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JFK assassination records appeals

Harold Weisberg 9/1/79

Improper "national security" claims; withholding of the reasonably segregable and of the public domain

Because of field office files withholdings these appeals apply also to field office cases.

In the earliest sections of the Oswald file unnecessary "national security" claims are asserted. These here referred to are by that most willing of stamp-flaithers, #3040. In most cases I believe there is no basis for the assertion of the claim to exemption and in many it is obvious that reasonable segregable information if withheld. There also appears to be disregard of the 5/5/77 FOIA policy and the standards that supposedly control in historical cases.

Attached Jevens to Conrad of 11/23/63, which appears to be limited to what the Lab detected in examining evidence, has an entire paragraph withheld on the second page. There appears to be neither need nor basis for the assertion of any exemption, particularly not of "national security," for an information relating to the examination of physical evidence.

(Jevens extended himself a little at the bottom of page one in representing that all the fragments from the Presidential limousine "were identified" as having been fired from the so-called Oswald rifle. The FBI did not make this claim for three of those five fragments.)

On the same day the FBI started scaring the White House with angled reporting pointing to Oswald as the lone assassin and as Soviet-connected. (Not recorded Serial) It is not accurate to state that Oswald had "recently" visited the Soviet Embassy in D.C., as is stated in the second paragraph on page 4. And I question the "Secret" classification of what is withheld on this and the next page. If as appears certain it relates to Oswald's trip to Mexico that information, as even a 2040 should have known, is within the public domain. (Or is it assuming too much to assume that FBI classifiers get past the comic strips in the papers of the police serials on TV?) What is and long has been within the public domain includes the surveillances and interceptions and picture-taking, together with/ names. It also is in the Warren Report.



The entire text of Serial 50 is obliterated. Some certainly is reasonably segregable. In addition, if the content refers to the Communist Party, the Daily Worker or the Fair Play for Cuba Committee and to interceptions and surveillances, etc., all that also has been within the public domain for a decade and a half.

Here "Yellow" appears to refer to a set of <sup>copies</sup> ~~files~~ from which no records have been provided. They may hold information not on other copies, may have importance as a separate compilation and may even hold copies missing from other files.

All three pages of the supposedly "Top Secret" Dallas 11/23/63 teletype are obliterated with such determination and totality that it extends to some of 2040's classification stamp notations. It appears possible that this relates to an appeal you have ignored for about two years having to do with Oswald and Mexico and information flow to Dallas by then Legat SA Eliza Fald. I believe it is beyond question that some of the withheld information is reasonably segregable and highly probable that all is and long has been within the public domain. In this connection I also requested a review of all that was withheld under "national security" claim under the new E.O. Is the Department awaiting the second coming of its sainted founding Director to act on anything?

Whatever the content of the Not Recorded 11/25/63 Baumgardner to W.O. Sullivan may be 2040 found not a single word reasonably segregable on two pages other than the typical promise to watch the (obliterated) matter closely. It is impossible that nothing is reasonably segregable and improbable that the information is not within the public domain. (It also is possible that Baumgardner was heating the job up in attempting to contrive a non-existing jurisdiction, assaulting a federal officer, which the assassination wasn't.)

The appeal relating to Not Recorded 11/25/63 Director to Legat Mexico is that above relating to the previously appealed 11/23/63 withholding. By then the other hogwash fed to our Mexico City spokes may have surfaced in part. It is public domain and false.

It is fortunate that there was an error in the transmission of the Not Recorded 11/25/63 teletype to HQ, Baltimore, Dallas and New Orleans because the correction discloses that the total obliteration of all three pages under minimal "national security" claim is not justified. The word "learned" at the very least is reasonable segregable.

*James Linnell - 1/26/65 - see DeMunnick ref*

With 2040 making only "Confidential" claim it appears that there is no involvement of any symbolized GRISA informant or any other. This leads to the belief that if the withheld information is not false it is all or at least mostly within the public domain. Even including garbology.

That no copy of the WFO 11/26/65 airtel to HQ and Dallas was sent to the CIA tends to add to the belief that the ~~misinformation~~ attached LHM is based on an interview with a Russian defector. The content is identical with the political insanity earlier released by the CIA. One of the two more important cases is named Derzhakin, with the name also spelled in other ways. I've forgotten but can provide the other major one. At least one, according to the FBI of later period, is indisputable. I believe you have held that where people provide bad information or malicious fabrications they are not entitled to the protection of the exceptions. In this case the ~~fact~~ <sup>false</sup> and inflammatory content of the misinformation make it of greater historical importance that the source not be withheld. (Some of these types, especially the Latvians, wanted to convert bad assassination information into World War III - and were not entirely alone in this.)

Because there is no correction in the 11/26/65 Not "Sounded BY TT 100" of the content of which 2040 withheld I can't provide a segregable word of the content but I am no less certain that it has reasonably segregable content and intend the rest of the above appeal to relate to this withholding.

The records attached and so many others like it, processed in 1977, makes me wonder if the FBI by then continued to regard <sup>withholding</sup> information relating to the assassination of a President as some kind of spook or gumball game to be played with what the country could know about that crime and the FBI's investigation of it.