

Referrals

JFK assassination records appeals

9/27/79

Withholding of what was disclosed in Warren Commission records
Classifications
Referrals

Before there was a Freedom of Information Act the President directed that all possible information relating to the investigation of the assassination of President Kennedy be made publicly available. In conformity with this policy the Attorney General informed the FBI of it. The position of the FBI is set forth in the attached 2/12/65 Branigan to Sullivan memo, 62-109090-427.

Comparing this FBI position of prior to FOIA with its practices under FOIA makes it clear that the FBI is misusing the FOIA as a withholding rather than a disclosure Act and today withholds what it did not find it necessary to withhold prior to FOIA.

The Bureau's "basic" position is that only classified material had to be withheld (page 1). However, prior to FOIA it did withhold or want to withhold as confidential "techniques" all of which are publicly known techniques. Those referred to are limited to "mail covers, technical surveillances, anonymous sources and the like." None of this qualify for the present claim to 7F. (page 1)

That the FBI "covered" the Soviet Embassy is disclosed on page 2, thus eliminating the justification for any withholding of such information in this case or under KRIAK or RA request.

With regard to information provided by other agencies the FBI's position was quite simple: where that information was classified it would respect the classification. It did not find referral of any other information necessary. (page 2)

It also suggested that "at least once a year and at any other time a specific inquiry is received" it "will review each classified document." (page 4) In almost two years my request for review under the new E.O. has been ignored.

And since this memo was written the FBI has disclosed the extremely personal information it mentions about Marina Oswald, the deLoachschilts, etc., while withholding other such information arbitrarily, capriciously and inconsistently, especially where the information is not of this personal nature and relates to those not disliked by the FBI.

It withholds what was disclosed in the Commission's records.