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May 26, 1979

Hon. Don Edwards
House of Representatives
Washington, DC 20515

Dear Mr. Edwards:

There is a possibility that historically important FBI files will soon be routinely destroyed. This problem has been brought to my attention by several articles in The Nation [10/22/77, 2/4/78, 6/3/78 and 3/3/79], and by the enclosed letter to Senator Kennedy. The letter has been signed by my colleague Jeff Goldberg of the Assassination Information Bureau, and I agree with its arguments against the purging of FBI files.

A compelling argument against the destruction of field office files is that they are not, in fact, substantially duplicated in the FBI Headquarters files. Because of your interest in the assassination of President Kennedy, about which we corresponded a few years ago, I thought you might like to see a few examples drawn from that case.

When your Subcommittee on Civil and Constitutional Rights was investigating the destruction of Lee Harvey Oswald's note to FBI agent James Hosty, allegations were made that serials in the Dallas field office had actually been renumbered to remove relevant material. I don't recall if these allegations were ever resolved, but it is clear that examination of the field office files themselves is essential when there are such charges of wrongdoing.

The Warren Commission apparently had no access at all to the pre-assassination field office files on Oswald. Junior counsel Sam Stern did draft a comprehensive request for all FBI records relating to Oswald, but senior staffers (presumably well aware of the FBI's hostility to even innocuous requests from the Commission) evidently intervened. The draft was shelved, and the Commission did not even get to keep the main FBI HQ file on Oswald. A short descriptive list was provided, and Stern was permitted a quick runthrough of the file. The Commission had, and could study, only a small fraction of the FBI-originated documents in that one file. The staff was startled to find that the State Department had copies of FBI Oswald reports which were only in other HQ files.

Concerning the field office files, Assistant to the Director Alan Belmont testified that "since the information is maintained in a standard and uniform filing system in both our field offices and our headquarters so that there is complete uniformity in the handling of information, our main filing system is at headquarters. Consequently, we need here all pertinent information in any case. Consequently, the reports and information developed during a case are sent to our headquarters for filing." [5H3] As you know, HQ does not get a copy of each document generated in a field office. The formal reports are supposed to contain all relevant information.

It does not imply malfeasance in the field office to point out that historically important information may have seemed irrelevant to the investigation. The Warren Commission wanted to understand who Oswald was; the FBI's pre-assassination investigation was limited. The Commission also felt obliged to evaluate the adequacy of the FBI's pre-assassination Oswald investigation, which they could not do properly lacking complete access to everything in the field office files.

Some years ago, I got confirmation that one important piece of information was not forwarded to FBI HQ before the assassination. The Warren Report noted that Oswald had handed out pro-Castro pamphlets on which he had stamped the address of the Fair Play for Cuba Committee as "544 Camp St., New Orleans."

That building had previously housed the office of the anti-Castro (and CIA-backed) Cuban Revolutionary Council; at the time of the pamphlet distribution, Guy Banister, an ex-FBI agent who ran a private detective agency, had an office there. (I expect that the forthcoming report of the House Select Committee on Assassinations will go into the possible significance of a "544 Camp St. connection" in great detail.)

None of the FBI's pre-assassination reports mentioned this address. I noted that Oswald had shown a copy of the pamphlet to the FBI agent who interviewed him in New Orleans in August 1963. I filed a FOIA request in 1968, and learned that the FBI had in fact retained this copy of the pamphlet, and that it too bore the 544 Camp address. (I recently found out that when the FBI finally decided they had no basis for withholding this pamphlet - they stalled for twenty months - J. Edgar Hoover personally okayed the release, but with the comment that "I dislike the humoring of a character like Hoch, who is obviously a 'smear' artist.")

I found the FBI's failure to check out that address suspicious, since all offices had been told to be alert for FPCC activity, and similar leads in the Oswald case were checked out and reported to HQ. It could have been a simple error, but another possible explanation is that someone in the New Orleans office believed that Oswald's FPCC activities were not authentic, and that he was in fact connected with the right-wing activists at 544 Camp Street.

I have recently found out that a second Oswald pamphlet with the 544 Camp address was mailed to the New Orleans FBI in August 1963. It bears the notations "note inside back cover" and (on that cover, next to the stamped FPCC address) what appears to be "ck out." Also, there is a notation "105-1095-129," which seems to refer to a serial in a New Orleans file entitled "Anti-Castro activities." My FOIA request for this serial is pending, so I do not know if the FBI saw a connection between Oswald's pro-Castro activities and the anti-Castro activities at 544 Camp Street.

Whether or not the handling of this matter by the New Orleans office turns out to be proper, it is clear that the New Orleans file itself is an essential historical record.

Certain sensitive material appears to have been sent from one field office directly to another - for the specific purpose, I suspect, of keeping references to an illegal or improper operation out of Headquarters files. For example, in June 1963, a source of the New York FBI office photographed a letter from Oswald to the Communist Party newspaper, The Worker. A copy was sent to the FBI in New Orleans, where Oswald lived, but there is no copy in the Oswald file at FBI HQ. (Apparently, not even a copy of the covering memo was retained in New York.)

In 1971, I changed a few words in Sam Stern's 1964 draft, and submitted it to the FBI as my own FOIA request. Needless to say, it was turned down. At one point, the Justice Department proposed a review of the files I had asked for, but the FBI objected. As a result of additional FOIA actions, by Harold Weisberg and others, most of the FBI files on the JFK case have been released - but not all.

When Oswald went to Russia in 1959, FBI HQ corresponded with the FBI's Legal Attache in Paris (primarily about Oswald's still puzzling stated plan to attend Albert Schweitzer College in Switzerland). The Legal Attache in Bern also had an Oswald file, which may have included pre-assassination documents. I was told in November 1978 that the Paris and Bern files were routinely purged because of space limitations. Thus, significant information may have been destroyed.

A draft letter from the Warren Commission asking for all FBI records on Jack Ruby was toned down - the same thing that happened with the Oswald case. The Commission got only retyped summaries. Documents in the Dallas field office which clearly stated that Ruby had been a Potential Criminal Informant were suppressed from the Commission. Hoover maintained that Ruby had never been paid and was in fact not an FBI informant.

The final summary report of the House Select Committee on Assassinations singled out one new piece of evidence for Justice Department consideration - a film, taken by Charles Bronson, possibly showing people on the sixth floor of the Texas School Book Depository minutes before the assassination. This possibly crucial evidence was located by a reporter and private researchers, after one of us saw an internal memo of the Dallas office about this film. A Dallas agent saw the film and apparently rejected it as insignificant; as far as I know, it was not mentioned to FBI Headquarters.

I hope you will oppose the destruction of closed FBI files of possible historic importance, and particularly the field office files, which are not redundant. If you would like the documentation for any of the examples I have presented, I would be glad to provide copies.

Sincerely yours,

Paul L. Hoch

Paul L. Hoch

The Honorable Edward Kennedy
Chairman
Committee on the Judiciary
U.S. Senate
2226 DSOB
Washington, D.C. 20510

9 May 1979

Dear Senator Kennedy:

In April 1976, the FBI implemented a revised files destruction policy and the Bureau told its field offices to eliminate records of criminal cases that had been closed more than ten years. On August 31, 1977, the period was reduced to five years. In a recent agreement between the Department of Justice and the National Archives and Records Service (NARS), "official" sanction has now been given to the destruction of auxillary FBI field office files which are more than six months old.

The destruction of FBI files poses a serious threat to the public's right-to-know. For example, the report recently released by the National Archives and Records Service states that there are no significant files located in the field offices that are not duplicated and preserved in the FBI's Washington national headquarters. However, as revealed in the Martin Luther King assassination investigations, field office files, found to contain crucial information in the case, were not duplicated at the FBI's national headquarters. Had these files been destroyed, Americans would have been forever denied access to information - information which they have a right to know.

To cite an example where destruction of files did in fact occur, the research and legal staff engaged in the Rosenberg case discovered 42 files, running into thousands of pages of documents, which the FBI admits to having destroyed. These files were destroyed despite the order of August 1, 1975 by the Federal District Court in Washington enjoining the FBI from destroying any files in the Meeropols' request. It was recently learned that this order was not disseminated to the FBI's field offices until a year later. It is highly probable that we will never know the full extent or even the number of files and documents which existed on the Rosenberg-Sobell case.

It is difficult to refute the contention that hundreds of thousands of files with solid information are being destroyed under this new policy.

We urge you and the other members of your Committee to request of the FBI and Department of Justice that they immediately stop destruction of FBI files. We also urge that your Committee deny approval to the Bureau's request to destroy the central files at FBI headquarters in criminal cases after they are ten years old.

We would be willing to discuss with you possible alternatives to the destruction of files.

Sincerely,

Signed by:

Barry Lynn, Legislative Counsel, Policy Advocate for the United Church of Christ,
Office for Church in Society

Kevin O'Donnell, Associate Director, National Commission on Law Enforcement
and Social Justice, Church of Scientology

Esther Herst, Washington Coordinator for the National Committee Against
Repressive Legislation

Theodore Jacobs, Director, Project for Open Government

Kathy Wiltsey, Assistant Director, Committee for Grand Jury Reform

Jeff Goldberg, Co-Director, Assassination Information Bureau

Reverend John P. Adams, Director, Department of Law, Justice and Community Relations
of the Board of Church and Society of the United Methodist Church

Mary Jane Patterson, Director, Washington Office, United Presbyterian Church

Robert Z. Alpern, Director, Washington Office, Unitarian Universalist Association