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To Quin from Fred Harold Weisberg, Criminal Division and New Orleans 2/22/81
FBI JFK records appeals; PA/Criminal appeals

Enclosed with my letter of 2/20/81 to Mr. Buckley of the Criminal Division are copies of some of the pages provided with his letter of 2/18. I intend my letter as part of this appeal.

I believe that inappropriate, improper and unnecessary claims to exemption are making that the public domain is withheld, that these pages refer to other records not provided, and that pertinent standards, including for historical cases, were not considered.

Please note also that some of these records appear to be those of the task force to which I referred in earlier appeals. These are not merely copies of records provided by other components. Rather are they records prepared from what was provided, such things as chronologies and summaries of information pertaining to named persons, all of whom figured in the Garrison investigation. This task force, admittedly, did address itself to what Garrison was up to, although I have reason to believe that it was created earlier and for other purposes, as I've informed you, and that it continued after the decision in the Garrison prosecution.

I regret that the carbon copy is unclear. It can be read more easily if you place a sheet of paper underneath it.

There are two references to me in these pages. Neither they nor the underlying records have been provided by Criminal Division, after 5 years and appeals, in response to my Privacy Act requests.

With regard to my C.A. 78-0322, please note that there are lists of persons who were involved in the Garrison matter, so the records reflect those to whom the request pertains. I provide copies of only two of these lists. There are others in the files.

With further regard to those identified with the Garrison investigation, the Department has a copy of a book which also identifies them, "Plot or Politics," by James and Wardlaw.

It appears that some of the information originated with the New Orleans FBI and thus should have been provided in C.A. 78-0322.

The 3/11/67 Kosmetik to Belcher memo refers to records not provided from any source and has citations to other records also not provided. The latter appears at the bottom as XI-469-70. I believe other records have the same number, with a slight variation, 468-69. The former is the brief referred to.

For the information of your staff, what is not apparent from the Kosmetik formulation is the fact that the CIA itself identified the photograph in question as that of Oswald. The allegation that the photograph was of Oswald thus is not Garrison's but the CIA's. It was general knowledge that the CIA photographed all entering the Russian and Cuban embassies. No explanation of error or mistaken identity has been provided.

The 3/23/68 Vinson to Sanders memo refers to records not provided, particularly Criminal Division's "critical evaluation of the current investigation," Garrison's. That CDD also has many JFK assassination records also is reflected.

The 3/12/67 AG to FBI Director memo begins by reflecting the fact that the FBI does not object to disclosure of some of its records including in Commission Document (CD) 75 that it had directed the Archives to withhold from us and others. Once these papers were disclosed it was apparent that there had been no basis for the withholding. Improper withholding has characterized the case ever since then, including the present.

Copies of all the reports referred to in Paragraph 3 have not been provided or offered. Any notations which would be important information.

That there are pertinent records in the files of the former Internal Security Division is reflected by the inclusion of a copy to Younger, who had headed ISD. I have appealed this in the past.

The attached list, one of several, leaves it without doubt that the Department, including the FBI, knew who those who figured in the Garrison investigation (as request) are. Another is referred to below and there are others. The lists are numerous in the files.

The 8/31 routing slip refers to "the latest sheets" of information ostensibly referring to the Garrison investigation. These have not been provided, nor any of these sheets. Six such pages of another list, with citations, were in another group of these

sample. The citations are to Commission testimony, documents, and to other records not provided. Such notes as 2/21-11 under number appear to refer to the dates of FBI names because in other records such dates are used to identify FBI names. In fact these names are based on information provided by, among others, the New Orleans FBI office. The withholding of the names, which are public domain, under the various exemptions, is not justified, or necessary. It does not appear to be possible that the claim to be, first made with Bill Mitchell, is justified because in no case can the "solely" standard be met. There are a number of such claims. The claim to be with regard to the entry above Cohen on next to the last page also appears to be without proper basis. It is doubtful if the other requirements for being in the public domain are met or can be. Some information other than the name is withheld there is little likelihood that it is not public domain.

This batch of records included pages of data on individuals who figure in the Garrison inquiry. I provide some samples because they hold information not provided in any copies of the underlying records that may have been provided, by any component and in my case. The underlying information should have been provided in G.A. 70-0322 and in the records of the component which compiled these pages, substantially identical. (This, of course, is also the kind of information that the task force would have needed and compiled.) There are many other records that refer to FBI names by dates and other materials. The FBI has not provided any records of this description, nor has Criminal. An example is the first paragraph note. Shaw, Clay. Other records, referred to in Mitchell and other pages, are not provided.

The chronology did not spring Gallagher from any documentary aid. No notes or underlying records are provided or cited. Information not included in records provided is included in the chronology.

Please note that my appearance before the grand jury is noted on page 5/ Criminal has not provided any record reflecting this fact. It also did not provide this and other such records in response to my RA request and appeals. (I am also referred to in the data on Charles Bringer, with the title of my first book. No other reference to that book has been provided.)

The chronology also is the kind of record one would expect to be created by any task force. This, however, would be only the beginning of any chronology, and no other pages are provided.

In the memo on Brinsgale please note the inclusion of information that supports one of my appeals that has had no response, what I refer to as "third man," naming the third man at the literature distribution by which Oswald attracted attention to himself. ("OSWALD and the two men with him") The identification pictures shown by the FBI and any and all other information pertaining to this third man are withheld. No record identifying any Gonzalez has been provided by any comment. The so-called fact sheet on Quiroga is not provided, unless these are the fact sheets. They are not so identified on their face or in any records provided.

Rudolph Richard Davis also is the subject of prior appeals. Here there is reference to what is not provided by any source. "the internal security report." Davis' alleged connections with various agencies is within the public domain, thanks to Davis himself. He ran a so-called training camp that was little more than a ripoff. This is public, as is the FBI's investigation, if it can be called that. No claim is made for the withholding under Executive Order 11652, here or in other records. I doubt there is anything not public.

While it is in general true of all these statements, with regard to David William Ferris (deceased) the withheld underlying records are more important, and the biographical material does include information not in any of these records and I believe not in any provided by the FBI. On page two there is reference to a record not provided, "See 22620." I note this one because there is no similar citation in any other record.

There are several relatively large withholdings on the Garrison pages, both attributed to 7C and D. There is no reference to his military medical record, which might be considered for 7D. However, the FBI obtained that and looked it, as the records it disclosed make clear, so there is no basis for that kind of 7D claim. Some of the content of the second of these larger withholdings clearly is not properly either 7C or D from the language that follows. It reflects the fact that a bid was made for an interview with Garrison.

Most if not all of those who figured in the Garrison matter are public figures and thus the b7C claims are not appropriate. This is particularly true of Gordon Novel, where the first claim is to b2. The fact that he was an FBI New Orleans III is not a matter solely of interest to the FBI nor solely a personnel matter, and it is, in any event, already disclosed by the FBI. I do not believe that any 7C claim pertaining to Novel is appropriate and the name of the Playboy bunny is public domain. With regard to Novel, some of the information provided in this record is not provided in any underlying record, so there are withheld records. Please note reference to "confidential FBI memo."

The name of the person that is withheld on the record following that pertaining to Novel is Carlos Quiroga. Reference to him as "confidential informant NO 2-5" may indicate the basis for the claim to 7C and D but it is inappropriate because both Quiroga and the FBI have disclosed this, as my prior appeals reflect.

The claims to b2 and 7C pertaining to Sergio Arceaga Smith are not justified. This record also includes references to other records not provided, the "CIA letter of 1961" and what appears to be a file, 71-4-137, nothing from which has been provided. There is also what appears to be a reference to another CIA record, of 3/4, probably 1967, in the handwritten note. That he was not of "operational interest" to the CIA is not the same as saying that he was not of any interest to it. This also applies to the others referred to in the same manner.

There is no claim that any balancing test was made, none that there is nothing reasonably segregable in what is withheld and none that what is withheld is not within the public domain. There is no claim that discretionary disclosure is inappropriate and I believe that in this case, historical as it is and public as most information is, discretionary release of anything that might be within an exemption is appropriate.