

Dear Jim,

8/13/81

The search slips provided in 78-322 are phonies. They also do not represent searches for all the records called for in this litigation and the requests involved. They reflect what is at the very ~~best~~ best, extremely dubious, the destruction of irreplaceable records in an historical case. They do not reflect and I was not given the records required to be generated and kept when there is an authorized destruction.

No search slips dated late in 1980 and in 1981 can have been used in making 1978 searches I doubt the FBI itself can explain. The actual <sup>1978</sup> search slips remain withheld.

These slips do not begin to represent searches in compliance with the requests. If by any remote chance the FBI did not correctly understand the requests, neither it nor its counsel ~~has~~ ever asked for any explanation or clarification.

If there was any confusion at all, there are extensive appeals. These, however, are entirely ignored. I appealed the withholding of some of the records it now turns out are destroyed. I identified them by number in 1978. (Dates of alleged destruction not given.) I also took this up with the appeals office in conferences, providing specifications. It appears not to have scratched itself or the FBI at all because it ~~took~~ <sup>took</sup> three more years for me to find out, not ~~from~~ from any response, of the alleged destructions.

Aside from my study of an incalculable but extremely large number of FBI records, I have now gone over more than 5000 pages of FBI records pertaining to the non-destruction of FBI records and what is required if there is to be any destruction. No destruction is permitted in historical cases and where destruction is permitted, authorization must be asked for and obtained and the Archives' approval also is required. No such records have been provided.

Where field/office records are destroyed, there is a form to be filled out. This form requires citation of other records which hold the destroyed information. For example, in the Memphis records, where the sanitation and Invaders reports were destroyed, there is a careful accounting of each and each is cited to a letterhead memorandum said to include the destroyed evidence. The LHM's were not destroyed and were provided.

Claims of irrelevancy are nonsensical. There is no Jim Garrison, Clay Shaw or ~~David~~ David Ferrie record that is not pertinent. While these are only cited as examples, it is also a fact that I know of records on all three that remain withheld. I've seen some where the FBI leaked them but I have to hide my sources because they involve the FBI's cozy and informal arrangements in which it slips records to those who reciprocate and do things for the FBI.

Despite all that is wrong with these phoney search slip<sup>s</sup>, they nonetheless list records not provided and for which no exemption is claimed or can be claimed.

B

DALLAS

The greatest fault is the pertinent records not searched and provided, including those I identified in many appeals, often with copies of pertinent records attached.

The Oswald search slip is dated 10/15/80 and obviously cannot pertain to 1978 searches. This also is true of the first two items listed, both dated after the supposed initial searches. These two list only two records in 89-43, obviously ridiculous when 89-43 is the Dallas assassination file. It also is ridiculous to list only two serials from the 100-10461 file (here given as 100-10-461) when that is the very large Dallas "Oswald" file. Consistently, however, only one serial of the Jack Ruby- murder of Oswald file is listed.

If the two records from the 94 file (94 = "Research Matters" and is used for political, press and lobbying records) were provided I have no recollection of them and now cannot search for them.

There is a reference to what I do not recall, an Oswald "Marksmanship Fund."

Other notations on this slip make no sense, like the Oswald <sup>MPICW</sup> Hotel Metropole address, in the body, not where the address is requested.

Both of the listed 94 records are indicated as destroyed on the same day in 1977, unclear but probably December 1, 1977.

It appears that the search was made the same day as the request, so this cannot be the request under which there was the initial providing of Dallas records.

The same is true of the Marina Oswald search slip, request and search both 10/15/80.

This slip lists a file destroyed in January 1978, an "Impersonation" file, a 47. It lists as pertaining to Marina only one serial of the <sup>assassination</sup> ~~assassination~~ file and two of the Oswald file. It does no better with the 105-1716 file on the Palms, with whom the Oswalds lived, Lee on weekends and Marina all the time. One page of one serial only is listed.

~~Although what this supposed to be the continuation of the search was supposedly provided to the searchers at that time, it is not clear that it was provided to the searchers at that time.~~

The Marina file, provided earlier, is attributed to this 10/15/80 search, an impossibility. It is 105-1435. As of the time it was begun, 105 symbolized Internal Security, Nationalistic Tendency.

The wiretapping file on Marina is listed but the bug-in file isn't listed. The date attributed to the five listed serials of 62-1313 is 10/64, seemingly impossible for these electronic intrusions of 1964, supposedly terminated in 1964. The date on which these were sent to FBIHQ is the month after the date of the only search represented.

It simply is not possible that any good faith Marina search did not disclose copies of records in other files, like those on the DeMohrenschildts. Not one is listed.

The Hosty search is pure magic: not a single record is listed. Yet the request is checked at "All References," which is true of the Lee but not of the Marina searches. James Patrick Hosty, Jr., was a Dallas SA who was severely disciplined by Hoover. No record is listed even though a main file was found in the index. The request was on 2/2/81, the search the next day.

Hosty figures in a number of serious flaps. There was a main personnel file on him. He also is included in a general personnel file from which records were provided while those in the pertinent main personnel file on him remain withheld.

This supposed Hosty search slip is not the file copy because the stamp prerequisite to filing is missing. The form has a place for it in the lower right-hand corner. In this the supposed Hosty search also is unique. It got filed without being filed? Retrieved from the non-file when there was no ostensible means of retrieval?

There are two search slips on the Warren Commission, the first, titled "Warren Commission," is as magical as the Hosty search slip because, with "All References" asked for, not one is listed. The second, titled "President's Commission on the Assassination of President Kennedy," is dated correctly at 10/64, with the file number 62-3586, but this is only one of the Commission files, the one that didn't get started until after the Commission's life was over. There was extensive Commission record generation during its life, most attributable to the FBI's paranoia and thin skin. And, of course, the Dallas FBI was deeply involved in servicing the Commission, yet not one such file has been searched and no such records are provided.

Both of these requests and searches are of the same days, 10/28 and 10/29/80.

~~These entries are not correct and I think that the FBI should be notified.~~

Not counting the five obliterated entries under Jack Ruby, Dallas had him filed by nine different subjects, from white slaving to atomic energy - criminal. At least one of the six destructions of 94 or "research matters" filings was after my request. Any "research matters" filings, which are not the filing of research but are of press and similar information, is interesting and quite pertinent. However, all 94 records were not destroyed and, while my memory may fail, I do not recall any 94 Ruby records being provided. Not do I recall some of the other non-assassinating<sup>on</sup> but extremely pertinent records.

All five of the obliterated entries are of records that were not provided at the time I was to have received all pertinent records. (Of course, this search slip is dated more than two years later so it also is a phoney.) Opposite each of these five is the notation "copy to FBIHQ 11/80." The exemptions claimed for the listings only are b2 and

7C. Neither can be ~~XXXXXX~~ appropriate. The requirements of b2 cannot be met by any identification of any Ruby file number and the requirement of 7D cannot be met by any, either. Moreover, it is not possible for the disclosure of any file number to hide what the FBI has already disclosed, that Ruby was a PCI. Yet no Ruby 137 file shows up in these supposedly complete searchings. This is consistent with the FBI's withholding of each of the forms required to have been filled out each time the agent made contact with Ruby. And this does not even include the request for FBIHQ permission to attempt to make a criminal informant out of him, any reports on progress and the alleged dropping of him.

One of the destroyed files, a racketeering matter of 1976, was destroyed, it says, after only two years. I believe that any ~~XXXXXXXXXX~~ destructions after so short a period of time would require special ~~XXXX~~ permission and was ~~XXXX~~ prohibited under any circumstances in any event.

While much later FOIA requests are included (190-128), as of two years after this request there is no reflection of it in the Ruby search reported. This is 190-36.

#### NEW ORLEANS

The New Orleans search slips provided also are phonies, so clearly phoney no effort is made to disguise it.

Not one of them was ever filed, which is only one of the reasons for believing that these are special hand-written copies (except for Marguerite Oswald, which is typed) made for this special purpose and so that they can be deceptive and misleading.

Obviously a 1977 request pertaining to President Kennedy and my 1978 request as it pertains to "Lee Harvey Oswald" could not both appear on one 1977 page. ~~XXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~

The Marguerite Oswald search slip is one of those referring to a file from which I do not recall receiving any records, 89-69A. There appears to be a pattern to the 89-69A listings: all are after the Garrison investigation.

Of all the New Orleans files included in these phoney New Orleans search slips, only for the JFK records, not my request, <sup>Ruby</sup> and those on the two women and the Commission is the name of the requester or the searcher give. In all cases the requester is Amerson, a special agent who specializes in incomplete FOIA ~~XXXXXXXXXX~~ compliance. With regard to the Marina Oswald search, he is also listed as the searcher, in his own handwriting, which does appear to be exceptional because only the clerical people make the searches.

The Ruby slip was filed and bears the filing stamp and date, ~~xxx~~ the month before the searches on the women and the same day as the Warren Commission slip, also filed. Aside from the JFK search, not this request, no other one is even dated. Nobody asked for any of the others and nobody did the searching, according to these records.

The 94 file Ruby listings are, in the same handwriting as of the slip, labelled as "irrelevant." At least one of the Dallas 94 files pertains to criminal intelligence programs. Whether or not this is a similar file, nothing on Ruby is not relevant.

Obviously, if the search was by the person who wrote this slip up there would be no purpose in listing what is not relevant.

None of these items is dated. Two on extremist matters are called irrelevant. One 190 is withheld as "administrative," a new <sup>exemption</sup> ~~classification~~ to me. One "foreign intelligence" or internal security file (105) is ~~withheld~~ <sup>destroyed</sup>, the description depending on the withheld date. The date of destruction is not given. (Ruby allegedly had Cuban connections.)

With Ruby also these are ~~two~~ separate listings for the 89-79 and 89-69A files.

Only one Warren Commission file is listed. The one from which records were provided to me is the one that began after the Commission ended, as with Dallas. (62-3702) Most New Orleans Commission records are of the time of the Commission's existence and of the time of New Orleans servicing of the Commission. No such file is provided.

A "Senstudy" file is noted but I recall no records from it, 62-4448. (Senate Intelligence Committee.) There is no other listing on this sheet.

It, the Ruby and the Commission file are pertinent to the FOIA matter in 190-33. Those on the two women are 190-34. No file numbers are provided for the other records, so I cannot be certain which, if either, pertain to my request.

While the basis for the Kennedy request (which may be John S rather than John F) is not given, two are called irrelevant, a fraud against the government and an anti-racketeering file, <sup>not a</sup> and three are noted as destroyed, one <sup>not a</sup> obliterated, one an administrative file and one the only page of that particular "extremist matters" file <sup>not a</sup> destroyed. The very next item listed is from the same file and is not noted as destroyed. Files on nine different subjects are listed but only two were sent to FBIHQ, the Ruby and this one Commission file. One Obstruction Of Justice record is withheld as provided in the 89-69 file, which is not noted as sent to FBIHQ.

On the same page <sup>with Oswald</sup>, there is what is not possible if these are original search slips, which clearly they are not. On the same page the Oswald search begins.

On this page <sup>with Oswald</sup>, a National Firearms Act record is noted as destroyed and a Registration Act record is noted as destroyed and then "destroyed" is lined through. This is the Fair Play for Cuba Committee file. New Orleans has more than the one listed page because separately it has already disclosed them.

On the next page an Extortion file is noted as destroyed. Next an Extremist matters file is marked irrelevant, this is stricken through and NI for Not Identical is noted. The still another ~~Extremist~~ Extremist matters and a Fraud Against the Government file are called irrelevant, which certainly can't be true of any Lee Harvey Oswald records. Next two

"Personnel Matters" items are noted as destroyed. Of course there is a question about the destruction of any personnel file on any FBI agent when it is indexed to Oswald, <sup>and</sup> ~~but~~ there are other New Orleans 67 files that are pertinent and do not even show in this alleged searching. I have appealed at least one that pertains to Garrison. (No response, as usual.) And after this, on the same page, a 105 file is regarded as "irrelevant." I do not see how any such reference can be regarded as irrelevant, particularly because of the officially alleged Oswald connections with 105 subjects, ranging from Cubans to Russians. Oswald himself is a 105 subject at FBIHQ, where the records on him are in 105-82555. The DeMohrenschildts are 105s, etc.

The pages are not numbered. On the page beginning with 89-69-4329 p 1 another 105 reference is listed as destroyed. On that page and the three following pages there are listings of 89-69A files that, as stated above, I do not recall receiving.

On the page beginning with 89-69A-124p1, a 58 or conflict of interest, or bribery record and an extremist matters record are again called irrelevant and a civil rights (173) record is noted ~~is~~ destroyed. (I just don't see how any record pertaining to Oswald or the FBI's investigation could or should be destroyed or why, with the enormous collection of junk the FBI still files, ~~why~~ <sup>consider</sup> it should want to or ~~to~~ destroying any such records. Not if it has nothing to hide.)

On the next page, after another destruction, of a 44-5763 record, Clay Shaw records begin. Certainly in the ~~the~~ original searches this was not possible because each request begins on a separate form. This is still another example of the rewriting of the original search slips. Obviously, only improper purposes, like hiding pertinent records, is served by this ~~the~~ fraud.

Clay Shaw - The first record listed is a 46 record, fraud against the government. It is called irrelevant. There next is a 17b file, assaulting the President, etc., and I have no recollection of having received it. The form in which I received these records does not provide me with a ready means of reference or of searching. The FBI sees it that. There are two full pages on Shaw, almost all 89-69A.

Dave Ferrie, as listed by the FBI for "avid W. Ferrie, begins at the bottom of the last Shaw page. This is followed by four more full pages, 89-~~124~~69 and 89-69As on Ferrie and ends on the page on which Jim Garrison begins, where nine separate pages from a 94 file are listed as irrelevant. ~~This is the same~~ <sup>These</sup> 94 files <sup>also my</sup> held to be irrelevant in other records, <sup>so</sup> maybe New Orleans had a specialty of having special 94 files for ~~the~~ irrelevant filing?

There are other Ferrie files of which I know and that I've seen. As I've indicated, the FBI had cozy deals and slipped records to favorites under the table and some of these have gotten around. The FBI has records identifying Ferrie with Cuban plots. It should have neutrality act records on him and I may have seen some. I do not recall the file numbers.

With Dallas the Office of Origin and with New Orleans searching files not searched by Dallas, it is obvious that Dallas intends non-compliance. Dallas does not even claim that Shaw, Ferrie and Garrison files are not relevant. It just ignored them.

Jim Garrison - appropriately the first record is called irrelevant. It is 44-2617, and even if it is a civil rights complaint against DA Garrison it is not irrelevant.

The next four listed, also appropriately, are said to have been destroyed, a 139 or interception of communications case; an 80 or "Laboratory Research/Attors" case of that special kind that has nothing to do with any Laboratory testing and is actually used to hide records; and illegal use of uniform matter, a 43 file; and a personnel file, 67-4715. After this another 80 file is indicated as having been sent to Washington but I have no recollection of seeing <sup>it</sup> 80-608. Two 44s <sup>of</sup> civil rights records and an administrative <sup>of</sup> 62 records are destroyed before another is indicated as sent to Washington, 10-17809, which is on the Kennedy Assassination Truth Committee. (Typically, the FBI files those Americans who are concerned about the assassination of their President and who do not agree with the FBI as subversives, which is what 100 files are.)

On this first page of Garrison records there ~~remains only~~ <sup>also are</sup> five pages of another 94 file, 94-448, all said to be irrelevant although any Garrison mention cannot be irrelevant. Two records only are said to have been sent to Washington. Maybe I did get them but I have no recollection of them.

Of the destructions, a date is given for one only. 80-505 was ~~XXX~~ "Before 1974."

Three more pages of 94-448 begin the ~~XXX~~ second page. While nothing is said of them, it is to be presumed that the FBI ordered <sup>and</sup> these <sup>353</sup> ~~substantive~~ records also to be not relevant. The rest of this page consists of <sup>59-69 84-64</sup> 92 and 94A files, X as <sup>CO</sup> ~~the~~ the next four and part of the fifth. The rest of the fifth is four pages of two anti-racketeering files, claimed to be irrelevant. (Among the stories leaked about Garrison by the FBI is his alleged association with racketeers, in and out of Louisiana.) The sixth page has an ~~80-505 before 1974~~ ~~80-505~~ and 19 92-files records, none provided. The 92 are called irrelevant and the 80 is claimed to have been destroyed. Two more such 92s begin the second column.

The seventh page is of 89-69s and destroyed of "irrelevant" records. The 165 file, which pertains to interstate transportation of wagering information, is destroyed. Five pages of a very long extremist matters file, 100-10673, are called irrelevant. (Last page is 974.) So is one of another very long record, that page being 825 but the file number is partly illegible. (If it is 93, that is "Ascertaining Financial Ability.")

The next page is all 89-69s. The ~~XXX~~ page after that begins with 89-69s but is mostly of withheld records, ~~XXXX~~ <sup>or destroyed</sup> nine different 92 files, called irrelevant, two pages of a 72 (obstruction of justice), one 173 (public accommodations) and one of which the entire number is obliterated and is indicated as destroyed. Garrison is very much a public figure.

If the file number obliterated is that of an informant, then the FBI has not been withholding them from me. Perhaps in this case it is because the FBI thinks I have made identification of the informant? (The claim is b2 and 7D)

The next and next to the last page is half of 89-69s. The rest, all withheld as irrelevant or destroyed, are 10 92s, a 157 or MURKIN record, two on interstate gambling activities and one illegal gambling business (182).

All but three items on the last page are not 89-69s. The withheld 92s, 182s, 105s, 66s (66 is an admn file used to hide the fruits of electronic surveillance<sup>and other such things</sup>), 139s (interception of communications), a 46 (fraud against government) and a 172 (sports bribery) are all called irrelevant.

Neither this list of Garrison records (most of which remain withheld) nor any record I have received from any part of the FBI includes or includes reference to some of the nastier of FBI leaks, of Garrison's medical records, obtained from the Army. (This is the kind of thing that is called "research" or "laboratory research matters.")

These phoney ~~xxx~~ search slips are not honest, not complete, not originals.

With regard to one of the file numbers I can provide information showing that the irrelevancy ~~claim~~<sup>claim</sup> is fraudulent. In fact, one of the multitudinous ignored appeals pertains to phoney claims about 67 or "personnel matters" files, supposedly of FBI personnel. One police lieutenant assisting Garrison supplied information to the FBI. This included even the stuff that was taken on legal searches, ~~under warrant~~. When he had to get it to return to Garrison, the records are 67 records and I did appeal. Why he would be filed under 67 is a mystery to me but it is quite suggestive.

One of the records initially withheld improperly was provided after appeal, this month. N.O. 89-69-3004-A is captioned Lt. RAYMOND CONSTOCK, information concerning. The first page states that a copy is designated for "697." I did not receive that. Some of the records listed on page 2 are disclosed. I believe that what is ~~disclosed~~<sup>disclosed</sup> includes the matters that are obliterated under 7C and D claims. The file 89-267 pertains to the New Orleans Police Department and is hardly "Laboratory Research Matters." Under the caption "CARLOS MARCELLO" (45-1721-314) the FBI reports Constock's account of his entering Ferrie's home and searching without a warrant. (Naturally there is no listing of any such file on the Ferrie search slips.) In Serial 311 the NO FBI forwarded several letters pertaining to Marcello's defense that Constock stole from Ferrie's apartment. This also was originally withheld although not within any exemption. Two of these letters were to Marcello's lawyer. Constock, the FBI's source, was an investigator for Garrison, according to another of these records disclosed on appeal (89-69-3004A)

Originally withheld 89-45-9285 is captioned UTIA. It and its director, Bud Fensterwald, are the subject of a separate request. They also are within the request litigated in this case. The first page states that a 62 file was opened. I did not receive any copies



from it. When FBIHQ wrote Dallas about the content of this memo six days later the Dallas copy has a notation of filing in 62-4372, from which I have not received any records.

The originally withheld records just provided include 89-43-4127. It states that an LHM is attached. It isn't. While ~~about~~ most of the names of the subjects of the LHM are obliterated, those of Laran Eugene Hall and William Seymour are not. Both are named in the conspiracy section of the Warren Report. The subject of this serial is "TRAVEL OF THE PRISONER..." The files on Hall and Seymour are pertinent and do exist. They are within the request.

What makes this particularly interesting is that the Warren Commission's Report does not reflect the receipt of any information about these two and their associates from the FBI prior to September 1964. In fact not until the night the presses were to roll on the Report, and did, after minor revision of that section of the Report.

One earlier search slip on Oswald is ~~number~~ 89-69-4961. It is not dated but the filing date is 5/22/75. Listings that appear to total five are withheld under Exemption 7. This appears not to be proper, with Oswald's public status and the fact of his death. The intent not to be informative in response to that request is reflected by the ~~absence~~ <sup>absence</sup> of other and publicly disclosed files containing Oswald information, like the Fair Play for Cuba Committee file.

The requests do include the critics of the Report and the FBI and all those in the Garrison matter that Shea referred to as "players." None of those records, with the exception of some of New Orleans' Shaw and Ferris records have been provided and files on the Oswald's. The Department and the FBI have lists of these "players" and they were provided by me in my ignored appeals of long ago. With regard to the critics, my appeals include the file numbers in some instances. With regard to myself, and something I regard as of considerable importance, my appeals include copies of dated records which make it inevitable that I was under surveillance. (This pertains to an alleged mafia threat against Garrison.) That appeal also is ignored. While the records provided are calculated to make it appear that the FBI had no knowledge of that early morning phone call until I phoned the FBI in N.O. and told it, in fact N.O. FBI informed FBIHQ some time before then, as other records I provided state.

The records now being provided are not of such quantity that all could not be provided at one time. The consequences of getting them over a period of time include that I may not be able to correlate them well. I never indicated that 1500 pages is too much for one shipment and I've received that many in the past without making any complaint. My prior complaints are limited to packages I am not capable of handling and the delays of such voluminous records as the Dallas index until there was no time before the status call for me to review them.

Sincerely,