

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

Enclosed with my letter of 2/30/81 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 made 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 no references to me in these pages. Whether 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 chronology also is the kind of record one would expect to be created by task force. This, however, would be only the beginning of any chronology, and no other pages are provided.

In the memo on Brinkley please note the inclusion of information that supports one of my appeals that has had no response, that 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 component. The so-called fact sheet on Chicago is not provided, unless these are the fact sheets. They are not so identified on their faces or in any records provided.

Malcolm 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 raffle. This is public, as is the FBI's investigation, if it can be called that. No claim is made for the withholding under Exemption, 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 Pearce (document) 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 23520." 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 records, 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 FBI is not a matter solely of interest to the FBI nor solely a personal 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, as there are withheld records. Please note reference to "confidential FBI name."

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 D-3" 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 Aronson with 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 matter.

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.