

Appeals, Dallas Field Office Jack Ruby file, #44-1639

The nature of prior FBI claims to exemption requires me to appeal all withholdings of entire pages, and I do this. The reasons vary from the systematic withholding of what is within the public domain to failure to disclose what is reasonably segregable. Spurious claims include claims to privacy when there is no privacy to protect and claims to confidential source when the source is not the "only" source of when the source and/or informant are known and not secret.

I am also forced to appeal the withholding of records referred to and not provided in these files by the FBI's manner of processing them. It has, for one example, employed the explanation "previously processed" to justify not providing records listed, while never defining this on the worksheets. The meaning of "previously processed" has varied from the false to the meaningless. The false is the representation in letters signed by Mr. McCreight that "previously processed" means I was given the record from FBIHQ files. When checking disclosed to me that this was false, that representation was abandoned by the FBI. It is meaningless to claim that any record was provided from FBIHQ files because the numbering in FBIHQ files does not coincide with those in the field offices and it is impossible to identify the record if provided from HQ files. Moreover, I took this up in advance of the processing of any Dallas files with Civil Division counsel Dan Metcalfe, based on prior experience with the processing of field office files in the King case. Mr. Metcalfe promised me a copy of the inventory that was to have been made in Dallas, prior to sending the records to Washington, and I have not received it. I told him that the claim "previously processed" is one I could not accept, and I explained why from the King records experience. While I was led to believe that I would be provided with copies of all Dallas records (and bought enough file cabinets to hold them) Mr. Metcalfe should have understood that in what he and the FBI did I would be forced into a blanket appeal, with all the costs that entails for the Department and the FBI. I believe that the processing of all Dallas records would have cost less and taken less time and made for greater compliance. I believe that one of the reasons for not processing them was the (expressed) fear of my exposing further FBI inconsistency and unjustified and unjustifiable withholdings. Moreover, there are notations on field office records that do not appear on HQ copies. These notations have significance for me. In addition, the government has no right under the Act, as I understand the Act, to decide for me what information is significant. (The FBI also uses "substantive" in a sense that requires agreement with the FBI's approach to and "solution" of the crimes investigated as well as in interpretation of information provided.)

The result is that I believe the FBI has created a situation in which the processing of the entire file must be done over again to comply with the Request and the Act.

Section 1:

- 1 Serial 94, only 1 of 3 pp. provided. Claim to 7D. Worksheets Attached as 1.
- 2 Serial 172, withheld entirely under claim to 7C.
- 3 "Consent to search" not attached, as record states.

In this Section and in those following there are referrals to other agencies some of which have a very bad record in inordinate delays in processing referred records.

This is particularly true of the CIA. The referrals were made as early as June.

By the end of October there has been reasonable time for these records to have been provided. Under the Act I believe not providing the records referred after more than two months is a de facto denial and this is a blanket appeal from all such denials. Moreover, individual sentences and paragraphs of records are withheld under claim to referral, indicating the use of information related to other agencies rather than the referral of copies provided by other agencies.

I appeal this also for the same reasons.

There is reference to a Ruby chronology (and in a Dallas to Detroit teletype dated 11/27/63. No Ruby chronology is provided, none is identifiable as

"previously processed."

Sec 8

- 4 Serial 669, claim to 7D and E, withheld. I appeal also all claims to 7E in these records as not justified. (Some are ludicrous and can be identified.)
- 5 Serial 659 is not provided. Instead there is a charge out indicating it was transferred to another file from which it was not provided. Even this charge out has a ? instead of the Serial in that file, making it totally unidentifiable if copies were provided from that file (which happens ~~not~~ ^{not} to have been provided in any event). In other instances there is reference to destruction of the Serial, with the explanation that a copy exists in another file, from which no copy was provided. I intend this as a blanket appeal of all such withholdings.
- 6 Serial 682 sets forth a list of interviews conducted, indicates there are to be further interviews of some of those listed, and sets forth leads to other offices. No such records are provided or, if indicated as "previously processed," are identifiable as such or can be related to Serial 682.
Not included in this Serial and indicative of other similar records not provided is Serial 1509, Section 15. This refers to still other interviews of "news media personnel," DL TT 12/3/63 and WFO TT 12/4/63, also not provided. Nor is the "enclosed" FD302 interview with "Gerald" O'Leary, "better known as Jerry..." provided.

Section 11:

- 7 Serial invisible, this record appears to refer to a woman known, among other things, as Nancy Ferrin (Rich, and also later remarried again). She was a witness before

the Commission, which published her testimony and relevant exhibits. (I will be providing other records from which there are unjustifiable withholdings as they are copied.) Records of the investigation and tests referred to not provided. This interests me because friends in Dallas were not able to locate the apartment for me from her testimony and because believing other FBI and Secret Service records mis-directed attention to a "colonel" who clearly could not have been the one intended, if her story was not fabricated.

In the end a considerably mythology was created, whether or not any part had any substance. The result is that I am required to ask for any and all records relating to Nancy Perrin and her then deceased husband Perrin, who appears to have had an earlier history of running guns, however or wherever filed and under any of her names, which are many. There is a total absence of what the FBI could not have ignored, her Garrison involvement. These records contain no indication of it.

There is no basis for any privacy withholding because she has been rather boastful of her (s)exploits, including as a professional informant. This is among the Commission's published exhibits.

The records of Perrin's 1962 death, ruled suicide in New Orleans, are public domain, thanks to one of Garrison's adventures that was to have marked the 10th anniversary of the JFK assassination - and I aborted, earning no love therefrom. In fact I'm surprised that DFO still withholds of this Penn Jones' condemnation of me as a CIA agent. Jones lives, published and is extensively filed in the Dallas Field Office and its jurisdiction. His address is Midlothian and I can provide a list of DFO file numbers for him - but now do not. (Remember also my PA request, also of Dallas.)

All of this gets to what Dallas is also withholding, records of investigation relating to a dealership known as Downtown Lincoln Mercury, located near the scene of the crime. Its many other involvements in records include repeated reports that the non-driver Oswald had a car demonstration and wild ride just prior to the assassination. Some withholdings in records provided, Pittsburgh and West Virginia, appear to relate to one of these people, Jack Lawrence. If so it is all in the public domain. All of this and much more is well known in the Dallas and New Orleans field offices, whether or not in FBIHQ, as it should be in connection with Garrison. This relates to still other withholdings that I herewith appeal, the records not having been provided.

8
The worksheets for Section 8 appear to be in error on page 8 in jumping into the 1200s. The analyst did not bother to identify the Section. We added it. These pages also serve to confirm that processing was in June. (Others ^{are} not dated.) Here I refer to what I state earlier relating to referrals.

sec. 25
9

In connection with the earlier appeal of the denial of the pre-assassination files relating to Jack Ruby I provide herewith ^a copies of 44-1639-2830, which reflects the content of pre-assassination Ruby records.

"Earl Goetz" is actually my friend Earl Gelz, who provided me with some of the proofs provided earlier relating to JFK assassination records provided to others and withheld from me. (He has informed me of other instances since then.) For some years Gelz has been an investigative reporter for the Dallas Morning News. (See separate Hosty appeal.) The Milwaukee interview has not been provided. (Last paragraph.)

Reference to the earlier records is in the second paragraph, which begins, "Dallas file shows..." and refers to information of 15 months prior to the assassination.

Warren Commission records also reflect the need for about eight FCI contacts to exist.

In this connection also herewith is what appears to be #44-1639-1892, the last part of the last sentence of which is withheld on claim to b2 and 7d. Normally this claim relates to an informant, although in a case of this nature it is not "solely" of interest to the FBI that there is an informant.

If the reference is to Ruby I believe the words should not be withheld. If the reference is to Hardee or another as an informant, I believe only the material that can identify can be withheld.

// #44-1639-2837 refers to other records I do not recall receiving. The first paragraph quotes the pronouncement from the Director not provided and what also from my recollection is not provided, the Director's approval of another interview with Ruby. If Mr. Malley made any kind of record, I do not recall receiving it. The handwritten note, only partly legible on the copy provided, may lead to other records. If the questions were sent and records made of what information thereafter was received and the details of obtaining it I do not recall anything of this nature in the records provided.

RESUMED 9/17/78

The long delay in resuming this comes from the considerable amount of time required to address long, false, misleading and deceptive affidavits that are quite costly to the Department and in C.A.75-1996 have not helped it in any way, except that the clear purposes of the FBI, to stonewall and waste me and my time, are accomplished. Separately I have offered a copy of one of these, by SA Beckwith, of 8/11/78, and I have provided a copy of the beginning of my response to it. I am providing a copy of the transcript of the status call of ~~EX~~ 9/14/78 in the hope it will be helpful.

Because of these successful efforts to waste my time I lack time for reviewing what I have written to pick up the threads, avoid duplication and assure sequential order.

sec. 22
12 Serial 2433 reflects the frivolity and inconsistency of the FBI's claim to the privacy exemption. I am providing the first page only. This record makes it clear that the named "rather dumb, but accomodating broad" was sharing the Meyers hotel room,inf

13 1/7/64, no serial discernible, SA Peggs to SAU bears the typed notation "(Lead Sheet 92.)" I have not received copies of these lead sheets. Names are misspelled. "Leher" is probably Lehrer, Zabrada is probably Zapruder.

Sec. 19
14 Serial 1892 or 38, unclear, 12/11/63 Albuquerque teletype, appears to withhold information already disclosed.

sec. 20
15 Serial 2101, worksheets of Vol. 20 provided - I appeal the denial, particularly of reasonably segregible information.

16 Serial 2052, Vol. 20, I appeal the denial. Worksheet provided.

sec. 21
17 Serials 2134, 2142, Vol. 21, worksheet provided, I appeal the denials.

sec. 25
18 12/20/63, attached, illegible serial, withholds public information under claim to 7C. It also refers to information not provided and makes clear that the FBI was not totally detached from the Ruby prosecution.

sec. 27
19
20
21 Serial 3190 is one of several record referring to the providing of 3x5 cards that are always withheld. I appeal the denial of the indexing, which means also that I am asking again for all indices. Serial 3157 is another, as is 354(?)5. I do not recall receiving or reading the referred-to airtel of 12/12/63.

sec. 30
22 Serial 38??, 1/9/64 of JTK:mvs is provided again because of the frivolous and inconsistent claim to privacy. In this instance the woman was married to a man who became one of the so-called mysterious deaths. In this case also the man who wanted to avoid her husband is alleged to have had interesting relations. He has been the subject of much public comment not of the nature of this record.

sec. 32-23
sec. 34-24 Serial 4201, worksheet provided- I believe there is reasonably segregible information.

sec. 36-25
sec. 37-26 Same for 4472. Pages showing the obliterations were not provided. Same for 4709, 4729

sec. 38
27-29 Serial 4768, I am appealing this and all other claims to (7)(E) on the ground that the claims do not meet the requirements of the Act and are not in accord with the standards of recent decisions including, I believe, Marks or Ray, CIA appeals cases. Same for 4785, 4822 (worksheet provided).

sec. 40
30-36 Serial 4931, I appeal the withholding on the ground that it is not necessary and had been disclosed anyway. I believe this inconsistency extends to other records, some providing and some withholding the name. I believe that 4931, 4941, 4942, 4953, 4963, 5003 and 5029 relate. Because of the passing of time my recollection may be wrong but I

the withheld name is Johnson, not withheld elsewhere. Where it is not withheld the FBI's stated reason for not withholding is vengeance, which I do not recall from the Act or its legislative history. The FBI has not made a vice of consistency. These records also reflect a classic type of FBI withholding, by providing only some of the records. Browder may not have had a Ruby connection but he did have a Cuban connection that was relevant in any JFK assassination investigation.

Sec. 41
37 Serial 5022, worksheet provided, no reasonably segregible part provided.
Sec. 42
38 Serial 5158, worksheet provided, no reasonable segregible parts of two withheld pages furnished.

Sec. 45
39 Serial 5546 relates to the withholding elsewhere relating to Nancy Perrin (Rich and a variety of other names). This also refers to Commission records not provided from Dallas files. I believe I have appealed these extensive withholdings from the file identified as President's Commission of (sic) Assassinations. My belief is that that Dallas had more than a single Commission file.

Sec. 47
40-41 Serial 5625 reflects a (7)(E) claim I appeal as above.

Sec. 52
42-44 Serial 5618, worksheet provided - no reasonably segregible part provided.

Serial 6021, no reasonably segregible part not obliterated. 5986, ditto. Also 6059, worksheet provided.

Sec. 57
45 Serial 6398 refers to information not provided.

A/O - 46 Auxiliary office records are referred to in the attached worksheet, without Serial identification. This also reflects other withholdings, of similar records from similar offices and not provided in other parts of this case and related to other cases. Heading is "Auxiliary Office 302's"(sic). I have previously called to your attention that I have received nothing from the files of the Frederick, Md. residency.

Sec. 23
47 Section 23: I do not know why I copied the worksheets for the entire volume for you but I enclose them. Perhaps this was an error, that I intended only the first page, which shows nothing reasonably segregible provided from Serial 2507. (Decker is dead.)

Handwritten signature