

To Guin Shea from Harold Weisberg, re JFK assassination records appeals 4/7/80

As you know, while I was reading the records provided and keeping them as I receive them for archival deposit I made copies of records based on which I would be filing appeals. Too often I was interrupted by such needs as litigation and preparations for it and affidavits required by it. A large amount of copies accumulated. As it has become possible I have returned to these copies and have filed appeals. Because of these circumstances, the disorganized nature of the records as provided and their great volume it has not been possible to file these appeals in an organized, integrated way. What I file herewith pertains to many appeals I have filed in the past, on the following general subjects:

Improper and unjustified classification, especially by 2040

Withholding of the reasonably segregable

Withholding of what the FBI itself disclosed

Withholding of what the Warren Commission disclosed

Withholding of what is in the public domain by other means, including my publication of it

Ticklers not provided (and for which there has been continuing need)

The Hooley Play - the FBI's investigation of itself over the destruction of a threatening note from "see Harvey Oswald

While in recent weeks I have reduced the stacks of records copies of which were made months ago as the basis for appeals, I have not yet cleaned them all up. I will as rapidly as I can.

Unfortunately, you have not diminished the need for the filing of these appeals, most of which are designed for perfecting and clarifying the public and historical record, because you have not acted on any of them.

The FBI hasn't, either, for as I receive new information from it I find the same abuses of the act to be its practice.

Except where otherwise indicated, all citations are to the FBIHQ "assassination" file, 62-109060.

49. Only one sentence remains after 2040 finished with this record. It is one of the earlier records, of the day after the assassination. It deals with the suspected death rifle, about which nothing can be properly classified as secret. All the sources of all information are public domain and are published. Before the time of this record the FBI had traced the rifle to the company that sold it and to Oswald, albeit without ever doing what the one remaining sentence orders with fine and typical FBI impartiality, "further tie it to Oswald." That Oswald got it at the post office is not established. From this one remaining sentence it is obvious that there is other reasonably segregable information, whether or not any of what is withheld is properly withheld.

52. This three-page NY teletype is withheld in its entirety by 2040. However, in his dedication to 100% withholding he overlooked the caption, which makes it possible to challenge all of his withholding. The nature of the FBI's surveillances on the CP and that it intercepted their mail, etc., is public domain, as is what it obtained. The Warren Commission published some. The FBI even disclosed its own records, apparently where 2040 did not get his ducks on them, revealing that before the CP offered it correspondence from Oswald the FBI had it. But if any of this record is properly classified, it is certain that at the least some is reasonably segregable.

189. In making all but one paragraph of this record available, 2040 upgraded that paragraph from confidential to secret. From the context the withheld paragraph pertains to the report ordered of the FBI by LBJ. Whether or not this is true and whether or not it pertains only to what Katzenbach "was handling," it appears certain that if either, all the information is public domain and there is no basis for any classification or withholding.

1099. In totaling this record, save for the caption and the opening sentence of the Mexico City cable, 2040 left enough to make it certain that he withheld what the FBI itself made public domain, extensively in the same records, the FBIHQ general releases. If this were not true, then it appears certain that at least some is reasonably segregable.

There is no secrecy about the sources or the content, which was fabricated in any event, a specialty of those crazy anti-Castroes.

1241. 2040 is at his best in this withholding, particularly his classification of the name of the dead Willie Somerset, former FBI symbol informant. The information was published by the Warren Commission, despite your prior denials of the FBI's withholding of what it published, and it was published by me in fascimile a decade ago. This matter was aired in court in C.A. 75-1996 and is the subject of one of the many appeals on which you have not acted. The FBI disclosed several volumes of such material to a reporter friend of mine. I displayed it in court, but I still await copies from the FBI. (I'm not really impatient because it has been only two years since the FBI's disclosure to that reporter and my display in the courtroom.) ~~None~~ to think of it, ~~that~~ what diligent 2040 withholds was disclosed to me by Director Kelley in one of the very cases in which the FBI ever acted on that several dozen of my old requests of which you have a list. And once the FBI disclosed it, from his record 2040 knew he had to classify and withhold it.

San Antonio LHM of 11/29/63 and 1199. I do not now recall why these two are attached. The LHM is of two and a half pages, of which 2040 withheld about two in their entirety. From the subject matter indicated at the remaining opening of the record it is certain that ~~nothing~~ the sources ~~and~~ the content of what is withheld ~~is~~ are both public domain and were also disclosed by the FBI itself in those records in its general releases that 2040 did not lay hand on. The subject is Oswald's travel to and from Mexico. Literally hundreds of pages of this information are disclosed, largely published by the Warren Commission, for which it was a big deal. Were this not true it is close to impossible for ~~two~~ ^{two} solid pages not to hold a reasonably segregable word. What is withheld from 1199, again solid withholding, pertains to Philip Luce, who I believe is a public personality, unless there are several of that name.

NR 12/17/63, NY airtel, and NR 12/16/63, PHING airtel. If the classifications are to protect the sources, and from the disclosed names it can't be for any other reason, what is disclosed destroys the FBI's and your claims that it never discloses the names of

persons on whom it had files. Here, aside from a couple of well-known CP functionaries, the files are on ~~two former heads of federal agencies~~ the head of ADA, a former California attorney general, and a well-known writer whose work includes exposure of the FBI. Now it can't be both ways. The FBI can't disclose that it keeps files on those whose political beliefs it doesn't like and claims immunity for others. I assure you this is not an isolated case. The Memphis records I obtained in C.A. 75-1996, for example, held hundreds of pages of disclosures of names of those the FBI doesn't like, particularly blacks, aka uppity niggers. If my recollection is correct, also of those black men it referred to as "good boys." ~~etc~~ (Not many, of course.)

2186 and CID informative note: I don't believe that there was any Canadian information that qualified and still qualifies for Top Secret classification. Here 2040's withholdings are total. (These not attached)

2006. Nothing escapes 2040. Here (page 2) he classifies and withholds what is quoted from a magazine article written by one the FBI dislikes, fired SA William W. Turner, of whom my opinion approximates that of the FBI. What was in the man's magazine, Sage, can be "Secret" to 2040. To you?

2958. I include this for your information. Here a member of the Warren Commission describes as "irrelevant" material what was classified as Top Secret. He was correct, by the way, because everything, including what the Commission published, was classified Top Secret.

HR 4/15/64. Mexico cable No. 548. This is a daily summary all of the content of which 2040 held to be properly classified and exempt from the GDS. That Mexican info is of this nature is at least improbable. It has been disclosed extensively.

105-8255-424. According to the worksheet ~~(REDACTED)~~ this 7/1/64 Director to Rankin letter is of three pages, two provided, exemption claimed (b)(1), over a partially erased DGRU entry. While there is total obliteration, paragraph by paragraph on pages 1 and 3, no obliterated page 2 was provided. This record is the same as the fourth Not Recorded Serial in Section 15 of 109090, following 177. On that worksheet

represents that I was provided with all three pages and that only (7)(D) is claimed. (There is an incomprehensible note before the (7)(D)). However, as provided, again with paragraph-by-paragraph obliteration on pages 1 and 3, page 2 is withheld. (I do not recall why the attached HR of similar description was copied and attached when this copying was done, months ago.) The two exemptions are not interchangeable. It is not probable that nothing is reasonably segregable, assuming that classification is at all justified.

105-82555-4310. According to the worksheet there are 12 pages, all provided, with claims made to (b)(1) and (7)(D). However, the attachment is numbered through page 38, as provided beginning with 29. So while I did receive 12 pages, obviously the attachment had pages not provided and not accounted for on the worksheet. The memo refers to a letter to the Commission. 105-82555-4117. According to the worksheet this was entirely withheld under (b)(1) claim. However, with total obliteration the letter is ~~stipulated~~ a Not Recorded Serial in I believe the Commission file. Obliteration includes the file identification. Top Secret classification is attributed to the need to protect the source, which does not appear to justify this high classification, if any at this time. From what is disclosed all the information is within the public domain. The Commission published some, as from its records I also did in 1967. It appears to be fairly certain that at the least there is reasonably segregable information. It also appears that from public attention to the disclosed content, in recent years, avoidance of embarrassment to the FBI can be an actual reason for current withholding. (If the source was an AP reporter, that since he was present and reported that Castro said is public, too.) The record as provided from 105-82555 (4117) established that at least some is reasonably segregable because it does provide five paragraphs. Nothing in (at least) those five paragraphs qualifies for any classification claim.

4119. Pertains to a Washington Post story on Edward J. Epstein's Inquest, my Whitman, and personal information about him and me. Although not marked at the point of withholding, one paragraph pertaining to my wife and/or me appears to be classified confidential, with nothing in it allegedly reasonably segregable. In context whatever the information or misinformation it is \pm 30 years old and I question the classification. Particularly because of the prejudicial formulations in what precedes this I ask that you take a close look at what is withheld to determine whether or not it is properly classified. (It also is within my PA request and my wife's.) Page 3 states that the files are being reviewed because of what the books states and that this is "on tickler list." No tickler has been provided, despite the fact that there would be continuing need for what is to be included in it. These questions exist today. If any memo was inclusive it has not been provided. (This Serial not attached.)

7407X. Classification is by 5002, who appears to be a chip off the 2020 block from the records I have examined. He has withheld in the first paragraph what from the second paragraph is not subject to either classification or withholding, the reference to SAC Williams. The subject matter, the Hosty flap - he destroyed a note by Lee Harvey Oswald after the assassination - is the subject of old appeals on which you have not acted. The FBI is covering up in this memo because before it was drafted the FBI had confirmed that Oswald had written Hosty and that Hosty had in fact destroyed that note. This raises questions about any withholdings. The marked paragraph/ reminds me that one or more of the things Hosty was asked to prepare was filed outside this file and where I informed you it was filed but it has not been provided. The hearings referred to were held and were public, so there are additional questions about withholding and classification. This also applies to the Inspection Division addendum, for its investigation, supposedly, has been disclosed. I believe these withholdings are actually to deter embarrassment to the Bureau. (I also call your attention to page 5, for an explanation of the uses of the duplicate copies of field office records. As you can see, this means they need not be exact duplicates and one can hold information the other does not hold.) That there is other reasonably segregable information is disclosed/ by the reference to Commission counsel Stern.

(p. 6)

Handwritten notes: "2070/1000" and "THE WIFE" (written vertically)

446. I do not recall the file, the number of which is not visible in the copy.

Every

It is Oswald, the assassination of the Commission. ~~Every~~ word of text is obliterated,

but in the correction a few words are not obliterated. It seems quite improbable that

any relevant information holds nothing segregable. Moreover, with 2540's affinity for

misclassifying and withholding the public domain, it is not unlikely that he

does not have do it again. The FBI's surveillances of various kinds on those to whom

not

Oswald wrote are/and for years have not been secret. This also is true of the informa-

tion they yielded. Only (b)(1) is claimed.