

THE WITHHOLDING OF THE WHITTER DOCUMENT

by

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The FBI withheld the release of a 14 page HSCA document on Donnell Whitter (a.k.a. Whittier) for almost a year under an exemption provided by the Assassination Records Collection Act of 1992 (ARCA). Researcher speculation and assumptions have produced several interpretations of the Whitter document. This document has been identified by several researchers as either a letter "from Whitter to the HSCA" or as a letter "to the HSCA about Whitter" (1). At least one researcher has also claimed the document was being withheld by the National Security Agency (NSA) (2). None of these speculations or assumptions were correct.

Donnell Whitter was arrested and convicted of numerous crimes in the Texas area. Whitter's crimes ranged from forgery and white-slavery to the possession of stolen weapons (3). Donnell Whitter and Lawrence Miller are believed to be the burglars who stole numerous weapons from the Terrell, Texas National Guard Armory on November 14, 1963. The Dallas Police and/or the FBI received a tip from an informant that guns from the burglary would be transferred at a site in Dallas on November 18, 1963. Four Dallas police detectives and an FBI agent set up a stake-out at the transfer site. They observed Miller and Whitter transfer several automatic weapons between two vehicles. The officers on the stake-out had two Dallas patrolmen follow the suspects as they left the transfer site. The officers wanted to have the vehicle followed until the suspects made a moving violation that could be used as a reason to stop the vehicle. The officers soon got their chance when the suspects ran a red-light. When officers attempted to stop the vehicle the suspects fled at a high rate of speed. A high speed pursuit ensued through Dallas. The pursuit finally ended when the suspects crashed into a pole and totalled their car. Both suspects suffered injuries in the crash. In fact, Whitter was unconscious until sometime after the assassination of President Kennedy (4).

The burglary of the National Guard Armory became a very significant event for assassination researchers when possible connections between Jack Ruby, Lee Harvey Oswald, and

John Thomas Masen were revealed through released documents and personal interviews. These connections were disclosed in the August 1994 Washington Post article, "The Fourth Tramp" by Ray and Mary La Fontaine. Additional information about these connections will be disclosed in their soon to be released book, "Oswald Talked: New Evidence in the Assassination of President Kennedy".

In September of 1993 I submitted a Freedom of Information Act (FOIA) request to the National Archives and Records Administration, JFK Records Section (NARA-JFK) for any documents concerning Whitter and Miller. Steve Tilley of NARA-JFK responded with a letter stating NARA-JFK had one document indexed to Whitter. However, the document could not be released as it was being withheld by the FBI. Mr. Tilley also enclosed a copy of the Record Identifier Form (RIF) for the withheld document. The document had last been reviewed on 6/21/93. The ARCA restriction was identified as "5". ARCA restriction "5" states the following: (5) the public disclosure of the assassination record would reveal a security or protective procedure currently utilized, or reasonably expected to be utilized, by the Secret Service or another Government agency responsible for protecting Government officials, and public disclosure would be so harmful that it outweighs the public interest.

The public first learned about the "14 page Whitter document" when the story of John Elrod ran in the Houston Post in November of 1993 (5). Nation wide audiences learned about the document when HardCopy aired a show about John Elrod in November of 1993 (6).

The Washington Post also carried a story in November of 1993 about John Newman's testimony to the Conyers Committee regarding the ARCA (7). Newman mentioned the withholding of the Whitter document in his testimony (8).

On August 7, 1994 the Washington Post published the article, "The Fourth Tramp" by Ray and Mary La Fontaine. The article disclosed that the Whitter document was still being withheld by the FBI (9).

On August 12, 1994, as a result of the Washington Post article, the FBI released the entire 14 pages of the Whitter document. The document was not redacted. The FBI offered no explanation as to why the document had been restricted.

After the release of the Whitter document, I wrote to the Director of the FBI, the Attorney General, Congressman John Conyers, and the ARRB about the possible improper withholding of the Whitter document. The only response I ever received

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was the ARRB stating they had received my letter. The FBI has refused to comment on their classification of the Whitter document.

The FBI had ample opportunity to learn that the Whitter document was being withheld from disclosure in November of 1993. The FBI, however, did not choose to review and release the document until after the Washington Post article was published 9 months later.

The Whitter document, as released, does not appear to contain any information that substantiates the ARCA exemption #5 classification. The document is comprised solely of Whitter's arrest records ("rap-sheets") from the Dallas Police Department, Texas Department of Public Safety, and the FBI. The speed with which the FBI released the document and the FBI's refusal to discuss the matter gives little doubt the document was IMPROPERLY WITHHELD. The FBI should be required to justify the ARCA exemption used or provide information as to how the document became improperly classified. How many other documents have been improperly classified either as the result of an error or as the result of a deliberate effort to prevent disclosure?

Notes:

1. Anthony Summers interview of Bill Adams for the December 1994 Vanity Fair article, "J.F.K.: Case Reopened". October 1994 COPA Conference presentations and ARRB submissions.
2. October 1994 COPA Conference presentations and ARRB submissions.
3. HSCA 180-10071-10289, the 14 page Whitter document.
4. Dallas newspaper articles, Dallas Police Reports, and court documents.
5. ("Recluse Won't Tell What He Knows of '63 Assassination" by Ray and Mary La Fontaine, November 14, 1993, Houston Post) "Despite Whitter's death and the recent release of nearly 1 million pages of assassination-related materials, he remains a restricted subject. The FBI has not granted the National Archives permission to make public a 14-page document on Whitter."
6. "Oswald's Cellmate", HardCopy, November 16, 1993.
7. ("Did Democracy Die in Dallas?" by Jefferson Morley, Washington Post, November 18, 1993): "But he (John Newman) pointed out in his testimony that among the hundreds of thousands of documents still unreleased by the FBI is a 14-page report on Donnell Whitter. The document was reviewed by the FBI last June and it was decided that none of it could be made public—for reasons of National Security."
8. Testimony of John Newman, The Effectiveness of Public Law 102-526, the President John F. Kennedy Assassination Records Collection Act of 1992. Hearing before the Legislation and National Security Subcommittee of the Committee on Government Operations, House of Representatives, One Hundred Third Congress, First Session, November 17, 1993: "Moreover, it seems strange that a 14-page report on Donnell Whitter is still classified. As this withdrawal sheet indicates, this document was reviewed as recently as June 1993. I find the withholding of such documents unsatisfactory and not in the spirit of the JFK Records Act."
9. "The Fourth Tramp" by Ray and Mary La Fontaine, August 7, 1994, Washington Post: "For example, in June 1993, the National Archives turned over a document from the House Assassination Committee to the FBI for review. It was a 14-page document on Donnell Whitter, Jack Ruby's auto mechanic. The bureau declines to release any portion of this document, stating that disclosure could compromise national security by exposing measures 'used by the Secret Service or other government agencies to protect elected officials'."