

To Richard Huff from Harold Weisberg re "New Evidence" 2/5/85

"Critics"

Ticklers

Because you have complained about my dealing with interrelated matters in a single communication and because these are interrelated, I enclose for your convenience the xerox copy normally made by the one doing the filing.

Background: There are several matters the ancient appeals of which have been resolutely ignored by your office that you have informed me you will do something about only if I present "new evidence."

With regard to critics - and this is a matter about which your assistant, Ms. Phyllis Hubbell has personal knowledge - there came a time when Quin Shea, when he was appeals director, asked me what I regarded as the most important or one of the most important appeals subjects for him to address. He is, as you may know or have heard, self-described as a "history buff." I told him that one of the more important was what the FBI had done to and about those referred to as "critics" of the official solution to the assassinations, particularly as defaming these people was a means by which the FBI avoided confronting their criticism.

Before then I had provided the correct file numbers to illustrate the existence of such records in both the Dallas and New Orleans field offices (and I'm reasonably certain, others, like New York, Los Angeles, San Francisco, etc.).

Ms. Hubbell and a young woman then helping me on a part-time basis were with Mr. Shea and me for that fairly lengthy discussion. He agreed that these records would be disclosed and that was later confirmed by a letter signed by Mr. Shenefield. This was not long before Mr. Shea was, after long FBI (and other) efforts eased out of the appeals office.

The FBI did not thing to comply with this directive until well into litigation when it filed an obviously evasive and untruthful attestation by SA John N. Phillips stating that the FBI had no such identifiable records.

SA Phillips also filed a similar series of attestations relating to FBI ticklers and through them he persisted in the obvious untruth that all ticklers are very temporary and are routinely destroyed after relatively few days passed.

\* *like the actual*  
No search has yet been made, in or out of litigation, on these subjects, none has been attested to and the existing records remain withheld. The reason for this and for the FBI's endless lying when its evasions, distortions and misrepresentations can no longer be persisted in is obvious: the content is embarrassing to the FBI. It also is because much of the information has not even the remotest connection with law enforcement\* and is political in nature. Even though it was gutted long after the request was received, what remains of the so-called Long tickler, which you can examine, leaves this beyond question. Other ticklers, none without resistance, are disclosed by the FBI and other disclosed records bear tickler annotations that make what I say above beyond question. (I am not referring to ticklers in general and I am referring to the assassination ticklers.)

Some ticklers have been disclosed to Mark Allen, to whom I refer in the letter this will accompany - and they make clear why the FBI ignored my prior request. Those ticklers make it clear, and I do not mince words, that the FBI lied to the courts. In the Dallas/New Orleans field offices case I filed an addition to my en banc petition to which samples are attached. You can if you want copies, and I think you should examine them personally, get them from the Civil Division, to which I sent a set, and from the FBI, which can provide much more if you do your job and persist. I have just received another illustration from Mr. Allen, it is at hand and I en-

close a copy. For your information with regard to this, the FBI was not and was not interested in protecting anyone else's privacy. Rather was it covering itself. There is nothing withheld in this record, with one possible exception, that is not already within the public domain, beginning with the FBI's leaking of it. (The allegedly attached draft of the letter referred to is not attached because it was not attached in what Mr. Allen received.)

The subject is Mark Lane and the copy designated for the second New York file is an FBI file on him. This was disclosed by the FBI but without that what is withheld is well known. The FBI's leaking, including to the defense of Clay Shaw, my source, and to reporters, also my source, included rather nasty photographs that it was no less nasty to let others see - such is the FBI's "privacy" concerns. (I have declined several offers to examine them, none made by the FBI itself.) Thus it is apparent that there are known and withheld New Orleans materials relating to both Clay Shaw and "critics" that the FBI merely lied about - under oath - and avoided *them* by refusing to search, as they are required to do.

This is a copy designated for a tickler and for an "Oswald folder." It is a 1964 record that was copied before central filing and it exists in 1985 and thus is merely another proof of the FBI's endless lying about their "routine" destruction instead of searching and processing them.

The tickler copy of an outline of problems the FBI was about to face with the Congress, as best it could estimate them, attached to the petition addition, is quite specific in its reference to "Sex dossiers" on the "critics," plural. It thus is apparent that the FBI knew who the critics are and that it had relevant records. However, if this had not been the fact, you have and I provided at least one of the existing lists and I believe more than one. While this is not strictly speaking "new" evidence, it is new to you because I filed that information before your time in your present office and it is, or at least should be, in your files.

So that you can inform yourself of the accuracy of the extensive information I provided your office over the years, a tickler or ticklers relating to retired FBI SA James P. Hosty, Jr. was disclosed to Mr. Allen and I also attached for the appeals court a copy of his letter to Director Kelley. It confirms what I had stated, that relevant assassination information is hidden in his personnel files. I provided the correct FBIHQ file number and was correct in stating that such information also was hidden in the same manner in Dallas. (Hosty even provided the serial number, so the FBI had it at HQ without even a Dallas search.) The apparent reason is the embarrassing nature of the withheld information, that the FBI had altered what he reported, as well as the information ultimately disclosed, as altered.

I remind you of the considerable age of these matters, going back to 1978, and I do hope, now that what you have is "new" evidence, you will process those appeals with reasonable promptness.

Please note also that there is a notation of an unrecorded "Garrison" file, possibly also a tickler, included in the release to Mr. Allen. I also provided a record of records with the identical notation long ago and was ignored. This, to you, is "new" and should be included in the response relating to ticklers and "critics" because Garrison was one.

