Dear Jim, Gov't's Motion to Dismiss 7/4/75

To a degree these suggestions will be redundant, because I've mentioned them to you and I've incorporated responses in the affidavit. I'm taking the time to go over this motion to dismiss again because of the crucial nature of this effort. If they get away with it the law is gutted again. If they get away with it we will either have lost a major chance or will be under at least the severest handicap in making an effort to undo the damage.

Because their entire plan is corrupt and because the participation of the judge was clearly signalled in his comments in court, I think there is little chance he will look with favor on the most reasonable, the legally soundest based arguments.

He has to have it piled on, which is what I've been trying to do in every draft of every affidavit.

I believe there is no chance of our prevailing by legal orthodoxy. He'll just rule as he'd decided to in advance.

Our problem is to confront him with every difficulty we can properly give him.

These are of law and of fact but they'll also have to be political. This is a political case, he is handling it politically corruptly, so he knows what he is doing. Of the ways to cope with this preordained decision the only ones I can think of that can have some chance have to make it tough for him. In the present and on appeal.

When he was willing to rule with all that is all over the front pages on abuses by the federal agencies that the FBI can wiretap even without court order he is capable of ruling any way it can want. It wants no more than to get us mooted.

In our toughness I think you have to put the brunt on me. This is for several reasons. Primarily, however, you have to remain an orthodox lawyer who is willing to do the unusual. Your lawfully departures from orthodoxy ought be extremely limited.

So, I see nothing wrong and everything right with the offbeat suggestion I have already made for the two companion motions, to compel (certification that there are and were no compiled reports as called for in the Complaint); and for summary judgement, on the ground that not one paper called for by the Complaint has been delivered.

In my view both are legally orthodox. They state the legally correct situation.

We have the acute need to dramatize non-compliance. They have created this need by alleging compliance and we can be sure the load of the irrelevant Ryan dumped on you has the purpose of dramatizing that line. We have to meet it head on. But merely alleging something subordinate to something else is not going to do it, not with this judge and not with anyone who might hear about the case. Only later, too late, will a few lawyers wade through the record and go tsk, tsk.

The upfront must be a) non-compliance and b) the judge's knowledge of it.

So, any form of my affidavit will support both and make a direct conflict that under the actual rules has to be resolved before he can rule. Actually, he can legally rule on only one motion, ours, in either form, becaue all the fact supports them. The rest, their's, is all contrivance.

This is the moment for the most vigorous initiative. Without it we lose and with our loss goes the law and all the rights of all those yellow-livered who have made good use of it and all the rights of others, including us, in other efforts.

The two motions I urge are not really unorthodox. I think you should stretch unorthodoxy a bit in the language you use, telling the court and other that this case cries out for punishment of those who violate the law so persistently while having the obligation to observe it and protect the rights of citizens under it. The record supports this and not one word they have alleged.

Unless in rereading, the legal arguments that need addressing are what the FRCP and legislative history really say, not what Ryan, Silbert et al say they do. There may be something in the other citations that you think will require addressing but I believe this boils down to the intent of the law, the requirements of the rules and the facts of the case.

Most of all, direct confrontation on not having results is essential, so don't be afraid of making this part of my affidavit tough. You have a memo telling you how well prepared I am to address this if my affirmation is challenged. Bracket with the resignation of Frazier and his and others' availability and the frustration of discovery.

Their Memo of Points and Authorities

The same emphasis on the Complaint in addressing "defendants have undertaken a still further dearch for items set forth in plaintiff's motion to strike...."

Not one paper that is called for by the Complaint has to date been delivered. despite all the allegations of the defendant, this remains the simple, basic and uncontradictable fact. That the defendant has delivered much of what I specified I did not want when they undertook to rewrite my Complaint is irrelevant to the non-delivery of what is called for in the Complaint. I think a citation of the first calendar hearing will show the admission only that I am entitled to it, not that it does not exist. This hangs them and the judge if I am right.

I do not aant to disclose to this judge now the proof that they can comply.

The simplest way to address the Kilty affidavit is by fact and ridicule. When his new affidavit proves, if it is true, that his first affidavit was false if not perjurious, deceptive and misleading neither affidavit is worthy of serious consideration by any court - except in considering punishment. I'd talk about punishment. His new affidavit proves his first one was fraudulent and false. In any interpretation he lied about the material.

You can address Schurr as you'd like because you are closer to that but I think it essential to bracket it with the previous lies and attach the proofs here. If they lie why should they be believed? Especially if when I examine the new material it provides proof that this affidavit also is false. I think these lines of answer must be pointed and vigorous for the present and for the future. Especially if we lose will an effort for recovery of costs be important and for that we here need the strongest possible record for them to confront and avoid, as they must. Their avoidance will thereafter help us.

If you can bracket this false swearing, decption and misrepresentation with the failure to ever tell the court or us under oath that what is called for in the Complaint does not exist then that is the proper point for a bit of appropriate emotion: that all of this has to do with the official investigation of the assassination of a President. In turn bracket this with the clear case they claim to have made that the FBI did not do its minimum job with the alleged evidence. To think that this could then be the way and now be the claim of the vaunted FBI: that it is incompetent and would not and did not do what any jerkwater police department in the most blighted part of the land would do with an unknown derelict were he to have been shot to death when it sought to solve the assassination of a President the Director of the BBI happened not to like.

I am not rereading the discovery motions but on p. 2 there is a misinterpretation of and emphasis of the misinterpretation of "plaintiff establishing the degree of noncompliance.." The degree happens to be complete noncompliance with, their words, "his freedom of information act request..."

What he follows with, our seeming presumption of non-compliance. Lays it on here. We did not presume it: they told us immediately and we thereafter have been saying that they have not complied and to this minute they have not. It is not our presumption, it is their record and perhaps if you want to get polemical there can be a challenge to show a single page covered by the Complaint. We are clear in having said we wanted no raw material.

As a practical matter, his next line, there is no problem in satisfying me. All they have to do is deliver what the Complaint calls for, the alternative being to assure the world that the FBI did not do its job when a President was killed. This is the kind of hitting that has to be done, not every possible place but not just casually. We have to keep emphasizing their choice and noncompliance, complete.

Without having read National Cable it seems to me that non-delivery of a single paper called for in the Compliant makes it a kind of parallel.

Ridicule "what amounts to an extra effort to comply with plaintiff's request." By giving me the irrelevant and what I said I didn't want? What the Complaint says I didn't want? It might be extreme to say that this has no more mea ing than if they'd xeroxed spare rolls of toilet tissue and boasted of "extra effort to comply with this plaintiff s request."

"...demonstrate absolute mechanical perfection in locating and producing documents"— deal with this separately from the "good faith" that follows.

Again repeat not a single paper called for from the complaint and rificule bu this shabby representation of non-compliance to which you add the alternatives immediately available, like the affidavits by those with first-person knowledge that could have been provided immediately and were not. When we asked for this, which we and the court are entitled to, we found that such as the hale and hearty Frazier has found ti convenient to retire at an early age. Where is the affidavit of Gallagher, who did the actual work? Or others mentioned in the raw material?

When deliberate avoidance and non-compliance is described as only a little short of "absolute mechanical compliance" words have no meaning and no word of the government is worthy of any credence.

Their citation of National Cable helps us: hit them on Frazier and Gallagher again and add Williams and all the spurious allegations then made and now contradicted.

Here I would remind you of something they have succeeded in staying away from and we have had no interest in holding them to. We sued not merely the FBI but the Dept. Justice. There were liaison people from the DJ itself involved and there is no showing that they have no knowledge or that they were even consulted. Perhaps we ought ask whether Frazier, Gallagher, Williams, etc. plus any DJ lawyers were consulted since they make this big deal about their diligent efforts and if any one of them said that there never were any compiled results or if any of the criminal division lawyers were satisfied to know that there never were any compiled results.

There is a conflict here for them. We may at some time in the future want to use some of these others and it would be good to have the record show they were or were not consulted. There is also the fact that the WC lawyers on these areas were experienced prosecutors who knew the minimum requirements and we might want to make a record involving them. We might even want to try to depose Specter on this. In defense of himself he might not be unwilling on the limited issues in this case. Or willens, the liaison.

Ask if they are claiming it is unreasonable to ask those with first-person knowledge and still on the payroll, as all these then were unless Gallagher resigned. Or if those whose locations were known and were not on the payroll. (Recall Rankin in 2052-73.)

They make National Cable more relevant in taking this line if we handle it this way, if not before Pratt on appeal.

If they made the "reasonable search" they claim to have made (top last page) why are they so reluctant to provide the first-person affidavits of those they consulted? Hit this every possible time, please. Don't be fearful of repetition. This is their vulnerability factually and legally.

They next refer to page 19 of the 5/21 transcript. I've reread it. Great. Not only is this where the judge signalled how they'd get away with non-compliance but you did the right and proper thing, saying that on compliance "We will challenge that assertion. As of now they have not."The judge responded, "All Right. Okay. You have that opportunity when you come to bat."

This is his guarantee to us that we will have a chance to prove non-compliance.

The only way we can is by discovery unless he wants to hold a full hearing. Give him the choice. Then we gget an expert to testify to how these tests are done and we call Frazier as a witness or demand delays until he come back from safari.

The presumption of federal validity, as I've already noted, is specifically denied in this law and in its legislative history. Were there this presumption there'd be no need for the law. Wanna remind him of Watergate? And the parts of some of these in it?

Where he gets into the "testimony" of "responsible officials" to "locate" what I seek Ryan is vulnerable because I did specify to him after the last calendar call and this is uncontested in my references to it in the letters to Silbert, all of which were prior to their filing of this and when I had no knowledge they would be saying this. Silbert did not even make pro forma denial, nor did Ryan. I did tell Ryan that what I sought did exist and that any contrary swearing would be perjurious.

What good does it do me and how in any way does it comply with the law or the complaint to "have provided additional documents not understood to be within plaintiff's request" when they have given me only what I did not ask for or what I specifically said I did not want and have not given me a single paper of what I said I did want?

The sole purpose of discovery relates to compliance. There is no basis for claiming this to be "far reaching and burdensome" the line they took from the judge when in actuality it required less effort than those that were obfuscatory only and had as their only purpose defeating the law and avoiding compliance. Were it burdensome, however, the law requires it. But if it is burdensome, they all they have alleged in the past is false, like Williams, who swore to having gone over all of it.

And they are alleged to have done this for the WC, which required that it be kept together. And then there is what we might attach, Hoover's statement that the case would never close, which also required that this all be kept together. There is in fact no problem or burden not caused by the government's determination to suppress the proofs that the FBI faked an investigation of the assassination of a President.

On the Kilty affidavit of 6/23, he does not address the basic facts and legal questions but restricts himself to one part of my allegations, where I address only that which the documents provided prove had not been provided. It is a pretense to address the basic issue, was my request complied with whereas it addresses only a limited part of the non-compliance of what is offered as a substitute for the information called for in the compliant.

Aside from the fact that AT THIS LATE DATE THE GOVERNMENT STILL HAS NOT PROVIDED what is possible and is and should be required, a first-person affidavit by one who can be punished for perjury, this affidavit begins with another falsehood: "the laboratory work sheet which was previously furnished plaintiff and from which he quotes is the notes and the results of this test." Both of these statements are palpable falsehoods.

The very beginning of spectrosfopic examination is a listing of the elements and measurements of them. This worksheet- which isn't even complete, having been masked of more than internal communications - gives neither. There is not a single reference to the figures that are indispensible in spectroscescopy. Nor are bullets composed of lead and antimony only even if they lack a jacket. To say that this "smear" which I've already addressed is tested by the simple comment that it is of lead with a trace of antimony is not even a proper conclusionk in comment on a spectroscopic examinatinn

This is followed by "A thorough search has uncovered no other material concerning the spectrographic testing of the netal smear on the curbing." This also is false and there is no accpunt of what constituted this alleged "thorough search." Here again discovery is essential. For example, did Kilty ask those who allegedly conducted the tests?

Moreover, if for any reason these records have disappeared it is possible and easy to replace them. To Mr. Kilty's personal knowledge.

At the meeting with us on March 14 the FBI displayed what it claims was all the slides of all the spectroscopy. These disclose that which is still withheld on this one element of evidence alone. What I have already provided gives all the motive required to understand this to be still another deception for it is not possible that spectroscopic examination of that "smear" or any other part of that curbstone can do other than utterly and completely destroy the contrived"solution" to the assassination of President Kennedy.

Nor does this affidavit address the irrefutable proof we have offered that the examination was not made of the point of impact of a bullet or part thereof

The same is true of paragraph 4, which alleges there is no other record of the microscopic examination of this alleged smear. That also can't be true because the sketch itself has to have included more than it does for there to have been anything like a real examination. To cite but one example, the outlines and shape of this "smear" are not even suggested, leave alone recorded. For what purpose ~~is~~

does the FBI have a laboratory? Not to have and keep results of tests and examinatins? Not to even make the tests it is supposed to make and in which is boasts it excels?

To deceive its former and famous Director and to draft letters for his signature in which he lies?

In this case the FBI has neither provided us with the pictures it took nor referred us to those available elsewhere. It has been the practise of the Department of Justice to provide relevant pictures under FOIA where it has not made these relevant pictures available through the National Archives and even where it has but where the Archives pictures were unclear. It made a practise of providing unclear pictures to the Warren Commission where it took extra effort to make these pictures unclear, as set forth and illustrated in my second affidavit.

The picture of the curbstone taken in the FBI lab which it provided the Warren Commission provides the shape of the alleged smear. One of the items required in proper testing and examination and by evidence is the shape of this "smear" for the shape in itself when related to the results of the spectroscopy can establish that the "smear" was not not made by a bullet and this it was essential for the FBI to know and report.

In this case the dimensions alone make it palpably impossible for the "smear" to have been made by the core or any part of the core of a bullet like the 6.5 military type allegedly used.

But in this case the offense is even worse. Mr. Hoover told the Warren Commission that the bullet was going in a direction generally away from the point from which all shots were allegedly fired. However, this so-called complete testing of that curbstone shows exactly the opposite, that the direction was actualy toward that general direction.

Separate from the fact that this means that the lab put Mr. Hoover in the position of a liar is the fact that it and its involved personnel knew immediately either that it was testing the wrong place and/or substance(s) and/or was deliberately reporting falsely. Under these circumstances it is impossible not to presume more than the normal care in all lab work and impossible to believe that if there are any records missing that they are missing is not accidental.

But again the defect can be remedied because none of the people allegedly involved is dead and it is easy for the FBI to provide their first-person accounts as it is to ask them what happened to anything the FBI now claims not to be able to find.

When the questions are as unparalleled in their meaning and consequences as in this cade they are the failure of the FBI to ask and answer all questions and to seek any and all records it now claims not to be able to find is more than suspect. It is self-indictment.

This also underscores the persistence of the FBI in failing even once to produce a first-person affidavit.

What the FBI has provided isnnot the end result of a microscopic examination. It is in fact less than could have been provided by the examination by an unaided eye and much less than could have been provided with an examination slightly assisted by a dime-store simple magnifying lens.

It is in the position of the publicaI maidm in the Song of Songs who, having been entrusted with the keeping of the vinyards failed to preserve her own.

This paper is not even the recording of a microscopic examination and is to the certain knowledge of the FBI deceptive because it depicts a shape other than that the FBI knew was made by the impact of the projectile and other than that depicted in the pictures in its possession and attached to my second affidavit.

There can not have been the thorough search of the nature alleged in this paragraph without consultation with the pictures, for example, and there is no reference to any pictures. In addition, with this kind of evidence it was the practise of the FBI to make microscopic pictures a number of which it provided the Warren Commission. In this case any such picture is missing. Moreover, it was also the practise of the FBI to make microscopic comparison pictures and with the evidence of which this is part. In this case, essential as that was to any investigation,

it simply cannot be believed that the FBI departed from both its practise and the minimum requirements of any investigation, laboratory or other. Nor can it be believed that with an affiant like Kilty, who is in a supervisory position in that laboratory, either the requirements or the practise were not ~~met~~ and that he therefore, failing to find what he knew had to exist, made any effort, diligent or otherwise, to locate what clearly is missing here.

With regard to Paragraph 5 the record of its falsity exists prior to the execution of this ~~affidavit~~ affidavit and makes this, because this makes it relevant, new and separate false swearing. At no time and in no place or way was it ever true that "plaintiff has indicated ~~that~~ he did not wish to receive our reports which ~~were~~ are already available to the public."

Here there is a deliberate effort to confuse between two kinds of reports. I sued for one kind. Reference is to paraphrases that really say nothing"reported" to the Warren Commission. I have not ever received the first and the truth with regard to the second is ~~not~~ to Kilty's personal knowledge false. He was a participant in the meeting at which I asked for those to which he here refers and ~~which~~ the FBI refused them. It referred me to the Archives without even indicating which documents it had in mind as relevant. Since then the Archives also has failed to deliver them although after earlier requests by counsel I described them in the best way I could as well as the need for them in this case to Mr. Marion Johnson of the National Archives on Tuesday May 13, 1975. On that occasion I also gave Mr. Johnson a check for $50 to add to my deposit account to cover all costs. Since then there has been correspondence with the National Archives on this that uncontestedly shows it has not complied with this supposedly simple request for what supposedly is "available to the public" and in fact failed to include what Kilty here says was relevant!

However, in no sense are these so-called "reports" that for which the Complaint was filed and in no sense does any one of them include the actual results of actual spectroscopic or neutron-activation examination.

Paragraph 6 also is false swearing as the reading of the Complaint shows. I did not ever or in any way so limit any request. I never asked anything but the complete results of all testing of all specimens and comparisons.

However, this paragraph is at best a second-hand contradiction of a pre-existing statement by a man with first-person knowledge and requires resolution. Mr. Rankin did not refer to paraffin specimens.

Possibly one of the reasons the FBI refused to provide us with copies of its relevant communications with the Warren Commission on anything called for in the Complaint is the fact that some of these in plaintiff's possession dispute Mr. Kilty's ex poste facto interpretation and support the exact words of the general counsel of the Warren Commission as he informed the Members of that Commission on the progress of the FBI's work for it. This correspondence is specific in not being limited to the paraffin tests.

Moreover, when questions were raised with Mr. Hoover in private correspondence after the end of the Warren Commission and specifically about the scientific examination of the clothing Mr. Hoover described these examinations as "inclusive". He further ~~wrote~~ wrote that "the results are set out in the detail warranted."

Can one assume that Kilty is truthful and Hoover untruthful when this was the examination of the most essential of evidence. Can one assume that no results are either "onclusive" or "set out in~~the~~ the detail warranted" in investigating the assassination of a President?

(Jim-let them worry about this and do not attach it because it is worse than I say because it was in 1969 after I and the others had raised all these questions and Hoover said no added testing was needed or justified.)

Paragraph 7 begs the question while saying it is "to prevent any further misunderstanding" and that the question is related to "NAA techniques" only.

There was tests supposed to have been made after "May 15,1964." They have provided neither the results of these tests not their substitute, raw materials, nor the statement that these NAAs were not made.

It is further limited to "the data irradiation of metal fragments," which does

eliminates what is covered by the complaint:

All the clothing;

The windshield;

The Curbstone

Moreover, in what has been substituted for what we asked for it is not even complete on what he refers to, the metal fragments only. I have already specified enough on this and we can refer to that.

On his paragraph 8 it is urgent to blast his false swearing in one of the two affidavits because of the situation and bracketed with the presumptions in the motion.

How can one assume or even consider good faith when the one affiant swears in completely opposite ways about the essential in each of his two affidavits.

But when there exists not only the need for full NAAs but Hoover's written assurance that the testing, including of the clothing, was "inclusive", that this affidavit is truthful and/or that the minimal search for what is undelivered was made?

He is even evasive here in describing what I was furnished, which I take as a reflection of fear and an indication that we have to lean on Kilty. He says of what I was given only that "plaintiff has already been furnished material relating to these examinations." This is to avoid saying that I have been given all such "material" when that is called for in the Complaint, required by the law, and is also evaded in the motion to which this is attached and in the Memo on Points and Authorities. I regard this as an important omission and as a reflection that he will not swear to delivery of all of which he knows.

This is borne out by the wording of his final graf. He does not say that he has made a search. Nor does he say what his training and experience tell him. Nor does he say that he asked and searched fully and completely. He merely limits to whatever he has in mind by "to the best of my knowledge." When he as sworn falsely we ought hit this evasiveness and again bracket with the absence of a single first-person affidavit.

Because he is qualified as an expert he therefore knows what has to have been done. What we have been provided does not include this. Therefore, the expert knew that further search was needed and where and how to make it. At no point does he say under oath or has anyone alleged in any other way that this was ever done by anyone. In even their reformulation of the minimum requirements of the law this affidavit on this basis alone is entirely deficient.

I do think these details are important and that they will require bulkiness. I also think that the typical lawyer's way of restriction to what is initially considered most relevant will defeat us. I think we must be complete and that the best way to do this is by including what is above and what is in the affidavit I sent by Esther ina a new affidavit.

I'll write separately when I've gone over the stuff we didn't ask for.

Hastily,

Add on Govertment's motion to dismiss.

I want this in, rewritten if you want but with the same fact. I'll explain it in person but it is beyond any question:

Despite plaintiff's warnings delivered in person to Assistant United States Attorney Michael Ryan and by affidavit to Special Agent John Kilty, his new affidavit, executed after these warnings and attached to Government's Motion to Dismiss as basis for that motion, swears falsely all over again.

The least of this false swearing in Paragraph 9 is to describe the physical damage to the windshield of the Presidential car as no more than a "smear," which is consistent with the repeated and deliberate misrepresentation of the place on the curbstone struck by a projectile as no more than another "smear."

Special Agent Kilty swore that the examinations enumerated in this paragraph as not subjected to Neutron activation testing were not so tested. This is false. To his knowledge it is false, and plaintiff believes and therefore avers that when it is the basis for a motion to dismiss, among other reasons, it could not be more material.

While the proof of this existed earlier in plaintiff's possession it is repeated in that dumping of a wastebasket disguised to this court as delivery of information by Mr. Michael Ryan on June 30. These entirely uncollated and entirely unidentified and entirely uncompiled 244 individual sheets (counting those taped together as a single sheet) plus 15 pictures were in an envelope stamped "FIRST CLASS" but they were hand-delivered by Mr. Ryan, as his certification typed on the related papers filed in this court shows.

These 15 photographs, which, in reproduction cost must exceed the total cost of that for which this suit was filed and remains undelivered, and totally and completely undescribed, unidentified, unlabelled, unrelated to anything else by so much as a hen's scratch.

Save for one on which, with the aid of an engraver's lens, some of the small letters printed backs can be deciphered.

Although it would seem safe to presume otherwise, there is nothing to exclude these from being photographs of avante garde sculptures, stalactites, stalagmites,

rare worms, pieces of iceberg or shapes of ice, impressions taken by paleontologists or ~~xx~~ archeologists, pieces of glistening wax, perhaps even an antediluvian tooth.

There not only is nothing to relate this to what is sought in this instant action there is every reason to believe both that they are not related to it and are, in fact, photographs of objects plaintiff did say he did not want.

Of all 244 individual sheets of paper Mr. Ryan delivered to Mr. Lesar and Mr. Lesar turned over to me ~~xxxxx~~ July 3, 1975 in the same unsealed enevlope in which they were handed to me at suppertime June 30, there is no single pair that is stapled together.

There is no single paper that can be relevant that ought not have been immediately available to Mr. Kilty the moment he commenced his alleged "good faith" search, unless they came from a source other than FBI files, in which event there is every reason to believe both Mr. Ryan and Mr. Kilty knew where to seek them.

Not a single one of these 244 individual sheets has a source indicated on it or a file.

Some are blank, some illegible, some partly illegible, some are taped together and others that clearly ought to be are not and without this attachment lack any possibility of meaning and hold the clear possibility of misinterpretation.

There are numerous graphs that in large measure can't be made out. While there is nothing to indicate that they have any relevance, if they did it would be utterly impossible to make out their meaning or in a large percentage of cases even follows the plotted lines.

That there was awareness of the large percentage of illegibility is reflected by the fact that in a very small percentage of cases some numbers were written over in blue ink.

Some of these pages also bear entirely ~~unidentified~~ unexplained marks that are not chemical symbols to anyone at all experienced in xeroxing It is apparent that what was supplied me was not xeroxed from originals.

Aside from the deliberate chaos in this last delivery of the largely irrelevant

there is the also not unintended chaos in what was earlier given to me. In all these pages there is no single tabulation, as required by the tests, of the individual components of the standards with which comparison was made; the measurements of each of these components, as also required by proper procedures and any use at all; any comment on any of the figures; any interpretation of any significance any may have or any variation may have (there __are__ variations); or as would seem to have been the minimum necessity in the scientific testing of so many items of evidence being considered as evidence in the investigation of the assassination of President Kennedy.

Some of these decimals ~~xxx~~ of measurements are so minute they are to hundredths of thousands of ~~xxxxxxxxxx~~ designations that in unit are minute. The number of specimens included in these tests is not included in what has been ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ given to me. However, the largest number of the "Q" series" alone is 77. If there were no more than the five chemical elements frequently referred to in these papers and there were no more than 77 specimens tested, and there were no repetitions, as there are, this would mean that in order to interpret the meaning of these tests the FBI laboratory had to have kept in mind 385 series of numbers with decimals into the ~~xxxx~~ hundredths of thousands.

That this could have happened is unimaginable.

That any reporting could have been made in any seriousness of any of these tests without the compilation of that which is sought in this instant action under these conditions also is beyond the capacity of the human mind, to hold in mind or to believe.

There is no single paper embodying the purposes of these tests that has been given to me and no single paper interpreting them into evidentiary form. No single paper that transmitted them in any form to the Director od the FBI and no single paper that tans transmitted them in any form to the Warren Commission.

For these and other reasons previously set forth under oath I believe and therefore aver that all of those who have been any part of attesting to this court that there has been any degree of compliance with my request under the law and in my

Complaint knew their attestations were false, deceptive of this Court and perjurious, having the added and primary intent of denying me that to which I am entitled under the law.

Jim, where Ryan makes a crack about our assuming non-compliance he walks into a trap of his own making. Cite the undenied specifications of ~~this~~ deceptions, misrepresentations, false swearings and undenied perjuries already in the record and their refusal to permit a record to be made of our conference on their request when no conference was nedessary without the further intent to deceive and misrepresent again.

For the future also remember these numbers, 75 and 27. I'll explain them later.