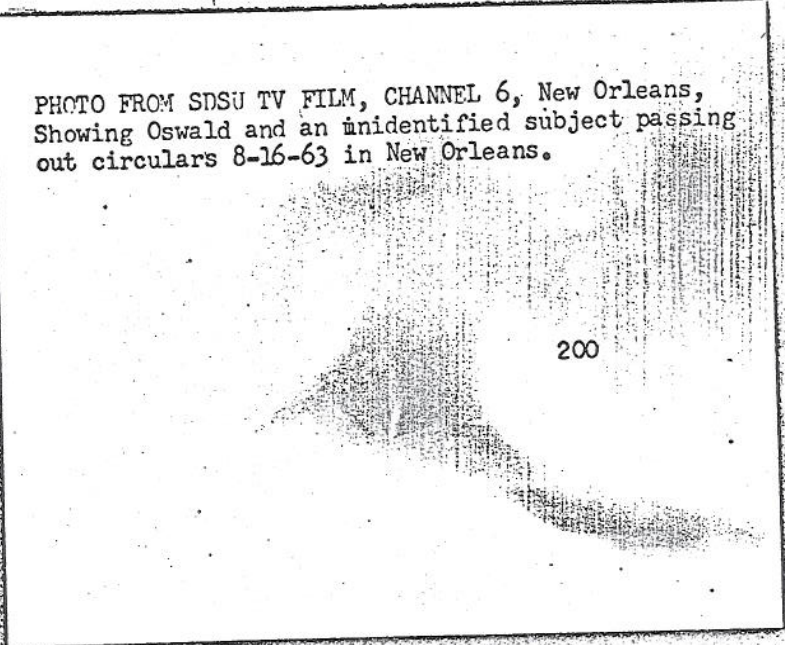


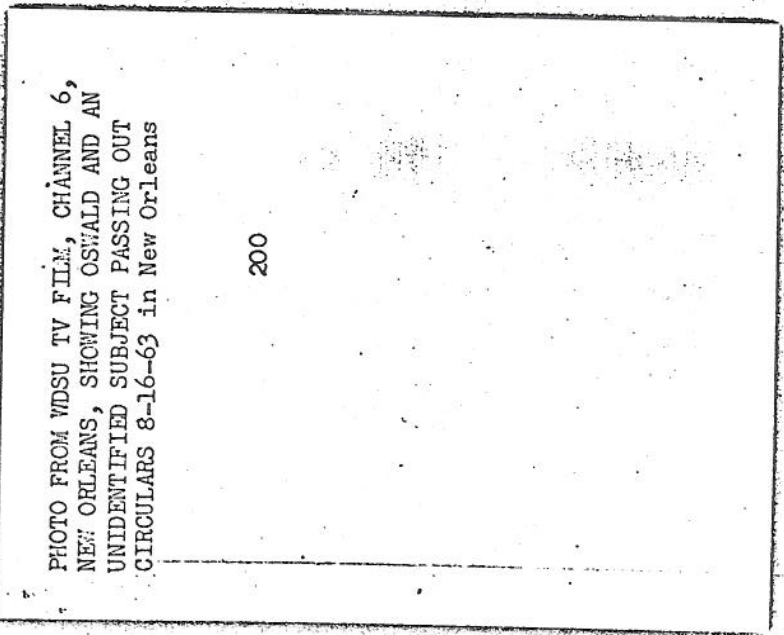
CD-61

PHOTO FROM SDSU TV FILM, CHANNEL 6, New Orleans,  
Showing Oswald and an unidentified subject passing  
out circulars 8-16-63 in New Orleans.



200

PHOTO FROM WDSU TV FILM, CHANNEL 6,  
NEW ORLEANS, SHOWING OSWALD AND AN  
UNIDENTIFIED SUBJECT PASSING OUT  
CIRCULARS 8-16-63 in New Orleans



200

Set

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

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

"...There is one point I disagree 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 reference 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 excuseable.

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 than 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 think 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.

UNITED STATES GOVERNMENT

Memorandum

CO-2-34,030

U. S. Secret Service

DATE: November 29, 1963

TO : Chief

FROM : SAIC Rice - New Orleans

SUBJECT: Assassination of John F. Kennedy

This will confirm my telephone call on November 27, 1963, to SAIC Robert I. Bouck, Protective Research Section, who was informed that this office had received from Carlos Bringuier, an anti-Castro Cuban, of 107 Decatur Street, New Orleans, a "Guidebook for Marines", which Bringuier received from Lee Harvey Oswald at New Orleans in about August, 1963. At that time Oswald pretended to be against Castro and told Bringuier that he would be willing to assist in training Cubans with a view to overthrowing Castro.

The book bears the name "L. H. Oswald", rubber stamped on the first page and also page 91, and the following notation in pencil on the first page: "Pvt. Lee H. Oswald, No. 1653230". On page 145 there appears considerable printed matter, apparently in a foreign language, possibly Russian, which was probably transferred from another document in reverse.

On page 189 of the book, in a paragraph under "Sight Setting", the following has been underlined in pencil: "1 minute of angle or approximately 1 inch on the target for each 100 yards".

In accordance with SAIC Bouck's request, the Guidebook for Marines is being forwarded to your office today, under separate cover, by registered mail.

SAIC Bouck was also informed that we had secured from WWL Television Station, Channel 4, duplicate of a film taken on August 16, 1963, on the occasion when Oswald was passing out "Fair Play for Cuba" circulars in front of the International Trade Mart, 121/2 Camp Street, New Orleans. The other young man shown with Oswald in the scenes has been identified as Charles Hall Steele, Jr., of 1488 Madrid Street, New Orleans. Steele was interviewed on 11-27-63 and he said Oswald gave him \$2.00 to distribute the literature, and that when he realized the content of the material, he told him he wanted nothing to do with the matter, whereupon Oswald gave him \$2.00 and he departed. The film is being forwarded under separate cover, along with the Guidebook for Marines, and there is attached to this memorandum copy of a "still" of Charles Hall Steele, Jr., made from the film, also copy of "still" of Oswald.

We also obtained from Television Station WDSU, Channel 6, New Orleans, film taken on the same date when Oswald was passing out literature at the same place. This film shows another subject, as yet unidentified, who was passing out literature. Copies of three different scenes were reproduced from "stills" of the film, and one copy of each is attached. The film is being forwarded to your office under separate cover.

Efforts are being continued in an effort to identify the other subject in the photographs.

A local attorney, Dean Andrews, who is well known to this office, informed me that on Saturday evening, November 23, 1963, while he was confined to the Hotel Dieu Hospital, New Orleans, he received a telephone call, probably a local call although he was not positive, from a man giving the name of Clay Bertrand, who inquired as to whether or not he would be willing to defend Oswald. Attorney Andrews said he could not readily place Clay Bertrand, but felt that he had previously had dealings with him in New Orleans. To date, our efforts to identify Bertrand have been unsuccessful.

Attorney Andrews further informed us that in June, 1963, Oswald visited his office on three different occasions and appeared to be concerned about (1) his citizenship status; (2) his wife's status; and (3) his bad conduct discharge from the Marine Corps which he wanted to have reviewed, claiming that he was unable to obtain employment on account of the nature of the discharge. Attorney Andrews said that on each occasion, Oswald was accompanied by other men, altogether probably five persons, all of whom appeared to him as being homosexuals. He said that Clay Bertrand probably was one of the men who accompanied Oswald, and that he would make every effort to identify Bertrand. Inquiries to date have failed to identify Clay Bertrand.

DISTRIBUTION:

Chief - Orig. & 1 cc (Air Mail) w/attach.  
Dallas - 2 cc's (Air Mail)

ATTACHMENTS - Dallas

Two copies each of three different photographs of Oswald and an unidentified subject passing out circulars in New Orleans on 8-16-63.

Lee Harvey Oswald passing out circulars 8-16-63 in New Orleans.

Exhibit no 1 to affidavit  
of Jesse J. Homan - 4/6/64  
New Orleans La.

Wm

J. J. G.

Garner Exhibit No. 1; Liebeler; Jesse Garner's affidavit

1/5/68  
Harold Weisberg

Earlier memos and writing bring out that although Jesse J. Garner's affidavit was dated a month after his wife's deposition, somehow, in that deposition, when she is shown the picture that is Garner Exhibit No. 1 (from the WWL film of his ITM-8/16-63 operation), it is identified as part of the affidavit of her husband.

But that affidavit did not end for the ~~xx~~ ensuing month did not exist. We therefore have Liebeler offering a witness as part of the evidence what was not, in fact, part of it in any way. (He also, without correction, allowed her inaccurate testimony on where this picture was taken to stand.)

I took this strange situation up with the Archives, asking, among other things, if the files showed an earlier affidavit by Garner than the one published. The response was in the negative.

I have now obtained from the Archives these two things: the reverse side of the picture, which has been cut to remove something unknown, for which I have written and asked; and a letter drafted (4/28/64, by Wesley J. Liebeler ~~from~~ J. Lee Rankin's signature, which was then dated May 1,) indicating that Garner had then agreed to an affidavit which Liebeler subsequent to his wife's testimony drafted for his signature. It is unchanged, the way Liebeler, from this great distance, drafted it. I also have a Xeroxed copy of the printed affidavit.

Of course, this is a strange procedure, one not sanctioned by any rule of evidence of which I have heard, one not at all necessary, certainly ~~xx~~ not what Liebeler teaches as professor of law. It was in no sense necessary, for he could as readily have offered it for the record when he was deposing Mrs. Garner, as he did a month before her husband's affidavit. This was not only proper; it was easier, which makes what he did do less comprehensible. Then caring nothing about the impossible record it left, he made no effort to explain it in either the record or the files. On top of all of this, he not only failed to identify the source, even the date of the picture, allowed the error that is so misleading to stand without correction, and used a cropped version of the picture so that, as published in the record, it is impossible to identify the place or time it was taken, which is not difficult in the unedited version.

On the reverse side of the picture, however, there is typed the legend, "Lee Harvey Oswald passing out circulars 8-16-63 in New Orleans". It is Secret Service Control 200, part of CDS7. This reverse side and the letter are attached. Also enclosed is the report of which it is part, a letter I have written the Archivist, another I have written the news directors of the New Orleans TV stations, and a copy of the Archivist's long-delayed letter to me.

11. K.

WJL:mln  
28 April 64

MAY 1 1964

Mr. Jessie J. Garner  
4911 Magazine Street  
New Orleans, Louisiana

Dear Mr. Garner:

Mr. Wesley J. Liebeler of our staff advised you in New Orleans on April 6, 1964, that he would prepare an affidavit for your signature based on information which he obtained from you at that time. I enclose the original of that affidavit and request that you sign it in the presence of a Notary Public, have it notarized and return it to the Commission in the envelope enclosed for that purpose.

If you wish to make any corrections or additions to the affidavit, please feel free to do so.

Your cooperation in this respect is greatly appreciated.

Sincerely,

SIGNED

J. Lee Rankin  
General Counsel

Enclosures

WJL  
4/29/64  
Law  
J.L.R.



GENERAL SERVICES ADMINISTRATION

National Archives and Records Service  
Washington, D.C. 20408



December 26, 1968

Mr. Harold Weisberg  
Coq d'Or Press  
Route 8  
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in reply to your letter of November 18, 1968.

We are preparing copies of the following for you:

1. The Secret Service report published in XXIII Hearings 187 (CE 1153).
2. The Secret Service report of an interview with Mrs. John Tarsikes, dated November 25, 1963.
3. Four FBI reports of interviews with Mrs. Jesse Garner, three of which are by Special Agent Kaack.
4. Affidavit of Jesse Garner, dated May 5, 1964.

Enclosed are copies of the following:

1. Secret Service Report No. 200 (CD 87).
2. Endorsements on the back of Garner Exhibit No. 1.
3. Letter from J. Lee Rankin to Jesse J. Garner, dated May 1, 1964.

It appears from Secret Service Report No. 200 that the "still" of Oswald was made from the film furnished by TV station WWL-TV, New Orleans. FBI Exhibit No. D-117, listed in the Attorney General's Order of October 31, 1966, is described as a roll of 16 mm duplicate film print of silent movie by WWL-TV. Since the Attorney General's Order states that the acquisition of an item of evidence under the order does not constitute an acquisition of any copyright or other literary property rights associated with such item, we can furnish you copies of the stills made from this film or a copy of the film itself only if you obtain written permission from WWL-TV for us to do so. We can, however, show you the film if you wish to see it.

Similarly, although we may show you the film which is listed as FBI Exhibit No. D-116, a roll of duplicate film print of movies by WDSU-TV, New Orleans, we can furnish a copy of the film or stills made from it only if you secure written permission from WDSU-TV for us to do so.

We have found no other relevant material in the records of the Warren Commission under the names given in your letter. You may wish to search further in the records of the Commission which we can make available to you in our research rooms.

As we have previously informed you, our search is limited to records which are in the custody of the National Archives and Records Service. With respect to any records which you believe are in the custody of any other agency, your request should be made to such agency.

Sincerely,



JAMES B. RHOADS  
Archivist of the United States

Enclosures

January 5, 1969

Ed Planer  
Bill Reed

Dear both,

When each of you let me have access to your Oswald footage I promised to keep each posted on what I considered to his interest. When I sent each of you the same letter with copies of the Secret Service reports relating to Mrs. John Tarsikes and neither complained, I presume you regard this as proper and understand my purpose to treat both of you honorably and fairly.

Therefore, because both of your stations are involved, I send each herewith copies of Secret Service report 200.

Each of you made your footage available to the government immediately Oswald was connected with the assassination. Records I earlier had left no doubt about this. However, the available copies of the film in the National Archives are both dated as having been copied 12/3/63, which is later than you made your film available. The Archives has repeatedly assure me it has no other and no earlier versions. The enclosed report not only establishes this is erroneous, at least insofar as the federal government is concerned, but also establishes that the federal investigative agencies held out on the Warren Commission, the film mysteriously disappeared from the Commission's files, or the Archives is wrong as possible alternatives.

Historically, it is also an official record of both your cooperation and the dates thereof, as it is of the existence of described footage that is not now in your file copies or in those available at the Archives. The last paragraph on the first page of this and the reports I earlier sent you do indicate that in the form in which each of you made your film available to federal investigators, each showed a third participant in the picketing, someone aside from Oswald and Charles Hall Steele, Jr. This is consistent with numerous reports to me and to the federal agencies. I have these federal reports and they are always available to both of you. I have supplied copies to the New Orleans Parish District Attorney's Office where, I am certain, they are also available to you.

The same is true of the stills from this footage. The arithmetic is very poor and the copies do not exist in the Archives, although their number is explicit in the investigative reports and, in some cases, rough descriptions. All is consistent with disguising the third man, not finding him, and making it difficult if not impossible for his subsequent identification and questioning.

Recently I have written the Attorney General and the director of the Secret Service about these matters, without response as yet. I have also written the Archivist, who has not had time for further response. This correspondence is also available to you should you want copies.

While my chief interest is in the discovery and establishment of truth, I am sending you copies of what I think is in your professional interest and what I believe is to the interest of your stations and their owners. If either of you has any independent record of when you made your film available and to whom, I would welcome copies. Neither of the reels in the Archives is contained in the kind of box Pan American uses or in any kind of box, for that matter. The WWL-TV footage only has a yellow scotch-tape adhesive, yellow in color, with Pan American printed on it.

The Archives has informed me the Warren Commission files do not contain the third Tarsikes report, written by New Orleans SAIC Rice, cited in the report by him that I have already sent you. The Secret Service has not responded to my letter.

The still photograph provided by WWL-TV, of Charles Hall Steele, Jr., is in the proper file, as are two only of the stills provided by WDSU-TV. The records otherwise discovered indicate that WDSU provided a total of 17 stills on one occasion, with apparently a minimum of six different frames being reproduced. The language here is less than precise.

In the interest of accuracy, I think I should let you know my belief that the second page of the enclosed report is both inaccurate and evasive. The time of Andrews "informing" of Rice and the means (by phone, from his hospital bed, and just about immediately) are omitted when they should not have been. This information is in Andrews' subsequent testimony. Next to the last sentence of the first of the two cited paragraphs is diametrically opposed to Andrews' testimony and what he told me. The second paragraph also is inconsistent with what Andrews is known to have said on other occasions. He told me, for example, that Oswald was in his office not less than five times; that in addition to the three reasons cited Oswald also asked advice on how to get into Mexico; that Oswald was also accompanied by a single man who seemed to be of Mexican origin and his "boss", although on the first occasions, separate from Oswald and this man, there were homosexuals present. If Andrews did tell Rice "that Clay Bertrand was probably one of the men who accompanied Oswald", this is opposed to every other statement he has made of which I have knowledge or record. It certainly is contrary to what he testified to and what he told me.

The still picture of Oswald handling out his handbill, from the WWL-TV footage, is part of the file that includes the enclosed report. That is File 87, a five-volume Secret Report. The movie film is also part of this file.

Sincerely yours,

Harold Weisberg