To Quin Shea from Harold Weisberg 9/17/78

JFK Assassination records; 1978 request for info given Epstein re Nosenko FA records

With regard to both appeals and in general for the information and understanding of your staff I attach Exhibit 17 from an affidavit I used in C.A.75-1448, a case now before the court of appeals. After the summary judgement and appeal I presented new evidence to the appeals court. It remanded for the district court to consider considering the new evidence, which I provided to it. The district court declined to consider this new evidence(relating to the subject matter of the hearing of the House assassins committee this past Friday) If necessary I can determine the date not visible on this xerox of the first page of that record. The date on Exhibit 12 from the same case is early, 1968.

Both refer to Department records known to exist and not provided.

I do not mince words with regard to these records and the motive they provide for the continued withholdings. The exemptions claimed are so clearly spurious this amounts to deliberate fraud. I have obtained the transcript of the executive session of 1/27/64 referrred to and printed it in facsimile in the fourth of my Whitewash series. There is no basis for any withholding or classification under the Act and there never was any such legal basis. The clear reason appears to have been to make official embarrassment more difficult. What the second record says about President Ford's book is an enormous understatement. His dishonesties with this record, to hide what was disclosed about the FBI and CIA, are encapsulated in a tabulation in my book. He edited the transcript without so indicated and presented it as unedited. Of course he began by stealing it and selling it for profit. The content is entirely and deliberately corrupted. Not surprising considering that the man who was to be our first unelected President was also an FBI stoolie (aka "toad" to the then Director.) He spied on his fellow Commissioners and tried to use the FBI to work his will inside the Commission. One of the transcripts still withheld and at issue in C.A.75-1448 includes his efforts to get two prestigeous lawyers fired as "reds" because they were civil libertarians and anti-racist. Mr. Devine, formerly an FBI SA, then and now a Congressman, was one of those objecting strongly to the anti-racism of these Commission counsel, Joe Ball of California and Norman Redlich, now dean of law at NYU.Mr. Devine is a Member of the House assassins committee.

You will note that among the improper reasons for withholding actually specified after consultation with the Department is to deter my work or to prevent my exposing of official improprieties and dishonesties and prevent meaningful use of FOIA.

Please note the secret stated in Paragraph 2 of the first record, there numbered 1., that the withheld records "are generally overclassified when classification is at

at all warranted." This, naturally enough, did not preclude the filing of affidavits attesting to the propriety of classification.

If you would like other relevant records not as directly connected with the Department but flowing from the meeting reported here Jim Lesar can provide them. These other records, some of which probably do include the Department and my PA request, reflect the various dodges and concoctions fabricated to avoid detection of overt fraudulent misrepresentation and of the switching of records out of the possession of an agency which held that it could not withhold them under the Act so that they could be withheld under still other fabrications. The internal records are explicit in providing the advice of Government counsel that all possible exemptions be dreamed up, whether or not conceived to be within reason, as an alternative to later making claim for substitute exemption when I destroyed any basis for the exemptions claimed.

This is all real, not my imagining. I believe it remains uncontested in a court record. One such false claim to an exemption later chaged at least once is for the still withheld transcript described on the previous page, the Ford/Devine transcript.

Please note (Exhibit 17, first paragraph) the involvement of the Departments "Freedom of Information "(sic) committee/ and of the Department's OLC (Exhibit 12, first paragraph.) As stated above, there was no basis for the withholding of the transcript the Department recommended be withheld and it took litigation to obtain it. (I have often referred to wasted costs and ulterior, extra-legal purposes.)

My recollection is uncertain but I believe Commision Document 365 referred to holds the racist venom and the involvement of Messrs. Ford and Devine it it as it relates to the two named lawyers. Subsequently I obtained that file.

Without subject-matter expertise any review that is not made with knowledge of such records as the samples attached is seriously handicapped if not in fact converted into a rubber-stamp approval of official wrongdoing, a matter I believe Chief Judge J. Skelly Wright recently addressed. I therefore believe that your staff should not have some substantial reason to believe that the policy this represents is not the present policy, as I have every reason to believe it is.

Harold