

PA appeal DFO

To Quin Shea from <sup>4</sup>Arnold Weisberg-JFK appeals, additions to 8/31/78  
Records provided to others  
Ruby records, pre-assassination  
Oswald records, pre-assassination  
JFK-related records not provided under PA request

How that the FBI has again written me that it has complied in full from the Dallas Field Office files - and hasn't - and now that an affidavit has been supplied by SA Horace <sup>2</sup>. Beckwith attesting to full compliance in my C.A. 78-0249 - and it again is falsely sworn, with the Department's Motion for Summary Judgment to be heard in two weeks, I believe it is appropriate to provide you with further relevant information.

Enclosed herewith is a copy of Paul Hoch's correspondence with the FBI relating to his duplicating request.

These enclosures make it clear that despite SA <sup>b</sup>Beckwith's affidavit there are still other records not provided relating to the release of JFK assassination records. While in shorthand this is the "worksheets" case the request is by no means limited to the processing worksheets.

These records also make it clear that the FBI still withholds many relevant records. Mr. Hoch also lists some of the files not searched. Among field offices please note the void from <sup>4</sup>New Orleans.

It also is apparent that Mr. Hoch was provided with records not provided to me despite the determination following Judge Gosell's decision of this past 1/16/78 that I would receive copies of all such records provided to others. As I have obtained such proofs - and I was informed of other instances by phone from Dallas yesterday - I have provided you with them. The FBI has a perfect record over the past eight months of not providing me with a single copy of a single documents provided to any other person, despite the Department's decision in this matter and despite my letters to Mr. McCright. Or the assurances given by the Department to the Senate.

I have now gone over the Ruby records provided from DFO files. They establish the existence of a pre-assassination file on Ruby. This is in the records provided. The withholding of the pre-assassination Ruby records is therefore known to both the DFO and the FBIHQ FOIA unit and is therefore a deliberate withholding.

Mr. Hoch refers to some of the still withheld pre-assassination Oswald records. References exist to these withheld records in the DFO records that have been provided. This withholding also was known to FBIHQ, which nonetheless withholds. I remind you that this is one of my specific requests of some years ago, more in the past that the FBI's claimed backlog and therefore qualified for expedited processing.

I do not share Mr. Hoch's confidence in either the judgement or the perception of the House assassins and do not abdicate to it. With regard to those records, given

all that has become known of such FBI operations, I believe the basis for withholding has largely eroded. I have already requested that the provisions of the new executive order be applied in this case and given reasons for this. However, I can conceive that despite the passing of more than 15 years with regard to some of these records there may be a legitimate basis for the withholding of the name of some persons, if they are still alive. In any such instances I will not dispute the withholding of the names of living persons.

The DFO had a special description of the Warren Commission for its files, Presidents Commission of Assassinations, my emphasis. The number is 62-3583. The records provided, as I recall, begin with July 1964 and for all or just about all of the later records are limited to the time after the end of the Commission's legal life. I attach the July record, ~~the~~ part of the cover and of the first page of an article from the New York Review of Books.

While this is not the first printed reference to either the Epstein book or my first it is the only one provided by DFO. It was not provided by DFO in response to my P.A. request. It was not later provided in response to my appeal. I believe it establishes the deliberateness of DFO's withholding and the knowledge of FEHQ. (This is in addition to the information I have already provided you, that the field offices refused to use the proper indices and other means of retrieval and filed false assurances of the completeness of their searches.)

In this connection I also call to your attention the falsity of SA Beckwith's affidavit of 8/11/78, filed in C.A. 75-1996 but once again stating to a court that my P.A. request had been fully complied with. By this I am stating that this is merely another false attestation in that affidavit, the one that is ~~the~~ relevant to the JFK records and my P.A. request and appeal. (His affidavit is falsely sworn in other respects. My wife is now typing a lengthy memorandum on this, in addition to the affidavit of which I have already provided you with a copy for the guidance of your staff. A copy of this memo will also be available to you.)

I regard these and similar false affidavits as a serious matter. Bureaucracies generally structure themselves so that anyone can escape responsibility. Thus when I earlier ask<sup>ed</sup> Director Kelley to inquire into what I regard as a felony, false swearing to the material, he ultimately referred me to the Office of Professional Responsibility. Its concept of Professional Responsibility is the avoidance of any responsibility. It refused even a perfunctory inquiry. In this it made its actual role clear.

If the Department is not concerned about acts that, when committed by others, it takes to court, I would hope that at some point it might give some thought to the cost of these endless perjuries. I would, of course, prefer that it have some regard for compliance with the Act. But the cash and time costs of these false affidavits are by now considerable.