup>foremost</sup> specialist in improper and unnecessary ~~classifi~~ ~~fications~~ <sup>classifi</sup> ~~fications~~, 2040, directed N.O. to classify an unclassified record. The record relates to an offbeat and otherwise suspect preacher named Albert Osborne, aka John Howard Bowen.

With a considerable assist from unjustified and unjustifiable withholdings relating to his a vast assassination conspiracy theory that in fact has no basis was launched. It lingers as one of the many <sup>formations</sup> ~~disin~~ ~~formations~~ that tends to divert interest from the actual record of the FBI.

If Osborne is still alive & as I recall he was in his 70s when he was on the same bus as Oswald en route to Mexico City - there is precious little about him that is not <sup>cooperation</sup> within the public domain. This included the ~~assistance~~ of foreign police in checking. And not only police- other government agencies.

There would not appear to be any other classification ~~figleaf~~ <sup>is why what is</sup> on which the FBI and its 2040 could have seized. ~~I~~ believe that to hide this ~~matrix~~ reasonably segregable was also withheld, for the reasonably segregable information would disclose this FBI persisting trickery. This is also a persisting FBI device for escalating all costs, making use of the Act cumbersome and difficult and overburdening courts and requesters.

The underlying record, which is also in Dallas files and is 105-82555-1750 at HQ, is from Legat Ottawa, where it is 163-354. This discloses all that FBIHQ and its ever-willing 2040, supported by its rubber-stamping DCRU, sought to hide because the mere fact of 163 filing means "Foreign <sup>P</sup>olice Cooperation." Naturally when there is no real security question, it also means "\*\*\* Security-related Classification."

Moreover, the fact of Canadian and Mexican police and other authorities in both the King and JFK investigations has been public domain from the first in both cases. It was made public domain by the Department and the FBI, with the unrestricted information provided to and disclosed by the Warren Commission and provided to and disclosed by the Memphis prosecution. And if this were not the case, as it is, there can't be many people, including those whose reading is limited to comic strips, who can be unaware of foreign police cooperation.

So there was and is nothing to keep secret. The sole purpose served by this kind of withholding is to create wasted costs in processing the record, no longer a mere cottage industry with the FBI, and to Cointelpro all others, requesters, the courts and the people whose right to know supposedly is served by the Act.

If the time, effort and money thus wasted, of which this is but an insignificantly small sample, were devoted to the FBI's lawful purposes there could be much good from it.

Your own involvement in this misuse of the Act and requesters cannot be avoided because of what you did and did not do in my C.A. 78-0249, in which you provided an unduly restrictive and otherwise rubber-stamping affidavit by means of which the misleading of the Court by the Department and the FBI was furthered. This is also to say contributed to the negating of the Act and the wasteful and improper escalating of all costs.

I was forced to file that action when the FBI stonewalled my request for all information relating to the so-called general JFK assassination records disclosures. You also stonewalled my appeal, which covered everything included in my request. In fact you have not yet acted on it and an amount of time that exceeds the claimed backlog has passed. To deceive and mislead and violate the Act to avoid embarrassment to it the FBI made the obviously false pretense that my request was limited to the processing worksheets. You went along with this and even provided a misleading affidavit. All you did on appeal is check the claimed exemptions on the worksheets with those claimed on the underlying records. If as is the fact and I proved to be the fact the claims in the underlying records are spurious the claims on the worksheets also are spurious.

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In this you made the part of the appeal you did not ignore meaningless and made a not inconsiderable contribution to the still-growing costs. That matter is now before the appeals court, yet there is no question of fact.

It is a fact that with regard to each and every withholding relating to the false claim to need to keep secret the cooperation of foreign police I provided records in which in each and every case, individually, the FBI and the Department had made specific disclosure of the identification of the foreign cooperating agency. By specific I mean with regard to each underlying record and each companion entry on the worksheets.

It remains an uncontested fact also that my request was not limited to the worksheets.

You all knew you had a judge who had a record of and even stated openly in court that he generally did, without question, what the FBI asked.

Going along with this there appears to be unhidden hanky-panky in getting my other cases transferred to him, with like consequences to the Act and non-compliance and perpetuating wastes and costs. It is inevitable that if I do not persist with this litigation others of like interest will and the whole matter will cost and waste money and time all over again.

All of this could hardly be more contemptuous of the historical case finding, too, for under it and the Act you are combined in withholding what was not withheld prior to enactment of FOIA and more, became a campaign of withholding after the 1974 amending of the Act.

If a Congressional committee ever takes an interest in this and what it represents and calls you and the stonewallers like ROHO and others like him and gets into the facts and the violation of the Executive Order I think it would be a catharsis long overdue.

It might and I think it should put a crimp in the other false and exaggerated official representations made to the Congress in an effort to gut the Act with the real purpose hidden, the purpose of deterring exposure of what needs exposure so that the agencies can be cleansed and ~~made~~ <sup>made</sup> both lawful and more ~~like~~ efficient, national needs.

I am without doubt that if this happens and if any committee makes a real study of

of the factual record I have made in all my many cases- I re-emphasize without contradiction - and I add with regular deceptions and misleadings of the Congress - the result would or could be a valuable service to the agencies and to the country if not also perhaps sensational.

You, personally, might want to remember that I have appeals now more than a decade old and repeated often enough on which you have not acted. (My appeal in C.A. 7089249 <sup>-0249</sup> is a year and a half old.)

My request for a review under the provisions of the new E.O., that all claims to classification be reviewed under its standards, is both ignored and a mockery of the President.

As you know from copies of records I have provided, more than a decade ago the FBI determined that it had to "stop" me and my writing, even conniving in spurious libel actions to this end only for these stalwarts SAs to chicken out rather than confront fact in open court.

When there was none of these phoney heroes with a willingness to go along with this FBI ploy the alternative of endless stonewalling, including of virtually all appeals, we fixed upon. This then extended to persisting and insane false swearings. Meanwhile I was forced into a public role, one you personally agreed I serve, thus because of my unique expertise forcing me to contest in the public interest what is of absolutely no interest to me in my own work, of which the Osborne/Bowen matter is illustrative. In turn this does "stop" my writing, which the FBI and Department cannot fault on fact, which is the 1956 objective.

I do not hide my dislike for spending so much of what remains of my life to this, particularly not when on a morning like ~~this~~ this my illnesses made me unsteady and even walking unsafe for me. But if I have no choice I will persist to the degree I can and if the opportunity provides itself make other efforts. I believe it might surprise the Congress, whether or not the AG and FBI Director, in whose names all of this is done, if there could be a full airing of what the FBI has done and continues to do and is protected in it by the appeals machinery and Department counsel.