Dear Jim, Draft affidavit 226-75, sepctro/NAA 5/22

Please do not be discouraged by the length of this draft and please do read it with care as soon as you can. Don't skim it. Wait until you can read it. It can be a very important document right now as I'll explain briefly.

After that Lane business it was not easy to pull myself together and I did not concentrate. As I got into it I realized that the order also is wrong. But I believe the content is there and that the content today is close to urgent for a number of reasons.

I mean it. Please get to thi s as soon and as seriously as you can. We do want it on file before the Rockefeller Report comes out. I have learned more about it and about the JFK content.

There has been another bad development of which I learned while I was writing this. Phil Burton has come out against any new investigation unless EMK asks for it and has actually said that he, personally, will kill the effort under any other conditions. Combine this with what can be expected of the Belin operation and the feeding of it by the nuts....Anf the influence that has had on the Burtons...

I was serious yesterday in saying that this suit can give those Members with the interest and on Judiciary a handle.

In an different form but in the same basic approach this is how we won 2052-73.

With the changed position the judge took yesterday we have to make his position impossible or he'll rule against us. This is one and the only way I can think of by which we can put him in a position where something can be more important to him than any possible pressures or any changes in his thinking.

We have to make a direct, frontal assault on his taking of the federal word and his saying that there is no reason not to. Other judges in his district have, in fact, said in court just the opposite. And he can't help but know it.

One possible clue to his thinking/position is his misunderstanding of what you said of our Archives request. I do not think what he said was justified by what you said. If t is is true, then he was signalling clearly that he is building a record for his own convenience.

In fact, unless you have strong opposition, I have two suggestions to make on this:

Editas you see fit, as always, but this time do not cut to bone. This time wind up with a document that will be completely comprehensible to those who know less of the facts of the case than the judge. Like some in Congress and the press.

To do this if you think of anything, add it. The objectives should be an overwhelming and a comprehensible accusation of deliberate dishonesty that crosses into perjury and has the intent of perjury. A real, strong indictment.

The second is that unless you want otherwise, I'm not going to do what the judge asks, tell the government all I know. Instead I want to file a motion or whatever you think setting forth that I believe the government is being deliberately dishonest and that they are not making simple mistakes but are toying with him, me and the law because they know that full compliance will entirely destroy the whole official account of the JFK assassination and they can't preserve that fiction and fully comply with my proper request. Lay it on directly and strongly. Tell him if you believe it necessary that those proofs that I have the government also has and it is for this reason that they file late affidavits we can t successfully contest in front of him, the record of the past; and executed by t ose against whom he cannot file perjury complaints.

Under the circumstances I feel I can t tell the government what proof I have because it would mean that they would suddenly remember that and that only and with the long and consistent record of these cases if I do as he asks I become party to the denial of my rights. Remind him that the law imposes the burden of proof on the government and it has not met it and he has not compelled it ot. Tell him quite openly that if we are not given the right to discovery, full discovery in this case that the Congress itself has made so unique, the clear intent of Congress is being frustrated. wrongdoing is being supported by the courts and the law will again be rendered a nullity.

No matter how you slice it he yesterday put the burden of proof on us again. This was the beginning of Bud's fucking up of the first case, accepting that. The fatal flaw was not attacking the Williams affidavit, no matter how often he promised to do it. They have pulled the same stunt and we dare not make the same mistake and dare not begin by risking anything like that mistake. We must be vigorous and direct in a polite but strongly forceful direct challenge to the judge and to the DJ. I was as straightforward as I could be yesterday with Ryan when he promised answers under oath. I told him to be aware that if he did he would be suborning perjury and that a lawyer who knows this in advance becomes a criminal himself. That was the beginning of the attack I here urge.

We owe it to more than our own success in this suit. If we do not do as I ask we'll be party to another gutting of the law.

So, use this also as the basis for a demand for interrogatories and if he refuses that go to the appeals court immediately. We may have indicated either of these things: forcing his hand and passing the buck in his comment the exact wording of which I do not remember on interrogatories.

I think the motion for them or however you handle it and the notion to toss their affidavit out ought go together.

Head on, Jim. There is no choice. And we can win. I think we will. I think also that if and when we may need help we'll find it. In addition, there is no better case for a test. Bud messed the first one up at every step. That won't happen this time. More, there is no lawyer who is going to find a client with as much detailed knowledge of fact and there is no case with as specific a legislative history. For example, don't think only of the EMK contribution to the debates of 5/30/74. Take a good look at the conference report. It is almost written around this case.

If you can find any proper way of working in the hint that I'll go to Congress- and I will - do it, in any proper place in this draft of my affidavit or any appropriate pleading, motion, etc. Let the judge know that he may be looked at by the judiciary committee. If he reads the papers at all he knows the new attitude of some Members on this.

Please emphasize that he has put the burden of proof on us and that is against the specific language of the law. The question is not one of gentlemen getting along but of the government's compliance with the law when it knows it is in deliberate violation. The three cases we cited make enough of a record on this point, nobody can believe that Silty can have been in on all of this, have read all that was given to us, havehad access to those with first-person knowledge and not have known that the papers he did provide referred to three different withholdings.

This is a really crucial point. Several things I have done will be important. One is to request that our conference be taped. They refused, which is their blinking and incontext their making our case of deliberate deception and misrepresentation. If they had no ulterior purpose, why should they have objected to making a record of what transpired in the verbal meeting they suggested? I didn't ask for it. My request is specific enough. They know what I want. And I have irrefutable proof that if they say under oath what they have to say to deny my request they'll be committing perjury. Spell this out clearly and openly and firmly and let him and them live with it. I'm willing to lay my head on the block again for it and let him or them make the choice. I'll willing to add all these things to the affidavit if you think that is where they belong. Absolutely is it perjury to say that the results for which I sued did not exist, were never compiled, and I've sent you that proof. Don't waste this chance, please. I'm willing to run the risk. And I think that on the filing some attention is possible, in the press and on the Hill. I'll seek it once the papers are filed and it would be best to have this prior to the 6/6 Belin whitewash.

Today this is the only way to support those who do not go for the nut approach in Congress. It is the only way we have of undercutting as much as possible the obscene things the nuts and self-seekers have done and are doing. I have silenced Gregory and Schoenman but their evil goes marching on and will erupt from Belin and the FBI, as you'll see. Let us try to beat it to the outing.

It is my intention, unless you have strong objection, to take copies of these papers to embers. If any one of them sounds off about the fact and the record there will be a diferent situation, including the judge's and whether or not he likes it. My concern is least with what the judge likes or dislikes. However, this also serves his interest in the end and makes his doing right easier, not harder.

What broight his change about is not within our knowledge and we can only guess. That he changed is not questionable.

Let us deal with this and the other realities.

Let us also exploit the opportunity for intellectual judo it so admirably provides.

If a single Judiciary member of either house is interested, I've enough to blast them all beyond repair if there is decent attention and I mean on the issues in this case alone. Overhwelmingly. The pictures are but one. The deceit in the Kilty affidavit and its duplication of the Kelley letter is another. They combine to provide irrefutable proof that the whole former investigation combined to avoid the most essential of the tests supposed to have been made.

With the end purpose of these tests definitive answers to essential evidentiary questions, either not doing them or committing perjury about them can be deadly to the government.

However, you go about this, please be sure that one legal point is burden of proof. It is intolerable that with the law and the legislative histroy the Judge place this on me in any form or with any sophsirty like gentlemanliness. I think it is not impossible that some in Congress would clobber him on this alone and that he will be aware and also unwilling. There is also what the appeals court couldsay on this and unlike the past I've got a real, factual load to dump on them. What I'm really saying it be ready to go to appeals immediately on the issue of burden of proof, I mean on it alone and as soon as he turns us down on discovery if he does.

ive him the choice on our terms, our allegations, the proofs this affidavit provides. I leave wiether or not we have attachments up to you but we can attach! Even the DJ fakes of the past, the flase [redacted] swearings, etc. I have them all. It will take time to dig them out.

But look at all the time I'm taking now when it tires me too much, when other essentials like making up packages of book and taking out stormwindows so we can get some air into the house from the porch I let go.

This is a crucial point of confrontation. Right now it can be on our terms. Let us not miss this by being less full than is possible,less direct in our challenges.

Ordinarily it is unwise to present a judge with a lengthy document. In this case I do not regard his attitude to length as the central, the most important thing. I think the most important single factor is fullness of proof for all the many possible purposes. This includes what the appeals judges can know. If we do it now in this affidavit what we'll face then will be less work and thatalone justifies the work this requires now.

Do you think for a minute that they are going to give me proof that they FBI deliberately faked the investigation and solution of the JFK assassination? Let us not deceive ourselves about what we can expect from the FBI.

This is why I worked too late last night and start the early morning with this. I do believe it is that important. Right now the most important single thing.

Next to ruling our way the judge has done the best he could by us, whether or not it was his intent. We can fight on our own turf again. Lay on!

best,

Dear Jim, 5/21/75

On the way home on the bus with the air conditioning not working I skimmined the Kilty affidavit. It is worse than we detected. Also, Lil thinks I should be at lane's press conference tomorrow, so I want to get a drat of the affidavit, evem if without time to organize it, on paper to deliver to you for editing, subject to the providing of more specifics or exhibits, as you decide.

This will give you the essence of what I think needs saying, subject to your editing, rearranging, etc.

Also, because of our conference later in the day, I think that to the degree other commitments permit, this should be priority. I do think we must filed it before the Rockefeller Report issues.

While I have time, I phoned Zodiac, which had no ocverage of the Lane confernce, and offered to cover for them in return for my transportation expenses. The called Lane's poeple, who were uneasy, to find time and place. Then Lane called bacl and said he would bar me. I told Jon I would go on my own and fall all the DC papers and tell them that Lane had said he would throw me out. While we were discussing this lane called him and Jon is now to call me after he speaks to Lane. I told Jon that my only interest was in a) seeing what new, if anything, would be produced, as promised (they backed off of this) and b) if he went for the regular stuff ofFalse pretenses or ripped off more of other people's work, I would ask him what FOI suits he filed to end this suppression and b) how this new material came to light of not from his supposed suits.

The concern really appears to be over their having Congress people there and to annpunce a new coalition. This concerns me not at all, of course, because I want nothing to do with anything Lane is connected with. Nor have I any complaint about any coalition.

jon says they came entirely apart when they heard I was to be there. He had known of nothing like it.

Jon agrees that especially for a man who wrote an entire book about the alleged maltreatment he alone got from thepress keeping anyone out of a public press conference

especially the man who has done most of the writing in the field is as unprincipled as one can get. It is Lane's pretende that I will star arguments. And wreck it. But what reporter can't or doesn't? Not that this is my intent. Wht should anyone go to a press conference for the uncritical acceptance of what is orated about?

This has been a pretty exciting period. So I can,t concentrate between phone calls on the original purpose. Let me make a few observations of what I remember of the Kilty affidavit in case I forget them later.

That (2) he has personal knowledge that I filed a suit is at least irrelavant and I think is intended to get over t e false "personal knowledge" requrement of avoiding hearsay.

The purpose of the meeting (3) was not as stated. I have been advised on nothing prior to that meeting, which means he has sworn falsely, whetehr or not perjuriously. All that had happened prior to that meetings is that I was invited to it.

The formulation of "all final reports with regard to the requested data had been furnished to the Warren Commission" is perjury because they told us there were no "final reports" and that this was the semantic difference, as they put it, between us. They however would also not identify what they referred to. I asked for them and they referred me to the Archives.

Now the law as interpreted by DJ as of the time of my request required a) that the request be made to the agency of paramount interest and b) if the agency to which I addressed the law was no of paramount interest, they were to refer it and it would the be treated as a request addressed to that agency.

But I think we have to ask now what final reports that meet the scientific and law-enforcement or any other purpose of these tests was suppliedato the Warren Commission. He specifically told us there were none and that there were merely letters. But he is in a bad spot if he is asked to produce these "final reports."

In fact, if there were any such reports, there would be no ourpose in the substotution of the raw material. I specifically said I wanted final reports and not raw material. This can hang them and the judge if we use it right.

At that meeting I requested nothing. The purpose of the meeting, as they put

it, was for them to eliminate this alleged "semantical" difference. I had made my requests first in the initial request and then in the Complaint.

Instead, I told them what I did not want, such as the spectrographic plates at $50 each or the Tippit material, which I had not requested and they offered (and I think gave anyway) or the nitrate tests.

This is a deception of the court, a deliberate misrepresentation.

When they told us they did not have anything like final reports and offered the raw material instead I accepted. I had no choice.

But here another aspect of the Williams affidavit becomes important. In that suit also I asked for results only. If they had no results it was then necessary to say only that what I asked for did not exist and that, if true, would have been the end. Instead he said that giving me the raw material would wreck the FBI. Under oath. Now they wind up offering me the raw material when I still did not ask for it.

And the FBI is not unglued. Yet.

4b is utterly and delibe ately false. I did not ever waive any question of any testing of the clothing and the question could not have come up. I wanted and never said other than that I wanted all the tests. Thus I could not and did not limit as he does here to the spedtro on the clothing only. I did not know that there had been no testing (NAA) of the clothing until the next month, Kelley's letter of 4/10/75. This clearly is deliberately dishonest to make on what I did not ask for what they did not doe and should have done, thus ti seem to hide the fact that they did not do it by pretending I did not ask for it. The complaint ought be clear on this

4c begins with "available." I never applied any such restriction of limitation.

4d same with "which may be available." I ask for all that was done and no less.

5. Unless there has been destruction of evidence. this is a lie because it does not ibclude three at least tests referred to in the material I was given.

6 is technically not a lie but actually is. You did call but it is only because they lied. There never was a time when I ever said other than that I wanted all the NAA.

I sued for the NAA. Our discuss on of it related to cost only when they refused to let me go over the file and select what I wanted, the proper course. I thus had to know the cost of what I was getting into and when they gave me an approximation I said I'd pay for all of it rather than fight over whether I had the right to select what I want copied.

This is not a trivial point in another way. The law says I am entitled to access. Access includes copies. But it does not mean that they can require me to buy copies of anything I don't want. This is their position. It also means that they can later claim that some clerk made an error in failing to copy something if I can prove, having been denied access, that it was in tne files. This, too, is the a ctuality in other cases.

Only in the sence that it was on a stack about 10 or more feet away from me was I "shown...at the close of that meeting." It was never in my hands and I was refused permission to examine it, which is what shown really means.

The balance of this paragrpah is intended to convey to the judge that what was in Kelley's letter was what I saw and all that I asked for. What I asked for, according to Kelley's letter, was never subecjted to NAA testing, and this is hidden in the carefully distorted language,"This material (both my request and what I was "shown" from the semnatics used)...is referred to in a letter from Director Clarence M. Kelley....April 10,1975 and attached hereto."

All of this is deception. I was not "shown," my request was never in any way limited to the language employed as was entirely to the contrary, and even the letter attched is not identical to the one sent you. It is also a remaote-generation xerox that is furthermore ,asked in not less than three places.

& not only is not responsive to the interrgoratories it also lies again. It says that "Neutron activation analysis and emission spectroscopy were used to determine the elemental composition of the borders and edges of the holes in the clothing...."

But the attached letter says clear that there was no NAAont this clothing. Both cant be true. Kelley lied of Kilty swore falsely. (No escape. He says "and," not "or.")

8. Says no more than that he has"conducted a review of FBI files whihc would (emph added) contain information that Mr. Weisberg has requested." He has not qualified himself as an expert on all the files. He has not said what files or where, and wer have been done that road before. He has not even said that he has given us all we asked for. He limits this"to the best of my knowldge" and to what he says these files held an an unidentified date,"don not ibclude nay infpomation" I asked for and not give.

Suppose, assuming good faith, that these were in other files, as there is reason to believe possible. Suppose some had been removed for any purpose and not returned or misfiled. So many possibilities that make the evasuon seem not accidental

He hasn't even said that he knows what these tests are! all he says is that he is a supervisor in the lab, which is a very large thing with many entirely different skills and training required. Or, he has not even qualified as a proper expert or as being in a position ot certify to that which it is the supposed purpose of this affidvait to certify.

Frazier, on the other hand, worked on these tests and testified to them before the Warren Commission. He is still at the FBI. Kilty knew nothing and had to ask Frazier the answers to questions. Why not an affidavit from Frazier - other than he could not, ~~testify~~ swear truthfully to what Kilty swore to.

In short, despite the care with the language, there is virtually no really truthful ~~question~~ statement. And the purposes pf the interrogatory/ies are unserved by this affidavit which rather than answrering questions, which it in no case does, raises new ones.

C.A.718-70, vs DJ, State.

I guess the whole thing should begin in affidavit form and then say that today Judge Pratt said there is no reason to doubt the good faith of the DJ. I would then say that from my experience in five FOIA suits and in coubtless other cases with virtually every agency of the government involved in the investigation of the JFK assassination there is no reason to assume good faith and an overwhleming record that ~~xxxxxx~~ requires me never to assume it.

There are so many instances in which DJ and other agencies, including the Archives, have assured me that the records I sought did not exist and could not be disclosed where, in the end, they did exist and they could be disclosed and ~~theyx~~ were given to me.

In other cases I saw files that were later said not ~~xx~~ to exist when there is no way of my knowing they existed except that I was allowed to examine them and it was when I asked for copies that I was told the papers I saw did not exist.

There must be dozens of cases of this kind. The most recent is of the 1/22/64 transcript, where even the records say it was destroyed. When I was about to file suit for it it was given to me. (Reason to attach for him to read.)

In still other cases files disappear and when they can be replaced are not. This could be true of what is at issue in this case. In no case has the Archives not refused to replace the missing files or pages of files when the executive agencies have copies. One large file was so decimated I have a long passage in my second book on this.

There perhaps are other such illustrations but tired as I am I do not immediately think of the1

Digression: what we evolve should also be capable of being given to others. Like those we saw today, Tom, etc.

718-&0, ES v DJ, State. I sued for the records supplised and used in open courtt in England to obtain the extradition of James Earl Ray. All under oath, all certified by the AG and Sec. State, all used publicy in the public hearing. When I learned that the official British copies had been confiscated by the US (letters

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from the Chief Magistrate's clerk and the Home Office) I asked for these public court records of the DJ. Kleindinest replied that they did not have them and even if they did they would be withheld as investigatory files (copies can be attach of this and the other K and State letters)

When the State Decarament wrote that they had infact retrieved these files, for all the world as t ough that Department and Justice did not have their onw copies, and said specifically they had been given to Kleindienst and we so wrote him, his respons was that he held to the same position.

One when I could be stalled no longer and the case had been filed did Mitchell suddenly, months late, pretend to rule on the appeal he had ignored.

I make and supplied a writen list of the documents. I got some but not all. There then ensued a series of written assurances that what I had seen did not exist and I could go ahead and sue. I did. Then suddenly they found other than I had asked for, even other files than I had been shown. But when theye was no delivery by the time the judge directed I returned to ciyrt and was awarded a summary judgement.

In thiscase in an effort to show imporper classification DJ first refused to give me the file cover showing that only the official, publis British court records, all that was in that file, were actually classified, with a notation referring to the letter I'd received from State.

After repeated written assurances of non-existence I was finally sent a ma nufactured fake instead of the real file cover. This was done with such carelessness that the wrong copy was mailed me- the faked material rather than a xerox. I still have it in the nevlope in which it was mailed. The cover of the file had been xeroxed and then cut up to omit what the Department wanted to suppress. I can produce the copy I finally received, which shows what was suppressed and explains the need, imporper classification and the impropriety of calling nothing but public court records "investigatory files." (There was not a single investigatory report in the entire file.)

When the then chief judge chided Civil Division Attorney David (?)Anderson for non-compliance and gave the Department 7 days to complete delivery of the material requested and already paid for, Mr. Anderson filed an affidavit in which he swore, falsely, to having actually given me what he had not. Not only had he not he had instead given me a false reason why he could not. Further proving this was deliberate false swearing is the covering letter from Mr. Anderson's division enclosing this withheld public information. Not ubtil after the awarding of a summary judgement was delivery completed. It then turned out that the picture used in a series of affidavits and sworn to as representing what witnesses saw at the momonet of the crime was a staged picture, taken with such carelessness that a clock in it shows the time. Moreover, it was not a representation of the evidnece as dicovered and the fact that the evidence was handled and rarranged and physically moved was also hidden. My own investigation located the actual, unstagedpictures proving this.

I believe that the judge had made whether or not what had been directed be given to had or had not been in fact given to me, swaring that it had been when it had not been constitutes perjury.

Whether or not it does, it addresses whether or not this court of this plaintiff can take the Department's word in good faith.

C.A.2301-70. I have a long analysis of the fraud, misrepresentation and ireelevance of this Williams affidavit. I can do it again. But that it is and was known to be flase swearing is obvious when now the Department is offering me what I then did not ask for and he said I did and that it would destroy the FBI. It hasn't Repeat that he did not say what I asked for did not exist. And I'd note footnote 5 of the panel's expert decision directing that I be given a full opportunity to address the integrity of the FBI's word and performance in this case. It address face values. And Good faith. Disclosing informants, too. all of it.

I'd also go into the long delay in giving us any affidavit and then the care with which an unexecuted copy was preserved to be attached to what was given us- and tha the delay, as with today's, prevented any opportunity of making response or proving unfaithfulness to fact. Then that they had it executed, as you learned

much too late, long after the end of the case. It then turned out that they deliberately withhled both the proof when the affidavit was executed and the affidavit in any form intil too late for use to address it.

At the same time, Werdig told the court that the AG had decided that giving me t is material was against the nation interest. The Congress had already amended the Administrative Practise Act to eliminate any invocation of "national interst" as ground for withholding, specifying that it was the traditional bureaucrat's coverall justification for suppressing what ought not be suppressed. Yet the DJ, which better than any other Department knew this, actually alleged it in court when it also knew that the AG had made and could not have made any such decision or determination. If Wms is not false swearing, it serves that end and deception of the court.

C.A.2569-70 W v Arch (GSA) In this case, perhaps because I was pro se, the decpetions and misrepresentations, flase certifications and plain trickery was more extensive. I asked for pictures of certain of the WC evidence. I was told they could not be given to me under the terms of a contract which actually provided that pictures would be taken to avoid ahndling the objects themselves.

(Remind me to come back to the contract if I forget.)

The DJ produced an affidavit from the Archivist in which he actually swore that I had not made the request. Nothing is more material than a request for an identifiable record is an FOI case. Moreover, the actual request had been out into the record by both sides! And the rejection was put in by the government. It also ertified to the court that it has sent me its pleadings with the attached exhibits. I received no exhibits. Not until after the third request did I get any version of them, too late and then they were incomplete, pieces cropped off and not because they disclosed any routing, etc. If this were not enough, after the end of the last working day orior to the hearing I received a letter saying that one of the government's exhibits siad what was not true. And I never received unaltered copies of this exhibit.

Both DJ and Archives knew I had made the request and have been denied and denied

still again on appeal. Yet the Department file this false swearing with the court to edeny me my rights, which also means to misrepresent to and to deceive the court.

After all of this, when it was confronted with this record in court, the government offered to take these pictures for me and that was done. There was no need for even an appeal, leave alone bothering a court and deceiving it.

ON the question of the good faith of the Department, it even refused to give me copies of what it falsely certified to the court it had done and as it had been required to do. I was, as with the affidavit in 2301-70 and in this instant case, denied any ,eaningful opportunity to respond at the time resppnse was required of me.

On this GSA-representative of the Kennedy estate cobtract, I was refused it under conditions not subject to change. Thereafter, when it was possible to leak it to a reporter who was not expert in the subject and could be expected not to recognize its meaning and when he had not even asked for it, he was importuned by Dr. James B. Rhoads, then Assistant Archivist of the United States, to ask for it under the FOIA with the explanation that if this reporter did Dr. Rhoads would have no choice but to give it to him.

Thereafter, and again in violation of regulations which required that I have not less than equal access, a copy was not even mailed to me until a week after this reporter's story was published.

Another similar case is a record that was never subject to withholding that was denied me. Not until Mr. Lesar too the final step prior to filing a complaint was it mailed me, for all the world as thought eh claims to immunity had never been made. ~~[illegible]~~There are other similar cases.

E.A. 2052-73 is one of a number of cases in which "national security" was falsely invoked. With it and with a number of the other cases, despite this false claim, I was ultimately given what had been falsely alleged to relate to the national security and had been properly classified. That these claims were false was known to the government. Yet it supplied an affidavit making these representations ~~[illegible]~~ and others all known to be flase.

In this and in a number of other cases it also falsely claimed immunity under

the investigatory files exemption for executive sessions of the Warren Commission when the Commission had no law-enforcement purposes or capabilities, the requirement of this exemption, and when the contehts now that I have and have published them, show that neither national security nor investigatory-files for law-enforcement purposes are in any way in these transcripts.

(It was not against the law for ~~xxxx~~ Lee Harvey Oswald to have been a federal informant. Two of these transcripts deal with this.)

After the government was forced to give me these transcripts it then also gave me others I again asked for and had been withheld. The time lapse was something like eight years. In the instant case, after exhausting the possibilities at the Archives, it was nine years from the time of my first and entirely unanswered request for the ~~xxxxxxx~~ material sought in this instant suit until the second status hearing, on May 21, 1975. That the government now claims to be giving me only what I asked fornine years ago would seem to make it apparent that it also could have given it to me nine years ago. And that all the contrary representations were false, which again bears on the dependance that can be put in the government words, even to the courts.

I'm forgetting something that came to mind about the Wilty affidavit. I hope I remember it. I'm too tired to continue.

As I've been writing this it more or less emerged that the correct order is the opening general statement then this catalogue of horros and then the specifics of the Wilty affidavit. Build the case on the record and of the record and then with this foundation go to the present.

What I forgot was Archives.

They referred us to the Srchives for the lettters they alleged embodied results. But they also declined to identify which or the man letters were relevant or which they consider contain results. We then asked the Archives for all such communications relating to these two tests. This presents no retrieval problem. However, I believe that under the law the Department should have given us these communications,

as it sometimes did when it served the Department's purposes. Certainly there is no doubt that it could have and that it alone knew what was in its mind.

So we promptly asked the Archives for these letters. When I learned that there had been discussion between the Department and the Srchives on this, I again asked the Archives, eight days before t is hearing, for the cumminications in question and its best recollection of which were alleged to hold the alleged results.

There has been nc response, even though the Archives said filling the request presented no special problem and even though it knew we needed these communication prior to this hearing.

There was no blanket request for all the Archives holds, as the court seems to have concluded. The request was narrowm soecific and for a relatively small number or pages. And it was made at the specific direction of the Department of Justice, although the Archives is not a respondent in this instant action.

At no point in any response has the Department informed this court of the norms, purposes and requirements of these two tests. The common understanding and the scientific literate all indicate that the purpose is to prepare consolidated, stated results. They are not alleged not to exist in this case. I beoieve and therefore aver that the FBI knows its business, that it did in fact compile stated conclusions and a report.

One purpose served by refusing to have both sides tape record the conference is illustrated by the showings of unfactualness in the representations now made under oath by a man who, lacking firstOhand knowledge and having interjected all sorts of evasions, cannot be charged with perjury. I believe that the proper and unequivocal repponses will not be made to this court under oath simply/because/to do so it would were one with first-hand knowledge be perjurious. Moreover, those with first-hand knowledge are still in the FBI Thus this court was not told and we have no tape recording to prove that we were told that that for which I actually sued does not exist and never did. Especially with the legislative history behind t is case

would such false swearing be hazardous.

However, I ask this court to take judicial notice that I did sue for results, that I have been refused any result, that I have been told there never were or any, but all outside this court and not subject to this court. I therefore ask the protection of my rights by this court in asking it that there be a representation to this court by one in a positition to make it of personal knowldge, one of whom is FBI Agent Robert Frazier, that the results for whcih I sue do not and did not exist.