

Dear Mr. McCarthy,

7/12/86

Separately my wife and I want to thank you for the excellent columns. After she read today's she expressed her dismay, "And it typifies everything today."

Including our experiences with the government and the press in FOIA cases, especially government dishonesty that escalated into crimes and the total indifference of all elements of the press. Take today's headline grabber in the Post, the U.S. Attorney who only now announces he is going to investigate alleged crimes at Lorton. Where has he been all these years - when he didn't have as good a shot at page one-column eight? He is, quite literally, involved in serious crimes against me and when I am surrogate for all the people. He is signatory to undenied perjury, fraud and misrepresentation, proven in court and without even pro forma denial. Today the government doesn't worry about such things as its felonies, which have become more and more acceptable to the press. Believe me, it is not merely that I have made these allegations - I have proven them with the government's own records. I've kept as many as six on the Post informed, with copies of all pleadings of both sides, all documents I've attached and provided to the government when provided to the courts, and nobody (not meaning you) cares any more. They've got a judgement against me based on these felonies and they separated me from my pro bono lawyer by getting a judgement, since dismissed, against him, creating a conflict of interest for him.

Some of the documentation is pretty raunchy but, possibly because of prejudice against the subject, nobody considered with even a stick of type. The subject matter is FBI records relating to the assassination of President Kennedy. I am alone among the critics in not being a conspiracy theorist and in debunking the various theories. Mine is a rather large study of how our basic institutions functioned or didn't - in time of great crisis and thereafter. There is no significant error in any of my seven books and none in thousands of pages of affidavits where, if I made even a little mistake, they'd come after me. Unfortunately, aside from its original hangups, the press lumps us all together as nuts and the reporters who know better also know their desks and dare fight them only so much.

One of these previously secret FBI records discloses, among many other things, that when the Warren Commission was formed ^{it} prepared dossiers on all the members and the staff, updating the staff dossiers when the report was issued. On the critics it prepared what it describes as "sex dossiers," and the FBI agent who disclosed these records to a friend of mine swore in my case (one illustration only) that they do not exist. Because when this case was first up on appeal I filed an en banc petition that was rejected, more than enough proof automatically reached the Department and the FBI and since then they've not withdrawn any of their perjury or misrepresentation. (The fraud lies in how they got the judgement by these means, about three months of my Social Security if, as I do not intend, I were to pay it.)

Although it represented a significant cost and effort for us, we sent copies of everything to the major papers, wire services and TV nets, plus individuals I've spent from hours to days helping in the past. Where I received any response, and it was rare, the response was no news. In my reporting day it would have been by content and because it is a man-bites-dog story. Maybe aging, unwell and handicapped man, very well known to the dog who has been libelling him for years, as disclosed records leave without questions. One well-circulated ingenuity you may appreciate is telling LBJ in 1966 that an annual religious gathering at a farm we then had was the annual celebration of the Russian Revolution - which in any event does not coincide with the Jewish high holidays. If the people who processed those records and more like them hadn't believed the fabrication they'd never have let me have those pages and records of their circulation. But can you imagine the impact on those who got them?

Aside from what is involved for me personally there are significant precedents involved in this litigation, and I believe ^{not} limited to FOIA, which this case can ~~not~~ but because of the ^{discovery} precedents and actions precedents alone

"discovery"

Imagine FOIA requesters being confronted with "discovery" demands once this case is finalized! Could even a wealthy paper like the Post persevere? Could it think of paying the great costs in counsel fees involved? And what of the possible precedent in a decision that dismisses ^{perjury} as of no consequence because it allegedly is merely "cumulative," judge's Orwell for omnipresent and overwhelmingly proven?

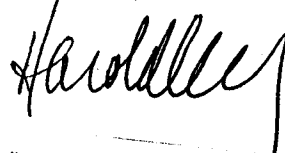
*over
one of
my
cases*

Today I'm not very able and I've just asked for an extension of time from the appeals court because my present state of health makes preparing a brief in a little over a month physically impossible. But I'll do what I can. I suspect that I'm hated as much by the FBI and CIA for what I did in the past as for my accurate exposes. In 1974, when the climate there was a bit better, Congress amended the investigatory files exemption of FOIA to open the dirty work in them for the first time, leading to the sensational exposes you may remember. The prejudice even then was such that it was not news when an unimportant individual persevered and made the system work. The only mention I've ever seen was indirect, when a decent judge mentioned it one of the very rare times a reporter was in the courtroom. It was Gardner. I enclose a copy.

Self-censorship by the press, often to support favored administrations or policies, is not new but it is much worse than in my reporting days that began in the late 20s when I edited the high school paper that won the All-America honors rating from the Columbia School of Journalism and professionally in the early 1930s, when I began with the Wilmington Morning News, while I was at the Univ. of Delaware. The city editor cleared what he knew "the establishment" and his superiors would not like, my expose of their man, the university's president, as a Nazi sympathizer, and he hid me in the toilet when that eminence raged in. I didn't get my degree but it was published. And neither of us was fired. However, my magazine investigative reporting in the early days of World War II did cost that editor his job. He was fired by that good friend of Presidents Nixon and Reagan, Walter Annenberg. So, it isn't entirely new. But today I fear it is a greater danger to the nation.

I know what it is to be a minority of one and you are not quite that lonely at the Post. ~~so~~ Keep up the great work and we thank you for it.

Sincerely,



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Critic to Get Free FBI Set Of JFK Files

By George Lardner Jr.

Washington Post Staff Writer

U.S. District Court Judge Gerhard Gesell refused yesterday to delay the FBI's impending release of thousands of additional documents bearing on the assassination of President Kennedy, but agreed that author-critic Harold Weisberg should get a free set "with all reasonable dispatch."

The FBI plans to make public on Wednesday some 40,000 pages of headquarters documents on the 1963 assassination at a cost of 10 cents a page for those who want their own copies. The bureau released an initial 40,000 pages last month on a similar basis.

An outspoken critic of the Warren Commission and author of six books on the JFK murder, Weisberg noted that he has had freedom-of-information requests for such documents pending for years and that he had asked for a waiver of fees in mid-November. He filed for a federal court injunction in late December, arguing that he was entitled to a free set at least by the time the final batch was made public.

Charging that such voluminous FBI releases amounted to "media events" that effectively camouflage unjustifiable deletions and paper over "a very careful job of sifting and concealing," Weisberg said the Justice Department and the FBI had completely ignored his request for a waiver of the fees, which he said he could not afford.

Announcing his decision from the bench after an hour-long hearing, Gesell was sharply critical of the government's delay in responding to Weisberg's request for more than 50 days. The Justice Department offered him a reduced rate of 6 cents a page last week, but Gesell said "it is apparent no consideration whatever" was given to Weisberg's claims of poor health and indigency.

"The equities are very substantially and overwhelmingly in plaintiff's favor," Gesell said. He said that the records would not be coming to light now were it not for earlier freedom-of-information litigation by Weisberg. This led to a congressional change in the law, opening the door to FBI investigatory records.

The judge, however, declined to hold up the Wednesday release, on grounds that the disclosure of the documents was the "pre-eminent consideration." Weisberg's lawyer, James H. Lesar, said later that he understood the FBI would mail Weisberg copies of the forthcoming 40,000 pages the same day.

Allen Dulles Testified CIA, FBI Would Lie

By Donald P. Baker

Washington Post Staff Writer

Newly declassified documents reveal that former CIA director Allen Dulles told the Warren Commission on the assassination of President Kennedy that the directors of the CIA and FBI might lie to anyone except the President to protect the identity of their operations and undercover agents.

The formerly top-secret documents, contained in a book being published today on the 11th anniversary of Kennedy's death, quotes Dulles, a member of the commission that investigated the assassination, as saying:

"I would tell the President of the United States anything, yes, I am under his control. . . . I wouldn't necessarily tell anybody else, unless the President authorized me to do it. We had that come up a couple of times."

Dulles was no longer director of the CIA when he served on the commission headed by then-Chief Justice Earl Warren.

The newly-declassified documents are reproduced in a book called "Whitewash IV," by Harold Weisberg, a Frederick, Md., writer and investigator who sued the government for release of the documents. Weisberg lost the case, but shortly after the court decision last summer, the National Archives declassified the information and sent copies to Weisberg.

Phillips' comments were



J. EDGAR HOOVER

... "Oswald no employee"

... "Oswald no employee" ten Commission members on Jan. 27, 1964, about whether directors J. Edgar Hoover of the FBI and John A. McCone of the CIA would truthfully answer questions about whether Lee Harvey Oswald, Kennedy's accused assassin, had ever worked for either of their agencies, as had been rumored in some press reports.

After Dulles had said that he, when he headed the CIA, would tell the President anything, commission member John J. McCloy asked Dulles: "You wouldn't tell the Secretary of Defense?"

"Well, it depends a little bit on the circumstances," Dulles replied. "If it was within the jurisdiction of the Secretary of Defense, but otherwise I would go to the President, and I do on some cases."

said, "if that is all that is necessary, I think we could get the President to direct anybody working for the government to answer this question. If we have to we would get that direction."

Dulles continued: "What I was getting at, I think under any circumstances, I think Mr. Hoover would say certainly he didn't have anything to do with this fellow."

Earlier in the discussion, commission member Sen. Richard B. Russell said to Dulles, "If Oswald never had assassinated the President, or at least been charged with assassinating the President and had been in the employ of the FBI and somebody had gone to the FBI they would have denied he was an agent."

Dulles: "Oh, yes." Russell: "They would be the first to deny it. Your agents would have done exactly the same thing."

Dulles: "Exactly." James H. Lesar, a Washington attorney who has worked with Weisberg on private investigations of the assassinations of President Kennedy and the Rev. Martin Luther King Jr., said the documents show that "the Warren Commission had no investigative staff, and had to rely on the FBI and CIA, even while they recognized they may have had a fox in the hen house problem."

Lesar said other privately disclosed testimony was "proof that the commission didn't have the courage

When Hoover was questioned by the commission, on May 14, 1964, he testified that "I can most emphatically say that at no time was (Oswald) ever an employee of the bureau in any capacity, either as an agent or as a special employee, or as an informant."

CIA director McCone testified the same day as Hoover. He was asked by Rankin whether Oswald "had any connection with the CIA, informer, or indirectly as an employee, or any other capacity?"

McCone replied that "I have determined to my satisfaction that he had no such connection . . ."

Other comments made during the Jan. 27, 1964, discussion among Warren Commission members were revealed in the book "Portrait of the Assassin," written in 1965 by then Rep. Gerald R. Ford.

President Ford, who also was a member of the Warren Commission, did not report Dulles' remarks concerning how he would answer the President about CIA operation, as posed by commission members.

The question of whether Oswald had ever worked for the FBI or the CIA had been raised in several newspaper and magazine articles shortly after Oswald was fatally shot in the Dallas police station by Jack Ruby on Nov. 24, 1963.

Because of his experience as director of the CIA from 1953 to 1961, other commission members turned to Phillips for advice on how to



LEE HARVEY OSWALD

... in declassified papers handle what author Ford described in his book as "this touchy matter."

Dulles at one point in the Jan. 27, 1964, transcript told commission members that in some instances CIA employees would not tell their superiors about the undercover agents they had employed, even if they were under oath.

Rep. Hale Boggs (D-La.), another commission member, responded: "What you do is to make out a problem if this be true (about Oswald), make our problem utterly impossible because you say this rumor can't be dissipated under any circumstances."

Dulles: "I don't think it can unless you believe Mr. Hoover, and so forth and so on, which probably most of the people will."

In his new book, Weisberg, a longtime critic of the Warren Report, said that the commission failed to interview any of the



ALLEN DULLES

... would tell President

written that "sources" had told them that Oswald had been employed by the FBI or CIA, a statement corroborated by a check of witnesses called by the commission.

In an interview at his house in rural Frederick this week, Weisberg said, "I have no idea who killed JFK. That's a function of government. I just know it wasn't Oswald."

Weisberg, who published the book himself with money borrowed by attorney Lesar, has written three other books on the Kennedy assassination, and one on King's assassination.