

To Quin Shea from Harold Weisberg (JFK assassination records) (appeals) 3/30/79
Misuse of FOIA to withhold what was not withheld before FOIA ; no law enforcement

The caption should remind you of a number of additions to my appeals in which I have provided proof over and over again that the FBI is now misusing the Act to withholding information that was not withheld prior to the Act. The published 26 volumes of the Warren Commission and its available records, stored in the National Archives, are examples.

Recently I have given you copies of worksheets reflecting the identical malpractice plus the FBI's awareness of it.

Attached are the first four cover pages of one of the records covered by these worksheets, FBIHQ 105-82555, Serial 456.

In particular I direct your attention to the penultimate paragraph on page C. There, as of 12/10/63 or a decade and a half ago, it is stated by the FBI that

due to the gravity of this matter and the fact that President LYNDON B. JOHNSON requested the FBI conduct investigation and the Governor of the State of Texas was also wounded at the time the President was assassinated, it is felt that the sources can be revealed without embarrassment in anticipation of possible dissemination of this report.

Despite this those kinds of sources have now been withheld although contemporaneously they were not withheld. I've marked a few illustrations in orange crayon.

The first such marking, at the top of page C, relates to the absence of law enforcement purpose, a matter I recall writing about recently. Here there is reference to the expectation that the case was originally regarded as AFO. I take it this means assassinating a federal officer.

FBIHQ records are explicit in stating that the statute was inapplicable. I believe this is included in the DeLoach memo on the Director's conference with William Manchester which I sent you recently.

However, the FBI had to have some cover for seizing a purely local criminal case. The Director himself placed the time of seizure at 1:10 p.m. It was not until 7:25 that night that the new President phoned the Director and asked for a Presidential investigation. As the Director testified to the Warren Commission, that lacked any law enforcement purpose.

It being clear that there was no law enforcement purpose those FOIA exemptions requiring a law enforcement purpose are not properly claimed with regard to these records and all others like them.