Ferrie / 0420

Dear Jim, 5/17/83

A short while ago, when I had time, I began to review my PA files, the FBIHQ and other FBI records on me. Our copier then was not working. Now it is, so here are a few of the records that appear to me to have pertinence in FOIA cases.

My letter to Kleindienst of 6/19(7)/70 relates to several FOIA requests I'd then made. The Ferrie request is pertinent in C.A. 78-0322/0420; as is the reference to Marcello records. (In those days requests and appeals were to the DAG.)

It appears that he had written me that all the Ferrie records were in the Archives. Also that the FBI had not withheld any Ferrie records from the Warren Commission. (Page 2, graf 2) I assured him that the information given to him and to me by him was not correct.

Chronologically I should not have taken this first. But I did make earlier Ferrie requests, as my affidavits attest, and the FBI lied to the DAG about its Ferrie records. I believe that this was prior to the alleged New Orleans destruction of some Ferrie records, so they should not have been destroyed because there was a pending FOIA request for them.

On May 28, 1970, the FBI responded to another DAG memo pertaining to my requests, of May 19. Instead of responding, it began by seeking to poison the Department about me, with its regular misrepresentation of my alleged past.

The FBI's refusal to make spectro disclosures is based on their belief that what the Commission reported is enough for everyone else and nobody but an expert would understand anything more if disclosed.

Although this memo appears to have been prepared for the Director's signature by Jevons of the Lab, it pretends to respond to my Ferrie request(s) on page 3. Here the information I requested is broken down into three headings. These make it clear that the FBI understood I requested all records on or about Ferrie. The FBI states what is not true, and any consultation with the FBIHQ indicies would have shown was not true, that "No documents relating to David William Ferrie were withheld by the FBI from the Warren Commission." Among those that were withheld are those now claimed to have been destroyed in my suit for the N.O. records. And although they had been withheld from me, the FBI states (Page 4) that it has no objection to their disclosure.

The FBI got away with giving unclear and largely meaningless photographs to the Commission and then wanted to get us away with insisting that they were good enough for me and providing any others would set a bad precedent.

As usual, its cracks about my alleged ignorance are themselves ignorant. In question was a withheld FBI receipt for "a missle" removed from JFK's corpse during the autopsy. The exhibit they alleged I knew nothing about is a photograph of more than one fragment and that is hardly "a missle." (They try to explain this away on page 5, in the note that did not go to the DAG, "The 'missle' consists of two small fragments of lead...")

With further regard to Ferrie, the FBI states that after his death it had informed the Department that it had no objections to disclosure of its Ferrie information. (He died in 1967)

Its stock allegation that what I wrote includes "outrageous lies" is in itself of that character. My work is accurate and it has not been able to show any error in it. Not because it didn't try.

The FBI still has not provided the Martin and other motion pictures that include Oswald in these consolidated cases. I filed a formal request for them on a

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DJ-118 form, as I recall on New Years Day 1969. Having had no response I again wrote Kleindinest about these films December 2, 1970, or almost two years later and at a time when there was no claimed FOIA backlog. I sent in a check 1/1/69 and it was cashed without my getting anything at all. The FBI's 12/10/70 response to the DAG claims that my "requests require extensive research and inquiries of our field divisions. With regard to the latter, this discloses that the FBI did refer requests to the field offices if the information was not at FBIHQ, something it has since denied. With regard to the former claim, that "extensive research" would be required, that isn't true because the FBI has disclosed the information it received, not the films I requested. It also knows this without any further research or any discovery from me because I provided copies of all those records in this case and along with explanations in my appeals.

The FBI did have and did make copies of the films in question, all of them, and returned what it claimed were the originals to their owners. So, they located the films and still did not provide them then or since, with the exception of the Doyle film. When I learned that it had disclosed a copy of it to another and later requestor and had not provided it to me in response to my 1969, 1970 and litigated requests, it finally did provide me with a copy.

The usual defamations and irrelevancies are appended in the note

Under date of December 31, 1970 the FBI admits that it had not provided the Doyle and Martin films to the Commission. Its irrelevant explanation is that Oswald's New Orleans "arrest had been completely documented," plus an outright falsehood, "and other film were available regarding the incidents leading up to the arrest of Oswald," which also is irrelevant because what led to the arrests and the actual arrests are entirely different. (Of course, the FBI didn't even let the commission know it had these films or even that Martin had taken any pictures.) What makes this really farout is that both Secret Service and FBI records report that Oswald had an as yet unidentified associate in his leafletting, which is what provoked the attack on him that led to the arrests. So, with an unidentified associate, the FBI withheld the only actual pictures of the arrests from the Commission and later from me and pretends they are of no value and that other pictures of another time are available.

In giving a strange account of the Martin film and its alleged lack of value, the FBI still managed to not let the DAG know that it had a copy of the Martin film, which the field office made, not FBIHQ. This is disclosed by the FBI since then.

Next there is reference to the Powell records and picture. No records have been disclosed. The one picture the FBI admits it has was not provided in response to my requests. Long after the FBI had disclosed it to others, who then included it in a book, and I learned of this, it sent me a print of the single picture. What happened to the rest of a roll of film in the camera of an Army intelligence officer who was in the TSBD almost seconds after the shooting and was confined there for the duration of the search still is not indicated or reported in any way. And the Army claims to have destroyed its copies. And here again the FBI did not let the DAG himself know that it had the copies it had made of the Powell picture.

(FYI, the copyright law is not as represented, I had WDSU's permission, in fact, a copy of what it still had. My request for a copy of the FBI's copy, as my appeals in this case make clear, is based on what WDSU told me, that its film had been edited. This also was confirmed by Jesse Core, who had been edited out of the WDSU film. Again, the question was of Oswald's other associate(s), whose existence is established by the FBI's own records.

Characteristically, the FBI has ample space and time in its note, that didn't go to the DAG, for trying to assassinate my character, but for the benefit of those in the FBI who would read the F.I's copy, it didn't have time or space to note that it had prints of the Doyle, Martin and Powell motion and still pictures.

Also FBI, pertinent in this case and as separate request also going back to 1969, the prints of the person, not Oswald, who was distributing Oswald's literature, was lifted and identified by the FBI. It has not disclosed this identification yet. All the details are in my appeals. The leaflet was obtained by the N.O. FBI and the FBIHQ identification information was sent to the N.O. field office. Not provided in this litigation, appeals not responded to in any way.)