

To Quin Shea from Harold Weisberg JFK assassination records 2/10/79  
appeals; 1965 disclosure policy (at least supposed)

Attached is a copy of FBIHQ 62-109090-463 Serial 463. It is among the copies I have just received from another who received them indirectly from persons using the FBI reading room. Please note that the 7/29/65 date is a year prior to FOIA and the language "over-riding policy favoring the fullest possible disclosure..." (emphasis added)

In the past I have made many references to the disclosure prior to FOIA of what was never withheld until after the amending of the Act in 1974. I believe that this is among the records reflecting what policy was supposed to be that the FBI, the Department and GSB should have provided you.

The fine policy statement is anything but the wigging and stonewalling that have characterized my extensive non-disclosure experiences with the FBI. In all cases I have appealed the FBI has violated this early policy. My view is that if the information could be <sup>disclosed</sup> ~~withheld~~ prior to FOIA there was less reason even to think of withholding after FOIA - save for the actuality, misuse of FOIA for ulterior purposes, which include political purposes.

You will agree to FBI policy on malicious rumor-mongering and names. Supposed policy, perhaps not entirely as you recently testified.

The unidentified guide-lines referred to are those of the Archives and at least approved by the Department. They were amended during my G.A. 2569-70 to make them consistent with Department counsel's false representation to that Court.

In no case did the FBI not violate the non-disclosure examples in this LHM. In all cases political purpose is quite visible to a subject expert.

1. These and similar records have been disclosed. All sorts of personal medical records, from those of Jack Ruby's <sup>mother</sup> ~~mother~~ (psychiatric and dental) to those of Marina Oswald's second pregnancy. And of a number of others who do not, in the FBI's own language, have "any significant connection with the assassination." (3e)

2. Where it served FBI purposes it disclosed informant and techniques, which

2

were not secret in any event. Where it served official purposes there was disclosure of other "security classification" materials. The Mexico City Legat is mentioned. Some of those were among the Commission's published records. Others were made available at the Archives and the horrors conjectured are unreal. Only what is not in accord with the official line is withheld.

One disclosed "trash cover" was on the New York Communist offices, perhaps (also) those of the Daily Worker.

While the CIA did classify material this is not to say that all was properly classified and again most withholdings were to avoid embarrassment or support the official assassination line.

3a. This single illustration of what would be "detrimental to the administration of justice," although probably one that appeared to be the best to the FBI, is one of the worst. The national security horror is flaunted, we'd inform the Russians in what Yuri Nosenko said. Those records are available. They with a single exception were never classified and that one was only confidential. I recall no classifiable content. The FBI's reports are limited to what this LHM does not indicate, what Nosenko said about Oswald. What the FBI and CIA always ignore is not information of value to the Russians, assuming they would not assume that Nosenko spilled his guts. (By the way, when will you act on my Nosenko/Spartan appeal?) Again the withholding is to deny what is embarrassing: Nosenko said the Russians regarded Oswald as/an agent in place or "sleeper." <sup>(Note</sup> ~~from~~ silence of House assassins committee on this and failure of FBI and CIA witnesses to testify to it. I published ~~it~~ in 1975.)

3b. There is no objection to the withholding of really "confidential sources" but the language here is unreal. In practice all this kind of information is obtained without subpoena and subpoenas are obtained if there is to be public use. I must have thousands of pages of proofs.

3c was followed whimsically and not followed with "malicious" gossip about my wife and me, as the also enclosed informant you all over again. The late do

Mohrenschildt again is an unfortunate illustration because the FBI did NOT withhold the personal information about his off-beat life style. Nor did it eschew offering opinions, as of the morals his daughter executed for the family bathroom. Even in this record it describes him when he was still alive as a "sexual delinquent." If the FBI withheld records relating to the mental treatment of Ruby's brother this did not extend to the rest of that family or to many others. Nor did it withhold information on the sex lives of those without its significant connection with the assassination.

Where the FBI states that in the Archives many records are missing it does not offer to replace them. In its part the Archives disputed my description of the condition of these historic files in my second book and simultaneously on each and every occasion refused to ask the agencies of origin for replacement copies of these missing records. Official history was in safe keeping.

While my purpose in this is to cite further proofs of the policy that was supposed to be followed beginning more than a decade ago and is not being followed even now I believe it is also important for someone outside the inner FBI in the Department to know that the FBI's playing of games with disclosure and non-disclosure of these historical records is not new and never ended. No small minds to be heb-goblined, truth a stranger.

Sincerely,

Harold Weisberg

# Memorandum

TO : MR. W. C. SULLIVAN *WCS*

FROM : MR. W. A. BRANIGAN *WAB*

SUBJECT: PUBLIC DISCLOSURE OF  
WARREN COMMISSION RECORDS

1 - Mr. Belmont  
1 - Mr. Callahan  
DATE: 7-29-65

1 - Mr. Conrad  
1 - Mr. Rosen  
1 - Mr. Sullivan  
1 - Mr. Malley  
1 - Mr. Branigan  
1 - Mr. Stokes

*Handwritten notes and signatures*

Callahan  
Conrad  
Casper  
Callahan  
Trotter  
Tele. Room  
Holmes  
Gandy

Memorandum from Mr. Rosen to Mr. Belmont dated 7-12-65 set forth facts concerning request of the Attorney General that we review pertinent documents in the possession of the National Archives relating to the assassination of President Kennedy for the purpose of recommending which of the material on file can be placed in the public domain. The Department furnished us with a set of guidelines to follow in making our review. (Copy of these guidelines is attached.) We have now completed our review of the pertinent material on file at the Archives. The purpose of this memorandum is to set forth our findings and our plans to complete this project.

We have reviewed over 2,000 documents and are prepared at this time to indicate which of these documents can go into the public domain as is. In our review we have been guided by the overriding policy favoring the fullest possible disclosure of this material. Our review has noted the reporting of some information which falls within the guidelines for excision and we are prepared to recommend the excision of such material on a page-to-page basis.

Examples of such material which falls within the guidelines are as follows:

REC-32 62-109090-463

Guideline 1 - Statutory requirements that prohibit disclosure. Example - Records of the Family Court in New York City concerning psychiatric treatment of Oswald as a youth.

Guideline 2 - Respect of security classifications. Examples - It has been necessary to classify some of our material in order to protect sensitive informants and investigative techniques, and in line with classifications afforded material by other agencies. Examples - Considerable information was obtained from long-established sensitive sources of the Legal Attache in Mexico City. An anonymous source and a trash cover furnished some information reported and classified data from the Central Intelligence Agency (CIA) is among the material. We are, at this time, reviewing the Administrative Pages of our classified documents to determine if

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ENCLOSURE

FROM SECTION 27

PLH ITEM # 405

MEMORANDUM FOR MR. SULLIVAN  
RE: PUBLIC DISCLOSURE OF WARREN COMMISSION RECORDS

they may be declassified or downgraded. Where possible to do so without destroying the significance of any given document, we are preparing to recommend excision of the classified portions of such documents so that the remaining portions may be placed in the public domain.

Guideline 3a.- Data detrimental to the administration and enforcement of the laws and regulations of the U.S. Example - Information furnished by the Soviet defector Yuri Nosenko concerning his knowledge of the KGB file on Oswald. To publish this would be to inform the Soviets as to what Nosenko said.

Guideline 3b. - Information which would reveal identity of confidential sources by precluding or limiting the use of such sources hereafter. Example - This concerns records not normally produced unless a subpoena is issued, such as bank and telephone company records.

Guideline 3c. - This deals with information consisting of rumor, gossip or details of a personal nature having no significant connection with the assassination which would be a source of embarrassment to innocent persons. This is the area that gives us most difficulty in evaluating our material against the guidelines. We investigated hundreds of rumors and false reports often made maliciously or for reasons of personal aggrandizement or by demented people. In keeping with the policy of full disclosure, we are recommending leaving in the record information of a derogatory nature which we have uncovered which reflects unfavorably on people who have maliciously made false reports or charges. We have found many instances in which our rundown of false reports has uncovered derogatory data concerning the person making them. However, where a person has given us rumor, gossip or false information reflecting unfavorably on another person and which material is not related to the assassination, we are recommending excision. Example - Examples of this type of thing are the considerable derogatory data developed concerning the personal affairs of George de Mohrenschildt, a member of the Russian community in Dallas who befriended the Oswalds. De Mohrenschildt, who has been married several times, is regarded by many as a sexual delinquent. Information concerning mental treatment of a brother of Ruby; numerous instances of claimed extramarital activity and homosexual tendencies on the part of individuals not related to the assassination.

MEMORANDUM FOR MR. SULLIVAN  
RE: PUBLIC DISCLOSURE OF WARREN COMMISSION RECORDS

Guideline 3d deals with the excision of material pertinent to the criminal prosecution of Jack Ruby prior to the final adjudication of that case. In this connection, we are not attempting to theorize what material, the public disclosure of which, may affect Ruby's case and we plan to tell the Department that with respect to the Ruby material, the Department will have to render a legal decision as to whether the reports in the Ruby case can be disclosed in view of the legal action pending concerning Ruby. We know in this connection that the Commission has already reported considerable information concerning Ruby which is highly derogatory.

It is interesting to note that the records reviewed which are contained in that portion of the Commission's records known as the Commission's Numbered Document File, are not in very good condition. In this connection, some 125 documents (mostly cover letters) appearing in the Archives list are missing. We intend to call this to the Attorney General's attention when we make our report to him and to stress that our review did not include a review of the listed documents which the Archives has not to date produced. Mr. John F. Simmons, the supervisor of the Security Room at the Archives where these records are maintained, stated it is likely that the missing documents are contained among a group of unfiled papers which were turned over to Archives by the Commission. These documents are contained in some seven Archives filing boxes and we do not intend to review them at this time.

In addition, we have discovered four instances in which classified letterheads which have been marked to indicate that they have been declassified are contained among the documents in support of exhibits which were published in the Commission's report. The four documents in question are not copies of the exhibits that were actually published for in each instance we rewrote the classified document in an unclassified form and advised the Commission that the original document should remain classified. The Commission published our unclassified redrafts. This will be called to the Attorney General's attention.

ACTION:

For information. Our processing of the Attorney General's request is continuing and the deadline of 8-15-65 will be met.

*JES* *and* *WES* *RA*