

4/20/71

Mr. Alan Barth
The Washington Post
1515 L St., NW
Washington, D.C.

Dear Mr. Barth,

Two quotes from your excellent editorial article in today's paper prompt this letter. One is the FBI statement in the Coplon case that its agents "had no knowledge of" the widespread wiretapping. The other is your reference to their hoodwinking a judge.

The first reminds me of one of the products of my successful Freedom of Information Act suit for that part of the suppressed evidence I could "identify" (the requirement of the law) in the Martin Luther King assassination. It is the affidavit of FBI firearms expert Robert A. Frazier, used to get Ray extradited (and thus not subject to cross-examination) and in the Memphis "minitrial". Unable to connect what he called "the bullet" (but only a fragment, for he knew it had exploded) with the so-called Ray rifle, Frazier said instead, "As a result of my examination of the submitted rifle, I determined that it produces general rifling impressions on bullets having the physical characteristics of those of the submitted bullet."

Based on this, the prosecutor said it was "consistent" with having been fired ~~from~~ ^{from} this ~~same~~ rifle. I add also consistent with millions of others. Fred Cook picked up what I should never have missed in his Saturday Review piece on my FRAME-UP, that this is precisely what was alleged in the Sadco-Vanzetti case, where it was known that the shot has not been fired from the weapon in question. I enclose a marked copy of Cook's review.

In order to cover himself and the FBI, Frazier followed this with the statement that he "could draw no conclusion" enabling him to say the shot had been fired from that rifle. Which means there was no proof it had been, but that is not what was wanted believed. I print this paragraph on p. 506.

I filed a similar suit for the suppressed spectrographic analysis of the ballistics evidence in the JFK case. Incredible as it may seem, it was never in the possession of the Warren Commission and is not now in their files. Here Justice filed what is at least a "hoodwinking" affidavit, again with the agent not subject to cross-examination. I enclose my copy. I'd appreciate its return. You will note that the agent Williams does not qualify as an expert on spectrography; that it alleges "law-enforcement purposes" when the Warren Commission and the FBI (no federal crime) had none; that the file was "compiled solely for official use of U.S. Government personnel" (but it was published by the Warren Commission with this analysis omitted and replaced by a paraphrase, also given to the Dallas police chief, who also published it privately); that this is described as "raw data" and "investigative file" whereas it was a scientific test, no more, no less, not an investigative report; the false re-emphasis of "law enforcement responsibilities" when none are involved; that "it would open the door to unwarranted invasions of privacy", which is completely impossible and no less irrelevant; that "It could lead, for example, to exposure of confidential informants" (a simple, non-secret laboratory comparison?); "the disclosure out of context of the names of innocent parties, such as witnesses" (ditto comment, in spades!); and a little more just as bad that follows.

And bracketing this, in court, Assistant U.S. Attorney Robert Werdig told Judge Sirica (who needed little telling) that the Attorney General had determined that the national interest required the withholding of this simple, scientific test. Do you suppose for a minute, let me interject, there would be all this secrecy if it supported the FBI representation? Now it happens that the Attorney General is empowered to make no such determination. No such determination was presented to the court. And the law was passed, in part, to eliminate that traditional dodge for suppression. The House Report (Ithaw it) could not be more explicit and is repetitious on this very point.

Nor is the FBI accurate. Justice Warren was among its victims. In connection with Oswald's handbills, it interviewed the two people at the printing plant. They told the FBI it was not Oswald who had gotten that handbill. One of these reports is printed in Volume 22, p. 796. Even in the FBI semantics it does not say it was Oswald. I have both witnesses on tape, and both are quite explicit, it was not Oswald. But when these two field reports reached Washington, they were rewritten and a summary report was sent to the Commission. Its third paragraph says the opposite of what the field reports said, saying that Oswald, "Under the name OSBORNE", had the printing done. If you will look at p. 407 of the Warren report, you will find precisely these false words used. Need I suggest the importance of this misrepresentation when there was the question of conspiracy, was Oswald alone. (And I have an enormous amount more on this.) I enclose a file including this rewritten report, the return of which I'd appreciate. I'd assembled these pages for a different purpose. Some may interest you, though.

One shows that Oswald used (and the FBI hid from the Commission) the address 544 Camp Street. That was the address of the Cuban "revolutionary Council, the CIA front. Hardly real pro-Castro activity by Oswald, this. Do you suppose they had to interview Bartes to learn that the CRC was "an anti-Castro organization"? The CIA organized it. From the Banister report, you'd never know he had been an FBI agent with a spectacular career, and that he had obtained this 544 Camp space for the CRC. Or that 531 Lafayette Street, the address given for Banister, is the side door to that identical 544 building!

I used this and much more on the FBI in my OSWALD IN NEW ORLEANS, but then, as with my other books, nobody in the press was interested in the FBI. One of my books has more than 100 pages of this kind of thing in facsimile. I have thousands of pages of FBI reports.

In the appendix of FRAME-UP I have some FBI reports you might find relevant. This part begins on p. 468 and is titled "The Milteer Documents". The tape transcript that follows was withheld from the Warren Commission by the FBI. The FBI reports that follow are in the Commission files, but until we dug them out, the Archives claimed not to have them (a friend and I worked on this together). You will note that what the FBI still withholds may be the clue to the solution of the Birmingham Church bombing (p. 478), discussed in the tape in a manner that suggests that if the FBI feared it could not get a conviction for murder, it might at least have tried for one on perjury.

That to which you refer in your today's piece is and has been the norm with the FBI. Paul Valentine has a copy of FRAME-UP. I hope you can find time to read it. You'll find quite a story on the FBI. Note what the Publisher's Weekly reviewer said of this (marked, enclosed)...No free society can long remain free with this kind of national police, which Hoover denies he is...I'd welcome a chance to discuss this whole matter with you sometime. I do have an enormous amount of material. The FBI must be close to the least dependable source of information. And even their JFK files on fascists are listed under "Oswald-Cuba-Russia"! Page after page of them. Hoover's imprint. And politics.

Sincerely,

Harold Weisberg