

To Quin Shea from Harold Weisberg Appeals, JFK assassination records- 6/10/79  
Referrals

On receiving a small fraction of the so-called referrals on May 15 I filed a protective appeal ~~the~~ need for which was apparent from casual examination of what I received. After I had a chance to examine the records I amplified that appeal, also informing you that when it would be possible I would provide illumination with copies. These have been made and are attached.

Both prior appeals relating to these so-called referrals included the claim to the right to withhold in an historical case because the record had been "previously processed." Since then Department counsel informed my counsel that the FBI would provide citations to where the record had been processed but I do not have in writing any statement of the scope of this series of references that are to be provided. I had been informed of this verbally much earlier, then I was provided with a selection of Little Rock and Newark records which did include citations. However, as you can see, they then were withheld in these referrals. I provided you with the first pages of <sup>each</sup> ~~the~~ sections of referral records with my protective appeal. Herewith the complete <sup>one</sup> worksheets for the Dallas "Oswald" file, 100-10461.

As you will see, <sup>only one</sup> ~~one~~ of the agencies to which referral was made has <sup>claimed</sup> any FOIA backlog. The worksheets also are incomplete in not stating what was provided in all instances, beginning on the first page and extending throughout. And as I have pointed out before, there is no explanation of how a record that allegedly was "previously processed" also had to be referred to another agency. Examination of the underlying records makes it apparent that at least in most instances there was neither need nor justification. In several cases there was no referral to any agency, from the worksheets themselves and from the underlying records.

Once I began noting the stonewalling represented by the time lag the FBI began to withhold the dates from the worksheets. (I regard this also as of historical significance, aside from being information ~~to~~ which a requester is entitled.)

Illustrative of both is the withholding of the typescript of SA Hosty's published testimony, referred to nobody and withheld until now. The FBI 340 and a page <sup>of transcript are</sup> ~~are~~ the second

attachment hereto.

The third attachment, Serial 1377, which reports what is not the only such matter of Oswald ~~and~~ <sup>as</sup> Top Secret or /and allegedly "red", should have been the cause of an FBI internal investigation. (One of the others, attributed to a report from Hosty, alleges an Oswald contact with allegedly known subversive agents.) I recall no records reporting any such investigations. The note written on this record states merely that Hosty did not see Patterson during that period. However, Hosty was far from the only SA on the FBI Dallas "subversive desk." SA <sup>Wallace</sup> Heitman, who wrote the memo that is the fourth attachment, for example. He was a "Marina" expert and was in on the interview of her. He also met the Legat SA <sup>(Edon Rudd)</sup> who flew from Mexico City, referred to in connection with my appeals of those withholdings beginning with the 11/23/63 teletype.

I believe all the records cited in the fourth attachment have not been provided. (2345-A)

More specifically I appeal the withholdings on page 4 under b1 claim, asking that it be determined whether or not there is any content reasonably segregable and whether or not what is within the public domain has been withheld. I also remind that this is an historical case. If the withheld information relates to the Zieger family (Minsk) that Zieger made anti-Soviet statements is known. (Off the top of the head. Much was made public about Zieger, his daughter, job, etc. and Oswald relationship.) If Marina was questioned about these things and her interrogations are public, why withhold here?

Serial 3582 was withheld until now, here allegedly by referral. I do not recall seeing this record in Warren Commission files. However, because of his history with the Zapruder film, which altered the entire course of the investigation and is directly responsible for the Zapruder film being latched onto by Life magazine rather than official investigators and the subsequent destruction of crucial frames of the original film, which eliminated about 20-25% of their content forever and prior to any examination of them by anyone, this has been an at best dubious withholding. I believe there should be a McCormick file and that the foregoing indicates its relevance to the historical case and the investigation, which supposedly did include such scavenging and commercializations.

Previously I informed you of unnecessary and unjustifiable referrals to the National

Archives. So you will not have to locate my previous appeal I attach page 1 of Section 50's worksheets and cite 5784 and 5784a. The former is the published testimony of a witness, *Dial D. Ryder.* (If my recollection is correct the FBI had the corrected copy of the transcript, not a copy obtained from the court reporter. No relevant records have been provided and I appeal their withholding. This smacks of spooking.)

This sheet also holds other instances of unjustified withholdings and of non-referrals, all being internal FBI records. In addition, this worksheet is not accurate in its page calculations, despite the sworn assurances to the Court in C.A. 78-0249. I provide the first page of the Ryder transcript to illustrate the points I make above. I am confident the handwriting is that of Wesley Liebeler, *Commission counsel.*

The first page of 5784a is attached. Aside from the fact that there was no basis for referral to the National Archives this is one of several Dallas police records that have been provided. This is consistent with practice prior to the amending of the Act in 1974. Since then in virtually all cases I have in court and in one of Mr. Lesar's the FBI has provided affidavits in which the *alleged* absolute need *to* and undeviating practice of withholding such records is sworn to. *However, in consistency, there other police records are disclosed.*

The actuality of the Ryder business, which relates to the Irving gunshop attaching a telescopic sight to a rifle in Oswald's name immediately before the assassination whereas the FBI's records reflect that Oswald purchased the rifle with the sight attached, is embarrassing to the FBI, which never gave us, in its own cliches, a no-stone-unturned, chips-fall-where-they-may investigation of what strongly suggests that someone was setting Oswald up. (The fact is that he could not have taken a rifle to that gunshop at that time.)

I believe the foregoing is sufficient indication of the need for the FBI to provide any and all information filed elsewhere, as under Ryder or the shop or the rifle, etc. *last this.*

Serial 2142 and the attached worksheet reflect unjustified and unjustifiable withholdings, of the record itself and of whatever record it as #39. *(There are other records with similar numbers on the)* I ask for this latter collection of files and records and in particular ask if it is a Lab tickler, a la Long.

There is nothing in this record that required referral to "Energy." Moreover that agency is co-defendant in my C.A. 75-226, now before the appeals court. There was dis-

covery in that case and all relevant records were to have been provided by both agencies. Either this one was, and therefore its withholding cannot be justified, or it was not provided in that litigation and should have been.

This record reflects the FBI paranoia that extends to its attitude toward and practices under FOIA. It was to obtain samples for testing purpose from the Dallas police and yet while supposedly cooperating in the investigation had to keep its testing secret from the local police. (Which leaves nothing of any belated claim of assisting local police as a claim to law enforcement purpose. I also recall no record in which the results of NAA testing was conveyed to the Dallas police.)

Some records of some of these tests were provided in C.A. 75-226 but I recall no results of tests involving an exact duplication of the Dallas situation. The only results I recall were an unsuccessful effort to distinguish between pistol and rifle bullet primer charges, not a duplication of the results of <sup>the</sup> ~~the~~ paraffin testing of Oswald's face for powder residues, which was negative in Dallas.

Also bearing what can be a tickler number, #9, is 89-43-2381A (B/also attached). <sup>and C</sup>

I recall no other reference to the "Silver Dollar" War Room. If only because World War III could have been precipitated if the alerted planes had been sent against Cuba an expectation that there should be other relevant records appears not to be unreasonable.

I have an unmet Powell request and appeal. He was of this 112th <sup>Military Intelligence</sup> <sub>m</sub> group.

The incident reported, which appears to be out of the ordinary, was five minutes prior to the assassination. At the least the FBI's records should include the basis for the Dallas police interest in this matter.

If there had been any need to refer B it was eliminated by the 12/7/77 disclosure of the identical information. It then got quite a bit of publicity, including on prime-time TV. However, the need for other relevant records to exist is apparent from the content. These records might consist of no more than disproof but it cannot be believed that the FBI would ignore such reports of prior rifle sighting at the scene of the crime, allegedly including a man said to resemble Oswald.

A greater totality of factual error than is reflected in C is impossible to imagine. The only correct statement in this record is that Oswald's wife was Russian. At the least I believe the FBI should have had some interest in the assistant chief in charge of the Dallas police intelligence unit allegedly giving military intelligence such completely false information as Oswald's confession to both killings and his alleged defection to Cuba in 1959.

There is no basis for the withholdings. I'm not checking but I believe that if it were subject to withholding, as it is not, the name of the translator is public domain. I think it is Mamantov or something similar. This name does appear elsewhere in the record. The claims are to b6 (!) and b7C.

Please note the apparent subject heading, indicative of the possibility of a separate INTC Reports file. I request them or appeal their withholding in this supposedly complete disclosure in an historical case. In addition, the Powell reports I requested 1/1/68 and have not yet received should be in such a file.

There is no apparent need for 100-16601-1 1A3-69 to have been withheld because the information contained in it was published by the Warren Commission, including a facsimile copy of Inspector Kelley's report.

The spelling of the priest's name is incorrect. It is Machann and there should be a Dallas file under his name, as there well might be in New Orleans and FBIHQ, all within my requests. (I have not made a special Miami request.) *Appeal Their denial*

I have interviewed Fr. Machann and several others of this Cuban Catholic Committee in Dallas and New ~~Orleans~~ Orleans.

The name of Castorr is misspelled on the second page. It is retired Army Colonel L. Robert Castorr, former wife Trudi. (I've also interviewed them.)

For your information this reference to Castorr, an ultra-conservative man, is misleading. It did mislead me. Castorr's interest was in avoiding providing assistance to pro-Castroites. However, along with provocative indications of an Army colonel involved with Jack Ruby and gun running, it appears there should have been investigations the results of which have not been provided. *Appeal Their withholding and of the Castorr file*

Of similar nature and where I have specific knowledge there were unreported investigations of and relating to Mrs. Sylvia Odio, the real subject of all of this.

Pretendedly the FBI had no interest in her story from the time of first known report to it by the Mrs. Connell referred to, about 12/18/63, until late September 1964, when the Warren Commission asked for relevant investigations. Actually, according to information I obtained ~~in~~ from some of those involved, the FBI worked on Mrs. Odio to get her to change her story of having been informed of the coming assassination in advance and carried its effort to break her down to asking her to prove that she could ~~not~~ distinguish between Mexicans and others of Latin origin - which she did.

There is reference to Father Machann having been contacted 4-5 times by SA Heitman. I do not recall the inclusion of reports of these interviews in the records provided. *Appealed.*

I may have obtained a name for the trouble-making, extorting Cuban who was employed at Parkland Hospital, of whom I learned separately. I believe it is obvious, particularly with the abundant indications that the bullet found at the hospital might have been planted, that there should have been a real investigation of it and him. I recall not fewer than three consistent sources on him. All my sources agreed this man could have planted a bullet, a thought which should have occurred to the FBI, which should have investigated the possibility. I have no record even indicating such an investigation.

The real cause of interest in the Cuban group known as JURE is not indicated in this record. The three men Mrs. Odio claimed indicated the coming assassination represented themselves as from JURE, a more liberal group than most anti-Castroites. *JURE's* ~~their~~ views are not those of the *right-wing* men the FBI later identified as having visited Mrs. Odio. *This matter is incompletely referred to in the next paragraph. (Nannis Hall, Howard + Seymour.)*

The reference to assistance *to Odio* by prominent people is incomplete, knowingly so, and in areas that should have interested the FBI. I believe there were investigations the results of which may be filed elsewhere. Mrs. Odio had an affair with a prominent politician and industrialist whose name was mentioned to the FBI in a different context by one of the three men it said had visited Mrs. Odio. (Ferre, I believe the actual one is Maurice.) He arranged for her to be put up by Mrs. Joanne ~~the~~ Rogers after Mrs. Odio was hospitalized.

I have also interviewed Dr. Augustin(e) Guitart and his son. The statement that he had no political participations of any kind are not accurate. ~~He~~ in fact was friendly with those who gave Oswald his "cover" as a pro-Castroite by attacking him (remember the three relevant appeals relating to films and the fingerprint) and attended the trial at which Oswald arranged to get convicted when he was innocent.

~~The~~ Information related to this not provided by the FBI involves Lt. George Butler of the Dallas Police Department and a woman who was married to a Latin professional baseball palyer, the names escaping me at the moment, and alleged offers of money to kill JFK that she reported.

My recollection may not be accurate but as I recall it Lt. Butler is the one who gave the all-clear signal for moving Oswald prematurely. Without this it would not have been possible for Ruby to have the access to Oswald that he had because the car in which Oswald ~~he~~ was to have been transferred to the sheriff would have taken up that space. (Yes, I have also spoken to Detective Beck, the driver.)

Of the three men identified by the FBI as being those who went to see Mrs. Odio I have interviewed two on a number of occasions. The information I obtained from one relating to plans to invade Haiti is what led the Criminal Division (which has provided no record) to ask me to go to then then Internal Security Division (which has provided no records). In turn, the FBI's corruption of what ISD told it led to the defamation of me as an anti-semite and defamer of the FBI of which I have provided you with copies as part of an appeal.

If all of what I report above about the Odio matter is not related to the assassina-tion it was part of the extensive investigation much of which remains withheld. I therefore appeal the denials represented by the FBI's avoidance of the proper files in its searches. I remind you again that my requests are not by file numbers but by subject and this is all included within the requests.

This also is historically an important aspect of the investigation.

It is probable that there will be what may appear to be legitimate privacy concerns if the FBI provides all the information it must have. I will be quite willing to enable you to know what may not be public, as I think all is, and this can be done without making disclosure

to me. You feed me lines and names and I'll feed back what I recall *re public knowledge*

Of course all of this supposedly was looked into ~~the~~ for the House assassins committee. The FBI may have collected more records than it gave the committee or than in which the committee expressed interest. I know that its interviews included at least Mrs. Odio and at least one of the three men alleged to have visited her. I was involved in this with *Loran Eugene Hall,* one of those men, who asked me to sit with him when he was before the committee, which I refused to do, and who then asked me to spend the rest of that day with him and his counsel, which I did ~~not~~ do. I'm told his coming up to me in the hearing room created a stir of which I was not aware because I was talking to a student and not looking. I know that a deal with the committee followed and he spent extensive time with it in executive session. Although I have not seen him since then, I have heard from his counsel, to whom I provided assistance.

The head of the New Orleans branch of the Catholic relief group was Mrs. Elise Cerniglia. I also interviewed her. Information I obtained from her, which I am certain she gave the FBI, has not been provided by the FBI. This include information quite relevant to Oswald's demonstrations in New Orleans and specifically was received by her in advance of the fracas with Oswald in which he participated and for which he was arrested.

If these records are filed elsewhere in New Orleans, as for example under names, they nonetheless are included within my request and are required to be disclosed as part of the historical case standard and promises by the Department. *Appealed.*

With the relevant worksheet covering alleged referrals of records from New Orleans 89-69 I attach Serials 190 pg. 3 and 1718. This information has been within the public domain for years so there was no legitimate reason for either referral or any other form of withholding. This also has been an area of my interest, is the subject of one of my earliest requests and appeals and there was partial compliance on appeal years ago. There was no referral os 190 anyway from the worksheet.

Initially there were extensive withholdings relating to the late David Ferrie. These continued after his death as a means of stonewalling Garrison because the records that I ultimately obtained establish false swearing to the very relevant before the Warren Com-



Frederick D'Sullivan,

by an FBI source, and because Ferrie was active in the CAP at the time Oswald was a member. In the past I have gone into great detail in what I have provided you, even informing you of virtual parties in the FBI NO office during the early Garrison period, with Ferrie present, and of my having a copy of the notes of a participant. I have given you the identifications of files not searched, have informed you of earlier FBI records relating to Ferrie leaked earlier by the FBI to those in private life who return its favors, albeit under-the-table favors.

The FBI also withheld from the Commission.

I assume that the FBI's capabilities at least equal mine so I assume it has records relating to Oswald's recruiting into and membership in the CAP and records relating to others then active in the CAP that are not included in the records provided. *Denial appealed*

Serial 1718 is of the early Garrison period.

The indices search records referred to in 1718 remain withheld. The citations may be all those to Ehrlicher but are not to all relevant records of the N.O. office. There should have been numerous files searches in that period. No records of these have been provided. All are relevant and important. They also constitute research already done, incorporated in existing records, *both M.O. and Dallas. Denials Appealed.*