

The thrust of my seven books on the assassinations of President John F. Kennedy and Martin Luther King, Jr., is that in those times of great stress and ever since then all the basic institution failed.

Comes <sup>not</sup> Robert Andrews, with the most impeccable credentials, to prove this all over again, ~~for me~~, sublime in his ignorance being entirely unaware of it.

Andrews' exploitation and commercialization of the 25th anniversary of the King assassination appears in the Outlook section of the Washington Post on that anniversary day. It promotes his coming book, "Death in a Promised Land" (Pocket Books), with an amazing flaunting of factual ignorance about the most basic of information, what records are available. In the course of his unintended self-portrayal of incompetence and unprofessionalism he manages what is not easily accomplished; he defames the FBI, ~~the same FBI~~.

It simply is not true, as Andrews writes that the government has been "reluctant to open up their files regarding J. Edgar Hoover's claims that King was surrounded by communist agents." *Q And it also is not true that he relates to the crime in any way at all.*

I have and have had for almost two decades a 400-page ~~list~~ <sup>FBI</sup> inventory of precisely the records Andrews claims are so steadfastly withheld. When I showed that list to David Garrow I told him how he could circumvent the sequestration of some of those records by as pisspoor an apology <sup>to</sup> a federal judge as ever disgraced the bench, John Lewis Smith ~~Smith~~ <sup>the late John Lewis Smith</sup>. Under FOIA the Freedom of Information Act <sup>(Fait)</sup> Garrow got and published those <sup>he wanted</sup> of the files in the list <sup>I</sup> showed him - and got a Pulitzer for it.

<sup>is</sup> This is not the most serious of Andrews demonstration of the grossest ignorance <sup>of</sup> the major crime of which he writes.

But with the credentials of which he boasts - at the very outset of his Post article, <sup>naturally -</sup> most editors assume he is an expert and do not bother to learn whether such experts (know their anal orifices from their appetites) or (have as much knowledge of what they write about as the garlic has connection with the stew over which it is wafted)

At the outset Andrews writes, "My skeptical skepticism comes first-hand from Vietnam tours as a Green Beret, as a CIA officer working a beat that stretched from the Koreas to Burma and as a Senate ~~staffer~~ staffer for intelligence and national security affairs."

All of this is quite distant from the King assassination and anything that relates to it. Unless Andrews means to suggest, as his article can be taken to suggest, that the CIA conspired with the accused assassin, James Earl Ray.

The only presumed source Andrews cites, Philip Melanson, in one of the trashiest of the many <sup>junk</sup> books on the assassinations, does, based on nothing but his own ignorance of INTELLIGENCE <sup>Intelligence</sup> agencies and tradecraft, does hold that Ray worked for the CIA, Baloney!

Now if in all those world travels of which Andrews boasts he had mentioned Memphis, where the federal district court holds significant factual information, none of the theory that taints virtually all assassination writing; of Washington, where he could have seen in the FBI's public reading room some 60,000 pages of its records on the King assassination) <sup>Andrews says he suppressed but are</sup> there as a consequence of my successful FOIA lawsuit of a decade's duration (including the inventory I showed Garrow); or come here, where all doing any serious work in the field of assassinations have free access to about a third of a million once- secret records, he could have written about what is relevant.

And he would not have made a public spectacle of himself by such a virtuoso display of the most basic of subject-matter <sup>and contempt for truth and fact</sup> ignorances (as he placed in the Post).

By his own not <sup>to</sup> immodest account Andrews spooked officially throughout much of the world. Yet he failed to learn about basic sources, like Books in Print or the New York Times index. (To say he ignored them would be even more of an indictment.) And his boasted-of years in the CIA apparently did not teach him to go to his friendly local bookstore. If he had he would have known that I am the author of the only strictly factual account of the King assassination currently available as a quality paperback from Carroll & Graf, retitled "Martin Luther King: the Assassination."

And thus he might have at least phoned or written me.

If he had he would not have gone to Memphis to learn what the files of the federal district court there hold. I have that information and make it available to all writing <sup>in fact, I placed most of it there</sup> in the field. (It includes the official transcripts of two weeks of evidentiary hearing supposedly intended to determine whether or not Ray was entitled to the trial he has never had.



As Ray's investigator I conducted the investigation for the habeas corpus proceeding that led to the evidentiary hearing. I then conducted the investigation for those two week of producing evidence, subject to cross examination, <sup>Dist</sup> then ended with the judge's decision, literally, that Ray's guilt or innocence were not before him. He refused Ray a trial on that basis alone. *But my work started under secure WOP-examination.*

I produced the witnesses we presented <sup>to</sup> that court <sup>I</sup> and prepared some of them to testify. This includes some of those recently on nationwide TV.

With me having this factual knowledge of the case and all these records all of which Andrews tells the world- or at least those reached by the Washington Post and to be reached by his coming book- are suppressed well into the next century, is it not to wonder what kind of spook, investigator, reasearcher or write/Andrews is?

And what it takes to be published on our political assassinations that turned this country and with it ~~the~~ returned the world around?

But if Andrews had been concern about fact rather than what is now politically acceptable and safe, blaming the safely-dead J. Edgar Hoover for everything he didn't do, what could he have writtrn of?

Clearly he had no interest in the real work that was done, the costly-heavy, lost-lasting, foot-slogging work that did establish what fact there is on the King assassination or in that fact.

If he had he could not have ritten the acceptable nonsense t e Post published, believing him based on his cedentials.

Andrews is safe, too, in his assumption of Ray's guilt.

Bsed on this, is article is supposedly on, as its subtitle states, "The Unanswered Questions About James Earl Ray."

Yet it isn't even that, such is the sublimity of Andrews' ignorance.

Some of what he says is - and this is one of his statemmts that Ray did kill King - that: "Out of this," Taylor Branch's incorrect statement that "crucial files on the King a assassination were sealed not to be opened until 2027", *but the official version is wrong -* "came my conviction that James Earl Ray did not act alone."

Here Andrews hself is quote wrong, first in what Taylor Branch wrote or in ~~Andrews~~ Andrews' interpretation of it, and second by saying that the allegedly withheld FBI records relating to Hoover's claim that King was surrounded by communist agents" has any relationship at all with the rime, most of all that it can ~~not~~ justify the "conviction" that Ray was the assassin."

Without examination of the FBI records that are available now or can be obtained by FOIA action it is not possible to conjecture about their content with responsibility. What is available are the records Garrow obtained and the enormous number of pages used ~~in~~ by the official whitewashers misnamed as "The Office of Professional Responsibility/" (OPR).

After I filed Civil Action 75-1996 seeking all Department of Justice records, not only those of the FBI, and after in first reaction to that Attorney General ~~Ev~~ held the the King assassination was a matter of great national and historical importance, requiring minimum withholding under FOIA exemption, there was the second official reaction, the creation of a special task force to study and report on the FBI's abuse of King and his family and associates and how it investigated the assassination.

My copies alone of these reports, and I do not have all that OPR disclosed, along with those relating to the assassination and its non-investigation referred to as an investigation, total more than 80,000 pages.

Andrews not only did not consult them before his phony claim to subject-matter expertise- he reflects no awareness of their availability -to anyone at all.

The King assassination file is known within the FBI by its acronym, "MURKIN," ~~standing~~ standing for Murder of King. Although the FBI did undertake to keep it secret, and with regard to 58 of its 59 field office of that period, did keep it secret in the records it withheld improperly from me, I did spot in the records of one, the Chicago office, that FBIHQ had directed all field offices to provide it with an inventory of all the records each held relating to King, the SCIC and his family and associates. These were consolidated at FBI Headquarters.

After months of difficult litigating in which official perjury was not uncommon, the judge finally ordered the disclosure to me of that fat sheaf of these inventory reports



that were so meaningful to Garrow when I showed them to him.

There is a record of particular value and importance as it relates to Andrews' claimed basis for being convinced that there is a connection between these files on King and this their reflecting that he was "surrounded by communist agents."

William C. Sullivan was then the assistant director in charge of what then was called the Domestic Intelligence Division. When it became more than merely clear to him that the FBI's enormous investment in manpower and money proved the exact opposite, that King was not in any sense either "surrounded by" or dominated by communists, he made the ~~error~~ mistake of telling Hoover the truth.

He should have known that there was no truth that could possibly survive confrontation with what Hoover wanted to be true no matter much much it wasn't.

Hoover clobbered and ridiculed poor wanting-to-be -truthful Sullivan until Sullivan grovelled before him in the most abject apology for his stupidity - in being absolutely right and saying so.

None of this is secret, except to Andrews and those of his readers who did not know it or have forgotten it. It was well publicized when those FBI records were disclosed. (if necessary I can locate and cite by FBI identification and if desired quote directly.)

So, with this well-known public record that there was nothing to the Hoover invention of communists "surrounding" King and the availability of many thousands of relevant pages, the Career spook Andrews who boasts of his career of spooking, even for the Senate's intelligence oversight committee, invents his basis for his "conviction that the official version" of the assassination ~~is~~ "is wrong - that James Earl Ray did not act alone."

Rather than there being what Andrews attributes to Taylor Branch's book, a government "reluctance to open up the files relating to J. Edgar Hoover's claim that King was surrounded by Communists," Most of them are available, either because they have been disclosed to Garrow and others like me or they are available to anyone who seeks them under FOIA. The exception is the smallest portion of them sequestered by the wrongful order of that FBI rubber-stamp, former federal judge John Lewis Smith. The official interpretation of them by the FBI's own top expert, its former assistant director in charge of that work, has been

public for about two decades.

Before a responsible former spook, and in theory spooks are responsible when spooking on when carrying their spooking careers forward, as Andrews did on the Senate committee, can responsibly state that Ray was the assassin he suspects "did not act alone," he should have some knowledge of whether or not he studies the assassination investigation records that are available. As have others, he could have examined them here. Or he could, as others have, examined them in the FBI's public reading room.

It is not possible to read the FBI's alleged proof of Ray's guilt without realizing that it had no such proof at all and that despite its persistent refusal to investigate the crime itself its own and disclosed and available - records exculpate him.

These are the basic records I spent a decade in court bringing to light.

In the simplest formulation of what is exculpatory about these MURKIN records they do not place Ray at the scene of the crime at any time!

The do not prove that the fatal shot was fired from the Rifle Ray bought.

The FBI did not even test that rifle to determine whether it had been fired after the last time it was cleaned, a simple and standard test that is standard operating procedure.

There is more but this should serve to establish that Andrews is just making up, like Hoover, what he wants to be true without regard for what is true, and like Hoover, he has his own purposes. Andrews had an article to sell and he wanted that article to promote his coming book.

There are no FBI "crucial files on the King assassination (that were) sealed" until 2027."

The only such files that were "sealed" are those of the House of Representatives assassins committee. It never investigated the crime itself, assuming with the safety to which Andrews reported that Ray was the assassin, and they were not "sealed" in any event and not until 2027. The standing rules of the House require that committee files not published not be made available until after 50 years following the end of ~~the~~ any committee's life.

Congress passed a law that George Bush signed requiring the processing of all such



records.

Andrews also writes that "from his prison escape until his arrest. Ray ~~acted~~ behaved more like a trained spy than a failed petty criminal."

Unless the behavior of trained spies has been altered since my days in the World War II forerunner of the CIA, the Office of Strategic Services (OSS) Andrews just made this up from the profundity of his personal ignorance of that of the subject-matter ignoramus with a PhD, the one so-called authority Andrews cites.

In my day of years past all the training manuals I read and all the secret areas I visited to be able to draft a top secret report on how the OSS trained its spies, nothing is more basic than not leaving a trail and not being readily identifiable.

Almost from the day Ray escaped from that Missouri pen the FBI could have nabbed James by careful surveillance on his brother Jerry, who was then in Chicago, where James went and met with Jerry repeatedly. The FBI could have laid harboring charges on Jerry before many weeks had passed but because Jerry is slack-jawed, the FBI hoped it would drop some cookies in front of it. It didn't. If it had surveilled Jerry it would have nailed them both. But it didn't.

Instead it went after the other living brother, John. It happens that John and Jimmy never got along and Jimmy had no idea where John was, or how to get in touch with him, and any desire to do that. John is not yet free from the phony charges, of driving a switch car for a bank robber-who was acquitted! - for which John was given 18 years by the judge who later became first the FBI's director, and then, until fired by George Bush, the CIA's director, William Webster. John's misconduct, added to his sentence, include escapes,

From Chicago James went to Canada. There he left a trail that was easily followed. Because the FBI has been hysterical in its failures and failed to do what it usually did it did not pick this unhidden trail up until William Bradford Huie, who got it from James' then lawyer, Arthur Hanes, published what James told him in a pre-book series in LOOK magazine.

As my book that would have been available to Andrews in his local bookstore before he put his novel in the guise of a serious factual article on paper would have told him,

James was being manipulated by others and he always knew in advance where he would go and how long he would be there. He told others and he put it in writing, as to the Superior Film Company in Chicago, ~~with~~ which he had paid for an order he had not gotten by the time he had to leave Birmingham, Alabama for Mexico. And before going to Birmingham, he left instructions with the Canadian tailors so what he had bought could be an was sent to him.

After far from the kind of life he had led James lived it up in Mexico for a couple or months, on schedule he moved to Los Angeles. There he had the nose job done that did not make any real difference in his appearance. He had a bit of extra tip removed.

The only cover K James ever had was an alias. But there is not a single thing he did from the time he escaped until he was captured that is "behavior" like "a trained spy."

He lived like what he was, a petty crook who had and employed the limited skills of a petty crook.

If one of the FBI's own "symbol informants" had not double-crossed it- perhaps himself being involved in the assassination -and if he was then there was that FBI connection with it - the FBI would have nabbed Ray before he fledt Los Angeles on the langorous trip east that ended when he fled the e scene of the King assassination. on returning there shortly after the barricade were placed on the street where he had planned to leave his car.

My lawsuit included all the relevant FBI Headquarters recors and those of seven field offices. One of these was the Los Angels office. What was suppressed from the headquarters records but slipped through the careful screening of the Los Angeles office establishes that J.C.Hardin phoned Ray at the St. Francis Hitel, where under the name of Eric Starvo Galt he was living. Hardin left a message for Ray to phone him in Atlanata. A few days later Hardin utned up in, person, looking for Ray.

And this Hardin, who does not appear in the Atlanta city directory, was an FBI informer. (It hates the word, preferring "informant.") To be a symbol informer requires that the informer survive a probationary period. He is not identified by name in most FBI records. He is identified by his "symbol." The symbol consists of the FBI's two-letter abbreviation for each office, followed by an arbitrary four-digit number and then by a letter or letters indicating the kind of informing he does."C2, for example, represent a



criminal informer. "S" indicates "security," meaning really political informing.

And so it was that the FBI failed a second time at the least and as a result King was safely assassinated and Ray was the already defeated patsy it anointed as assassin to cover all its failures.

Pretending it is his own work, having boasted of his personal investigation in Canada but actually cribbing from the least authoritative of source, Phil Melanson's "The Murkin Conspiracy," Andrews writes that "a landlady testified that she saw Ray's caller pass something ~~taxi~~ 'like papers' ~~taxi~~ that Ray put inside his coatpocket. The following day Ray bogusly bought a round-trip ticket to London." The Andrews asks, "Who were these people?"

To make his silly concoctions more exciting Melanson wrote of the man who found an envelope Ray had carelessly left in a phone booth and returned it to him, the "papers" that were passed, a man who had been identified in the papers merely as "the fat man" when the authorities originally protected his privacy, that he was in mortal terror of becoming known.

The ~~truth~~ truth is that the FBI disclosed his name to me. That means it was in the FBI's public reading room. Robert McDouglton was the fat man. The landlady was Mrs. Yee Sun Loo (right). *She did not testify anywhere in this case.* And they were just ordinary, everyday people.

The ~~only~~ apparent reason for Andrews asking who these people were is that he went for Melanson's chili dish concoction, that the CIA used McDouglton as a means of passing money to Ray - in broad daylight, in the presence of at least one witness? With the innocent McDouglton, scared to within an inch of his life by Melanson's mischigas, and other witness?

My Dulles! What kind of a professional, lifetime spook was Andrews, anyway, to credit ~~ex~~rg this gross violation of all spooking tradecraft?

And what kind of "handler", Melanson looking for what he thinks is a professional term, was handling Ray, anyway, to use a Keystone Kops means of getting money to Ray? None of the many covert traditional means was good enough? Involve witnesses, in the open and in daylight, in public yet, for no need at all?

(McDouldton is identified by name in a Memphis teletype to Headquarters and to the FBI's Buffalo office, Buffalo to act as liaison with the Toronto police in an effort to trace all the long-distance calls made from the public phone where Ray forgot the envelope addressed to him and his Ramon N Sneyda alias at ~~the~~ Mrs. Loo's address, where Ray rented a room. I gave this and quite a few other FBI records to Helanson. He knew what he was doing when he pretended that the da fat w fat man's identity was not known. Without that pretense he could not have invented the rest of his CIA mythology. In the headquarters MURKIN file this record is Serial 4396. The teletype was wired four days after Ray's capture.)

And if the CIA was "handling" and financing Ray through the innocent McDouldton, involved by leaving an open envelope with money in it for Ray's escape (My Helms! what a technique!) how did it come to pass that when Ray got to Portugal, where he flew promptly after his plane landed in England, he was about \$100 shy of passage to what was then known as Rhodesia, a country that had no extradition treaty with the United States, a country of unexcelled black racism? The CIA gave its minion just enough money for escape to get him caught? What Wanted its assassin caught?

And with his professional spooking Andrews cribs this childish penny-dreadful malarky just because a real, authentic PhD made it up?

There seems to be nothing that after his long career of spooking Andrews does not swallow and keep down, except as he reflects it in his writing.

He asks a series of irrelevant questions and concludes that "Nowhere has Ray addressed these questions. With the questions all fictional, why should he have addressed them. Like the Ec cock and bull story a St. Louis felon/gave the FBI, in hope of lighter treatment- which he got. Byers reported an offer of \$50,000 to kill King. Even if true, Ray is not in any way connected with it. And with \$50,000 would he have lacked a trip to permanent freedom for a measley \$100?

Andrews emphasizes, "What did Ray have to gain by killing Martin Luther King?" (Not counting what he apparently forget two paragraphs after writing it, that fictional 50 grand.) "Nowhere has Ray addressed these questions." Even though "he has been interviewed



y assassination scholars." Ray has been interviewed often enough by "assassination scholars?" Not one, including the PhD, is an authentic "scholar" of assassination. He and all the others, few of who have academic credentials, invent, crib and embellish upon and seek to exploit the wildest theories all of which are easily refuted by the available evidence in which not a single one of Andrews'"scholars" has made any real use of in quest of fact.

Melanson is the only alleged "assassination scholar" Andrews identifies by name but without reference to Melanson's book with which Andrews had helped himself. Andrews find it provocative that "Ray diggedly persisted in digging" answers to the irrelevant inventions he could not answer. And neither Melanson nor Andrews knew enough to know know the questions were stupid and irrelevant and nobody could answer them.

In a superficial reference to the evidence of which he had no knowledge at all Ander Andrews winds down with what he is so ignorant of ~~the basic facts of the case~~ the supposed ballistic evidence and the FBI's tests on them -of which he makes no mention at all.

"The fatal bullet broke into three fragments and no ballistics tests could be run."

The bullet did not break. It exploded, as it was designed to do.

There is no way of knowing how much fragmentation there was. It certainly was not established that there were three fragments. A fairly large one was recovered from King's body. It had almost gone netirely through it. It came to rest just h under a shoulder-blade on his back.

Fragments can be examined ~~but~~ and are all the time. Weapons can and do leave unique fingerprints in the form of the markings on the bullet by the grooves in the barrel that give the bullets twist to make them more stable in flight. These markings are also left on fragments. While there may not be adequate markings on all fragments, there were ample and unique markings of the fragment the coroner removed from King's body.

The FBI knew very well that the so-called "death" rifle bought by Ray had not been used in the crime and could not have been.

Consistent with this, b nobodt else having cc access to that remant and the rifle,

FBI Forearms Expert Robert Frazier executed an affidavit with which to get Ray extradicated in which he swore that the remnant lacked sufficient marks of identification for him to make either a positive or negative identified. But he swore to a meaningless paragraph that, justice being what it is, was enough to persuade the British court, that the number of twists on the recovered remnant was consistent with those of the rifle barrel.

SAs Fraizer did not attest, by this standard that remnant was also consistent with an appreciable percentage of all the rifles ever manufactured anywhere in the world.

As Ray's investigator I asked a respected expert in and teacher of criminalistics, Herbert McDonnell, to be our expert witness. When he got to Memphis I took him to the office of the clerk of the Court, Bubba Blackwell. McDonnell took out his microscope and his camera. He examined that remnant with care and then he photographed it also with care.

The next day he testified that given that remnant of the fatal bullet and the rifle from which it was allegedly fired, he could test fire the rifle, recover specimens, and state unequivocally that the bullet had or had not been fired from that rifle. He had found marks on the remnant of such distinction.

He was not refuted or rebutted. This is the sworn, expert testimony of an accredited expert.

About which in what Andrews apparently regards as an appropriate commemoration of the great tragedy and I consider a ghoulish exploitation and commercialization and a promotion for his coming book, "no ballistics tests could be run."

With a bit more trash not worthy of mention Andrews concludes, "open all the files on the King case..."

Sure as rain the Andrewses and the Melanson's and the other ignorant exploiters and commercializers will not make any use of them when as is inevitable now that happens.

Tens of thousands of these records have been available for many years. I alone have more than 780,000 thousand of them that not a single one of those Andrews regards as "assassination scholars" has ever made any real use of them. Andrews is publishable because he does not even know they are available, hence his false statement that all are suppressed.

And all the records should be publicly available.



the agencies operated illegally. The problem is that in the quest for law and order, case after case after case after case has been thrown out because the law enforcement and intelligence communities acted illegally. So I do not think we attain any particular status of accomplishment in conquering organized crime, or any crime whatsoever for that matter, with illegal activities resulting in cases being thrown out of court.

I would suggest that the record speaks for itself. Frankly, I never thought the record of former Attorney General Ramsey Clark was that good. But, comparing his record with that achieved by succeeding Attorneys General, he looks like Tom Dewey in his prosecutorial heyday.

Mr. HRUSKA. That record is bad, but do we want to make it worse by adopting this amendment which threatens to tie the hands of the FBI and dry up their sources of information? I say, with that, the soup or the broth is spoiled, and I see no use in adding a few dosages of poison.

The pending amendment should be rejected.

Mr. KENNEDY. Mr. President, I do not recognize the amendment, as it has been described by the Senator from Nebraska, as the amendment we are now considering. I feel there has been a gross misinterpretation of the actual words of the amendment and its intention, as well as what it would actually achieve and accomplish. So I think it is important for the record to be extremely clear about this.

If we accept the amendment of the Senator from Michigan, we will not open up the community to rapists, muggers, and killers, as the Senator from Nebraska has almost suggested by his direct comments and statements on the amendment. What I am trying to do, as I understand the thrust of the amendment, is that it be specific about safeguarding the legitimate investigations that would be conducted by the Federal agencies and also the investigative files of the FBI.

As a matter of fact, looking back over the development of legislation under the 1966 act and looking at the Senate report language from that legislation, it was clearly the interpretation in the Senate's development of that legislation that the "investigatory file" exemption would be extremely narrowly defined. It was so until recent times—really, until about the past few months. It is to remedy that different interpretation that the amendment of the Senator from Michigan which we are now considering was proposed.

I should like to ask the Senator from Michigan a couple of questions.

Does the Senator's amendment in effect override the court decisions in the court of appeals on the Weisberg against United States, Aspin against Department of Defense; Dillow against Brinegar; and National Center against Weinberger?

As I understand it, the holdings in those particular cases are of the greatest concern to the Senator from Michigan. As I interpret it, the impact and effect of his amendment would be to override those particular decisions. Is that not correct?

Mr. HART. The Senator from Michigan is correct. That is its purpose. That was the purpose of Congress in 1966, we thought, when we enacted this. Until about 9 or 12 months ago, the courts consistently had approached it on a balancing basis, which is exactly what this amendment seeks to do.

Mr. President, while several Senators are in the Chamber, I should like to ask for the yeas and nays on my amendment. The yeas and nays were ordered.

Mr. KENNEDY. Furthermore, Mr. President, the Senate report language that refers to exemption 7 in the 1966 report on the Freedom of Information Act—and that seventh exemption is the target of the Senator from Michigan's amendment—reads as follows:

Exemption No. 7 deals with "investigatory files compiled for law enforcement purposes." These are the files prepared by Government agencies to prosecute law violators. Their disclosure of such files, except to the extent they are available by law to a private party, could harm the Government's case in court.

It seems to me that the interpretation, the definition, in that report language is much more restrictive than the kind of amendment the Senator from Michigan at this time is attempting to achieve. Of course, that interpretation in the 1966 report was embraced by a unanimous Senate back then.

Mr. HART. I think the Senator from Massachusetts is correct. One could argue that the amendment we are now considering, if adopted, would leave the Freedom of Information Act less available to a concerned citizen than was the case with the 1966 language initially.

Again, however, the development in recent cases requires that we respond in some fashion, even though we may not achieve the same breadth of opportunity for the availability of documents that may arguably be said to apply under the original 1967 act.

Mr. KENNEDY. That would certainly be my understanding. Furthermore, it seems to me that the amendment itself has considerable sensitivity built in to protect against the invasion of privacy, and to protect the identities of informants, and most generally to protect the legitimate interests of a law enforcement agency to conduct an investigation into any one of these crimes which have been outlined in such wonderful verbiage here this afternoon—treason, espionage, or what have you.

So I just want to express that on these points the amendment is precise and clear and is an extremely positive and constructive development to meet legitimate law enforcement concerns. These are some of the reasons why I will support the amendment, and I urge my colleagues to do so.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Nebraska has 6 minutes remaining.

Mr. HRUSKA. Mr. President, I should like to point out that the amendment proposed by the Senator from Michigan, preserves the right of people to a fair trial or impartial adjudication. It is careful to preserve the identity of an in-

former. It is careful to preserve the idea of protecting the investigative techniques and procedures, and so forth. But what about the names of those persons that are contained in the file who are not informers and who are not accused of crime and who will not be tried? What about the protection of those people whose names will be in there, together with information having to do with them? Will they be protected? It is a real question, and it would be of great interest to people who will be named by informers somewhere along the line of the investigation and whose name presumably would stay in the file.

Mr. President, by way of summary, I would like to say that it would distort the purposes of the FBI, imposing on them the added burden, in addition to investigating cases and getting evidence, of serving as a research source for every writer or curious person, or for those who may wish to find a basis for suit either against the Government or against someone else who might be mentioned in the file.

Second, it would impose upon the FBI the tremendous task of reviewing each page and each document contained in many of their investigatory files to make an independent judgment as to whether or not any part thereof should be released. Some of these files are very extensive, particularly in organized crime cases that are sometimes under consideration for a year, a year and a half, or 2 years.

Mr. HART. Mr. President, will the Senator yield?

The PRESIDING OFFICER. All time of the Senator has expired.

Mr. KENNEDY. I yield the Senator 5 minutes on the bill.

Mr. HART. Mr. President, I ask unanimous consent that a memorandum letter, reference to which has been made in the debate and which has been distributed to each Senator, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

#### MEMORANDUM LETTER

A question has been raised as to whether my amendment might hinder the Federal Bureau of Investigation in the performance of its investigatory duties. The Bureau stresses the need for confidentiality in its investigations. I agree completely. All of us recognize the crucial law enforcement role of the Bureau's unparalleled investigating capabilities.

However, my amendment would not hinder the Bureau's performance in any way. The Administrative Law Section of the American Bar Association language, which my amendment adopts verbatim, was carefully drawn to preserve every conceivable reason the Bureau might have for resisting disclosure of material in an investigatory file:

If informants' anonymity—whether paid informers or citizen volunteers—would be threatened, there would be no disclosures;

If the Bureau's confidential techniques and procedures would be threatened, there would be no disclosure;

If disclosure is an unwarranted invasion of privacy, there would be no disclosure (contrary to the Bureau's letter, this is a determination courts make all the time; in-

Full text of Congressional Record of which this is part in top drawer of JFK appeals file cabinet.



On all the political assassinations.

That is why I filed more than a dozen FOIA lawsuit, to rescue them from their official graves and from oblivion.

Some of these lawsuits were precedental.

One of the earliest led to the 1974 amending of the Act's investigatory files exemption, opening G FBI, CIA and simialr files to FOIA access.

I was the surviving brother of two of the vistims of our political assassinations of the 1960s, ESenatore Edward Kennedy, who saw to it that what is called "the legislative history" of this amending would be clear. The first lawsyt he cited as requiring any of those 1974 amendments was mine for the results of the scientific testing in the JFK assassination. (Congressional Record for May 30, 1974, page S 9336)

(Note- to the best of my knowldge this has not been reported anywhere at all outside the Congressional record. I know of no print preds or electronic media reporting on it ~~amr~~ any reference to it a in any book.)

So, even though in all I have a about a third of a million once-secret official assassination records that are freely available and always have been, and even though the frauds, pretenders, fictioneers, mythologists and assorted other phonies who are regarded by the Andrewses as "assassination scholars" have not, not any one of them, ever made any real use of this enormity of official information, certaiably all still withheld records should be available.

But it is a further deception, and Abdrews by inference is also guilty of that, to pretend that any person or group, any element of the major media, no matter how wealthy, is going to invest the time and money for anything like a methodical examination of them.

I know what the time and cost come to. I did it, as nobody else did.

The mass of these records alone defies any real study of them by those who prate about them while ignoring them entriely.

It is an additional great tragedy that there is no end of the Andrewses who ~~mark~~ mark commemorations with kies, with what they imagine, with what they cfib from those who



no didn't know what they were taking about when they spoke and wrote, with ~~what~~ what they <sup>tell</sup> ~~feel~~ the people these records say and mean when they say and mean nothing at all like these exploiters and commercializers represent, for, as in Andrews' case, dirty money and the advance promotion of his coming book.

We suffered tragedies neough with the additional tragd tragedy of the disgraceful exploitation and commercialiazation of the motley crew who are not "assassination scholars" in any authentic sense.

As my first words in this rticle state and as my seven factual books on the assassinations in which there isnot a single theory advanced prove, in those times of great crisis and ever since then, all our basic institutions failed.

This includes virtually all of those who wrote about these assassination almost all of whom visualized themselves as Perry Masons and instead enmeshed themselvs and all those who read them in endless theories not one of which is proven and almost all of which are from the official evidence so many like Andrews spout off about are proven wrong.

Andrews is but the most recent of this greedy crew.

There There are "unanswered questions" about the King assassination, to many of them, but they are not as Andrews says, "about James Earl Ray." Nor are/they about what motives the legion of ignoramuses like Andrews.

Other than errant officialdom the real assassins in all the assassination have been ~~the most effective protectors~~ protected most by the hundreds of Andrewses. They have confused the still sorrowing people with their theories that refuse each other and they enable the officials who lied to us to write/memos many of which I have in which they cite all this easily disproven outpouring as proving that al, criticism of the official as sassination mythology is wrong and they are right.

Andrews and the Post sure picked a hell of a way of commemorating the assassination of a truly great American.

It is the literary equivalent of g houls and grave robbing.