

entirely secret from the Commission and the world - and that Director Hoover praised Hosty for what was known to be perjurious, his false Commission testimony, that Oswald, the self-proclaimed bomber, was a flower boy - may appear to be incredible, but it is confirmed, as is the existence of relevant information withheld in this case; yet without hearing, without finding of fact, in opposition to all of the evidence in the case record, Weisberg and his former counsel in this litigation are to be punished because of the FBI's knowing and deliberate untruthful representations to the district court and to this court.

Only a few days before this panel issued its decision, which ignores all Weisberg's unrefuted attestations to FBI falsification, a member of that panel wrote a decision (Liberty Lobby v Anderson) stating that "It is shameful that Benedict Arnold was a traitor; but he was not a shoplifter to boot, and one should not have been able to make that charge while knowing its falsity with impunity." Benedict Arnold is long dead but the FBI agents who swore falsely not only did so with "impunity" but with acceptance and rewarding by the district court and the panel. Indeed, it is the very same panel which only two days earlier, in the previously cited Shaw case (No. 84-5084), held the very same SA Phillips not competent to provide first-person attestations because he "did not claim any personal participation in the investigation," the identical JFK assassination investigation involved in Weisberg's litigation, yet accepted all of his attestations in Weisberg's litigation even after, without refutation, Weisberg under oath described them as in varying degrees unfactual and possibly perjurious.

The panel thus is inconsistent with itself in the Shaw case and with Liberty Lobby, which was written by a member of the panel.

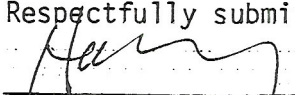
The FBI records withheld from Weisberg in this litigation and only now are disclosed to Allen are of historical importance that cannot be exaggerated. This is true of their content and in what they reveal about the FBI in that time of great crisis and thereafter; of the FBI in its investigation of that most

subversive of crimes, the assassination of a President; of the FBI's instant preconception and what it did and was willing to do to have its preconception accepted as the official solution; of its domination of even a Presidential Commission and its ability to control who would - and who would not - run the Commission's investigation; of the FBI's policy of defaming those who did not agree with its instant preconception, its "sex dossiers" on the critics and even its preparation of dossiers, after the Commission's Report was published, on the eminent members and on its staff. What the attached records, the FBI's own reveal about the FBI completely supports what Weisberg attested to based upon other records which likewise provide it with motive for stonewalling, noncompliance, any and every false pretense necessary to suppress what is embarrassing to it, up to and including perjury.

This previously secret FBI information is so utterly destructive of all its representations under oath and by its counsel that officially withholding it and representing the opposite of what it says and means undermines the constitutional independence of the judiciary. This new information is pungent confirmation of what Weisberg had alleged under oath and under penalty of perjury. It was not refuted yet was not credited by the panel, which depended instead upon what the case record disclosed is untrue. In the panel's acceptance of and dependence upon what Weisberg characterized as deliberate lies, the integrity of this court itself is involved even more by this new information.

For these additional reasons and proofs in this new information that was improperly withheld from him and was not available earlier, Weisberg prays that his petition be granted and that it lead to a full and impartial judicial inquiry into the abuses documented with the FBI's own to now secret records.

Respectfully submitted,


Harold Weisberg, pro se
7627 Old Receiver Road
Frederick, MD 21701

Handwritten: # a chronicle
A

(3) Why didn't Dallas conduct additional investigation concerning OSWALD after he returned from the USSR? Why did he only interview OSWALD, interviews with Government officials, and two Communist Party informants?

(4) During the course of investigation by SA's JOHN V. FAIR and D. TOM CARTER, why did Dallas not ask OSWALD why he was contacted by MVD? Why did Dallas indicate he was asked whether or not he was taking a package assignment and he said "No." He was asked whether or not he had furnished Russia information and he said "No." He said he had been contacted by the MVD but he never said why. Why was it Dallas never questioned him as to whether he furnished a signed statement with the Department of State, indicating that he had affirmed his allegiance to the USSR?

(3) SA Fain (cc)

(4) SA Carter

SA Arnold J. Brown

(3) This phase of the investigation was handled solely by SA JOHN V. FAIR.

(4) This phase of the investigation was handled solely by SA JOHN V. FAIR.

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Attachment
B

The Federal Bureau of Investigation

1. Early Bureau Response To The President's Assassination

A. November 22-25, 1963

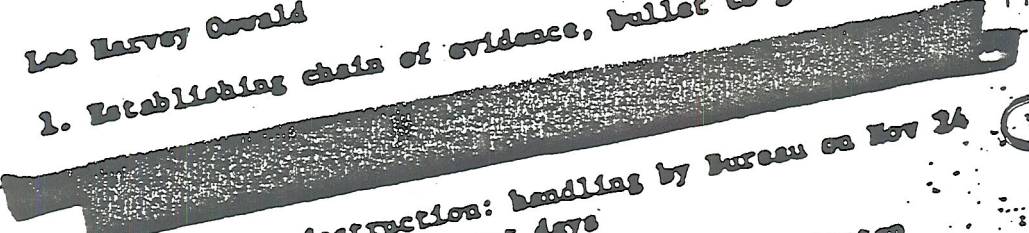
- 1. Early teletypes; instructions to field; Hoover, Sullivan, Belmont memos; 80 agents to Dallas
- 2. Jenkins memo of Nov 24: Hoover says Oswald alone did it. Bureau must "convince the public Oswald is the real assassin."
- 3. Hoover memo on Nov 26: "wrap up investigation; seem to us we have the basic facts now" 62-109060-1490
- 4. Hoover memo on Nov 29: "hope to have investigation wrapped up by next week"

Multiple sources
classified by SRS/HIJ/GCL
classify on: OADR 7/5/84

B. Lee Harvey Oswald

- 1. Establishing chain of evidence, bullet to gun, etc.

Refer



REFERRAL DOCUMENT
 FOI/PA # 24,326
 APPEAL #
 CIVIL ACT. #
 E.O. # 12356
 DATE 7/5/84

- 2. Losty note destruction: handling by Bureau on Nov 24 and effect in subsequent days
- 3. Interviews of Oswald associates, Marina witness M - MARINES, ETC.

C. Jack Ruby

- 1. Basic facts, early memos
- 2. Hoover suspicion of basement entry and assistance
- 3. extensive teletypes and reports on organized crime connections, also Hoover's own memos
- 4. contacts in 1959 as P.C.I - for use as informant on criminal element in Dallas

→ Conspiracy

referred

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Doc # 1

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2. Structure and Methods of the Bureau Investigation

A. Basic Organization and Jurisdiction

1. Legal basis of FBI involvement in probe, statutes,
2. Hoover and Belmont names
3. Organization chart

B. General Investigative Division G.I.D.

1. Rosen testimony on "ancillary nature" of probe;
Lack of meetings; assignment to bank robbery desk
2. Supervisors Senate testimony on physical evidence chain
3. Sullivan on lack of communication with Domestic Intelligence - the Division running the probe of LHO
LACK OF COORDINATION BETWEEN DIV 5 & 6.
4. Rosen characterization of FBI "standing with pockets open waiting for evidence to drop in"
5. Supervisors testimony on LHO not being included in G.I.D. probe other than in relation to physical evidence
6. Rosen didn't know of "Cale Report" which found deficiencies in Bureau coverage of Oswald
OIG RE INITIAL IT.

C. Domestic Intelligence Division D.I.D. DIV. 5

1. LHO background established, prior coverage
2. Sullivan testimony on chaotic process, lack of input
3. Soviet experts handled Oswald investigation
4. Secret disciplining of DID officials who handled pre-assassination investigation of Oswald
5. Incident of Sullivan's people copying GID files
6. Mosty note destruction: Sullivan lack of knowledge
7. Assignment of Ruby probe to Civil Rights Division - outside of DID jurisdiction, thus not a part of general Oswald investigation.

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D. Investigation of Potential Cuban Aspects

1. Cancellation of orders to contact Cuban sources on Nov 23

Revised
2. Deletion of [redacted] (S-1)(S) from memo provided to Commission (S-2)(S)

4. Cuban reports and supervisors excluded from investigation b1

5. Church Committee findings on narrow Cuban focus

6. [redacted] (S-1)(S)

E. Investigation of Potential Organized Crime Aspects

1. Hoover memos and teletypes on Ruby connections

2. Ruby phone records

3. Justice Dept. interest in probing O.C. aspects

4. Chicago interviews with Ruby associates

5. Evans and Staffeld (and Denaby and Stanley) statements on not being consulted

6. Use of Ruby as informant on Dallas criminal element

7. LCH sources available at time

3. Business Relationship With Warren Commission

A. Formation of Warren Commission

1. Hoover opposition: memo and Jenkins memo

2. Katzenbach testimony and Sullivan statement

3. Early memos - adversary relationship

4. Hoover blocking Warren's choice for general counsel

5. Preparation of dossiers on staff and members.

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B. Assistance To Warren Commission

1. Basic scope of official relationship
2. Early friction over informant allegation (LHO)
3. Withholding of Hosty name from Oswald notebook
4. Hoover instructions to agents not to volunteer info. to WC
5. Destruction of Hosty note: implications
6. Withholding of secret "Gale Report" on Bureau mistakes in earlier Oswald probe; disciplining of officials
7. Hoover instructions ordering that no Bureau official attend earliest WC session, despite Katzenbach request
8. Delay in sending information to Commission regarding Bureau's past nine contacts with Ruby
9. Apparent withholding of "Oswald impostor" names of 1960-1961

Preferred

11. Handling of Ruby polygraph

C. Related Bureau Actions and Activities

1. Preparation of dossiers on WC staff after the Report SEPT. 24, 1964
2. Hoover's linking of early FBI report (Sullivan statement)
3. Hoover views on Communism and Oswald (Kronheim letter)
4. Sullivan^o relationship with Angleton: pre-arranging of answers to Commission questions.
5. Secret plan to distribute Oswald-Marxist posters in Bureau plan to discredit Communist Party; prejudicial aspects
6. Hoover reaction to Warren Report
7. Subsequent preparation of sex dossiers on critics of probe
8. Questions regarding FBI's continual pledge that "case will remain open for all time;" actual designation of it as "closed" in internal Bureau files.

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Attachment
C

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir.	<input checked="" type="checkbox"/>
Asst. Dir.:	
Adm. Serv.	<input checked="" type="checkbox"/>
Comp. Syst.	<input type="checkbox"/>
Ext. Affairs	<input type="checkbox"/>
Files & Com.	<input type="checkbox"/>
Gen. Inv.	<input type="checkbox"/>
Ident.	<input type="checkbox"/>
Inspection	<input type="checkbox"/>
Intell.	<input type="checkbox"/>
Laboratory	<input type="checkbox"/>
Plan. & Eval.	<input type="checkbox"/>
Spec. Inv.	<input type="checkbox"/>
Training	<input type="checkbox"/>
Legal Coun.	<input type="checkbox"/>
Telephone Rm.	<input type="checkbox"/>
Director Sec'y	<input checked="" type="checkbox"/>

TO : Director, FBI (PERSONAL & CONFIDENTIAL) DATE: 10/24/73

FROM : SA JAMES P. HOSTY, JR.
KANSAS CITY OFFICE

SUBJECT: PERSONNEL MATTER

In compliance with your instructions following our conversation in Kansas City on 10/19/73, I am setting forth the basic facts that we discussed. I am convinced that the administrative action taken against me in December, 1963, and again in October, 1964, was unjustified for the following reasons:

(1) The letter of censure in December, 1963, and the suspension in October, 1964, were based upon answers to questions telephonically furnished by former Assistant Director James Gale on 12/5/63. I answered these questions by memo to the SAC in Dallas dated 12/6/63.

About four years ago I had an opportunity to review my field personnel file in the Kansas City Office and noted that Serial 157 of the Dallas section of this file contains answers dated 12/8/63, which are not the same answers I submitted on 12/6/63. Most particularly I object to the answers to Questions 5 and 6 that appear in my personnel file. I am enclosing a copy of my memo to the SAC, Dallas, dated 12/6/63, which you will note is different from the one appearing in my personnel file.

I am aware, however, that former Supervisor Kenneth Howe did make alterations to my answers without my advice or consent, but with my knowledge. I am enclosing a copy of my memo to the SAC, Dallas, dated 12/6/63, with his corrections, and a copy of a routing slip from Howe to me furnishing me with the corrections. However, the answers appearing in my personnel file are not these answers either. It appears my answers were changed a second time, probably on 12/8/63, without my knowledge. The most obvious change is the false answer to Questions 5 and 6, in which I am falsely quoted as saying, "Perhaps I should have notified the Bureau earlier." This constitutes an admission of guilt, which I did not make at any time.

JPH:mfd (enc. 4)

ENCLOSURE



MOVED BY SA [Signature] 12/7/73

U.S. SAVINGS BONDS

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

3/27

Doc # 34

As to the motive for the above and the persons responsible, I believe the third paragraph of [REDACTED] letter dated [REDACTED] pretty well pinpoints the responsibility. I am enclosing a copy of this letter. b6

(2) The letter of censure and suspension dated October, 1964, constitutes double jeopardy based upon the letter of censure dated December, 1963. The only thing added to the letter of October, 1964, was the statement that I made inappropriate remarks before a Hearing Board. Yet former Director Hoover personally advised me on 5/6/64, and SAC Gordon Shanklin of the Dallas Office in June, 1964, that my testimony before the Warren Commission was excellent. The Bureau had a summary of my testimony on 5/6/64, and the full text of my testimony one week later, five months before my letter of censure in October, 1964, and no mention was made at any time concerning my inappropriate remarks until October, 1964. Mr. Hoover also assured me on 5/6/64, that the Warren Commission would completely clear the FBI. The unexpected failure of the Warren Commission to do this, I believe, was the principal reason for my second letter of censure and suspension in October, 1964.

(3) The matters covered in both letters of censure had no bearing whatsoever on the outcome of the case; namely, the prevention of the assassination of President Kennedy.

In accordance with your specific request on 10/19/73, the following should be noted regarding the failure to place Lee Harvey Oswald on the Security Index:

Oswald was not on the Security Index because he did not fit the criteria in existence as of 11/22/63. The criteria was later changed to include Oswald. It should be noted, however, even if he had been on the Security Index, no specific action would have been taken regarding him or any other Security Index subject at the time of President Kennedy's visit to Dallas.

The FBI as of 11/22/63, had only one responsibility regarding presidential protection, at the insistence of the U. S. Secret

Service. The responsibility was to furnish the Secret Service any information on persons making direct threats against the President, in possible violation of Title 18, USC, Section 871. I personally participated in two such referrals immediately prior to 11/22/63.

In conclusion, [REDACTED] in his letter dated [REDACTED] sums up my attitude in this matter that because of the action taken by the Bureau in October, 1964, the Bureau in effect told the world I was the person responsible for President Kennedy's death. b6

On 10/19/73, you asked me what I think should be done. I believe that it first must be determined if I was derelict in my duty in any manner, and was responsible for President Kennedy's death. After that it should be determined what damages I suffered, and then we can discuss the third point - what action should be taken.

I can state with a perfectly clear conscience that I in no way failed to do what was required of me prior to 11/22/63, and based upon information available to me, which was not all the information available to the U. S. Government on 11/22/63. I had absolutely no reason to believe that Oswald was a potential assassin or dangerous in any way.

I have no desire to blame anyone else or to seek an alternate scapegoat. I am firmly convinced, despite the totally unjustified conclusion of the Warren Commission, that the FBI was not in any way at fault.

In accordance with your instructions, I will not discuss the contents of this letter with anyone. In the event you want further clarification on any point, I will gladly furnish additional information to you.