

NV 100-12004

To Quin Shea from Harold Weisberg re "deliberateness" in C.A.79-1996 1/15/79
withholdings and withholdings from FBI's N.O. files on Oswald
100-16601 and Ruby 44-02064; urgency of need of withheld indices
in any processing and prior to your offering an expert opinion to
a court or even concluding that you have processed an appeal with
due diligence and good faith.

It was not possible for me to be at the status call of 1/12/79 in C.A.79-1996
because I was iced in. Clearing my lane tired me to the point where I had to alter
my working plans. As a result I have begun to review the New Orleans FBI files, which
I can do while merely sitting and reading. Before going to bed last night I have gone
over the Oswald and Ruby files. I will be writing you in more detail about them. I have
already appealed the withholdings from them.

It also appears that I now have the need to address deliberateness in the withholdings
that I have established and to do the same with new proofs of withholdings.

I regard withholding any record by merely indicating "previously processed" on
a work sheet, not uncommonly an illegible worksheet although these are created in
the FBI's FOIA unit, as not proving the information I request. We have discussed this
and you have stated that it is not possible for the FBI to cite the Serial of the
allegedly already processed record. I have stated that without even a reference
there is no means of the requester knowing or of the requester or anyone else having
access to that information and that in addition there is real possibility of confusion
and error resulting from the making of an effort to do this correlating. In addition I
have stated that given the mass of the paper in the K¹ and JFK investigations mere
citation to any alleged existence elsewhere is knowingly meaningless or a form of
deliberate withholding.

In the course of reviewing these files and finding in them inconsistencies in
these essentially meaningless citations to previous processing, which in any event
does not mean previous release or disclosure, I have come across what I regard as
proof that the FBI can in fact make specific serial citation to the referenced record.
If my interpretation is correct, and in view of the fact that the FOIA unit appears
to have written both on the same pieces of paper I presume it is correct, then it
appears that the FBI has misled you and you, ^{me} have misled a court. I would prefer to
believe that misleading a court would be one of the last things you would want to do
and in fact as of now I do believe this.

You will recall my cautions against merely repeating the FBI's word or that of
others who claim to have searched and reviewed records with good faith and due diligence.

You will also recall that I informed you and the Court that it is impossible for
me to devote as much of what remains of my life to going into elaborate details and
explanations and to the providing of many illustrative copies. Of course I will continue
to inform you, as herein I do, and in time I will provide copies of the FOIA unit's

records referred to above. But I cannot now ask my wife to drop what is important to her this time of the year to make the necessary copies and I cannot any longer drop what is important to me to help you with your work, such as I would like to in order to obtain compliance and clean these cases up. While I will help as I can I believe that the burden of proof of compliance under the Act is not mine and it will require much less of my remaining time if I, when necessary, merely prove non-compliance and if I must the existence of the information sought.

An example, of many examples of some of which I will write you when I can, from my New Orleans Ruby and Oswald file reviews, follows. I select this one because in a more or less story-book fashion it tends to provide a linkage between these two men, one I have no reason to believe existed in real life but one indicative of need to investigate and one relating to which I found NOT A SINGLE RECORD in the Ruby and Oswald New Orleans files. Although there were mentions of names that could lead to this.

That Lee Harvey Oswald engaged in certain activities, like distributing literature and representing himself as the head of the entirely non-existing New Orleans chapter of the Fair Play for Cuba Committee is well known. That in the course of this he managed to get himself arrested when he had committed no offense against any law and then used the public attention this received in efforts he made with the Russian and Cuban representatives in Mexico City also is well known. (There is virtually no reference to any of this in the files I've just reviewed, allegedly the entire New Orleans Oswald file.) What is not as well known is that he immediately arranged for more attention, including on the two local TV stations, and then staged another such event, which both did cover. And of all the places in New Orleans he could have selected he picked the building managed by Clay Shaw, whose name I'm sure you've heard. Not mentioned in the Oswald file I've read.

Of the numerous offices in that building, others of which also are interesting, one that in particular attracted my attention during my personal investigations is that of a publication who had no chance in the world of breaking even. It had a suite of three offices, one not being enough to attract bankruptcy. It was a publication dealing with Latin American matters. (If you'd like I'll trace it back to a Watergate link for you and to Watergate figures.) It was the place of business of a CIA man named William George Gaudet. Of course I'm not saying that this or this alone is the reason Oswald selected the Trade Mart Building for his demonstration. Nor is this the only provocative aspect. I mention one other, not in the Ruby file I've just read.

Ruby went to New Orleans. While he was there he bought a cheap painting from a well-known New Orleans entrepreneur named Larry Borenstein, (If you are a jazz buff ^{or his uncle Leon spelled J.C. Bronstein, aka Leon Trotsky} he owns Preservation Hall.) No sooner was Oswald's name mentioned in public after the

~~Oswald~~
assassination, and I do mean a matter of minutes, this same Gaudet was on the horn to the FBI with the first of many efforts made by those of ultra-rightist persuasion to make it appear like an all-left series of conspiracies.

What FBI records I've been able to locate, in this matter totally without any help under FOIA, indicate that for whatever reason the FBI managed not to properly identify Borenstein or Gaudet. With Gaudet the FBI managed not to give his International Trade Mart address (which it knew well enough, and I can tell you which agent covered that building and why), preferring to orient his mind those who might read any record with his country place, at Waveland, Miss., which is some distance from the ITH.

What makes all of this, of which I've not seen even a hint in the records I've just read, is the fact that Gaudet and Oswald managed to follow each other in their New Orleans passport applications. Literally, one the other. I'm not checking to tell you which was first. But they were together in the passport records.

This encapsulation does not by any means exhaust the possible relationships to government agencies.

If by any chance any aspect of the foregoing account is classified, then I tell you I acquired all this information and a considerable amount more from what is within the public domain, with Gaudet himself having gotten gone public to a limited degree long after my work, which dates to the previous decade.

It reminds me of a major decision I had to make early in 1965, the one that led to what I believe is the invention of the so-called "underground" book. After several readings of my first one, which also was the first on the Warren Commission, W.M. Horton, a major ^{publicist} ~~partisan~~, referred me to the part where I wrote that Oswald's career in New Orleans was consistent only with what in intelligence is called establishing a cover. Horton's respect vice-president told me that if I would rewrite around this, or charge the government with conspiracy, they predicted the book would be a best-seller and they'd be happy to publish it. I would not have been happy with that kind of success and rejected it, opting instead the subsequent life of which you have some knowledge.

In the Oswald file I've read there is no reference to David William Ferris, who I first brought to light in 1966. There is a reference to him in a Ruby Sub, a self-serving statement he gave the FBI, that he did not know Oswald. There is no reference to any investigation of the Ferris-Oswald connection in the Civil Air Patrol, not unusual enough when they were in it at the same time and it wasn't all that large. There is no reference to the man who recruited Oswald, although he is referred to as a member of the New Orleans vice squad as of the time of the crime. Or to his false testimony about Ferris to the Warren Commission. There is no reference to the Garrison investigation, although there is an elliptical report making no reference to it but to the review of three or four of the more than 50 volumes as a check of those charges.

How how do you suppose the NO FO know which small fraction of the entire file to review without an index? Especially if the file was as utterly barren as the records I've just read? Why would an SA look for what is not in the records, if I have a true duplication of those records? Or how, in New Orleans, could he know there were in ~~FILE~~, if they had been sent there, as was not the case, of course.

(Parenthetically, the FBI told the AG the day of his confirmation hearing that Clay Shaw was Clay Bertrand, whose name appears infrequently in a few of the pages but not once in connection with the ITH or Oswald's demonstration there. In fact these records do not disclose what I assure you happened, that the FBI got WDSU-TV's Oswald footage, two segments besides this demonstration, had ~~it~~ copied, and returned what WDSU and not it alone told me was not the complete footage. Another source for this was Jesse Core, who did the ITH's publicity and was in the footage before the FBI got it. He raised hell with Oswald for blackening the ITH eye. He and the WDSU-TV news director both told me they reviewed the footage as soon as Oswald's name was mentioned and Core was there. When I was allowed to duplicate the remaining footage he was not in it. When I was finally able to review the government's copy, the footage is identical. Yet the Secret Service wrapper on its copy says there were ing men helping Oswald while the existing ~~footage~~ ^{shows} ~~was~~ only one. It also happens that Core provided the FBI with samples of Oswald's literature, through SA Warren deBrock. Now this particular set did reach the Warren Commission through the FBI. I can only wonder how there not only being no reference to it in the Oswald file I've just read but it has been memory-holed from both the inventory of the Sub and from the Sub itself. Or, no possibility of "previously processed" from this file.)

How do you suppose the NO FO made any file review without reviewing ^{action} ~~the~~ pictures of Oswald demonstrating outside the building run by the man Garrison charged? These files do not show that the FBI had it. (They also show that the FBI considered of no value the John Martin - Minneapolis - film for which I asked. This, too, is natural, if there is no value in a motion picture of Oswald being arrested, a film not in any way duplicated in the FBI's known investigation or what it gave the Commission. Except for another similar affair, also part of my request, for the Doyle amateur footage of the same arrest. Not having the footage, if there are no copies, which I don't believe, enabled the FBI not to spot any possible co-conspirators at it, of course.) Or without the Ferris records, Ferris also having been charged by Garrison. Or any Shaw records, despite what the FBI told the AG and the AG repeated to the press.

I could be devil's advocate and make an incomplete case. I'm sure you are aware of the recent attention outside of and with the House assassins committee of film by Charles Bronson in Dallas. The FBI did not even bother to inform ~~me~~ about this film and

Instead filed a completely false account of it representing that it does not even show the FSNM from which the FBI says the crime was committed. In fact it shows the very window from which the FBI says the deed was done and it shows some as yet unidentified motion that cannot be of a single person. You are aware that the Department has been asked by the committee to carry this forward - now. It is only because I was able to get this Dallas record that is not in FBIHQ files that anyone, including the Department, had any way of knowing of this Bronson film. (I believe this is not the only identifying importance of his footage and film, not all of which has been disclosed publicly.) Those of us generally called "critics" are also generally lumped together, despite our many disagreements. In this case we were limited because we are without means of financing. It took some time until a newspaper could be interested. Other would a press conference to show some of the footage in Washington. The Department probably is not interested but I may as well tell you that what this film that is known is said to show I proved by other means and published that proof in 1965, so I would not believe that any new official statement of valuelessness or meaninglessness could be expected to receive unquestioning acceptability, if and when made.

If for the sake of argument I concede that all of this is merely normal FBI incompetence at the time of the crime so I to assume that FBI incompetence is perpetual and is perpetuated by FBIHQ? How about the Congressional investigations? How about the reviews after the Warren Report was out? In fact how about the FBI's own review of my first book, which addresses the same information by other and completely tangible proofs as well as testimony?

Of course I do not regard the FBI as incompetent and I do believe there is at least an element of deliberateness in this, as in what follows.

I have been addressing photographs and withholdings from the JFK files in which they belong. (The New Orleans sub with xeroxes of still is, by a remarkable coincidence, the only one out of focus. The documents, like of Oswald at Kessler Field, are illegible. Whatever the photographs are, they are merely smudges. Kessler I can understand, Oswald having had at least a Secret and now like Top Secret and Crypto clearances, which the FBI's records do not reflect in any way so I've been able to read these FBI records.)

You may recall that the FBI swore it had no pictures of the scene of the King crime when it did, and that it swore to this after allegedly reviewing the records reflecting their existence and sources. Not deliberateness, only incompetence?

Now a year ago I asked the FBI to make a date for my examining the JFK photos it had assembled in its reading room. When it never responded I made a new and duplicating FOIA request for copies of all of these pictures. When it did not respond I appealed. This crosses over into several cases now in court. You have not acted on my appeal and we have not had time to discuss this when we have discussed matters. I have written

about this several times without response. May I please hear from you on this? In this connection, may I also remind you that you were in the courtroom during the hearing of a year ago tomorrow and are or should be aware of the Department's promises about compliance then as well as to the Senate committee.

The matter of deliberateness in withholding appears to have been made quite relevant in U.A. 75-1996. In this I have addressed the New Orleans records I have just reviewed in a rather limited manner, despite the detail, which is much less than I can provide. There is similar detail available on every King/Ray withholdings and not by coincidence they also involve New Orleans, the New Orleans Field Office and the records it provided, and did not provide.

For now, and again addressing deliberateness or any claim that there is no deliberateness, I give you a few of the possible illustrations relating to New Orleans records not provided and appeals not acted upon after about two years. In the light of the foregoing JFK assassination information it appears to be appropriate to select information that suggests conspiratorial contacts.

Before having met James Earl Ray or having any contact with him I wrote, in my book on the King assassination, that he had phone contact with one Aguil Esquivel, a Louisiana State Trooper who was assigned to the Baton Rouge headquarters barracks and lived in suburban New Orleans. I learned later that this was such more strongly established than I wrote and that the FBI knew of this from the same original source.

Whether or not relevant Ray said his contact used the name Kasul.

The FBI also located a man in N.O. whose last name was Kasul and who in other ways fit what Ray had said and the FBI learned he had said initially from Ray's "defender," William Bradford Huie. (By the way, no compliance with that item. Not deliberate after all these years?)

FBI/directed that there be a real investigation. I do not presume that FBIHQ was not obeyed by NO FO. But from neither files have I received the results of any such investigation, only the fact that Esquivel was the subject of civil rights complaints. There are other reasons for the FBI's having an Esquivel interest and I have conveyed these to the FBI forthrightly, if not also to you.

The FBI also knew that Ray had phone and in-person contact with one J(ames)G. Harris, who gave both New Orleans and Atlanta phone numbers. I have received no record at all from or relating to New Orleans and no more than confirmation that such a named person in Atlanta is also an FBI informer. Here also my appeal has not been acted on.

Of the same nature, involving WFO as well as NO FO is my appeal that has no response, relating to a man who used the name Harris and confessed prior knowledge of the crime that links back to Aguilera. Memphis records disclose the possibility of his correct name and when I raised this with the FBI it fell totally silent and remains that way.

I'll be writing you further.