

JFK

62-109060

SECTION 175

COPY 8

FBI

Date: 3/16/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO: Director, FBI (62-109060)
FROM: SAC, New Orleans (89-69) (P)

ASSASSINATION OF PRESIDENT JOHN
FITZGERALD KENNEDY, DALLAS, TEXAS,
NOVEMBER 22, 1963
MISC. - INFORMATION CONCERNING
OO: Dallas

Enclosed for the Bureau is a newspaper article
appearing in the New Orleans States-Item concerning above-
captioned matter.

One copy each of this newspaper article is enclosed
for Dallas and Miami.

- ② - Bureau (Enc. 1)
 - 1 - Dallas (89-43) (Enc. 1)
 - 1 - Miami (Enc. 1)
 - 1 - New Orleans
- ECW:bs
(5)

SI-115

REC 70

62-109060-7001

RECORDED

MAR 19 1971

W. J. ...
FIVE - ...

SDX

51 APR 6 1971

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

(Mount Clipping in Space Below)

Shaw Lawyers Say U.S. Court Can Close Case

Recent U.S. Supreme Court decisions make it clear that a federal court here has the right to throw out perjury charges against Clay L. Shaw, attorneys for the one-time Kennedy assassination plot defendant asserted today.

In briefs filed before U.S. District Judge Herbert W. Christenberry, Shaw's attorneys cited a set of decisions rendered by the high court Feb. 23 pertaining to federal court intervention in state prosecutions.

THE DECISIONS in fact tighten guidelines, for lower U.S. courts in deciding whether to step into state criminal matters but Shaw's attorneys contend the language clearly leaves the door open for Judge Christenberry to throw out the charges placed against Shaw by District Attorney Jim Garrison.

Shaw is charged with perjury on the basis of his testimony in his 1969 trial on charges of conspiring to kill President John F. Kennedy.

Garrison contends Shaw lied when he testified he never knew accused presidential assassin Lee Harvey Oswald or the late David W. Ferrie, who Garrison says also participated in the alleged slaying plot.

SHAW WAS acquitted of the conspiracy charge March 1, 1969, but Garrison charged him with perjury soon after. He is seeking to have Judge Christenberry halt the perjury prosecution and a hearing was held on the motion in January. The judge has since had the matter under advisement pending filing of briefs.

Garrison's office now has two weeks to file answers to the briefs filed today. Judge Christenberry is expected to rule shortly thereafter. Any ruling he may make can be appealed by either side.

DISCUSSING the Supreme Court decision, Shaw's attorneys wrote:

"... Defendant Jim Garrison will find no comfort or solace in any of these decisions. Quite the contrary... (they) make it quite clear that this court does have the right, the power and the authority to grant Shaw the injunctive relief he seeks."

Such action is permissible, the brief argues, when bad faith, harassment and selective law enforcement on the part of the prosecutor is shown.

(Indicate page, name of newspaper, city and state.)

PAGE 2

THE STATES-ITEM

NEW ORLEANS, LA.

Date: 3-12-71

Edition: COMET

Author:

Editor: WALTER G. COWAN

Title:

ASSASSINATION OF
PRESIDENT JOHN F.
KENNEDY, TEXAS

Character: 11-22-63

Classification: 89-69A

Submitting Office:

Being Investigated

62-1171060-71

ENCLOSURE

Assistant Attorney General
Civil Division

March 26, 1971

Director, FBI

- 1 - Mr. Mohr
- 1 - Mr. Sullivan
- 1 - Mr. Bishop
- 1 - Mr. Rosen

REC 8

67-104060-7003
EMORY L. BROWN, JR. v. MITCHELL, ET AL.

- 1 - Mr. Tavel
- 1 - Mr. Dalbey
- 1 - Mr. Williamson

ST-100

As requested in your memorandum, captioned as above, dated March 23, 1971, enclosed are the original and five copies of an affidavit executed by Bureau Supervisor Henry A. Schutz, Jr.

Enclosures (6)

NOTE: Based on memo D. J. Dalbey to Mr. Tolson, dated 3/25/71, captioned "Emory L. Brown, Jr. v. Mitchell, Et Al., Assassination of President John F. Kennedy, Dallas, Texas, 11/22/63," JLW:mfd.

JLW:mfd
(10)

- Tolson _____
- Sullivan _____
- Mohr _____
- Bishop _____
- DeLoach _____
- Casper _____
- Callahan _____
- Conrad _____
- Dalbey _____
- Felt _____
- Gale _____
- Rosen _____
- Tavel _____
- Tele. Room _____
- Holmes _____
- Gandy _____

MAILED 12
MAR 25 1971
FBI

MAR 31 1971

APR 6 1971

ENCLOSURE

MAIL ROOM TELETYPE UNIT

62-1134-7

WBS

Handwritten initials and marks: "JLW", "WBS", "DL", "WEL", "JFM", "V", "WEL"

I, Henry A. Schutz, Jr., a Special Agent of the Federal Bureau of Investigation, being first duly sworn, depose as follows:

1. I have been a Special Agent of the Federal Bureau of Investigation for the past 23 years during which time I have been engaged in supervisory and investigatory duties both at Washington, D. C., and in the field. By reason of my experience, I am familiar with the responsibilities and policies of the Federal Bureau of Investigation.

2. I have reviewed the complaint filed in the suit entitled "Emory L. Brown, Jr., Plaintiff, vs John Mitchell, Attorney General of the United States, The Department of Justice of the United States and J. Edgar Hoover, Director of the Federal Bureau of Investigation, Defendants," Civil Action 44-71, filed January 12, 1971, in the United States District Court - District of New Jersey. The information demanded by plaintiff would, if such exists, be contained in the investigative file compiled for law enforcement purposes by the FBI in connection with the assassination of President John F. Kennedy on November 22, 1963. At the present time this file consists of 384 volumes containing 12,659 serials. Some of these "serials," each of which is a separate document, are over 1,400 pages in length.

3. While the FBI maintains an extensive and detailed indexing system permitting material in its files and records to be located, a search

62-109060-7003

ENCLOSURE

of our indexing systems failed to identify certain of the information requested by plaintiff. However, since plaintiff's demands are based on material originating in the files and records of other law enforcement agencies (principally the Dallas Police Department), to insure that our files do not contain the demanded information in any form would necessitate a detailed, page by page search of a substantial portion of the 384 volumes of this file. Such examination would require utilization of a large number of individuals for an extended period of time. This, in addition to the expense involved, would require reassignment of personnel who are presently carrying out investigatory and supervisory duties under responsibilities assigned to us.

4. The file is, and has been since it was opened on the assassination of President Kennedy, maintained in a "pending" or open status. All information contained in such file was placed there in connection with the investigative responsibilities of the FBI. These responsibilities go beyond the question of whether a prosecution or other law enforcement proceeding might still be initiated against any individual referred to in this file. Not only is the FBI still actively engaged in investigating fully any allegations that a conspiracy existed relating to or responsible for President Kennedy's death, but the file contains information which would be of inestimable investigative value in the event of a future attempt on the

life of a President. The file is replete with techniques and methods used by the FBI and other law enforcement agencies in the investigation of this matter. If revealed, it would seriously hamper the successful investigation of such an occurrence in the future. Lastly, forced revelation of sources of information, many of whom cooperated on the belief that their assistance would be concealed, would tend to jeopardize such cooperation in the future.

5. Release of the requested information would be not only a disservice, but a serious invasion of the right of personal privacy of those whose connection, however innocent, with this investigation might be made known. Investigative files compiled for law enforcement purposes contain all material furnished and developed during the course of the inquiry, some of which may be based on speculation, mistake or on unfounded suspicion. Removed from the context of the investigation as a whole, release of such raw data could result in irreparable injury to the reputations of those identified and could leave them, due to the passage of time, unable to refute any damage to their reputation caused by the revelation.

6. For the foregoing reasons, I believe that if compliance with a request as made by plaintiff herein were to be ordered by a court

it would seriously affect the ability of the FBI to carry out its assigned
investigative responsibilities.

Washington
District of Columbia

Before me this _____ day of _____, 1971, Deponent
_____ has appeared and signed this affidavit first
having sworn that the statements made therein are true.

My commission expires _____

Notary Public in and for the District of Columbia

Memorandum

8

✓

Mr. Tolson	
Mr. Sullivan	
Mr. Mohr	
Mr. Bishop	
Mr. Brennan	CD
Mr. Callahan	
Mr. Casper	
Mr. Conrad	
Mr. DeLoach	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Tavel	
Mr. Walters	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO : Mr. J. Edgar Hoover
Director, Federal Bureau of Investigation

DATE: MAR 23 1971

FROM : L. Patrick Gray, III
Assistant Attorney General
Civil Division

LPG, III:JFA
145-12-1512

SUBJECT: Emory L. Brown, Jr. v. Mitchell, et al.
USDC D N.J., Civil Action No. 44-70

The draft affidavit sent under cover of your March 18, 1971 memorandum to us is suitable for filing as drafted. Please proceed to have it typed in final, executed and notarized and transmit the original and five copies to us as soon as possible.

Assassination of Lieutenant John F. Kennedy

Will [unclear] 5730

62-113752

EX-110

MAR 23 1971

Let [unclear] 3/26/71 G.W.M.

SE-100

REC 8

62-104060-7003

MAR 30 1971

CORRESPONDENCE

COPIES DESTROYED

MAR 31 1971

21 JAN 17 1973

- 1 - Mr. [redacted]ce, 7133
- 1 - Mr. Williams
- 1 - Mr. Frazier
- 1 - Mr. Conrad
- 1 - Mr. Mohr
- 1 - Mr. Sullivan
- 1 - Mr. Dalbey
- 3/23/71 1 - Mr. Rosen
- 1 - Mr. Bishop

The Deputy Attorney General

REC-83 62-109060-7004
 Director, FBI
 EX-103

**FREEDOM OF INFORMATION REQUEST -
 HAROLD WEISBERG**

Reference is made to your memorandum dated March 16, 1971, forwarding a letter from Mr. Weisberg for comment (Form DJ 118, and Mr. Weisberg's letter dated March 4, 1971, and personal check in the amount of \$3.00 attached).

Your attention is directed to your memoranda dated May 19, 1970, and June 22, 1970, and my replies dated May 28, 1970, and July 1, 1970, respectively, concerning previous requests from Mr. Weisberg for photographs and other information from the investigative files of this Bureau relating to the assassination of President Kennedy.

Your attention is also directed to current litigation in the matter of Harold Weisberg v. Department of Justice, USDC D. C., Civil Action No. 2301-70, in which Mr. Weisberg has petitioned the court, under the Administrative Procedures Act, for other material relating to the assassination.

MAILED 2
 MAR 24 1971
 FBI

Since the photographs requested are part of the investigative files of this Bureau and in view of the pending litigation, it is recommended that Mr. Weisberg's request be denied. The attachments to your memorandum are being returned as enclosures to this memorandum.

Enclosures (3)

1 - Assistant Attorney General
 Civil Division

NOTE: Based on memo Griffith to Conrad 3/22/71, same re.

- Tolson
- Sullivan
- Mohr
- Bishop
- Brennan, C.D.
- Callahan
- Casper
- Conrad
- Dalbey
- Holt
- Gale
- Rosen
- Tavel
- Walters
- Soyars
- Tele. Room
- Holmes
- Gandy

MEW;lib (13)

APR 2 1971
 XEROX

MAIL ROOM TELETYPE UNIT

UNRECORDED COPY FILED IN 100-3517

Handwritten initials and signatures: WBS, JWS, PDS, etc.

Memorandum

TO : Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation

DATE: March 16, 1971

FROM : Richard G. Kleindienst
Deputy Attorney General *RK*

SUBJECT: Freedom of Information Request -
Harold Weisberg

Mr. Tolson	✓
Mr. Sullivan	✓
Mr. Mohr	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Tavel	✓
Mr. Walters	✓
Mr. Soyars	✓
Tele. Room	
Miss Holmes	
Miss Gandy	

Mr. Weisberg requests access to certain photographs regarding the investigation of the assassination of President Kennedy.

Would you please review Mr. Weisberg's request and give me your comments.

Please return the materials when you are through with them. Thank you.

Comments
 Enclosures: (to be returned to Dept.) by letter 3/27/71
 1 Letter for Harold Weisberg to the Herald Tribune 3/27/71
 2 Form DJ 118 dated 3/27/71
 3 Weisberg's check in amount of \$300.00

EXP. PROC. MAR 22 1971
 148-2187
 3/19

3
 memo to Mr. Conrad
 from W.D. [unclear]
 3-22-71 MEW:ljb
 w/ct let to Dept. AG:ljb
 3-23-71 MEW:ljb
 8 Xerox copies of this document +
 attachments for memo 3/22/71 - sufficient to cover
 same re. CI

EX-103 62-107060-7004

17 MAR 30 1971

[Handwritten signatures]

UNRECORDED COPY FILED IN 100-3-1128

APR 2 1971



3/4/71

Mr. Gerald D. Fines
Assistant to the Deputy Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Mr. Fines,

Your letter of February 22 arrived when I was out of town. In response, let me begin by quoting the first part of your second paragraph, for I think it is inaccurate and that it would be unfortunate were such a misconception to become a fixed idea:

"In order for your request to be considered, it is necessary that you complete the enclosed Form DJ-118 in detail."

This is not accurate as a matter of either fact or law, and most of the information provided by your Department and others is provided without completion of such forms. You may elect to require the completion of the form. Because you have this right, I enclose the completed one.

Naturally, I could have included one with the original letter. However, as you may not understand, I find the whole concept that a citizen must use legal force to obtain public information from his government inconsistent with the theory of our society and government.

I do hope the day comes when government feels the same way.

The required check is also enclosed.

Sincerely,

Harold Weisberg
Harold Weisberg

APR 2 1971

62-107010-7004



REQUEST FOR ACCESS TO OFFICIAL RECORDS
 UNDER 5 U.S.C. 552(a) and 28 CFR PART 17

See instructions for payment and delivery of this form at bottom of page

NAME OF REQUESTER Harold Weisberg		ADDRESS (street, city, state and zip code) Rt. 8, Frederick, Md. 21701	
DATE 3/4/71			
DO YOU WISH TO RECEIVE COPIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SO INDICATE (no more than 10 copies of any document will be furnished).		NUMBER OF COPIES REQUESTED 1 each	OFFICE AND CITY WHERE RECORD IS LOCATED (if known) Washington

DESCRIPTION OF RECORD REQUESTED (include any information which may be helpful in locating record) 8x10 glossy prints of damage to President Kennedy's clothing prior to removal of samples for spectrographic and/or other analyses, made from negatives rather than prints; other photographs of damages to this clothing (other than FBI Exhibit 60), 8x10 glossy, also made from negatives rather than prints, as per letter of 2/17/71. Although this is separate from existing litigation, it can be said to be related.

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
FILL IN IF IN PENDING LITIGATION →	COURT (check one) <input checked="" type="checkbox"/> FEDERAL <input type="checkbox"/> STATE	DISTRICT DC	NAME OF CASE Weisberg v GSA, Nat. Archives
			DOCKET NUMBER CA 2569-70

Harold Weisberg
 SIGNATURE

FOR USE BY DEPARTMENT OF JUSTICE ONLY

THIS REQUEST IS:

GRANTED

DENIED

REFERRED

A MINIMUM FEE OF \$3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box)

FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD \$ 1.00 _____

FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL \$ 1.00 _____

COPIES OF DOCUMENTS:
 50¢ FIRST PAGE, 25¢ EACH ADDITIONAL PAGE _____

FOR CERTIFICATION OF TRUE COPY \$ 1.00 EACH _____

FOR ATTESTATION UNDER THE SEAL OF THE DEPARTMENT \$ 3.00 EACH _____

GSA CHARGE _____

TOTAL CHARGE _____

Payment under this section shall be made in cash, or by United States money order, or by check payable to the Treasurer of the United States. Postage stamps will not be accepted.

This form may be delivered to any of the offices listed in 28 C. F. R. 16.2 or mailed to: Office of the Deputy Attorney General, Department of Justice, Washington, D. C. 20530

APR 2 1971

COQ. D'OR PRESS
ROUTE 8
FREDERICK, MD. 21701
PHONE 301 473-8166

No. _____

65-26
521

FREDERICK, MD. 3/4 1971

PAY TO THE
ORDER OF

Treasurer of the United States 3⁰⁰/100

Three and

72 DOLLARS

FARMERS AND MECHANICS NATIONAL BANK
FREDERICK, MARYLAND

Hammill
157

⑆0521⑆0026⑆

XEROX
APR 2 1971

67-109060-700
ENCLOSURE

FBI

Date: 4/1/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL

AIRMAIL

(Priority)

TO: Director, FBI (62-109060)

FROM: SAC, New Orleans (89-69)

ASSASSINATION OF PRESIDENT JOHN
FITZGERALD KENNEDY, DALLAS, TEXAS
NOVEMBER 22, 1963
MISC. - INFORMATION CONCERNING
OO: Dallas

Enclosed for the Bureau is a newspaper article appearing
in the Times-Picayune, New Orleans, La., concerning captioned
matter.

One copy each of this newspaper article is enclosed
for Dallas and Miami.

- ② - Bureau (Enc. 1)
 - 1 - Dallas (89-43) (Enc. 1)
 - 1 - Miami (Enc. 1)
 - 1 - New Orleans
- ECW:bs
(5)

Handwritten: 105 - REC 62-109060-70

APR 5 1971

XEROX
APR 8 1971

Approved: _____ Sent _____ M Per _____

53 AF: Special Agent in Charge

11724

(Mount Clipping in Space Below)

DA, Shaw File Briefs in Case

Perjury During Previous Trial Alleged

Reply briefs have been submitted by each side in the federal court case in which Clay L. Shaw seeks to enjoin district attorney Jim Garrison from prosecuting him on a perjury charge growing out of Shaw's trial for alleged conspiracy to assassinate President John F. Kennedy.

The briefs were submitted to Federal District Judge Herbert W. Christenberry who has issued a temporary restraining order blocking Shaw's prosecution until he decides the suit seeking an injunction against the prosecution.

The temporary restraining order was issued Jan. 27, after a three-day hearing.

BEING CHARGED

Garrison has charged that Shaw lied when he testified during his conspiracy trial that he did not know accused presidential assassin Lee Harvey Oswald or David Ferrie, another figure in Garrison's assassination case.

Garrison's reply brief claims that Shaw has failed to show malice or bad faith in the perjury prosecution.

"To the contrary, defendant (Garrison) categorically and forthrightly stated under oath as a witness called by the plaintiff that he would 'rather the plaintiff be acquitted than for any of his constitutional rights to be violated' and denied any malice toward plaintiff."

The DA contends that Shaw

charges that there was a conspiracy between the district attorney and the contributors to his investigative fund, "yet no such situation was even remotely established by the plaintiff."

REPLY IS TOLD

Replying to Garrison's brief, Shaw said that the memorandum is "quite perfunctory, is couched in very general conclusory terms and except for an avowal of good faith on the part of the defendant, fails to respond to any of the issues of fact which have been submitted for the court's determination."

Shaw's reply also says that he fears further prosecution, even if tried and acquitted on the perjury charge.

"It is asserted by the defendant that if plaintiff were acquitted by the jury, plaintiff could not and would not be subject to possibility the defendant in his other charges, not necessarily a charge of perjury, against plaintiff," Shaw contends.

(Indicate page, name of newspaper, city and state.)

SECTION 1
PAGE 16

TIMES-PICAYUNE

NEW ORLEANS, LA.

Date: 3/30/71

Edition:

Author:

Editor: GEORGE W. HEALY, JR.
ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, TEXAS- 11-22-63

Character:

or

Classification: 89-69A

Submitting Office:

Being Investigated

APR 8 1971

Sc

62-109050-7005

FBI

Date: 3/31/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL

AIRMAIL

(Priority)

TO: Director, FBI (62-109060)

FROM: SAC, New Orleans (89-69) (P)

ASSASSINATION OF PRESIDENT JOHN FITZGERALD
KENNEDY, DALLAS, TEXAS, NOVEMBER 22, 1963
MISC. - INFORMATION CONCERNING
OO: Dallas

Enclosed for the Bureau are two newspaper articles
appearing in the New Orleans States-Item concerning captioned
matter.

One copy each of these articles is enclosed for Dallas
and Miami.

- 2 - Bureau (Enc. 2)
 - 1 - Dallas (89-43) (Enc. 2)
 - 1 - Miami (Enc. 2)
 - 1 - New Orleans
- ECW:bs
(5)

L. Williams
- 62-109060
FIVE-20

ENCLOSURE

NOT RECORDED
9 APR 2 1971

61 APR 8 1971

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

(Mount Clipping in Space Below)

The Schiro Years: XVI

Jim Garrison Called

Formidable Politician

By VICTOR H. SCHIRO

In Collaboration with Allan Katz

(C. 1971, Victor H. Schiro)

District Attorney Jim Garrison, who entered the 1970s beginning his third term in office, emerged during the 1960s as one of the most powerful political figures in the city and the state.

Garrison achieved national prominence as he successfully waged battles against Bourbon Street strip joints and B-drinkers and incumbent criminal court judges. He came off with nothing worse than a draw in a clash with the Legislature and also in a rather memorable battle with me. In fact, the only real defeat ever suffered to date by Garrison came in 1969 at the hands of a jury of 12 New Orleanians who in 52 minutes threw out his charges that Clay Shaw conspired to assassinate President John F. Kennedy.

For Jim Garrison, it's been a remarkable and fascinating career — especially when you consider that in the view of many political observers it was only by a lucky fluke that Jim was first elected in 1961.

AT THAT TIME, Garrison, a former assistant city attorney, first ran for DA. It was the same campaign in which I managed to spring an upset victory in the mayor's race.

The incumbent DA at that time was Richard Dowling, an Old Regular who was felt to be politically vulnerable. The major competition for Dowling was not expected to come from Garrison, however, but from Irvin Dymond, a very capable attorney.

Garrison ran for DA on the platform that he would be a full-time district attorney. When Dymond was asked on a television debate whether he would be a full-time DA, he replied curtly that he could not live on the \$15,000 salary then paid the DA and if the voters wanted a full-time DA they should cast their ballots for someone else.

That was sufficient for many voters. Although I did not endorse a DA candidate in the campaign on the grounds that a district attorney must be independent, many of my ward leaders worked for Garrison. They effectively reminded voters of Dymond's remarks in the TV debate.

I am sure many people have wondered how history might have been changed had Dymond answered the question about being a full-time DA a bit more diplomatically that night on television in 1961. It's just another lesson in basic politics about speaking softly.

OF COURSE, THE FINAL touch of irony is that it was Dymond, almost a decade after the 1961 election, who led the defense for Clay Shaw in his aspiring to murder the late President.

At any rate, Garrison was able to spring his own upset in the 1961 elections.

Garrison soon began to crack down on the Bourbon Street strip joints that were violating the law. As mayor, I had no objections to that and from a legal standpoint, was not in a position to make any comment anyway. If Garrison had the evidence, it was his duty to take these cases to the courts where they could be settled properly — one

102-107060 -

(Indicate page, name of newspaper, city and state.)

PAGE 12

THE STATES ITEM

NEW ORLEANS, LA.

Date: 3-30-71

Edition: COMET

Author:

Editor: WALTER G. COWAN

Title: ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, TEXAS

Character: 11/23/63

or

Classification: 89-69A

Submitting Office:

Being Investigated

way or another. Those crackdowns marked the beginning of the end of quittal on Garrison's charges of con-"wicked" Bourbon Street, of course. The problems that many of the strip joints have today actually began in 1961 with Garrison's crackdowns and continued enforcement of existing laws. (I should note that police officers assigned to the DA's office were instrumental in the crackdown, and that during my administration the vice squad rigorously enforced the laws and we successfully curbed the activities of barkers luring in customers for clubs.)

The new DA also soon ran afoul of the incumbent Criminal Court judges. This led to his famous clash with the Legislature, which censured Garrison. He promptly found another way to skin the cat and began working for the election and appointment of Criminal Court judges he favored. Garrison supported John J. McKeithen in the 1964 gubernatorial race and exercised considerable influence on the governor's appointment of judges for new sections and vacancies.

TODAY, SIX OF THE 10 judgeships are held by men either appointed to their jobs since Garrison took office or elected with his aid.

By 1965, with elections coming up for both Garrison and myself, the DA was at the peak of his popularity. He had established a reputation as a forceful fighter for change, was highly effective with the mass media and had generally established an enviable name for himself.

And, it was at precisely that point when I had a head-to-head confrontation with the District Attorney.

A few months earlier, in November, 1964, a bar owner named Clarence Bielosh reported that his safe had been stolen. The safe eventually was found in a canal. Investigating police officers found some football gambling cards floating next to the safe.

Several months after the safe was recovered, reports began circulating that Bielosh allegedly had made a payment of \$600 to someone in Garrison's office to destroy illegal football cards in the safe.

POLICE SUPT. JOE Giarrusso told me he felt there was also an implica-

tion in the reports that police officers might be involved. He said an investigation ought to be launched to clear up the matter once and for all. Garrison, who had assigned his own investigators to the matter, was incensed when police investigators sought to question the DA's personnel and examine his office records.

Garrison felt any efforts by police investigators to look into matters involving his office infringed on his prerogatives.

As the controversy grew hotter, I found myself trapped exactly in the middle. On the one hand, my police chief felt this was a matter that needed to be investigated and cleared up to remove any suspicion of police involvement or to take proper action if warranted. On the other hand, I was faced with a furious DA who was warning up to take dead aim at my jugular in an election year.

It was not a pleasant decision but I felt that the investigation had to go on to some logical conclusion. My reasoning was that it is far worse to back away from a problem than it is to go in and face it.

FINALLY, ON JUNE 24, 1965, Garrison dramatically announced he was sending 21 questions to the mayor which would be followed by a visit to me from his investigators to get answers.

Well, I have to concede it was a brilliant tactical move on Garrison's part. The questions, in fact were nothing but a lot of hot air that had little to do with the Bielosh case or the independence of the DA or anything else. However, the newspapers carried the story as if I had been firmly nailed to the wall—just the kind of headlines that are every elected official's nightmare.

Viewed closely, the questions were nothing to be afraid of. In fact, some were a little silly. However, it was not the questions that were to be feared but the impact that the entire splash might have on the public mind that concerned me.

The first thing I did was take a deep breath. This was no time to be pushed into a hasty statement such as Mr. Dymond made in 1961. In the end, I

decided that I wouldn't enter into a shouting match with Garrison and that the investigation of the Bielosh affair would continue.

THE NEXT DAY, I issued a terse reply to Garrison, not indicating directly whether I would answer his questions but saying:

"If you have any information or knowledge of illegal or improper actions by any elected official or other persons, including me, it is your sworn duty to institute formal proceedings in these cases." I phrased it even more succinctly in a television interview on the Mid-Day program by saying, "Put up or shut up."

In fact, I had no intention of directly answering those aimless questions. Once an elected official gives credence to that kind of thing, he might as well pack his suitcases and return home.

From that point onward, the path of the investigation was downhill. Garrison sent five of his investigators to my office to search my records for evidence of wrong-doing. They found nothing. Garrison also permitted police investigators to question his staff and examine his records. No evidence of wrong-doing was found. The matter ground to a close.

Shortly after, Jim Garrison and I had lunch together. We both managed to laugh a little about our confrontation. I assured him that I wasn't the least bit afraid of him. He assured me he wasn't the least bit afraid of me. That marked the end of our one and only public quarrel. I was glad it was over and he probably was also.

STILL, THERE WAS a lesson in it for me and for other elected officials. Public opinion polls taken prior to June when the clash began and sometime afterwards showed that my support with voters had taken a sharp drop. Garrison had swatted me hard not many months before an election, proof of his ability to leave a scar on anyone with whom he crosses swords.

In the elections that November, I edged out Jimmy Fitzmorris after enduring Hurricane Betsy, an appendectomy and Jim Garrison. The DA won a huge victory over Criminal Court

Once an elected official gives credence

Judge Malcolm O'Hara.

The only other time that Garrison and I found ourselves at cross-purposes was in the trial of Clay Shaw. I had known Clay for many years in his role as managing director of the International Trade Mart. I did not believe for a minute that he had anything to do with the murder of President Kennedy, although I did not believe the Warren Report had gotten the whole truth of the assassination. I have always believed there was a conspiracy.

Some of my friends urged me to make a statement defending Clay. I considered the idea and decided that would be improper for me to do so. In the first place, it was a matter totally in the jurisdiction of the DA and wholly outside my area of legal responsibility. It would have been an intervention in a matter that was outside my control for me to get involved. Beyond that, any action by me could only muddy the waters, making the case a controversy of local politics.

FINALLY, I BELIEVE in the American system of justice and its ability to do right. One of the blessings of our democracy is that we have the privilege of facing a jury of fellow citizens and reply to any charges brought against us. The case was resolved as it should have been—in the courts.

It was a good jury made up of a cross-section of New Orleanians, the

kind of people I have worked with for many, many years. I have always had faith in their judgments.

What of Jim Garrison in the 1970s? In my opinion, he remains one of the most formidable political figures in the state. In fact, if his health permitted, I believe he would be a very tough and capable candidate in a statewide race. Health is the major unknown factor in Jim's future. He has been troubled by a back infection for some time now. In addition, the Clay Shaw case cost him some of his support among middle- and upper-income voters in his last campaign although he handily won reelection in the 1969 first primary.

Garrison's strength today is his ability to put together a coalition of black voters and lower-income white voters. Jim is one of the few figures in politics today who can bring together these two groups which are usually at political odds. It will be interesting to see, if his health permits him to run for office again, if he can keep this coalition together and recapture some of the voters he appeared in 1969 to have lost.

Regardless of what the future holds, Jim Garrison in the 1960s was a colorful, dramatic and always-controversial figure in New Orleans. I suspect that in years to come, historians will find him one of the more interesting people of his time.



Garrison (left) and Clay Shaw: The Lone Defeat.

(Mount Clipping in Space Below)

2 New Briefs Are Filed by Shaw, Garrison

A federal judge here today took under advisement two new briefs in the continuing legal battle between District Attorney Jim Garrison and Clay L. Shaw, but gave no indication when he may rule if Garrison can try Shaw for perjury.

Shaw has asked U.S. District Judge Herbert W. Christenberry to enjoin Garrison from prosecuting him on a perjury charge in connection with the assassination of John F. Kennedy.

Shaw was acquitted in 1969 of conspiracy to kill Kennedy. The perjury charge grew out of Shaw's testimony in that trial when he denied knowing accused presidential assassin Lee Harvey Oswald or David Ferrie. Garrison had charged that Shaw conspired with Oswald and Ferrie to kill Kennedy.

THE LATEST briefs, one by each side, offer no new developments. Garrison continues to deny malice toward Shaw and Shaw renews his charge that Garrison is persecuting him.

Judge Christenberry issued a temporary injunction Jan. 18 blocking prosecution of Shaw on the perjury charge. On Jan. 27, after hearing three days of testimony, he continued the ban for 45 days, allowing attorneys for both sides that long to file briefs.

Garrison's latest brief says Shaw has failed to show "malice or bad faith" by the district attorney.

"To the contrary," Garrison said, "defendant (Garrison) categorically and forthrightly stated under oath as a witness called by the plaintiff (Shaw), that he would 'rather the plaintiff be acquitted than for any of his constitutional rights to be violated' and denied any malice toward plaintiff."

GARRISON SAID Shaw charges there was a conspiracy among the DA and his prime contributors to his investigative fund, "yet no such situation was even remotely established by the plaintiff."

In his reply to the Garrison brief, Shaw said the memorandum "is quite perfunctory, is couched in very general conclusionary terms and, except for an avowal of good faith on the part of the defendant, fails to respond to any of the issues of fact which have been submitted for the court's determination."

Shaw's brief says he fears further prosecution, even if he were tried and acquitted of the perjury charge.

"It is asserted by the defendant," Shaw charged, "that if plaintiff were acquitted by the jury plaintiff could not and would not be subject to another charge of perjury. No mention is made of the possibility the defendant in his continuing harassment of the plaintiff . . . will probably file other charges, not necessarily a charge of perjury, against the plaintiff."

(Indicate page, name of newspaper, city and state.)

PAGE 4

THE STATES-ITEM

NEW ORLEANS, LA.

Date: 3-29-71

Edition: COMET

Author:

Editor: WALTER G. COWAN

Title: ASSASSINATION OF PRESIDENT, JOHN F. KENNEDY, TEXAS

Character: 11/22/63

or

Classification: 89-69A

Submitting Office: N.O., La.

Being Investigated

62-107000

Assistant Attorney General
Civil Division

March 26, 1971

Director, FBI

REC-3 62-10476 7006
MARINA N. OSWALD PORTER, ET AL v.
UNITED STATES - USDC ND TEXAS,
CIVIL ACTION NO. CA-3-4247-C

at
Your letter of March 22, 1971, your reference LFG, III: Goldbloom:rnk, 78-73-149, stated this case is assigned to Irwin Goldbloom, who would appreciate an opportunity of conferring with an Agent to develop facts for use in the defense of this action.

Mr. Goldbloom should contact Special Agent Carl A. Harris of our Identification Division. Special Agent Harris is located in Room 6125, Federal Office Building Number One, Second and D Streets, Southwest. He can be reached by telephone on Government Code 175, extension 2518.

It is not known which items are in litigation. However, all paper items were subjected to a test for latent fingerprints utilizing a silver nitrate solution. This test does cause a discoloration which becomes more pronounced as time passes.

It may be possible, even at this time, to remove the stains or to improve the general appearance of the items in question.

MAILED 12
MAR 25 1971
FBI

RECEIVED
MAR 25 1 05 PM '71
FBI

UNRECORDED COPY FILED IN

CAH:jds/ksw
(6)

53 APR 13 1971

APR 7 1971

MAIL ROOM TELETYPE UNIT

Memorandum

TO : Mr. J. Edgar Hoover
Director, Federal Bureau of Investigation

DATE: MAR 22 1971

FROM : L. Patrick Gray, III
Assistant Attorney General, Civil Division

LPG, III:Goldbloom:rnk
78-73-149

SUBJECT: Marina N. Oswald Porter, et al v.
United States - USDC ND Texas,
Civil Action No. CA-3-4247-C

Mr. Tolson	_____
Mr. Sullivan	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Brennan	CDK
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

The above action is a claim brought under the Federal Tort Claims Act for alleged loss or damage to personal property of Lee Harvey Oswald while such property was in the possession and control of the Federal Bureau of Investigation. As you know, this Department rejected the administrative claim presented to the Bureau by letter of July 17, 1970, a copy of which was forwarded to your office. Thereafter, the above suit was brought under the Tort Claims Act and a pretrial conference was conducted by the court on March 17, 1971.

The facts surrounding the institution of this suit are as follows:

Following the submission of the Warren Commission Report in 1964, Congress deemed it advisable that the Government permanently retain possession of certain of the items of evidence considered by the Warren Commission in its investigation of the assassination of President Kennedy. In November 1965, Public Law 89-318 was enacted to establish authority for the preservation of evidence used by the Warren Commission. Section 2 of the Act authorized the Attorney General to designate which of the items of evidence were to be retained and provided that, upon publication of his determination in the Federal Register, title to such items would vest in the United States. The Attorney General's determination was published in the Federal Register on November 1, 1966. 31 F.R. 13968 et seq. Section 3 of Public Law 89-318 vested the Court of Claims and the Federal District Courts with jurisdiction to hear, determine, and

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ENCLOSURE
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3-26-71
CAH:jd
EX-112

MAR 23 1971

DISCLOSE

render judgment upon any claim for just compensation for any item acquired by the United States pursuant to the Act.

A timely suit was filed by the widow of Lee Harvey Oswald, Marina N. Oswald Porter, in the Federal District Court for the Northern District of Texas to recover just compensation for the value of certain personal property which belonged to Lee Harvey Oswald and/or Marina Oswald. That suit, Marina N. Oswald Porter, et al v. United States of America, Civil Action No. 3-2282, N.D. Texas, has already been tried and is awaiting decision by the District Judge.

The evidence in that case was presented to a Master in Chancery who was appointed by the District Court. A hearing was conducted in Washington, D.C. on January 27 and 28, 1969, and additional proceedings were thereafter conducted in Dallas, Texas. At the time of the hearing the items of property were examined at the Archives by the Master in Chancery, the expert witnesses for both Mrs. Oswald and the United States, and the attorneys for the respective parties.

Examination of the property disclosed that many of the items, documentary in nature, had been treated with some chemical process which resulted in a staining or discoloration of the documents. At that time we were informed by personnel at the Archives that these items were in that condition when received from the FBI Laboratory, and that such staining had occurred through the investigative analysis performed on the documents to determine whether any hidden messages or codes were present in the documents. Accordingly, the Government presented evidence as to the value of the documents on the date of taking, November 1, 1966, and urged that the value be determined as of that date based upon the documents in a stained and discolored condition. The difference in value, according to the Government's witness, between the documents in their stained condition as against their original condition was approximately \$60,000. The Government's witness testified that the present value of the property involved amounted to approximately \$10,500, and that if all the property were in good collector's condition it would be valued at approximately \$70,000.

At the trial and thereafter, the Government asserted that any staining resulting from investigative examination was proper investigative technique in light of the circumstances regarding the crime involved and information otherwise available as to Oswald and therefore the chemical treatment did not amount to a "taking" of the property under settled principles of law which preclude recovery for damage to property resulting from the lawful exercise of the sovereign's police power. See Y.M.C.A. v. United States, 395 U.S. 85; United States v. Caltex, Inc., 344 U.S. 149; United States ex rel T.V.A. v. Powelson, 319 U.S. 266, 284; Hamilton v. Kentucky Utilities Co., 251 U.S. 146, 154-157; Juragua Iron Co. v. United States, 212 U.S. 297. We also urged upon the court that such damage did not amount to any negligence.

Without issuing an opinion discussing its reasons, the court entered a preliminary order instructing the Master to value the property as urged by the Government, i.e., in its condition as of November 1, 1966. The Government has raised a number of other defenses in the just compensation action which have not as yet been resolved by the court and are not relevant to the issues involved in this memorandum.

As a result of the court's preliminary ruling, plaintiff asserted this claim under the Federal Tort Claims Act for the alleged damage to the property. An Answer has been filed, a copy of which is enclosed, asserting all of the relevant defenses to this claim.

It will now be necessary to develop the facts for use in defense of the tort suit. This case is assigned to Irwin Goldbloom of this Division, and we would appreciate an opportunity to confer with one of your agents to develop the facts for use in the defense of this action.

At the pretrial conference before the court on March 17, 1971, it was agreed that the Government would file a motion together with affidavits relating to the legal defenses asserted by the Government in this case. Accordingly, the basic thrust of our affidavits will be the nature of the treatment of the documents involved and the propriety of the techniques used in light of the circumstances of this case.

We appreciate your cooperation in this matter.

Enclosure

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AT DALLAS, TEXAS

MARINA N. OSWALD PORTER,
et al.,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No. CA-3-4247-C

A N S W E R

First Defense

The complaint fails to state a claim upon which relief can be granted.

Second Defense

The Court lacks subject matter jurisdiction over this action.

Third Defense

This action is time-barred by the statute of limitations.

Fourth Defense

This action is barred by 28 U.S.C. §§ 2680(a), 2680(c).

Fifth Defense

Elements of this claim may be barred by 28 U.S.C. § 2690(h).

Sixth Defense

In answer to the numbered paragraphs of the complaint, defendant hereby admits, denies, and alleges as follows:

1. Defendant denies the allegations set forth in the first paragraph of the complaint, except to admit that plaintiff seeks money damages in this action.

2. Defendant denies the allegations set forth in paragraph two of the complaint for lack of information or knowledge sufficient to form a belief as to their truthfulness.

3. The statement set forth in paragraph three of the complaint is a conclusion of law and not an allegation of fact requiring answer; however, to the extent that an answer may be deemed to be required, defendant denies this allegation.

4. Defendant denies the allegations set forth in paragraph four of the complaint for lack of information or knowledge sufficient to form a belief as to their truthfulness, except that defendant admits that Exhibit A is a true copy of a notice appearing at 31 Federal Register, No. 212, Tuesday, November 1, 1966.

5. The statement set forth in paragraph five of the complaint is a conclusion of law and not an allegation of fact requiring answer, and defendant respectfully refers the Court to the cited provision in the Federal Register for its terms and conditions.

6. Defendant denies the allegations set forth in paragraph six of the complaint, except that defendant admits that certain items of property described in Exhibit A were subjected to investigative examina-

7. Defendant denies the allegations set forth in the first sentence of paragraph seven of the complaint, except to admit that the property listed in Exhibit A to the complaint has been in the custody, possession and control of the Government since on or about November 22, 1963. Defendant denies the allegations set forth in the second sentence of paragraph seven of the complaint.

8. Defendant admits the allegations set forth in paragraph eight of the complaint.

9. Defendant denies the allegations set forth in the first three sentences of paragraph nine of the complaint, except to admit that there is pending in this Court a civil action styled Marina N. Oswald Porter, et al., plaintiffs, v. United States of America, defendant, Civil Action No. 3-2282, of which this Court can take judicial notice, and the Court is respectfully referred to the record in that case for the contents thereof. Defendant denies the allegations set forth in the fourth sentence of paragraph nine of the complaint and further denies that the plaintiff has been damaged in any amount. The fifth sentence of paragraph nine of the complaint does not set forth any allegations of fact to which answer is required.

10. Defendant denies the allegations set forth in the first sentence of paragraph ten of the complaint except to admit the pendency of Civil Action No. 3-2282 in this Court, and the Court is respectfully referred

the Court. The second sentence of paragraph ten of the complaint does not contain any allegations of fact requiring answer. Defendant denies the allegations set forth in the third sentence of paragraph ten of the complaint, and further denies that plaintiffs are entitled to relief under any circumstances whatsoever.

All allegations not hereinbefore expressly admitted, denied or qualified are hereby denied.

WHEREFORE, having fully answered, the defendant prays:

1. That the relief requested by the plaintiffs be denied and that the complaint be dismissed; and
2. That the defendant be given all such other and further relief as the Court may deem just and proper.

Respectfully submitted,

L. PATRICK GRAY, III
Assistant Attorney General

ELDON B. NAHON
United States Attorney

HARLAND F. LEATHERS

KENNETH J. MIGHILL
Assistant United States Attorney

IRWIN GOLDBLOOM

DAVID J. ANDERSON

Attorneys, Department of Justice

FBI

Date: 4/14/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (62-109060)

FROM: SAC, NEWARK (62-3060) (P)

SUBJECT: ⁰ ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS
11/22/63
(OO:DALLAS)

Re Newark airtel to the Bureau dated 3/11/71.

On 4/14/71, AUSA ROGER S. STEFFENS, Trenton, N.J., advised that he had filed a motion in Federal Court to dismiss the complaint of EMERY L. BROWN, JR. or for a Summary Judgment. He said arguments on this motion would be heard May 3, 1971. He said he would advise of the court's decision. *By*

REC-22

REC-22

62-109060-7007

18 APR 16 1971

- 2 - Bureau
- 1 - Dallas (89-43)
- 2 - Newark

RLC/djd
(5)

Approved: *[Signature]*
Special Agent in Charge

Sent _____ M Per _____

Mr. Schultz' affidavit sets forth these relevant facts:

While the FBI maintains an extensive and detailed indexing system permitting material in its files and records to be located, a search of our indexing systems failed to identify certain of the information requested by plaintiff. However, since plaintiff's demands are based on material originating in the files and records of other law enforcement agencies (principally the Dallas Police Department), to insure that our files do not contain the demanded information in any form would necessitate a detailed, page by page search of a substantial portion of the 384 volumes of this file. [Schultz' affidavit, par. 3]

Section 552(a)(3) of 5 U.S.C. provides:

* * * each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. * * *

The statutory language thus limits the material to be made available to "identifiable records" and grants the Court jurisdiction only to enjoin the agency with respect to agency records improperly withheld from the complainant. 5 U.S.C. 552 thus does not require agencies to produce information or to alter records so that they may become available or to compile information not contained in identifiable records. Tuchinsky v. Selective Service System, 418 F.2d 155 (7th Cir. 1969). This holding confirms what is evident in the light of the legislative history discussed in the Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act at pp. 23-24, which points out that 5 U.S.C. 552(a)(3)

"refers of course, only to records in being and in the possession or control of an agency. The requirement of this subsection imposes no obligation to compile or procure a record in response to a request. This is evidenced by the fact that the term 'information' in the bill, as introduced, was changed by the Senate to 'identifiable records' and by the legislative history of that change. (S. Rept., 89th Cong., 2.)"

As in Tuchinsky v. Selective Service System, 418 F.2d 155 (7th Cir. 1969), it would be "an unreasonable burden" not contemplated by the identifiable record requirement set forth in 5 U.S.C. 552(a)(3) to require a Government agency to compile information for members of the public such as the information sought by plaintiff. The requirement that plaintiff seek "identifiable records" stands as a barrier to plaintiff's use of judicial proceedings to obtain such information. Tuchinsky v. Selective Service System, supra. The file referred to at the present time "consists of 384 volumes containing 12,659 serials. Some of these 'serials', each of which is a separate document, are over 1400 pages in length." (Schutz' affidavit, Par. 2). Thus, it is manifest that the action should be dismissed since plaintiff has not requested any "identifiable records," 5 U.S.C. 552(a)(3).

In any event, the information plaintiff seeks is clearly exempt from disclosure since it could only be part of "investigatory files compiled for law enforcement purposes" not available by law to a party other than an agency and therefore within the exclusion set forth at 5 U.S.C. 552(b)(7). Indeed Mr. Schutz' affidavit details at great length in paragraph 4, 5 and 6, the grave injury which would be done to the FBI's investigative processes and to the security of the President if the file compiled in connection with the assassination of President Kennedy were made available.

The whole thrust of the exemption is to protect from disclosure all files which the Government compiles in the course of law enforcement investigations which may or may not lead to formal proceedings. As the Court held in Parceloneta Shoe Corp. v. Compton, 271 F. Supp. 591, 592-593 (D. F.R. 1967):

In general terms I agree with the Attorney General's analysis of the nature and scope

of the exemption, in his Memorandum on the Public Information Section of the Administrative Procedure Act, dated June 1957, wherein he states at p. 38:

'The effect of the language in exemption (7), on the other hand, seems to be to confirm the availability to litigants of documents from investigatory files to the extent to which Congress and the courts have made them available to such litigants. For example, litigants who meet the burdens of the Jencks statute (18 U.S.C. 3500) may obtain prior statements given to an FBI agent or an FBI investigatory by a witness who is testifying in a pending case; but since such statements might contain information unfairly damaging to the litigant or other persons, the new law, like the Jencks statute, does not permit the statement to be made available to the public. In addition, the House report makes clear that litigants are not to obtain special benefits from this provision, stating that '§ 1160 is not intended to give a private party indirectly any earlier or greater access to investigatory files than he would have directly in such litigation or proceedings.' (H.Rept. 11).'

As I suggested before, Congress could not have intended to grant lesser rights of inspection and copying of witnesses' statements to persons who are faced with the deprivation of their life or liberty, than to persons faced only with remedial administrative orders under regulatory statutes.

Accord: Bristol-Myers Co. v. FTC, 404 U.S. 935, 939 (U.S. Cir. 1970), cert. denied 39 U.S. 3147.

To like effect is the Court's decision in Clement Brothers Co. v. HLRB, 252 F. Supp. 540, 542 (N.D. Ga. 1955), with which the Fifth Circuit has stated it "fully concurs," HLRB v. Clement Brothers Co., 437 F.2d 1027, 1031 (5th Cir. 1970):

Though the Court does not feel that it is necessary to reiterate an exhaustive documentation of the Act's legislative history, the following statement is exemplary of numerous others which make it clear that the plaintiff's interpretation must be rejected:

'This exemption covers investigatory files related to enforcement of all kinds of laws, labor and securities laws as well as criminal laws. This would include files prepared in connection with related Government litigation and adjudicative proceedings. H.R. Report # 1497, 89th Cong., 2nd Sess., p. 11.'

In sum, it is clear that the plaintiff could obtain the employees' statements taken by the Board if the employees had been called to testify-- in fact, the plaintiff was given access to the statements of the employees who did so testify. However, the plaintiff is not entitled to employee statements absent such use.

Since, the records plaintiff seeks have not been made part of the record in agency proceedings, plaintiff may not obtain them "absent such use." 2/ Accord: Benson v. United States, 376 F. Supp. 1144 (D. Neb. 1972). Thus, by enactment of 5 U.S.C. 552(b)(7) "[t]he public policy in favor of maintaining the

2/ Insofar as fiction in Copsey v. United Building & Drydock Co., 288 F. Supp. 703 (S.D. Pa. 1968), which involved subpoena proceedings, not a suit pursuant to 5 U.S.C. 522, is to the contrary, it is plainly wrong for the reasons stated above.

secrecy of FBI investigative reports has been recognized by Congress. Black v. Sheraton Corp. of America, 50 F.R.D. 130, 132 (D. D.C. 1975).

In summary, common sense, the wording of 5 U.S.C. 552, its legislative history, and the decided cases are in accord that plaintiff may not obtain the relief he seeks in these proceedings.

Please send us copies of all papers filed and keep us informed of all developments.

Enclosures

✓ cc: Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation

2/ (continued) It is significant that the language Congress chose, "compiled for law enforcement purposes" was criticized at hearings on the proposed legislation as unduly restrictive. 89th Cong., 1st Session, Hearings on H.R. 5012 before the House Committee on Government Operations, pp. 245-247. - Notwithstanding this criticism Congress enacted exemption 7 as referred to above because it thought the broad protection against disclosure contained therein necessary to effective operation of the agencies which compile investigation reports. In any event, the records plaintiff seeks are presently maintained by the Federal Bureau of Investigation "in a 'pending' or open status." (Schutz' affidavit, Par. 4).

F B I

Date: 5/10/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

WJ
TO: DIRECTOR, FBI (62-109060)

FROM: SAC, NEWARK (62-3060) (P)

SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS,
11/22/63 -
(OO:DALLAS)

RE: Newark airtel to the Bureau, 4/14/71.

On 5/10/71, AUSA ROGER S. STEFFENS, Trenton, N.J.,
advised that the arguments on a dismissal motion in the case
concerning EMORY L. BROWN, JR., in Federal Court, had been
postponed until 6/7/71.

G

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REC-92

62-109060-7009

MAY 11 1971

2-Bureau
1-Dallas (89-43)
2-Newark
RCL:mnw
(5)

SIX

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

UNITED STATES GOVERNMENT

Memorandum

- Tolson _____
- Sullivan _____
- Mohr _____
- Walters _____
- Tele. Room _____
- Holmes _____
- Gandy _____
- Callahan _____
- Casper _____
- Conrad _____
- Dalbey _____
- Felt _____
- Gale _____
- Rosen _____
- Tavel _____
- Walters _____
- Snyers _____

V. DeW
MB

TO : Mr. Tolson

DATE: April 26, 1971

FROM : D. J. Dalbey
(J.D.)

ref. to...
ref. to...

SUBJECT: FREEDOM OF INFORMATION ACT
REQUEST FROM JERRY FINES
SPECIAL ASSISTANT TO THE
DEPUTY ATTORNEY GENERAL
APRIL 26, 1971

At 12:10 p.m. today, Mr. Fines telephonically requested the Office of Legal Counsel to assist him in obtaining a copy of a communication previously sent to the Deputy Attorney General. He explained that he is working on a matter concerning the Freedom of Information Act for the Deputy Attorney General and that he was in possession of a memorandum from the Director to the Deputy Attorney General captioned "Freedom of Information Act, Request of Paul L. Hoch," dated January 4, 1971. That memorandum referred to a previous memorandum dated October 1, 1970, which concerned the five year review of Warren Commission files. According to Manual of Rules and Regulations, Part II, Section 8, page 18c, matters concerning this Act must be brought to the attention of the Crime Records Division.

Mr. Fines said that he has been unable to locate the October 1, 1970, memorandum in the Department and he requested our assistance in furnishing him a copy of this communication.

RECOMMENDATION:

That the Crime Records Division identify the October 1, 1970, memorandum referred to by Mr. Fines and send him a copy as requested. It should be noted that Mr. Fines indicated that his telephone extension is 3713 in the Department. His room number is 4213.

- 1 - Mr. Mohr
- 1 - Mr. Bishop
- 1 - Mr. Callahan
- 1 - Mr. Tavel

Handled with Fines
4-27-71
TR

JAM:cfp
(6)

WBS
7 APR 29 1971

7 19
70 MAY 7 1971

NOT RECORDED
MAY 3 1971

CRIME RESEARCH

ORIGINAL FILED IN

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. J. I. Mohr
- 1 - Mr. W. C. Sullivan
- 1 - Mr. T. F. Bishop
- 1 - Mr. C. L. Brennan

- Sullivan
- Byrd
- Bishop
- Brennan, C.D.
- Callahan
- Casper
- Conrad
- Dalbey
- Felt
- Gale
- Rosen
- Tavel
- Walters
- Soyars
- Tele. Room
- Holmes
- Gandy

TO : Mr. C. D. Brennan

DATE: May 6, 1971

FROM : Mr. W. A. Branigan

- 1 - Mr. W. A. Branigan
- 1 - Mr. L. Whitson

SUBJECT: ASSASSINATION OF PRESIDENT
 JOHN FITZGERALD KENNEDY
 NOVEMBER 22, 1963,
 DALLAS, TEXAS

[Handwritten signatures and initials]

Former Special Agent Nate Ferris informed Special Agent L. Whitson on 5/3/71 that he had heard that the woman journalist, Sarah McClendon, plans to write a feature story on [redacted] a former State Department employee who recently committed suicide. According to Mrs. McClendon's daughter who lives next door to the Ferrises, Sarah McClendon is going to do the article because [redacted], former Political Officer of U. S. Embassy in Mexico, knew so much about the "Oswald case."

Mr. Ferris pointed out that when he was Legal Attache in Mexico, a Mrs. Garro de Paz, a Mexican woman, was interviewed by Bureau Agents in Mexico City in 1964 regarding her allegations that she had seen an American at a party in Mexico City who resembled Oswald. Investigation located a person whom Mrs. Garro de Paz said had also been at the party. He recalled the party and stated there were no Americans there and from information developed it appeared the party took place before Oswald ever went to Mexico City. In December, 1965, [redacted] the Political Officer at the Embassy, heard Mrs. Garro de Paz's story for the first time and furnished the information to the Legal Attache and to the Central Intelligence Agency (CIA) representative in Mexico City.

[redacted] was apparently disappointed that the Bureau did not attach as much significance to the woman's allegations as he did and upon his retirement from the Department of State in 1969, he forwarded to the Secretary of State documents regarding the allegations of Elena Garro de Paz, which he considered would damage the credibility of the Warren Commission Report. In his communication to the Department of State, [redacted] noted that a representative of a major American publication had some knowledge of the story. He did not identify this person.

The Assistant Attorney General, Internal Security Division, and the Acting Chief, Division of Protective Security, Department of State, were furnished the results of the Bureau's 1964 investigation of the allegations of Mrs. Elena Garro de Paz.

62-109060
 62 MAY 20 1971

EX-112

25 MAY 12 1971

CONTINUED - OVER

MAY 13 1971

PERS. REC. U.S.A.

Memorandum to Mr. C. D. Brennan
RE: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY
NOVEMBER 22, 1963
DALLAS, TEXAS
62-109060

ACTION:

For information and for the assistance of Crime
Records, should Mrs. McClendon contact Bureau in connection
with the reported story.

PH

*over
by*

Wes

JTS

A

OK

WBS

✓

Mohr _____
 Bishop _____
 Brennan, C.W. _____
 Callahan _____
 Casper _____
 Conrad _____
 Dalbey _____
 Felt _____
 Gale _____
 Rosen _____
 Tavel _____
 Walters _____
 Soyars V.W.
 Tele. Room _____
 Holmes _____
 Gandy _____

John

500

UPI-90

(SURVEILLANCE)

WASHINGTON --THE NIXON ADMINISTRATION'S INTERNAL SECURITY CHIEF
 SUGGESTED TODAY IN YET ANOTHER DEFENSE OF SURVEILLANCE THAT THE
 ASSASSINATION OF THE KENNEDY BROTHERS AND THE KENT STATE STUDENT
 SHOOTINGS MIGHT HAVE BEEN AVOIDED BY BETTER GOVERNMENT INTELLIGENCE.
 ASSISTANT ATTORNEY GENERAL ROBERT C. MARDIAN OFFERED THESE INCIDENTS
 IN A NEW DEFENSE OF THE GOVERNMENT'S RIGHT TO GATHER INTELLIGENCE AND
 ITS RESPONSIBILITY TO INSURE THE RIGHT OF ALL INDIVIDUALS TO PEACEABLY
 ASSEMBLE AND EXERCISE THEIR FIRST AMENDMENT "RIGHTS OF FREE SPEECH."
 RECENT TRAGIC EVENTS IN THE LIFE OF OUR NATION AND THE ENSUING
 INVESTIGATION INTO THE CAUSES OF SUCH INCIDENTS AND WAYS TO PREVENT
 THEIR RE-OCCURRENCE POINT TO THE ROLE OF GOVERNMENT IN INTELLIGENCE
 GATHERING AS AN OBLIGATION RATHER THAN A RIGHT, OR PRIVILEGE," HE SAID.
 MARDIAN DELIVERED A LAW DAY SPEECH TO THE FEDERAL BAR ASSOCIATION
 TITLED "THE GOVERNMENT'S INTELLIGENCE FUNCTION -- A RIGHT OR
 OBLIGATION?"

HE QUOTED THE WARREN COMMISSION REPORT ON THE ASSASSINATION OF
 PRESIDENT JOHN KENNEDY IN DALLAS NOV. 22, 1963, WHICH SAID: "THE
 COMMISSION BELIEVES ... THAT THE FBI TOOK AN UNDULY RESTRICTIVE VIEW
 OF ITS RESPONSIBILITIES IN PREVENTIVE INTELLIGENCE WORK PRIOR TO THE
 ASSASSINATION."

NOT RECORDED
 1971 MAY 12 1971

8 MAY 11 1971


 WASHINGTON CAPITAL NEWS SERVICE

ORIGINAL FILED IN

IF, AS THE COMMISSION SUGGESTED, THE BEHAVIOR PATTERNS OF INDIVIDUALS TOWARD GOVERNMENT MAY INDICATE THEIR PROPENSITY FOR VIOLENCE AGAINST ITS LEADER, MARDIAN ASKED, "HOW CAN WE BE AWARE OF SUCH INDIVIDUALS WITHOUT ACCURATE DETAILED INFORMATION?"

"ARE WE NOT OBLIGATED," HE SAID, "TO TAKE EVERY MEASURE TO SEE TO IT THAT A TRAGEDY OF THE MAGNITUDE OF A PRESIDENTIAL ASSASSINATION DOES NOT RE-OCCUR?"

TURNING TO THE ASSASSINATION OF THE PRESIDENT'S BROTHER, SEN. ROBERT F. KENNEDY, FIVE YEARS LATER, FOLLOWING A POLITICAL RALLY, MARDIAN SAID HE THOUGHT IT FAIR TO POSE THE QUESTION IN THE LIGHT OF RECENT ACCUSATIONS AGAINST THE FBI.

"HAD THE ASSASSINATION NOT OCCURRED, AND THE PRESENCE OF THE FBI BEEN PUBLICLY NOTED, WOULD IT NOT HAVE BEEN ACCUSED OF SURVEILLING A POLITICAL RALLY?" HE ASKED.

"BASED UPON THE RECENT REACTIONS OF SOME POLITICIANS AND POLITICAL COMMENTATORS, I CAN ONLY CONCLUDE THAT THE GOVERNMENT CAN NEVER BE RIGHT. IT IS DAMNED, IT SEEMS IF IT DOES AND DAMNED IF IT DOESN'T."

MARDIAN REFERRED TO CRITICISM THAT GOVERNMENT ENFORCEMENT AGENCIES SHOULD HAVE KNOWN ABOUT THE PRESENCE OF SEN. KENNEDY'S ASSASSINS AT THE LOS ANGELES RALLY.

THE KILLING OF FOUR STUDENTS BY THE OHIO NATIONAL GUARD DURING DEMONSTRATIONS AT KENT STATE UNIVERSITY LAST MAY 4 "ALSO TEACHES SOME HARD LESSONS ABOUT THE NEED OF GOVERNMENT TO HAVE FULL AND ACCURATE INFORMATION," MARDIAN CONTINUED.

"IT IS MY BELIEF THAT THE TRAGEDY AT KENT STATE WAS THE RESULT OF THE MEN (GUARDSMEN) NOT KNOWING INITIALLY WHAT TO EXPECT, AND THEN BUILDING EXPECTATION ON THE ONLY INFORMATION THAT HAD -- RUMOR," HE SAID.

"WE CANNOT HELP BUT WONDER: WHAT WOULD HAVE HAPPENED, IF BECAUSE OF THOROUGH INFORMATION, LAW ENFORCEMENT PERSONNEL HAD KNOWN FROM THE BEGINNING WHO MIGHT BE A POTENTIAL DISRUPTER AND WHO MIGHT BE A POTENTIAL PEACE MAKER?" HE SAID.

4-27--NW106PD

I can't tell from the way Mardian jumbles which side of his mouth he is speaking from.

FBI

Date: 6/2/71

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: Director, FBI (62-109060)
FROM: SAC, New Orleans (89-69) (P)

ASSASSINATION OF PRESIDENT JOHN FITZGERALD
KENNEDY, DALLAS, TEXAS, NOVEMBER 22, 1963
MISC. - INFORMATION CONCERNING
OO: Dallas

a

Enclosed for the Bureau are newspaper articles appearing
in New Orleans papers concerning above-captioned matter.

One copy each of these newspaper articles is enclosed
for Dallas and Miami.

UNRECORDED COPY FILED IN 44-41824-

- ② - Bureau (Enc. 4)
 - 1 - Dallas (89-43) (Enc. 4)
 - 1 - Miami (Enc. 4)
 - 1 - New Orleans (Enc. 4)
- ECW:bs
(5)

ENCLOSURE

W. J. ...
BR...

REC-66

7011

JUN 4 1971

JUN 3 12 51 PM '71

Approved: *[Signature]*
Special Agent in Charge

Sent _____ M Per _____

56 JUN 15 1971

(Mount Clipping in Space Below)

Garrison Bids for Martyrdom

By JACK WARDLAW

The unpredictable political career of District Attorney Jim Garrison has taken a new turn with his vitriolic blast at a federal judge.

Federal District Judge Herbert W. Christenberry has declined to reply to Garrison's tirade of yesterday which seemed to be an open invitation to the judge to cite him for contempt.

With a governor's race in progress and Garrison reportedly ready to back an ultra-conservative candidate, the DA's actions took on the look of a bid for public martyrdom.

GARRISON BAITED the judge with a scathing personal attack, including reflections on his integrity, truthfulness and honesty. It came in a State-

ment from the DA announcing his intention to appeal Judge Christenberry's ruling that he cannot press perjury charges against Clay L. Shaw. The charges stem from Garrison's probe of the assassination of President John F. Kennedy.

Attacks on the federal government are nothing new for Garrison, who has contended from the outset of his assassination probe that federal authorities have tried to block him at every turn.

But yesterday's blast at a federal judge placed him squarely in the tradition of Southern politicians such as Ross Barnett, George C. Wallace and Jimmie H. Davis, in defiance of federal courts during the desegregation turbulence of the early 1960s.

In choosing the path of defiance, he left himself open to fines and possible imprisonment had Judge Christenberry chosen to cite him for contempt. The judge's silence today indicated he is not taking the bait.

NOT SINCE THE heyday of Barnett has there come such a vehement denunciation of a federal jurist. It recalls Wallace's symbolic "stand in the schoolhouse door," at the University of Alabama, Barnett's attempt to circumvent court orders by declaring himself registrar of Ole Miss and Davis' attempts to seize the New Orleans public school system.

As far as results were concerned, all were exercises in futility. They did not even materially delay the desegrega-

tion of Alabama, Ole Miss or the New Orleans schools. But they made head lines and presumably political capital.

Even these results are mixed. Wallace remains master of his state but his national political ambitions have been thwarted, and he even had difficulty in his most recent Alabama campaign. Barnett suffered a humiliating defeat the next time he faced Mississippi voters after his Ole Miss crisis.

LOUISIANA voters may have a chance to pass judgment on Davis in November. He is expected to run for governor again. It will be recalled that as governor in 1960 he vowed he would go to jail before he saw any Negro go

(Indicate page, name of newspaper, city and state.)

FRONT PAGE

STATES-ITEM

NEW ORLEANS, LA.

Date: 6/1/71
Edition: FLASH
Author: JACK WARDLAW
Editor: WALTER G. COYAN
Title: ASSASSINATION OF JOHN F. KENNEDY.

Character:

or

Classification: 89-69A*

Submitting Office:

Being Investigated

62 109000 -
ENCLOSURE

JUN 8 1971

to school with a white child in this state.

Davis never served a day in jail and racial integration is now commonplace in Louisiana schools.

Garrison in the past has played a different political game, and has never been rebuffed at the polls since he was elected DA in 1961.

HE WON his most recent election in 1969 with the massive support of black voters, and was for a time the darling of the far left, which was disinclined to

believe that Kennedy was really killed by a Marxist, Lee Harvey Oswald.

The DA has not publicly indicated what role he plans to play in this year's governor's race, but reportedly he plans to ally himself with a candidate who has in the past opposed federal desegregation efforts. His current posture as a militant foe of federal authority could be tied in with this.

Maintaining black support while playing the role of a federal court-baiter would be a master political feat. Only a Garrison would even attempt it.

(Mount Clipping in Space Below)

Jurist Is Silent on DA's Blast

Indicate page, name of newspaper, city and state.)

Federal Judge Herbert W. Christenberry today declined to comment on a challenge by District Attorney Jim Garrison on the jurist's recent order barring prosecution of Clay L. Shaw on a perjury charge.

Garrison's blast at Judge Christenberry was contained in a statement issued yesterday in which Garrison said "... this appointed federal employe has no business nor has he any just authority whatsoever to enjoin elected officials of the state of Louisiana from doing their duty."

In the most vitriolic paragraphs of Garrison's six-page statement, he said of the judge:

"I DO NOT pretend to know what personal gain this politically appointed federal employe had in mind in concocting these two gargantuan untruths, however, I do know that to any thinking individual they most certainly should discredit him as a judge of any integrity."

The two "untruths" to which he referred were comments by the judge that Garrison had a financial interest in the prosecution of Shaw and that the prosecution was carried through in bad faith.

Judge Christenberry ~~Thursday~~ enjoined Garrison from further prosecution of Shaw, whom Garrison charged with perjury after his acquittal on charges of conspiring to kill President John F. Kennedy.

Garrison yesterday announced his intention of appealing this decision. Such an appeal would normally go to the U.S. Fifth Circuit Court of Appeals, which is based here.

~~Ironically~~, it was a three-judge panel

~~of the Fifth Circuit which ordered~~ Christenberry to take up the Shaw case in the first place. On Jan. 18, he ruled in favor of Garrison in turning down Shaw's plea that the federal courts rule on Garrison's right to try him for perjury.

THE FIFTH CIRCUIT panel later ordered Judge Christenberry to hear the case, and his Thursday ruling was the result. Now, Garrison says he will take the matter back to the appeals court.

In his ruling, Judge Christenberry roasted Garrison's entire Kennedy investigation and his handling of the Shaw case. He called the probe baseless and accused the DA of trying to deprive Shaw of his constitutional rights.

Yesterday, Garrison replied in kind. Here are the highlights of the DA's statement":

"It is apparent that Judge Christenberry either did not hear the evidence which was presented before him or is laboring under the illusion that he is a judge of the state of Louisiana elected by the people of New Orleans rather than a political appointee employed by the federal government."

"... This appointed federal employe has no business nor has he any just authority whatsoever to enjoin elected officials of the state of Louisiana from doing their duty."

FRONT PAGE

STATES-ITEM

NEW ORLEANS, LA.

Date: 6/1/71

Edition: FLASH

Author:

Editor: WALTER G. COYAN

Title: ASSASSINATION OF JOHN F. KENNEDY.

Character:

or

Classification: 82-69A*

Submitting Office:

Being Investigated

ENCLOSURE

JUN 8 1971

—Garrison denied the judge's charge that he had a financial interest in the case through sales of his book, "Heritage of Stone," and said the judge knew the statement was untrue when he made it.

—Citing Judge Christenberry's references to his book, Garrison said the decision "had one redeeming feature . . . it established as a matter of legal record that he has read a book."

—He charged that the judge "departed from the truth" in drafting his opinion, and called his own handling of the Shaw case "a landmark in fairness in prosecution."

— . . . "It is one of the unfortunate results of a lifetime tenure as a judge . . . that he is free to disregard . . . the duty owed by an official to the people."

And Garrison concluded:

"In summary, this outrageous distortion of the facts and law, couched in the guise of a studied legal opinion and pasted together by a man who should know better, cannot be allowed to rest as it is. This office will appeal this ~~illegal, biased and distorted opinion~~ within the next few days, in hope that our case will find its way to judges who care about the truth and who are guided by the law."

Judge Christenberry had no response, nor did Shaw, who last week expressed delight at the ruling but expressed fear that Garrison might press the appeal.

Last Friday, Garrison said he was not surprised by the ruling and commented that "Judge Christenberry is one of the most experienced judges on ~~the federal bench.~~"

(Mount Clipping in Space Below)

DA to Appeal Shaw Case; Denounces Federal Judge

District Attorney Jim Garrison has announced plans to appeal a federal court decision blocking further prosecution of Clay L. Shaw and issued a scathing personal attack on the judge who handed down the decision.

"This office will appeal this illegal, biased and distorted opinion," Garrison said yesterday in a prepared six-page statement. He said the appeal will be filed "within the next few days, in the hope that our case will find its way to judges who care about the truth and who are guided by the law."

U.S. DISTRICT Judge Herbert W. Christenberry last week issued a permanent injunction against prosecution of perjury charges against Shaw, stemming from Shaw's testimony in the 1969 trial when he was acquitted of conspiring to assassinate President John F. Kennedy.

Judge Christenberry ruled the perjury charge was brought in bad faith and "such bad faith constitutes irreparable injury which is great and immediate."

The judge also ruled Garrison has an interest in continuing the prosecution of Shaw because of a book he has written on the assassination investigation and because he has a contract to write other books. Garrison denied his prosecution was in bad faith or for financial gain.

Judge Christenberry had no comment on Garrison's attack on the ruling.

Shaw, who had expressed delight at Judge Christenberry's ruling last week, refused comment on Garrison's plans to appeal.

GARRISON SAID Judge Christenberry "either did not hear the evidence which was presented before him or is laboring under the illusion that he is a judge of the state of Louisiana elected by the people of New Orleans rather than a political appointee employed by the federal government. His remarkable lack of knowledge of the facts of the case—which is the most striking portion of his opinion—is alone sufficient to disqualify him from ordering any elected Louisiana district attorney

to avoid his duty and fail to prosecute where the facts and the law call for prosecution."

Regarding Judge Christenberry's declaration that he prosecuted Shaw in bad faith and for financial gain, Garrison said:

"This is my ninth year as district attorney and I have yet to prosecute any individual in bad faith nor have I permitted such a prosecution to occur.

"I do not pretend to know what personal gain this politically appointed federal employe has in mind in concocting these two gargantuan untruths, however, I do know that to any thinking individual they most certainly should discredit him as a judge of any integrity."

GARRISON SAID the judge's ruling had "but one redeeming feature." He said that was on several occasions when Judge Christenberry referred to Garrison's book, "Heritage of Stone."

"His references to several portions from it," Garrison said, "now having been incorporated into a formal opinion, establish as a matter of legal record that he has read a book. Other than that there is very little that any honest attorney can say in defense of this undistinguished opinion which represents the latest federal interference with regard to our prosecution of Clay Shaw."

The appeal is expected to be filed with the U.S. Fifth Circuit Court of Appeals here.

Garrison has accused the federal government of a massive plot to keep him from revealing what he sees as the truth about the Kennedy assassination.

GARRISON FILED the perjury charge two days after Shaw was acquitted March 1, 1969, of conspiracy. The jury deliberated less than an hour after a six-week trial before returning its unanimous verdict of innocent.

The DA charged Shaw lied when he testified at the conspiracy trial that he did not know Lee Harvey Oswald or David Ferrie, named by Garrison as co-conspirators.

Oswald was named by the Warren Commission as the sole Kennedy assassin. He was killed in Dallas two days after the assassination.

Ferrie died at the height of the Garrison probe in 1967.

(Indicate page, name of newspaper, city and state.)

PAGE 6

STAT'S-ITEM

NEW ORLEANS, LA.

Date: 6/1/71

Edition: COMET

Author:

Editor: WALTER G. COTAN

Title: ASSASSINATION OF JOHN F. KENNEDY.

Character:

or

Classification: 89-69A*

Submitting Office:

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JUN 8 1971 ENCLOSURE 62 10000-2-10/11