

12/15/70

Dear Paul,

This will be a more complete response to your questions about the Ferrie Complaint. It will not be done at one sitting, so it may seem to be, meaning it may be, rather disjointed.

In answered your question on the status yesterday, but briefly, it is that I must revise it and file it. I should add one thing: Lil is owrking a half day now and beginning the first will be working fulltime through April, so my retyping facilities will be virtually non-existent. If you could make all the suggestions you think you can based on the draft, it could be helpful and it certainly would speed things up. Bud and Jim have caused a very long and needless delay already.

The purpose of revision is to fix it in form and content, so we are not at that point. The purpose of the draft was to get everything on paper so this could be done. Your comment on wastefulness is factual. It is my belief, too. I've explained this part already, so if you are to make suggestions, now is really the time. There is not much I plan to add, unless the unexpected comes up. I'll add the DJ-118s on Cairo and the Wasp fingerprint. The rest is proper organization, emphasis, etc. And phrasing. I've explained the purposes of the addendum.

There are purposes other than those you list 12/8 and I did yesterday. One is to make a record of government dissembling, deception and misrepresentation, as in pretending that everything withheld is in a single file and of a single character, etc. The legal part that has been separated out does go into identification and exhaustion of remedies, as I recall it. If it does not, you are here correct and that is where it belongs, not in the addendum, which is where you and Jim can be most helpful. Please recall the manner of the Complaint for the clothing/pix and you'll get the distinction. The addendum should emerge not as an argument but as a background, a statement of fact and context, a reflection of the fact that there is relevance in the withholding for purposes of suppression, and a story behind all of it.

Your third paragraph is correct, but the problem is not with the use of numbers, which is the practise, but the bad organization, which I've already explained. Both can be done, but without conflicting numbers. For example, by subject, and the subjects can get headings, like small headlines. Here in particular you and Jim could help with your idea of the organization of the factual material and allegations (as distinguished from the legal, in the addendum rather than the body of the Complaint, which should be a relatively simple statement). Rather than "provide an outline" I should have and follow one and, as you see, could also use the numbering which is required, I presume, for exactly the reason you suggest, reference. I'll have to start preparing this outline as soon as I can, so if you have any suggestions, that is the first, everything else coming from and after it.

As it relates to the addendum rather than the Complaint proper, your fourth paragraph is exactly the way I see it. I suggest that in your own thinking you not limit this aspect to "newsmen". Consider immediately the judge and government lawyers and in the long range the fact that this will become an official, court record, exactly what the government has always feared, with an inherent challenge for them to respond, thus an official record that is priveleged and becomes historical, besides legal.

Here I have to stop. I will resume with your references to specific paragraphs whenever I can resume.....

I've got about an hour now. Your comment on par. 3: I disagree on the need for arguing the FBI was part of the Commission. If, as I believe (and believe I can prove) it was in all these instances acting as part of the Commission, it cannot claim the exemptions under 5 USC 522, cannot claim these are "investigatory reports", for "law-enforcement purposes", etc. It was more than just ~~the~~ the investigatory arm, too. It was part of the files, provided the technical services, etc. I think that

that the exemption of the law can apply is involved.

Par 4. Your point on my omission is an excellent one. Let them argue "alleged" was omitted. The distinction between the two CAP units is important. Without checking the files, I think that what is involved is the CAPC, the cadets, which is distinguished from the senior patrol by its members being students and minors.

Par 5. Good point about the page number. That is one I happen to remember, 19.

Pars 8-11. I just got interrupted again. Someone is coming from Baltimore on other matters, so I haven't time to reread these pars. However, since I have once read this, even though close to the time of writing, when what I had was clear in my mind, it is by no means certain that I will detect what is not clear. There is a constant problem of confabulation, one of the reasons I am anxious for someone else to read everything I write. If you can take time to tell me what you think will be unclear, it will help. This is particularly important in a document that is to go to a judge, who has to be assumed to be a busy man and to feel he is busy and not to have his time wasted by rereadings.

14. How can I throw in a withheld exhibit? Please explain what you had in mind. I'm using the copy you returned for the numbers and using the corrected numbers.

15. This is Guy Johnson. I spoke to him. I have not written the Archives about this because they would never tell me anything about anything withheld. I think it is relevant because of Ferrie's homosexuality and that of others in the CAP and the fact that other allegations of homosexuality against others not connected with Oswald and Ferrie are not withheld. It is also the kind of thing not overlooked in a proper investigation in which all possible leads are followed. Are you saying you consider it is not relevant? Have you forgotten the Geraci bit?

18-19, see 8-11 above, please.

20. "Immediately thereafter" refers to the content, not the citations. If you think someone will pick this nit, I can say, instead, "Then". I think I want also intending to convey the idea there was nothing of substance intervening.

21. It is technically correct to add "formerly" before "classified "top secret". I didn't for two reasons: the page I have doesn't have the classification cancelled and at the time I did the original writing it was still top secret and was denied me. I think it is worthy of mention for the court should know that all the testimony of the hearings was "top secret"! This should never happen. If they had to classify it, restricted, the lowest classification, was sufficient. Denying it for so long after the Report was out, after the testimony was printed, is simple incredible and I am hoping that without my arguing the point the court and others will see it—especially those turned on about Warren. This is not the only ellipsis. Do you think it wrong, inappropriate, a distraction, irrelevant in a suit for what is withheld under spurious misrepresentations of various kinds?

Gotta stop again.

22. I was not aware that the deletion from O'S's testimony was suggested to Rankin by Pollak. This should be included, if you'll send me the memo, but that doesn't alter the accuracy or relevance of the rest of the paragraph. Or, do you disagree?

24. If I omitted it earlier, it is essential that I insert it, there or here. What is perjurious is O'Sullivan's claim that the NOPD had nothing to do with the Ferrie case. It was heavily involved, and there were other charges, in N.O., stemming from that.

26 is intended to say the FBI did not give the Warren Commission what it

knew, indeed, had in its files, on Ferrie. If they argue the WC didn't want it, let them. But this is undisputable fact. I have some of it. Among other things, this says that the representation that all they have on Ferrie is in CD 75 is false. I am aware of your argument on Marcello, but that loses relevance in the light of Garrison's arrest of Ferrie prior to the writing of the belated report. Where is the report saying that Ferrie's whereabouts were known to the FBI as of the time of the ~~trial~~ shooting? That Kennedy personally knew where he was, having been with him? If this is covered in CD75:287, it is withheld. That should be withheld? The name Charles Graham is not familiar to me. But if he is an agent, Kennedy was there and there remains no Kennedy report of which we are aware. I have every reason to believe Kennedy knew Ferrie. He and Jack Martin were on a first-name basis. I have a tape of a phone conversation between them, made by Martin. Note that the reference to "get-a-way pilot" refers to the time of the Garrison 1967 activity. I'll have to check carefully to see if I can find my source, which I cannot now recall. I am aware that Ferrie is the first to have pulled this, but I believe the line was carefully and unofficially spread because it was so easily disproved (which is not to say that Garrison's didn't have the notion).

Page 5-denial. You are right. We do not know whether or not it was asked for. However, my point was that there should not have been any such FBI filtering of what the Commission got. Since then I have learned that there were things the lawyers said they didn't want after they had been told of it. In a proper investigation, the investigators do not make such determinations. They feed the raw material through. Thus, even the simple suggestions you make, "did not give" or "did not volunteer" will not serve. I'll have to use a different formulation having to do with it not being in the files and the Archivist refusing to get it from the FBI, which is supposed to have transferred it to the Archives anyway, as I read the executive order (but they do not).

Page 7- on Quiroga, yes, but not from any WC or JG materials. From people I interviewed who saw them together. Do you give it a special meaning or is it that you doubt it? People down there were full of details of this relationship, completely with Q huying the A family groceries, A being into Q for at least \$600 when he fled, etc. As I recall, even Ernesto Jr told me this. And he is the guy who considered renting that 544 space but is not the same as the one Newman was talking about putting out. Last line, correct, only part of 3120. Correction noted.

&a, not, it is an error to say from the press. Not here I disagree with you on the use of withheld. It was only in the last minute that the Commission was able to get that through the SS which, as I recall, got a copy from the N.O. office. This was vital information for the FBI to volunteer. You know they held some of that early stuff out and they had that. Have you come up with an explanation that satisfies you? Correct on "fictitious". Should be "spurious".

Page 8-name of the game is the right way to put it. Let them say it, in court or in a document they file. Line 8, ref to FBI transcription of notebook. This page will be an exhibit to the Complaint. On the "rightingers", I have deliberately avoided including things I know and they know, for there was other reason for having interest in both Caire and Courtney, and the fact remains they did use the 544 address. Courtney is certainly not irrelevant in Cuban stuff, as perhaps you didn't know. He had a whole thing going on it, esp. during 10/62, and almost dropped dead when JFK pulled his teeth. I have an extensive file on that. And for what did the FBI interrogate Caire for 100 hours after the Garrison probe was known and not for the Warren Commission? Note that neither my complaint draft nor their response to my letters indicates either. I'm not going to say when. Let them say they didn't do it for the WC. On what basis do you allege no relevance in addresses? There was supposed to have been an investigation.

Page 10, line 3, xing of A error.

Par 27: I had left this vague on purpose, believing there may be more than Gun. One example is the Voebel picture. But maybe you are right, for withholding from a

book would be hard to justify. Don't recall if Exs 17 and 18 are from the same source. I don't think so. On the question of the connection with the CAP, until the final draft of the Report, as I recall, they persisted in the suggestion LHO wasn't in it at all. I don't recall if LHO is in the formation picture. The point with reference to Ferrie is they pretend this doesn't exist. I asked for everything on Ferrie, and even the trivia they deny and pretend they don't have. Why, indeed, withhold such chickenshit? While I think adding that some of the withheld pages are actually published (have you a list), that is not the same thing. It certainly adds and establishes a frivolous basis for some withholding at the least. But in that case, Dulles told Hoover to make a study for the Commission.

CD75:168, not, you didn't give it to me. At least, I don't have it filed anywhere I ordinarily would and it is not on the lost of what I know I have from CD75. All the stuff for the past two years at least is carded. Mama is the kind who could have called the cops, and our "friends" are the kind who can be depended upon not to have checked into it. It didn't, not knowing about it, to the best of my knowledge, until now. His staying out that late, even as an adult, seems rather exceptional.... One can conjecture endlessly, but I'm certain that if he didn't have specific knowledge, O'S had very strong suspicions, for he did what could have been very dangerous for him within 24 hours of Ferrie's demise, the kind of thing I can't imagine him doing without knowing he'd be taken care of if it went awry.

30-31-what is "peripheral" is a subjective judgement. Right now they are supposed to be going over what can have "a significant connection" with the assassination. How, in the scheme of the official mythology? Peripheral only with the preconceptions: LHO was the assassin and alone. Remember, they were supposed to have been doing a thorough investigation of all his connections. How far did they chase the British cat on the bus? If they did not withhold, the Commission rejected it, and that I am willing for them to allege. It may be a weakness in my definition, but it is not what they can now withhold without meeting the terms of the exemptions.

CAPC picture entirely different than Curry 108. Different uniforms, looks older in Curry picture. I believe it is Marine picture. No jacket in CAPC picture... If not in the Commission files, ought not it be in what was turned over 10/31/66, unless DPD kept original.

Par 35. I don't recall the exact language of the request. I intended to include everything. Perhaps I didn't. I'll not check it now on the chance I can go through all of this before I must go to bed. It is now late at night. But remember, Dulles did ask for a Gun investigation. Those are some wonderful quotes from him on how he'd get the book, through his British associates, when the mail would have done it, if not Brentanos.

Par 46. Your suggestion sounds good. If you think of anything special you'd include, please suggest it. I may make copies of clips, Brener's book, etc. Brener makes the association a matter of public record, so they can't say anything associating Martens and Beauboeuf with Ferrie contaminates them. Garrison even had nasty picture of Beauboeuf, but I had no interest in them. I never saw the, or asked to.

47-8. No need for these ~~next~~ to be separate paragraphs. In retrospect, I suppose breaking it down seemed to me to make each item sharper, esp. the first. Do you mean you think the numbering here must be changed or throughout?

Page 15, -3, good point on Ruby. Should be deleted.

Don't recall which form the list (Exhibit 20) is in. I had one. You or Jim sent me one or two. Do you mean each name, followed by the pages? Why not both ways? I think I made such a list for the count. What is your point on identifying names and speculating on the subjects?...I'll try and see Bob Friday and will raise the Inventory 7 point with him.

51. Are you saying that what goes before is not enough to make this obvious? I had to annoy a judge by repeating what he might find redundant.

How do you think I can invoke the guidelines in a suit under the law? Can I make the argument you suggest without knowledge of what is in some of the withheld pages?

Page 17. So would I. That is something that was to have been prepared with legalities in mind. It will ask for access, in some form or another. Breaking it down as you suggest, making CD75 part but not all, seems like a good idea. Thanks. HW