

Species in
Hutch. Scramble
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Attorney General Clark's Statements

"I really think it would be inappropriate for me to comment," Attorney General Ramsey Clark said when asked for comment on the New Orleans investigation into the John Kennedy assassination. He was then, on Sunday, March 12, 1967, appearing on the CBS "Face the Nation" program. This is part of his answer to the first question. A few minutes later, asked, "Can you clear up this Shaw-Bertrand thing for us?", the Attorney General made proper response, "We certainly don't want to interfere in any way with the State proceeding. It is absolutely essential that history know the truth in this matter." Next, he was asked, "Does the Federal Government have any role or interest, directly, in this matter in New Orleans ...?" Again, the new Attorney General, son of a former Attorney General who was thereafter a justice of the Supreme Court, made the correct response, "No, I think not. I think our State-Federal system is adequate for every type of matter that arises that I have ever seen, including this one. I think this is something for the State and I hope they will proceed with dignity."

What the correspondents were asking Clark about was the charging 12 days earlier of New Orleans business and social leader Clay LaVergne Shaw with conspiring, with David William Ferrie, Lee Harvey Oswald and others, to kill the President of the United States.

Having had his candy, the Attorney General was eating it. His very first public act after this charge was announced was an assault on the charge, a defense of the man charged, criticism of New Orleans District Attorney Jim Garrison for, in effect, daring to disagree with the federal government which had, in an ex parte, star-chamber proceeding, ordained

the murdered Oswald the "lone and unassisted" assassin. A harsher, more open and uninhibited intrusion into a State and a State-court matter is difficult, if not impossible, to imagine. He made it March 2, on leaving the hearing room of the Senate Judiciary Committee, where there had been a hearing on his appointment as Attorney General. His violation of the rights and obligations of the States and the constitutional injunction against federal interference was one of the most widely publicized stories of that period.

But, having gotten his sensational publicity and, with it, launched an unending federal campaign against the New Orleans prosecution, he could, a few days later, especially when the questions were embarrassing, don the halo of an elder statesman and pay lip service to the sanctity of the law and tradition he had just so violently raped. He could pretend he practiced and believed in federal non-intervention. The facts are entirely opposite. His department thereafter never stopped interfering in this State matter and, to the degree it could, into private researches on that assassination. It was not at all secret about leaks to the press when they served this same purpose.

The Department of Justice and Ramsey Clark have their own ways, because it is "absolutely essential", of seeing to it "that history know the truth in this matter". They consist in promulgating rather than investigating and establishing fact. They began with filtering what the Warren Commission could have, limiting what it might know, withholding essential information from it. To this day, they suppress the very information that is "absolutely essential" if history is to "know the truth", and they suppress it with Ramsey Clark's proclamation that nothing is or has been suppressed.

Months later, when he spoke at the University of Virginia, Clark was quoted as saying, "I just might have to prosecute Jim Garrison." The

immediate headline all across the country was similar to that of the follow-up story in the New Orleans States-Item of October 14, 1967. Three columns wide, it read, "'Might Have to Prosecute Garrison,' Clark Quoted." The body of the story, rather than relieving this violence against the federal-state separation and against the person of the prosecutor and his case, shows the Department of Justice compounded it with a beating-your-wife retraction. As phrased in the same paper, it was, "However, in Washington a spokesman for the Department of Justice said it has no plans to bring a case against Garrison at this time" (emphasis added). This, in effect, said it "might", at a later time, do exactly what Clark was quoted as saying. Remember, this and all the other, unending propaganda are what was read by the judges who would sit and the jurors who would deliberate when the case got into the courtroom.

The original quote also included the statement that Garrison "took a perfectly fine man, Clay Shaw, and ruined him just for personal aggrandizement". (The natural inference here, that Clark knew Shaw, was embodied in no question I have ever seen asked of the Attorney General.)

Once the story was out and got international attention, the Department, for all practical purposes repeating it, claimed the Attorney General had not said it. The reporter refused to retract. He insisted "the quotes were exactly word for word".

There is no part of the federal government where intrusion in the New Orleans prosecution was possible where it did not happen, from Congress to the Pentagon. On Capitol Hill, where Congress is foreclosed from investigations of the press, the more irresponsible committees pretended to hold hearings they could not and did not in order first to leak and then to issue smear statements against writers who investigated and wrote critically about the Warren Report. Even the military joined in the act with the leaking of what was alleged to be Garrison's military medical records.

This, of course, was illegal, a criminal act. No one outside the government had these records or had them to make available. The law prohibits it and prescribes punishment for those who do it. In the resultant hue and cry from a few of the more responsible elements of the media and members of the Congress, the Pentagon issued the assurance it would make the usual thorough investigation and punish the guilty. This "guarantee" - that the Pentagon would investigate and punish itself - did still the protest. However, when the passing of time brought no statement or explanation of any kind, the Pentagon felt so secure it just did not answer inquiries from Congressmen.

Nothing has happened. Nothing will happen. This was an official, illegal act of the federal government. It will not punish itself and it dare not think of punishing those ordered to break the law.

With all the things he should have had on his mind as Acting Attorney General and because he was about to be questioned on his fitness by the Senate Committee that would have to approve his nomination before it could be voted on, instead of heeding his later pieties, Clark that morning got himself briefed and backgrounded on Clay Shaw and the New Orleans inquiry. He got ready to make the statement he then did make. When questioned by reporters, he could have said, as he later did, that comment from him would be inappropriate. He could, as government officials do whenever they desire, have restricted himself to a curt "No comment". He might even have said that he had not had time to learn the facts, a reasonable answer for a man in his position. He did none of these things, however. So unwise and improper was what he did do that it raises the question, had he been primed for it by subordinates with their own purposes in mind - and had they primed the press to ask the question.

The Attorney General need have made no comment. Or he could have

delayed comment. Instead, he jumped in with both feet. He made a major headline and the front pages of most papers, the best spots on TV and radio newscasts. His coverage was extensive. Most people of the country got his message.

Reporters present were stunned by the unusual, almost unheard-of thing he had done. Several called me to ask if I had any knowledge. I did not. Clark's feet may have seemed to be on the marble floor outside the Senate Judiciary chamber, but they really were planted firmly in Louisiana.

Under the headline, "A JFK Plot Doubtful, Says Clark", Robert E. Donovan wrote in the New York World-Journal-Tribune:

The nation's newly appointed Attorney General, Ramsey Clark, is extremely skeptical of the evidence and ethics involved in a New Orleans investigation of President Kennedy's assassination ... the FBI has scrutinized all aspects of Garrison's probe very carefully.

Most interest focused in Clark's defense-exoneration - of Shaw. The Associated Press story in the Washington Star that evening quoted him as saying the FBI "has investigated and cleared" Shaw; of Garrison's investigation, he "does not consider it valid".

Asked of Shaw, "He was checked out and found clear?" Clark responded, "That's right." Then he emphasized this, adding, "That's true." Every account - even that of the Department of Justice - agrees on this.

Two days later, the AP was still saying, "... the FBI had investigated Shaw late in 1963 and cleared him of any link with the assassination. The FBI refused to say why Shaw was questioned ..."

Experienced Washington reporters understood Clark well. In his Washington Post story, George Lardner, Jr., wrote, "The Attorney General's remarks consequently amount to an acceptance of Garrison's charge that Clay Shaw and 'Clay Bertrand' are one and the same. 'It's the same guy,' said one source in the Justice Department." Lardner had checked with the FBI, not alone the legal end.

The New York Times reporter, Robert B. Semple, Jr., consulted his own official Department sources to confirm the Attorney General. His story reads, "A Justice Department official said tonight ^{that} ~~this~~ his agency was convinced Mr. Bertrand and Mr. Shaw were the same man, and that this was the basis for Mr. Clark's assertions this morning."

The statement was not an offhand remark made by a harried public official, under pressure and caught unprepared. Clark deliberately prepared himself for the question (if, indeed, government publicists had not arranged for it to be asked, a common Washington practice). And his statement was thereafter affirmed and reaffirmed by other Justice Department spokesmen.

What my book, OSWALD IN NEW ORLEANS, says, in a number of different places and ways, is that there was no on-the-record investigation of Clay Shaw and that the FBI, among others, proved it. With that book, the only one on the subject, about to appear, the Attorney General was in the position of having confirmed an investigation of which there was no available record as well as confirming that Clay Shaw and Clay Bertrand are one and the same.

The manuscript of that book was regularly intercepted in the mails. It was first sent, by insured mail, "protected" by \$200 insurance, on April 18, 1967. It was not delivered. The Post Office assured it did not exist - until a duplicate copy was sent by registered mail on April 27. Then both were delivered in the same delivery. When one was returned to Washington, to the office of The Times of London, it never arrived. As in the first instance, the Post Office Department assured it was not lost in any substation, that a proper and thorough investigation had been made. On the return trip, it was one of nine manuscripts, all of which, magically, mailed at the same time, got lost at the same time.

Six weeks later, without a single one of the 600 typed pages being

marked or blemished in any way, it was sent me by the Washington postmaster with the explanation it had been found without wrapping. That was quite an accomplishment, to remove the kraft-paper inner wrapping, the cardboard box in which that was encased, and then the outer manila envelope, without ~~set~~^{dog}-earing a single page, but the modern post office is equal to it. My address, the official told me, was determined by the contents.

This, too, is remarkable, for the address on the inside was simply my name and "Hyattstown, Md." The thorough postmaster addressed the package to me at "Coq d'Or Farm, Hyattstown, Md." I had not been in touch with the post office. My agent and The Times of London had asked for the searches. My full address, well known to the government, was not appended to the Preface.

So, as had happened with other of my manuscripts, charges I was about to make but had never published were, mysteriously, known to the government. Once J. Edgar answered charges neither I nor anyone else had yet made. They were contained in a book sent to publishers but not yet at my printer's. Parts of this manuscript, properly and legibly addressed, never reached my British agent. In two and a half years, they haven't. Nor have they been returned to me.

Throughout OSWALD IN NEW ORLEANS, I said and proved that officially there had been no investigation of Clay Shaw, remarkable when he is so prominent and well-known a man who so uniquely, aside from the similar and uncommon first name, fit the prerequisites of the man allegedly being sought as Clay Bertrand.

For example, on page 213, in discussing the Attorney General's and the Department's previously quoted statements, J. Lee Rankin, former Commission general counsel and former Solicitor General of the United States, is quoted as having said, "As far as I know, we've never heard of this person (Shaw)." I then added:

From the official record, Rankin is correct. This makes him a terribly wrong man who ran an immensely wrong "investigation". Like the name "Bertrand", "Shaw" does not appear in the Report. Nor does he appear a single time in all fifteen large volumes of testimony or the eleven of exhibits. The Commission never investigated Shaw. His name does not appear in the 300-cubic-foot bulk of its files. This was confirmed to me by the men who are its custodians, immediately and on several subsequent occasions.

But if the FBI could not find "Bertrand" for the Commission and if the Attorney General implies Bertrand is Shaw, how could the FBI have investigated and "cleared" Shaw and not have been able to produce "Bertrand"?

Here is the petard on which all officials are hoist. The Attorney General disclosed that the FBI had investigated and "cleared" Shaw. The chief of the Commission staff "never heard of" Shaw. So evidently the FBI never told the Commission of its "investigation" for the Commission and its "clearance" of Shaw? Why, then, should it have investigated Shaw to begin with? Only because he is Bertrand. Did they never tell the Commission that? Far from exonerating the Commission, this indicts it.

Several pages later, on page 218, is this paragraph:

So we are back at the question of the integrity of the Report and the staff. There was no investigation of this part of the crucial testimony Andrews gave, that Oswald had come to him for legal assistance and that a man known to Andrews as "Bertrand" (not "Bertrand" but "the person" in the Report) had asked him to defend the arrested Oswald. There can be no excuse for not investigating this. The Commission did not, its own evidence shows it did not, and it could not have without having the name "Shaw", which does not appear in its Report, its evidence, its files, or the mind of its chief of staff.

On the next page:

With the fabled FBI making the investigation, with its director, the man who knows the business better than anyone else because he invented it, personally in charge and supervising everything, seeing of it "that we haven't missed anything", is it conceivable that the FBI did investigate "Clay Bertrand", prove he is Clay Shaw, and not in any way involved, and not tell the Commission for which it conducted its investigation?

On page 223:

On Sunday, March 12, CBS telecast a taped "Face the Nation" program. On it a number of questions stemming from the bewilderment left by his March 2 statement were directed at Clark. His policy had modified in these ten days. When asked about Shaw, the really embarrassing question, he parried, saying, "in view of the fact that there will be a hearing ... I think it would be inappropriate for me to comment on the case ..." When a similar question was repeated, Clark reiterated, "I don't think it would be fair for me to really comment in any way on that in view of the State proceeding."

If Clark had made an error, historically, it is one of the larger

Attorney-General errors, and he certainly learned of it in ten days. Here was a vast, nationwide audience to hear his retraction if he had, in fact, made an error, had done this "perfectly fine man, Clay Shaw," so great an injustice. Faced with the opportunity of undoing the error and injustice, he twice declined it. This was not the only such occasion, and he could, as an important public official, have been heard at any time and place he chose.

On that same CBS program, there was this exchange with Reporter George Herman:

"Now, David Ferrie has been dead several weeks, and the Ferrie material is still classified and I wonder if that is at the order of the FBI and the Department of Justice?"

"No," the Attorney General replied, "those documents are under the general jurisdiction of the General Services Administration at this time."

The first part of the answer is false. It is the FBI that specified which of its files would be suppressed. Nobody else - the FBI. It is within the FBI's authority to do so. Had the FBI exercised its power properly, I would go further and say it is the FBI's responsibility, for there is, indeed, the possibility of hurting innocent people. Innocents have been hurt.

The second part of the answer is nonresponsive. In these circumstances, a nonresponsive answer is a false one. The question was, is the suppression "at the order of the FBI and the Department of Justice?" To respond by saying the General Services Administration has "general jurisdiction" is to say that it is the General Services Administration that decides what is to be seen and what denied. The "general jurisdiction" of the General Services Administration is, plainly and simply, that of a custodian. It is nothing else. It is the FBI that suppressed these reports.

Herman then asked, "That implies that you believe, then, that the General Services Administration believes that the Ferrie material has no relevance?"

Clark's answer was, "That is true."

It was anything but true, as I wrote him that day. We shall return to this letter.

Several pages later in the book is this brief statement (page 228):

The remarkable coincidence of Attorney General Clark's extraordinary clean-bill-of-health statement, made at precisely the moment Shaw was in distress, suggests federal interest in him.

Shaw, of course, was questioned by reporters. I allude to this on page 234:

Shaw said that, although he had not been aware of the FBI investigation of him, he was "pleased and delighted" with the Attorney General's announcement that he had been given a clean bill of health. He had no idea why he was investigated but he suggested it was "possibly because of the distribution of pro-Castro leaflets outside the International Trade Mart", an "explanation" also "fantastic" in view of the charges against him.

Shaw also knew better. The FBI did conduct what passes as an investigation of Oswald's pamphleteering outside the place Shaw managed. It spoke to an extraordinarily large number of people in and around the Trade Mart - all the wrong ones it could squeeze in. One of the few it did not, to his own knowledge, talk to was Clay Shaw. In fact, in an article in the December 1968 issue of Esquire, Shaw is quoted as saying he turned this over to his assistant. If there is but one thing Clay Shaw knew of this affair it is that he was never questioned about it or investigated for it. He had nothing to turn over to his assistant if the FBI had not spoken to him.

Further on the same page I explained,

In defending himself, Shaw refuted the claim of the Attorney General that the FBI had made a thorough investigation before "clearing" him. It is not possible to make such an investigation and keep it secret.

This question appears on the next page:

How could the FBI really investigate Shaw without asking him a single question?

Inherent in the book is the suggestion that the government knew Clay Shaw without further investigation. Beginning on page 247 is a section quoting the European press on his alleged CIA career. French and Italian papers had him connected with various right-wing groups, a relative of Hitler's financial genius, Hjalmar Schacht, and an alleged contributor to neo-fascist groups in France. An Italian paper reported his membership on the board of directors of a group it said was a cover for the channeling of CIA funds into Italy.

With all of this about to be published, the Attorney General and the entire government would be embarrassed. The problem was met with a

non-press-release press release, handed to a few carefully selected papers only. Unlike any other government handout, it bears no identification at all. Quite literally, absolutely no identification. The name of the department is missing. There is no date. The omnipresent telephone to call for additional information or the answers to questions, the name of the spokesman, all of these things so necessary to a proper public-relations function and so dear to the practitioners of the craft, are in this case missing. Looking at the single short page of the statement one might, without reading it, think it was the work of an amateur, perhaps a prankster. Not until one reads the text can one deduce the unidentified paper originated with the Department of Justice. So few copies were made, contrary to the wholesale production and almost indiscriminate distribution of government handouts, that mine is a Xeroxed copy of the typed statement itself. For this one, no mimeographing.

A surprisingly large number of newspapers were without the story.

The single line across the top of the 21 short lines of wide-margined typing reads simply and uninformatively, "Statement by a Department Spokesman". No department named; no named spokesman.

The first paragraph says that Shaw's lawyer, Edward F. Wegmann, after apparently waiting almost three months, asked "a public clarification of news stories concerning his client, Mr. Clay Shaw".

In the day of proliferating national government, it has taken on a new function and responsibility: "public clarification of news stories". Not, mind you, rectification of error, even the "clarification" of official statements. High officials are never wrong. And diplomatic Wegmann, if we are to believe this statement, did not protest his client had been injured. He asked not withdrawal of a damaging or defaming statement. Only "public clarification of news stories".

Apparently Shaw was not consulted. Remember how "pleased and de-

lighted" he was at the Attorney General's statement? If he protested public and official identification as Bertrand, it is unrecorded.

The second paragraph has two unusual sentences. After reference to Dean Andrews' testimony, with imaginative inventiveness, the unnamed spokesman said, "'Clay Bertrand' was never identified as a real person." Of course he wasn't real! He only sent Andrews clients and guaranteed their fees, asked him to defend Oswald, and later "freaked out" when Andrews spotted him in Cosimo's bar, "a freaky little joint". How unreal can a person be when "national interest" is involved? The second of these unusual sentences is immediately and very officially refuted. It says, "No evidence was found that Clay Shaw was ever called 'Clay Bertrand'."

This, certainly, could be said only after an investigation. "Evidence" does not spring to and from Mr. Hoover's breast - or does it? How can the "Department spokesman" say there was no evidence Shaw is Bertrand without looking for it; how can he say none was "found" unless it was sought - which means an investigation was made?

We are left with the anomaly of the "Department Spokesman" saying what could only be said at the end of an exhaustive investigation while, in the name of the Attorney General, assuring there was no investigation. This he does in the next paragraph. It cannot be both ways. Either there was no investigation, in which event the Department of Justice cannot say whether or not Clay Shaw is Clay Bertrand, or ~~there~~ was an investigation which it interprets to mean Clay Shaw is not Clay Bertrand.

But.

If there had been an investigation, then the records of it must be in the Warren Commission files, and they are not. Shaw's name does not appear once in all that paper enormity estimated at 300 cubic feet.

If there was not an investigation, then we have the Attorney General as a consistently wrong, untruthful and irresponsible man, first for iden-

tifying Shaw as Bertrand and stipulating his source was a full investigation that gave Shaw a "clean bill of health", and then for saying this was not so, that Shaw was not Bertrand and that there had been no investigation (which is what Proves Shaw is not Bertrand).

There is another strange omission in this "statement". It does say, "The Attorney General's comment on March 2 that Mr. Shaw was involved in the investigation (which is not at all what he said, for he said Shaw was investigated) was based on a briefing that morning."

What is lacking is the identification of the man who "briefed" him and then was fired for the wreckage to which he reduced the reputation of the Attorney General and the government. Can it be imagined that so serious a "mistake" was made with no retribution? How many people are there in the Department of Justice who can do this to the Attorney General - any Attorney General - and get away with it? If it was done. Once J. Edgar Hoover is named, the list is exhausted. Nobody fires the indispensable man. And if Hoover were the man who had briefed the Attorney General so awfully wrong, can it be he knows anything at all about what his beloved Bureau is up to?

If this had been Hoover, he made no such mistake. If it were not Hoover, either he was fired, and of this there was no announcement, or he was not wrong, hence, could not be fired.

Can we regard it as normal for the Attorney General of the United States, the man in whose hands, perhaps more than any other, justice is vested, could be so totally indifferent to the sacred rights of the innocent that it took three months for him to correct this, perhaps the greatest injustice ever personally brought to pass by any Attorney General, and then did it only under prodding? Is this the kind of Attorney General Ramsey Clark was?

Can we assume no one in the Department of Justice knew this was a

mistake, or that so enormous a mistake was kept secret from the man whose reputation, on any other subject, would thereafter have been nonexistent once he made such a mistake?

Clark's March 2 statement was prominently on every front page. No "mistake" went unnoted. No errant underling went unpunished.

In any event, the papers that did carry the story all read the release the same way. As far separated in miles as are New Orleans and Washington, the headlines say the same thing. The Washington Evening Star said, "Justice Dept. Admits Shaw Not Probed." The New Orleans Times-Picayune said, "Shaw Not Probed by FBI."

This is the same Department of Justice whose officials solemnly assured the Washington Post and the New York Times, after the Attorney General's original statement, that Shaw and Bertrand are "the same guy".

And we have another flunky - at least one, possibly more than two (for the Associated Press also said the same thing) - also not fired for the worst gaffe in years.

This does not happen - in government or in private life.

Neither do any of the other things above enumerated. But some did, didn't they? There was an investigation and there was not. Shaw is Bertrand and he is not.

The same punctilious dedication to factuality is embodied in the previously quoted "Face the Nation" program, where the Attorney General told the world that his department is not responsible for the suppression of evidence, especially the very relevant Ferrie evidence, which, as I knew, it alone did suppress. This I had been told by the Archives. It is possible that, unless there has been a recent fast shuffle, the bureaucratically required slipsheets are still in those files, parts of which are suppressed. We shall return to this after picking up with Clark's official blaming of the custodian for his own official policy, his saying

saying the General Services Administration alone was suppressing what, in fact, he alone had suppressed.

I wrote him this letter the very day of his broadcast, the minute his bright and shining countenance disappeared from the tube:

You are seriously misinformed. In your today's appearance on "Face the Nation", you said it is the General Services Administration that is withholding evidence in the Kennedy assassination. It is your own Department of Justice in most cases. In no case of which I know is it the General Services Administration, which acts merely as custodian of the archive.

To make this simple and comprehensible to you, since May 23, 1966, I have been trying to see the spectrographic analysis of the bullet allegedly used in the assassination, the various fragments recovered from the bodies and the car, and of the windshield scrapings. Your Department of Justice, in my presence, misinformed the National Archives, insisting this document was public. When I established to the National Archives that this is not so, your Department became mute for more than four months.

The guidelines for withholding evidence are public. Not one of the restrictions apply in this case. No normal consideration of national security is involved, nor is there possibility of damage to innocent persons or risk of disclosure of confidential informants. This denial of access to what may not properly be restricted is in violation of your own order of October 31. It is being done by your own department in an exercise of raw power.

There are a number of similar cases I am prepared to document to you.

It is past time for the telling of truth. If, as you say, this is all you want with regard to the assassination, I call upon you to enforce your own order at this late date, to require your own department to stop violating it, and to make available to those of us accredited to research in this archive what you have been suppressing.

Other items of evidence have been suppressed and then released in response to public pressure. I hope from now on, with your pledge of dedication to the truth alone, we may expect your department to obey your order, to act in consonance with your expressed wishes, and to release spontaneously what it has been suppressing.

I did not let it rest here. He did, for the Attorney General never answered, nor did any of his underlings. Here, too, the Department is consistent, for Hoover has to this day refused to acknowledge I wrote him similarly on May 23, 1966.

As my investigating and writing continued and as the New Orleans trial seemed to be closer, I sent Clark this letter on September 14, 1968:

Under date of September 11, 1968, Mr. Herbert E. Angel, Acting Archivist of the United States, informs me that those documents in the files of the Warren Commission that I have long wanted, having to do with the late David W. Ferrie, are denied me because the Department of Justice has ordered that they be withheld.

Mr. Angel cites as authority for the withholding Guidelines 3(A), 3(B) and 3(C).

Mr. Angel further informs me that "Any further questions you have concerning withholding of these pages should be addressed to the Department of Justice." Therefore, I address you.

With the death of the late David W. Ferrie, any possible proper justification for the withholding of these documents ended. I am aware of the possibility that these documents contain information that might be embarrassing to the Government of the United States. However, that is not proper grounds for withholding them.

I respectfully request that you remove the restriction and that copies be made available to me.

His assistant, Fred Vinson, Jr., son of a former Chief Justice of the United States, replied thus under date of November 7, 1968:

The Attorney General has asked me to reply to your recent letter concerning your request that certain Warren Commission documents pertaining to the late David W. Ferrie be released to the public.

At the time the Warren Commission went out of existence, it transferred its records to the National Archives so that they could be permanently preserved and made available, to the maximum extent possible, for research purposes.

The major portion of the records of the Commission has been reviewed in accordance with guidelines established by the Department of Justice and is now available for research. With regard to the Commission material which has not yet been released, a periodic review is now being conducted to determine what further Commission records can now be made available to the public. We expect that this review will be completed in a short time.

We appreciate your interest in this matter and want to thank you for the confidence you have shown in writing to the Attorney General.

It should be noted that Vinson is a master of indirection. He is careful not to say who is "now" conducting "a periodic review". It was my understanding the next review was not due until 1970. He has rather intimate knowledge if it is anyone outside his department, and he did say "we expect that this review will be completed in a short time".

The "periodicity" ~~of~~ that review was sudden. I had earlier written the National Archives, which is custodian of the records. The Archivist gave no hint of this pretendedly scheduled, then-current, review. In fact, it is his letter which prompted me to write Clark that "those documents in the files of the Warren Commission that I have long wanted, having to

do with the late David W. Ferrie, are denied me because the Department of Justice has ordered that they be withheld".

The Archivist had also written me, "Any further questions you have concerning withholding of these pages should be addressed to the Department of Justice." Not, certainly, because the General Services Administration was "boss"!

I also told Clark on September 14,

With the death of the late David W. Ferrie, any possible proper justification for the withholding of these documents ended. I am aware of the possibility that these documents contain information that might be embarrassing to the Government of the United States. However, that is not proper grounds for withholding them.

Thus, perhaps, we see the reason for the out-of-schedule "periodic review" - on the eve of the Clay Shaw trial.

Now, it happens I knew what I was talking about when I referred to the embarrassment of the government, for I had, by accident, come into possession of one of the suppressed Ferrie documents. There is absolutely nothing in it that can properly, by law, regulation or practice, be withheld. That can be and was done only because the Attorney General had and is willing to use the raw power to do it.

Page 301 of the 75th file is suppressed. It is a brief report by SA Regis L. Kennedy, the same agent who was ordered by the same Attorney General not to testify when Garrison subpoenaed him before the Grand Jury the week after I testified. On November 25, 1963, the very day Garrison had arrested Ferrie in connection with the assassination of President Kennedy, SA Kennedy had interviewed then-Assistant District Attorney Herman Kohlman. Kohlman, who had been a newspaper reporter,

advised that he is familiar with ^{All caps} David Ferried... prepared a feature story on Ferrie's activities several years ago ... heard that FERRIE was mentioned in connection with being associated with LEE HARVEY OSWALD ... the District Attorney's office instituted an investigation involving FERRIE ... interviewed by members of the District Attorney's staff and denied knowing LEE HARVEY OSWALD or having any knowledge about OSWALD's being in the Civilian (sic) Air Patrol.

This brief contraction is half of the report. There is nothing here that meets the requirements for suppression. It is all contained in other reports not suppressed, for the FBI and Secret Service interviewed Ferrie that same day, in jail.

If it is this paragraph that enticed the Attorney General's surrogate to exercise his power, power the ordinary citizen cannot oppose, it is not because there is no reflection here that SA Kennedy knew Ferrie. None of his not-still-suppressed reports disclose that. Kohlman's reminder, Jack Martin, former Ferrie associate, tells me Regis Kennedy had often seen David Ferrie at the office of the late Guy Banister, when Martin and Ferrie were both occupied as private investigators. Banister operated a detective agency after a spectacular public career, including as a famous FBI agent.

Could it have been because Kennedy was the perfect alibi Ferrie had?

It happens that, on November 22, 1963, while the President was being murdered in Dallas, Regis Kennedy and David Ferrie were together in attendance on federal court in New Orleans. The Department of Justice had unsuccessfully sought to deport reputed Mafia big-wig Carlos Marcello. Ferrie had been Marcello's investigator, Kennedy one of the FBI agents representing the government. So, Kennedy also knew the fiction Ferrie had dreamed up and gotten repeated by the press, that Garrison had arrested him as Oswald's getaway pilot - was only a diversion.

It also happens that Regis Kennedy wrote another report that is part of the assassination file and not suppressed. It is not, however, in the Report or the appended 26 volumes. It is page 289 of File 301. Therefore, it is relevant to the investigation of the assassination. Kennedy did not get around to preparing it for a week. This delay was not because of the arduousness of the task for that report is less than seven lines long. In its entirety, it reads:

On November 22, 1963, SA REGIS L. KENNEDY was in United States District Court, New Orleans, Louisiana, at the trial of CARLOS MARCELLO and JOSEPH MARCELLO, who had been charged with Fraud Against the Government. During the A.M. and P.M. sessions of the trial on this date, SA REGIS KENNEDY observed VINCENT JOSEPH MARCELLO, a brother of CARLOS AND JOSEPH MARCELLO, at the trial.

Those not steeped in the arcane skills of the FBI might consider it entirely unremarkable that a man was at the trial of his brothers. It seems hardly worthy of the time of the FBI, particularly when no connection with the assassination is alleged or even hinted at. Yet, saying nothing, it is in the assassination file.

There was no need to suppress this Kennedy report. The need for suppression was eliminated in the composing. Perhaps this is why it took Regis Kennedy so long to compose his brief report. This, or awaiting instructions. In it, what he does not say and what does, very much, relate to the assassination investigation, is that he did see Ferrie at that very same Federal District Court proceeding.

The FBI - SA Regis Kennedy - was Dave Ferrie's perfect alibi. If he told anyone - if the Warren Commission was told - it is suppressed.

One might easily lose himself in admiration of the quiet skills of the FBI, protected as they are by the Attorney General, were this other than an investigation of the murder of a President, which means an investigation of how the successor administration came into power, or, more bluntly, of how Ramsey Clark came to be Attorney General of the United States.

So, we have seen how the FBI and Agent Kennedy can write reports that say nothing and do not require suppression. Returning to this one of those suppressed, I did stumble into, it continues:

KOHLMAN stated that the District Attorney's office had received information from the Intelligence Unit of the New Orleans Police Department who had previously conducted inquiries regarding FERRIE's connection with Cuban activities. An unknown police officer had told the intelligence unit of the New Orleans Police Department that he was in the Civil Air Patrol with LEE HARVEY OSWALD and that FERRIE knew OSWALD.

Here is what had to be suppressed, for the next and concluding sentence of Kennedy's report says merely that the District Attorney's office concluded that "FERRIE must have known OSWALD", and that he had lied in denying it, and that he had been arrested. Had it not been suppressed, the entire investigation might have been exposed as a hoax.

Not only was Ferrie known to an assistant district attorney who had been a reporter and had written about him, he was the subject of an intelligence unit investigation of "Cuban activities", those same connections of Oswald's the government was determined to and did misrepresent, but a police officer had been in the Civil Air Patrol with Oswald and knew that Oswald knew Ferrie!

Even the Commission's editor joined in this game of hiding connections, what the government was supposed to be investigating, bringing to light. His description of Frederick S. O'Sullivan in the list of witnesses on page 494 of the Report reads, disarmingly, "Acquaintance of Oswald at Beauregard Junior High School, New Orleans". Wesley J. Liebeler deposed O'Sullivan, according to the imprecise printed transcript, on both April 7 and April 8, 1964. It is a brief deposition, made without interruption, encompassing less than six pages of type (8H27-31).

Rather than being an "unknown police officer". O'Sullivan was a detective on the vice squad. Ferrie had a public record as a homosexual offender. At this point in his testimony, Liebeler asked him a much too limited question in the form of a statement rather than a question: "You have never had any connection with Ferrie in connection with your activities on the vice squad," to which O'Sullivan was able to evade recording his knowledge by replying, "No; Ferrie lives or did live in Jefferson Parish. We have no authority in Jefferson Parish." At this point in the transcript, one word appears in brackets: "Deletion".

Could the Commission have censored or suppressed this testimony

because of its reflection of Ferrie's peccadilloes? That is possible, but it is not consistent. It is elsewhere available, poorly hidden under the name "Fairy". It is, in fact, published, if that is tantamount to buried when it was suppressed from the Report, in the 26 volumes. The Commission also did not withhold those vaporings of that darling of the radical right, Carlos Bringuier, who knew both Ferrie and Oswald and who named as homosexuals men never investigated by the FBI, never called before the Commission. Thus, it seems unlikely that what was suppressed was Ferrie's homosexuality, which is clear enough in O'Sullivan's deposition, anyway. Liebler had led him into it.

This question has always fascinated me. With it fresh in my mind, when the opportunity afforded itself the late morning of Thursday, January 9, 1969, I asked for the original typescript of this testimony when I was at the National Archives. In fact, to be certain there was time to locate it in the files, I telephoned in advance and said I would be in and would like to examine it.

It was not there, I was told.

Believe it or not, with all this suppression, the typescript supposedly set in type and published as part of the Commission's printed evidence was not in its proper place in the files!

In its stead was a printed file-card form, a stiff sheet used as a replacement record for files that are removed. Here is what the record, in the handwriting of the man in charge of the files, says:

"Transcript of testimony. Archives for conference (this word is scrawled and may have been intended to convey a different sense) with Chief Justice." The date given is June 14, 1966. What the Chief Justice wanted with a typescript of the testimony when he has a beautifully bound set of the printed versions is a mystery. Can it be that he, too, does not trust the work done in his name, the work of the lawyers, the "deletions"?

This may not be idle speculation, for a little more than a month earlier my WHITEWASH, which drew attention to Oswald's New Orleans career in a way the Warren Report did not, and with the Commission's own evidence, had begun to attract attention. I had just made an appearance on a Washington "talk" show whose moderator assured me the Chief Justice was his regular listener.

In any event, more than four years after O'Sullivan's testimony had been published by the Warren Commission, that same testimony, as it was typed by the court reporter, before it was edited by Wesley J. Liebeler, was missing from its appointed place in the National Archives. The existing record shows it had been gone more than two and a half years.

I have difficulty believing this was because it contained references to Ferrie as a homosexual, that having already been published in his local papers.

It was no secret to the sex squad, whether or not, like O'Sullivan, they knew Ferrie personally, that he was a homosexual. He had an arrest record. He had been one of the officers of the Civil Air Patrol Cadets when Oswald was in it. This connection the Government also wanted to hide, as it did the connection each had with Cuban activities. Oswald later used as a return address that of the organization with which Ferrie was known to have had a relationship that was also suppressed, the CIA-organized and financed Cuban Revolutionary Council. This was the same address as Guy Banister's. O'Sullivan, in the Civil Air Patrol with both Ferrie and Oswald, was never asked the right questions, and the FBI's report saying "he was in the Civilian Air Patrol (sic) with LEE HARVEY OSWALD and that FERRIE knew OSWALD" was simply suppressed, consistent with the same suppression in the testimony Liebeler adduced.

The do-nothing FBI that writes say-nothing reports did not dare assign Regis Kennedy to the investigation of the address after the President

was murdered. He knew the principals and the building too well. Instead, the task was assigned Ernest Wall, Jr., whose brevity matches Kennedy's, as does his brilliance in saying absolutely nothing at all. It is Wall who penned those reports suppressed from the Report and the printed so-called evidence in those 26 enormous tomes that I brought to light in OSWALD IN NEW ORLEANS. In them, he pretends the dinky little building at the corner of Camp and Lafayette Streets in New Orleans is two and that they are widely separated at that. Thus, he hid the fact that Ferrie's friend Banister had arranged for the office space for Ferrie's friends in the Cuban Revolutionary Council. That office was separated from Banister's only by the thickness of a single wooden floor. Wall also managed to avoid letting Washington know this was just around the corner from the Reily Coffee Company, where Oswald had worked, and across narrow Lafayette from the post office in which, without urgent need, Oswald had maintained a post-office box.

Not in any way inconsistent with this is the suppression from other files of Oswald's alleged homosexual interests. That they were suppressed I know from the Office of Naval Intelligence representative who gave this information to Washington. He is New Orleans lawyer Guy Johnson, by a remarkable coincidence, one of Clay Shaw's lawyers at the beginning of his troubles. Johnson told me he sent this information to Washington through channels and through Garrison's predecessor as district attorney, Leon D. Hubert, Jr., then one of the Commission's senior counsel. I have the entire ONI file and this is not in it.

Consistent with this also is the FBI's - really, J. Edgar Hoover's - suppression of the photographic proof that Oswald had been in the CAP. It is recorded in the indignation of former CIA chief Allen Dulles, during Hoover's testimony. Hoover, it should be recalled, at least in theory, is subordinate to the Attorney General in the Department of Justice. Dulles

described a book, "The Red Roses of Texas", as "full of lies". It is by Nerin Gun, a European correspondent in the United States. Dulles told Hoover he knew Gun and would send Hoover a copy of the book. He asked that Hoover make a thorough study and report to the Commission on it. Hoover said, "I would appreciate that" (5H101).

The book is titled, "Red Roses from Texas". Between pages 96 and 97 is an insertion of pictures. One of them is of the smiling Lee Harvey Oswald in his CAP uniform. There is no available FBI report showing this proof that Oswald was in the CAP, the same CAP that had as one of its leaders the same David Ferrie who, according to the FBI report, knew Oswald - the same FBI that suppressed all of this. The FBI, I repeat, is part of the Department of Justice whose boss was Attorney General Ramsey Clark.

This, of course, was more than enough for suppression. But this simple, awkward, poorly written report by Regis Kennedy, page 301 of the 75th file, shows more. It proves Ferrie's connection with Cuban activities, those same connections of Oswald's that also had to be - and were - suppressed, again repeating, by the same FBI, the same Department of Justice - the same Attorney General Ramsey Clark.

Here continue with the memos already supplied. They are on two major aspects: The Department of Justice and Oswald's use of the 544 Camp Street address and the Wasp distribution. In considering the former, please recall Hoch's disagreement with my interpretation of the Devine letter as indicating a current investigation.

I would add to my argument on that a reference to the news stories quoted early above. Note they refer to the FBI keeping a close eye on or scrutinizing the New Orleans investigation, in the past tense and as of March 1, 1967. Although it is not essential, I suggest this scrutiny began before that investigation was public knowledge. The point I do want to make is one of authority and legality. In his testimony (I think I quote it at the end of WHITEWASH II) Hoover made clear what could be assumed, that the FBI must have authorization for those investigations it conducts, that it is foreclosed in some areas. If history teaches this means no more than Hoover wants it to, it nonetheless is the legal reality.

The legal authority to scrutinize the work of the New Orleans investigations or the work of independent investigators and writers would seem to be lacking, ordinarily, for there is no federal jurisdiction, no proper interest in either by the federal government. If the FBI was not reluctant to let it be known they were watching Garrison, it must be assumed they were unworried about conducting an illegal investigation. I believe that authority, that legality, springs from an investigation of the assassination and its aftermath, which it would consider the same thing for its own purposes. This would be consistent with Hoover's testimony and with Devine's letter.

A note about Clark's other statements. He has been fond of repeating the official line enunciated by LBJ, the nonsense about "new evidence"/ Here we have a case, his suppression of what is certainly "new evidence", certainly important evidence, that Ferrie did know Oswald. If this one report got to Commission attention, it stood alone, for the FBI's investigation of this association does not exist. Its efforts to persuade that this relationship was non-existent do exist. Without doubt, generally, because all of Oswald's associations were being investigated, and because of other specific things, such as Ferrie's known threats against the murdered President, this was one of the more important associations to be thoroughly explored. Here, then, is a very good case of the "new evidence" the alleged lack of which the Attorney General proclaimed; and it was his exclusive responsibility that its lack could be alleged. He, as Attorney General, was responsible for it. He, today, is responsible for its continued suppression in that limited form in which it does exist. Its suppression, by him, ~~was~~ as of the time he bewailed its alleged lack, was illegal, in violation of existing regulations and practices, and was persisted in over my protests.

There are other reasons to believe there is a continuing investigation. One witness, Roger Lovin, told me the FBI immediately after I saw him visited his neighbor. There apparently is current indication of this same thing in preparations for the trial.