

Maine - Sew. Appeal

King and Kennedy assassinations records appeals
"Special File Room"
Surveillances of Marina Oswald

Harold Weisberg 2/24/80

In prior appeals I may not have been as clear as I could have been in referring to unauthorized/surveillances of Marina Oswald. There were such unauthorized surveillances. Not only the phone tap was authorized. The bugging of her residence at the same time was not authorized. Authorization was not sought. (Attached 105-82555-7405)

References to the "Special File Room" and records of such surveilances being filed there confirm my representations in court in U.S. 75-1996 and dispute those made by the FBI, as a reading of this record and the references I have marked for you makes clear.

I have also sent you slip sheets showing the transfer of records from main files to the Special File Room. I ask again for copies of all such records.

attached

This and 2402, which is the AG's authorization, are from the Oswald file, not the file on the assassination investigation, where I did not see it. The Oswald file is the last one I read.

What is reflected is that when the FBI was embarrassed by a substantially accurate leak to the New York Times in 1975 it disclosed only enough to cover itself as much as it could. There were other undisclosed surveillances. These are reflected in records I have sent you.

This record refers to Dallas records that are not "previously processed" and are not in the Dallas files provided.

Bugging was "approved internally" only. All records of the installation and removal remain withheld.

On p. 5, in "Above furnished to (obliterated) 10/31/75 by A.D. Moore. Approved by CNK 10.31.75", I appeal the withholding.

Only 4 of the 11 copies is disclosed. Notations on any of the others, all directed to upper-echelon FBI people, could be historically significant, particularly because of the initially total and now partial suppression.

For your information, the paranoids on the Commission worried about Marina's skipping out to Mexico after ~~Chairman~~ Warren approved her request to get the Secret Service out of her life. They had her in protective custody and cut off access to those it wanted her not to be in touch with. I know of no legal authority for this virtual captivity but I do know that it permitted FBI blackmailing of her and the making of a secret deal with her which the FBI knew eliminated any possibility of her fleeing. She got what she wanted. However, the FBI did not inform the Commission or Secret Service of this arrangement. It arranged for the Secret Service not to be in a position to know even though it was during Marina's captivity. From what the FBI knew its basis for the bugging and agreeing to the tapping does not exist. There ~~therefore~~^{fore} were other purposes. These explain continued withholdings relating to surveillances.

The only thing it learned was the business of no official. They pertain to her business dealings, those not contained in her mail, all of which the FBI got and some of which is in "JUNE" filing.

The young widow could not have sexual relations in Dallas because the Secret Service captivity was under conditions that prevented it - in a private home. Once she got to a Washington Hotel, even with the Secret Service "protecting" her, it was not impossible. The FBI learned of this, it claims not through bugging but I recall no other means from the records I've seen, and promptly used it against her and the Secret Service. This also was her private business and none of the FBI's or the Warren Commissions. It may or may not explain the FBI's agreeing to the tapping and going ahead with the bugging.

It does not explain the FBI's need to report on and disclose her accounts of her nocturnal sexual fantasies after she was caught and had no sexual outlets. I regard both as a ~~rotten~~^{rotten} business and having special FBI purposes. However, as I've asked you before, how can the FBI, ~~having~~^{having} done this, make serious claim of privacy to withhold what is not of this nature and what it merely wants to withhold.

2/25/80 add

As its basis for this memorandum the FBI used five records, four from the Lee Harvey Oswald rather than the Marina Oswald file. The one from the Marina file, first in the memo, cannot be checked because the FBI still has not provided that file. (It has only been two years.) If this record is in the Dallas Marina file it is not possible to identify it there.

in G.A. 75-1996

Because of the importance of the "JUNE" records, of the "Special File Room" and more, the truthfulness or untruthfulness of what the Court was told about the Special File Room, I asked Ms. Barrett to check each of the serials cited in the memo. The result is a tribute to the FBI's imaginativeness, if to nothing else ^Xcept its arbitrariness, capriciousness and inconsistency in processing records it wants to hide without making ~~claim~~ ^{claim} to any exemption.

As you are aware, it is impossible for me to provide this kind of information from the King records because I read them so long ago, when this problem did not exist. The sample I use is one I came to in trying to clear up the accumulation of copies I made as I read JMK records, for subject filing and for appeals.

It is apparent that whether the main file indicates serial charge out or permanent charge out of nothing at all and regardless of what is posted on the worksheets, the records retain their main file and serial identifications. In the King case, a transferred MURKIN record remains a MURKIN record and is cited as such if and when used internally in the FBI.

Ms. Barrett's memo on her search is attached.

It is apparent that with four cited 105-82555 records the FBI did not follow the same practice with any two. Given four possibilities it handled what it wanted to hide four different ways. In one case it merely ignored the record on the worksheet, without providing any explanation and without claiming any skip in serialization. In one case, when it used the printed form of which I provided copies in earlier appeals, it did not obliterate "JUNE MAIL". In one case it withheld "JUNE" and in another it did not withhold JUNE but did without MAIL. (No exemption claimed)

What a complete check of such claims and withholdings would disclose I cannot say because I am limited to this records, which I copied months ago for the surveillance appeal, not anticipating the Department's representations in C.A. 75-1996.

Your earlier representations about such transfers, I presume based on what the FBI told you, now, clearly, ^{are} ~~is~~ not accurate. A transferred record does not automatically lose its original main file identification.

And, of course, in neither case has there been the June of special file room searches I requested.

Because of the situation in C.A. 75-1996 and because of the role in it the judge asked you to serve I would appreciate knowing as soon as possible what, if anything, you intend to do about this and when. The Department, which has not made these necessary searches in five years, is moving for summary judgment.