

PA appeal

Privacy Act request appeal

Harold Weisberg 8/26/79

The FBI suing me for libel to "stop" ~~me~~ and my writing - records not provided JFK assassination records appeals

Attached are 62-109060-4473 and 4474. (The 109090 file indicated when the first record was typed is one of at least two other files in which there are Not Recorded copies.) While I am certain that I have appealed regarding matters raised in these records it has been so very long ago my recollection of the points I raised is no longer clear, so when I came across these Serials while reviewing records for another purpose I decided to send them to you as a reminder and to be sure I had not forgotten what struck me on rereading.

I am pretty certain that I informed you of giving now retired Shaneyfelt a written waiver of the statute of limitations when I first learned of this scheme to "stop" me. He has not responded in any way.

Quite some time after my earlier appeals I had a letter from a retired PRISA in which he expressed the belief that at about the time of the FBI's JFK assassination investigation what I believe he referred to as "the palace guard" pretty much controlled Hoover and particularly what he knew.

I find myself wondering whether this is such an FBI "palace guard" adventure because at the beginning of 1967, the time of these records, there was considerable criticism of the FBI's investigation. So much of it came from what I first brought to light that the Attorney General convoked a panel of forensic experts to examine some of the evidence so severely criticized.

The reason this occurred to me is because Shaneyfelt originated the idea of suing me only when the legal research concluded that I could be sued and the decision was left to Shaneyfelt he chickened out. If he was not going to do it if he found out that he could no (other) purpose appears to be served by coming up with the scheme.

It appears to be quite unlikely that the FBI was willing to proceed with a libel suit in which factual error of this nature is attributed to my second book merely on Shaneyfelt's word that it is not accurate. Therefore there should be some records in support of these (his) allegations, something that satisfied the Legal Research Desk.

If Shaneyfelt, meaning the FBI, had filed such a suit only to withdraw it or if the case had gone to trial and on the basis of fact Shaneyfelt/the FBI did not win the result would have been an FBI disaster of unimaginable magnitude.

It is not reasonable to believe that if the FBI was giving serious consideration to any suit before researching the law questions/of fact were not resolved. No records of this nature have been provided. From this I believe it follows that the whole thing was really a plot against Hoover in which there was no serious intent to file a suit or that other records exist and are withheld. The internal content of these records indicates that my book was studied but no records of that, no notes, even opinions of the FBI's reviewer(s) are provided in either the JFK assassination records, where they do belong, or in response to my request, to which they are relevant.

The proposal was routed to a number of high FBI officials (also "palace guard") and it reached even higher, from the initials added, ~~but~~ yet there is no record provided in which any of them makes any comment of the close to unprecedented and the potentially disastrous proposal.

Legal Research concluded there was a cause of action and even encouraged it by stating that "The danger seems considerably greater if he is not stopped now." It also raised the spectre of adverse influence on Shaneyfelt's career as a professional witness if "he took no action in this case."

There are not nearly as many initials when Shaneyfelt chickened. (4474)

In checking some Commission file records, 62-109090, I came across this Not Recorded Serial of 3/1/68 for the Director. I have recollection of the Extension of Remarks in the Congressional record by the UnAmerican Willis because Carlos Bringuier, an FBI source from the most extreme of the Cuban-American right, picketed a gathering of the like-minded as an excuse for distributing copies he apparently obtained from Willis. I was in New Orleans at that time.

While the legend at the bottom of this sheet refers to inclusion of it in subject-matter files no filing under the assassination caption or number is indicated. It is

UNITED STATES GOVERNMENT

Memorandum

DeLoach	_____
Mohr	_____
Wick	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. Conrad

DATE: 1/26/67

FROM : W. D. Griffith

SUBJECT: ASSASSINATION OF
PRESIDENT JOHN FITZGERALD KENNEDY
DALLAS, TEXAS, 11/22/63
MISCELLANEOUS INFORMATION CONCERNING

11 p. 1-6-67, m d

The most recent book by Harold Weisberg entitled "Whitewash II - The FBI - Secret Service Coverup" is highly critical of the Bureau and specifically of the testimony of FBI Laboratory Examiner SA Lyndal L. Shaneyfelt. Weisberg previously authored the book "Whitewash" and is now reported to be writing "Whitewash III." Harold Weisberg is a Hyattstown, Maryland, poultry farmer, an ex-State Department employee, and an ex-Senate investigator who was removed from both positions because of suspicion of being a communist or having communist sympathies. Weisberg had the book printed himself because he could not interest any publishers in it possibly due to the libelous nature of its contents.

In Whitewash II, Weisberg extensively quotes the testimony of SA Shaneyfelt regarding the examination of the Zapruder film and the re-enactment that was based on the Zapruder film. He states that Shaneyfelt "ran the re-enactment that was made essential by the doctrine of the Report" and "the FBI knowingly engaged in a reconstruction they knew to be utterly false." He alleges in Whitewash II that SA Shaneyfelt "was the Commission's photographic expert," "he did or supervised their photographic lab work," and "those faces on the cutting room floor may have been put there by Shaneyfelt." After establishing in the reader's mind that SA Shaneyfelt did all the photographic work he refers

FILED IN
CATEGORICAL CONTROL

Enclosure
62-109060

enclosure in dated by SA Shaneyfelt 2-6-67

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Casper (Legal Research Desk)
- 1 - Mr. Wick
- 1 - Mr. Conrad
- 1 - Mr. Griffith
- 1 - Mr. Shaneyfelt
- 1 - 62-109090

LJS:mjk (11)

CONTINUED - OVER

ENCLOSURE

4473

REC-63

FEB 15 1967

PERM

DATE

Section 111

Memorandum to Mr. Conrad dated 1/26/67
Re: ASSASSINATION OF
PRESIDENT JOHN FITZGERALD KENNEDY
62-109060

unceasingly to "picture doctoring," "edited or altered" photographs and the "destruction of evidence." He concludes with a very specific implication that SA Shaneyfelt cut out the much-publicized missing frames 208 through 211 of the Zapruder film to conceal from the public what really happened during the assassination. All of these allegations are, of course, completely false. (Life Magazine has recently admitted having spliced the original Zapruder film and cut out the four frames.) These frames were not missing in the FBI copy of the film and were considered in all evaluations by the Laboratory and the representatives of the Commission who viewed the FBI copy. SA Shaneyfelt made several photographic examinations at the request of the Commission but did not "run their photographic lab work." He assisted in the re-enactment but did not "run it" and, of course, did not edit, doctor, or mutilate any evidence. Weisberg suggests that SA Shaneyfelt may be a perjurer.

The allegations of Weisberg would appear to be libelous of both the Bureau and SA Shaneyfelt. Accordingly, in an effort to discourage and stop such highly irresponsible and unwarranted attacks against the Bureau on the part of Weisberg and others like him, the Bureau may wish to explore the feasibility of having a libel action brought against Weisberg in SA Shaneyfelt's name. Factors to be weighed in any such consideration are: (1) Legal estimate of whether successful suit might be sustained based on (a) the irresponsible and malicious statements in the book as opposed to (b) the recent Supreme Court decision holding that newsworthy persons including those who do not seek publicity have only a limited right to sue for damages for false reports that are published about them; and (2) a tactical estimate as to whether a net gain would accrue, bearing in mind the greatly increased forum which such an action would provide for Weisberg, as opposed to the fact that he is now apparently forced to publish his books privately.

SA Shaneyfelt, of course, contemplates no action in the matter unless so desired by the Bureau.

RECOMMENDATION:

The Bureau may wish to refer this memorandum and the enclosed book "Whitewash II" to the Legal Research Desk for review and consideration as to whether it might serve as a basis for libel action against Weisberg.

[Handwritten signatures and initials]

-2-

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Mohr

DATE: 1/31/67

FROM : J. J. Casper

SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY
DALLAS, TEXAS, 11/22/63
MISCELLANEOUS INFORMATION CONCERNING

Mohr	✓
Wick	✓
Casper	✓
Callahan	✓
Chapman	✓
Felt	✓
Gale	✓
Rosen	✓
Sullivan	✓
Tavel	✓
Trotter	✓
Tele. Room	✓
Holmes	✓
Gandy	✓

Attached memorandum of 1/26/67, captioned as above, from Mr. W. D. Griffith to Mr. Conrad, concludes by recommending that the Legal Research Unit determine whether the statements made against FBI Laboratory Examiner SA Lyndal L. Shaneyfelt are libelous. For the reasons shown below, the Legal Research Unit concludes that the statements are libelous and that SA Shaneyfelt has a cause of action against the author of Whitewash II.

The statements made in the book definitely are libelous as to any ordinary person. They go far beyond the range of fair criticism and clearly charge, in their total context, that Shaneyfelt is a liar, forger, etc. They provide an ample basis on which the ordinary person could sue for libel, slander or defamation of character as the case may be.

A special problem arises in Shaneyfelt's case, however, because he is a public employee who has come to some public attention as a result of the use of his examinations in the work of the Warren Commission on the assassination of the President. If Shaneyfelt is now a "public official" his case would be determined by a rule different from that used in deciding an action for libel brought by an ordinary person. This rule was laid down clearly by the Supreme Court in New York Times, Inc. v. Sullivan, 376 U. S. 254 (1964), and reads as follows:

A public official is allowed the civil remedy for libel and slander "only if he establishes that the utterance was false and that it was made with knowledge of its falsity or in reckless disregard of whether it was false or true." In other words, a public official may successfully sue for libel or slander only by proving actual malice and this must be proven by showing that the utterance was false and that it was made with knowledge of its falsity or in reckless disregard

ENCLOSURE

- Enclosure
- Bufile 62-109060
- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Wick
- 1 - Mr. Conrad

- 1 - Mr. Griffith
- 1 - Mr. Shaneyfelt
- 1 - Bufile 62-109090

DJD/pal
(11) XEROX

FEB 24 1967 "CONTINUED - OVER"

REC-63

62-109060-4473

FEB 15 1967

REC-63

7-2

section III

Memorandum J. J. Casper to Mr. Mohr
Re: Assassination of President
John Fitzgerald Kennedy
Dallas, Texas, 11/22/63
Miscellaneous Information Concerning

of whether it was true or false. A public official is held to this stricter standard of proof because the very nature of the position of a public official is such that in a free government a great deal of criticism concerning the official and his conduct of official affairs must be tolerated.

The Supreme Court has not clearly defined the term "public official" for all purposes. As the Court said in Rosenblatt v. Baer, 383 U. S. 75 (1966):

"We remarked in New York Times that we had no occasion to determine how far down into the lower ranks of government employees the 'public official' designation would extend for purposes of this rule, or otherwise to specify categories of persons who would or would not be included."

After the above language, the Court went on, in Rosenblatt v. Baer, to use other qualifying words which we believe clearly indicate that SA Shaneyfelt is not a "public official" for purposes of suit for libel and slander. The Court said, for example:

"It is clear, therefore, that the 'public official' designation applies at the very least to those among the hierarchy of government employees who have, or appear to the public to have, substantial responsibility for or control over the conduct of governmental affairs . . . But a conclusion that the New York Times malice standards apply could not be reached merely because a statement defamatory of some person in government employ catches the public's interest; that conclusion would virtually disregard society's interest in protecting reputations. The employee's position must be one which would invite public scrutiny and discussion of the person holding it, entirely apart from the scrutiny and discussion occasioned by the particular charges in controversy."

From the above language the Legal Research Unit concludes that SA Shaneyfelt is not a "public official" for purposes of the law of libel and slander and that, hence, he is not held to the stricter standard of proof applied to a public

Memorandum J. J. Casper to Mr. Mohr
Re: Assassination of President
John Fitzgerald Kennedy
Dallas, Texas, 11/22/63
Miscellaneous Information Concerning

official who sues. He is, on the contrary, held only to the ordinary standard of proof which is much easier to meet and which can be amply supported by the defamatory language used in the referenced book.

It is believed, moreover, that even should SA Shaneyfelt be held to be a "public official" for this purpose, the referenced book displays such a reckless disregard for the truth or falsity of charges that are actually false that SA Shaneyfelt probably could recover under even the stricter standard applied to public officials.

There are several policy considerations which are not within the province of the Legal Research Unit but we mention them for such value as they may have in making a decision whether SA Shaneyfelt should bring suit:

(1) The author of the referenced book may be inviting a law suit to obtain publicity and sales for his book.

(2) If the libel in the referenced book is not challenged now, the author may come out with Whitewash III - a book which he is said to be now writing - and make in that book additional statements which are even more libelous than those made here. The danger seems considerable if he is not stopped now.

(3) If SA Shaneyfelt's integrity ever is questioned in court where he appears in his usual capacity as an FBI Laboratory Examiner and challenged with particular reference to the statements made in this book, a bad impression is left, to say the least, if SA Shaneyfelt must reply that he took no action in this case. Many might consider failure to take action as a sort of admission of guilt by both SA Shaneyfelt and the FBI.

(4) As time passes and SA Shaneyfelt is not challenged in court during regular testimony, his claim for damages should he later consider action in this case is considerably weakened.

Memorandum J. J. Casper to Mr. Mohr
Re: Assassination of President
John Fitzgerald Kennedy
Dallas, Texas 11/22/63
Miscellaneous Information Concerning

RECOMMENDATION:

That this memorandum be referred to the FBI Laboratory.

Suggest we leave
it up to Sharnoffelt
as to whether he
should see.

[Handwritten initials]

JWC
W

W

RM

W

2/1/67

[Handwritten initials]
[Handwritten initials]

[Handwritten initials]

[Handwritten initials]

UNITED STATES GOVERNMENT

Memorandum

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Wick	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Miss Gandy	

TO : Mr. Conrad *JWC*

DATE: 2/7/67

FROM : W. D. Griffith *R*

SUBJECT: ASSASSINATION OF
PRESIDENT JOHN FITZGERALD KENNEDY
DALLAS, TEXAS, 11/22/63
MISCELLANEOUS INFORMATION CONCERNING

Reference is made to my memo to you dated 1/26/67 concerning the libelous nature of the book "Whitewash II" by Harold Weisberg and his allegations about the FBI and SA Lyndal L. Shaneyfelt. By memo dated 1/31/67 from Mr. Casper to Mr. Mohr the Legal Research Desk set out their review and recommendations concerning this matter.

Since there is no assurance that any benefit to the Bureau would be forthcoming if SA Shaneyfelt undertook the civil suit against Weisberg and since SA Shaneyfelt has no desire to obtain a financial advantage therefrom, he contemplates no action.

RECOMMENDATION: None. For information.

62-109060

- 1 - Mr. Mohr
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Sullivan
- 1 - Mr. Casper (Legal Research Desk)
- 1 - Mr. Wick
- 1 - Mr. Conrad
- 1 - Mr. Griffith
- 1 - Mr. Shaneyfelt
- 1 - 62-109090

LLS:mb (11)

✓
JWC
W.D.G.
EX-108

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REC 32

FEB 15 1967

JJR
XEROX
MAR 1 1967

SEVEN
PERS. REC. UNIT
re Shaneyfelt

59 MAR 6 1967

Memorandum

TO : The Director

DATE: 3-1-68

FROM : N. P. Callahan

SUBJECT: The Congressional Record

Pages H1569-H1582. Congressman Willis, (D) Louisiana, spoke concerning critics of the Warren Commission Report pointing out that he wanted to make it clear that his comments should not be construed as having any bearing whatever on the criminal investigation now being conducted by the New Orleans district attorney, Jim Carrison. He stated "That investigation involves matters of law and findings of fact that will be properly left to a judge and jury to evaluate. My purpose at the moment is solely to comment on the leftist and even Communist affiliations of four of the most ardent critics of the Warren Commission Report." Mr. Willis listed these four persons as Mark Lane, Harold Welsberg, Thomas G. Buchanan, and Joachim Joesten and set forth background information on them. Mr. Willis stated "Of particular interest to me is the fact that the Communist press both here at home and abroad have worked so diligently to make it appear that Lee Harvey Oswald - - - was a patsy or 'fall guy' in the Presidential assassination. Additionally, the Communist propaganda mills have extended this invective against the Warren Commission to include the Chief Executive, the CIA, the FBI, the Secret Service, and in fact the entire Federal Government in an indictment of collusion to plan the assassination on Lee Harvey Oswald."

Original filed in:

62-107090-

NOT RECORDED

121 MAR 13 1968

In the original of a memorandum captioned and dated as above, the Congressional Record for 2-27-68 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate subject matter files.

54 MAR 10 1968

Memorandum

DeLoach	_____
Mohr	_____
Wick	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. Wick *Wick*

DATE: 7-5-67

FROM : M. *M. Wick*

SUBJECT: TIMOTHY WALSH --
 254 KENWICK DRIVE --
 AKRON, OHIO 44313 *NC*
 REQUEST TO INTERVIEW THE DIRECTOR
 CONCERNING THE WARREN REPORT
 SOMETIME IN AUGUST, 1967

A letter was received on 7-3-67, from captioned individual stating he is a student at the University of Akron in Akron, Ohio, and plans to study law at Duke University. He has been working on a report thesis concerning the Warren Report and he has seen numerous newspaper and magazine articles which paint a very bad picture of the FBI. He will be in Washington during the first weeks in August and feels it would be of enormous value if he could ask the Director several questions. Walsh states he has the highest esteem for the FBI and the Director and remembers a letter the Director sent him when he was aged 14. He says he still is very much interested in becoming an agent in the FBI but feels the thesis must come first.

Bufiles reveal the Director wrote Timothy Walsh at his currently indicated address on 2-4-60. Walsh had requested a "tour" and stated he would like someday to be an agent. In the letter he said he was 12-years old. There is no other identifiable information in Bufiles.

There is, of course, no reason for the Director to use his valuable time in answering this young student's questions; however, it might be beneficial to have someone in your office (Mr. Wick's) talk to him.

RECOMMENDATIONS:

REC 1762 109090 - 607

1. That the enclosed letter be approved and sent. *JUL 17 1967*

2. That Walsh be referred to your (Mr. Wick's) office if and when he contacts Bureau Headquarters.

- Enclosure *sent 7-6-67 MSJ*
- | | |
|------------------------|------------------------|
| 1 - Mr. DeLoach - Enc. | 1 - Miss Holmes - Enc. |
| 1 - Mr. Wick - Enc. | 1 - Tour Room - Enc. |
| 1 - Miss Gandy - Enc. | 1 - Mr. Morrell - Enc. |

CRIME RESEARCH

DW

Wick

JUL 21 1967
 DWB:ksf (9)
kaf

July 6, 1967

REC 1Z

62-109090-608

Mr. Timothy Walsh
254 Kenwick Drive
Akron, Ohio 44313

Dear Mr. Walsh:

I have received your letter requesting an interview with me during August. Unfortunately, my schedule is so uncertain that I cannot make a definite appointment with you. If you will contact my office when you are in Washington, however, one of my assistants will be glad to talk with you.

Sincerely yours,

J. Edgar Hoover

- 1 - Mr. DeLoach (sent with cover memo)
- 1 - Mr. Wick (sent with cover memo)
- 1 - Miss Gandy (sent with cover memo)
- 1 - Miss Holmes (sent with cover memo)
- 1 - Tour Room (sent with cover memo)
- 1 - Mr. Morrell (sent with cover memo)

NOTE: See M. A. Jones to Wick Memo dated 7/5/67, captioned "Timothy Walsh, 254 Kenwick Drive, Akron, Ohio 44313, Request To Interview The Director Concerning The Warren Report Sometime In August, 1967."

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

DWB:clc
(11)

MAILED 3
JUL 6 1967
COMM-FBI

2 JUL 21 1967 TELETYPE UNIT

Handwritten signatures and initials: J. Edgar Hoover, Wick, and others.

Mr. Mohr
 Mr. Wick
 Mr. Casper
 Mr. Callahan
 Mr. Conrad
 Mr. Felt
 Mr. Gale
 Mr. Rosen
 Mr. Sullivan
 Mr. Tavel
 Mr. Trotter
 Tele. Room
 Miss Holmes
 Miss Gandy

Dear Mr. Hoover

I am currently enrolled in the University of Akron, and in the future wish to continue my law major at Duke University.

Since the release of the Warren report, I have been working on a report thesis. In it there is a section which I must donate to the Federal Bureau of Investigation, as well as other government law enforcement agencies. I must add that the information that has come to me in the form of newspapers and magazine articles, have been your critics and paint a very bad picture of the F.B.I.

I will be coming to Washington in the first weeks in August, and here I hope to complete a major portion of my work, I feel that it would be of enormous value to me and my colleagues, if I could have an interview.

There are several questions that I would like to ask you and am very anxious to meet you.

I feel that you could answer the questions that I have, best.

Mr. Hoover, have no doubts, I have the most highest esteem for your organization, and you. I can even remember the letter that you sent me when I was only 14. I still am very much interested in becoming an agent for your organization, but feel that this thesis must come first, and then the satisfaction that I know will come with it.

I leave this matter to be disposed with at your convenience, sir.

Sincerely yours,

Timothy Walsh
 Timothy Walsh

254 Ken Wick Drive
 Akron Ohio

REC 17
 TIM
 advised Timothy Walsh
 OWB
 7-6-67

1-11
 JUL 3 1967
 TELETYPE UNIT

EX-110
 JUL 3 1967