

3/19/70

Mr. M. Richards Rolapp  
Spec. Asst. to the Deputy  
Attorney General  
Department of Justice,  
Washington, D.C.

Dear Mr. Rolapp,

It is a disappointment to me that I have not heard from you in the three weeks since you phoned me. I comfort myself with the hope you are executing my suggestion and acquiring a personal knowledge of the facts about the penal report. The most routine inquiry should be enough to satisfy you that you were, quite seriously, misinformed by whoever provided your information. If it does not, I am prepared to establish this to your satisfaction.

I did follow your suggestion and write Mr. Fisher. I understand he has sent you copies of this correspondence. It has not been satisfactory, nor has it been either forthright or responsive.

However, I do hope we can resolve this without litigation. It is in this hope that I continue to wait.

On another aspect of what has been and is being withheld, my correspondence with your department goes back to the previous administration. In your files there should be copies of my correspondence with Mr. Vinson. I can supply copies if you cannot find yours, but I believe yours should contain notes I do not have, and these might be helpful to you. I refer to documents relating to the late David William Ferris, of New Orleans.

The National Archives has just informed me of some, probably most, of the withheld documents in CE78 of the Commission's files. They say these are withheld, collectively, under Guidelines 24, 28 and 30. This may be the reason given but it is not the real one. Furthermore, it is not applicable, in part because everything withheld under "3" must be "material which has not already been disclosed in another form". If it has been, this guideline then says it "should be made available to the public". Ferris's perquisitions, the names of those who lived with him or who associated with him or were in the CAP with him are well known and this has been thoroughly publicized. Because it is apparent that there is no relevance in 24 and 28, I assume if there was ever any seriousness here it was with respect to 30. The first part of this cannot apply, for what might fit has been so well publicized. I would encourage you not to believe that all of this is "of a personal nature having no significant connection with the assassination of the President", for I have some of this in my possession and, were it to become necessary, would produce it in court with consequent embarrassment to the government. Apparently few, if any, in the government are willing to believe my intentions are not to cause this kind of embarrassment and I follow them to the detriment of personal considerations, which would benefit from the scandals I seek to avoid.

Furthermore, if the foregoing were not the case, the government has already waived these provisions because it has never ignored any restrictions on the indexes which clearly establish the connection between Ferris and these other people. Moreover, in the case of Layton Hartens and Alvin Sarabneuf and, I believe, Melvin Coffey, the lawyer in the case, Milton Brenner, has extensively publicized their relationships with Ferris. He has done this both in a book and in serializa-  
tion in the newspapers.

You will find Mr. Vinson informed as a review was then in progress and I would hear after it was completed. This is directly contradicted by the National Archives. I have both statements in writing.

As with these things I told you about the penal reports, I hope you will recognize that I am trying to be forthright with you. If you think about this, you may come to understand that it is precisely because I want what I believe I am entitled to, not conceal, and that I also want government to function properly, not to circumvent the law and regulations. Bearing on this, you should find that I wrote the Attorney General soon after he assumed office trying to alert him to the possibility, to remove the certainty, that those who had made the initial errors on the lower level had a vested interest in self-protection and that he might become another of the victims of this system.

Truth is the essence, credibility and popular trust the by-product. None are possible when the government withholds improperly any evidence when the subject is the murder of a President and its official investigation.

I make this further suggestion: if the Department can free itself of the captivity of past errors, all issues can be resolved on a friendly, cooperative basis that, ultimately, will cause the government least embarrassment.

Sincerely,

Harold Feisberg