JFK assassination records appeals Harold Weisberg 6/8/80
Dallas records originally withheld as previously processed
Unjustified claims to exemption Withholding the reasonably segregable
Withholding of FBI names Mark Lane Clay Shaw
Doing a number on HSCA Files not searched in C.A. 78-0322
King assassination records withheld as previously processed
Withholding what the FBI and Warren Commission disclosed
Confidential sources

Last month the FBI acknowledged that there were about 2,500 pages of Dallas records that had been withheld as previously processed in HQ files that in fact had not been. I had spotted omissions on the cross-references. I have heard nothing from the FBI pertaining to the New Orleans records or those of Memphis and other field offices withheld under the same "previously processed" claim in the King case.

Just before the FBI sent me these records it provided the affidavit of its SA Martin Wood in C.A. 75-1996. Wood stated that after the last MURKIN HQ record was processed in 1977 the FBI discontinued withholding of FBI names, that FBI policy in this regard had changed, and that the claim was withdrawn in C.A. 75-1996.

Now, in 1980, and just after Wood's affidavit was filed, the FBI is again withholding these names. Of the many illustrations I cite 89-43-10036 because it reflects the great amount of time and trouble the FBI wasted in its efforts to Cointlpro HSCA and because the other 7C and D claims now made are preposterous, quite the opposite of your 1/12/79 testimony about the improved quality of FBI processing.

A crazy convicted Cuban bomber tried to blackmail the FBI into getting him sprung, in return for which he would not disclose alleged information embarrassing to the FBI. Clearly the man knew nothing about the JFK assassination and was making up cock-and-bull stories. Clearly the FBI knew this. Yet it agreed to pass his alleged information on to HSCA. His, his lawyers and the FBI agents' names are withheld under 7C and D.

His lawyers were court appointed and their case was reported on. On page 5 the agents report asking this bomber "if he had been correctly quoted" in the press. This is not the most unusual of FBI support of 7 C and D claims, far out as it is. At the bottom of the same page it is reported that this man "had prepared a press release," which he displayed to the SAs. Reference to the newspaper article follows obliteration of two

complete paragraphs that include first reference to this article. The claim is 7D.

Dor a newspaper article!

89-43-9975 is not clear. It was transmitted from HQ to Dallas in facsimile. It refers to a "current investigation" under the 1963 JFK assassination caption and number, as of 1/24/77, and says it provides what has not been provided to me, a record described as "FBI record,730 451"(approximate). The only investigation of 1/77 I can recall is that of HSCA. A number of the kind quoted above is new in FBI identifications, within my experience, and I ask if it refers to records filed other than those provided to me are identified and filed.

SA names also are withheld in interrelated 89-43-9701 and 9705, Dallas airtels dated, respectively, 12/12 and 12/11/75. Both are captioned "SENSTUDY," which appears to be a reference to the Church committee's investigation. Both records reflect a pre-assassination search for Oswald records and nothing else.Citation of 105-5731 therefore appears to indicate a to now undisclosed and pertinent file. It is not the Marina file, which is 105-1435, or Oswalds, 100-10461. I believe this file should be searched and provided pursuant to my requests.

100-10461-603, captioned in the typing as for 89-43, was "declassified" on 10/30/79, which is a half year before it was provided to me. It was never classified at all, which makes declassification quite a trick. The result is that almost the entire text is obliterated, under 7D claim. Obliteration includes even the 89-43 filing, and others. But the part of the single remaining sentence of text on page 2 leaves no doubt that what is obliterated includes reasonably segregable information. 7D can't be applicable to what this reflects of what is obliterated.

89-43-9268 and 9276 pertain to an FOIA request by Paul Hoch and his appeal. He wanted to know if in New Orleans one Carlos Quiroga was odentified as T-5. What is disclosed of these records indicates the FBI efforts not to be responsive, while appearing to be. In fact, in the end it was confirmed to Hoch that Quirpgo was identified as T-5. 7D only is claimed for the excisions in both records. If context is any guide the claim is made for what both the Warren Commission and the FBI itself disclosed.

89-43-8930 discloses the creation of what is pertinent in my request and remains withheld, of a "NEW ORLEANS (44-new)" file under the caption "DISTRICT ATTORNEY JIM GARRISON, ORLEANS PARISH, NEW ORLEANS LOUISIANA; CLAY LAVERGNE SHAW DASH VICTIM; CR. OO: NEW ORLEANS."

While I can't be certain of another file, the language can be interpreted to mean that thereis also a "miscallaneous or "information concerning" JFK assassination file.

This teletype reports that Shaw and counsel ap eared at the N.O. office and "filed a civil rights complaint" against Garrison.

Notations at the bottom of the page also reflect the fact that Dallas also opened a new file: "New 44 case opened in (?) airtel and LHM." The Dallas file also is withheld.

89-43-8186 is incomplete and its presence is entirely unexplained. It is 17 pages of transcript of a broadcast by Mark Lane with someobe named Bob Braun. It does not begin at the beginning and how i t was transcribed or by whom or how it got to Dallas is not indicated. This means that there should be other records.

89-43-8058 refers to impersonation files pertaining to the JFK assassination investigation and to Jim Garrison. They have not been provided. In Dallas an impersonation file is indicated as 47-4658. My earlier notes suggest that these also pertain to HQ 47-53716-1. What 89-43-8058 does not reflect is that a phone call in the name of SA John Gilbert was made to Random House.

I attach the single page from 89-43-3777 because on one page the FBI discloses so much of what it stoutly persists in both King and JFK cases it must withhold, the personal information defamatory of Hawkins, the names of police in two states and three additional sources, none claimed as confidential, contrary to the FBI's record and affidavits.

Similarly, I attach a page from 3773 to reflect the fact that contrary to your testimony and FBI affidavits it does disclose FBI numbers on named people. Contrary to FBI practise in making frivolous privacy claims, here it discloses that St. Jacques, FBI # 341 878 B, also is "a psychopathic case."

89-43-1979 is a New Orleans teletype. It begin with reference to what I do not recall seeing in what was provided of the pre-assassination records, which also are one of my earlier and separate requests.

For your information, the New Orleans address Oswald had stamped on a Corliss Lamont pamphlet he distributed, 544 Camp Street, was not Oswald's and had been the address of a CIA front, the Cuban Revolutionary Council. The FBI never responded to Commission requests for a copy of this pamphlet with that address stamped on it. The Commission finally got a copy from the Secret Service. (page 1)

The 7D claim amde bottom page four and top of five appears to be for Quiroga. That he was an FBI source has been made public by the FBI, so he is not confidential. For the televised Oswald performance outside Clay Shaw's Trade Mart he can hardly be an only source, particularly not when the FBI had movies of it from another source. It and the Warren Commission disclosed much on that.

Page six discloses what is included in a number of appeals not acted on: Oswald had an associate not yet identified or with his identification not yet disclosed. At this point three lines are obliterated under claim to 7D.

Attached 89-43-891 and1026 disclose what the FBI insists it must withhold, in both King and JFK cases. The first discloses the source of all the information about all the telephone calls, the phone company, without reference to any subpoena, and than there are four pages of listings of numbers, persons and other information about these calls not involving what you refer to as "players."This, sent to me 5/30/80. contradicts the Wood affidavit of a month earlier in C.A. 75-1996.

100-10461-7259 is a four-page decoded copy of the 7/22/64 New York teletype to HQ reporting on an appearance by Mark Lane. 7276 is the "urgent" HQ teletype to Dallas directing investigation of what is withheld in 7259. That it is disclosed in 7276 does more than deny legitimacy to the 7D claim to withhold all of the first record except the first eight and last three lines. It discloses that what the FBI withheld under 7D claim was public domain - in fact what Lane said and is withheld. (The FBI also disclosed that information in other efcords.) This also means that at the very least what is withheld includes what is reasonably ssgregable. There is duplicate filing in 100-10970, from which no records have been provided.

Pertaining to the protection of confidential sources and what is a legitimately

confidantial source I attach 100-10461-7201A, a printed FBI form I do not recall seeing in any of the many records provided prior to 5/30/80. Under 1. Administratuve data, c. is for instances in which "Reason for protecting source not given." This is further indication that where there is legitimate confidentiality it is specified and where it isn't, HQ wants to know why. Or, not all sources are confidential and where there is confidentiality it is stated specifically.

Attached are 100-10461-5572 and 5599, again pertaining to Mark Lane.

The first page of the first refers to what has not been provided, a "100-dead (Mark Lane" file.

I also appeal the 7E claim on that page. The exemption is not for known methodsx or techniques. Ditto for page one of 5599, same claim.

For its reflection of FBI attitude toward FOIA requests pertaining to JFK assassination records I refer you to 100-10461-9142, captioned Emery L. Brown, Jr., Freedom of Information Act." Brown requested information pertaining to othmer suspects, including the so-called tramp pictures with which you are familiar from my appeals. In responding to the DAG the FBI said it was doing nothing because it anticipated some work would be entailed in meeting Brown's request - on a subject matter later of considerable Congressional interest. (HQ apparently sent a copy of the original and of the carbon, both to Dallas. The second is 9152.)

With the foregoing and other recent appeals in mind I again remind you that the FBI and Department have made commitments in C.A. 78-0322 that clearly, with this record and its non-responsiveness when I have written it, mean it neither will nor intends to honor its and the Department's word. It again is preparing a fait accompli of non-compliance, wasting a treasure in tax funds in so doing, assuring other and not inconsiderable wasted costs and litigation and again adds to the suspicion already accruing to its record. As I have in the past I am again identifying to you pertinent files not yet searched, for example on Shaw and Lane, both within my requests. The longer you and the FBI delay in doing anything the more certain it becomes that the Department was not serious in its undertaking to the Court and in compliance with the Act.

Harold

for attachments see:
JFK appeals - Dallas Records
Originally withheld as previously processed