

Referrals, JFK

JFK and King assassination records appeals
Referrals
b1 claims in C.A. 78-0249

Harold Weisberg 12/2/79

In prior appeals in both cases I have alleged that referrals are misused by the FBI as a means of withholding what cannot properly be withheld under any FOIA exemption. I have also appealed failure to do anything about referral. To now most have not been acted on and this goes back more than three years. Those referrals from the CIA to the FBI in the King case that the CIA acted on it did not act on until it was in court on the same subject and then at the last minute. The FBI returned the favor, first by not acting on referrals from the CIA and then acted on them in the last minute, as I now recall.

It was only about a month ago that the FBI actually made the referrals it claimed to have made in 1977 with regard to Treasury referrals. I know this from the Treasury, which only two days ago phoned to ask for more time.

There has been no CIA action on FBI JFK referrals allegedly made in 1977. However, I have just come upon a record which indicates that even then the FBI might not disclose, regardless of how the CIA responds to referrals, if it ever does.

In Section 131 of 62-109060, in place of Serial 5345 Out there is the attached referral slip. An FBI FOIA note added reads, "Upon receipt of referral from CIA, determination as to dissemination to be made." This clearly means that even if the CIA said to disclose the information the FBI might not disclose it.

The CIA, on its part, has not acted on my 1975 requests and appeals for the same records. Nor has the Secret Service component of the Treasury complied with my similar 1971 request and appeals, even when disclosures have been made to others.

In short, the record indicates that all the federal police and intelligence agencies are using referrals as a means of withholding what is not within ~~any~~ ^{any} FOIA exemption.

I also have just come upon a series of referrals to the RCMP. The first two I recall having seen, in 62-109060, are of Serials 6842 and 6843. There are other RCMP referrals of later Serials and in subsequent Sections. If there was any response by the RCMP it has not been communicated to me after more than two years.

In C.A. 78-0249, in justification of the withholding of the identification of RCMP from the processing worksheets, you provided what I described as a rubber-stamp affidavit supporting the phoney "national security" claim made by the FBI. You did this despite my having proved, by an affidavit to which copies of the underlying records are attached, that in fact the FBI had disclosed the identification of the RCMP. I provided this affidavit in response to the FBI's boilerplated forecast of doomsday in its affidavits, which disregarded its disclosures.

You staff, in both King and JFK cases, have stated that these processing FBI records have no motive in withholding. This reflects what I regard as an uninformed and naive attitude and a predisposition to approve unjustifiable withholdings. Fact is what counts, not some concept of motive that has no basis in either fact or experience. Rather is the experience of your office, from affidavits you have filed in my cases, to the contrary, for you have affirmed that in more than half of what reached you the FBI did withhold improperly. (This is not in any way reflected in response to my quite numerous appeals in both cases, about a file drawer in each. In what is reflected to me you have done virtually nothing after many years and I have received virtually nothing as a result of these appeals the accuracy of which is almost entirely without question.)

You staff might take note that regardless of what it conceives to be a lack of motive, the FBI FOIA personnel provided affidavits alleging the need to ~~xxx~~ withhold even the initials RCMP whereas these had been disclosed not only in the underlying records but also in actual referrals to the RCMP.

Regardless of this alleged lack of motive, according to the Treasury the FBI's FOIA personnel did not actually make the 1977 referrals to the Treasury until 11/2/79.

Although the FBI claims a blanket need to withhold all information received from all other police and similar agencies, domestic and foreign, in practice it does not withhold what it has political objective in disclosing. In the past few days I have read in FBI records information, particularly bad information, from the CIA and an assortment of other agencies. The obvious purpose of disclosure was

to make public what the FBI considered defamatory of those critical of it, beginning with Jim Garrison, and what supported the FBI's representations with regard to the political assassinations.

I do not contest the need to withhold information that will disclose undisclosed and authentically confidential sources. You should recall that I have informed you of what may have been accidental disclosures of this nature so that the reading room copies might be corrected. I recall several King records instances.

Nor do I contest that there are some confidential relationships between the FBI and foreign police and other official agencies and that such authentically confidential relationships need to be preserved.

However, these are not at issue in the appeals I have made in both King and JFK cases. The fact of this cooperation in both cases is public, including in court proceedings and stories planted by the FBI, officially if claimed to be unofficial. Not is the withheld information secret. In the King case, for example, it was used by the Ray prosecution, in court, after being provided by the FBI, and in other ways, like being given to Jeremiah O'Leary and others.

What the FBI actually seeks to do with this kind of ~~misconduct~~ ^{withholding,} and particularly with the RCMP and Scotland Yard in the King case, is hide the fact that these agencies did the work for which the FBI takes credit. Not only did I allege this, without contradiction after several years, based on my own knowledge and experience - now it is confirmed by the Assistant Director who had been in charge of the FBI's domestic intelligence ~~operations~~ operations. William Sullivan makes this explicit in his book, as you should have read when you read the book. (I will provide the pertinent passages separately.)

Two FBI FOIA chiefs ago I was informed that at long last the referrals were being acted on. In what I have received they have not been, save for the one current case, the Treasury. For the foregoing reasons I renew my appeals relating to referrals and misuse of them to withhold what cannot properly be withheld.