

To Quin Shea from Harold Weisberg, JFK assassination records appeals 6/29/79
Amplification of my yesterday's amplification of unjustified
b1 withholdings and failure to disclose reasonably segregable portions;
Send FBI # 2040 to Buttel

In addition to referring to my prior appeals of the nature caption^{ed}, yesterday,
in citing the appeals court Scientology decision as it relates to the requirement of
the Act that reasonable^{ly} segregable portions of records for which a "national security"
claim is made be disclosed, I told you I had a ~~batch~~^{batch} of copies of records illustrating
this persisting FBI violation of the Act. I have come to them and they are attached.

What I did not recall is that all were classified after requests and all are ^{classified} ~~by~~
#2040.

While I have tried to be patient and have informed you over and over again that
#2040 would withhold anything under b1 claim and did, I believe it is necessary to
appeal every withholding attributed to #2040 and I hereby do that. This person
ought not be trusted with FOIA decisions. He violated the EO constantly, ^{He also classified} ~~classifying~~
unclassified records more than a decade after they were created. With these records
the FBI cannot claim it was unaware that it had forgotten to classify them because the
year before #2040 classified these records the FBI was in its third review of them by
a single "project" team.

Then there is the nature of the withholdings. All those attached are from a single
Section, #2, of 105-82555.

Every word of Serial 53 is withheld. It is not possible that every word holds
a national security secret. This is an historical case, requiring maximum possible
disclosure.

As with all records of that period involving the CIA, as this record does, there
is the usual question of the information withheld being within the public domain. As
with all records relating to ~~the~~ oswald in Mexico, there is the same public domain
question.

In this the FBI has one of its Catch-22 exemptions. ~~Nobody~~^{Nobody} else sees the records.
If they are submitted for in camera inspection the judge has no way of knowing how many
millions of copies of the withheld information may have been printed. I'm certain the

withholding is total to prevent my proving that the withholding is unjustified from examination of what is reasonable segregable.

Besides this and more that will follow, what happened to my request that all classified records be reviewed under the provision of the new E.O., and by those who have ~~the~~ a means of knowing what is within the public domain?

The cooperation of Mexican authorities is public, in many cases with the names of Mexican officials involved. The cooperation of the Mexican police is within the public domain as are some of its arrests in connection with the JFK investigation. The clandestine photography and electronic intercepts and mail intercepts also are public. Even the fact that the husband of the Mexican employee of the Cuban consulate who spoke to Oswald was a Mexican police agent is public domain. (Sylvia Tirado Duran has since remarried.)

It seems improbably that there is any b1 claim for Kennedy assassination information of that period that is not really to hide official improprieties or embarrassment.

Serial 57 is like 53, total withholding, even citation of prior communications.

On the same day there is the Dallas teletype to FBIHQ reporting the Oswald intercepts and photographing in Mexico, with a negative identification by Dallas FBI SAs, which I have already appealed and the essence of which has been disclosed by the FBI and has been leaked and published extensively.

In the copying Serial 58 was attached to 57. They need not have been as provided. This serial was upgraded by #6283, apparently on 12/2/77. With the elimination of some of the notations in xeroxing by the FBI I cannot be certain. There is no reason to believe and I do not believe that # 6283 knew or cared to know what was within the public domain. I am confident that there is nothing other than official impropriety or the risk of serious embarrassment that led to upgrading of any information of that period to Top Secret.

However, if this record was classified Secret earlier, then it is apparent that the FBI cannot claim the other records in this section were not classified by oversight.

I would like to be able to read all the notations for which no claim to exemption is made. And of course I intend the appeal for what is reasonably segregable to apply to all these records.

#2040 did not reach his peak of perfection in unjustifiable withholding in Serial 75 but he came close. Here he claims exemption from the GDS schedule for his withholding of the file number, 105-32555. Does that really qualify for the ~~SECRET~~ "national security" classification as well as indefinite exemption from declassification?

There appears to be a bit of the schizo in this one. There is no record of any reclassification yet obliterated "secret" stamps are visible. Four of them on two pages.

That some of the content is reasonably segregable and does NOT qualify for any classification appears to be established by the note, indicating that some content relates to Oswald's means of travel, all of which is public. (Supposedly, anyway.)

Apparently #2040 believed the security of the nation would be endangered if he did not withhold the Serial number of the Branigan to Sullivan memo of 11/22/63 because that is obliterated. I am certain that all the other obliterated and classified information is public, including the FPCC interception, unless there may be disclosure of an informant in other aspects. Here again there is reasonably segregable information.

#2040's fear for the national survival extended to the date of Serial 76, ^{its number is} the one bit of information not withheld. Even the form of the record, whether it is a memo or an airtel or teletype is obliterated ^{and is} withheld. The stamp, ^{too} far down on the page to have been obliterated, reads "ENCLOSURE." There is no enclosure. But it must have been very important for the totality of this withholding.

The date on Serial 78, which coincides with the cancellation of a Presidential motorcade in Miami, is three days before the assassination. The content relates to Oswald in Mexico, relating to which there has been so much disclosure ^{it} appears to be pretty certain all remaining withholdings are to hide official embarrassment. Even if as appears to be likely ^{from} for the note, some of the information was from a confidential source, other information is reasonably segregable. Classification of the second page was not cancelled, the "SECRET" stamps are clearly visible, and there is no classifiable content.

Serial 87 has several parts. The part referred to the CIA has not been provided after almost two years, a violation of the Act I appealed quite long ago without any response.

The informative note includes only information that is within the public domain and misinformation (about Sylvia Duran's marriage plans - she was then married to Duran and did not marry the Cuban ambassador.). The withheld information is not indicated as classified.

If the second part of this serial, part of which is not withheld, refers to the referred part then all the content of the referred part is within the public domain.

With the obliteration of even the date on the last page of this serial it is not possible to identify the "cover memorandum...same date..."

On an entire page certainly the date is among the reasonably segregable information.

It seems entirely unlikely that any information sent to the two European Legats on 11/29/63 (Serial 88) is not within the public domain today or even classifiable.

~~These~~ ^{These} samples of "national security" claims and violations of the Act, gross and deliberate violations of the Act and my rights and obligations under it, may suit the FBI's concept of good/clean jokes or Cointelproing all other parties but in my view *this* ~~is~~ defames decency, mocks the Attorney General and his given word and makes sport of what I regard as a very serious matter, whatever the official attitude of the FBI and the personal attitudes of any of its FOIA personnel may be. The subject matter is what I regard as genuine subversion, not the paranoia about subversion that has characterized the FBI from its creation. I think of nothing more genuinely subversive than the assassination of a President, which subverts the entire system of representative society. These samples, from a single Section, are from the file on the only alleged assassin. To withhold without urgent need after all this time and more, to withhold under national security claim what so long has been in the public domain, is indecent.

In filing a separate appeal on this I also want it to be known that with this added sample of the concepts of "national security" by #2040 I will automatically appeal any other classification by him. I believe he should be removed from this kind of work and insofar as it relates to my requests ask this and a review of all he has classified.

Despite the extensiveness of the "b1" withholdings)

These records ~~also~~ reflect the existence of other records I do not recall seeing and other places to be searched, as I have asked before. Serial 87 illustrates both.

The unnecessary referrals and continuing refusal to act on referrals and the elimination of references to duplicate filings in the xeroxing contribute to these forms of denials/withholdings.

Some of these records also include stamps with which I am not familiar, beginning with the second record. Do these provide leads for additional searching for additional compliance?

Handwritten signature

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan

DATE: 11/27/63

FROM : D. J. Brennan, Jr.

SECRET

SUBJECT: LEE HARVEY OSWALD
INTERNAL SECURITY - RUSSIA, CUBA

- Tolson
- Belmont
- Mohr
- Casper
- Callahan
- Conrad
- DeLoach
- Evans
- Malone
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

[REDACTED]

12- [REDACTED]

ACTION:

[REDACTED]

[REDACTED]

- GAD:mls (8)
- 1-Mr. Belmont
- 1-Mr. Sullivan
- 1-Mr. Rosen
- 1-Mr. Branigan
- 1-Mr. Turner
- 1-Mr. Papich
- 1-Liaison

SECRET

REC-19

105-82555-53

Classified by 2040 11/14/77

Exempt from GDS, Category 1, 2, 3

Date of Declassification Indefinite

Section 2