

JFK assassination records appeals

Harold Weisberg 3/27/80

My 9/1/79 appeal captioned "Improper 'national security' claims; withholding of the reasonably segregable and of the public domain."

#2040

That appeal also pertained to Dallas records. I have just reread it and its attachments.

Not long after I filed that appeal Ms. Barrett did some further checking. We made copies and they have been in one of the many stacks I'm trying to eliminate. In some instances these copies and pertinent notes have become detached over the months in which I could not get to them but I believe I have them properly correlated.

Whoever, as I've reported before, assigned FBI #2040 or any Operation Onslaught agent to the processing of records pertaining to the assassination of a President or the FBI's investigation of that most subversive or crimes was Cointelproing the present and history. He and assigning him were both atrocities.

One of the attachments to the 9/1/79 appeal is a three-page Dallas teletype of 11/23/63, of 7:23 pm. Except for the captioning followed by "RE TELEPHONIC REQUEST OF MR. HALLLEY" all is obliterated. It is not possible that nothing is reasonably segregable. What is possible ~~is~~ is that providing what is reasonably segregable would disclose the withholding of what is not properly subject to withholding. Or to classification, because it is within the public domain and is the subject of other and prior appeals.

Such a telephoned request was for a transcript of a taped interception of Oswald in Mexico City. Disclosure includes by the FBI and the Secret Service. I have sent you a Secret Service copy of what the FBI continues to withhold, the FBI Director's memo to the Secret Service dealing with this and other matters, of 11/23/63. The matter was leaked and extensively published and was investigated by HSCA and published by it.

In the 62-109060 file this record appears to be Serial 1336. As the attached referral slip reflects this was referred to the CIA - in 1977 and not since acted on. The CIA, which is embarrassed by this, will not act voluntarily. (The preceding Serial, 1337, was referred to State.) The exemption claimed is (b)(1). A worksheet note pertaining to DGRU was ~~XXXX~~ crossed out. There appears to be no other 11/23/63 Dallas teletype that

could be this record. Serial 89-43-237 appears to confirm. It is a routing slip I have provided in connection with the appeal of years ago that you have not acted on. You will find pertinent content in the HSCA report on p. 250.

The next record attached to the 9/1/63 appeal is an 11/23/63 Baumgardner to Sullivan memo. 2040 withheld the entire text. Where the original is filed is illegible in the copy provided to me. However, instructions for filing in 100-3 are in the lower left corner. I have reason to believe that this file holds information that is pertinent. It has not been searched and no records have been provided from it. I made a note of record another ~~noting~~ which states that a 100-3 file holds information pertaining to the Warren Commission.

The same record is in 62-109060, attached. As you can see, even 2040 himself found a sentence on the first page reasonably segregable. That sentence is important in that it discloses what is not subject to classification, that the NY field office telephoned FBIHQ.

When you compare this with the next day's Baumgardner to Sullivan memo, also attached from 62-109060, also processed by the same 2040, you find that some of the content in fact is disclosed. It appears that all of this pertains to what has always been in the public domain, the FBI's surveillances of the <sup>long</sup> defunct Fair Play for Cuba Committee. All of this was disclosed by the Commission, including the interceptions by the FBI. There is no basis for the (b)(1) claim or any withholding of other than the names of those who did the FBI's work for it. (Which is to say, interfered with perfectly legal and proper domestic activities.) The worksheets indicate that the original of this record is in 100-7705.

The next record is FBIHQ's 11/25/63 cablegram to Legat Mexico. 2040 put his unique stamps on this copy and that in 62-109060, which I attach. The 9/1/69 appeal copy is classified "TOP SECRET." With the FBI's care and diligence in all matters pertaining to classification the 62-109060 copy is classified "Confidential." By applying his unique skills, competences and ~~judgments~~ judgements pertinent to classification 2040 did not withhold in the Top Secret copy what he withheld in the Confidential copy. Figures.

It should not surprise you that all of what is withheld in the Confidential copy but is disclosed in the Top Secret copy is published by the Warren Commission. There is every reason to believe that this is true of what is not disclosed in the Top Secret copy.

An extra copy of the Top Secret copy is attached to my copy of the 9/1/79 appeal. I attach it here in the event one was not attached to the copy I sent you.

There is every reason to believe that with regard to the 11/26/63 New York to FBIHQ teletype and all that is withheld has been made public. The caption refers to CPUSA. The FBI's interceptions pertaining to it and its Daily Worker have been made public, including by the FBI and including copies of intercepted materials. The more public the information, the more complete 2040's withholding of it. The same (b)(1) claim is made for this record in 62-109060, where it is NR after 228.

I can't explain how it happens that two copies made from the same record are ~~not~~ not identical but where the 105-82555 copy of the EFO 11/26/63 airtel to FBIHQ is had "62-109060 -" written on it the actual ~~is~~ 62-109060 copy has this and the serial, 1600. I attach it. As you can see, the withholdings are not identical and in any event are within the public domain. What is withheld in the first sentence of the LHM is "admitted/former Soviet intelligence officer," something the Soviets knew well enough. This again illustrates that the FBI withholds<sup>1</sup> from the American people what is not secret to the KGB. There then were two, both public, both publicly identified, Petr S. Derjabin and Anatoly Golitsyn.

I attached the 11/26/63 NY TT from 105-82555. The attached copy from 62-109060, where it is 956, indicates that if you do any checking, as I believe you should with complete withholding by 2040, this copy is more legible. (Section 12)

This does not exhaust the catalogue of 2040 horrors you told me months ago you ~~would~~ would address but have not. I will come to a sickening stack of copies already made, sickening because this relates to the assassination of a President, the FBI's investigation of it and its continuing attitude toward both and its responsibilities under FOIA. Your staff believes that those who process these records have no motive for withholding. With a 2040 is this relevant. ~~whether or not~~