

Mr. Tom Susman, Counsel  
Administrative Practices Subcommittee  
United States Senate  
Washington, D.C.

11/22/76

Dear Tom,

Please consider my enclosed letter to CIA Director Bush in connection with the doubts I expressed earlier about the House assassinations select committee. These now are not mere doubts. From my personal experiences with them that without doubt Jim Lesar will confirm they are facts, not questions.

My information on the planned CIA destructions about which Senator Kennedy earlier expressed his opinion comes from the House committee. It did not tell me it had taken steps to prevent these destructions during its life. As I recall the date is 12/8.

This whole thing is a miserable business.

From once suppressed records I have put together a pretty complete chain of evidence on what happened when JFK was killed and the CIA manipulated LBJ. I'll tell you more if you want. It began with the Phillips who is now the CIA's defender when he was Mexico City station chief. He then bypassed Langley with false reports. He went to McGeorge Bundy in the White House and U. Alexis Johnson in the State Department. According to Earl Warren, LBJ told him that if Warren did not take the job he knew he should not, 40,000,000 people could be incinerated in a war. I do have documents on all of this plus Earl Warren saying it on tape as he did to his staff in 2/64. This, I am sure, is why the Warren Commission did not investigate and instead did what it could to make a non-investigation of built-in conclusion as acceptable as possible.

In its short life the record made by the House committee has become a disgrace. To begin with Downing and Gonzalez have associated with the nuts and self-seekers only. The one who seems to have bridged the hatreds of these contending camps is Mark Lane. He is already off and running with a crass commercialization under contract with Prentice-Hall at least. I am in contact with them. With what for him is typical gutter ethics and morals. He involved NBC through Abby Mann, who has a contract for a special on King. Beginning with some inept thievery and extensive improvisation, all unfactual, he was able to involve the King family and through it the black caucus. When it, on this misinformation, added its weight to the efforts of the Downing and Gonzalez camps the resolution was approved. Incredibly enough considering the available and published record on non-fact only.

Richard Sprague has an earned reputation for courtroom brilliance and sharpness of mind and operation. In my opinion he is not deceived by Lane. Yet he maintains so close a relationship, despite what has already happened as a result, that Gonzalez last week told one of the best reporters that Lane is virtually running the committee. This is my paraphrase. From the committee staff I have confirmation of the obvious suspicion that it is Lane who deceived the committee, through a former DJ's lawyer Robert Ozer, into the false charge that unspecified records were destroyed by public authority to deny the committee information about the King assassination. The reality is that these were not assassination-investigation records. They were the Memphis police intelligence-unit records. They were destroyed to frustrate a suit for them by a VVAW member. This was before there was a committee. It is a matter of record in federal district court in Memphis and in the press. That this police unit had King under surveillance is not new. It is in my Frame-Up. With the names of the agents. But this is not assassination evidence and the committee did lie. Sprague did it in a way that cast unjustified suspicion on the FBI when Ozer misinformed the committee while that session was open. However, as these self-seekers and non-workers do not know, there was a cooperative arrangement between the police and the FBI. The FBI's records are within my FOIA requests in C.A.75-1996. And remain withheld.

(I digress to update you on this suit. On 10/8 DJ told the Court they'd process and give me about two volumes of 200 or more pages a week from the FBI HQ files and it only. The week of 10/25 they did give me the 442 pages not explained this way in last week's AP story. Since then nothing. We expect an Order when Judge Green has time to draft it.)

Sprague has already justified the Philadelphia ACLU's complaint that he is contemptuous of the rights of individuals. He has done this twice with Ray, the second time after assurances that he would not. The whole thing makes no sense if one restricts consideration to the committee's proper purposes. Nothing improper was necessary.

Shortly after Sprague asked me to consult with him, as I did 10/20, his Ozer started doing bad things. After I met with Sprague he asked me to consult with others, including Ozer. Ozer then was resentful, openly and defensively resentful, when I cautioned him, the research director and the other staff counsel present, against being misled by the nuts and self-seekers, including Lane. I then knew how Lane has misled the black caucus. I received the necessary assurances from Sprague as a precondition of cooperation. On the King case I told him and the others that Jim and I would not and could not violate our obligations to Ray but that short of this we could and would be helpful. So, two days later staff counsel Jeremy Akers was here, until 8 at night, and I gave him a good beginning, a box of records.

Meanwhile, Ozer is in touch with Jim. He wants a release from Ray so they can talk to Percy Foreman. This disturbed both Jim and me, in part because it is hardly a beginning of an investigation, in part because it will take them a long time to prepare properly and in part because it intrudes into lawyer-client confidentiality. We discussed this and Jim said he would agree to send Ray a waiver and recommend that he sign it on receipt of assurances that Ray's rights would be preserved. These assurances were promised and never delivered. Then Ozer phoned ~~xxxx~~ with threats and a general bulldozing attitude, entirely out of the clear air. Jim was waiting for the assurances promised. Ozer said he was going to go to the jail and see Ray and come out with a waiver. His reasons: they were going to solve the crime through Foreman! The same Foreman who coerced the guilty plea and never investigated the case at all.

I raised very pointed hell with Ken Brooten, staff counsel apparently higher in rank than the others, by phone. Jim telegraphed Sprague. Sprague phoned me very apologetically 11/8 from Philadelphia, said he agreed with me on everything and had a call in to Ozer to dress him down, assured me such things should not and would not happen, and said he was going farther and sending me a letter to this effect. It is a lawyer's letter in seeming to be specific where it is evasive but on the basic questions it is specific enough, as is the one he wrote Jim. He wanted to meet with us and give us all assurances personally. This ~~maxx~~ was not possible until last Wednesday, 11/17. He then ~~against~~ assured that he would do nothing involving Ray except through Ray's counsel. Jim is the only one of record. While he was giving us these false assurances he was drafting duces tecum subpoenas that included another of Ray's former counsel, the Memphis public defender. Ray is entitled to confidentiality in that lawyer relationship more because that counsel was forced on him, more than that because that counsel participated in coercing the guilty plea and even more because the then Public Defender is now the District Attorney General, with much at stake.

There is pretty clear commercial involvement on the King side with Lane. There is the inference of it on the JFK side from their not yet asking me for anything on it when I have done so much more work than any other and have unique files. Aside from the wretchedness of this kind of taint Lane is a walking encyclopaedia of misinformation. He has booby-trapped them several times already, they know it and they persist. I find no explanation consistent with honesty or integrity of purpose.

I go into this for your information.

I do not know how to address a carbon of my letter to Bush to the proper House subcommittee. I'd appreciate it if you would address the enclosed stamped envelope.

Your subcommittee held joint hearings with another on biomedical and behavioral research. I understand some volumes are now available. I would appreciate copies of anything you can send me. While I am not now able to do anything on this subject I have an interest in it and I have a source who once had an involvement in it. Olson used to live and work near me. I knew his ~~son~~ older son when he was in high school.

There is irony in the present situation for me. The 2/15/65 conclusion to my first book on the JFK assassination is that the expected job had not been done and must be, entirely in public and preferably by Congress. Now there is a Congressional committee, the second, and I have had to detach myself from it after giving it some help. I have written Sprague rather strongly about this and asked him to distribute my letter and his response among the Members. The blacks in particular have been imposed upon and stand to be hurt by all of this. The House leadership also was imposed upon. However, the blacks are less than innocent. I wrote Fauntroy after he inferred the FBI killed Dr. King. He has not responded. Les Kaye, a fine person and a first-rate reporter, saw and/or wrote all of them and other members of the black caucus. Les had personal knowledge of the misgane of what Lane stole from his work. Students with personal knowledge went to see the black members and gave them proof that they had been deceived and misled. Mrs. Burke invited one in for a conference and to learn how to explore this further. She has not. While one may reasonably assume that with a staff members have confidence in their staff. However, I think one can assume that after their teeth are kicked several times they should feel pain.

Those who have not done the work I have may not easily see what is clear to me, that unless these things are cleared up cleanly there will linger danger to candidates for high office and to residents who are called upon to make decisions that may be unpopular. The intimidation is now inherent. I regret that others do not perceive the dangers of which this is not the only one, others who might be of help in doing what still can be to reduce them. As of now there is little hope of this from the House committee.

And as I have told Sprague, while he is counsel, Gzer is his assistant and Lane has any relationship at all with them, I cannot have anything to do with them.

Poor as the records of the courts are, slow and tolerant as the best have been, I still consider them and the vitiated Act as the best present hopes.

Sincerely,

Harold Weisberg