

Dear Athan,

9/21/84

*Reckhars*

Six mornings a week, doctors' orders, I spend the three hours before a nearby mall opens for business in walking therapy, walking, resting the more severely damaged leg, walking again, etc. This usually gives me free and clear thinking time. This morning I thought of something I do not recall having told you about, something for which you may find use in several areas, where they all come together.

Again, please pardon the typos. My wife is after me to take a nap, as I should because I'm tired, and we've compromised - I'll dash this off first.

My second book is largely an analysis of the FBI's technical services to the Warren Commission and in that area, is forceful, and understated, in analyzing the work of the Lab's photographic expert, Lyndal W. Shaneyfelt. It is of unassailed accuracy and despite the little attention it received, is and was embarrassing to the Lab and to Shaneyfelt personally.

In my refiled FOIA suit for the results of the FBI's scientific testing - the suit over which the investigatory files exemption was amended in 1974 and the first suit filed anywhere under the amended Act - after considerable effort and two trips to the appeals court I got the right to depose four SAs, of whom Shaneyfelt was one.

He was surly, disagreeable, self-righteous and accompanied, as all SAs have been in all my depositions, by an FBI Legal Counsel Division lawyer as well as the DJ lawyer handling the litigation. (I guess they do not trust even DJ lawyers!)

One thing we observed, as I'm sure Lesar will confirm, is that all the Lab agents were skilled in diversion, digression, circumlocution, nonresponsiveness and relatively polite assorted dirtiness. Later I read in Sanford Ungar's book that they are trained this way, to the point where even skilled criminal defense lawyers are reluctant to cross-examine them. (From my knowledge and experience, this can well cost an innocent client's freedom.)

In the course of being deposed, at one point Shaneyfelt blurted out that I had libelled him, my work was wrong and inaccurate, and he had considered or proposed suing me to the FBI. I did not want to interrupt the deposition, which was stonewalled excessively already, and Shaneyfelt left when Lesar finished with him. After he left I told the DJ lawyer and the FBI lawyer, Emil Moschella, that if Shaneyfelt and/or the FBI would dare, as I did not believe, I'd pay the filing costs. They made no response.

As you may know, when a witness is subpoenaed, his expenses and fees set by the courts must be paid in advance. I did this with Shaneyfelt, who lives in suburban Washington. A few days after the deposition I got a bill from him for additional fees as an allegedly "expert witness." In response I refused, reminded him of his testimony relating to suing me, and told him he was not man enough, that he'd never dare let his word be compared with mine before a jury, and that he'd not dare permit examination of his record when the President was assassinated. I also gave him in writing my offer to pay his filing costs. I've not heard a word from him since.

But, as I was going over the FBIHQ main JFK assassination files, which began in early 1978, I found a series of records that are relevant and fascinated me.

Shaneyfelt himself, his initials on the memo in the name of his superior, recounted that my book was defamatory of the FBI and of him, that unless the FBI "stopped" me I would in all probability continue to soil the pure skirts of the FBI, and therefore it should sue me for libel, using him as a front because he, personally was libelled. The memo went to the Legal Counsel Division and it chummed out its own, allegedly analyzing applicable law, in my layman's opinion with less than complete fidelity to case law and fact, concluded that he was not a public person and he therefore could sue. I think it gave the general impression of the proposal



being a good and practical idea in LCD's opinion. That memo reached the top echelon where, I think it is Tolson, who added the note that the decision should be Shaneyfelt's. Hoover initialled his approval. So, when it got back to Shaneyfelt, he took a different slant and argued what was certainly in his mind to begin with, that the lawsuit would generate publicity that would enhance the sales of and attention to the book, so ~~maybe~~ maybe it would not be a good idea after all.

Then I read William Sullivan's book. He is quite specific, Hoover lived in terror of the FBI being involved in civil litigation.

And then what Shaneyfelt was really up to became obvious. As a veteran with about Sullivan's time in the FBI, he also must have been aware of Hoover's phobia. So, he hatched up this elaborate device to create internal records that would make him appear to be innocent of the serious offenses that are beyond any explanation or justification that I documented. He also appeared thereby to be willing to risk himself, to subject himself to all that is involved in such litigation, all for the fair name of the unblemished damsel, Hoover's FBI.

Without ever intending that it happen. Even with the FBI to provide him with counsel.

Another Lab agent, Marion Williams, went a step farther in the same time frame, saying that both I and my writing had to be "stopped." I've mislaid my subject-filing copy of the Williams memo, but I've a separate file of the ~~Shaneyfelt~~ records, of his bill and my letter. And I'm sure that I used all of them in that lawsuit and thus they are in the case record. And entirely undisputed by the FBI, which was the defendant.

The Lab, it is my experience in two major lawsuit in which it is involved, is more expert in avoiding and establishing fact than in developing and proving what it fact.

These people are not at all brave, although they may well be in police situations. In the 1930s I worked with and knew agents who were brave and honest men, and we were friends. In very dangerous territory, Bloody Harlan when it was very bloody. The people I've been dealing with are, rather, bullies. And they are really discomfited when someone stands up to them. Then there is no limit to their evil and excesses. Witness the precedents they are trying to establish by hounding Lesar and me in the appeals relating to CAs 78-0320/0420, where the ACLU represents me and the ~~Nadar~~ people represent Lesar. (Brief mention in Jack Anderson's column earlier this week.) All they've alleged is entirely false, entirely fabricated and, in fact and to their knowledge, entirely impossible. This is what happens when one stands up to them. But when I did while they were threatening contempt, they did not dare move for a contempt citation. (I told Lesar to tell their lawyer I ~~was~~ dared them and would welcome it.)

Another kind of story that may interest you personally if not for the book.

Ralph Harp was an analyst in my King suit, 75-1996. He withheld the public domain excessively and thus succeeded in prolonging the litigation, which even now is before the appeals court. They were so impressed by his self-righteousness and insistence on stalling and "stopping" me that as soon as the main files were processed they sent him to the FBI Academy to become a special agent, right from clerk. After Hoover. Almost anyone else would have been concerned about the enormous costs he was creating, but not the FBI. Later, as the FBI's witness, Shea testified that the entire mess required reprocessing. So they eased Shea out and now brag about it openly and promoted Harp.

Best wishes,

P.S. Just tell me if you want the Shaneyfelt records