NIS

To Quin Shea from Harold Weisberg, JFK assassination and PA records appeals 6/22/80

Deliberate stonewalling
The Department's collaboration in the FBI's 1967 plan to "stop" me and my writing
Referrals
Department pleadings in C.A. 75-1996 and elsewhere re classified referrals

In my 6/15/80 appeal I raised questions about how copies of two of my letters to Naval Intelligence service were provided in belated partial compliance by the Departments EOUSA and by no other component. Attached to that appeal was one I had just written to the Criminal Division about its long-delayed partial compliance.

In the recent past I received a number of communications from various agencies, allegedly in response to requests never identified and in at least one case from an agency of which I had never made any request. My inquiries elicited no meaningful responses, except with one agency, to which I had sent a copy of a completely incomprehensible communication from the National Security Council. From that one agency, DoD, I finally received a partial explanation yesterday. A copy of it and my response are attached to this. NSC is the agency of which I had made no request.

From DoD, and from it alone, I learned that all of these communications not explaind by any of the other agencies, not even when I inquired, are attributable to the Department's belated action on a referral from NIS in response to my 5/21/77 request. This is to say that the Department stonewalled for three years - and still has not complied with either the JFK or PA records.

This also is to say that the Department orchestrates misuse of referrals as a means of non-compliance. If it didn't invent that Cointelpro trick against FOIA and requesters.

It appears to be highly unlikely that the NIS referral was to EOUSA and it alone. It therefore appears to be likely that other components are in deliberate non-compliance still.

With the enclosed DoD letter I received a copy of a once-classified (SECRET) record. It is not a record generated by DoD. It is a Secret Service record, and DoD informed me that any appeal should be addressed to the Secret Service. This record should have been provided by or at least accounted for by Secret Service in response to my 1971 request of it.

Secret Serbice did neither.

This gives the lie to the Department's representation - to cover stonewalling and non-compliance - that it may not provide declassified records it did not originate. In fact the Department has provided me with declassified information of other agencies. The Department, while not contesting my affidavits attesting to this, has merely represented to the contrary to the courts and has prevailed by its misrepresentations.

This sudden/flurry of activity by other agencies, in response to the NIS 1977 referral, reflects the probability of belated Department action. In turn, that suggests that the Department has some purpose in mind, like creating another situation it can misrepresent.

At the time it was stonewalling the NIS referral and other of my requests of it, for records on me and pertaining to the Kennedy and King assassinations, the Department, though its Civil Division, the FBI and you, was providing testimony to the Senate. One unknown to me (to this day) had cited to that committee the fact that the FBI had not acted on about 25 of my requests.

The question of your not acting on my appeals did not come up.

For the FBI, the response of its witness was forthcoming. He was polite in telling the Senate, in effectm where to go. And it still has not complied with those requests.

The Civil Division pretended to the purity of the skirts of Caesar's wife, which its witnesses did not wear. It assured the Senate that it would do something. It did and it has - it continues to preside over the same and additional stonewalling, inventing new Cointelpro devices to that end, like misleading a Court into having me act as its consultant in my suit against the Department, for which it was to pay me. It ignored my consultancy report and it refused and continues to refuse to pay me. The cost of ignoring my report is great, in litigation time alone. At the same time, as most recently my 6/18/80 appeal replects, it persists in non compliance in response to my PA request and still withhelds records pertinent to the JFK case. However. my getting - indirectly, not from it - some of its records - this year, in response to my 1976 request -

strongly suggests that it is up to something consistent with its long record of non-compliance and of orchestrating other non-compliance.

Of course I do wonder about this and what it represents. Here I am, 67 years old and seriously unwell for five years and all this effort is devoted to frustrating my information requests at a cost that by now must be an appreciable percentage of a million dollars, not counting the costs to the courts, my counsel and me. There was a time when the Civil Division had a crew of six lawyers working on me and my cases - in all of which I obtained improperly withheld information only after filing suit. I wonder also why the FBI would single me out to "stop" me and my writing, the word quoted from several agents' memoranda I have obtained without action yet on my appeal pertaining to my 1975 PA request.

Reasonably it can't be because I am not a so-called conspiracy theorist or because I condemn those who are or because I defend the FBI and other agencies from their idle speculations presented as charges.

Perhaps it is the nature of my information requests, all of which, consistent with FOIA and its purposes, address the functioning and non-functioning of federal agencies when confronted with the great tragedy and thereafter.

Perhaps there may be a clue, if not an explanation, in what I refer to as worthwhile information provided by the military in my yesterday's letter to DoD, where I refer to the death of the Marine, Martin Schrand. One of the many rumors is that Lee Harvey Oswald was responsible for that shooting. Officially it was a suicide. It was investigated and I received records pertaining to that investigation. (I do not know what remains withheld.)

By way of background, one of the earlier questions, after the assassination, is was Oswald some kind of federal agent. There were newspaper and magazine stories suggesting that he worked for the FBI, which then was confronted with proving a negative. Two of the suits the Department defended were my successful efforts to obtain pertinent Warren Commission executive session transcripts. The content of those transcripts, which I gave to the press when I obtained them, is not favorable to the FBI.

In my first book, based on my prior experience in intelligence, I state that Oswald's career in New Orleans, just before the assassination, is consistent with establishing a cover. When I repeated this on a San Francisco talk-show broadcast in December 1966 - remember my appeal based on the efforts of a symbol FBI informant to red-bait me then? - a caller-in reported having been a Marine Corp associate of Oswald and knowing that Oswald had both crypto and Top Secret clearances.

Now the Warren Commission records reflect Oswald's Confidential clearance after he finished radar operator training. This and this alone is reflected in the records ~~provided~~ provided to the Commission by the Navy. When the FBI examined the ~~Navy's~~ Navy's records, immediately after the assassination, it did not report any Oswald security clearance, at least not in any record provided to me.

The Schrand suicide investigation shows that he was on guard at a Top Secret installation - and that Oswald worked in it. This clearly does mean that Oswald did have Top Secret clearance, without which he could not have worked there.

How the FBI managed not to report this I don't know. It did interview the officer in charge and while I was not present and know only what the FBI included in a rather brief report which does not reflect this, I did examine the testimony that officer gave the the Warren Commission, which elected to ignore it. He stated that in order to do the work to which he was assigned, Oswald had to have at least Secret clearance. He was confirmed by at least one other Marine. I reported the foregoing in a 1967 book.

It is interesting to me that once the FBI decided that it had to "stop" me and my writing all references to my books disappear from FBIHQ records disclosed under my JFK, King and PA requests. The FBI did regularly "review" all critical books but in this managed not to provide any reference to the last five of my severn books. While there is much false and defamatory information disclosed about me in the FBI's general JFK assassination records disclosures of late 1977 and early 1978, they hold no reference to those five books or to Oswald's security clearances reported above.

Not knowing what the Navy referred to the Department, including the FBI, in response

to my 1977 request, I can only wonder if any of the foregoing is included, as I also would wonder why it isn't if it isn't.

Should one not wonder when the FBI's and later the only official candidate for Presidential assassin in that most subversive of crimes held such high security clearances the FBI did not report in a fiveevolume report ordered by President Johnson or later in all the many thousands of reports it provided to the Warren Commission?

Should one not wonder when the Oswald case agent destroyed a pre-assassination letter to him by Oswald and the FBI also suppressed this for more than a decade, until after it was leaked, and then continued to cover up, witness my appeals on pertaining to it that you have not yet replied to?

Should one not wonder about the Army's admitted destruction of its JFK assassination records, including those of the intelligence component that operated in Dallas at the time of the crime, the FBI's decade-long refusal to comply with my requests for copies of the records provided to it prior to this destruction, and a decade-long refusal to act on my appeals? Why should the Army have destroyed any records pertaining to the assassination of the President or its investigation? Why should the FBI and the Department not respond when possession of at least some of those records was disclosed to the Warren Commission? (An Army intelligence man, James Powell, was at the scene, with a camera, and was present in the building from which the FBI claims all shots were fired during the initial search of that building.)

Why should there be any such questions, any decade-long refusals to comply with FOIA requests, any plans to "stop" a writer who raised these and other questions, or all this unseemly stonewalling of the NIS referrals?

I do appeal them and do ask for expedited response, given the nature of the questions and the indications that the Department may be up to something untoward as a new part of this long-lasting campaign against me.