

FOIA/PA appeals

Harold Weisberg 11/25/79

Improper classification

Violation of the executive order on classification

— Oswald in Mexico

Under the new executive order I asked for a review of all classification claims made in all my requests and cases in court. I have had no response after such more than a year. Prior to the effective date of the new E.O. and after it I provided such proof that classification claims were made and persisted in for information that was within the public domain. There had not been even a pro forma denial. There has been only silence.

Whether or not this violates the E.O., as I believe it does, it does violate FOIA and clearly subverts the intent of the Congress in promulgating the Act.

One of the areas of considerable historical importance and one that has been embarrassing to the Government is information relating to Oswald in Mexico. At best the official investigations did not yield satisfactory results. Large questions remain. Despite its proud boasts the FBI neither resolved them nor, from the information available, made any real effort to. As an example of what I do not recall including in my appeals because the explanations did not appear to be appropriate to the withholdings, the Oswald signatures at the border crossing in the morning and on the unemployment application the afternoon of the same day are not identical and there was no public means of transportation by which Oswald could have gotten from the border to Dallas to file the application. Related to this and entirely inconsistent with all official accounts and explanations is the fact, not included in the Warren Report or those by the FBI pursuant to Presidential directive, is the fact that Oswald purchased his bus ticket a month before he used it although his sole income, from the official story, was unemployment compensation. These are among the many indications, sublimated by the official investigations, of Oswald not being entirely alone. If for any reason you desire proofs of the FBI's knowledge of this and its failure to do anything about it I will gladly provide copies, for the period immediately prior to the assassination.

To make this comprehensible by a simple illustration I cite one of the countless appeals on which you have not acted, my 1/1/68 information request for the identifications of the fingerprints, ~~not~~ Oswald's, on the literature he, ostensibly ^{only} ~~was~~ he, distributed in New Orleans before he went to Mexico. The New Orleans police got the literature directly, supposedly from Oswald, the FBI developed prints its records disclose are not Oswald's, and there the matter rests, from what is not still withheld.

Going along with this and indicating also that Oswald was not alone are several instances of eyewitness accounts of an associate or associates who were never interviewed by the FBI. In two instances relating to a single event there were five such witnesses of whom I know from FBI records in my possession. There were others. I will be amplifying this in connection with an appeal relating to the FBI's interview of a Mrs. Elise Cerniglia, who headed Catholic Cuban relief efforts in New Orleans. From my own interview of Mrs. Cerniglia I have some knowledge of her information that is not included in the information disclosed in either Headquarters or New Orleans records.

These are only some of the reasons I believe that the claims to "national security" to withhold what is withheld are actually for other purposes not sanctioned by the Act and in fact opposed to its purposes and contrary to its legislative history.

Under the Act the burden of proof rests on the Government. I have alleged and have provided such proof that what is withheld is in fact largely if not entirely within the public domain, placed there by Government in pursuit of special political objectives over a period of years.

I therefore ask that with regard to information relating to Oswald in Mexico the Government meet its burden of proof by disputing with competent proof that the withheld information is not within the public domain. As an alternative, if the Government is unwilling to meet its burden of proof, I will accept truthful first-hand affidavits disputing my allegations.