

MEMORANDUM

September 27, 1995

To: File 4.17.2.6
cc: Jeremy Gunn, Anne Buttimer, Kevin Tiernan

From: Phil Golrick

Subject: DOJ Civil Rights Division Records in JFK Collection

Yesterday, I reviewed the one box of documents that the Civil Rights Division has sent to the JFK Collection at NARA II. These documents contain no postponements. They appear to relate to two different DOJ files: 144-017-73 and 144-32-1220. (I infer that, in the DOJ file classification system, the "144-" prefix designates civil rights cases.)

DOJ File 144-017-73

I found only two records from this file, with RIF numbers 188-10001-10000 and 188-10001-10001. These RIFs are attached to photocopies of index cards, each dated "1/6/69," one indexed to Oswald's name and the other to Ruby's. The "Comments" section of each RIF states: "This index card pertains to a memo from the FBI to DOJ. Cards were prepared under the names Lee Harvey Oswald and Jack L. Ruby. CRT files indicate that the file which would contain this memo was destroyed in 1991." The cards themselves state: "quantity of personal papers belonging to Ruby found in attic section of his club allegedly should be turn (sic) over to Ruby's sister."

For our purposes, these records raise two issues:

Disposition of Ruby's "personal papers": Apparently, Ruby's sister attempted to retrieve his papers from the federal authorities in late 1968 or early January 1969.

Do we know what happened to the papers "found in attic section of his club?"

Disposition of DOJ File 144-017-73: I will pursue the following points with our contact person for Civil Rights Division records:

- (a) the existence and location of the original index cards;
- (b) the nature and contents of DOJ file 144-017-73 (e.g., were documents regarding Ruby's shooting of Oswald ordinarily channeled into this file, rather than the 129-11

file on the JFK assassination?);

(c) full documentation of the apparent destruction of some or all of DOJ file 144-017-73.

DOJ File 144-32-1220

This file relates to the allegations of Clay Shaw (and, to a lesser degree, of Dean Andrews) that Jim Garrison and others conspired to deprive them of their civil rights. These documents are attached to RIFs numbered "999-99999-10000, 999-99999-10001," etc. Steve Tilley has advised that this erroneous numbering must be the result of the RIF's being entered onto "bad disks."

I made copies of a number of documents from this file, which are attached to the file copy of this memo. The following points may be of interest:

Proceedings involving Andrews: Garrison charged Andrews with perjury on at least three separate occasions, twice for testimony before the grand jury, and once for testimony at the Shaw trial. Andrews was convicted on one of the grand jury-related charges in State of Louisiana v. Dean A. Andrews, Jr., No. 198-483, Section G, Criminal District Court, Parish of Orleans. New Orleans attorney Sam Monk Zelden represented Andrews during part of this case.¹

In April 1967, Andrews brought a civil action against Garrison in the U.S. District Court for the Eastern District of Louisiana, New Orleans Division (No. 67-553). The suit was dismissed.

On March 10, 1969, Andrews went to the New Orleans FBI office to register civil rights complaints against Garrison's office. The FBI letterhead memorandum recording these complaints, dated March 11, 1969, was routed from FBI HQ to the Civil Rights Division of DOJ. DOJ advised the Bureau not to investigate the matter.

Shaw's complaints to federal authorities: On December 1, 1967, Shaw's attorney Edward F. Wegmann submitted a complaint against Garrison and his associates to John Doar, AAG for the Civil Rights Division. The complaint provides a detailed account of Shaw's version of the Garrison investigation to that date. According to the complaint, Garrison had charges

¹According to an FBI document our staff has reviewed, an FBI informant reported that Zelden had a copy of a job application, submitted by Oswald to a trucking firm, which listed Jack Ruby as a reference.

pending against the following individuals in addition to Shaw:

Walter Sheridan, charged “in a bill of information with the crime of public bribery on July 7, 1967” in Docket No. 199-944 of the Civil District Court for the Parish of Orleans.

Rick Townley, charged “with bribery and intimidation of witnesses” in Docket Nos. 199-977, 199-978, and 199-979, all in the Civil District Court for the Parish of Orleans. (Townley had worked with Sheridan on a television documentary critical of Garrison’s investigation.)

Layton Martens, “indicted by the Orleans Parish Grand Jury on a perjury charge arising out of his testimony with respect to the alleged burglary by Gordon Novel and others of an ammunitions locker at Houma, Louisiana.” (Martens was David Ferrie’s roommate at the time of the assassination.)

The Civil Rights Division advised Wegmann that it would take no action at that time, but rather would allow the state proceedings against Shaw to run their course.

In May 1968, Wegmann filed an action on behalf of Shaw against Garrison in the U.S. District Court for the Eastern District of Louisiana (Civil Action No. 68-1063), seeking, among other forms of relief, an injunction against prosecuting Shaw and a declaratory judgment that the Warren Commission’s finding of no assassination conspiracy was accurate. Wegmann served a copy of the complaint on the New Orleans U.S. Attorney Louis LaCour and sought federal intervention in the proceeding. LaCour consulted with Criminal Division officials in Washington, who in turn consulted with the Civil Division. DOJ decided not to intervene. Wegmann obtained a TRO against Garrison on May 28, 1968, but the case was dismissed soon afterward. Wegmann petitioned for Supreme Court review in August 1968, apparently without success.

Garrison’s prosecution of Shaw went to trial. Immediately after Shaw’s acquittal in March 1969, Garrison charged Shaw with perjury in his trial testimony. These new charges evidently renewed Wegmann’s efforts to obtain federal intervention on Shaw’s behalf. Wegmann told LaCour that Shaw wanted to file civil rights complaints against Garrison and his colleagues. LaCour told them to bring their grievances to the New Orleans FBI office, which they did. The FBI letterhead memorandum summarizing their allegations is dated March 4, 1969. FBI HQ routed copies of this memorandum to the Civil Rights and the Internal Security Divisions of DOJ. Shaw also submitted a written complaint to the FBI later that month, copies of which were routed by FBI HQ to the Civil Division and Civil Rights

Division of DOJ.

On March 14, 1969, Wegmann wrote Robert Owens, AAG for the Civil Rights Division, again seeking a DOJ civil rights investigation into Garrison's actions.

By letter dated April 16, 1969, the Division responded that, based on the information then available, it would not investigate Shaw's complaints. The file was closed soon thereafter.