

HW

SUMMARY OF FREEDOM OF INFORMATION ACT REQUEST RE LUIS KUTNER -
INFORMATION ON RUBY NOT GIVEN TO THE WARREN COMMISSION BY THE FBI

I got into this because Kutner appeared to have some significant information about Ruby's links to organized crime. I haven't been able to find out just what he told the FBI, but I have come up with confirmation that it was not given to the Commission.

Of course, there was a lot the FBI didn't give the Commission, but the certain relevance and ~~xxx~~ confirmed failure to pass on the information make this case especially significant. This will be in my book, so please handle with discretion.

I first ran across a Washington Post article which quoted (incorrectly, it turned out) from a Chicago ~~xxx~~ story shortly after the assassination. Eventually, I did get the original reports from the Chicago Daily News. Here are the relevant portions:

"A Chicago attorney who referred Ruby to the old Defauver crime committee has been questioned ~~xxxxxx~~ by the FBI.... Luis Kutner, Chicago attorney who at ~~xx~~ one time was a consultant with the Defauver committee, said he was questioned by FBI agents Sunday night about his knowledge of Ruby. Kutner said that in 1950 he arranged a meeting ~~wixx~~ for Ruby with Rudolph Haller of the Defauver ~~xxxxxxx~~ committee.... 'Ruby came to me,' Kutner said. 'He said he wanted to contact Defauver or Halley. I called Halley and had him call Ruby. That was all I had to do with it.' Kutner ~~xxx~~ said he was not present at the Chicago meeting. He said he wished to disavow any further connection with Ruby." (Nov. 25, 1963, p. 4)

"Luis Kutner, Chicago attorney, said Ruby was fired by Paul Dorfman, a close friend of Teamster president James Hoffa, for alleged rough methods as an organizer for the Waste Material Handlers Union in Chicago. Kutner added that Ruby boasted ~~x~~ of his connections with members of the Chicago crime syndicate." (Nov. 26, 1963, p. 4)

I did the usual name checks (in the ~~ixx~~ indexes and at the ~~xxN~~ Archives) and turned up only CD 104, p. 23. That is a ~~xxxx~~ followup interview with Kutner on Dec. 9, in which he said only that he had ~~xxxx~~ provided all the information he had concerning Ruby when he was interviewed on the week of Nov. 24.

On August 31, I wrote the FBI, asking for any previous interviews with Kutner about Ruby. Kelley replied on Sept. 18 that "the record of the interview that took place during the week of November 24, 1963 was not transmitted to the Warren Commission" and that "consequently" it was his decision that it was exempt under the investigative file exemption.

I appealed ~~x~~ on October 13, quoting the Daily News stories given above. I pointed out that the ~~xxxxxx~~ unsubstantive but related followup interview was given to the Commission, as were many records with little relevant information. I said ~~x~~ I could see no innocent reason for ~~deliberately~~ withholding this from the Commission, and that it may have been omitted by mistake.

I got neither a reply nor a ~~xxxxxx~~ notification of the extension of time for a reply within the 20-day deadline. On ~~xxxxxx~~ November 26 I mailed a copy of my appeal. (This was sent first class, picked up around noon, I guess, on 11/26. So, it might have arrived in D.C. the next day.)

On December 3 I received a letter with the time-stamp of ~~xxxxxx~~ November 27, from Robert Bork, this week's Attorney General. He didn't refer to my ~~xxxxxx~~ reminder letter of Nov. 26, of course, nor did he apologize for the delay. He said that after carefully reviewing my request, he had decided to affirm the denial/. The requested materials (plural) are covered by the exemption; he has considered whether to make them available as a matter of administrative discretion and determined not to do so.

Peter Scott dug up some background on Kutner. He was into things like World Habeas Corpus, the Commission for International Due Process of Law, &c. In 1971 he was one of the big names of the "Friends of the FBI."

Not much ~~xxxxxx~~ chance of a successful suit here, but I am sending this to ~~xx~~ Jim Lesar (and HW) for their information.

Paul L. Hoch 12/4/73