

5/14/79

JFK assassination records; Privacy Act request appeal; surveillance item in C.A. 75-1996

While I am certain that I have appealed re: the attached 62-109090-539 (?), having come across a copy I'd marked and having had no action from you I go into this again.

As I have stated, because of my health and age I am concerned about the viciousness of disclosure of false and misleading records made possible by violation of my rights under PA, which I did invoke and which Mr. Lesar also did for me.

First of all I desire a legible copy on which all notations can be read. Even the Serial is unclear. There appear to be at least two duplicate Not Recorded filings. Both of those files should have been searched in 1975. I request all copies from these and any other files. *(10 copies indicated)*

Why an everyday request for records at the Archives should have reached the Director himself is not clear or in any way indicated. I do not regard this as an everyday occurrence. I have seen no directive requiring that every request for information relating to the JFK assassination reach him, for example. If there is any such instruction it is within my requests.

Unless the Director was generating false paper he clearly was misled. But then SA Cunningham wrote a misleading memo. I recall the matter quite clearly and was present when Mr. Johnson had his second phone conversation with Mr. Cunningham.

Mr. Hoover was under the impression that all "evidence" had been transferred to the Archives, from his note. He thus was misled into believing that I was making a pointless or frivolous request. Under these conditions the rest of the memo was certain to make him wonder what some enemy of the country was up to.

My actual request, later made in C.A. 2301-70, was for the results of the spectro-graphic analyses, not for "portions" of reports mentioning them. These still have not been provided. They are at issue in C.A. 75-226, now before the appeals court.

While it can be argued that it comes to the same thing, Mr. Johnson did not tell me that "the FBI cannot be of assistance." He told me that Mr. Cunningham told him all the information was in an 11/23/63 Lab report. The part of the conversation + overheard is consistent

with this.

The marked paragraph, opposite which I have placed a shorter mark in the left margin, refers to information that for some reason was available in the FBI Lab and was not provided to me - ever. There was not all that time between the two phone conversations. I was with Mr. Johnson. The memo gives the impression that it was written and approved prior to the second conversation.

It is my recollection that Internal Security was then located at 818, 9 and D. I do not recall receiving the results of any such search. I am certain I appealed ^(ISD withholding) ~~it~~ quite long ago, whether or not from this record. There are others. This one is relevant in the King JFK and Privacy matters. I ask also if any of my King correspondence or requests were so routed. After all, if I was a menace in 1966, was I less of a menace 2 and 1/2 years later and after three more books? Or when my first requests for King records state I was writing a book on that crime?

I have just read and re-read this marked paragraph and find myself wondering if this can really be a record of the United States Government. It is what I'd expect of the KGB or Gestapo. But ^{is} it also reflects what the FBI and the State Department are still withholding from me or ^{is} undiluted mendacity. (Now so far as my appeal from the denial is concerned, that is at least three years old. I ask again for prompt action on it.)

So you will not have to search for and reread what I have already told you there were no charges against me - ever. None were given to me then or under FOIA/PA. There is no factual basis for any of the slander, which may explain why some of the records I have identified to the Department have never been provided.

I have never had any personal contact with anyone at the Soviet Embassy, Soviet national or any other. As I told you, I was a correspondent whose work required that I go there, to the Chung Kai ~~Shan~~ ^{Shek}, British and many other embassies.

This is an FBI 1986 effort to perpetuate the pogrom of two decades earlier.

There was a shibboleth of the World War II period, behavior during the period of the Nazi-Soviet pact. During this period, as I have told you and you have independent means of knowing is the truth, I took a lot of information to the Department, particularly to the

Anti-Trust Division. (And at its suggestion to British intelligence.) Yet after all these years Justice can't come up with a single piece of paper? Nor of my assistance to President FDR in one of his fireside chats, which did involve the Department's Criminal Division?

I have a separate surveillance request in C.A.75-1996 and that denial is under appeal. I am aware that in your testimony in this case, which is still before the Court, you made no reference to those items of the requests. I could not be there to remind my counsel, who was not allowed to proceed because of the full docket in any event. My appeal was years before your testimony. Nothing is provided in response to this request yet the FBI clearly had either some kind of surveillance, which it then grossly misrepresented, or deliberately fabricated a very hurtful libel. Without some form of surveillance how could "Bufiles also reveal that he has had previous contact with Soviet Nationals at the Russian Embassy"?

This is a very dirty business I tried to get the FBI to let me clear up long ago and made the same efforts with you several times, without any response from anyone. I hope you will now attend to it promptly. Meanwhile I am taking this up with my counsel for use in C.A.75-1996, where I understand the Department has filed some Motion for Summary Judgement that has not yet reached me, and I will call this to the attention of a Member of the Senate Intelligence Committee.

So you can understand my feelings about this I remind you again that when the FBI did not respond to me or to my counsel he telegraphed the Attorney General relating to my PA rights in November 1976, which was a year before the general FBIHQ JFK releases of deliberately libelous intent.

Again so you will not have to search your files I also attach what was written to me by counsel who had also headed the Anti-Trust Division at the ^(World War II) time I helped it. As you know, another of my ^{then} counsel was later an advisor to a President and a Supreme Court Justice.

Maybe such endorsements mean nothing to official character assassins but with this copy I intend a partial use of my PA rights, full use being precluded by the continued withholdings. I am asking that a copy of this, with the attachments, be placed with this and every other such nasty reference to me in the FBI reading room, every record elsewhere with similar

defamations, and that copies be provided to all those to whom the FBI has provided copies of any of these records, including but not limited to the press and Congressional committees. I also ask that I be provided with copies of all records reflecting that these requests are met.

May I please hear from you with regard to when you will act on my PA appeal now so many years overdue for action?