

Letter - FOI - JFK

Information and Privacy Staff
Department of State
2201 C St., NW #1239
Wash., D.C. 20520

7627 Old Receiver Road (Route 12)
Frederick, Md. 21701
3/9/80

Dear Sirs,

FOI # 7903731

The 3/5 letter by Robert Neft and the enclosed undated letter by Thomas Ainsworth, with a single document enclosed, lead to confusion. I also appeal the withholding of the other record referred to and ask that you take another look at it for reasons that follow.

The Neft letter makes several references to referrals by the FBI, but the enclosed record is not one of the FBI. The Ainsworth letter pertains to two referrals by the Justice Department, and one of Justices, not FBI, is enclosed.

However, there was a rather large number of FBI referrals, part of the historical case disclosure after the Attorney General decided that the assassinations of President Kennedy and Dr. Martin Luther King, Jr., are historical cases.

The enclosed record has the stamp of the DJ Office of Legal Counsel. There is no apparent reason why that record should have wound up at OLC, of all the DJ components. Properly, it should have gone to the FBI.

The record itself does not appear to have qualified for classification since the time the Warren Commission records were made available at the Archives, if ever. Perhaps if the Tampico reporter had been identified some claim might have been made, but I believe not properly under historical case standards. Moreover, all the content of the record, save for the fact of the consul's buying a couple of drinks for reporters, has always been in the public domain.

I recognize that the FOI units of the various agencies cannot be subject experts. And I do not question the need for the exemptions to FOIA, if often I have questioned the interpretations of them by some agencies. However, with the enormous amount of information that has been disclosed pertaining to both assassinations, I do believe that particularly because of the historical case determinations all agencies should seek to disclose all that can possibly be disclosed. They should ask not can we withhold this but is there any compelling reason why we should not disclose this.

With regard to the second records, I question whether any of it is reasonably segregable. Your position appears to be that none is. This appears to be at least highly unlikely. And you might find that a subject expert, reading what can be segregated, might inform you that the entire record is within the public domain.

The sooner the Department can unload all its records pertaining to these assassinations the sooner its FOIA case load will be drastically reduced.

In addition to what is in the Commission's records there are great quantities of other records that are public now. The FBI has disclosed more than ~~100,000~~ 100,000 pages and the recent House assassins committee has published more than two dozen volumes of records and other information.

Some of the House committee's testimony dealt extensively with State records that were not provided to me in response to my earlier FOIA requests of State. I am anxious to obtain them now because all my records are going to a university archive and I would like to be able to evaluate the withheld information prior to its deposit.

Undependable information also has historical importance, and some of State's is of this character or worse. People imagined things, some fabricated them for political purposes (and State's records should include this) and some were just innocently wrong.

A Mexican woman named Elena Garro de Paz seriously misled a concerned member of our Mexico City Embassy staff, for example, and this was dealt with by the Committee and is public.

There no longer can be legitimate (7)(C) or (D) questions about her, her daughter and all the other people involved in their story, including the Cubans and Mexicans or the State employees whose name I have forgotten but who I believe is dead.

The record you provide pertains to reports that Oswald appeared at the university. There are many such reports. I don't know of any one that was confirmed, but this does not mean the reports are not accurate. We just don't know.

I believe the CIA disclosures also include these matters.

Investigation of Oswald's travels have been disclosed, including the names of Mexican agencies and officials.

The false reports that impressed Ambassador Mann have been established as false, those who made the reports are ~~not~~ identified by name, and there is no legitimate reason for withholding any such information. Best known of these is the fabrication of one Alvarado Ugarte. Another is Diaz Vernon. There are a number.

Through televised testimony by the CIA's representative and by many other means there has been extensive disclosure of Russian information, from Oswald in Russia to the story of Yuri Nosenko, now publicly known as a CIA consultant.

While there is probably no way in which suspicions can be completely eliminated, they can be minimized and the amount of work can be drastically reduced by disclosing what is no longer properly subject to withholding. One problem in this is that you have no way of knowing what is public.

I can help you, if you would like this help, and I know a few other dependable people who are authentic scholars, as distinguished from conspiracy theorists or rank commercializers and who can be consulted. There is no possibility of personal gain for me because all of my records are presently publicly available, including to you, because all are going to a university archive, with no quid pro quo, and because I will be 67 years old in a few weeks and am in imperfect health.

While I do not know what records are being made and cannot speak for it, the Department of Justice appeals office is reviewing the published materials of the House committee and might be able to let you know what has been made public in that way. They have problems from recent staff turnovers and a new staffer is on the JFK material. The Director is Quinlan J. Shea, Jr., ~~whom~~ whom I am sending a copy of this letter.

I believe that all interests are best served by an end to withholdings that are not absolutely required and I believe that there are very few that are now required or, really, any longer justified. The amount of information that should not have been made public boggles the mind, but it has been. Even Marina Oswald's nocturnal dreams are public now, along with the identifications of men with whom she and her former mother-in-law slept when they were not married. For that matter, this pertains to her mother and father, too.

Sincerely,

Harold Weinberg