The 544 Camp St. address 1/5/69
FBI suppression ;Paul Hoch's 1/1/69 letter Harold Weisberg
Is the FBI currently investigating the JFK murder?

Paul disagrees with my interpretation of the statement of the Department of Justice. I quote from his letter:

"...There is one point I disgree with very strongly, and urge you to reconsider. The Justice Department did not say, nor, I think, did it imply that it is currently carrying on an investigation of this matter. There is only the one referance by Devine to the fact that a 'record copy' of the Quigley pamphlet is in their 'investigative file'. I take this to mean simply the files relating to investigations - past or present, and, in this case, their investigation of Oswald before (and/or after the assassination. Any reason for thinking otherwise? What else would you call those old files?

"You noted correctly one of the reasons for withholding this item was that it was in the investigative files. I don't think this would stand up, since (if my memory is correct) the Freedom of Information Bill was meant to cover investigative reports. The other reason cited (which your memo does not mention) is 'the fact that the document is available at the Archives'.(Sic) I intend to pursue this after I get clarification on the address which I have asked for since a document which the Archivist cannot find is hardly 'available' at the Archives... the people I was corresponding with were probably getting their information from the FBI..."

This is most of it. Because this point may become significant, I take time to answer it in some detail. Paul's argument is sound, but I think it does not prevail when considered against the other side.

Minor point, in acknowledging that the DJ has a continuing investigation, except for the context, Devine said nothing new. Hoover testified to this. Paul does not doubt "the Justice Department is certainly re-investigating the assassination (and Garrison)..." to which I think we can fairly add perhaps some of those not in accord with the Report. There has to be some legal sanction for this. The DJ is foreclosed from investigating District Attorneys or writers as such. We know they have recently interviewed people in the case. The only apparent legal justification is a continuing investigation already announced by Hoover. The significant thing in Devine's statement of the same thing is his apparent use of it as an excuse for continuing suppression. No part of the Department of Justice has deviated from this basic policy from the outset.

There is one thing that distinguished this particular pamphlet from all other copies, and that is the fact that FBI Agent Quigley got it from Lee Harvey Oswald. Therefore, any marking on it is evidence, and a top official of the Justice Department understands this very well. He could never seriously have said, certainly never correctly, that the Department was suppressing it because an exact duplicate was already available. As a matter of fact, the Commission was still trying to get a copy of this particular pamphlet as late as well after its Report was written. I have distributed among those of you who will get this a copy of the Secret Service report so stating. (Perhaps, I do not now recall, I got it from Paul.)

If the point were the content of the pamphlet, there would be no point in Justice going to all this trouble to keep from supplying Paul those few pages for which he asked. The point is what he had already zeroed in on, that the FBI knew, in advance of the assassination, that Oswald had used the address 544 Camp St. and did nothing about it, before or after the assassination, except hide it and its possible or probable meanings, including hiding this, to the degree possible (one I'd never have dared try) from the Commission and the rest of the government. To begin with, at the very least, this certainly included Justice lawyers, including ,

preminently, those advising and informing the then Attorney General. This was an FBI operation, at the outset. If no lawyer in the Department of Justice, including Devine, never had the courage thereafter to be honest, that is but an additional disgrace and is in no way excusable.

I also think it is a fair assumption to believe that Justice Department lawyers know both the language and the law. They can be expected to understand the meaning of what they write. I do not here exempt Devine in his letter to Hoch.

Taking the question of "investigative files", the interpretation offered is thereby warrant for withholding everything, for there is hardly anything more innocuous that a published pamphlet, where the content the issue. Everything dealing in any way with the assassination of its investigation would thereby be subject to automatic suppression. This has not been the case. The fact that the Department does not single out this single item to withhold, in my opinion, eliminates as a possible reason for the withholding the fact that it is in the investigative files. The fact that it is offered as a reason, I believe, is sufficient to justify the interpretation I put upon it.

If we did not know what we have so painfully learned about the FBI and the rest of the Department, as a scholarly approach, I could agree with Paul's objection. In view of their record, which extends upward from the merest office clerk, through the head of the FBI and includes the Attorney General, I thinkxx that the ordinary scholarly precepts do not, in this case, really apply.

So, I do not, in this case, agree with Paul. He is overly-charitable to the Department. My own experience with them does not encourage me to regard any of them as innocent in this matter.

That part of Paul's letter relating to this is attached to the copy for Moo.