

Gary Mack
KXAS-TV
P.O. Box 1780
Fort Worth, TX 75101

7/31/84

Dear Gary

The note you added to the copy of the JPL letter says that Mary Moorman's pix have been sent to her attorney for your use. I presume this means that you phoned him as I suggested and as a result are getting access to her copies of her pix. Fine! But this does not say anything about my suggestion that you ask her for a release. After reading the Dallas response to your FOIA request I suggest that even if it now does not seem probable you ought still ask her for the release, which should be notarized, and accompany it with the assurances of protection of all rights that you gave Bronson.

Because all records relating to her and her pix are within one of my litigated requests, I'm sending copies to Jim Tesar.

From the very first the handling of Moorman and her pix was passing strange and certainly out of the ordinary in any serious investigation. You may recall my handling of this in my third book, which is on the suppression of the photographic evidence. What was strangest of all is the constant shuffling of it, ostensibly, when countless thousands of copies of pix were made, without anyone ever making any copies. Each time the Commission wanted to examine it they sent the FBI back for it and, dutifully, according to its disclosed records, it returned them. No disclosed Commission or FBIHQ record that I recall reports the making of any copies. Yet the kinds of crap that was copied! With three color prints by the FBI of each item of Commission evidence yet. This is even more exceptional because her pix show the President actually being killed and the background, including even much of the building from which the FBI claims all shots were fired, at the very moment of the assassination.

Of course it is possible to think in terms of what the Dallas internal record relating to the unwanted Bronson movies and still says, that if a picture could not be used to identify Oswald the FBI regarded it as worthless. But there are problems with this, of which I cite two: the FBI's incredible collection of photographic junk and adherence to its first law, cover the Bureau's ass. To cover its ass it needed the best possible copies of her Polaroids. If my recollection is correct, and after all these years I can't be absolutely certain, I believe that Ivan Barret made copies in Dallas, I think with a Speed Graphic camera, or with a large negative.

Before getting to the FBI's responses to your FOIA request, a bit more background, Jack White's excellent enlargements, which for the first time convinced me that her third shot includes a clear image of a man's face on the grassy knoll, where I said there was one in my first and second books and where the House committee concluded that a fourth shot came from. Among the reasons the FBI had from the very first moments to believe that there had been a shot from the front, or in general from the area included in her third picture, is the press conference of the Dallas doctors, for they said at least twice that the wound in the front of the President's neck was a shot from the front. This was an area of great sensitivity to the FBI during the Commission's life. More detail if you ever want it on this.

We have no way of knowing how closely the FBI has been keeping tabs on us and what we do, but there is reason to believe they have great interest and I do know that they have even kept tabs and files on students who were associated with me. They can be seriously embarrassed by our work and have been. And if you'll pardon my ellipsis, an FBI employee involved in my FOIA cases once blabbed, never expecting that it would get back to me. (He was moonlighting and while working for the parents of one of these students dropped a warning on the watching and keeping of records that in later life could hurt that particular student.) So, it is at least possible, and I

am inclined to believe probable, that they are well aware of Jack White's work on the Moorman film and the results of the aborted computer enhancement at MIT. I do not think it likely that after MIT confirmed one man in her picture on the knoll and said another is probable from the computer enhancement it would drop the project, confiscate the computer tape, which wasn't its to begin with, and then say they'd deny everything if anything was said publicly, without a word to the government.

If this suspicion is correct, then the FBI has additional and current motive for playing games with you and your station. The Dallas response is subject to this interpretation, whether or not that underlies it.

The FBIHQ response is not unusual. It is a form letter, new to me in that it cites FOIA section (a)(6)(A)(i). All that means is that they are notifying you of their intent to comply with FOIA. They can "comply and refuse you everything. In fact they did not comply because more than 10 days elapsed. It interests me in this regard that when Dallas has no backlog to slow it down it did not reply until the day after FBIHQ did and its letter is dated 20 days after your letter.

What I would have expected Dallas to do would have been what was easiest for it and would be the best way of diverting you. I'd have expected them to write you saying that they had sent all their assassination files to FBIHQ and have for that reason referred your letter to FBIHQ. This is their basic position as well as a big lie.

But they didn't do this. Nor did they do what their regulations require, make a search to determine whether they have responsive records.

This can be pursuant to one of the FBI's newest tricks to make use of FOIA cumbersome and costly and to discourage requesters and defeat the Act. They claim privacy and under a fairly new decision (Antonelli) claim that even disclosure of the existence of FBI files on a person invades that person's privacy. What they say about this, however, simply is not applicable and, without any doubt at all, the Dallas FBI office knows this. Whether or not Udo H. Specht is still their JFK case and FOIPA officer. The reason neither Act requires what they represent is the fact that the FBI itself has disclosed that it has records on Moorman, as did the Commission and the House committee, both with FBI assent. Aside from the great public attention to her pix at the time of the crime. So, why do they give you all this who struck John and why did they not just forward your request to FBIHQ? And why, in referring your station to FBIHQ and suggesting that the only way you can get to see the disclosed records is by going there, did they not tell you what they know very well and would have made them look better, particularly if you decided to appeal and/or litigate, that copies of these disclosed records are readily available at 10¢ a page?

Why do they tell you what they know is a very big lie, that in order to get copies of the records they know very well are already disclosed you have to have and file Moorman's release?

An obvious possible explanation is that they want to impress your station with the amount of trouble and cost they face. Another, and one I am inclined to favor, is that they have something to hide from you. And I add, from me, because anything and everything relating to Moorman and her picture is with my CAS 78-0522/0420 combined. (0322 is my Dallas request/litigation.)

Remember what I told you and sent you on the Dallas copies of the tapes of the Dallas police broadcasts? Their own later records could not help reporting the fact that they made their own dubs, on their own Wollensak tape recorder. Yet they claimed they didn't, then made other equally false claims, and their own case index does not include a single relevant record of the time of the assassination and thereafter

and in particular there is no reference to any such tapes in any of the main assassination files. Now I don't think for a minute that they did not expect me to prove beyond reasonable question that they made their dubs, yet they lied, expecting to get away with it, as to now they have, and were unconcerned about my proving that they lied about what is material and swore to that lie. Ordinarily this is perjury.

There is no doubt at all that Dallas had and has these tapes, and I am without doubt that the most everyday search of tis indices will disclose exactly where it is. My first guess would be under the first index cards to be examined, Dallas Police Department.

This is why I suggested that your request include all see references to Mary Moorman. By not finding what they did not want to let the Warren Commission have in any main assassination file they effectively hid it. By not searching any records other than these same main files they effectively deny all others what they did not want the Commission to have. Like the police tapes, a better copy than the original Polaroid, etc. And anything they may have learned in any investigation, if they made one. (I think it more likely that if they made any investigation it was at a time when the FBI was being criticized rather than at the time of the assassination.)

They have also given you an extra trap. They tell you that if you file Moorman's release to file it with FBIHQ. If you do this all you'll get is what is already disclosed and nothing else because all that Dallas has sent to FBIHQ is what they sent for disclosure to me in this litigation. If you decide to get and file it, I suggest that you file the original with Dallas and send FBIHQ a xerox of it and your letter covering it to the Dallas office. You would then ask for a proper search, not limited to what was sent to FBIHQ in 1978 in my litigation (a little more was sent later, but no Moorman records) or to what was sent for the Commission, but all records on or about her and her pictures, including in particular any analyses or investigations relating to them.

If you do not want to ask for a release you can write Dallas again, and I'd do this prior to appealing. Or you can even phone and say "Come on now, Udo old pal, where do you get off feeding us all that crap?" All you need allege is that the FBI has already disclosed that it has relevant records on Moorman and hence there is no privacy consideration. This does not mean, however, that there are not individual records for which a privacy claim ought not be asserted by the FBI, for their can be. Nor is her privacy the only possible consideration. If the cop she was running around with was a married man, he'd have privacy rights. But the Act provides for this and they withheld from the records as they disclose them anything of this character. If they want to abide by the Act. (Moreover, you have no interest in her private life. Your interest is in and what relates to her pictures.)

What you told me when we spoke is an excellent and important illustration of why they hide what most people would believe they have no reason to hide hence are not hiding, what is clear on the better remote generation of the police tapes you transcribed, the part that destroys the entire official account of what the late cop J.D. Tippit was doing at the time of the assassination. He was not home having lunch at 12:20. He was in his car and he answered a call from the dispatcher. (You forgot to send that portion of the transcript for me to forward to Lesar. I'd also appreciate a dub of that portion of the tape. I also may be able to have a little done with this in Dallas and I may try. I'll let you know.) I don't think that even before a rubberstamp judge the FBI would want me to provide its transcript of those recorded broadcasts and what it omitted that is so significant. Remember, the directive from LJB was to investigate Tippit's killing, too.

I don't know what your people want to do, but I've taken this time because it can be important. One other possibility is to request copies of all records relating to the station and certain employees. That might now be fun!

Best wishes,

Harold



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

JUL 24 1984

MR ED MARTELLE
NORTH TEXAS BROADCASTING
CORPORATION A LIN STATION
POST OFFICE BOX 1780
FORT WORTH, TX 76101

Request No. 750625

RE: MOORMAN, MARY ANN

*determine whether to
comply with request
within 10
days*

Dear Requester:

This is to acknowledge receipt by FBI Headquarters of your recent Freedom of Information-Privacy Acts (FOIPA) request and to advise you we will comply with your request according to Title 5, United States Code, Section 552 (a)(6)(A)(i) and other Federal statutes and regulations. Additional information, if needed, will be requested by separate letter.

A search of the indices to our records will be made to determine if we have the information you seek. If the search fails to locate record(s) pertaining to your request, you will be notified. If the search locates a record(s) which may be responsive to your request, it will be retrieved and processed according to the provisions of the FOIPA.

Your request has been assigned the number indicated above. Please use this number in all correspondence with us.

Sincerely yours,

[Signature]
Chief
Freedom of Information-
Privacy Acts Section
Records Management Division



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

1801 North Lamar, Suite 300
Dallas, Texas 75202
July 25, 1984

Mr. Ed Martelle
KXAS - TV
Post Office Box 1780
Fort Worth, Texas 76101

Dear Mr. Martelle:

This will acknowledge receipt of your Freedom of Information - Privacy Acts (FOIPA) request dated July 5, 1984.

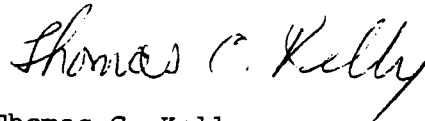
In handling requests for information pertaining to third parties, the Freedom of Information Act, while promoting a spirit of general openness in government, provides specific protection for personal privacy interests through both Exemption 6 and in the context of law enforcement records, Exemption 7 (c). In addition, Title 5, United States Code, Section 552a, popularly known as the Privacy Act, specifically prohibits the release of records concerning an individual except upon request by or with the written consent of the individual to whom the record pertains. Consequently, we hold that the records you requested are exempt from disclosure under the above-mentioned exemptions.

If you obtain a notarized authorization from Mary Ann Moorman, directing the release of information to you, please submit the original to the Federal Bureau of Investigation, Washington, D.C. 20535.

All documents regarding the investigation of President John F. Kennedy's assassination are of a pre-processed nature and available for review only at FBI Headquarters, Washington, D.C. You must make prior arrangements with FBI Headquarters either by letter or telephone (202/324-5520, FOIPA Branch Front Office), with fortyeight hours advance notice prior to your appearance to review the material.

If you desire, you may submit an appeal from any denial contained herein. Appeals should be directed in writing to the Assistant Attorney General, Office of Legal Policy, Attention: Office of Information and Privacy, United States Department of Justice, Washington, D.C. 20530, within thirty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the name of office to which your original request was directed.

Very truly yours,



Thomas C. Kelly
Special Agent in Charge

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California Institute of Technology
4800 Oak Grove Drive
Pasadena, California 91109
(818) 354-4321

JPL

July 25, 1984

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High Technology Reporter
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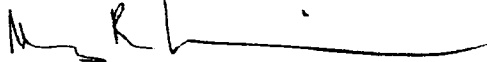
Dear Mr. Martelle:

Your letter to Frank Colella regarding possible image processing and evaluation of the Mary Moorman photo of the assassination of John F. Kennedy has been forwarded to me.

Bob Selzer told me this week that he has not yet received a copy of the photograph for preliminary evaluation, and that he will be contacting you regarding the photo. If he doesn't shortly, I urge you to contact him ((818) 354-5754) in order to expedite any work JPL might perform on the image. *

Should Selzer find that further processing or analysis of the photo at JPL would be of use, we will be eager to help in the project in any way we can.

Sincerely,



Mary Beth Murrill
Senior Public Information Representative

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4800 Oak Grove Drive
Pasadena, California 91109

Mary Beth Murrill
Senior Representative
Office of Public Information
(818) 354-5011

JPL

HANDS - 7-27-84
BOB HAS A GLOSSY
BLOWUP AND A CONTACT
SHEET. MARY'S PHOTOS
HAVE BEEN SENT TO HER
ATTORNEY FOR OUR USE.

