

memorandum

DATE: OCT 5 1978

REPLY TO: Quinlan J. Shea, Jr., Director
ATTN OF: Office of Privacy and Information AppealsSUBJECT: Letter from Harold Weisberg Dated September 17, 1978TO: Robert L. Saloschin, Director
Office of Information Law and Policy

The attached letter, with two attachments (both of which are exhibits in the referenced suit), appears to me to be a request under the Freedom of Information Act for all records of the Freedom of Information Committee regarding the indicated Committee meetings. If there are records of the Office of Legal Counsel, as distinct from the Committee, would you please make the appropriate further referral?

Attachments

✓ cc: Mr. Harold Weisberg



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OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

To Quin Shea from Harold Weisberg

9/17/78

JFK Assassination records; 1978 request for info given Epstein re Nomenko
PA records

With regard to both appeals and in general for the information and understanding of your staff I attach Exhibit 17 from an affidavit I used in C.A.75-1448, a case now before the court of appeals. After the summary judgment and appeal I presented new evidence to the appeals court. It remanded for the district court to consider considering the new evidence, which I provided to it. The district court declined to consider this new evidence (relating to the subject matter of the hearing of the House assassins committee this past Friday). If necessary I can determine the date not visible on this xerox of the first page of that record. The date on Exhibit 12 from the same case is early, 1968.

Both refer to Department records known to exist and not provided.

I do not mince words with regard to these records and the motive they provide for the continued withholdings. The exemptions claimed are so clearly spurious this amounts to deliberate fraud. I have obtained the transcript of the executive session of 1/27/64 referred to and printed it in facsimile in the fourth of my Whitewash series. There is no basis for any withholding or classification under the Act and there never was any such legal basis. The clear reason appears to have been to make official embarrassment more difficult. What the second record says about President Ford's book is an enormous understatement. His dishonesties with this record, to hide what was disclosed about the FBI and CIA, are encapsulated in a tabulation in my book. He edited the transcript without so indicated and presented it as unedited. Of course he began by stealing it and selling it for profit. The content is entirely and deliberately corrupted. Not surprising considering that the man who was to be our first unelected President was also an FBI stooge (aka "toad" to the then Director.) He spied on his fellow Commissioners and tried to use the FBI to work his will inside the Commission. One of the transcripts still withheld and at issue in C.A.75-1448 includes his efforts to get two prestigious lawyers fired as "reds" because they were civil libertarians and anti-racist. Mr. Devine, formerly an FBI SA, then and now a Congressman, was one of those objecting strongly to the anti-racism of these Commission counsel, Joe Ball of California and Norman Redlich, now dean of law at NYU. Mr. Devine is a Member of the House assassins committee.

You will note that among the improper reasons for withholding actually specified after consultation with the Department is to deter my work or to prevent my exposing of official improprieties and dishonesties and prevent meaningful use of FOIA.

Please note the secret stated in Paragraph 2 of the first record, there numbered 1., that the withheld records "are generally overclassified when classification is at

at all warranted." This, naturally enough, did not preclude the filing of affidavits attesting to the propriety of classification.

If you would like other relevant records not as directly connected with the Department but flowing from the meeting reported here Jim Lesar can provide them. These other records, some of which probably do include the Department and my FA request, reflect the various dodges and concoctions fabricated to avoid detection of overt fraudulent misrepresentation and of the switching of records out of the possession of an agency which held that it could not withhold them under the Act so that they could be withheld under still other fabrications. The internal records are explicit in providing the advice of Government counsel that all possible exemptions be dreamed up, whether or not conceived to be within reason, as an alternative to later making claim for substitute exemption when I destroyed any basis for the exemptions claimed.

This is all real, not my imagining. I believe it remains uncontested in a court record. One such false claim ~~was~~ an exemption later changed at least once is for the still withheld transcript described on the previous page, the Ford/Devine transcript.

Please note (Exhibit 17, first paragraph) the involvement of the Department's "Freedom of Information" (sic) committee, and of the Department's OIG (Exhibit 12, first paragraph.) As stated above, there was no basis for the withholding of the transcript the Department recommended be withheld and it took litigation to obtain it. (I have often referred to wasted costs and ulterior, extra-legal purposes.)

My recollection is uncertain but I believe Commission Document 365 referred to holds the racist venom and the involvement of Messrs. Ford and Devine in it as it relates to the two named lawyers. Subsequently I obtained that file.

Without subject-matter expertise any review that is not made with knowledge of such records as the samples attached is seriously handicapped if not in fact converted into a rubber-stamp approval of official wrongdoing, a matter I believe Chief Judge J. Skelly Wright recently addressed. I therefore believe that your staff should not have some substantial reason to believe that the policy this represents is not the present policy, as I have every reason to believe it is.

Handwritten signature

RECEIVED - FEDERAL BUREAU OF INVESTIGATION - U.S. DEPARTMENT OF JUSTICE

Addendum 10

GENERAL SERVICES ADMINISTRATION

DATE: APR 4 1975

Office of General Counsel
Washington, D.C. 20540REPLY TO
ATTN OF: General Counsel - L

SUBJECT: Warren Commission Materials and the Freedom of Information Act

* Archivist of the United States - N

On March 13, Messrs. Garfinkel and Meszoly of the Records and Administration Division and Mr. Young of the Claims and Litigation Division of this office, along with Dr. Campbell and Mr. Johnson of the Office of the National Archives attended a meeting with the Committee on the Freedom of Information Act of the Department of Justice to discuss the mandates of the Act as they relate to heretofore restricted records of the Warren Commission, now in the custody of the successor agency General Services Administration. Although the topics discussed have been of continuing importance to the National Archives, the immediate stimulus to the meeting was the appeals by Dr. Hoch and Mr. Weisberg from GSA denials to their requests for access to these records. From the conclusions reached at this meeting, as well as from the extensive review of this material undertaken by this office in the past several months, the following recommendations are offered for your consideration.

1. A classification review of all of these Warren Commission materials that remain classified should be commenced as soon as possible. Our review of these records in light of Executive Order 11652 (37 F.R. 5209, March 10, 1972) has revealed that they are generally overclassified when classification is at all warranted. This office would be happy to assist the National Archives in such a review.
2. The executive sessions of the Warren Commission should remain exempt from disclosure as "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency . . ." (5 U.S.C. 552(b)(5)). Moreover, those parts of the executive sessions that remain classified after a classification review should be further exempted as "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy . . ." (5 U.S.C. 552(b)(1)).
3. Commission Document 365 should remain exempt from disclosure as "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" as well as "investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency . . ." (5 U.S.C. 552(b)(6) and (7) respectively).
4. Mr. Rankin's letter of March 26, 1964, to Mr. Hoover, relating to the Fair Play for Cuba Committee and other organizations, should remain exempt from disclosure as "inter-agency or intra-agency memorandums or letters . . .," supra, No. 2. Moreover, should this document remain classified after the

Addendum

November 15, 1968

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Correspondence with Harold Weisberg, Coq d'Or Press, Route 8,
Frederick, Maryland 21701

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The transcript of the executive session of January 27, 1964, of the Warren Commission requested by Mr. Harold Weisberg in the attached letter was reviewed by GSA, the CIA, and the Department of Justice. Mr. Martin Richman of the Office of Legal Counsel of the Department recommended that the entire transcript be withheld from research, and we have withheld it.

As Mr. Weisberg says, there are certain quotations, presumably taken from a copy of the transcript in Congressman Ford's possession, that are published in Portrait of the Assassin (New York: Simon and Schuster, 1965) by Gerald R. Ford and John R. Stiles (pages 19-25). Some material is deleted from the quotations without any indication of the deletions, and there are other variances from the text of the transcript. The quoted material does not consist of a continuous passage, but of various passages chosen from different pages. Only one complete page (page 158) of the transcript is included in the quoted material. We feel that to tell Mr. Weisberg this, or to supply him with a copy of the page that has been completely published, would encourage him to increase his demands for additional material from the transcript and from other withheld records.

JAMES B. RHOADS
Archivist of the United States

cc: Official File - NND ✓
Reading File - NNDC
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MMJohnson/mc NNDC 69-89
Ext. 23171 11/15/68

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