N.O. - copies attached to HQ copy

To Quin Shea from Harold Weisberg, JFK assassination records appeals- 6/17/79
FBIHQ and field offices - 62-109090-464

CD and CR are representations of Warren Commission file numbers. CE= Exhibit Numbers.

This record is a bulky or "enclosure behind file" provided after the initial releases. It is a record of the 1965 FBI review of its records also in Commission files at the Archives, with the purpose of determining what could be disclosed publicly. SA J.C. Stokes was coordinator. He also wrote the memo with which this EBF begins. It states national policy correctly as "making as much . . . as possible available to the public."

The items listed indicate that what the FBI regarded as not possible to release often was withheld merely because disclosure would embarrass the FBI, such things as tape records of broadcasts and lectures by Marguerite Oswald and Mark Lane, which were classified.

Because of the incompleteness of this record and its historical significance I must and do make a blanket appeal. In this I am well aware that much if not most of what the FBI withheld in 1965 may we available today. However, the FBI's attitude toward disclosure as well as its policies of secrecy are today a significant part of the entire record the historical importance of which no longer rests on my representation but is that of the Department and the FBI.

In creating this record the FBI had a correlations between its files and their numbers and the Commission's CD and CE records. It is not included. It is an important historical record for all future research. Without it, for example, it is impossible for me to determine which of the records originally withheld are now available.

Some of the FBI's records were rewritten for the Commission. Perhaps that appeared to be necessary to the FBI in 1963 and 1964 but was for other purposes, like improper secrecy. Perhaps it was justified. A combination is also possible. But now more than 15 years have passed and what may have been properly classified in 1963 may be improperly classified today. With this there is the continuing problem of the FBI's practise of classifying the public domain and the lack of means available to review authority to determine this because that also the FBI keeps secret.

There were referrals to other intelligence agencies, like CIA and ONI. The record does not disclose whether they acted on these referrals after 13 years.

There are unjustified claims to privacy, as relating to what the FBI has already let out about Mark Lane. There is more recent privacy claim, as of the time of the 1977 or 197 review of this record, which I believe is not valid.

There are 7D claims which I believe require more than mere consultation with the record itself. Is the source a really confidential source under the AG's guidelines? Is it a known source? Does it really require withholding today in an historical case, including with the kinds of sources already disclosed? Is it arbitrary and capricious or inconsistent?

Perhaps the largest single area of withholding is of records relating to the Mexico investigation. The range is broad. It includes FBI working papers given to the Ambassador (as distinguished from policy advice) and the Ambassador's beliefs have become an important historical factor. Many of these records, including information that influenced the Ambassador's beliefs, were fabrications and were known to be fabrications. Feeding that kind of stuff to an ambassador is an important historical consideration and is significant information under the Act, which is intended to let the people know what government does. (This now also applies to Congressional committees.)

The FBI's acts and judgements are within the purposes of the Act. Yet in these lists there are entries like "junk- OUT!" and allegation of irrelevancy applied to what the FBI itself provided to a Presidential Commission and to its requests for information of the FBI. What the FBI considered junk and irrelevant is indicated in an appeal dated yesterday amplifying earlier appeal. The FBI did not interview a single one of the 18 motorcycle police escorting the President, not even two who were known to have seen him hit and to have examined his wounds closely at the hospital to which they escorted him. Some "junk"! And how irrelevant? Particularly when in 1975 the FBI decided against interviewing 16 of these expert observers on the [redacted] alleged ground that the observations of these two, which could hardly have been more opposed to the official conjectures reflected in the official conclusions, do not dispute those conclusions.

The FBI has a long history of being unquestioned, of seeing to it that it is not questioned and of believing it is above questioning, despite the clear intent of the Act that it be subject to examination and what the FBI will not concede, benefitting from being questioned and having its record examined.

I have every intention of continuing this examination to the degree the FBI does not succeed in obstructing it by improper withholdings and failures to search and to make independent examination possible by others. I do not believe that we have the best of possible FBIs when we have one that can ignore the best possible witnesses to a crime of the magnitude of the assassination of a President, have that supported and fortified on review in 1975 or a dozen years later and have all the high officials who read the records I am providing to you agree that accounts of the crime exactly opposite the official conclusions do not in any way dispute it.

In the records referred to in this EBF there is a similar attitude toward the Presidential commission. There is also the rewriting of reports to withhold from that Commission. Perhaps the rewriting was necessary then, perhaps not. Unless there is a compelling reason for withholding the original information and the underlying records today and clearly demonstrated harm that will result from disclosure I believe all these originally withheld records should now be disclosed and I intend this appeal to include that.

I regret the need to appeal some of the privacy withholdings but they are made necessary by the FBI's partial releases and other disclosures and the clear inference of blackmail not limited to those involved, like the widow Marina Oswald. (There was also the Secret Service which had her in "protective custody" and which immediately discontinued its own investigations when the FBI demanded this, even of Oswald and his literature and its distribution in New Orleans, the subject of a number of my prior appeals. And of continued FBI withholding.)

Some of the underlying records referred to in this EBF come from field offices to which I have not yet addressed information requests. On one day last year I conferred with both you and Department counsel on this. I then said that I would prefer to keep my

requests as limited as possible but that what the FBI did, what it disclosed and what it tried to continue to keep hidden would control my ultimate decision.

I may withhold deciding until I have some reflection of what to expect on appeal even though some of the appeals are now well over a decade old.

But if I continue to have the experiences I have in both the Kennedy and King cases the FBI is leaving me no real option, as it apparently is not considering.

The FBI ate its cake when it siezed and kept control over the investigation, beginning, as many records I have provided state quite clearly and explicitly, without legal authority. Since then it has been able to manipulate subsequent investigations and requests under FOIA. Some of mine going back more than a decade still have not been complied with.

As a result the information I have, depite its great volume (much "junk"), is inadequate.

I do not have a clear recollection of the requests I told you I might make, depending on compliance with those I had made, but I do recall being specific with Department counsel, with whom my counsel and I conferred after we conferred with you. I made specific reference to certain field offices. Some of their records are included in this EBF and to the best of my knowledge remain withheld today. If the FBI is going to persist in withholding from files within my ~~where I have made~~ requests, like those of the Office of Origin and FBIHQ, I will have to add other field offices to my requests. There will be no other practical means of my obtaining the information the FBI persists in withholding.

Large number of records are indicated as "missing" without an effort reflected of obtaining duplicates. One of these, relating to CD 1383, lists " B & C missing photos curb." or ~~xxxx~~. This appears to relate to what is at issue in my C.A.75-226 and without any doubt is of pictures that can be duplicated. At another point 42 entire pages are withheld as classified without any statement that there is no reasonably segregable information. If such questions are not resolved voluntarily by the FBI or on appeal by the Department the only alternative is litigation. I may regret it. But I will not eschew it.

Harold