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The Attorney General  
The Department of Justice  
Washington, D.C.

Dear Mr. Mitchell,

Your letter of December 14 rejects two of my appeals for information under the Freedom of Information Act. One is for all the information on one Emile Gaire, then of New Orleans, the other is for the identification of a fingerprint. In this case, you go to some trouble to make explanation, for which I thank you. It may be helpful to both of us. This, however, reminds me of my first (unanswered) letter to you in which I suggested that you are dependant upon the same sources for your information as your predecessor.

With regard to Mr. Gaire, you now say "that the files of this Department contain no information that Gaire was interviewed by the FBI concerning the assassination of President Kennedy or concerning Oswald". Unless my recollection is incorrect, this is not consistent with earlier statements. It is certainly inconsistent with what Gaire says and what to now your Department has not denied. First let me amend the request to include the period of the Garrison investigation, for Gaire says he was then interviewed by your Department. And I think it will be clear such interviews could not have been for any law-enforcement purposes. Next let me make this added explanation to you so that you can assess either the forthrightness and completeness of what you have been told or the character of the investigation:

The FBI allegedly interviewed everyone who had known Oswald, everyone by whom he was employed or to whom he had applied for employment. (I have copies of many such reports.) He applied to Gaire for a job (public relations). Gaire's address is marked in Oswald's address book. The FBI made a detailed study of this notebook and reported on it. Gaire was a close associate of one Sergio Aroncha Smith (whose extradition to New Orleans to testify before the grand jury was subsequent refused by the then governor of Texas). Smith was the New Orleans representative of a group organized, directed and financed by the CIA. His addresses included 544 Camp St., and address Oswald also used, although it was sought to withhold this information from the Warren Commission. After Aroncha was expelled from this group, he and Gaire organized what they called The Crusade to Free [redacted] and engaged in a fund-raising campaign. In this they also used the 544 Camp address. That address was also the (again, hidden from the Warren Commission) address of a former and very prominent FBI agent, who actually arranged for Aroncha to have the space in that building. If these are not all the relevant facts, are they not enough to indicate the improbability of no investigation, especially with both Gaire and Oswald using the same address, that of a former FBI man?

With this information (and I will gladly supply more should you so desire, for there is more that is relevant), I respectfully request that you ask those who have supplied you with your information to be certain they have not misinformed you. If this amended request is again rejected, I respectfully remind you that 5 U.S.C. 552, in my understanding, imposes an affirmative burden to prove the applicability of the exemption (citations of authority ranging from your Department's instructions to the President himself). I therefore ask what law was being enforced, a request that I also make with regard to the second rejected request.

Of this you say, "Indeed, one would be hard pressed to imagine a clearer case of a request for data covered by that exemption." Because, **last** as you are, your information must come from others, I take this brief explanation on which I will expand, should you so desire:

The incident in question was before the assassination (then or law was violated), and the incident concerning the fingerprints was supplied to the department after the assassination as part of an investigation that was conducted by the FBI, and under oath, and through the law-enforcement purposes. Indeed, it went far out of his way to say there was no legal authorization for the investigation in this sense.

Oswald engaged in such leafletting activities much more often than the Warren Commission reported, as is known to have and at least two associates in this. One was ever identified (and he has told me that on that occasion there was another, one known to him, also involved, in several instances, your department and whether possible identify him of that particular occasion and from its still pictures that do not exist in either the files of the Warren Commission or, today, even in the footprints which have been obtained. I can supply you with copies of FBI reports that are explicit on this point. I can also supply you with the legend that is still wrapped around that film in the national archives, specifying that it shows one man helping Oswald assist the printer in making this film. (So you may better understand the subtleties, I also tell you that the Warren Commission's copy, supplied by your department, did not have such a number. This copy is now in the national archives because of my effort, and it was considerable.) In addition, the FBI reports quote the only people in the world in a position to know as saying that the printer did not give any delivery these leaflets to Oswald. Those reports do not identify the man to whom delivery was made, and the military report given to the Warren Commission erroneously to be it was Oswald. Now, I have also interviewed these people, the only ones involved, since from the man to whom delivery was made, and from them, and, obviously, I have obtained an identification of the man to whom delivery was made. I have these interviews on tape. Here I remind you of my repeated offers of what my own investigation has disclosed. While the law does not require that a citizen's request for public information be accompanied with an explanation or any reason at all, I think the relevance of my request is obvious. And I would suggest that the Department's interests are not served by any further indications that it has ~~been~~ suppressed or is otherwise information.

You say you cannot "imagine a clearer case" that is "covered" by the exemption which reads, "investigatory files compiled for law enforcement purposes except to the extent available by law to a private party." especially in the context of the of directly burden imposed upon the departments by the law, to justify the withholding, as your own department's Memorandum says on page 28, citing H. Rept. 9 ("the burden of proof is placed upon the agency which is the only party able to justify the withholding."), I remind you that law was being enforced and I point out that what I here seek is not an investigative report but a simple FBI report. Moreover, even if there has ever been any right to withhold this, under the law that right was waived by any use of it in any form.

I respectfully request that you reconsider these requests before I proceed further. Although it is not required of me, if I have any further information you might want, I will provide it. My purposes are to obtain the information to which I believe I am entitled and to obtain compliance with the law. They are not to embarrass the Department or to needlessly clutter the courts. I do hope your review will eliminate the need for carrying either of these requests to the courts.

Sincerely,

Harold Weisberg