

Dear Howard,

2/22/77

Your mailing of 2/17 included one copy only of the Archives documents to which you had attached a note saying it was in response to your request re the decision on 1359. You also say that CMK is written in near "From" on the 1/12/77 but it was not picked up in xeroxing.

Any re-xeroxing will make this even less visible. So instead of me making a copy for Jim or his making one from these, may I please ask you to send him a set together with what I do not need, the Archives' covering letter? He may have some use for these later.

The invoke (b)(1) and (b)(7)(D) re 1359. Now if you want to carry this farther forget that the initial request is mine and go ahead.

If you do I'd suggest you begin with D because it has two provisions and they do not specify which. Ask. The second, which I am sure is the one they fear to specify, requires that it be "not apparently known to the public." After all the play on Kessler's story this can't be.

Kessler or rather Goshko I think was shown the whole thing. I can't think of any possibility except that the government did it. This is a waiver under American Mail at least and in itself would make an interesting case: can they leak and thereafter claim national security?

I don't think that even with a Burger court they would run the publicity risks.

So I suggest that you begin with the second exemption in your pursuit, if you do pursue.

I'd not seen these records that relate to me before. I do not think they are complete because the opening Archives reference to me is by last name only. Bresson is only one of a large number of agents on FOIA work. I do not believe he is assigned exclusively to me or the Archives. He is also noogooer than the average FBI noogooer on FOIA cases. He is the one on 75-226, spectro. What a liar!

You are aware, of course, that the FBI is foreclosed from foreign intelligence, which the withheld part of CD1#359 has to be. It therefore is not citing a foreign intelligence source of its own.

If I am correct does this not sound like Amlash is a possibility, via CIA?

I suggest you keep the possibilities in mind because nothing can be invoked about Amlash now, as I believe I stated in my appeal.

Meanwhile because I'm not remembering as well, please job me on this in about a month and I'll go back to them separately and on this because I have raised that question and had no response.

You might want to try to find out if they are taking this stand at the request of the CIA, which can qualify as an FBI intelligence source, can't it?

If you are using the postage scale I gave you please check it. I have no objection to the slight cost of extra postage but the extra processing of the letters that have postage due slows them up. This one took five days. It is the first one two stamps under. There have been a number lacking one stamp.

Best,



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

December 31, 1975

Received NA-N
JAN 5 1976

Dr. James B. Rhoads
Archivist of the United States
National Archives and Records Service
Washington, D. C. 20408

Dear Dr. Rhoads:

Reference is made to your letter to the Attorney General dated July 3, 1975, regarding review of the FBI documents in possession of the Archives relating to the investigation of the assassination of President John F. Kennedy. Your letter was referred to the FBI on July 22, 1975, by Deputy Assistant Attorney General Leon Ulman.

The review of the Numbered Document File was completed by the Freedom of Information-Privacy Act (FOIPA) Section on December 15, 1975. Because of their bulk, arrangements will be made with Mr. Marion Johnson of your staff to effect transmittal of the documents to you. The documents, which consist of 2,436 pages, in the Numbered Document File have been reviewed under the terms of the FOIA (Title 5, United States Code, Section 552) as amended and the specific exemptions applied are noted on the inventory.

As you will note, some documents which heretofore bore a classification have been declassified in their entirety. However, in other instances the inventory shows that excised copies have been declassified. With respect to the latter, the original document still holds its original classification and cannot be made available to researchers, but the excised declassified document can be made available because the reasonably segregable portion which gave rise to classification has been excised. Of the 2,436 pages of documents in the Numbered Document File, 587 pages have been withheld in their entirety; 312 pages were denied by the Internal Revenue Service based on Title 26, United States Code, Sections 6103 and 7213; 261 are not available at this time because they had to be referred to other agencies



Mr. James B. Rhoads

or to other governments; 14 pages were denied because they dealt with medical records of third parties or because their release would clearly constitute an unwarranted invasion of the privacy of the person involved.

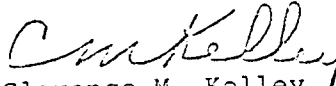
Remaining to be completed, and which will be the subject of a later inventory, are the documents referred to other agencies and to other countries, and the contents of a miscellaneous folder which was contained with the Numbered Document File.

This miscellaneous folder contains 678 pages of documents consisting of unclassified/classified/other agency/other country material which will take time to process since identifying data, (such as commission document number or commission exhibit number or FBI serialization) has been obliterated.

For your information, Mr. William Florence, of the Subcommittee of the Committee on Government Operations, has been advised of the progress of the review and he expressed his complete satisfaction with the progress of the review to date. If my staff can be of any further assistance to you, please feel free to so indicate.

A close working relationship has developed between Mr. Marion Johnson and the Agents assigned to the FBI FOIPA Section which has contributed greatly to the speedy review of these documents.

Sincerely yours,


Clarence M. Kelley
Director

(Page from FBI Document)

INVENTORY
 ARCHIVES DOCUMENTS
 WARREN COMMISSION
 J. F. K. ASSASSINATION

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Pages

Item #	Commission Document #	Date	# of pages		Classification			Description	Released (R) / Denied (D)	Exemptions 75, USC 55
			Actual	Released	Conf.	Secret	Top Secret			
105	251	1-2-64	1	1	X			Report of Report of SA O'FALLERY at Dallas, re: L.H. OSWALD.	R	(b)(1)
106	445 b	2-20-64	8	8	X			Excised Copy Declarified LHM, re: "NATIONAL GUARDIAN"	R	(b)(7)(C)(D)
107	1353	7-27-64	10	0		X		Report of SA MALINOWSKI at Baltimore, re: L.H. OSWALD. Letter from HOOVER TO RANKIN.	D	(b)(7) Referred to Other Govt. Agency. (b)(1)
108	1359	6-17-64	2	2		X		Excised Copy Declarified Report of SA WINBERGER at Philadelphia, re:	R	(b)(7)(C)(D)
109	212	12-19-63	3	3	X			Declarified on 12/19/75 Excised Copy Report of SA O'CONNOR at Miami, re:	R	(b)(1)
110	227	12-20-63	15	15		X		Excised Copy Declarified L.H. OSWALD. LHM, re: "JINITA REVOLUTION-ARIK CUBANA" at Dallas.	R	(b)(7)(C)(D)
111	1085 e7	5-28-64	7	0		X		LHM, re: L.H. OSWALD From San Antonio.	D	Referred to Other Govt. Agency.
112	1085 e8	5-28-64	4	4					R	(b)(7)(C)(D)

December 22, 1976

Mr. Thomas Eresson
FOI/PA Staff
Room 5445
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Mr. Eresson:

Enclosed are copies of an FOIA request, our denial, and the appeal of Mr. Weisberg for the deleted information in Warren Commission Documents 651 and 1359. Also enclosed are deleted copies of these documents as they have been made available to the public in the National Archives. Only pages 1, 3-7, and 11-21 of CD651 have deletions; pages 2, 8-10, and 22-35 are available to the public in full.

I shall appreciate it if you will inform us whether the deletions in CD651 and 1359 are to be continued and the exemptions under which this is to be done. If 5 U.S.C. 552 (b)(1) is to be cited in denying the appeal, please inform us of the proper level of classification of the documents, the appropriate exemption category in Executive Order 11652 (S)B, and if possible a date or event for automatic declassification.

A reply to Mr. Weisberg is due by January 10, 1977.

Sincerely,

(MISS) JANE F. SMITH
Director
Civil Archives Division

Enclosures

MJohnson:tg
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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

Date: January 12, 1977

To: Legislative, Judicial and Fiscal Branch
Room 2E
National Archives Building
Washington, D. C.

Attention: Mr. Marion Johnson

From: Clarence M. Kelley, Director

Subject: REVIEW OF WARREN COMMISSION DOCUMENTS
651 and 1359 IN ACCORDANCE WITH FREEDOM
OF INFORMATION-PRIVACY ACTS (FOIPA)
APPEAL OF HAROLD WEISBERG

Per your request, Warren Commission Documents 651 and 1359 have been reviewed for possible declassification and the results of this review are as follows:

Commission Documents 651 and 1359 contain certain information which cannot be made available to the general public. This information is currently and properly classified pursuant to Executive Order 11652 in the interest of the national defense and/or foreign policy. Under Title 5, United States Code, Section 552 (b) (1) portions of Document 651, classified "Confidential," and portions of Document 1359, classified "Top Secret," are exempt from disclosure. The classified portions of these documents are exempt from GDS in Categories two and three, as described in Executive Order 11652, and are excluded from automatic downgrading and/or declassification. The "Top Secret" information is classified, as its disclosure would seriously damage national defense interests. The "Confidential" information is classified to protect intelligence sources and our interest in a specific foreign relations matter. Disclosure of the above would inhibit the investigative responsibilities of the FBI.



Legislative, Judicial and Fiscal Branch

Additional excisions have been made from Commission Document 651 pursuant to the following subsections of Title 5, United States Code, Section 552:

- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would:
 - (C) constitute an unwarranted invasion of the personal privacy of another person;
 - (D) reveal the identity of an individual who has furnished information to the FBI under confidential circumstances or reveal information furnished only by such a person and not apparently known to the public or otherwise accessible to the FBI by overt means.

Enclosed for the National Archives is an excised copy of Commission Document 651 with the deletions noted above. This reprocessing has resulted in the release of additional information which has previously been unavailable to the general public.

No changes are being made at this time concerning the availability to the public of Commission Document 1359. The material being withheld is done so pursuant to Title 5, United States Code, Section 552:

- (b) (1) information which is currently and properly classified pursuant to Executive Order 11652 in the interest of the national defense or foreign policy;
- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would:
 - (C) constitute an unwarranted invasion of the personal privacy of another person.

If there are any questions concerning these documents, please contact William Shackelford at telephone number IDS 175-5565.

Enclosure