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Withholding-declassification-Vallee, Ferris docs.

1/1/71

Saying it was as a result of the completion of the 1970 reviews of the Numbered Documents of the Warren Commission, under date of 12/21/70, Rhoads sent me exactly the same previously-withheld documents relating to Vallee that Mitchell sent Paul Hoch, under date of 12/16/70, describing them as released by his personal decision: "I have determined that the materials may be made available consistent with the public interest."

Aside for whether "public interest" is a proper basis for either classification or declassification under the law or even the Guidelines (and if it were, how can the withholding of the suppressed JFK medical evidence be justified), there are other factors that should be noted, two of the more important being that both Mitchell and Rhoads cannot be, strictly speaking, both be telling the truth; and some of those pages should not have been released under the law. The are exempt or can be so interpreted as medical papers and they are of a personal nature, they can harm the innocent (illness being innocence), and they do invade Vallee's privacy.

Closer study - this memo is written from recollection on reading when I got these pages from Rhoads more than a week ago - might disclose other legal reasons why some of the pages should not have been released.

Some of the previously-withheld Ferris pages refer to him as a homosexual or to his arrest and the arrests of others, Martins and Brownlee coming to mind without checking. Pages so referring to Ferris are CD75: 284, 299, 300, 302 or 303, 309, 3/41, & from illegible notes I made on reading them.

With regard to the Ferris pages, his arrest for sex crimes being public by virtue of it having been in the papers and it and the allegations of homosexuality having been published by the Commission, which further set precedent by making freely available such documents referring to numerous others, including Oswald and Ruby, there was, previously, no real basis for withholding them, not under the law, and certainly not after I requested them as prescribed by the law. They were refused me by both the Archives and Justice, with the Justice decision sustained by Mitchell even while they were being or had already been declassified (all most of the pages contain no such references).

And with regard to both, whether or not the declassification is for the reasons given (and I think not), there is no apparent reason for declassifying them now that didn't always exist or, conversely, no reason for classifying them that doesn't warrant continued withholding. I think the real reasons for these declassifications may be political and practical considerations. With regard to the Ferris pages, they knew I was about to file suit for them. They less knew I already had some of what had been withheld and that it could not properly be. With regard to the Vallee pages, either or both of the factors could have controlled: I think it safe to assume they have or have gone over the copyrighted editions of COUP, which has a pretty full Vallee story, including what is not set forth by the FBI in their reports (and it might be noted these pages include Secret Service information); and Paul Hoch was exhausting his administrative remedies, a required preliminary to suing. In this connection, our correspondence, if not other things he may have said that could have been intercepted, reflects his intention of filing some suits and my encouragement. If his suit were buttressed by the content of COUP, it would have been mightily embarrassing in court, where it could have attracted attention neither he nor I are likely to be able to get in any other way. I do not believe the Molnick noises influenced Mitchell's decision or the normal processes, whichever it was, for he had abandoned his pseudo-legal efforts and had not complied with either law or regulation, not having made any request for any information of Archives or Justice.

I will be making a separate analysis of the Ferris pages at a later date, in planned correspondence that would now be premature, and will then consider whether these pages could have been properly withheld after my repeated requests going back over a four-year period. Paul and I had both asked Archives for the withheld Vallee pages. Those now supplied us are described by Mitchell as all, that is, "the only material in the Commission documents relating to Vallee which has not been made available to the public". The pages are CD47:1,

LA, 10-14; CD109: 1-4 and CD117: 1, 4-6.

But I direct attention to Mitchell's emot language and the realities, both pretty clearly saying that not all the information on Valles is now available--only that which the Department gave the Commission to begin with. Besides this, we already have and/or know of other information not disclosed. What comes to mind immediately in the New York part of the investigation, the papers, if any, relating to the "freeze" established by my own investigation of the license number, whose car it was (which had been established), the picture removed from the arrest records, the arrest records themselves, the court records (the released reports are of the wrong court and judge), the subterfuge interview, if the Secret Service gave it to Justice, which should have asked for it if it didn't, coming to mind without deep thought. There might also have been investigations of the weaponry and ammo, copies of the Groth & Co., reports of their three-day surveillance.

There are some things we know without questions that the FBI rap sheet includes the driving arrest, for which there should have been authentic Illinois revocation of the driving license; that they did investigate in New York; that the Chicago papers included a picture; that the FBI did whatever must be done to execute this "freeze" on information about the car, with a threat taken seriously on the life of the President, it would seem there had to have been some inquiry than represented by these papers. It is also unlikely that they'd have stopped with the wrong judge until at least after the assassination, as then long enough after it for the work to get around that it was Oswald alone. One might conjecture that Chicago, immediately on hearing of the actual assassination, might have done more. In any event, because there seems to be more than the FBI gave the Commission or more than is in its files, for whatever reason its files are incomplete, and because Mitchell's language falls short of saying he has provided us with everything they have, Paul ought write and ask his for whatever the Department (not the FBI, which is but part of the Department, and suits are against the Department) has in addition to what has been made available.

Mitchell's reply, I assume, could be that he will not do it, on the investigative-file basis. But in making anything available, he has waived all possibilities of holding anything else back under the American Bill decision. He can't argue invasion of privacy, because he has already done that. He can't argue (these being in court, not in letters) the sanctity of "investigative files" because he has waived that. Moreover, with the killing of the President then not being a federal crime, even if he did, there was no law-enforcement purpose. If a good lawyer were to handle this, I think the law could be stretched closer to its intended form and a better basis for getting information in the future could be the result, not that there would not continue to be the same bureaucratic reluctance to provide what the law requires be provided.

The real hangup will be that everybody goes along with the notion that everything however has to be secret and that it is this way. My belief is that he feels this way not for any reason other than self-protection, to hide what ranges from his incompetence to his politics. We lawyers have too much for a book that could be titled "FBI: Moral of Incompetence." He will also want to hide the gross inadequacies of his investigation of the assassination. The foregoing is not my interpretation of the meaning of both the law and the American Bill decision. It is that of every lawyer I've discussed it with and of the lay expert, Sam Archibald, of the committee that is interested in this law and keeps tabs on the suits under it (and reports to the U of Missouri Journalism School on it). He also heads the Fair Campaign Practices Committee in DC.

In comment on the actual pages, which I read before FBI sent me copies of what Mitchell sent him reached me, and his comment of 12/22 on them:

I disagree that the synopsis of CD 47 not including the fact that Valles represented a threat to the President, was "accidental". This is standard FBI operating procedure. There was no other reason for interest in Valles. In omitting this from the synopsis, they concealed the whole thing. They used this to eliminate easy consideration of Valles as a suspect or co-conspirator. It required only a clause to tell the complete story, and that

is a VERY short "synopsis". To argue, as I do, that the performance of the FBI was incompetent is not to say, as I do not and do not believe, that the FBI is and must be not capable of better performance, that it is incompetent. It damn know its business. I think it wrong to assume that when it doesn't do the obvious the reason is carelessness, stupidity, indifference or incompetence. Each of these cuts lives in mortal fear of the God, Hoover, and when they pull something like this, it is because they know it is what is wanted, not because they are goofy or lazy.

Paul's first comment is closer: "I think the only thing worth hiding was the nature of the tail on Vallee." But the language is not as I'd have used it. What have I established of this tail? That it was elitist, that the Chicago cops have a special group for such purposes, and that the guy in charge of this one was also in charge of what I think in COUP I established as the execution of Hampton, since amply corroborated by a grand-jury investigation that remained at WHITINGHAM. So, it is more than the fact of a tail. There was no reason to hide this from the Commission, unless Hoover had let it be known that he didn't trust those "liberals", unless he was worried about the future, after the Commission's normal procedure, with the President's trip cancelled over this, would have been to let the Commission know how thorough the cops were, assigned their best to the job, etc., to reassure the Commission and remove any possibility of later heat on the Chicago cops.

With regard to Rosen, there must be an elaborate file on him, complete with such tails, etc., and the date of the various "Un-American" Committees. I have an extensive bit on this from the "minutes" in fact, I have what my source fears may be indications of an assassination list including him, with great emphasis. He was well-known in Chicago for progressive leanings, having fought with the Abraham Lincoln bridge, been involved in black and other progressive activities, having allowed use of his theaters for meetings, things like that. What I have on Rosen is enough to justify, from the FBI point of view, withholding on him. On the other hand, I can't imagine his involvement in anything, so, in hiding their interest in him, which must be of ancient origin, and the extent of their espionage, the FBI is not outside a reasonable interpretation of the instruction in terms of significant connection with the assassination. Interesting that they went in the wrong direction, though. Consistency, try name is Hoover. And, with the use of the word "paramour", even if we thought there might be some connection, I fear the law's exceptions would become automatically relevant.

(I plan to send copies of this to PH and GRS only, and HV may see as also JS. So I note that I am accumulating a rather extensive Minuteman "shit list" at best of all those of whom they know to the left of Brinkley. I have it for several States, the cream of their national one on youth and peace, but I've not indexed it and do not plan to. Rosen's name I could not forget because of the extensive attention they give him. It may be that they had their own people spying on him. Their use of the available material from the Committees and the papers is extensive and litigate.)

GD47:10-11. Agree with PH's comment that this explains why the weapons charge was not pressed, but that is inadequate. This report can also be ~~XXXXXXXXXXXX~~ considered to be part of a conscious coverup. First of all, Coffey is the wrong man to interview. Groth was the right man. "Area 6" was utterly meaningless to the WC. What is it? Why does it not say "Detective Bureau"? If Coffey was "assigned to investigate this matter", he did not do the actual investigating, so they are hiding those who did. It is more likely he was assigned to take charge of the investigation. With the cancellation of the President's trip, the conclusion of the first paragraph represents a rather considerable understatement, easier with the ordination of Oswald. The second paragraph also hides what special "officers of the Chicago Police Department placed a 24 hour surveillance on VALLEE." The existence of the Task Force is hidden from the Commission, consistent with withholding from it the arrest record, which is in COUP and does identify the group and the weapon, even if hidden as Vallee's "alien". The very conclusion, that Detective Madden "along with Detective Coffey" are those who "investigated this matter", is deceptive, for Madden didn't know about the arrest until Groth told him, when he took charge, met the press, etc. and appeared in court and, in effect, got Vallee off.

Pp. 12-3. PH wonder, rightly, "who the SS source was". I think we should wonder more and interpret. Why should the SS source have been hidden from the Commission, including by the SS? The Commission had responsibilities over and above reporting on the actual assassination, as all investigative arms know. This is a fine example of how the WC was boxed in by its investigative arms and of how its staff became accomplices. With the accuracy of the source's information, I suggest it is something more than Vallee's possession of a rifle that caused cancellation of the President's trip, especially because Vallee was under constant surveillance and because he was arrested before the President had to be in Chicago. He could have gone to the stadium by helicopter, as he later did in Miami under similar circumstances. What was learned in the pretext interview? Did the SS just call the Chicago cops and talk to the first cop who answered the phone? Were the police mechanisms any, consistently, hidden from the Commission whose function it was to consider such things. Where this reports that ammo only was found in Vallee's car's trunk (carefully omitted from 10), my recollection of my initial tip is that the rifle was, too. There remains the hiding but including of the rifle in the arrest report. And if a rifle was found hidden in the trunk, the dropping of the CCW charge is not explained. Bearing on the withholding of the pretext interview is this statement that it seemingly caused the SS to get in touch with the cops "after" it. (The parallel with LHO's preferred employment, photo lithographer, is an interesting coincidence. But the difference is scale!) The second page of this report indicates that the SS had made a rather extensive investigation of Vallee. It appears that (quite properly) they conducted their own, simultaneous investigation of the suspect. It is my recollection that by this time Vallee had passed further to the activist right than the John Birch Society. It doesn't encourage the acquisition of such an arsenal. If the suggestion that "his feelings have been much influenced by that society" is accurate, which I do not doubt, it may also be inadequate explanation. However, the flat statement in this, third from last paragraph, that Vallee was schizo, was grounds for classification and remained proper ground, so the question remains, why is it now made available? His, of course, is also true of the medical evidence on the following pages.

P. 14 PH says nothing special. I disagree, and my hasty, original comment was wrong. It is special that the disposition of the Vallee case is asked. There is an elaborate investigation of the wrong things, consistent with the statement on the preceding page that Vallee was a "loser". This eliminates any possible connection with any group more extreme or activist than the JBS. The last part of the concluding sentence is a fine example of FBI scientism and there was no record of an appearance by a defendant before Judge KOMALSKI on a charge involving the possession of a rifle or ammunition other than the appearance of one THOMAS VALLEE, a white male, 30 years of age." This says that Vallee did appear on such a charge, if it is read with care (are then the Commission lawyers took time for. Where are the court records, the disposition of the case, the evidence adduced? And "involving the possession of a rifle or ammunition"? What does "involving" mean? That is not the basis of the charge in court, moreover, or the arrest, which was over the knife. Moreover, what Vallee said in court is interesting that if he had his weaponry confiscated, he'd replace it. What better reason for displaying? Or nothing happening to him?

CD 109, PH says, "doesn't mean much to me". In itself, this is true. What it doesn't say, I think, does mean something. Neither it nor the other pages bear any indication of the existence of a Vallee file, which I think does mean something about the character of the investigation, and by the Commission, too. There remains and then, especially, remained open the possibility of extremists groups having planned the assassination or executed it, as Warren himself, immediately suggested. Here we have the President's trip to Chicago cancelled because of fear of Vallee and/or any possible associates, and there is no indication of a file on him of this (and other) trip cancellations? But there is indication of another, less immediate file, "ammunition" and I think at some point someone ought explore it. This is material that also, clearly, ought to have been withheld. I have already conjectured on why it wasn't when, of all the things for which PH and I have asked that are or rather were and are withheld, it is what he elects to release when he should not have. An apparent possibility is the hope that we would use it, get attention for it, and thereby justify, in his mind and to the media, any other pleading of withheld information. Moreover, there is negative value in this data. For example, why were not Vallee's obvious other connections checked—the California licence (which can explain why his licence wasn't

lifted after the Team's arrest), the ownership of the car and now, why anyone would lend an extremist-minded and mentally-ill man a car to begin with; the other addresses who lived there, and what kinds of people are they, like a yke extremists, and perhaps violence-prone? Maybe - who knows - even a Svengali type.

PH's suggestion that the date 9/14/63 in the middle of p. 2 is a typo finds some support on page 4. However, bringing this point up the absence of any recent record on Vallee, especially of the norm in such cases, as his recent employment, when he entered upon it, if with recommendation, whose, references, previous employment to establish qualification, etc. Even of addresses and relatives. If I agree with PH, I also note there would be more significance if this were not a typo.

CD117:synopsis, 4-6. The same comment on withholding applies, even more here because of the more detailed and personal nature of the medical history, vis homosexual tendencies, womanliness (which to a layman seems inconsistent with the affinity for weapons, extensive case, aggressive personality - comment for GMS?).

This has been interrupted, by more than a day, and something just occurred to me that I note because I think it important I urge PH to make no inquiry about this until after I complete an inventory of what has been declassified, if not until I can get copies.

The diagnosis of megalomaniac attitude (the report contains a typo) is quite consistent with serious intent to kill JFK. Or any other President, making the obvious inadequacies of these reports more glaring. I suspect he is on the NS list permanently. Should be.

This would seem like the description of a seriously, if not dangerously ill man.

Whatever this does or does not mean, can or cannot mean, aside from suggesting we may want to find ways of carrying it forward, I have a strong feeling that even if the possibility may seem remote, we should exercise extreme caution to the end that none of this stuff that should never have been released be used in any way and especially that it not get into hands other than those in which it now is, if we can do anything about it. It would seem, from his silence, that it has not reached Skolnick. He is not the only one capable of missing it. He seems to have a considerable support from others who are not too sophisticated, tend to take extreme positions, and have not done the most basic research, even if they have been vocal and have the best intentions. Need I name some? Also, our silence may lead us to knowledge of any other distribution that might have been made, which could have possible meaning.

The very least that can be added is that there seems to have been simultaneously-existing, whether or not independent, unrelated, extremist of the right ambition to do JFK in. Failure to investigate, even consider, whether there may have been any coordination between the (and there are four of the NSIP alone of which I know) is at minimum description an investigative failure by the investigators and something perhaps more than negligence or incompetence on the part of the WC staff. When it is considered that in a fortnight two of the trips planned by JFK were altered or cancelled because of those, whores with simultaneously-existing and, I think it can be stated fairly, more credible ones existing in the Dallas area and reported the whole matter might not be dismissed lightly. If one wanted to argue the possibility of a palace-guard or internal conspiracy, these combined circumstances ought be evaluated. I am not by any means suggesting this was the case. I am addressing the character of the investigations and the analyses, by the executive branch investigators (who were also the Commission's) and by the WC staff.

I am withing digging distance of the mailbox, so if this gets out 1/2/71, it must be sent unread. I wish it to be regarded as confidential, and there will be copies of PH, GMS, RV and Bud only, with okay for JS.