Information requests of Department of Justice by Harold Weisberg

This list is not inclusive. There is a file of correspondence more than an inch thick I have not yet been able to go over. I recall none of my many checks not being cashed. This list includes 29 requests, not counting the many duplications of some of them. When with regard to one of these there was an exchange of more than 40 letters during my repetition of that one request, if the actual number of repetitions are counted, there were in excess of 100 requests with virtually total noncompliance.

Four of these earlier requests are for information in the King assassination. My requests represented in C.A. 75-1996 are not included in this listing. There has not been compliance with any of these four requests or a later, relevant one.

One of these requests was complied with after eight years of effort by me. After six years there was partial compliance with that request by another agency. The Department still has and still withholds relevant records, some of which I have obtained from a nonofficial source, which gives me personal knowledge.

In two cases there was incomplete compliance.

In three cases the records sought were claimed not to exist. In at least two this is proved to be false.

In one case one picture I have sought for more than seven years was released to another. It is more than three months since my protests. There has been no response and no compliance - after almost eight years, despite release.

1966

May 23, for spectrographic analysis JFK assassination. Still in litigation.

1967

July 10, for FBI press release. This press release related to my second book, unpublished at the time the press release was issued. Additional requests of four different Attorneys General on January 1, 1969, June 2, 1969, August 13, 1973, and September 27, 1975. Obtained October 17, 1975.

1968

September 14, repetition of January 11, 1967, request of National Archives for Department of Justice records on David W. Ferrie. After an exchange of not fewer than 44 requests and letters, after invocation of (b)(7), incomplete compliance December 21, 1970. Nothing since then.

1969

January 1, FBI photos, reports filed, not given to Warren Commssion, taken by Moorman, Powell, Doyle and Martin. Number of repetitions of this request. They include WDSU and WWL news film. No compliance.

January 1, fingerprint on leaflet supposedly taken from Lee Harvey Oswald. Not Oswald's print. Number of repetitions of this request. Never provided.

March 24, King assassination evidence, including ballistics, material given other writers, crime scene pictures. Not complied with.

March 30, reference to my January request for "Memorandum of Transfer" of JFK assassination evidence. "I have written many times," meaning to Archives, for what "I believe cannot properly be denied me." Earlier the Secret Service, the agency of paramount interest, had given this record to me. It was intercepted by the Archives and the Department of Justice and was denied me, despite many efforts and letters, until I was about to file a complaint. While other relevant records remain withheld from me, the memo was sent on March 28, 1975.

March 31, King evidence, press statements on case.

April 23, above repeated.

June 2, above repeated.

June 2, working papers of panel of experts who had made a secret examination of the JFK autopsy film and whose report had been released. Within a year I made at least a dozen efforts to obtain these records. I have found that many letters. Filed several DJ 118 forms. Eventually I was told, not by the Department, that these records had been destroyed.

November 4, request for records on "a missile" recovered during JFK autopsy.

1970

April 22, request for color pictures of JFK's clothing showing damage, other then those given Warren Commission. When I went to court and only then was permitted to see some of these pictures, the reason became apparent: some of the evidence had been destroyed, particularly by the unknotting of the necktie after the Warren Commission used that knot as evidence. No compliance.

May 16, another repetition of the Ferrie request. Withheld under (b)(7) June 12, 1970. Later, incomplete compliance.

May 16, two DJ 118 forms with checks totaling $15, neither ever provided:

1) Picture of "missle" recovered during JFK autopsy;
2) Records on chain of possession, processing of JFK autopsy film.

June 2, not then an FOIA request, protest to Attorney General over reports FBI agents were intruding into my life and work. Referred to Director, FBI, none of whom ever responded, even with pro forma denial.

September 15, FBI reports re Ronnie Caire. Eventually I was told what has to be false, that Caire was not interviewed by the FBI. It had represented to the Warren Commission that it had investigated all of Oswald's New Orleans job applications. Oswald had applied to Caire, who had a public relations agency and was active in Cuban endeavors in apparent violation of the neutrality act. Caire's address was masked in Oswald's addressbook.

September 15, resubmitted request on Oswald leaflet and fingerprint, as asked by Deputy's office, with check. After a number of other letters the denial was affirmed by the Attorney General December 14, 1970. As a result the identification of an associate of Oswald remains unknown. This leaflet was obtained by the New Orleans police from someone other than Oswald who was handing out Oswald's leaflets while picketing the carrier Wasp.

December 2, renewal of request of January 1, 1969, for photos and film turned over to FBI and not given to Warren Commission by it. Also ask for copies of reports filed by and about Powell. This was represented by Mr. Lesar as my first request because I then had not located that of January 1, 1969. Finally, on March 17, I was told what is false, that the film was all returned to those who had taken it. Of the Martin film, it "was viewed by the New Orleans office ... returned

... The photograph (sic) taken by Mr. James W. Powell, Special Agent, Region II, 112th INTC, Army Intelligence Corps, Dallas, Texas, was returned to Mr. Powell on June 20, 1964." I had interviewed Martin and Doyle and been told by both that edited copies of their movies showing Oswald leafleting and being arrested in New Orleans had been given to them instead of the originals. Martin, who lived in Minneapolis, gave his film to the Minneapolis field office, not the New Orleans field office. I have a copy of the copy returned to Martin. Neither of these films had been given to the Warren Commission. It was not told they had been obtained. It was not even told of Martin's existence. Despite my making the initial request January 1, 1969, and the cashing of my 1970 check, one Powell picture was released to another in 1975. It was published in 1976. Director Kelley has not responded to my letter of protest of June 4, 1976, and I have never been provided with a copy or the relevant reports. The Army replied by telling me both do not exist. No compliance.

December 7, for copies of what had been referrred to the Attorney General, sworn statements of pathologists and neurologists supporting the Warren Commission. There were nonresponses and appeals. The last record I have found is my request of the Attorney General that he answer my letters on this. Neither he nor his successors have.

December 23, amended September 15, 1970, requests, Caire and leaflet fingerprint. (Repeated again on March 28 and April 13, 1971.)

1971

January 4, "list of what your Department has released" otherwise "it is necessary to go to the Archives and examine each page separately." March 16, Deputy replied this "is not one (question) of obtaining information under the Freedom of Information Act." I have never been provided with these lists, which are public records. As a result it has been impossible for me to examine the released records because of the cost in time and money. The Archives has refused my prepaid request to provide me with copies of all JFK assassination records as they are released.

February 17, repeated Juanuary 4 request
March 28, repeated January 4 request
April 13, filed new DJ 118 form on January 4 request with protest over delays.

February 17, renewed request for pictures showing damage to JFK clothing.

March 4, filed new DJ 118 form on renewed request of February 17
June 25, Deputy rejected June 28. After five years no response to appeal.

March 28, new DJ 118 form on Caire request of January 1, 1969, and September 15, 1970.

April 13, repeated above request.

March 28, new DJ 118 form on Oswald leaflet-fingerprint request of January 1, 1969, repeated September 15, 1970.

April 13, repeated above.

July 4, request for copy of indictment of New Orleans District Attorney Jim Garrison.

December 14, repeated request of July 4 for Garrison indictment. Not provided. Copies of attached affidavits only provided.

1972

June 7, request "for access to public information, the part of those files" reported in the New Orleans Times-Picayune "that relate to Pershing Gervais. That he is an informant is not secret, nor is what he did, or his subsequent history, which both he and the Department have publicized extensively." (As an informant Gervais, formerly close to Garrison, had himself wired with a bug and his phone calls taped in an unsuccessful entrapment effort. Garrison was acquitted.)

September 18, Deputy refused June 7 request while acknowledging it is for "public information." Instead of providing them, he referred me to the District Court in New Orleans for records it did not have. (But the Deputy did send me a copy of the speech by the Attorney General to the bar association.) No compliance.

1973'

July 28, August 13, Appeals of denials of two items of Watergate evidence entered into the records of two different courts. My earlier requests of the United States Attorney for the District of Columbia and the Watergate Special Prosecutor had been denied on the ground that what had been entered into evidence and reprinted, including in facsimile, was an "investigatory file." There has been no response to any appeal. I have not found the original request and another appeal.

1975

October 27, repeated January 1, 1969, and later requests for the Doyle, Martin and other films. No compliance.

October 27, repeated verbal request of March 18 for copies of records relating to a Silvershirt plot to overthrow the United States Government. These were not returned after I gave some to the FBI THE end of 1939 or early 1940. To June 4, 1976, I wrote four additional letters. No compliance.

October 27, request for copies of FBI HQ files on Lee Harvey Oswald. No compliance.

October 27, repeated request of April 22, 1970, and later for color pictures of JFK clothing. In response Director Kelley wrote me February 13, 1976, saying they were running more than three months late. This was then more than three months. It is now 11 months and there has been no compliance. My request was then six years old.

October 27, request for files on me. No compliance.

November 28, above request repeated. It was pretended that I had not filed this request until Director Kelley admitted finding it in his letter of February 13, 1976. No compliance.

December 20, request for scientific tests related to the murder of Dallas police officer J. D. Tippit. No compliance.

1976

January 30, request for list of all my requests because some have not been acknowledged. No compliance.

February 20, request for all information on the late J. A. Milteer. (This follows up on requests of the National Archives for what had been withheld at the request of the FBI. When it was finally released it did not include what the Department had not given to the Warren Commission. This included a 1963 tape recording made by and later disclosed by the Miami police. I obtained a partial transcript from the Miami State's Attorney. The police said they had given the tape to the FBI. The tape includes details of threats against Dr. King and how he and JFK would be killed. The tape was exactly as the Warren Commission later said JFK was killed.) No compliance.

June 19, my FOIA/PA appeal to Levi on "the denials of the various FOIA/PA requests with which there has been no compliance." No response.

July 14, the above requested repeated by certified mail, No. 898596. No response although I have since written Mr. Quinlan Shea.

I delayed the appeals for twice the time Director Kelley had said responses were running late, until as long as the longest public statememt of this time. Although response to appeal is required in 20 days, in three months there has not been even acknowledgment of receipt of the appeals. These appeals cover requests going back to September 14, 1968, eight years.

The 1966 request is still under litigation.

The 1967 request was finally complied with in 1975.

There was only partial compliance with the Ferrie request of September 14, 1968. Among the records still withheld I know of FBI reports that Ferrie was engaged in running guns to Cuba and similar endeavors. The FBI made these available to a private detective agency, to my knowledge. This private agency was run and owned by former FBI agents.

Using the Ferrie request as an illustration, these records which did not qualify for withholding were withheld under the privacy exemption. Those records subsequently released to me do not qualify for this exemption. The apparent reason was official embarrassment. Ferrie died within weeks of my first request. He had been dead for 10 months at the time of this request. He was unmarried. He left no children. What could have qualified for the privacy exemption was withheld from the Warren Commission. It is Ferrie's record of sex offenses against young boys. (It was not released to me. I have other proofs. There was relevance in this and with regard to the other withheld Ferrie records in the Warren investigation.) However, where political purposes were served by it, medical and other similar records, including of alleged homosexuality, were released to me, through the Archives. They are not included in the above list. I have neither used nor distributed copies. In earlier instances, where there had been no withholding, I censored

what I used to overcome the Department's lack of genuine concern over authentic rights to privacy. One example is in my book, Oswald in New Orleans, dating to early 1967. It also includes accurate reporting of the sex charges against Ferrie. One of the Department's real reasons for withholding Ferrie records is the cozy relationship he had with the FBI in New Orleans. The FBI withheld its knowledge of where he was at the time JFK was killed. He and SA Regis Kennedy were both in attendance upon the federal district court. SA Kennedy's report - delayed a week - does not include this information. Ferrie was also a participant in anti-Garrison parties in the FBI's New Orleans Field Office. I have the notes of other participants, reporters. The Department appears not to have informed the Warren Commission that as the investigator for the defense in its effort to deport Carlos Marcello, reputed top Mafia figure, Ferrie conducted the investigation that defeated deportation. There is much more that is relevant to Ferrie and the Department's continued withholdings. I cite this merely as a means of attributing motive and showing that the exemption was invoked without any justification and why there has not been compliance.

The still-withheld photographs are another example.

The Army intelligence agent, Powell, was confined in the Texas School Book Depository Building for some time. He entered it before it was sealed. Prior to entering it, he took at least one picture, the one released to another years after the denial to me. It shows the front of that building immediately after the shooting. It was not in the Warren Commission files of pictures. The reports agent Powell filed also are not. He was in that building with a loaded 35mm camera.

The relevance of the Doyle and Martin films is obvious. They show the Oswald arrest. The Martin film also shows a different view of Oswald than other pictures. Taken from over his right shoulder he looks entirely different. It shows the other participants in the fracas that Oswald did not start. It also shows what can be taken as a man giving a signal.

My information on the withheld originals of the WDSU-TV footage of Oswald's demonstration outside the New Orleans International Trade Mart Building, which to my knowledge housed CIA cover operations, comes from the then news director of that station. He loaned me the copy of his footage that the FBI returned after borrowing it immediately after the JFK assassination. He gave me permission to reproduce it subject to normal

restrictions of nonpublic use without permission. I do have this copy. The refusal based on WDSU copyright is spurious. The real reason is that the FBI edited material out of that film prior to making and returning the copy. This information comes additionally from the man who was public-relations director of the Trade Mart. He and the news director previewed the original footage before lending it to the FBI, as soon as Oswald's name was mentioned from Dallas. He was in the original footage. He is eliminated from what the FBI returned to WDSU. Also in that now missing footage was another Oswald associate. He and the public-relations director were both eliminated. Seventeen still prints were made from the WDSU footage immediately, before the FBI obtained it. They were made by the photographer, Johann Rush. I have FBI reports reflecting the showing of up to six of these at a time to those it interviewed. The Warren Commission files contain a total of only two of these. A third that may appear to be from the WDSU footage actually comes from that of WWL, which also made its footage available to me. Confirming the above, I finally was able to persuade the Secret Service to deposit its copy of the remaining WDSU footage in the National Archives. It required a major effort by me over some period of time to obtain a copy of the caption by the Secret Service. It says the film shows Oswald and <u>two</u> others engaged in that leafleting. The remaining film, however, includes only <u>one</u> other, Charles Hall Steele, Jr. I interviewed Mr. Steele on tape. He also said there was another man in the film, a man he did not know, a man not now in it.

This does not exhaust my personal knowledge of this still-denied film. I intend it as bearing on motive for withholding what is not within any exemption of the Act.

I can do this with just about every item in these requests, in each case indicating motive for withholding.