

Comments on Government's answers to our second set of interrogatories (Nos 22-46)

In our phone conversation about this I suggested asking Rhoads for the documents referred to first by phone and then by letter, copy to Gessell. Rankin's instructions to the court reporters of May does not grant authorization for them to classify Top Secret in January and in fact says there was no January authorization. This assumes it is right, proper and legal to delegate this authorization, which the Government is required to show and has not.

I wonder is a third set of interrogatories is not in order, to inform the judge through his clerk. If so, I would restrict it to what would appear to be an effort to reconcile contradictions and would actually point them up, as the foregoing.

The following comments will address this or other use.

23 does not answer, it evades on "who."

25 is refuted by 24, for Rhoads has no basis for "assuming" that by a 5/1 letter Rankin authorized a 1/27 classification. On 25, the documents I have supplied are in Rhoads files and refute his claim to his assumption. Taken with his "true and complete" conclusion I think we should infer deliberate intent to deceive. After we have supplied documentation there can be no excuse for his not consulting his own files from which I got the proofs he withholds.

26 asks date of reclassification under 11652. Now this was when the transcript was under his exclusive control and jurisdiction. Is the classification not required to be accompanied by a record of who classified and when? If this ex order so requires, is not the reclassification illegal?

27 When he says that the 10501 classification automatically carried over, first I have a question, was this authorized by 11652 and then, if the classification under 10501 has not been shown to be legal and proper, the requirement I would think, how can the automatic reclassification under 11652 be claimed to be proper and legal? I think in this series the requisite meeting of the burden of proof is entirely lacking. There is no more than the assumption of propriety and the evidence we provided has not been met.

His answer at this point do not match the questions.

30 answers 29. From this it seems apparent that the re-examinations if not in fact the original examinations were made in reaction to me and my requests. I think they should be asked a general question that is not easy to evade on this, were the examinations in any way in reaction to my work? You should understand that the FBI knew of Garrison's interests in 1966 and I raised the question of Oswald ~~in~~ as some kind of operative in 1965 and 1966 (publication dates 8/15/65, approx., and 5/7/66). The only even approximate time within any year that he gives is December 1972 for the CIA. They are required to keep precise records and can provide precise answers or they destroyed records.

31, which responds to 30, seems to bear on this with regard to Justice Office of Legal Counsel. While it fails to say who from Justice examined when, it says that the FBI did not itself examine with regard to an investigative function or a law-enforcement purpose and for what purpose other than in response to my request and insistence would the Justice rather than the FBI Office of Legal Counsel examine this transcript? The exact dates can be important in connection with Rehnquist and whether he should disqualify himself from any of my suits. (Nominated end 1971.)

32 seems to be an inadequate response to 31, were those who examined authorized for Top Secret because accreditation is required for others in examining any of this archive. He should be asked if he inquired before answering, for lack of asking is obvious possibility and he is loaded with hearsay, and if records are kept. All government employees are not cleared for Top Secret. 33 says they were not asked. Requirements of regulations should be asked if only to show violation of regulations and selective judgements.

35 Why now a mandatory review? Why mandatory?

37 is important he should be required to answer because of American Mail. His refusal to answer is dubious in the face of his letter to me saying that this is the case. Remember, in order to get a response from them I booby-trapped them, confusing dates.

You did not send me the last questions in this series, for his 38-46 I have no questions and perhaps this explains why he seems to be responding to wrong questions.

J

that you revised the questions and I do not have the revision.

41 I do not recall any proof anywhere that there was original classification under 10501 and this proof would seem to be required, his assumption not addressing our proofs.

When he says he does not know the basis for classification, is not the government attempting to assert the right to classify indiscriminately and then to claim this is right and proper despite the specific language of the executive order? There has to be a showing that is not made. The only authorization for rejecting my original request was 10501, not 11652, which had not been promulgated.

You lawyers tend to shun such things, but when he concludes that this responses are "true and complete" and he has not sought answers within his capability to provide, then they are not complete and he has no basis for swearing they are true. Nor can he meet his obligation by avoiding knowledge available to him.

I think addressing this can show Gessell that they are toying with Gessell as well as with us and trying to use him to twist the meaning and intent of the law to the end that he have his sanction for violating the law(s).

Now for your information, Jim, I know part of the content of this transcript other than from Ford and entirely different content. I do not want to blow what I do know. If and when it is relevant, and I do not think it now is, I will take the time to tell you. It is of quintessential importance because it leaves no possibility of doubt that the investigation was a fake, even the wrong allegations being addressed and the right ones not addressed. However, because I have written this part of the book and intend to complete the book, I do not want it used.

My purpose in going into this is to let you know that there is more than their general desire to hide operations involved in fighting this, more than disclosing content except as there may be content of which I have no knowledge.

Without the missing questions and a copy of Gessell's letter or order in response to Motion to Strike I can go no further than above per in our conversations.