

10/25/70

Offhand, on LHO's out-of-N.O. connections, I think added it would involve much work. It can be done, for there are suggestions of his feebee connections going back to Santa Ana. My hunch is that in the Ferrie complaint, which limits relevance to what can be connected with Ferrie, we should limit, but there is nothing wrong with a broad allegation, especially if that would mean that were there to be a hearing, this would lay the basis for going into that. In fact, we can go back to when he was 16 on this in what I've already published, and I have a quote from the Academy of Forensic Sciences that is relevant. But, when the work involved is equated with what can be done with that time, as on the next complaint, long since drafted, I recommend against. The New Orleans evidence is, I think, sufficient for the basis and complicated enough. We'll be in a better position to evaluate when the draft revision is completed, no?

With regard to the Complaint itself, I have some questions and suggestions. These may or may not coincide with those of a week ago, of which you have the only record.

In retrospect, I think we should include the Archives, for the DJ today takes the position that parts at least of the AG's memo are invalid. They may argue that it is the agency of primary interest and we should sue them on this basis. Moreover, the Archives does have some of the records and is withholding them, albeit at Justice's order. It seems to me that unless there is a liability I do not now see, we should include them although I did not so believe to begin with. This is #3.

Suggested add to #4: Prior to the assassination of the President, both Ferrie and Oswald were the objects of FBI investigation, in part withheld from the Warren Commission as it relates to Oswald and in toto as it relates to Ferrie. Because of the inference the arrest may have been federal, I think this part should read "Ferrie was arrested by New Orleans authorities, who had begun an investigation there..." and "any" for "a", with "any" underlined, in what follows.

#6. The greater part of the Ferrie evidence never reached the WC, so this may later be confusing. Suggest adding after "evidence" in line 2 "which is in the National ArchivesX," and, after end of sentence, "(Plaintiff believes and alleges that the Defendant Department of Justice withheld from the Warren Commission itself more Ferrie-related material than it provided.)"

#8, line 4, change "its" to "this", to make it relate to the publicly-available, the rest included in the change in #6. Add at end, although you may think it fits better elsewhere, "Even that which the Defendant Department of Justice was directed to inquire into for the Commission, when the Director of the Federal Bureau of Investigation was a witness, is not reflected in the residual Warren Commission files as they now exist in the National Archives."

#9, add at end, unless you want to renumber, "Plaintiff asks this Honorable Court to take judicial notice of the fact that in ~~misxxxx~~ Defendants' non-responsive responses to Plaintiff's proper inquiries, there is the pretense that all the withheld Ferrie material is in a single Warren Commission files, a false pretense."

For your information, the correspondence refers to CD75 only, and this is spurious as well as deliberate.

#10, add at end. Thus it can readily be seen that either the chastity of the Warren Commission files has been violated or the Commission itself was abused and evidence it required for the fulfillment of its function was denied it, too."

3 files

(Bud seems to think the judge may not read past the Complaint, thus I think a bit of such such be in it as well as the adendum.)

#11, here or elsewhere, we should alleged, "Moreover, by making any of the sought material available, in this case a fairly substantial amount, Defendants have waived their ~~own~~ right to withhold under the law and pertinent decisions", which you can ~~right~~ cite, if you desire. "Even material of a personal, sexual nature is included in what is made available by Defendants." should also be included, here or in #12.

#12, add: "Moreover, Plaintiff, in his writing, has imposed strictures upon himself in regard to the defamation of the innocent that Defendants appuriously claim they impose upon the available material. Where Defendants make freely available that which is damaging to innocent individuals, defamatory material of a political or sexual nature -and despite their contrary claim, Defendants do and have- Plaintiff has eliminated the names and masked the identifications of those thus officially defamed. One example is in Plaintiff's book, "Oswald In New Orleans". In one case alone, appearing on pages 204-6, this Honorable Court will find two dozen cases where Plaintiff has undertaken to protect the innocent from the defamations made possible by Defendants, eliminating names and other material that would make identification possible. The quoted ~~xxxxxx~~ documents which Plaintiff edited to protect the innocent was provided Plaintiff, without restriction, by Defendants." I think also something like, "Thus it is readily apparent that the proper reservation of the law is selectively applied by the Defendants and they invoke its provisions without merit when it suits their purposes of suppression, whereas they do not apply it where purpose of support of official mythology are intended."

I think we must address "significant connection" in a substantive way.

If ours were a society in which public authority was permitted to decide for itself, without question or the right to question, what public authority holds to be pertinent or to have a "significant connection", there would be no purpose served by an adversary system of justice. Such rights may be vested in public authority in other societies, but not in ours. Moreover, the law and the official interpretation of the law by Defendant Department of Justice, impose an affirmative burden on Defendants to prove such a claim, not merely allege it. Were this not the case, the law would be a nullity, a cruel fiction foisted off on a trusting populace, and the courts would be reduced to an official rubber stamp.

Furthermore, with the official position and claimed solution to the crime being that Lee Harvey Oswald committed it, how can it be claimed that, when the government itself claimed it could not without doubt eliminate the possibility there had been a conspiracy, anyone or anything connected in any way with Oswald has "no significant connection with the assassination of the President"?

Jim, if we include something like this here, then #13 has more punch.

If necessary, we can cite the Clark memo.

#14, end line 2, should we add "and others also connected with Oswald"? Here we include such witnesses as Voebel, Sullivan and all those in the cadets, Bringuier, Pens and others who do not come to mind readily, but there are more. There are also possible ones, like Banister, Martin, Lewis, ~~xxxxxx~~ assorted Cubans, etc. Ferrie knew all of these.

#15. Perhaps the preceding suggestion relating to "personal nature" belong, in part, here. If we include it above, line 5, "replies" should be changed to "adds", possible with a reference to the preceding paragraph. I do believe the argument on the law may better be here.

nor to one of the withheld reports a copy of which Defendant has obtained, which discloses the existence of files withheld from the Warren Commission by Defendant Department of Justice (see \_\_\_\_\_), these files relating to and tending to connect Oswald and Ferrie.

Here or elsewhere, we should allege that the law does not provide for or permit the withholding of that which is merely embarrassing to the government and does not meet the requirements of what we should describe as the proper descriptions of what should properly be withheld provided, in its wisdom, by the Congress. The page I have that discloses pre-assassination, N.O.P.D Intelligence Unit files on both Ferrie and Oswald is not all. They are reflected in the Dallas Police files, as relating to Oswald, and there is also a N.O.P.D vice squad file on Ferrie. And there was the investigation, FBI, of Ferrie, for at least two weeks before the assassination, probably connected with Marcello, but I think it should be in the complaint proper, based on Bud's opinion that the judge may not take the time to read the addendum.

your copy.

I'm making these notes as I read ~~XXXX~~. I may not be able to correct before leaving in the a.m., because I could not work on this last night and we have to leave in an hour, for most of the day.

#### ADDENDUM

#1, line 4, "any" for "a" and add "or had any relationship with the accused assassin, those with whom he may have been connected or what may in any way have been connected with the assassination". Garrison's charge was not that this was the successful plot, merely that there was a plot. However, I also suggest this broader reference because both the FBI and the Secret Service then did investigate. I think this might be included, perhaps here. We do have the Secret Service reports. I do not recall any from the FBI, but I may even have them. If we do not, then, certainly, these may not be withheld-and they must exist. See Secret Service Control 620, of which you have a copy.

And before I forget, Liebler's description of the Ferrie files is in Oswald in New Orleans, pp 172 ff. Some may be relevant to this action.

Another sudden thought: with the FBI itself identifying Hall, Howard and Seymour as those who visited Odio and forecast the assassination, the connections of this group with the New Orleans Cubans and para-military activities might be in some way incorporated. Those reports and that (Odio) testimony make specific reference to New Orleans. This is in O in NO, and both NWS. It is mentioned in the Report on p.322. Incidentally, I have this passage before it was edited to accommodate the late FBI reports.

At the end, after "order of" add "and by". I believe three lines above, "much" should be changed to "most", for by far, in the Archives alone, most is the case and there is in my mind no doubt that most of what Justice had never got to the Commission.

#2, line 2, after "determined", add "without question".

Line 4, eliminate duplication.

Perhaps we should add at the end, "and it is Plaintiff's obligation, as a writer or non-fiction in a country like the United States, to analyze and publish the results of his analysis and investigation of the facts, whether in support of or in contradiction to this official account."

#3, after end line 1, "connections and associations and associates, including Lee Harvey Oswald and those with whom Oswald may have been, in turn, connected." Perhaps some should be added in line 2, after "Ferrie", or elsewhere.

#4, line # 2 is in error. Correct to read "and there is only passing, disjointed, elliptical and entirely inadequate reference", etc. and at end of sentence. Part of what was testified to about Ferrie was eliminated from the printed version of the testimony. Plaintiff's search of the evidence indicates this was not done by the Commission counsel in his editing of the stenographic transcript. How this was done, by whom or why, remains a mystery and an impropriety. After thought. Separate sentences better. End first and first line.

#5. Does my draft indicate that the first sentence is correct? I am now confused on this point. I think you could clarify this by adding "in the Report" in the first line.

Line 5, add in parens (a begrudged, last-minute concession avoided until the end)

7, add at end, "a matter of public knowledge in New Orleans, well reported, contemporaneously, in the public press."

I think we might want to add here, especially if it is not elsewhere, that this kind of predetermined conclusion was more readily built into the Commission's work by the failure of Defendant Department of Justice to provide the Commission with the roster of the CAP cadets, readily available and part of its responsibility as the investigative arm of the Commission and in pursuance of the responsibilities assigned in by President Johnson within 24 hours of his return to Washington on November 22, 1963.

Note-we will have more on O'Sullivan. I want to be sure we work in the 544 link, that he was selected for the vice squad by the close associate of Banister, Albert Badeaux, at a time when Banister was Badeaux' superior in the N.C.P.D.

8, line 4, add after "Ferie" i, "in connection with the assassination", Also, "Plaintiff believes, having been so informed by those who knew both, that said Regis Kennedy also knew Ferrie personally." Also, we should indicate above, "This is separate from ~~another FBI investigation~~ of other investigations of Ferrie by the FBI, one immediately preceding the assassination and continuing for at least two weeks before it, another of an earlier period and involving Ferrie's alleged connections with Cuban activities and gun-running, possibly violations of the Neutrality laws."

9 add at end, "Where plaintiff has obtained the original of holographic statements to the FBI and compared them with the retyped copies given ~~xxxxxxxxxxxx~~ to the Commission as a substitute for the original statements, alterations of the most substantive nature had been made. In this case, the retyped statement says it is of three pages, whereas it is of but two. This, quite naturally, provokes interest in a discrepancy of a page between the original and suppressed statement and the version given the Warren Commission.

12, before "plausible, "to him".

Line three, after "activities, substitute "and had a paramilitary groups of his own."

line 5, substitute "especially" for "severely"

line 6 to end, substitute, "cover for the CIA-organized, directed and paid Cubans in this invasion."

13, after end, of later: It is not possible these things were not known to Defendant Department of Justice, especially to those of its agents who knew Ferrie personally, at least one and possibly more having regularly attended anti-Castro meetings with him."

14. Eliminate last sentence.

15, line 5, substitute, to end: "for this and similar evidence to have been withheld from the Warren Commission. However, according to what is not still suppressed in these files and the index to what the Defendant Department of Justice now represents is all of the documents given to the Warren Commission, the evidence is that such data and more was, in fact, withheld from the Warren Commission by the Defendant Department of Justice. Impossible as it would seem that the Defendant Department of Justice, actually first in charge of the assassination and then the investigative arm of the Presidential Commission of investigation, would suppress obviously relevant and important information from this said Commission, the alternative is that it is totally and culpably incompetent. This Plaintiff does not believe. He suggests, rather, that the relations between Ferrie and agents of Defendant Department of Justice provides a more reasonable explanation for the withholding from the Commission and the continuing and illegal suppression, here sought to be cloaked under the raiment of the law that does not fit.

first sentence or,

17, add at end ~~taxi~~ of course, as elsewhere, the graphs can be renumbered): "There was, in fact, another federal investigation of this and related matters, which had to be known to Defendant Department of Justice and the fruit of which, it would seem safe to presume, is in its possession now as it was at the time of the Warren Commission."

18, after "a", add "regular"

19, lines 4-5, substitute for "if the U.S...one", "if the Bay of Pigs invasion succeeded".

20, line 3, not "Ferrie's" but "Arcacha's".

21, at end. After leaving the FBI, where he enjoyed considerable fame, Banister was the third man in authority in the New Orleans Police Department, until his enforced separation after an incident alleged to have involved his injudicious use of a pistol in a French Quarter bar. It should be noted that his friend and subordinate, ~~Badeaux~~ the aforementioned Badeaux, selected Ferrie's and Oswald's former associate O'Sullivan to serve on the vice squad, as set forth in paragraphs 6 and 7 of this Addendum."

22, If this is not expanded later, it will not make sense and should be here. It should refer to the later exposition if there is one. Line 6, rather than "the contact", "this close relationship".

23 certainly must be expanded, here if not later. If later, there should be reference to it, here. Unless, of course, it follows immediately.

27. line 3, after from, make read, "the Dallas Secret Service Office," etc. Use only first page of that report, as I remember it.

28. Add at end, Rightly or wrongly, said Martin informs Plaintiff that Banister's attack upon him was prompted by a remark about the assassination Martin made to Banister." And lines 2-3, instead of "was being", ~~that just happened~~ "was in New Orleans and had just been".

29, line 3, after of, "or reason for"

30. line 3, add X "all" before "this" and "the". Add at end, "The fact is, it ~~was not~~ did withhold reports and other information from the Commission."

II is the most minor of Oswald's activities and associations. pre-ass.

Enough is in what I roughed out and I can add more. If it is elsewhere, it certainly must be referred to here. If omitted, it very much belongs. Of what is here,

31, page 15, replace sentence beginning "Such a report" with: The officer who provided this information told Plaintiff that he had forwarded it through official channels of the Navy Department and had also, personally, given it to a Commission counsel known to him.

32. Add at end, "While the name of the alleged homosexual partner might properly be withheld, the suppression of this indication of an added bond between Oswald and Ferrie and others is of greatest significance in any evaluation of either Oswald or the Warren Report. The Defendant Department of Justice supplied the Commission with countless "summary reports" in which it could and did mask what it wanted to. It could have in this case also, and the alleged fact thereby would not be suppressed."

33, line 5, replace beginning with "was" with "was a fiction, created by Oswald and perpetuated by the radical right. It does not and never did exist. For whatever purpose, ~~XOswald~~ "created" it, was its only "member" and its man on the street."

34. This leads me to again emphasize the urgency of doing the 544-531 bit right, I believe at the earlier mention. If you'd prefer, I can and will. If we do it earlier, where I believe it belongs, here:

line 1, add "some of the" before "literature".

line 2, period after "Street". Replace rest with, "This was the address of Arcacha's CIA front, the Cuban Revolutionary Council as well as the address of Banister, so skilfully hidden by the FBI, as we have seen in \_\_\_\_\_. Contrary to Oswald's self-presentation as pro-Castro, Arcacha, his CIA front and Banister yielded to none in their violently anti-Castro belief and action.

35: As the Defendant Department of Justice, through its FBI, withheld from the Commission in fact, deceived it about the 544 Camp Street address - so also did it withhold both knowledge and proof of Oswald's public use of this address, it must again be emphasized, of the spearhead of New Orleans anti-Castro activity, from the Commission. These are but a few ~~ix~~ examples of the many instances of Defendant Department of Justice's withholding of essential fact from the Commission.

36. line 2, strike "and the press".

line three, after "mention", "-in one of its biographies of Oswald!-"

Line 6, after "front", "This fact and that of the CIA's funding were known ~~xxx~~ to the Commission counsel in charge of this aspect of the investigation, although it is in none of Defendant's reports not still suppressed. Counsel suppressed it from the Report, if not from the information available to the members of the Commission." Jim, if we do not go into later, then at this point we should include the NYTimes clip I gave you, with this to follow the preceding:

The CIA's support of the CRC continued through April 1963, ~~xxxxx~~ after which is about the time Oswald returned to New Orleans and engaged in the afore-described activities and those to be described."

Add at very end, "Renting" is a deliberate distraction and an evasion. The fact is that Oswald used this address and did so to the Commission's and to Defendant Department of Justice's knowledge. Whether or not he paid for this or any other office space relates to nothing."

37-Jim, this indicates that you did omit earlier what you apparently did not realize you omitted, the entire 544 bit.

38. make line 3 read

Arcacha left New Orleans, stealing a car in the process, forced to leave by Cuban apprehensions about his dependability when handling other people's money. Arcacha's lightfingering of anti-Castro funds was dutifully, if elliptically, reported by the Secret Service, but the Defendant Department of Justice apparently elected not to trouble the Commission with such matters.

39- line 21, replace beginning with "assassination" to "1965" in line 3 with ", after it, in 1965", etc. I think the concluding sentence would read better: "When Plaintiff interviewed Bartes in New Orleans in the Spring of 1968, Bartes confirmed the foregoing and in addition, gave Plaintiff clearly to understand that he, Bartes, was still under "official protection", the investigations of the Orleans Parish District Attorney's office at that time being much in the local news and mind."

~~41- add at end, "especially those conducted by Defendant Department of Justice.~~

41- begin with "In Defendant Department of Justice's transcribing of..."  
Add at end, ", especially those conducted by Defendant Department of Justice. In this instance, the Be said Defendant converted the name properly pronounced Bahr-tez' into Cardes, a meaninglessness that, if pronounced, would nothing like either the proper pronunciation of the proper spelling. (See Exhibit \_\_\_)".

42 lines 3 and 4- Paul asks that we omit mention of Quiroga as an FBI fink. Change beginning of next sentence to "On the one hand, Quiroga offered to be a stoolpidgeon for the Secret Service and on the other was the catalyst through whom Oswald got his extensive electronic-media attention in the Summer of 1963. It was this publicity" etc. I think if it is not elsewhere, this is a good point to add, "When two of the men training in an anti-Castro camp did not meet the transportation provided for them when that camp was demobilized, at approximate this same time, Quiroga provided funds for their journey to Miami, with a check cashed by Carlos Bringuier." This feeds into the next section, Jim.

43, line 3, "these" for "the".

line 6, begin "a general factotum for an assortment of anti-Castro Cuban groups. He is a skilled propagandist who served as publicity director for the Cuban Revolutionary Council and for the still-militant Alpha 66. Bringuier is a racist who has close ties to two of the more notorious racists of the extreme fringe of the radical right, former General Edwin A. Walker and the Rev. Billy James Hargis." This is really a replacement beginning with line 6.

44 Replace "role as a pro-Castroite" with "role described above".

Jim, this is nasty. I got it done by skipping supper, which is its own reward. I have the feeling your unfamiliarity with the material was a liability. I have indicated the few places where it seems weak, and in those cases it is very weak. Otherwise, it seems very good. However, if you'd like me to fix those places, I can't until I see what you have in the rest.