

JFK assassination records appeals

Harold Weisberg 10/2/79

Improper classification and declassification and
2040

Withholding of what the Warren Commission disclosed and the reasonably segregable
Improper withholdings

Oswald-Mexico

Arbitrariness, capriciousness and inconsistency

Referrals

Attached is more of 2040's unhandiwork from the 62-109090 file, the ~~Not~~ Recorded

Serial of 4/10/64, and the same record not processed by 2040, from the 105-82555 file, where it is Serial 3133.

Once again it is apparent that the record was not classified for a decade and more and through not fewer than three reviews until on one of his more industrious days 2040 classified it in the guise of declassifying it.

Or so the records says, because the proper declassification markings do not appear. Instead there is someone's note reporting that the record was "declassified by 2040 7-7-77."

The record itself states that with the removal of the attachment the record is not classified. So whether or not classification of the attachment was justified, without the attachment this record is not classified. The attachment was not provided to me in either file.

What was so important to the national security is "Upon detachment of the enclosed March 26, 1964, memorandum, this letter may be regarded as unclassified" and "Classified 'Confidential' ^{***} to protect Bureau's foreign operations..."

(There is an addition, short obliteration in both versions which I also appeal.)

Once again neither 2040 nor anyone in the FBI checked the record referred to, which is the second attached record, or the disclosed records of the Warren Commission to determine whether the public domain was being classified, as it was.

Once again there is withholding by referral, here more than two years ^{after} ~~after~~ the referral, which was six months before the records were provided to me or more than ample time for action on them (under a 10-day Act).

The 105 file leads to the belief that its Serials 2961 and 3229 are relevant. The referral sheets for both are attached.

In attached ~~NY~~ 62-109090 (it says 162) Not Recorded of 2/24/64, Baumgardner to Sullivan, all three paragraphs of the text are totally withheld by 2040.

There is little doubt that some is reasonably segregable - if there is legitimate basis for withholding any of it. The CP did testify before the Commission and the fact and details of the FBI's surveillances are within the public domain.

As it stands the fact that the Commission wanted to hear from the CP relating to any Oswald association with it is what the eminent Director describes as "This is shameful."

All of the text of the attached NY teletype of 11/27/63, Not Recorded in 62-109090, is withheld by 2040 under b1 claim, without determination of whether anything was reasonably segregable, and without determining if any part if not all the content was within the public domain.

This is also true of the withholdings in the attached Not ^HRecorded memo of 11/23/63 from the same file, particularly the last two, the caption of which identifies the content as disclosed by both the Commission and the FBI.

In 62-109060-1617 2040 withheld all of the recommendation and the addendum. I believe that at least some should be reasonably segregable, if any is properly withheld. The question is whether the faker of phoney evidence relating to the assassination of a President, a man whose effort to obtain money by false pretense could have led to war, should be paid the money for which he asked. I believe that this is not properly classified, if anything that can protect one who fabricates under such conditions can be, and that the decision itself is of historical importance. (All the many fabrications and what the FBI did and did not do about them are important.)

While without knowing the content of what 2040 withheld in attached ~~Not Recorded~~ ^{Serial 1507} ~~is~~ ^{is} of 11/22/63 ~~from 62-~~ one can't be certain I believe that all of the content within the public domain and was probably disclosed by the FBI itself in other records. The FBI got from the CIA its tape of an Oswald phone conversation and pictures allegedly (but actually not) of Oswald. They were flown to Dallas by then SA Eldon Rudd and this is the subject of appeals on which you have not acted.

Handwritten: 3575 3577 3578

All of the text of Not Recorded 4/16/64 in 62-109090 is withheld by 2040, without regard to whether the Commission disclosed the FBI's letter to it or any reasonably segregable content.

Efforts to locate the identical record in other files are inconclusive, although the worksheets disclose only a single Hoover to Rankin letter of this date in 105-8225, Serial 3575. There it is totally withheld, not even the addressee being disclosed on otherwise blank paper. The worksheets are not clear. It appears that claims are made to b1 and 7D, possibly C. The record of the FBI is that it makes these claims for what is within the public domain.

Serials 3577 and 3578 appear to be related. Both are referred to the CIA, which has not acted on them in more than two years.