Mr. James K. Hall, Chief
FOIPA Section
FBI
Washington, D.C. 20535

4/4/81

Dear Mr. Hall,

Your letter of March 30, 1981 in an inaccurate reflection of what was enclosed with it. For the record, it also covered four films, identified as:

KRLD-TV, Interview of Ilya Mamantov, 100-10461 -1A137;
Slow Motion Oswald Killing 44-1639-1A92;
16mm film obtained from CBS-TV [redacted] New York Channel 2 89-43-1A232
8mm film from Orville Nix 100-10461-1A75.

Your letter does not state when I may expect the remainder of the film and it still makes no reference to any still pictures, of which there are many, including a number that were not sent to FBIHQ and did not reach or remain with the Warren Commission.

Your letter also manages not to include any definition or description of the enclosed records. Some are not adequately described on the worksheets which, deppite your recent assurances to your counsel after my complaint of illegibility, are illegible. Those described as "declassified pages" on the worksheet do not total the number of pages in Mr. Shenefield's December letter informing me of their declassification. Can it be that the four-month delay in providing these records, with all the FBI's assurances to the Court, was required for this newest hankypanky?

The claims to (b)(2) and (7)(E) are inappropriate, the former because it in all cases does not meet the "solely" requirement of the Act and because the Department has testified that (b)(2) is inappropriate in such cases, the latter because the technique is not secret or unknown and thus not in need of protection and because there is no possibility of impairing future effectiveness. The claims are made for ulterior purposes. With regard to (b)(2), if there is need for withholding, that need is served by the (7)(D) claim. The only apparent purpose of the FBI's persistence in making this claim after the Department found it inappropriate is because (7)(D) also is not properly invoked.

You again resort to the bureaucratese "coordinated with" the Department's FOIPA office without having responded to my previous letter pertaining to this. It is apparent that the same Office did not find (b)(2) claims both appropriate and inappropriate. I have

difficulty believing that it approved some of the claims and processing to which I refer below. If it didn't, then your letter amounts to another deliberate deception and misrepresentation.

Once again the worksheets are blank under date of processing. The only apparent purpose of this is to hide the FBI's continuing stonewalling. In this case I was informed four months ago that the records had been reprocessed. Obviously the FBI does not want me to have a record I can give to the Court, to which the FBI has again given false assurances, showing an unnecessary four month delay when the FBI has pretended that it is proceeding as rapidly as it can.

The first record in those headed "Declassified Docs." is 89-69-303. It was twice held to be exempt from the DGS although there is nothing classified or classifiable on the first page. What was classified on the second page was never subject to any degree of classification and was earlier disclosed by both the FBI and the Commission. There is no doubt at all that most if not all of what remains classified is not and never was properly classified. These are areas in which the possibility of embarrassment to the FBI is visible. Under any circumstance, the entire first page was always "reasonably segregable" and the withhold was improper.

My appeal for classification review was many years ago. It was never acted on. This and other of your present disclosures provide an apparent reason-improper classification and deliberately improper withholdings.

Examination of most of the records under this heading, SA to SAC memos, discloses that they also were not subject to classification and withholding. The first of these, pertaining to Jack Minnis, who wrote an article the FBI did not like, reflects the fact that the FBI makes selective claim to (7)(C). With Minnis it never withheld the clearly defamatory, the allegations that he was a drunk, a crook and a forger.

The FBI's penetration of the FPCC, which has been defunct for more than 15 years, was disclosed by the FBI and the Commission so it was never any basis for any (b)(1) claim, the common one throughout these records.

With all these FPCC people the FBI provides full identification, including their

addresses. This is not consistent with the FBI's current claim in this and other cases of the need to withhold addresses allegedly to protect privacy. If the FBI has no need to protect the privacy of those who are connected with nothing except beliefs not approved by the FBI it has no need to withhold the addresses of those with whose beliefs the FBI has no complaint.

Moreover, some of what was withheld after my appeals had been disclosed by the FBI years earlier and thus was not properly subject to classification. The record pertaining to the Fabachers is an illustration of this. (89-69-479)

Only the last paragraph of 89-69-512 was ever classified and it could not be, not by those with regard for anything except "cover the Bureau." The New Orleans SAC asked Assistant Director Sullivan "what he would consider the most important phases of" the investigation of the assassination of the President a week after that assassination. The former assistant director did not include investigation of the crime itself. He referred to alleged motive, Oswald's "source of money" and travel to Mexico, his non-existing connections with the Communist Party and his also non-existing "activity in" the FPCC. This is all that was classified. There is no basis, other than covering the Bureau, which was never interested in investigating the horrible crime, which is reflected again in this record.

No claims to any exemption are posted on the first two pages of 89-69-1658. Although on the worksheets and later pages there is a (b)(1) claim the record itself was never classified or declassified. All but the first two lines on the first page is withheld, regardless of the extensive amount of information about Rudolph Richard Davis that is punlic domain, the fact that he made himself a public person and the certainty that some is reasonably segregable. (His best known aka also is not included. The Cubans referred to him as "Ricardo Davis.")

Davis was a well-known racketeer and fink (your (b3) and (7D) claims). He boasted to me, on his initiative, of his finkery. That of which he was proudest was for Jack Caulfield, later of Watergate fame. Im Davis' version he fingered peaceful demonstrators to be trod upon by New York's mounted police. His racketeering consisted of running a phoney

"training camp" by means of which he sought to obtain money, for his alleged anti-Castro activities. Any 7C claim made for him also is inappropriate. He made himself a public figure, as the FBI also did with its earlier and extensive disclosures.

The next record includes what is within my earlier and still ignored appeals. It is 100-17809-1, according to the worksheet. Here, atypically, the FBI has a sudden interest in the "privacy" of critics of its and the Commission's investigation. It withholds eight such identifications, not counting that of the file of the informant, which is neither a b2 nor a 7D matter, which are not claimed, nor b1, which is claimed.

The "Lalynn," which had actually been classified, is the FBI's fink's corruption of Lillian, the late lillian Castellano, as I informed the appeals office years ago in the earlier appeal not acted on.

This record also disdoses New Orleans and Dallas files not searched for compliance in this case, the 100s on Jim Garrison and the late Roger Craig.

Any "national security" claim for the FBI's spying on meetings of critics of the Warren Report is rificulous, even for the paranoid FBI of that period. No legtitimate question of national security can be involved, save for the subversion by violation of the Constitution by the FBI itself. For this it is hardly entitled to make any "national security" claim.

Please note also the file number 80-505 with a line drawn to the name of Jim Garrison. I don't recall whether this is the 80 file on him I identified in another of the legion of those ignored appeals, but it is a file to be searched for compliance.

Unless all those present at this meeting were FBI informers, the 7D claim on the first page of the attached report on that meeting is not justified. It does not seem likely that the informer identified as present only himself or others who were informers.

The well-known public figure Gerald Hemming is the subject of Serial 2 of this file. In general the comments above apply to this. Hemming has disclosed his federal connection in court and has made about 5,000 pages of records he received available to others. No 7C or D claim is proper with him.

Withholdings in Serial 3 raise questions about the FBI's withholding of what it has

disclosed because the subject is the SWB's Militant Labor Forum and the SWP sued the FBI and disclosed a vast number of records provided to it, under compulsion, by the FBI.

This record also has a citation of the New Orleans Garrison files not provided.

Only one paragraph had been classified and withheld in 100-10461-4957 and it was never properly subject to classification. Not only was all of this and in greater detail reported by the Warren Commission - the FBI disclosed even more, including the clandestine means by which it obtained the withheld but public-domain information. I appealed this long ago, with an attachment of the FBI's disclosures, but that appeal also was ignored, to further stonewall this long-stonewalled case. There is no time, beginning with the creation of this record, that any of its contents could be considered subject to classification and there is no content requiring any kind of protection. It is ridiculous and sophomoric to make such claims.

In general these comments apply also to 4967 where, in context, the b1 claim is made for the public domain. What had been withheld and now isn't was all made public long ago by both the Commission and the FBI itself. In the second part of this Serial, the Hoover to Rankin letter of 4/6/64, what was classifiable then isn't now. There is no reason to believe that what is withheld is not now public and every reason to believe that it is. However, even for the FBI, isn't it a bit much to withhold the questions asked by the Commission, as here is done? There is an additional Hoover to Rankin letter of the same date, with part of the serial number cut off in xeroxing. The FBI's responses to the Commission's questions 9 and 10 are all that is withheld, under b1 claim that is spurious. The FBI's answers to these questions are published by the Commission, are included in its INDX questions of FBI witnesses, and have been disclosed by the FBI. I have provided some samples as attachments to appeals. Were none of this true, there is no damage from the information which [redacted] was well and internationally known.

What had been withheld in 89-43-694 originally [redacted] three paragraphs [redacted] That information has never been secret, was disclosed and published by the Commission and is readily available, as is all of this description, in the FBI's own reading room. This also has general applicability throughout these records. There is a new FBI specialty evolving,

conning the courts and requesters in stonewalling by classifying the contents of the FBI's public reading room. While I can't be certain with regard to 89-43-223, from context this is probable. It is certain with regard to 267, which has its number eliminated in xeroxing; 9712 (7C claim).

Although these supposedly were originally withheld as classified, it is apparent that 378 was never classified. None of the information in it is classifiable.

What was withheld from 867 is public, as detailed above, which leads to the belief that what remains totally withheld also is not properly classified. If it includes how the FBI obtained the information, that is public.

In 100-10461 - 3780 7E is claimed improperly to withhold information pertaining to the mere shipping of equipment for electronic surveillance. By the dates this appears to be for the illegal bugging or Marina Oswald, for which the FBI neither asked nor obtained permission. This is a possible explanation for the phoney claim to 7E for non-secret techniques that in this case were also disclosed by the FBI itself.

Serial 1395 is another that was withheld as classified when it wasn't even classified and the apparent reason is the FBI's (denied) scheme for blackmailing Marina Oswald. This the FBI later did disclose. Moreover, she also testified to it before the Warren Commission, and in so doing magnified the FBI's dislike of her. She testified to what the disclosed records really state, that the FBI would have her deported unless she said what it wanted her to say. So, she did.

What was withheld in 2217 is in the FBI's reading room and was disclosed by the Commission. It was never properly subject to any "national security" claim. The same is true of 4801, which bears no classification although withheld as classified.

Your letter is careful to avoid any mention or identification of the second and rather slim volume. Because contrary to your recent representations to your counsel the worksheet is needlessly indistinct, the title can't be made out. It can be anything from four Arabic numbers to what I am inclined to believe it may be, "SEES." Your people must be really dedicated to create original records that can't be made out. (It is not only the title that is indistinct.)

If in fact this does mean the Dallas "see" references, then they were not provided. With the single exception of the last two pages, which appear to represent magic. The date stamped on the back is two years before the assassination. There is no name in the space for it, no date, no identification of the searcher, the file number is entirely illegible and two of the six files searched are obliterated, with claim to b2 and 7D.

However, this is proof - and not the only proof- that search slips are preserved. None for the period of and the period following the JFK assassination are provided.

The files from which 105-976-1 comes are not identified. One might guess that it is Dallas, and the public-domain subject, withheld under claim to b1, has to do with sending funds to Russia. It is disclosed by the FBI that it has such a program and files; that it informed the Commission of this, which the Commission published; and that at about the time in question Oswald's mother sent funds to him. (I think his brother also did.) There wasn't and today there certainly isn't any legitimate national security element and the claim is both wrong and entirely unnecessary.

Copies of a series of 3x5 cards pertain to the tapping and bugging of Marina Oswald and identify persons picked up on these surveillances. Claims to b2 and 7D are made to withhold what I presume are phoney informer numbers under which the FBI carried such activities. I've already appealed this and in fact the FBI itself has in the past disclosed what it here withholds.

On the first page of these it discloses what it withholds in records recently provided, one of the deceptions practise in filing such information, under "administrative matters." Here the number is 66-1313-307. The FBI has already disclosed that it has such information on Marina filed in 66-1313A. So why withhold it in the surveillance records sent me two weeks ago? (Serial 336 is also disclosed.)

Although this information was never classified, it was nonetheless declassified on 12/19/90. There thus is no apparent reason, other than your usual stonewalling, for withholding it more than three more months.

If I did not have extensive prior experience with the FBI in FOIA matters I'd be tempted to ask, "Have you no shame?" Because of this prior experience I do not assume

that this represents stupidity, which it appears to be; or that the agents are incompetent (didn't your counsel inform the Court that the FBI was assigning the very best? God save us!! ? ); or that with all the time you asked for and got for your agents to familiarize themselves with what is public they are not familiar with what is public.

This is deliberate and it is evil, disgraceful for adults and unbecoming for children.

Based on your deceptions and misrepresentations, which he appears to have believed despite my caution via my counsel, your counsel deceived and misrepresented to the Court and, of course, to me. It did not require the time it asked for, any more than it did in the past; and it did not use the time it asked for as it assured it would. It took no time to go over these already processed records, which is precisley what I asked my counsel to tell your counsel. Unfortunately, he has not yet recognized the fact that he represents the most immune liars in officialdom.

I therefore will be asking my counsel to be raising these and similar matters with your counsel, and perhaps more.

Although Mr. Shea asked that I address appeals to you, and I do, I know from long and disgraceful experience that you never make any meaningful response and instead prefer to repeat the same offenses, to the end that ultimate rectification of them represents a great cost, and then the FBI asks for relief from the costs it has created. However, I am sending a copy to Mr. Shea so the Department may have some awarenesss of your newest Cointelproing.

Sincerely,

Harold Weisberg