

NO 89-69 appeals

To Quin Shea from <sup>Arnold</sup> Weisberg Prior Appeals, King and JFK 1/16/79  
records; deliberateness in withholding, or good faith  
and due diligence

While in this I call to your attention some of the content of New Orleans FBI file 89-69, Volume 20 and the relevant worksheets what I say has general applicability, particularly in the King case and your recent testimony relating to G.A.75-1996.

You are aware that my information requests in both cases included the indices, that these have not been provided, that I have asked you repeatedly to have them at least in Washington for processing, and that the FBI has not done this, however you may or may not choose to characterize or describe the refused compliance.

To give you some perspective on some of what follows as illustration I begin with an explanation and a matter to which I made earlier reference with regard to the A.G.

The FBI, consistent with its Byzantine practice, made public representation that it was detached from and without interest in the Garrison case. In fact it had at least one inside informer and was as active as it could be. Now there was not normal reason for this posture and practice, both of which I regard as dishonest and self-characterization that is applicable in my FOIA experiences. Mr. Hoover had already sworn to the Warren Commission and it had published his testimony to the effect that the JFK assassination would forever be an open case and the FBI would continue to collect all possible information. I see nothing wrong and everything right with this public position and I took it seriously and did what I could to assist. You knew my view, that the assassination of a president is the most dangerous and subversive of crimes. But the FBI was not content to be open and honest and ~~like~~ to state openly that it would be interested in anything of value that might evolve. Or to say it would be happy to receive any evidence relating to the crime. Instead it took an adversary position in secret and then created an abundance of false paper, some of which I've reviewed recently. I am sure more lies ahead. It covers its newspaper anti-garrison sources, for example, with news saying these people called for certain information whereas those people had that information and for one thing provided it to me.

There was other close coverage of Garrison and that trial, as now for the first time disclosed in these records with a running log prepared at taxpayer expense and withheld with all the fanfare of allegedly full disclosure of "all" relevant files, carefully and with known deceptiveness limited to HQ files. These logs are in the field office memory hole. They happen to be a valuable historical record, if they are utterly worthless for law enforcement purposes.

Simultaneously, leaving no paper to incriminate itself, the FBI undertook to booby-trap the new AG, Ramsey Clark. The very day of his confirmation hearing it told him that Clay Shaw, Garrison's defendant, and Clay Bertrand, a name that surfaced during the original investigation, were one and the same. At least the AG made the

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public identification that day, as he left the hearing room. My knowledge is contemporaneous. The press sought me out. I was then working at the Archives.

Shaw and Ferris information was then withheld at the direction of the FBI. I believe that if you will check the Department's records you will find this over the signature of Herbert Schlei and predating the Garrison adventure. Having reviewed the records then withheld I state unequivocally there was never any basis for withholding them and the withholdings were contrary to directives from both the White House and the Director. (I'm not assuming the FBI was concerned about the Department's official position.) This, clearly, was deliberate. It misrepresented and it made false representation to withhold. Once one can read the records there is no doubt and no room for doubt. The withholdings were of political inspiration and to make it worse, an imaginary one, not a real one.

It was inevitable that the International Trade Mart and some of its officials, like Shaw and Jesse Gore, were contacts for both the CIA and the FBI. I published this in 1967. The CIA for its part made limited admission several years ago. My information comes from those involved, of whom I identify Gore. As I recall the ITM was virtually a host for SA Warren deBruyna. It should have been. Nothing at all wrong except the misrepresentations and dishonesties. When people like Summa were brought to the US by and through it most assuredly the FBI should have known, to be alert to the possible consequences.

All of this is absent from the records I've examined to date, which seek to give an opposite impression. To carry the deception forward more false paper was created. An example that is not included in what follows relates to the existing film of Oswald. I have referred to this separately or will.

(However, in connection with my ignored appeal relating to pictures, these records contain confirmation of what I stated in my early requests for those still withheld pictures, that while the FBI had at least six it gave the Warren Commission only two of those made by the technician I then identified, Johnson Rush (misspelled "Rust" in some FBI records.) To this day I do not have the others and again the reason becomes apparent. These records amply confirm my prior knowledge, that Oswald had unidentified associates and the FBI knew it. Only the extra agents assigned and not fully cued in made the mistake of disclosing what had been secret and what the FBI not only hid but deliberately deceived the Commission over. This refers to an HQ rewriting of field reports to make them say the opposite. The language used in this is virtually word-for-word in the Commission's Report. I have seen and have published some of the field records, the HQ contention and the language of the Report. In addition, I taped interviews with the FBI's sources, at least one of whom is now dead.

Except as this kind of policies and practice prevent embarrassment to the Bureau, temporarily at least and if that is necessary, there appears to be no other necessity. I believe they are not in accord with what is required under the Act. I believe they reflect the opposite of good faith. In what follows I give you some illustrations of whether or not there was diligence in response to my information requests. I believe these illustrations also are applicable in C.A. 75-1996, have provided some examples and can provide more. However, if anyone in the Department has compiled the examples I have provided in court, there ought be no real question. ( I do not know that you have been provided with either the transcripts or affidavits.)

Over and over again I have told you that the field offices are HQ's memory hole. Repeatedly I have informed you that any meaningful compliance and any meaningful Headquarters processing of any records but particularly those of the field offices is impossible without the field office indices. I illustrate this with two consecutive pages of N.O.89-69 worksheets for Volume 20, pp. 2 and 3. Most of the entries refer to filed office indices for records not previously processed at HQ. There are but seven Serials on both pages of which this is not true.

One consequence, inevitably, is unjustified withholding. This is the intended accomplishment of not having the indices in Headquarters for the processing of an allegedly historic case and one so heavy with political overtones and potentials.

One page 5 you will see a September referral of #1774 to the Department. Since then the Department has withheld. Is this correct procedure for a case in court or is it required by the backlog? I believe not.

Serial 1716 is the beginning of extensive monitoring of the Shaw-Garrison case. That it is no fluke is shown by the opening pages of it and the next Serial. Both contain visible indexing markings. Although there is the usual stamp providing for directions to index, you will find the directive has been added in longhand, which I believe indicates a special index.

An obvious result of HQ not knowing what is indexed is that it doesn't know what is within the public domain by this means, whether or not by other and earlier means.

Unjustifiable use of 7D with Serial 1804 illustrates this. The source is neither secret nor otherwise unreported nor is the content information available from that source only. He was my source, on his initiative. If you'd like I can play you the tape of his asking me to tape what he said to me on several occasions. He is Rudolph Richard (Ricardo) Davis, who ran one of the rickety-mouse Cuban camps in the New Orleans area. If you want pictures of it, I'll provide them. If you want the first-person account of a girl he then was running with of his wild dash to tell his boys to scran after being tipped off (not by the FBI), I'll provide it and the amplification of the man she later married, a St. Tammany's Parish Deputy Sheriff. And if you want some care-

fully drafted reports, those never withheld and disclosed without any excisions on Mr. Hoover's order, just let me know. Now we have the most ridiculous situation, of the FBI making phony as well as unnecessary claim of 7D for what had been within the public domain since 1965, that I published in 1967.

There does not have to be deliberateness on the part of the processors. There is prior deliberateness in policy and practise that makes rubber-stamp ~~fb~~ of the processors. I am sure I've indicated copies for you of earlier, similar records and I believe I wrote you about them, whether or not I've yet mailed it.

Now let me give you the newest of the ever-shifting FBI inconsistencies on the disclosure of FBI names, Serial 1856 and the attached pages. <sup>As</sup> here you have the names of those agents who reviewed the earlier files to assure against any Bureau embarrassment in the Garrison matter. Parenthetically, I have yet to see the notes of any one of them in these records. I look forward to that!

As I've told you, it is no longer possible for me to take the time I've taken to be as fully informative as I was. In my view I've give examples in illustration in all cases and in return there is further stonewalling and new misrepresentation to the courts by the Department. So I'll ask you to ask the FBI in this case to provide you with the proofs I provided it two years before your recent testimony of its withholding what I published, exactly what it is still doing with this non-secret and non-private Davis information. As a matter of fact I made a separate appeal over the Raul Sequivel withholding. I sent the FBI the pages of my book and of the New Orleans phone book. Each holds precisely what years later the FBI withhold. As of today still withholds, this long after appeal.

Of course you do not have to provide me with explanations but if you'd care to undertake to make me aware of how this ~~me~~ initial withholding is less than deliberate when the FBI had my indexed book and supposedly was using it and when it persisted in refusing to accept the consolidated indexes to the King assassination books and from its o-h files should have known what was public domain, I'd like to be enlightened. I would also like to know what has delayed action on the appeal of several years of age and how this record, as that proceeding, conforms to the requirement of due diligence and good faith under FOIA, more particularly with cases before courts of law.

If you were familiar with the G.A.75-1996 record, especially the status call relating to a Beckwith affidavit, that affidavit and mine, you'd see another parallel in the Mil-~~ner~~/Somerset matter, long published and continued to be withheld with the Beckwith affidavit after the Department had copies of the published material. Now, months later, it all remains withheld from me.