

Dear Roger,

4/19/89

Now I know which "damage control" you meant. Rather than going over your letter point by point, let me tell you first what I remember about it and how I used it, without any attention at all.

Mark Allen and I, separately, filed FOIA requests for DJ records relating to HSCA. Mark sought only JFK, I asked also for King, and more inclusively on both. But then I had further physical reverses and could not pursue it. So, Mark alone filed suit, Jim his lawyer, as from time to time, when Jim thought of it, he'd send me copies. He also sent some when he wanted help. This was in one of the earlier batches of those releases.

Strange as it may seem, both Jim and Mark missed it. Jim was surprised when he got a memo from me on it.

I put the paperclips on to mark those parts for use in a case in which I was pro se, the field offices cases, combined, where the issue was ticklers. This is part of a tickler because it was in the disclosed ticklers.

In the Allen case, the Congress appeared and blocked the disclosure of Congressional records, which are outside FOIA. The compromise reached is that what originated with the Congress would not be disclosed. What originated with the FBI, however, could not be withheld, except under the existing exemptions. So, this cannot be a Congressional records.

It is a tickler. The FBI has enormous ticklers and lies about having them. They are kept by the case agents and at HQ by, among others, case supervisors. I should say that it is part of a tickler although it could be an independent record.

My own belief is that it was prepared at the time the committee was anticipated, not during its active life, because at some point it could and should have become clear that the FBI had little to worry about from the committee.

In the absence of a date I think it might have been prepared for an earlier committee, like Church's.

When I asked myself why would anybody in the FBI get all that kind of stuff together it appeared obvious to me that somebody was preparing to answer and/or defend the record, for which the record had to be known. These are, without exception, things that could embarrass the FBI. And to a remarkable degree they are, at least in the specifics, not included in any disclosed records, something you mentioned. This, of course, means that there are significant records on the JFK assassination that are within my requests and remain withheld. I'd not know that Alex Rosen was as blunt, or that dossiers had been prepared, not that there was no reason to suspect that. I did know that they had the sick pictures Mark Lane had had taken of himself from reporters to whom they were shown by the FBI. We knew about Hoover's "adversary relations" with the Commission and from a few but not inclusive records that SAs had been told not to volunteer anything. (Hosty was praised for his perjurious performance in which he did not volunteer such things as his destruction of Oswald's note. About this I knew from the Inspector General's phony investigation of it that there was reason to believe that some at HQ knew about it but we did not know that the matter was "handled" the very day Oswald was killed. Meaning handled at FBIHQ.) We had some knowledge of the FBI's leaking, by which I mean other than from his prior record of leaking, from Katzenbach's executive session testimony and I knew of the CD1 leak, aside from it being obvious that only the FBI could have leaked it, from a beneficiary whose name I withhold.

In general I think that getting those records would be the most difficult of all FBI FOIA lawsuits and that it could be the most important of all such disclosures.

Now the holes punched at the top: this is true of all FBI records. They use ACCO clips attached to a thin cardboard backing.

Now I'll go over your questions and comments not addressed above.

The notation "Doc 1" at the bottom of the page you refer to (elsewhere sometimes) is added in FOIA disclosures where there are no file numbers for reference. Ticklers do also include records from main files, of course, and contrary to the FBI stock lying, from files other than those directly involved in any case. If you want to know more about this in the future, remind me of the Long tickler.

You wonder about the antecedents of the preparation of dossiers on the staff after the report was out and did the idea come from the White House. While I do not know I believe that it is typical of what could be expected from FBIHQ after even the slightest criticism. And in general, were you and others wonder if Hoover did something, I am inclined to believe that largely those notions were bucked upward and required his OK.

I don't know how much of the conniving with Angleton on answers to the Commission would be on paper but I'm sure that everything that required an OK would be as well as what could please Hoover or earn Brownie points. Most likely what originated with him, too. Now on this particular thing, I'd expect that Sullivan's domestic intelligence division would have records, perhaps in a ticker, that did not get into the general files from which retrieval would be too simple and less readily hidden.

I have no way of knowing which critics provided or could provide the kind of smear stuff they were looking for in preparing sex dossiers on the critics. I know of only one where I have any reason to believe that there would be anything at all offbeat, Lane. I declined an invitation to see them in New Orleans, where the Shaw defense had them.

The FBI does have special files. I've told you about how they hide in the 94s and 80s and that they have a number of files on some subjects, like the Commission, although they've disclosed only the "liaison" Commission file. It is from such files as well as perhaps in some instances recollection that the content of this tickler comes. However, I'm not at all sure that most if any were in the central files. Where they'd be indexed.

I've not the energy to start a suit on this. I'd be glad to be a ^a co-litigant who could do what he could and not be expected to do what I've done in the past. I do think that it would be better, off the top of the head, if there were a group of us, including writers, lawyers, historians and political scientists. Not Melander, though, or any other ego-trippers like, for an extreme example, Lane. It could make the most remarkable study yet of the FBI and a sensational book. A prestigious writer like Sheehan, Halberstam, etc., would be ideal and I'd then have no interest in any rights other than copies. I'd help, of course. Maybe Carl Bernstein. Sy Hersh, etc.

They never had any real trouble dealing with HSCA. They decided at the outset to withhold all they could and, if successfully pressured, to give it access to as little as possible of what they had already disclosed to me. Take this literally, I have the record and used it in FOIA litigation. The committee got other things I had not

asked for and the more irrelevant the most anxious the FBI was to help. But it actually planned to withhold what it had already disclosed.

I'll enclose your letter so you will have ~~an~~ a means of knowing what you wrote.

Best,
Hards