

Mr. Alan W. Fitzgibbon
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11/14/85

Dear Alan,

The Ramfis Trujillo theory of the JFK assassination in your 11/13 is new to me. It also is new that former Secret Service agents have such things as JFK assassination theories. Because you expect to hear from him again I'll take some time. And I do assume that his theorizing is in the context of the official mythology, which in itself means it can't be.

Two things are entirely impossible: that the assassination was a one-man job and that anyone would use an Oswald for any part of such a job. However, whether or not Oswald was a conscious part, he is involved, if only as a patsy. These are among the conclusions of my first book, completed 2/15/65, and they have stood the testing of both time and an adversarial relationship with the FBI in court. Not one of its records that I've seen lays a finger on anything I've written and they've never refuted a word in thousands of pages of affidavits. So, Oswald as Ramfis' hit man is out. But Oswald is not out (except, I'm certain, as a shooter) in ~~the~~ conspiracy in which he could have been set up. Deciding which is not material to what follows.

Oswald had a unique background but it was known to very few people. It was best known, and appreciated for its usefulness, by intelligence agencies. And I'm not saying that the CIA did it. Or ONI, which is rarely mentioned but ought not be ignored because of Oswald's real past that for now I'll not go into. But he did have what is hidden, both Top Secret and Crypto clearances. A few people in the White Russian community down there had some knowledge of his so-called defection and some of Oswald's relatives did, but very few people outside intelligence agencies. So, the only JFK assassination theory ~~max~~ that I have not destroyed is that it was done not by any spookery but by self-starters in one.

So, I ~~think~~ believe that the only possible Ramfis involvement, if there is one, which I'm inclined to doubt, would be if he'd arranged for current or former spooks to have the job done. Only they might have been aware of Oswald's unique credentials as a patsy. As a shooter he was one of the worst and he'd been entirely without any practise, which is essential, for years and years and never had much.

If you want explanations or amplifications, let me know, I'm trying to prepare you for dealing with him critically.

The first thing to determine is if he has any factual basis for his theory. If he doesn't, waste no more time. That he can see benefit for Ramfis is meaningless and it can be said of many. If he claims to have fact, I'll be glad to try to evaluate it for you.

As I remember it, Ramfis had his own and very personal embarrassments in this country and that could also give him motive. I do not recall hearing before of the SS's search for a couple of Trujillo's thugs here to off JFK or ~~kill~~ Caroline. This might make a worthwhile FOIA request, but not by me. Not now, anyway. ~~kidnap~~

You ask about the status of my FOIA litigation and my impression of Mark Lynch. What follows is also relevant, I believe to what you get into later, defending and strengthening FOIA. On remand the judgement against Jim was dropped, the DJ/FBI demand that the judgement against me be escalated to about \$5,000 was rejected and Smith moderated his earlier judgement slightly. Lynch, who had earlier agreed to take the new evidence route, although he'd agreed to represent me on appeal only, did file a motion for recusal that Smith has not acted on. I agreed to Lynch's motion. He appeared with Jim at the status call after remand, the only one thus far. But from

the situation itself, which is dangerous for lawyers, and from what he would and would not do on appeal and what I had to argue with him vigorously to get him to do in the appeal, I regard being pro se as necessary. He and Jim can't do what I've done and will do, no matter how much better it would have been to have it handled by lawyers. I've still never met Lynch. My impression is that he is an orthodox liberal, a decent man personally, and dedicated to what he is doing. I've no doubt he could make much more money if he were not with the ACLU. If he sees the potential in what I'm doing he hasn't indicated it and I think that if he were to do what I'm doing he'd be ruined and his clients would suffer, too. If he were a different kind of man, say like a Kunstler or a Hirschkop, this would not be true and he'd benefit from it. I think but certainly do not know that he on the one hand respects me and on the other is somehow afraid. I say this based on his asking to come up sometime to talk about "new deal day lawyers and then not doing it after I wrote him at some length about the ACLU's errors of the past in a situation comparable with his vis-a-vis the CIA and its amendment.

The new evidence is FBI records disclosed to Mark Allen, some of which Jim Lesar sent me. They prove beyond question that the FBI perpetrated fraud and perjury and that it and its lawyers misrepresented. When I say perjury I mean that because it has always had Jim hanging and twisting from the yard and has always had judges prejudiced against me it went too far, got careless and it can't claim lack of personal knowledge. The same FBI supervisor swore to get the judgement exactly the opposite of the content of the records he as supervisor disclosed to Allen. I attached more than enough samples consisting almost entirely of records disclosed to Allen after the record in my case closed in support of a Rule 60(b) or new evidence motion. Now the lawyer, incredibly, has sworn to the last motion filed and lied in it about the rule, after being corrected with direct quotation of it. After Smith ruled as I say above I filed this motion, the FBI filed an opposition, I filed a response, and Smith issued a one-sentence order rubber stamping the past. I expected this so in advance I'd prepared most of a motion to reconsider and when, belatedly, I got his order - which was sent to Jim and not to me - all I had to do is write a double-spaced page on this machine to file. I didn't take time to edit what I'd prepared of what I added. In all it is something like 30 pages if you'd care to see it. Or the earlier stuff. When I got the order my wife had only three pages to type. Perhaps those characters are wondering how I could do all of that so fast, but this is how. I've limited myself to the judgement and I can't see how anything else can now go up on appeal. In limiting myself to the judgement, and in assailing the government for felonies to obtain it, felonies it may interest you to know are entirely undenied, I've limited what goes up to consideration of fraud, perjury and misrepresentation to procure the judgement, all undenied by the government. For even the Reaganised appeals court this ought not be an easy one to fob off. Particularly because by now some there ought know that I am not quitting. I've already indicated an awareness that I can file suit under the Habeas I cited, as I can, and that it can be in another jurisdiction, which would involve a different appeals court. I might also file for cert. If there were any press attention to this it would be a great scandal and would do more than scholarly approaches to strengthen FOIA. I'm talking about what could put FBI agents and DJ lawyers in jail, get them disbarred, etc. (The USA for DC is signatory, so I've written him, without response, asking that he enforce the laws he has sworn to uphold and to recuse himself and I've also written unresponsive OPR.) In the course of all of this I've delivered, as an old man has a better right to, of some lectures illuminated with a little history and if nothing else I've perfected the record and served history. In addition, as I see it, to collect on the judgement they have to come out to Maryland and that ought mean some kind of proceeding - in which I can now use undenied allegations of felonies to obtain a fraudulent judgement. The last time I discussed this with Lynch, which was shortly after the remand, he knew of no precedent for this situation, a judgement against the plaintiff rather than the defendant.

Some of the new evidence is a bit raunchy, like, with the FBI having sworn that it has no records on the critics, an FBI tickler stating that "sex dossiers" were prepared on us! And dossiers on the members of the commission, of all things, and twice on its staff, at the outset and after the Report appeared. Dossiers on the Chief Justice, two senators and two congressmen, the prestigious McLoey and the former DCI? On lawyers who became a judge, a senator and others of prominence? On a partner of a current district court judge, Oberdorfer, too. And on our only unelected President, then minority leader. Also that Hoover blocked Warren's effort to have his own man as general counsel and that the FBI never investigated the crime and instead, quote approximate, stood around with its pockets open waiting for evidence to fall in! In my reporting day, real news but none in the 20-24 to whom I sent copies had any interest and there has been no reporting at all of this man biting dog situation of the plaintiff charging serious felonies to the FBI and DJ in an FOIA suit and without even pro forma denial. I've not gotten around to sending copies of what I filed last, about two week ago, but I will. They are made.

If I were able to drive down there, as I'm not, and get to speak to a Hirschkop there might be some interest and I think there would be some attention, and then those near the fan would duck. As I see it, the current crop of young lawyers are corrupted by their formal law education in addition to having something to fear if they do what I've done, so they just don't fight as I've learned from some hard experiences to survive by fighting as I have. I've been in some rough ones and I'm still hated for prevailing over incredible odds and the greatest power. But from this I know what can be done and that power and odds do not always win. The academic, law-school approach, of going by the book and always defending, never wins and doesn't often get anything much and then sometimes by the accident of those processing the records not understanding them. But Jim and Lynch can't get out of character and trying to is dangerous. However, both have been helpful in sending me copies of what I needed and had no other way of getting, like of the "ules. I'm sure they will again if I ask. However, both also are too busy. There is another case that is a certain no-lose one that Jim promised me the first of the year that he'd file. Based on his repeated assurance that I took steps I'd not have to perfect the record. Then I got a few (Nosenko) records and he promised again when I asked for what I want to file myself -because of what I see that can be very helpful to FOIA. and I've not heard a word since. In this case I can also sue for refusal to perform officially assigned functions and I want to, against OIP. (It finally located what I asked for years ago, where I said it would be and was, it is entirely nonexempt, and since last year I've not gotten it or any response to any letter. It also, was sworn to falsely several times by the same FOIA supervisor in the FBI, who didn't look where I said it was and still dared attest.) In a sense I'm addressing what you propose be done, but do not assume that I disagree with you for I don't. I'm merely suggesting what I think is a necessity along with that and one that can dramatize and fortify it. We are in an ^{era} ~~era~~ in which nobody really fights and that means a losing era, with the most terrible authoritarian potential to a degree already here. Years ago I learned that the weak do not prevail over the strong by merely defending but Jim and Lynch were not taught that in law school and never learned it on their own. Jim does understand it from our past but his understanding is academic only. In one suit in which I sought a fee waiver I got him to file for a TRD, which I knew would be denied, but because we attacked instead of defending we won before a judge who'd ruled against me twice and detests FOIA. He wound up denouncing them and parading me, too. And Jim, without suit, got \$5,000 for a week's work! And I got a complete fee waiver to boot in the end.

I think that what you have in mind ought be enlarged to include a listing of the benefits from FOIA in terms of better government, to show that it not only enables the private person to participate in representative society but also

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can show the government how to correct itself. Cointelpro, CIA/drugs, etc.

You ask about the people I know writing on their computers. I meant that instead of typing on a typewriter they typed on their computers, as I now recall, with floppy disks, which remain a mystery to me. They also have their research in the computer, not in notes by hand or typed.

I believe that no Member is today really interested in FOIA and that when they do introduce bills, as one just did when asked by the Society of Professional Journalists, he isn't really interested and doesn't really care. In a couple of months he hasn't even acknowledged my letter. But something dramatic might change this, if they see personal gain from it or association with it.

I don't know whether the country will ever return to what you call political sanity, absent a real disaster, which I do see as possible and have for some years. I do think there will be some concern when Reagan comes back from Geneva with empty pockets and perhaps a serious reversal. He's really an ignorant dope, still living Grade B Hollywood and getting away with it here. Because the Democrats also have not really fought him. His policies are bankrupting the country and threaten a nuclear disaster and little by little all major minority groups are being hurt badly. We can't be the country we were depending on employment in fast-food joints, which around here can't get enough help. Those wages will not pay for autos, refrigerators, etc., or houses. We need a little boy to repeat the fable of the emperor's clothes. I agree that there is significance in the Virginia and New Jersey elections and in some of the votes with the coming off-years in mind. But replacing the Helmses and Wallops will not lead to the basic changes in national policy that are essential and few pols will dare espouse any major change in the ageless anti-Soviet policies that are at the root. The kind of anti-Soviet policies we have are self-defeating and in the long run will, as they have, strengthen the USSR. While we get closer and closer to bankruptcy and have already lost our industrial and economic superiority.

Your work seems to be getting along well and thoroughly. I hope you get to the writing soon.

Best regards,

November 13, 1985
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Mr. Harold Weisberg
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Dear Harold:

Have you heard the latest theory of the JFK assassination? It's sure either to set you cackling or to repel you. Ramfis Trujillo engineered it. Since I last wrote during the summer I received a letter from a former Secret Service agent now living near Houston who had gotten my address from the FBI after I had given permission for it to be given him. The onetime agent wrote that he was convinced Ramfis used at least two cutouts to persuade Oswald to kill the president in order to avenge his father's May 1961 assassination by the CIA. My correspondent's hypothesis wasn't awfully coherent and his evidence was scant, but knowing that Ramfis did have those millions stashed away in Switzerland and had indeed vowed revenge for his father's slaying, that two former Servicio de Inteligencia Militar agents had been intensively sought by the Secret Service shortly before the elder Trujillo's assassination, on the rumor that they had entered this country to kill Kennedy or kidnap Caroline, and that whatever the Texan turned up might be of some peripheral use to me, I answered his questions and sent him what relevant information I could. Because he is so enthusiastic, I'm sure I haven't heard the last of him. What do you think?

I am curious about three items in your July letter. First, of course, is what progress you have made with your pro se litigation. Do bring me up to date on that score. The second is your impressions of Mark Lynch, who as you know successfully represented me in my early and uncomplicated fee-waiver suit against the CIA. He seemed to me a competent lawyer (and others have said the same about him) with his heart in the right place, but I am still appalled by his midjudgment and decisive support of the CIA in its last year's winning effort to get congressional exemption from the FOIA. Third, you mentioned two friends who have used computers in writing books. I assume that you meant computer-based word-processing programs, an aid with which I am fully familiar, rather than computers qua computers for sorting and otherwise manipulating coded input data. I'm now wondering if the database management software that is evolving so rapidly could be used in immense projects such as those you and I have embarked on, and if you meant the latter I would much like to hear more.

I am still holed up in my "temporary" furnished efficiency, entirely because of my desperation to finish my note making so that I can move on to the much more interesting interviewing phase of the Galindez research. Happily, a couple more months at the outside should see the completion of the note making; by that time I will have distilled between 50,000 and 60,000 pages of documentation down to around 3,000 pages of carefully written and unrepentive notes which will be fully indexed. Two months at the outside--if I don't have to do anything else. That's doubtful, but at least I will finish the notes sometime early next year.

About a month ago I discovered a file memo I wrote in April 1982--presumably because the Reagan administration's intentions had by then become clear--on FOIA reform. My thinking hasn't changed in any great respect since then, perhaps because I really haven't given much thought to the law since, and in some regards it anticipated what others later voiced and goes beyond. The memo's underlying premise was that the FOIA has always been the toy of lawyers, whether legislators, plaintiffs' and defendants' counsel, or judges, and has never been oriented to the real needs of its supposed beneficiaries, the scholar and the journalist. I therefore proposed that not only should the National Archives replace the Justice Department as the government-wide policy and procedures setter, as a bill recently introduced by two congressmen would mandate, but that it take over request processing as well. (That, of course, would be impractical unless the Archives were given more money, but it would free the agencies from the really rather slight burdens they forever bewail.) Almost all documents more than twenty years old would have to be released in their entirety. Security classifications and procedures (b1) would be legislated instead of being left to presidential whim in ever-changing executive orders. Other statutory authority (b3) would be abolished. A five-year limit would be placed on b5 withholdings. Privacy would be more clearly defined and would preclude the deletion of government officials' names in older documents. Both CIA and NSA would again become amenable to the law. Etc., etc.

I have an intuition that the country may return to political sanity when Reagan can no longer work his malign magic. Certainly the gubernatorial results in New Jersey and Virginia indicate that moderation is in the air, though next year's elections--particularly for the senate--will probably tell definitely. If my hunch proves itself, 1989 could be decisive for the FOIA's future and those interested in reform could well begin to bestir themselves after the 1986 elections. I envision a two-pronged thrust, research (for surprisingly little has been done on the FOIA, its users, rulemaking, and the like) and organization. The first would have to guide the second, I think. Jim Lesar has talked from time to time of forming a users' organization which would overcome many of the problems posed by the ACLU and professional groups interested in the FOIA, but I keep telling him that to do so now would be premature and that it will have to be much better financed, elaborate, and forceful than he seems to have in mind if it is to make a dent in congressional inertia.

What do you think?

Best regards,



Alan L. Fitzgibbon