

10/1/82

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....	:
HAROLD WEISBERG,	:
	:
Plaintiff,	:
	:
V.	: Civil Actions 78-0322
	: and 78-0420
WILLIAM H. WEBSTER, et al.	:
and	: Consolidated
FEDERAL BUREAU OF INVESTIGATION	:
et al.,	:
	:
Defendants.	:
.....	:

AFFIDAVIT

My name is Harold Weisberg. I reside at 7627 Old Receiver Road, Frederick, Maryland. I am the plaintiff in this case.

1. In this affidavit I address defendants' following filings: The Phillips Sixth Declaration of August 18, 1982, attached to Defendant's Unopposed Motion to Stay, to which it bears no apparent relationship; Defendant's Opposition (the Opposition) of July 19, 1982, and its magically attached Phillips Seventh Declaration of a month to the day later; Defendant's Reply of September 2, 1982, with its attached Phillips Eighth Declaration of August 26, 1982.

2. Defendant's counsel, without citation of any evidence or even basis for his prejudicial statement - and because he and his client are unable to make factual refutation of my affidavits - refers to me as a "self-appointed expert." He knows better. He ignores the record in this and all my other FOIA litigation and the fact that his own Civil Division has used me as its expert. Because of his inappropriate and baseless slur and because of his ulterior purposes in it, which include an effort to get my affidavits expunged because he is unable to cope with them and their accurate content, I begin with an encapsulation of my accreditation.

3. Defendant's bad faith permeates this as it has all my other FOIA litigation, particularly when I seek FBI information. Inevitably, therefore, in this affidavit I address defendant's bad faith.

MY CREDENTIALS

4. It is inevitable that defendant compels me to make his bad faith an issue. In all my cases false swearing and other unfaithful and untruthful representations to the courts are commonplace. When in another case (C.A. 75-0226) in which the FBI also is a defendant I proved that one of its agents had sworn falsely twice and at that contradicted himself under oath, this defendant, for all the world as though it constitutes an appropriate response to proof of perjury, bestowed unique credentials upon me. This defendant informed that court that I know more about the assassination of President Kennedy and its investigation than anyone employed by the FBI. Most of this investigation was by the FBI, yet it told that court that I know more about its investigation than any of its many highly skilled employees, including special agents (SAs). That was seven years ago, before I had access to and studied what the FBI itself estimates is about a third of a million pages of its records for the disclosure of which I am both exclusively and partially responsible.

5. I have also made the only real study and investigation of the FBI's investigation of the assassination of Dr. Martin Luther King, Jr. For a number of years beginning after the 1971 publication of my book on that crime, I was the investigator for James Earl Ray, the accused assassin. My investigation, which was before I forced the FBI to disclose any of its many pertinent records (in C.A. 75-1996), was of the FBI's investigation. Although until then all courts had rejected all of Ray's appeals, my habeas corpus investigation led to an evidentiary hearing ordered by the sixth circuit court of appeals. I also was his investigator for it and by order of that federal district court participated in discovery. This gave me access to a large quantity of FBI physical evidence.

6. As a young man I was an investigator and editor for a committee of the Senate. In the late 1930s the Department of Justice borrowed me from the Senate committee to work with it in a major prosecution of the time, the case of United States v. Mary Helen et al. It was then known as the "bloody Harlan Conspiracy Case." More than 60 Harlan County, Kentucky coal operators and individual defendants were accused of a large number of crimes, including murders, in violation of federal law. The 30-some odd individual defendants were deputized gun thugs. My responsibilities were those of a subject expert. I also assisted in the preparation of

duces tecum subpoenas and participated in plea bargaining.

7. Thereafter I was an investigative reporter and wartime intelligence analyst. My work as an investigative reporter was widely and publicly praised by the government. There were letters of praise from the White House, members of the cabinet and even J. Edgar Hoover. I was decorated for my work in intelligence. I gave the Department of Justice a large amount of original investigative work relating to Nazi cartels and their interferences with defense preparations. My work yielded what the FBI's investigations did not yield. A number of large corporations were vested and large fines were assessed against them after publication of my exposes. The Department of Justice itself asked me to become an unregistered British agent, and I did.

8. For the benefit of those who pretend that I was some kind of "red," this was the period of the Nazi-Soviet Pact, the shibboleth of the time.

9. During this shibboleth period I also exposed Nazi political, economic and intelligence penetrations in Latin America. I was able to obtain and I gave to the government, including the Department, intelligence materials so valuable that President Roosevelt used them in one of his famous "fireside chats."

10. In intelligence I was also used as a trouble-shooter. I recall clearly a special job for the White House, assigned to me after all others had failed, with a 48-hour deadline. Bumbling bureaucrats had lost records supporting the taking-over of about a dozen ships owned by a Scandinavian who was a Nazi. He was suing for their return or for payment for them. With the expenditure of two cab fares, a few phone calls and half a day's time, I produced what the White House needed and those ships were not used by the Nazis. (I also performed other special functions for the White House at that time.)

11. My seven published books on the political assassinations are standard works in the field. Libraries continue to replace worn-out copies and colleges and universities use them as texts. These books are largely an examination of the FBI's investigations. With the exception of a relatively few pages of FBI records provided in C.A. 75-0226, all these books also were published prior to my study of the above-mentioned third of a million pages of FBI records.

12. Because of my expertise I have been used as a consultant by book, magazine and newspaper editors and publishers and by the electronic media.

Reporters of all the media, domestic and foreign, have consulted me for the past decade and a half when they required dependable information about this controversial subject, the political assassinations. So also have both Houses of the Congress and even the Department of Justice.

13. When I was able to travel I was asked to make many college and university appearances in addition to those promoting books. These include many seminars, some for the faculty only. The Wisconsin Historical Society, one of the most prestigious historical societies in the country, asked me to deposit all of my records with it and I agreed. They will be at the Stevens Point Branch of the University of Wisconsin. To begin this deposit, six or seven years ago the University held a week of speeches and seminars at which I appeared daily, sometimes twice daily. It videotaped them, made them available to the statewide and other public TV and radio stations, which broadcast them. Thereafter the University has made video and audio cassettes available for educational uses.

14. My work is singled out for special recognition and praise in the only scholarly bibliography in the field. (The Assassination of John F. Kennedy, A Comprehensive Historical and Legal Bibliography, by Guth and Wrone, Greenwood Press, 1980.)

15. In C.A. 75-1996, the Civil Division asked me to be its consultant with regard to the records of the FBI's investigation, in my suit against the Department. When I was unwilling to do this, it persuaded the judge to have me act as its consultant. I filed a 200-page report that the Department's appeals office used and found valuable.

16. Among those known as "critics" of the official investigations of the assassination of President Kennedy I am virtually alone in a middle position. I know of no other "critic" who defends the agencies like the FBI from unjustified criticism. I have done this from the very first, beginning in my first book and the first public appearances made in connection with it, as the FBI's own records reflect. This has made me widely unpopular with most of the other "critics," some of whom even accuse me of being a federal agent.

17. When I was invited to participate in a seminar at New York University School of Law at the end of April 1975, I criticized other "critics" for their unfair criticisms of the federal agencies in an address that identified these unfair

criticisms and ridiculed most of them. (I came down with pneumonia and pleurisy after getting to New York so my counsel in this instant cause read it for me.)

18. In June 1977, when I was working in Dallas, I flew all the way back to New York City to defend the FBI on coast-to-coast network TV against Mark Lane's baseless and unfair criticisms.

BACKGROUND OF FBI'S BAD FAITH

19. The FBI has a problem in that it lives the fiction of its own infallibility. It finds any criticism intolerable, no matter how accurate it is. My criticisms are accurate. In all the many FBI records I have read, no real error is attributed to me. However, because so many criticisms of it are accurate and justified, lying is its way of life, with no lie too demeaning for it to make up and pretend it believes. I illustrate this with two examples involving Director Hoover. The first relates to what I wrote about his answer to a Warren Commission question and the second to his testimony before it.

20. He was asked why Oswald did not shoot the President when the motorcade was on Houston Street, as it approached the Texas School Book Depository Building in which, in the FBI's account, Oswald had a sixth-floor sniper's nest. Hoover's answer was because trees were in the way. The truth is that Houston is the only street where there were no trees at all. To prove this I printed a Secret Service picture of that street, taken from the "sniper's nest." This greatly disconcerted the FBI's top brass to whom it was sacrilege for the infallible director to be proven wrong. So, it quoted what I wrote and said it examined the pictures. These pictures, it said, clearly showed trees elsewhere in that area, to the west of Houston Street in the area of Dealey Plaza the motorcade did not reach until after it left Houston. His sycophants told Hoover that, because there were trees somewhere else, in this "park" area, he was right and I was wrong. This mollified him and they were off the hook.

21. However, he ordered that my FOIA requests be ignored and to this day, absent litigation, they are ignored, some for well over a decade.

22. His testimony was in awkward, stilted, rambling language and was not always accurate. His sycophants could not allow that to be published so they put a crew of special agent experts to work translating it into non-Hooverese and

correcting its errors. They eliminated hunks entirely, rewrote parts of it and wrote and inserted new passages. Their work required his approval. They did not dare tell him how awful he had been, so they wrote him a memo in which they attributed all his gibberish and errors to the court reporter. He accepted their rewrite, it was published as they rewrote it and he was satisfactorily stroked.

23. In both instances these are blatant lies invented and uttered by those whose jobs and careers depended on their living this FBI lie. They did not find their lies too ludicrous or too gross and they continued in favored positions in the FBI.

24. As the record in this case reflects without dispute, no lie was or is too big for the field offices if it supports the FBI's party line on the assassination. Hoover ordained immediately that it was the work of a red, lone-nut assassin. (The records in FBIHQ's main files are captioned "internal security," with Russia and/or Cuba added, and how inconsistent this was with Hoover's instant vision of a no-conspiracy crime bothered nobody at FBIHQ.) The field offices, like FBIHQ, dutifully fell in line and ignored everything not consistent with Hoover's preconception.

25. President Johnson gave the FBI the job of preparing a definitive report on the crime before he decided to appoint the Presidential commission. The massive five-volume report it turned in - after leaking it and accusing everyone else of the leaking it vociferously - again the FBI lying - makes almost no mention of the assassination. It makes no mention at all of one of the President's known wounds or of a shot it very well knew had missed and hit a curbstone. There is no mention at all of the bystander slightly wounded by this missed shot. Consistent with this, the only allegedly missing plate of all the many plates made in FBI spectrographic examinations is the plate made in examining where the missed shot hit this curbstone. With five volumes, it was not lack of space that caused the FBI to say almost nothing at all about the crime and not to mention one of the President's known wounds or the wounding of a bystander or of any shot that missed. Mentioning another shot meant that the crime could not possibly be attributed to any one man. Mentioning the wound in the front of the President's neck indicated a shot from the front, and this, too, meant another assassin, because Oswald allegedly was behind the President. So, the FBI omitted what was inconsistent with

the Hoover vision and instead put together an enormous diatribe against Oswald.

26. The crime was in Dallas and Dallas is the main office or "Office of Origin." It did not have to be told to lie because once the FBI's party line was laid down nobody had to be told. An example of Dallas FBI lying already in the case record has to do with still and motion pictures taken by Charles Bronson. The FBI saw them at the processing plant. Knowing what FBIHQ did not want, the Dallas agent lied about what Bronson's movie film actually shows. He said it is valueless because it does not even show the building from which, without investigation, the FBI decided all the shots came. I obtained these records in this litigation. When friends of mine in Dallas received copies, they looked Bronson up, examined his film and found that, rather than not showing the building at all, it holds almost 100 different pictures of not only it but also of the very window from which the FBI decided all the shots were fired. And with the President's car in Bronson's film, there is no Oswald in the window. Bronson has an exceptionally clear still picture of the President, his limousine and considerable background, taken during the assassination. It is important in many ways, including establishing the exact positions of the limousine and the persons in it and in any study of the background and persons and objects in it. The Dallas FBI ordained that it was valueless because it could not be used "for identification" - to identify Oswald! Neither of Bronson's films was obtained and FBIHQ was not informed of their existence.

27. I could go on and on detailing FBI lies, many under oath. In none of my FOIA cases has it failed to lie. In one case a single FBI Lab agent gave three different sworn-to versions of a single material fact. He contradicted himself under oath before the first of the appeals court's expressions of interest in this. He provided an additional untruthful version for the next trip to the court of appeals. After that remand he finally produced the records he had sworn did not exist. His sworn-to lies coincided with the FBI's needs to withhold the nonexempt information the FBI wanted to withhold.

28. In C.A. 75-1996 there have been at least five different FBI FOIA supervisors. All, including John Phillips, who also is supervisor in this case, lied. One accompanied his sworn lies with fake records. That Court banished him.

29. Defendant's counsel also lied in that case. I have just completed

lengthy, detailed and documented proofs of this omnipresent official lying. All those counsel also presented falsely-sworn attestations.

30. In this case I also proved that Phillips lied, misrepresented and evaded. He now files additional lies in his continuing effort to deceive and mislead the Court, as I document below. The current Phillips lies are blatant. They also reflect adversely on the Court because inherent in them is the presumption that the Court ignores the plaintiff's affidavits and accepts blindly and unquestioningly whatever defendant provides.

31. The defendant in an FOIA suit can lie and misrepresent extensively in very few words, but for the plaintiff to prove infidelity to fact requires much greater length and considerable effort. When the defendant lies he does not fear prosecution because his counsel, who provided the lies to the Court, is also the prosecutor and is not about to prosecute his client or himself. The length and effort required to refute lies is wearisome to the plaintiff and the courts and the courts, already burdened, do not welcome long affidavits. Despite this, long experience teaches me that as the plaintiff I have no choice because defendant limits my choices to becoming party to deceiving and misleading the courts and to self-defeat or taking the time and length required for correcting the record. In a case of great historical significance, which this is, assuming and meeting this obligation can be regarded as a duty of good citizenship and I so regard it.

32. In this case I have even less choice because the reasonable compromise I offered to settle it was lied about and rejected out of hand by defendant. This is consistent with if not in fact part of defendant's 1967 determination, approved by Director Hoover, to "stop" me and my writing by tying me up in litigation. Since then defendant has been doing this at every opportunity, including in this case. With defendant's record of forcing all my cases to go to the appeals court and with the apparent determination to do that in this case, my options are eliminated. Although I have tried to avoid it for a long time, I have no alternative to making an issue of defendant's bad faith.

33. This bad faith consists of more than lies. It includes distortions, misrepresentations, deceptions and phony records, of which additional examples appear below to add to my undenied allegations in my ignored prior affidavits.

34. This bad faith goes back to my first information request of the FBI, of May 23, 1966. The top FBI bureaucrats then decided and Director Hoover approved

that because they did not like my writing they would not respond to my information requests. After the FBI's 1967 decision to try to "stop" me and my writing the 1966 decision was formalized. (The 1967 scheme was not implemented because the special agent who was to do it got cold feet. He was not about to contest the accuracy of my writing in court.) The conclusion of the "legal research" by the General Counsel Division was that under FOIA the FBI does not have to respond to my requests because it does not like me. This became the policy that the FBI followed with my subsequent requests, about 25 of them by 1976. All were narrow and simple. All were ignored. During the period when DJ-118 FOIA forms and cash deposits were required, my checks were cashed but I received no response - not even acknowledgment. Once my check was torn up. Then it was scotch-taped together crudely and cashed. I testified to noncompliance with these many requests in 1976 in C.A. 75-1996. The subsequent FBI internal inquiry addressed only my King assassination requests. The FBI then admitted that they had been ignored. A public interest group, apparently having heard of this testimony, informed the Senate FOIA committee and it became the subject of Departmental testimony. The chairman, who presented copies of some of the records I refer to above to the official witnesses, told the FBI's and Department's witnesses that the record "indicates an attitude toward the Act that is, at a minimum, very disturbing. The FBI memorandum indicates that requests by Mr. Weisberg under the Act were totally ignored." When he called for responses from the witnesses, the FBI's FOIPA chief would say nothing. The Department's FOIPA appeals head, Quinlan J. Shea, Jr., told him, "if you are looking for a Department of Justice official to defend that sort of practice in 1969, 1970, or any other time, I am not going to do it." The Civil Division's deputy chief admitted that I "have reason to complain about the way" I was "treated." But, he and his FOIA litigation section head assured the committee, they were going to take care of all my requests. (Hearings, pp.139ff.) Taking care of them consisted of continuing to ignore them and creating a six-lawyer "beat Weisberg" crew. However, when they were soon thereafter defeated in another case, this crew was disbanded and more vigorous stonewalling, accompanied by more uninhibited untruth, became the means of frustrating the Act and denying me nonexempt information.

35. The FBI was so determined not to comply with these ancient requests for nonexempt information that even when it was disclosed to other and much later

requesters it was not provided to me. The only exceptions are when I learned about these disclosures and filed new requests. One of these ancient requests, of January 1, 1969, includes several motion pictures still not provided, despite Phillips' current rubber-stamping of his prior and proven lies, addressed in later Paragraphs.

36. Some of these older requests were for as little as a single record. Because all these specific requests, for few or relatively few pages in most instances, were entirely ignored; because it was not possible for me to litigate over and over again to obtain few pages; and because all my requests were ignored as a matter of approved policy, I was forced to file inclusive requests. When the FBI could no longer ignore them, after I filed suit, it rewrote them unilaterally, as it did in this case. (If I did not file suit, almost all requests remained ignored.) Thus the FBI created an FOIA Catch-22. No matter what I did, it did not comply with the Act. Once I filed suit it stonewalled in all the ways it could. It has forced endless and unnecessary litigation to perpetuate noncompliance. And to "stop" me, which it has. For seven years, the time required by this litigation has prevented my writing another book. The costs extorted by this policy are great for me because my only regular income is Social Security.

37. The immediately preceding Paragraphs encapsulate what I have attested to in greater detail on a number of prior occasions. Not only of the FBI's supervisors and not one of defendant's counsel has ever confronted me on the fact of this omnipresent bad faith because the facts are as I state them and are abundantly established by the incomplete compliance I obtained in response to my PA request.

38. This FBI whipsawing has effectively nullified the Act. It would have been impossible except for the lusty collaboration of the Department, which provides counsel, pursues the same policy, and without qualm repeatedly files sworn-to lies even when the case record reveals they are lies before they are attested to and filed. This is true in this case of the Phillips attestations I address below.

39. The result of all this bad faith is to limit my options even more. Because defendant has so severely limited my options, I make a record about which the appeals court will not be able to say, as it has in other cases I have read, "absent a showing of bad faith." I include counsel because, without their collaboration and participation, all these bad faith representations would not have stone-

walled this case, frustrated compliance or be before the Court and because during the pendency of this case they were reminded by the Attorney General of their obligation not to present to any court what they do not have substantial reason to believe is true.

PHILLIPS IS NOT COMPETENT AND HE IS UNTRUTHFUL

40. As I have previously informed the Court and defendant's counsel (if they ever read the affidavits to which they cannot make factual response and have never refuted), the conditions of my present life, which limit what I am able to do and the amount of time I can spend doing it, also cause time problems. These are deliberately aggravated by defendant's counsel, who refused to send copies of filings to me, although this was the prior practice and I have always offered to pay the costs to save time. This and overlapping subject matter mean that, as in this present affidavit, I may address more than one filing in an affidavit. Each affidavit, however, specifies precisely what it addresses and there never has been any doubt about this. Unable to refute my affidavits, defendant's counsel ignores them, as in the Reply (in footnote 1 on page 2): "The defendant will not attempt to reply to the discursive claims made by the plaintiff in his new affidavit." It is not discursive or wrong in any way to address more than one filing or subject in a single affidavit.

41. Except where defendant's counsel makes up what he alleges, his sole authority (if I may use that word) is Phillips and his attestations. As I have stated before and state again in what follows in addressing Phillips' newest attestation, in his lesser dishonesties he merely evades and misrepresents. He deceives and he lies. He also does not know what he talks about, which may be his best credential. Where Phillips has no personal knowledge, he fails even to claim that he has consulted those who have personal knowledge. Instead, he boilerplates what really means nothing. For example, after I rebutted his fabrications about searches pertaining to those known as "critics," Phillips pretends to read the mind of the then appeals director, Mr. Shea. Even after I pointed out that Mr. Shea is still employed by the Department and can provide an affidavit, Phillips does not claim that he consulted Mr. Shea. (Mr. Shea drafted the letter in question for the signature of then Associate Attorney General John Shenefield.) Phillips only repeats the untruth I have already

refuted. He does not address anything to which I attested.

42. There is reason for ignorance being Phillips' outstanding qualification as defendant's sole authority, his lone affiant in this case. I address this further below, particularly in addressing his Paragraph 2(g) with regard to Mr. Shea and "critics."

43. The litigated requests are for records of the Dallas and New Orleans FBI field offices. First-person knowledge of any claimed searches in those offices therefore is restricted to the employees of those offices who allegedly made the alleged searches. However, no such attestations are provided. Instead, Phillips, who swears to anything, gags at nothing and merely makes it up to suit defendant's convenience as at any point this seems expedient, provides the attestations. (If this language appears to be strong, abundant proofs follow as I address each part of his Eighth Declaration in the succeeding Paragraphs.)

44. Obviously, those who allegedly searched in the field offices could have attested to their searches - if they ever made any, which they did not. Now they cannot execute any affidavits because, as I have already pointed out, in one of his efforts to con the Court, Phillips, while not so intending, admitted that no such searches were made and that instead FBIHQ arbitrarily decided which files would be processed. This means that FBIHQ unreasonably limited what I received and substituted records of its choice for searches to comply with my requests

45. Phillips makes no claim to personal knowledge of anything connected with this case. His sole claim to expertise and competence is that, because of his official duties, "I am familiar ... with the procedures followed in processing Freedom of Information Act (FOIA) requests received by the FBI." (Paragraph 1) He does not even claim that these procedures were followed in this case. They were not, as he had already admitted in an earlier declaration. I am familiar with these FBI procedures from the testimony of a number of its FOIA supervisors in another of my cases, C.A. 75-1996. The FBI has not followed its own procedures in any of my cases. Thus, a general attestation, like this one by Phillips, is designed to mislead and deceive the Court.

46. How he deceives and misleads, particularly with regard to searches, is set forth in succeeding Paragraphs in which I address the various breakdowns of his declaration.

"Whether the Dallas and New Orleans Field Offices Maintain Ticklers"
and
"Whether the FBI Searched for Ticklers"

47. In my July 21, 1982, affidavit I proved beyond question that Phillips lied - if he did not perjure himself - in everything he stated about ticklers. Caught in this lie and still determined not to search for and to continue to withhold the ticklers, Phillips lies again. He is like a snake that has started to swallow: he can't stop. His new lies are so unrestrained they soar. He even lies when he quotes himself, his Fifth Declaration and his phony definition of "tickler."

48. Some of his new lies are keyed to the lie with which he makes a modest expansion of his earlier phony definition of "tickler." He cannot retract his original lie without his whole scheme for withholding falling apart. But he is not content to lie about that only - he lies about everything.

49. He now states that in his Fifth Declaration he defined "ticklers" as "photostatic or carbon copies of documents." This is a lie. In his Fifth Declaration he made no mention of "photostatic" or of any kinds of copies other than "carbon copies." Both versions are lies. His lying expansion to include "photostatic copies" is purposeful. It also is a proper subject for a psychiatrist because in my July 21, 1982, affidavit I also caught him lying about the providing of photostatic copies of pictures. (I address this further below under "pictures." Here I note that photostatic copies, which are much more expensive, are so rarely used in this day of inexpensive copying I do not recall a single one in the third of a million pages of FBI records it says I have.) He states "photostatic copies" to keep up the lie that is more significant with respect to pictures. He knows very well that what he omitted in his Fifth Declaration is xerographic copies.

50. If by any remote chance Phillips got to where he is in the FBI without knowing what a tickler is, which is not at all likely, and if defendant's counsel also do not know what a tickler is, my July 21, 1982, affidavit (in Paragraphs 2-7) is both specific and accurate. But if neither trusted my affidavit, at the very least both could have consulted a dictionary. At the very least an affiant is supposed to swear to only the truth and to have knowledge of what he swears to (although this is outside of my FOIA experience with the FBI); and counsel are required to have no doubt about the truth of what they present to a court. If either had consulted the Random House unabridged dictionary, they would find "tickler"

defined as "a memorandum, book, card file or the like to refresh the memory as to appointments, payments due, etc." If the Department's demon investigators and lawyers are at all intimidated by an unabridged dictionary, the desk-size Funk & Wagnalls defines "tickler" as "a memorandum, book or file, as of bills, notes due, etc." A tickler is a reminder and it can have a variety of forms. It is a tickler regardless of its form. A file is a tickler and so is a card file or even just one card.

51. There is no possibility at all that Phillips did not know that ticklers do not consist of "carbon copies" only. Once I caught him in this lie - and it is not a pointless lie - and noted that xerox copies are used extensively in FBI ticklers (as to my personal knowledge they are), because he had already lied significantly about providing photostats, he stretched his phony definition of tickler by adding "photostatic copies." This is consistent with his lie that I was provided with "photostatic copies" of pictures. When he lies again after being corrected, there is no doubt about the purposefulness of his lying.

52. After I caught him lying about ticklers in my July 21, 1982, affidavit, instead of admitting the truth, he invented new irrelevancies, which also are lies, in his effort to pursue the improper objectives of his initial lying. Now he also invents a new definition of tickler at the same point in his Eighth Declaration. He says that the "term is used to refer to potentially retrievable records." This is not the purpose of ticklers in general, and he knows it; and it is not the purpose of FBI ticklers in particular, and he knows that, too.

53. This also is his straw man rearguard against a charge of perjury because he now actually states that all he was talking about is this irrelevancy, that ticklers are only retrieval records when he knows they are not.

54. Phillips certainly should have had more extensive experience with FBI ticklers than I do. I have examined several that are quite elaborate and large. As I indicated earlier, they are, in and of themselves, valuable records as compilations even if they do no more than duplicate other records. (They do much more.) As an FBI agent, Phillips must know this.

55. With regard to their content, Phillips does not respond to, which means he does not deny, my reporting that the Congress found in FBI ticklers what was not in other FBI files. It is precisely because ticklers do hold what is not

in the main case files that the FBI wants to continue to withhold them from me, a purpose of Phillips' lying.

56. Obviously, it would have been much easier and much less costly than contesting this for the FBI to direct Dallas to make a search for any ticklers pertaining to the JFK assassination investigation. Phillips now admits that there was no such search, again only after I caught him. His Paragraph 2(b) is captioned "Whether the FBI searched for 'ticklers.'" In it he admits that "the FBI did not undertake a search for such records." He tries to explain this away by stating that, even if the field office had them, "it would have been virtually impossible to search for the ones responsive to plaintiff's FOIA requests." This is a very big lie. He adds another very big lie that also is irrelevant, "inasmuch as their maintenance varies among the employees who use them."

57. If their maintenance does vary, then he admits that some employees might have kept them and that an honest search could have produced them. However, with regard to certain kinds of ticklers, major case ticklers, where they are required in ongoing cases, they must be preserved. There simply is no other means of keeping any control over necessary information in the enormous number of pages of records involved in this case in the Office of Origin. (New Orleans was virtually a second Office of Origin in this case, as the extent of its acknowledged records reflects.)

58. I have previous experience with ticklers the FBI swore repeatedly did not exist. Because one was guttled, admittedly gutted after my request and after my litigation was filed, I use it and its history as illustrative.

59. Such ticklers are kept by case agents and supervisors because they need them. In the King assassination, FBIHQ Supervisor Long, later an assistant FBI director, kept a tickler. I found references to it in a number of records. Until I provided this documentary proof to the appeals office, the FBI steadfastly denied that it had ever existed. Once I provided the proof, the FBI changed its tactics and claimed it had made an exhaustive search but that no such tickler existed. That "search" was this extensive: Long was never asked about it. From my knowledge of the uses to which that tickler could be put, I told the appeals office where to look for it and lo! there it was. Or, rather, there what by then remained of it was.

60. It was an elaborate new file, broken down into many separate subjects

by which Supervisor Long could keep control over that information. Copies in it were not all from the main file, of which there was but one in that case. (It was not nearly as extensive as any of several main files in the JFK case.) A rather large amount of information pertaining to the investigation and the principal persons who figured in it that was not in the main file was in the tickler. There also were special political breakdowns, separate parts of the tickler, again records not in the main file. In addition, there were notations and they in themselves are important information.

61. Some of the content of the Long tickler, information not in the main files, bears on why the FBI tries to restrict requesters like me to main files. One of the items of that request pertained to any form of surveillance on named persons. Those named included the immediate family of the accused assassin, James Earl Ray, and me. The FBI denied that any of us were under surveillance. It claimed to have made a search to determine this. But in the Long tickler there was proof it had overheard and reported on a phone conversation between Jerry Ray and me. From another requester, because the FBI continued to withhold the records from me, I got copies of other records in the file from which this tickler copy comes. Those records disclose that the FBI, which had denied it, had had Jerry Ray under physical surveillance. With regard to me, neither Phillips nor defendant has responded to my proofs in this case that I was tapped in New Orleans. It has not produced those records, undoubtedly because they are in an unsearched file.

62. In Paragraph 56 above I characterize as a lie Phillips' entirely unsupported statement that it "would" be "virtually impossible" to search for pertinent field office records. He knows this is false because he knows that case agents and supervisors in cases like this have such knowledge. I stated earlier how he could have learned and he does not address that. Instead, he adds the emphasized conjecture to his lie. In addition to the case agent and supervisor, the chief clerk would have knowledge if a tickler is not in current everyday use.

63. It happens that after I made these requests the retired original Dallas case agent, Robert P. Gemberling, was called back on a temporary basis. He could have been asked about ticklers but he was not. I believe the current case agent, whose name was systematically withheld although he was in regular contact with the public and press, is Udo H. Specht. He can be asked. If my recollection is correct,

and if it is not the FBI knows, one New Orleans supervisor was Ernest Wall, who can be asked, as can any other case agent, supervisor or chief clerk.

64. Phillips is careless in the other lie I attribute to him at the same point above, the irrelevancy that practice varies with agents. He admits with respect to the card tickler of which I provided proof that the field office had no option at all. Practice with ticklers like those involved in cases like this is not comparable to practice on minor and temporary cases. I have records of large JFK assassination ticklers being transferred intact into permanent filing, even though they duplicate records already in the main files. In one case the tickler consists only of main file duplicates, yet it is preserved because of its great value.

65. What is incredible about Phillips as a liar is that he sometimes lies for no apparent purpose, where little can be achieved by it.

66. My affidavit of July 21, 1982, addresses Phillips' untruths and misrepresentations pertaining to ticklers with specificity (Paragraphs 2-7). He ignores all but its attachment, Exhibit 2, because he cannot refute what I state, and with regard to it, he only pretends to respond again with falsification. In that affidavit I begin by quoting from Phillips' Fifth Declaration what he states about and how he defines ticklers. I state that his "definition of ticklers is inadequate," that he swore falsely in attesting that ticklers consist only of carbon copies, that among other things they include xeroxes and even only copies, that within my experience they are preserved and are not destroyed and that I have received copies of those that were preserved, that the Congress found in FBI ticklers what it could not find in FBI files, and that the JFK assassination is an open case and therefore the need for these ticklers continues. He addresses none of this in the false pretense with which he compounds his falsities and misrepresentations.

67. His intent to be dishonest is reflected by the deliberateness with which he misrepresents my affidavit as consisting of its Exhibit 2 only. He represents that all I did in refuting his Fifth Declaration is produce Exhibit 2. This is a lie. He attests (on page 2) that, "In response to those statements (his self-quotation from his Fifth Declaration), plaintiff produced a document (i.e., Exhibit 2 attached to Harold Weisberg's affidavit of July 21, 1982) ('Weisberg affidavit'), which he claims demonstrates that the Dallas Field Office does produce and maintain

ticklers." And he states not another blessed thing about what I stated about ticklers. Based on this lie he attests to what also is a lie, that "Weisberg's affidavit thus does not refute the statement in paragraph 4 of my fifth declaration," that "the Dallas and New Orleans Offices do not produce or maintain tickler copies of the documents that they generate."

68. There is no apparent need for the lie in the above quotation of Phillips, that field office ticklers consist only of "copies of the documents that they generate." Ticklers are not limited to "documents." They hold notes and annotations, they consist of cards, as he now admits while carelessly lying here, and they include records from other sources. All other field offices serve the Office of Origin, as I have attested and Phillips does not dispute, and the records of these auxiliary field offices, which are included in ticklers, are not "generated" by the Office of Origin.

69. It is a lie to state that I did not "refute" him. How he gets to this is also pretty silly. What he had attested to that I refuted consists of a string of individual lies, that "it would have been a duplication of effort to search for 'ticklers' inasmuch as they would have been merely carbon copies of documents which were processed in response to plaintiff's requests." By itself, my Exhibit 2 refuted this. Exhibit 2 is an FBIHQ order to the Dallas office that it establish a certain tickler. It was not a carbon copy, not a document that had been processed and it was not given to me. Phillips tries to whistle himself past that particular graveyard of lies with a series of cheap tricks and new lies. Even then he does admit that the FBIHQ order was for "action to be taken" in the future, which is a perfect description of a tickler. It also gives the lie to his claim that Dallas and New Orleans neither produce nor maintain ticklers.

70. His attestation is to a conjecture, that in response to this order Dallas would have made a card and it "would have been placed in a chronologically arranged system of such other cards," again a good description of a tickler, but he pretends otherwise. His whistling begins when he tries to attest that this is not a tickler. In this he cannot even tell the truth about the exhibit he is supposedly rebutting. He states that the FBIHQ order was not more than a request from some low-level agent, "it is clear that the agent is not requesting ..." And what is this agent not "requesting?" "The production of a photostatic or carbon

copy (i.e., a tickler copy) of the memorandum in question." The least significant of his string of misrepresentations is that there is no memorandum in question. His own representation is that Dallas would "prepare a 3 x 5 card indicating the action that was to be taken." His gross and anything but accidental lie is that this is not a tickler because it is not in the form of either a "carbon" copy or a "photostatic" copy. Unless it is either, he now attests, it is not a tickler. His sworn word is that only a "photostatic or carbon copy" is a tickler and by any measure, dictionary definition or FBI practice, this is a lie.

71. Phillips' concatenation of lies actually constitute an admission that a) no searches for ticklers have yet been made; and b) that my Exhibit 2 is proof that Dallas and New Orleans and all other offices do both "produce" and "maintain" ticklers. Thus he admits that he lied in attesting that they do not and this lie is material. The question he supposedly is addressing is whether or not a search should have been made for records of undenied pertinence, and because this is essential to the motion for summary judgment it is material.

72. It is inconceivable that defendant's counsel was not aware of Phillips' evasiveness, nonresponsiveness and false swearing. In addition to all else, in his pretense that Exhibit 2 does not represent an order to "produce and maintain" a tickler, Phillips' own words, he includes a perfect description of a tickler, of a "card indicating the action that was to be taken six months hence" and of a "chronologically arranged system of other such cards" to serve as "reminders."

73. Separate from culpability in what were it by a private person the government could regard as a serious felony, this constitutes defendant's admission that in fact the required search was not made and that pertinent records do exist.

"Whether the FBI Searched 'JUNE' Files"

74. Even in his caption Phillips is tricky and dishonest in representing "JUNE" as the only such records I stated were not searched. That section of my July 21, 1982, affidavit begins, "8. The FBI is able to hide records so it can pretend not to be able to find them. It has 'Do No File' files; 'Dead' files and 'New Dead' files; it has code-named files, like 'JUNE,' for surveillances; it has SAC confidential files and safes, and when the field offices have records FBIHQ does not want to be in their files or secret caches, it orders the field offices to

send those files to FBIHQ." With the exception of pretended response on "JUNE," Phillips does not address any of these things and he does not even claim that any search was made.

75. He also does not respond to my other specifications of searches not made. For example, the beginning of my next Paragraph, "9. In this regard, I note that in my March 4, 1979, appeal (Exhibit 3), I called attention to 'the existence of an undisclosed Dallas "JUNE" file and noncompliance with regard to those records.'" Although Phillips pretends to respond regarding "JUNE" records, he does not respond to it and he certainly does not deny this at all. He ignores it.

76. In my next Paragraph I describe and refer to the pertinence of its attached Exhibit 11. It shows how FBIHQ directed Dallas to hide a record by sending it to the FBI's then No. 2 man at FBIHQ. Phillips makes no response on this and tries to con the Court with a typical Phillips/FBI non sequitur.

77. Although I was specific in referring to an "undisclosed Dallas 'JUNE' file," and stated that it is withheld, instead of addressing this, Phillips conjectures that "if any material was located in a 'June' file, that file was searched and releasable material pertinent to plaintiff's requests was furnished to him." This is impossible because no searches were made at all, the ukase of FBIHQ having been substituted over my objections, and because the FBI has ignored my actual requests, as is already established beyond dispute. There was no such search and this is why Phillips resorts to conjecture. Because he is aware of the foregoing, his purpose is to lie and he does lie. He also states that "not all the 'June' files" were searched. This is irrelevant. What is relevant is that he does not state that a single "JUNE" file was searched.

78. In fact, Phillips is a compulsive liar, again with visible ulterior motive. He provides a false identification of "JUNE" files, as "what the FBI sometimes calls files that encompass electronic surveillance conducted by a field office." Printed FBI forms to which I referred also use the word "JUNE MAIL." The FBI is also the recipient of the results of surveillances by others. Phillips makes no mention of this. The printed forms to which I refer above were provided to me in another case in which Phillips also is the supervisor. This indicates that he has knowledge of "JUNE MAIL." Some of the "JUNE" records in that case are not actual records of electronic surveillance. Some only refer to it, to planning it,

to obtaining permission, and even to doing it without permission, as well as to the predictable consequences, which are evaluated.

79. In carrying out his misrepresentation of a search being made when it was not, Phillips states of the "JUNE" files that they "are index (sic) according to who or what organization or company was under surveillance." This indicates the existence of a separate index. He does not even state that it was consulted. The FBI has what it calls an "ELSUR" index of electronic surveillances. It is not complete, but Phillips does not even claim that it was searched. This means that among the indices not searched is the ELSUR index.

80. Compliance was restricted to main files the titles of which do not lend themselves to the storing of surveillance information, particularly not because it is from these files that the FBI limited what it made available to the Commission. Such files as "Lee Harvey Oswald" do not lend themselves to information pertaining to the electronic surveillance of others. Nor does "Liaison with the Warren Commission." And in all those boasted-of "searches," the FBI did not even come up with its two files on its surveillances of Marina Oswald. It did not state that they exist and claim an exemption for them. It claimed complete compliance without acknowledging their existence. Not until I provided proof on appeal did it acknowledge the existence of those files, and they are not part of the Marina Oswald main file. The truth is that no searches were made. But taking Phillips' lie at face value, how could there have been good-faith searches under the Marina Oswald name that did not turn up the indexing of those two files? It is not possible. The choices then are between no search that then was lied about or a phony search in which existing and pertinent records were withheld.

81. Phillips claims I was provided with all the search slips. I was not provided with any search slip pertaining to "JUNE" or any other surveillance file search. (A separate section on search slips follows below.)

82. With all of this he also is evasive. He states that there were no searches of all "JUNE" records - while not stating that any "JUNE" records were searched - because "most of them have absolutely nothing to do with the JFK assassination." This is the language of the FBI's unauthorized rewriting of my requests. They pertain to the assassination investigation and persons and organizations that figured in it, not what some functionary considers relates to the assassination

itself. The truth is that most of the FBI's records on the crime have nothing at all to do with the crime.

83. Phillips is also silent about my attestations that my telephone conversation was tapped in New Orleans. As I have previously attested, without contradiction, the New Orleans FBI reported my conversation to FBIHQ about two hours before I informed the FBI New Orleans office of it. I know of no means other than electronic surveillance that would have permitted this. With regard to this, Phillips does not attest to any search after my appeals or after he and defendant's counsel read my affidavits.

84. In short, the "JUNE" files were not searched, other FBI special hiding places and exotically titled files were not searched (and are ignored by Phillips in his declaration), Phillips admits they were not searched, trying to hide this with his typical untruths and evasions, and this is the actual basis of defendant's motion for summary judgment - searches not made after almost five years.

"Whether the FBI searched for records referenced in a Dallas memorandum dated October 11, 1975, attached as Exhibit 11 to Weisberg's affidavit"

85. Here in his Paragraph 2(d) Phillips is as close to totally nonresponsive and totally evasive as is possible. Again he lies. He refers back again to his contested and refuted Fourth Declaration for all the world as though I had not contested and refuted it. He then only repeats that some records concerning an allegation by former FBI New Orleans clerk William Walter had been provided. He puts this in terms of a search having been made. That is not my recollection. I recall that these records were provided only as they appeared in the main files. I have no recollection of any search made to locate any Walter records. It also is my recollection that most if not almost all the Walter records were not provided from the field office files.

86. Phillips lies again about how I obtained these FBIHQ records even though I had corrected him under oath. His persistence in this lying is attributable to his desire to pretend that searches were made for me when they were not. He swears again that those FBIHQ records that I did receive "were previously processed pursuant to a separate FOIA request by plaintiff." Again I state that this is not true and I cannot believe that Phillips does not know it is not true. He should have

known this before I corrected him. If he then lacked knowledge or trust in my attestation, he works at FBI FOIPA, the very place the records are, and he could have learned the truth for himself. He should have learned it before swearing to the same lie again. Those FBIHQ records were neither "searched" for me nor "previously processed" for me. They are the records of the FBIHQ general JFK assassination releases of December 1977 and January 1978.

87. In all of this Phillips manages not to address at all what I stated in my affidavit and what is quite explicit in my Exhibit 11. The Dallas special agent in charge (SAC) wrote a memo to file (in the Oswald rather than the assassination file) referring to "the enclosed letters" which he said "pertain to an allegation by" Walter. The SAC concludes that "on express instructions of Deputy Associate Director James ADAMS I was told not to place these letters in our files." Instead, he was to send them directly to Adams' "Personal Attention." The letters in question, he states, "deal with my inquiry into this matter in the Dallas Division."

88. Clearly and explicitly the letters in question are part of the 100-10461 file and thus they are required to have been provided in this case. Also clearly and explicitly, they were ordered by FBIHQ to be hidden, not to be included in the file of which they are part. This is what I stated and Phillips ignores. Thus they were not physically in that file when it was sent to FBIHQ for processing. Clearly they can be retrieved at FBIHQ. Phillips, in all his talky-talk irrelevancy does not state that they were provided. While he is supposedly attesting to a good faith search made with due diligence, he does not state that any search was ever made for them. Certainly none was made after defendant received my affidavit with this exhibit attached. No searches at all were made prior to the disclosure of the general releases. Those releases consist of the redacted main files only.

89. There is, however, the possibility that the Dallas SAC kept copies because his memo was to file. He begins it by referring to "the enclosed letters." (Emphasis added) Ordinarily, if one were addressing the FBIHQ big shot "Personal Attention" and in response to his somewhat unusual order to hide those records and not have them in Dallas files and readily accessible under FOIA, it would not be in the form of a memo to that very Dallas "FILE (100-10461)." However, the SAC was "told not to place these letters in our files" but to send them to Adams. If the

letters are "enclosed" with this covering memo, they have to be somewhere else in the Dallas office, in addition to being at FBIHQ.

90. I note again that Phillips does not respond to my specification of how the FBI hides records it regards as delicate. No searches were made in those places and in other places well known to the FBI. It does not hide records not to be able to retrieve them. If it wants not to be able to retrieve, it destroys. Therefore, these records do exist, have not been searched for and can be.

91. Phillips lies are diversionary. In all other respects he evades. These searches can be made and unless they are made noncompliance is assured.

92. I am well aware of the Walter story. In essence, it is that shortly before the assassination FBIHQ distributed warnings of a threat against the President, possibly when he was in Dallas. The FBI claims that at the time it first heard the Walter story it searched for a teletype containing that warning and found none.

93. To the degree possible I have avoided arguing the facts of the crime and its investigation in this case. However, it is apparent that if the FBI did receive any such warning and the President nonetheless was assassinated, at the least disclosure of its prior knowledge can be very embarrassing to it. The fact is that it did receive precisely the warning Walter reports and I have not seen it or any reference to it in any of the records I have read in FBIHQ, Dallas and New Orleans files. I believe that if any such information had been in those files I would remember it because I would have regarded it as significant if not indeed shocking, and more, because I knew of and had written about these threats 14 or 15 years ago. There were three or four such threats, from Miami to Mexico. One in particular was given to the FBI and Secret Service by the Dallas police, some of whose records I have. In this picturesquely phrased threat, a rather extreme group of young people calling themselves the Young Republicans of Denton, Texas, said that when the President got to Dallas they were going to "rub his dick in the dirt." That was taken and captioned as a threat, as were the others I do not now describe.

94. It is inconceivable to me that the FBI would not alert its field offices to any such threat.

95. Only three days before the assassination, because of several threats from Cubans of the right political extreme, the President's motorcade in Miami when

he addressed the Interamerican Press Association was canceled and he was helicoptered to the meeting place directly from his plane, AF-1.

96. I know of no FBI denial of having any such record that is not in terms of a teletype only. Its message could have been radioed, phoned or mailed. The form may be in question but there is no doubt about the existence of threats of the nature Walter reports.

97. While with falsifications and evasions Phillips furthers the standing FBI scheme to stop me and withhold all possible, a scheme that includes burdening and wearying the courts, it also is obvious that the FBI has something to hide. Otherwise, it would utilize the simple means of cleaning all of this up. The required searches at FBIHQ and the field offices would take less time and, unlikely as it is that anything will ever happen to an FBI perjurer, present less risk. These searches are not made even now, therefore, in order to withhold what can be very embarrassing to the FBI.

98. Obviously, if any search had been made, Phillips would not have lied and evaded. He would have reported the search and provided the search slip and copies of the records.

"Whether the FBI searched for all films and tapes"

99. As in his preceding Paragraphs, in Paragraph 2(e) Phillips evades, deceives, misrepresents and lies again while repeating briefly what he had sworn to before and I had proven to be unfaithful to fact. He ignores all to which I attested. His choices are between adding new lies and risking my proving them to be new lies and leaving my correction unchallenged, which means at least leaving those material facts in dispute. His repetitions of his lies, after unchallenged correction, obviously are deliberate.

100. He states only what is not true or is evasive, that I was provided with "all releasable films and tapes in the Dallas and New Orleans field offices." (Emphasis added) This not only ignores my catching him in his cheap dodge - it flaunts his and defendant's contempt of this Court because it assumes that this Court will blindly and unquestioningly accept anything defendant files, no matter how false it is already proven to be, and ignore anything else.

101. Once again I repeat, the question is not of what at any particular

moment is physically "in" those field offices; it is whether or not anything in question is a record of those offices. I address this more explicitly below - with defendant's own records provided by Phillips' own unit.

102. Without addressing whether it is a Dallas record, as I have uncontestedly proven it is, Phillips does make reference to the Alyea film. He says that, because it and other unidentifed films and tapes were sent to FBIHQ, they "are involved in the pending administrative appeal of plaintiff's separate FOIA request for FBIHQ material." He refers elsewhere to this appeal without saying how hoary it is or when, if ever, it will be acted upon. Acting on them - there are many - cannot be simple. They are detailed and documented. However, so the Court can appreciate defendant's record and motive in this dodge, those many appeals that Phillips refers to as a single one are almost as old as this case. Therefore, there is no reason to believe they will be acted on. This extraordinary stonewalling of those appeals is another example of defendant's bad faith, as is the untruthful representation that the Alyea film is not a Dallas record.

103. Phillips again evades making any claim that all of those materials are not the records of the field offices. He has to evade because he cannot tell the truth without his entire Rube Goldberg machine for noncompliance tumbling in ruins. These are field office records. If they were not, he would provide proof and something other than his unsupported word that they are part of any FBIHQ appeal. By now it is clear that Phillips' word cannot be taken for even the time of day when he is looking at a clock.

104. His last compound lie in 2(e) is a single sentence of text and a footnote. He states that there are no tapes of police broadcasts in - that same deliberate deception and evasion in which he has been caught so many times - the Dallas or New Orleans offices. He provides no search slip because there was no search. His footnote also is false and evasive. He states that a tape was made, and there was more than one, "~~for~~ the use of the Warren Commission." This is his fabrication, his lie, as I prove below. He also claims that no copy of it was "maintained by the Bureau in its files on the assassination." While in this formulation an evasion is perceptible because the FBI does not keep solid objects "in its files on the assassination," unless it was sent there recently, FBIHQ never had these tapes and they never left Dallas, as I prove below. (Materials like tapes are

kept in what the FBI calls "enclosures behind files" or EBFs or "bulkies," for bulky exhibits. As of my last knowledge, FBIHQ bulkies were kept on what the FBI refers to as its "bulky ramp." Thus, any tapes would not be in the files to which Phillips refers even if they were at FBIHQ - and he has to know this, too.)

105. Clearly Swear-to-Anything, Gag-at-Nothing Phillips has not made any searches, even if only in the records provided to me - in this case, which he supervises - because the proof that I provide below showing that he is a liar and intends to deceive and misrepresent comes from those Dallas records.

106. Because Phillips' Seventh Declaration pertains to films, I address films and that declaration below, separately. (*see Par. 291ff*)

107. That the FBI could - and did - fudge over the investigation of such a great crime or could and did deliberately avoid essential evidence in that investigation may appear to be inconceivable to those who are aware of the FBI's excellent work in so many important cases; this is the fact and one of the earliest indications of it is the FBI's divorcing itself from such significant evidence as the recordings of the police broadcasts of the time of the crime. I have been familiar with this for more than 18 years because it attracted my attention early and I therefore did and published much work on it.

108. The behavior of the Dallas police also guaranteed suspicion. That this did not make the FBI at all suspicious in itself is provocative because, when the Commission asked the police for a transcript of its broadcasts, all the police gave the Commission a few scrawled pages of inaccurate excerpts. After a second Commission effort to get a dependable transcript was unsatisfactory, it asked the FBI to provide it. The FBI then provided a neatly and carefully typed transcript covering a three-day period. All of this is detailed in my earliest writing.

109. From the moment of the crime the FBI avoided anything and everything that did not tend to incriminate or vilify Oswald, of which the Bronson film (in my prior affidavits) is an example. It knew that the police broadcasts were recorded (this is common practice), and that inevitably the recordings would hold the significant information in those broadcasts. The FBI wanted to avoid that information, and it did. By these means it was able, for example, to pretend that no shot had missed in the assassination shooting, although that is in those broadcasts and the FBI's transcripts of them. It knew it had a good chance of getting

away with claiming that only three shots were fired during the few seconds of the assassination, even though that kind of shooting with that particular rifle was impossible and the best shots were not able to duplicate it. Those time limits are recorded in the Zapruder film, so the FBI avoided getting any copy of that film for itself as long as it could.

110. If the FBI added this missed shot to the three that it believed without question had been fired, it knew it could no longer pretend that the crime was within the capability of any one person, even a good shot, which Oswald was not, because without taking the time for aiming it is physically impossible to operate that rifle that rapidly. Any investigation based on the police recordings mince-meated the FBI's "solution," so it avoided getting any dubs of those broadcasts until it was compelled to. By then it knew it was safe. Thus, it never made any investigation of the information broadcast by the police.

111. Because I am aware that those who have not done the work I have done may find this difficult to believe, I illustrate with the FBI's supposedly definitive report on the crime for the President. This was ordered by President Johnson before he appointed the Commission. In the Commission's records it is the first numbered file. It is known as CD1 for the first Commission document. It has five volumes, two of text (one on the assassination, the other on Jack Ruby, who killed Oswald) and three of appendices.

112. The subject that received least FBI attention in this supposedly definitive report is the assassination itself. The corpus delicti evidence is almost entirely ignored. There is so very little on the crime itself that the FBI does not even mention all the President's known wounds. It does not mention the missed shot. The report is no more than a diatribe against Oswald, the presumed assassin. It does not include any investigation of the crime itself at all.

113. Because I am aware that this may seem incredible, I attach a few pages of this "definitive" FBI report. Although the report is titled "Investigation of Assassination," (Exhibit 1) it says almost nothing at all about it. (Exhibit 2) What is under the heading, "The Assassination," is only six lines long and then says almost nothing about it. The little that is included about the assassination itself is headed, "Assassin in Building." In this extraordinary brevity of a few very short sentences, the FBI says all it says in this report about the shooting, that

"three shots rang out" and of them "two bullets struck President Kennedy, and one wounded Governor Connally." That is all of it, except for a single sentence on page 18. (Exhibit 3) This sentence contains all there is about the autopsy, which is not even mentioned in the index. It refers to the medical examination and of that it says no more than that the President had a wound in the back. The index reflects that there is no mention of the shooting as such (Exhibit 4) or even of the President's wounds (Exhibit 5). Exhibit 6 discloses that there is no mention of James T. Tague, the wounded bystander. These excerpts reflect the actualities of the non-investigation and of the FBI's political need to backstop an absolutely inadequate, incompetent and incomplete "definitive" report for the President on "the crime of the century."

114. Once the FBI could no longer avoid the police broadcasts and did obtain dubs of the recordings, one might think that it preserved the customary chain of evidence to establish their authenticity and that, at the very least, defendant or Phillips on behalf of defendant would provide a copy of the FBI's printed evidence envelope (FD340) which holds the evidence and the chain of possession notations. Phillips and defendant do not. Not because one was not made out, which is the norm and is required, but because it would refute Phillips' gross fabrications. Because, when the dubs were obtained, this was required, its absence cannot be attributed to its nonexistence. In any search, this is the first thing consulted. Phillips makes no reference to even asking that it be looked for in Dallas.

115. Now that I have compelled the resistant FBI to move its case index to FBIHQ, it might be expected that Phillips, anxious to make his case, consulted and cited it. He does not. My examination of it explains why.

116. It is an enormous index, 40 linear feet of 3x5 cards. At that it is limited in the time period and files included in it. It was discontinued when it was apparent that no new investigation would follow that of the much-criticized Warren Commission. Rather than being an index to all the Dallas assassination records, it is limited to the identical main files to which FBIHQ undertook to limit me in this case. They happen to be the identical main files it sent to FBIHQ from which selections were made for the Commission. There can, for example, be an undisclosed - and unsearched - file or files on the Dallas police.

117. Rather than being a normal major-case index, this is an index designed

to let the FBI know immediately what could have been provided to the Commission and what was not provided.

118. Examination of this index discloses no entry for either police broadcasts or tapes of them, although there are other entries for the Dallas police. For example, there is a separate card for each of more than 50 police cars, which are not evidence of the assassination. Those indexed records merely show where those cars were the day of the crime.

119. I was able to develop some information because of my prior knowledge of this matter. I knew that then Sergeant James C. Bowles had made the original recordings available to the Dallas FBI. Under his name there is but a single entry, although I knew that the Dallas FBI had seen him more than once. That citation is to Dallas 100-10461-4925. This record was withheld from me in this case as "previously processed." The FBIHQ equivalent is 62-109060-2872. (Page 1 attached as Exhibit 7) (This FBIHQ copy lacks the notations on the Dallas copy.)

120. However, the FBIHQ copy is one that gives the lie to Phillips' falsehoods about ticklers. The handwritten note in the margin, with the initials of FBIHQ Supervisor R. D. Rogge, refers to ticklers being "retained."

121. This record reports providing information requested by the Commission, the meaning of the police radio code phrases (which I do not include). The Dallas FBI originally omitted this information and as a result much was incomprehensible to the Commission's staff.

122. However, this record also makes it clear that, rather than sending tapes of the broadcasts to FBIHQ for the Commission, Dallas had sent only "transcripts of the radio transmissions."

123. If any tapes had been sent to the Commission, it would have been recorded and indexed. That intelligence also would have been included in this record, which begins by referring to what preceded it, the two instalments in which the transcripts were sent to FBIHQ for the Commission and nothing else.

124. Thus, the Dallas records provided in this case make it clear that Phillips lied in attesting that "a tape" of these broadcasts was made and that it was made for the "use of the Warren Commission." All the Commission wanted was the transcripts, which it published. I knew, if Phillips did not, that the Commission stated that they were prepared for it by the FBI. (The Commission therefore had no

need of the tapes themselves and it neither asked for nor was given them.)

125. All the evidence is that the tapes never left the Dallas FBI office. This is another reason Phillips does not provide the FD-340 or any search slips. No search has been made for them.

126. No search has been made because producing those tapes can be embarrassing to the FBI today, as the more recent history reflects. Because Phillips lies about the tapes going to the Commission, he would not make a search to be able to produce any record of it. He knows there is no such record. However, if any tape had gone to the Commission, it would have been hand-delivered, as everything was, and there would be a covering letter, because everything was sent with an FBI covering letter. Moreover, FBIHQ has a main file titled "Liaison with the Warren Commission." (62-109090.) If he did not know he was lying, Phillips could have had this file searched for proof that the tape went to the Commission and reported on that search. The only reason he made no effort to provide any support for his attestation is because he knows there is no such support and he knows he lied.

127. A remote-generation dub of these broadcasts was leaked to a "critic" in Dallas. Gary Mack, another "critic" with extensive radio and TV experience, made a rudimentary analysis of something on one that has long interested the "critics" some of whom, like me, have referred to it in our writings. The FBI knew about this, of course, because it prepared the transcripts we all used and it is from these transcripts that we learned of it. For about 5 minutes beginning a few seconds before the first shot was fired, the microphone of a police radio unit stuck in broadcast position. This blocked out all conversation on that channel for the entire period of the crime. I was quite surprised in reading the FBI's transcripts of those broadcasts and all other available records to find that the FBI did not make any effort to determine whether the open microphone picked up any of the sounds of firing and if any can be made out on the recording. (With a rifle bullet, these sounds include sonic booms.) Mack believed that his analysis disclosed more than three shots. He published an article on this just as the House Select Committee on Assassinations ran out of funds and was preparing to close down.

128. Using a firm of the most respected experts in the field, the committee staged a limited but carefully recorded reenactment of the shooting. It limited itself to shooting from the window from which the FBI claimed all shots were fired

and one position on one of the two "grassy knolls" in Dealey Plaza. The experts concluded that the tapes disclose that a fourth shot was fired, from the north grassy knoll. A subsequent team of experts, who testified the last day of the committee's life, was 95 percent certain of this fourth shot.

129. Because the committee's life expired, its chairman asked the Attorney General to have several matters, including this, investigated further. The FBI dragged feet on all of them. After almost three years it has not reported.

130. Finally, the Department evolved a scheme on the police tape analysis that would present the face of impartiality and be outside FOIA requests. The National Academy of Science (NAS) appointed a panel from the private sector. I have copies of Departmental records virtually chortling over the fact that, because these "impartial" experts are from the private sector, no FOIA suit can be filed for its unpublished information. The panel was this impartial: it tried to foist off as its chairman a bitter partisan whose work in support of the official explanation of the crime was federally subsidized. While acting as chairman was too much even for him, he remained on the panel and appears to have dominated it.

131. Finally, several years late, the panel concluded that the sounds on the tape of the police broadcast it had (which was not the FBI's) were not of gunshots. Its evidence is a conversation that it uses as a time clock. Based on this evidence, the panel concluded that the sounds were not at the moment of the assassination but are a minute off.

132. What is remarkable about this is that the identical voice, with the identical words, also appears on the second police channel for the blacked-out period on the other channel.

133. In this case, in October 1980, I received about 85 originally withheld Dallas pages pertaining to this Congressional request. These reveal that, when the Attorney General turned the Congressional request over to the FBI, the Dallas FBI pretended that it had no contemporaneous records. Instead of providing them, it sent agents back to Bowles. Instead of sending FBIHQ and thus the Congress its contemporaneous records - those kept out of the main assassination files - it sent FBIHQ a long Bowles interview report.

134. Bowles recounted that shortly after the assassination Dallas agents had looked him up and asked for dubs of the recordings. These agents provided their

own recording equipment. It turned out that neither of the two different machines the police used, a Gray Audiograph disc machine and a Dictabelt belt recorder, had any provision for direct dubbing. Each had to be played aloud, and by picking up this audible sound with a microphone, the FBI agents made tape recordings. Both police channels were played aloud at the same time during this recording. This, of course, permitted the cross-talk that had been called to the attention of the NAS panel.

135. Bowles told these agents and they reported that the FBI originally had difficulty using the police machines and as they "played" around with them, treated them roughly by such means as dropping the needles on the moving surfaces, which at the least scratched them. Bowles also stated that the agents kept the tapes they made.

136. The quality of the tape used by the NAS panel is poor. If the withheld FBI tapes had been stored and cared for properly, its condition would have been superior for the panel's work.

137. From the foregoing encapsulation, it is apparent that Phillips lied; that he made no searches and had none made by any others to determine if Dallas has the police tapes it did not send to Washington; that the FBI can be seriously embarrassed because of its dishonesties in this matter and because it did not make a proper investigation either at the time of the crime or thereafter; and that this can provide motive for the lying and continued withholding of an existing pertinent Dallas record.

PHILLIPS' ATTESTATIONS REGARDING SEARCHES ARE INCOMPETENT,
UNTRUTHFUL, EVASIVE AND MISREPRESENTATIVE, YET HE ADMITS
THAT REQUIRED SEARCHES WERE NOT MADE

138. In his Paragraphs 2(f)-(n) and 3 Phillips pretends to address searches, specifically and in general. I address each of his subdivisions separately below. His infidelities to fact, which permeate, range from evasiveness to outright lies, pertaining to which specifications follow. He states that I can determine for myself what the FBI searched because I was provided with the search slips. These search slips range from the irrelevant to phonies, as I show below. He also attests to the making of searches pertaining to which no search slips were provided to me. Nonetheless, despite all his Gointelproing of truth, he also admits that pertinent

and required searches were not made. In order to make it appear that he does not admit this, he hedges his language with qualifications which mean that the alleged searches to which he refers to do not address or comply with my actual requests.

139. Of all of this dishonesty, Phillips concludes with proud chest-beating, "I would like to note that the FBI's search in these cases was exhaustive. The agency ... undertook a systematic approach to locating records directly responsive to plaintiff's FOIA request ..." In all particulars Phillips has already sworn in contradiction to this and thus lies. Both versions cannot be true. This version is the lie. A premeditated lie because I have already quoted back his own attestation that no search was made to comply with my requests and that, instead of a search, the then head of FOIPA decided in Washington what would be provided by the field offices without any searches.

140. Phillips' explanation of this radical departure from attested-to FBI practice is that some of those records were "previously processed" in the FBIHQ general JFK assassination records releases. While this has nothing at all to do with searches required to be made in response to my requests and relates only to the FBI's unauthorized substitution for my actual requests, it also is untrue and the case record is clear on this. What was allegedly "previously processed" was known to the field offices only because only they knew what they had and had not sent to FBIHQ. Therefore, the determination of what was "previously processed" was not by FBIHQ but by the field offices. Thus, even if the records provided initially were responsive, rather than sending them to FBIHQ for processing, the field offices should have processed them. The actuality is that the processing by FBIHQ was so bad and so completely without any checking that, when a review was required, after my appeal, it developed that more than 3,000 pages had been withheld improperly.

141. Aside from all else that is wrong with what Phillips here attests to, which I address below, ~~everything~~ he states is irrelevant because it is keyed to language that reveals he is not addressing my actual requests. I corrected him on this in Paragraph 22 of my July 21, 1982, affidavit. It begins, "In a variety of ways Phillips seeks to limit my requests by heavily qualifying ... states what has been provided is 'all records on or pertaining to persons organizations (sic) who figures in the Kennedy assassination' but then qualifies this by the phrase (which I underlined) 'as far as those records were related to that investigation.' Yet my

requests are for all such records regardless of whether they are contained in assassination files." Phillips and defendant and defendant's counsel knew this without my reminder, yet once again, after being reminded, Phillips keys all that he now attests to to the identical qualification, "as far as those records related to that investigation."

142. This makes two things obvious: The FBI intent is to deceive and misrepresent in order not to comply and the FBI believes that this Court will accept any kind of infidelity from Phillips and from defendant.

143. This also is an admission that searches were not made to comply with my requests. Their language was intended to eliminate any possible basis for precisely this FBI dirty trick and FBI duplicity and nonresponsiveness.

144. There is another generality which applies to all that Phillips attests to. I have attested to it and he ignores it because he cannot deny or refute it. Under its own regulations, if the FBI believes it cannot understand a request or if it believes the request is in any way deficient or inadequate, it is required to consult the requester, ask for clarification and even offer to help in rephrasing the request. In this case the FBI made no such claims or requests. This means it did understand my requests. Moreover, I informed its counsel prior to the first calendar call that the files it planned to provide did not and could not comply with my requests.

145. There is no accident in any of this. It is the FBI's grand strategy for "stopping" me, regardless of the costs, and for noncompliance. While similar tricks were pulled in all my other cases, this is an exact duplication of what the FBI pulled in C.A. 75-1996. As a result that case is still before that court, has already been before the appeals court twice and defendant certainly is going to take it there again. Meanwhile, the requests litigated for seven years but going back to 1969 still have not been searched. Instead, the FBI lied to that court and assured it that all the information sought in some 30 individual items is included in a single main file on the assassination of Dr. King. It knew it lied then and it never stopped lying and it knows it lies in this case and Phillips' repetition of his earlier lies means that it does not intend to stop lying.

146. While it was not possible for me to identify all the many lies in 75-1996, I have recently completed several long affidavits in which I specify more

than enough to establish a pattern of lying.

147. What the FBI decided to do in both cases, aside from "stopping" and wasting time and wearying each Court, was to limit itself to the files to which it limited the information it provided the Warren Commission and a file to which it intended to limit the House Select Committee on Assassinations. Records provided to me in the other case reflect this in listing the files it moved into a special area for the use of that Committee. I know from my examination of the Commission's and the FBI's files that those FBIHQ designated for this case instead of a search are those to which the FBI planned to limit the Warren Commission and almost completely if not totally completely did limit that Commission to.

148. The FBI thus planned to and, except to the limited degree the appeals office held otherwise, did limit me to those files from which it provided information to the Commission. (It has not complied with all the directives to it by the appeals office and the Associate Attorney General.)

149. In this regard, when those files were identified to me by then defendant's counsel the early afternoon of the first scheduled calendar call in this case, only moments before Judge Oberdorfer recused himself, I put defendant on notice that what was planned could not result in compliance.

150. Bearing on the knowing dishonesty of this plan is the fact that unquestionably pertinent main files are not included among those FBIHQ decided to substitute for searches. And when the FBI was compelled to provide some of these, even then it held back what is unquestionably pertinent, its files on the tapping and illicit bugging of Marina Oswald.

151. This is what Phillips, true to his degree of Master in Orwell from the FBI's academy, describes as an "exhaustive" and a "multi-tiered search."

152. The quotation from his Eighth Declaration in Paragraph 139 continues with his attesting that the FBI made additional searches as directed by the Associate. Omniscient Phillips describes what was directed falsely, as "at best, remotely peripheral to plaintiff's requests." This is not an accidental lie because here again I reiterated the exact language of my actual requests in my prior affidavits, to which he supposedly responded. There is no mention in my requests of any main files and there are specific requests for other information that is only partly included in the AAG's directive.

153. It also is a lie, as Phillips concludes, that all "the releasable information" was furnished. Proving that this is a lie can await a Vaughn showing, but I assure the Court that when that time comes I will provide information in the form of FBI records that leave no doubt at all that in this case it withholds and after my appeals continues to withhold precisely the information it had already disclosed. In addition, I will provide statements by the FBI, under oath, that what is withheld from me in this case is contrary to FBI policy and other FBI statements, also under oath, that in such cases as this what Swear-to-Anything Phillips swears must be withheld will not be withheld.

154. I remind the Court that I tried to work out a reasonable compromise to avoid the need of any Vaughn showing and defendant rejected it out of hand.

155. This, too, is consistent with the scheme for "stopping" me and keeping me tied up in unnecessary litigation. The FBI knows very well, for example, that it cannot justify some of its generic withholdings, as it also knows very well that it has deliberately not complied with my requests.

"Whether the FBI Searched for All Records 'Pertaining to Persons and Organizations Who Figured in the Investigation of President Kennedy's Murder' as Well as for New Orleans Records 'Pertaining to Clay Shaw, David W. Ferrie and Any Other Person or Organization Who Figured in District Attorney Jim Garrison's Investigation Into President Kennedy's Assassination'"

156. In his Paragraph 2(f) Phillips adds to the assorted dishonesties I document by resorting to fake records, as I detail below. He admits that the FBI still has not searched to comply with my actual requests with his qualification relating to the records allegedly searched. In plain English he states that I was provided with records in the main assassination files only. He states that what was processed is "those records related to that assassination." This means only what the FBI filed in the main files FBIHQ decided to provide without any field office searches for the information sought in my requests.

157. Consistent with this is his repetition of the FBI's revision of my requests, only part of the language of which is in his caption, repeated above as the subheading of this section. He states that "the FBI searched for all records 'pertaining to persons and organizations who figured in the investigation of President Kennedy's murder.'" It did not, and even the phony search slips prove it did not. Moreover, my actual requests continue with nothing omitted, "that are not

contained within the file(s) on that assassination, as well as those that are."

This clearly requests "all records on or pertaining to persons and organizations who figured in the investigation" that "are not contained within the file(s) on that assassination." Or, all information regardless of how the FBI has it filed. Phillips, while also lying about compliance with the rest of the request, does not even claim that any search was made to comply with this part of the request by either field office and none was. ~~Yet,~~ based only on his attestations, defendant moves for summary judgment, claims full and complete searches were made when they knowingly and deliberately were not, and files knowingly false, deceptive and misrepresentative attestations to support an inappropriate motion.

158. This cannot be and is not an accidental Phillips lie. Supposedly, he responds to my affidavit. Its Paragraph 15 states, and challenges Phillips to deny, that "Phillips does not even pretend that there has been any compliance with the part of my requests that are for 'all records on or pertaining to persons and organizations who figured in the investigation of President Kennedy's murder that are not contained within the file(s) on that assassination ...'" (Emphasis added) Because he states at the outset that he has been asked by government counsel to respond (his Paragraph 2) and because the language of the requests is simple enough and I have repeated it to him often enough, it is apparent that his purpose and that of defendant's counsel are to lie. Counsel cannot avoid knowing - and have the responsibility of knowing - whether what he files is truthful or not.

159. Phillips is dishonest in the same way when he states that "With respect to New Orleans records on David Ferrie, Clay Shaw or Jim Garrison's investigation, the FBI could find no main file or material on those subjects other than what was merged into the main files." Even the FBI's own phony search slips reflect that this is a deliberate lie. They itemize records that were not merged into any files, as I document below. Moreover, here also Phillips deliberately misrepresents my actual request. The actual request says it "includes all records on or pertaining to Clay Shaw, David Ferrie and any other persons or organizations who figured in" the Garrison investigation. (Emphasis added) The request is not limited to whatever the FBI might choose to regard as related to the assassination, this states that specifically, and the FBI does have and it withholds such information. In addition to what is itemized on the FBI's own search slips, I have informed the Court and

defendant of having seen copies of pertinent withheld records that were leaked to one of the organizations with which the FBI has cozy under-the-table relationships. This is undenied. As I have previously stated, again without contradiction, Shaw was a regular and at least sometimes necessary and proper FBI source. One of his close associates at the International Trade Mart (ITM), which he headed, has informed me of his and Shaw's relationships with the FBI and the names of the agents who contacted them. To make this comprehensible, because the ITM brought all kinds of people to New Orleans, some, like the former dictator Somoza, could have created enormous security and political problems. It was necessary to keep the FBI fully informed. But nothing of this nature is indicated in those search slips under Shaw or anywhere else.

160. With regard to the Garrison investigation and noncompliance with that part of my request, Phillips is evasive and indulges in irrelevancies and non sequiturs. He reiterates from his refuted Fifth Declaration that "the FBI was not involved in or connected with Mr. Garrison's investigation of the JFK assassination and thus maintained no main files on his investigation." Again the question is not one of "main" files but rather has the FBI any pertinent records. Moreover, whether or not the FBI was "involved in or connected with" his investigation is immaterial and irrelevant. Garrison criticized the FBI, and FBI records disclose that it keeps records of criticisms of it.

161. Although it is irrelevant and immaterial, Phillips is ignorant, lies or both when he says that the FBI had no involvement. It had several involvements.

162. It was involved because its symbol informants and confidential sources were, including sources within Garrison's office. It separated itself from at least one symbol informant because of his involvement.

163. It was involved because the Department involved it, including by requests for information. I saw no responses to these inquiries in the main files, which means they are filed elsewhere, in those catchall files with which the FBI abounds.

164. It is from Department records that I know, as I informed the Court and defendant, that lists of persons and organizations who figured in Garrison's probe do exist and that no research was required to respond to this part of my request. Defendant and Phillips do not deny the existence of such official lists.

Instead, they ignore the evidence so they can - and they do - lie and misrepresent.

165. The FBI was involved because of its operations against Garrison. This includes leaking his military records. In addition, there were virtual anti-Garrison press parties at the New Orleans Field Office, with David Ferrie participating, along with FBI agents involved. I know of this because I have the notes of one of the invited reporters. (He did not believe the FBI should function that way.)

166. Aside from what still is not responded to in my allegation of my being wiretapped there, there was extensive wiretapping and bugging of Garrison. This led to an unsuccessful federal prosecution (not included in the search slips of which Phillips boasts). If Phillips were not so willing to swear to anything and gag at nothing and so willing to swear without any inquiry at all, he would know that there were extensive disclosures of this, including some transcripts of the intercepted conversations. Some also were disclosed in another case on which Phillips is supervisor. An informer who did much of the wiretapping and bugging, was given a new identity and then defected, making a very large and very public stink. He and this also are not reflected in those search slips.

167. Phillips' representation that the FBI would have to make "new" searches is a double lie. It is a lie because the initial searches have not been made and it is a lie because some searches were already made. In the affidavit to which he supposedly responds I provide a few examples of persons and organizations that required no research. Typically, Phillips does not respond. One of these is Ronnie Caire. I select this as illustrative in part because that search was already made and in part because it provides a definitive response to Phillips' cuteness in stating that I "can file new FOIA requests" for it. New? That one of my many ignored requests is well over a decade old. Moreover, after I complained about the dishonesty of what the FBI told me, there was an internal investigation. It disclosed that I was lied to when the FBI denied having any records on Caire. (The author of Catch 22 was a piker compared to the FBI and its stable of those who swear to anything at all.)

168. Moreover, it is anything but clear that filing new requests would be more efficient or less troublesome for the FBI. At the very least they would require additional clerical and administrative work. The only purpose served by new requests is to waste even more of what remains of my life and work and the FBI

has the policy and the clear record of ignoring my requests until I sue.

169. If Phillips did not have the clear record of permeating untruthfulness that I document, this Caire matter reveals that his word cannot be taken for anything. I made that request more than a decade ago, when a deposit check was required. My check was cashed and I was lied to in being told that there are no records when there are and they are referred to in the internal inquiry. If Phillips had made the most perfunctory check he would have known this.

170. My Caire request is one of the 25 very old ones the Department promised the Senate FOIA committee would be taken care of. It also is included in the list of unmet requests I provided in 1976 and several times thereafter. Yet there still is no compliance.

171. Caire is not the only example. I filed a Ferrie request a decade ago. Compliance with it was limited to what the FBI gave the Warren Commission. These are not all the FBI's Ferrie records and now Phillips, on behalf of defendant, has the colossal gall to tell me to file a new request for it, too. To wait more than another decade and then have no compliance until I sue?

172. This is not the first time defendant has demanded that I file new requests for information unquestionably pertinent in litigated requests. That practice was begun in C.A. 75-1996, Defendant's counsel's office mate was the first to play that trick.

173. In his deceptive reference to not making "new" searches, Phillips does admit that no searches were made.

174. When Phillips uses this language, "The FBI acknowledges that it did not undertake new and independent searches," he makes a false pretense to the making of old searches. This is false, except insofar as the phony search slips disclose the existence of pertinent records the FBI did not provide. (I address this below in connection with those search slips.)

175. Phillips quotes Mr. Shea out of context in alleging that mine are open-ended requests. The only thing open-ended about my requests is open-ended noncompliance and stonewalling. Phillips ignores what Mr. Shea stated about FBI searches in my cases in the memorandum withheld from me under spurious claim to exemption but provided to another. Mr. Shea stated that he was "not at all sure" that real searches were made and that records are pertinent "by virtue of their

subjects and contents ... and is not determined by where or how the Bureau has filed the records." He added that "I am personally convinced that there are numerous additional records that are factually, logically and historically relevant" that remain withheld "largely because the Bureau has 'declined' to search for them."

176. Mr. Shea did not long survive this memo as head of appeals.

"Whether the FBI Searched for Files on 'Critics' or
'Criticism' of Its Assassination Investigation"

177. In prior affidavits I have refuted every one of defendant's allegations relating to this subject. I have alleged without contradiction that the "critics" are within my original requests. I have also stated that the FBI has made up an incorrect and entirely unreasonable interpretation of what it was directed to do after my appeal. It could produce the evidence of the former appeals head, who is still employed by the Department, but it does not. Instead, Phillips chews the same old cud, merely repeating what I have already refuted. This also indicates an expectation that the Court will ignore anything other than what the FBI alleges. Otherwise, at least some effort would have been made to rebut my allegations. But there has been no such effort.

178. I have stated, without contradiction, that it is not possible that the FBI was to search under "critics" or "criticism" because it has no file classification for those subjects and that I know from Mr. Shea personally that he did not intend any such futility as searching for what does not exist. To leave it beyond question that the FBI could not have filed by these subjects and that the FBI and Phillips knew this in making up that particular canard, I attach the FBI's own classification list, from its own publication on its Central Records. (Exhibit 8)

179. I also note that if, as Phillips attests, the FBI provided me with all the search slips it is a deliberate lie to state that any searches were made under "critics" or "criticism" because no such search slips were provided to me. Without doubt, one version is a lie - I was not given all the search slips or no such searches were made. Because there is no doubt that Phillips knew that what he attested to and attests to again is impossible, there was no search. He just made up that there had been because he knew that any such search was certain to be fruitless.

180. Phillips has sworn to much and has a demonstrated willingness to swear

to anything, but he has yet to attest that the individual "critics" are not within my requests.

181. I also note again that if the FBI did not understand my requests or believed there is any confusion about them, it was required by its own regulations to seek clarification and it did not do so.

182. The FBI knows very well that the activities of those called "critics" are related to the federal and the local investigations, both of which are included in the requests.

183. I filed a number of appeals pertaining to individual critics and the appeals office did not hold that the individual critics are not within my requests. If they were not within the requests, those appeals could have been acted on and would have been rejected. Instead, the FBI was told to search for and process those records, which it did not do.

184. Accompanying those appeals, on the rare occasions the FBI forgot to invoke a phony (b)(2) claim to withhold file numbers, I provided the file numbers with my appeals.

185. Although the search slips provided to me include phonies, as I attest below, it also appears that one of these slips discloses an unsearched New Orleans file, 100-17809, that appears to be on one of the organizations of critics, "The Kennedy Assassination Truth Committee." If this is correct, then it is obvious that even when a phony search turns up pertinent records they are withheld and that once again Phillips lies.

186. The previously referred to Shea memorandum of March 27, 1980, leaves it beyond doubt that the FBI knows very well that he intended no such contraption as Phillips invents. Mr. Shea sent a copy directly to the FBI's then FOIPA chief. This is the memo that was withheld from me under spurious claim to exemption and later was provided to another litigant. In referring to "all records" that are within my request, Mr. Shea stated that this includes "the Bureau's dealing with and attitudes towards its 'friends' and its 'critics' ... it extends to records by virtue of their subjects and contents ... and is not determined by where or how the Bureau has filed its records."

187. There is no doubt that the FBI and Phillips in particular know that they represent what is not true pertaining to what was to have been searched and

even to the making of a search that it was known would reveal nothing because the FBI does not file that way.

"Whether the FBI Searched for Records Referenced
in Exhibit 4 Attached to Weisberg's Affidavit"

188. The FBI interprets this as asking whether it searched for "the documents which Raymond Comstock provided to" the New Orleans FBI (Paragraph 2(H)), although Phillips also says otherwise in his next Paragraph. Phillips states, "The answer is no inasmuch as those documents per se do not fall within plaintiff's FOIA requests in these cases." This is not true. Those documents pertain to David Ferrie and thus are not only within my requests but additionally are documents the AAG specifically instructed the FBI to search for and process. As Mr. Shea stated in the memorandum quoted above, it is the subject and content of the records, not how the FBI has filed them, that makes them pertinent.

189. Phillips resorts to the utterly irrelevant, the "per se" in his declaration, in an obvious effort to avoid the obvious charge of the most obvious false swearing about the obviously material.

190. These records also pertain to the Garrison investigation because they were stolen twice by an investigator on his staff, Raymond Comstock. Comstock stole them first in his burglary of Ferrie's home, as he told the FBI forthrightly when he then stole them a second time, from Garrison's office, and gave them to the FBI. Ferrie was arrested by Garrison in 1963 as involved in the assassination of three days earlier and again in late 1966. In 1967 Garrison charged that Ferrie was part of an alleged conspiracy to kill the President, but Ferrie died suddenly before indictment as a codefendant in the Clay Shaw case.

191. In addition to my Exhibit 4, to which Phillips restricts himself in this combination of fabrication and evasion, I devote Paragraphs 25-26 and several other exhibits to this matter. Phillips' avoidance of those Paragraphs and exhibits is not accidental because it is necessary to his fabrication in that they explain the relevance.

192. If the defendant in an FOIA case can get away with avoiding evidence and not questioning it or even trying to refute it, there is no limit to how long an FOIA case can be stonewalled, with the consequent burdening of court and plaintiff.

193. However, because the pertinence is spelled out in my affidavit and is uncontradicted; because the actual request seeks all information on or about those involved in the Garrison investigation; and because there is no possibility of the FBI's claiming either that Ferrie was not involved or that it did not know he was involved, I believe that Phillips' resort to this "per se" trick does not remove the substantial question of deliberate false swearing to the material.

194. Their pertinence is also established by the FBI's own records which I provided as exhibits. They state that when Garrison's chief investigator required what Comstock stole for that investigation, Comstock went back to the FBI and asked for its return. From this alone the FBI and in particular its FOIA personnel were aware of unquestionable pertinence because it is stated in their own documents.

195. Phillips' "per se" also can be attributed to the FBI's captioning of the records I provided. Some of the stolen property the FBI accepted was legal defense information in the federal prosecution of Carlos Marcello, communications between counsel and his investigator that, as the FBI itself stated, spelled out the Marcello defense. However, that does not influence the question of pertinence because the FBI itself filed some of these records in its assassination files, from which I retrieved them, and because Marcello also was a suspect in various investigations, including the FBI's and the House committee's. (See also Paragraphs 199-204 below.) The FBI itself, as my prior affidavit stated, said of these records that they "outline various strategh (sic) and investigations conducted by MARCELLO's attorneys." The embarrassment caused by this flagrant illegality is a more likely explanation of the withholding than Phillips' outright lie.

196. I know of no investigation, including the FBI's and the Warren Commission's, in which Ferrie does not figure. He is known to have uttered threats against the President in public and to have been involved in both pro-Castro and anti-Castro activities, both pertinent in all investigations. The FBI itself regarded this Cuban angle as so pertinent that it captioned some of its investigation records "Internal Security - Cuba."

197. Phillips does not respond to my statement that the FBI also has and withholds pertinent information pertaining to Ferrie in this regard, as a suspected runner of guns to Cuba and a possible Neutrality Act violator.

198. With regard to Phillips' entirely unsupported claim that all such

records were merged into the main files, I have examined all the records the FBI gave the Warren Commission and all those disclosed to me and I recall no such merging. None of the records indicated above have been disclosed to me in this case.

"Whether the FBI Searched for the Record Quoted in Exhibit 6 Attached to Weisberg's Affidavit"

199. In neither his preceding Paragraphs nor here in his Paragraph 2(i) does Phillips refer to my Exhibit 5. That record is from the FBIHQ main assassination file, where it is 62-109060-5241. In this memo, bucked upward inside FBIHQ, Inspector J. H. Gale reported the Comstock and Marcello matters to the man only once removed from Director Hoover under the caption, "ASSASSINATION OF PRESIDENT KENNEDY ..." thus leaving no possibility of doubt of pertinence in this instant cause.

200. With regard to my Exhibit 6, Phillips again admits that no search was made, based on the same lie, that there is no pertinence. Although Phillips claims that what I seek is not clear, he understood it in his earlier Paragraph and it was clear enough to be spelled out in Exhibit 6 by the FBI, "This material is xerox copies of letters that were found by NOPD Officer RAYMOND COMSTOCK when he conducted a search without a warrant of FERRIS's residence while attempting to arrest FERRIE." That arrest was in connection with the assassination investigation. Moreover, Phillips knew he lied additionally in pretending that he did not know what I was talking about because this same exhibit states that New Orleans FBI has the "1A envelope" in which those records were filed. The FBI posts their content on these evidence envelopes, known as FD 340s, as Phillips knows very well.

201. Phillips also ignores my Exhibits 7, 8, 9 and 10, on the same matter, and the explanations of them in my affidavit. These records reflect other Comstock records that are pertinent and were not searched for in this case, even though the FBI had earlier conducted that much of a search and did not require any new search for the listed materials. These records reflect some rather unusual filing of Comstock information, in records that, under the FBI's file classification list, are restricted to "Laboratory Research Matters" and "Personnel Matters." It is reasonably certain that there is no New Orleans Comstock record that is reasonably a "Laboratory Research Matter" and there is no indication that he applied for FBI or other government employment. Instead, he rose from sergeant to lieutenant in the police department.

202. As Mr. Shea stated and as I quote him above, it is the content and subject matter of records that determines their pertinence, not how the FBI files them.

"Whether the FBI Searched for Records on Carlos Marcello"

203. In his Paragraph 2(j) Phillips admits there was no search. He claims it was because I did not list Marcello's name separately. My requests are clearly for all records on or about those who figured in the federal and local investigations, including those not filed by the FBI in its assassination main files, and Marcello figured in all those investigations. Those who processed and disclosed the main files in this case are aware of his pertinence, among other things, from my ignored Exhibit 5 in my prior affidavit. As I have stated without contradiction, lists of pertinent persons exist and were disclosed to me and, in addition, if the FBI found any of my requests needed clarification, under its regulations, it is required to seek clarification and it has not.

204. Moreover, Marcello is in the FBI's files pertaining to the CIA's employment of top mafioso to assassinate Castro, a plot widely considered by federal and New Orleans investigations to have caused a kick-back assassination of JFK. He figures in disclosed FBI records provided in this case in the above way, as he also does in the more recent Congressional investigation.

"Whether the FBI Searched for Records on
Former Special Agent James P. Hosty"

205. On the face of it, what Phillips states regarding searches for records pertaining to the Oswald case agent, James P. Hosty, Jr., simply is not credible. He states all nonexempt records were provided. They were not and he should know they were not. What was provided does not include what was in the newspapers and was testified to to the Congress by the FBI pertaining to the disciplining of Hosty over his alleged deficiencies in the investigation. That he was disciplined and claimed the disciplining was unfair is disclosed and is not exempt or in any way confidential information. Typically, Phillips ignores much of what I stated and when he does not ignore he raises a straw man so he can batter it down. I specifically stated that a pertinent Dallas record was hidden at FBIHQ (in Paragraphs 34-35). I provided, as I had on ignored appeals, the precise serial identification of

that hidden record. Instead of addressing this, Phillips resorts to a non sequitur with which he attempts to deceive and mislead the Court: "Since the '67' FBIHQ file on Mr. Hosty was clearly not within the scope of the instant FOIA request by plaintiff, it was not processed." I did not ask for the entire Hosty FBIHQ personnel record. I asked only for a pertinent Dallas record hidden there the identification of which I provided. Phillips knows very well he was trying to pull another dirty trick to continue to withhold what can be embarrassing enough to the FBI for it to hide it and not have a copy where it belongs but would be more accessible to FOIA requests.

206. Phillips begins this section (2(j)) with the attestation that an indices search was made for the Dallas office materials on Hosty and that all pertinent information was disclosed. However, he does not attest to any search for the hidden record I did identify. Moreover, even for a special agent willing to swear to anything and who gags at nothing, is is a pretty hairy attestation, with a little black magic added. I was provided with the Hosty search slip. It is entirely blank . Yet Phillips also swears that, as a result of this "search" that shows nothing, I was provided with everything nonexempt. (I provide this search slip below with other search slips.) (See For. 239ff.)

207. Phillips does not dispute the relevance of this hidden record, does not attest to even his kind of "search" for it and does not provide it.

"Whether the FBI Searched for Records on Mrs. Marguerite Oswald"

208. Phillips is remarkably imaginative when he swears to anything that appears to be what defendant wants about these searches and search slips. In his next Paragraph (2(1)) he states that the FBI did not conduct any search pertaining to the accused assassin's mother because I did not provide her name. It boggles the mind to believe that the FBI did not know that she was part of its investigation.

209. Pertaining to her, Phillips remains silent about Exhibit 1 to my prior affidavit. (I can't really blame him!) He had sworn that it was necessary to withhold certain information, including even the title, from the copy it provided in this case on urgent "national security" grounds. My Exhibit 1 is an entirely unredacted and disclosed version, which proves that, with regard to claims to exemption, also he lies. There was neither a legitimate basis nor any need for

the withholding to the need of which Phillips swore. In that record the FBI filed her as an internal security subject.

210. Even for Swear-To-Anything Phillips the "acknowledgment" that the FBI made no search is pretty wild because it provided me with the search slip! (see Par. 249-250)

"Whether the FBI Has Searched SAC Confidential Files and Safes"

211. Without citing the earlier affidavit in which I stated what Phillips next (Paragraph 2 (m)) pretends to address but does not, he claims that "The FBI is unsure what plaintiff is referring to when he talks about SAC (i.e., Special Agent In Charge) confidential files." He pretends to guess that I "may be referring to materials on highly sensitive investigations and personnel matters which are maintained in the offices of the SACs." (Interestingly, he does not claim any search there for Hosty records or report providing Hosty records from there.) Neither Phillips nor the FBI is in any way unsure about this. He merely neglects to inform the Court that the matter is one I addressed in an earlier affidavit. I then referred to the well-known fact that, whether or not in other ways "sensitive," what can be embarrassing is kept in the SACs' safes and at the same time I referred to other bizarre but existing FBI files not searched, among them "do not file" files; "dead" and "new dead" files; and the SACs' safes. By this unseemly playing of games, Phillips manages to avoid the fact that he cannot attest to any such searches having been made while pretending falsely again that my requests were allegedly incomprehensible.

212. While he restricts himself to SAC safes, a Phillips specialty of not responding to my actual allegation, the best he can muster is an obvious conjecture; and while he claims that a search was made, he also has attested that I was given all the search slips and no such search slip is among them. He claims that a search of the two SAC's safes was made. If it ever happened, it quite obviously was done separately because it was not included in the main files to which the FBI originally sought to limit compliance or in the search slips that were provided later. If there ever were such searches, and Phillips' statement that there were is neither competent nor credible, there also have to be records of the directive for such searches from FBIHQ and the responses of the two SACs. These he has not provided or even referred to. This omission does not lead to any confidence in Phillips'

entirely unsupported evasive and conjectural attestation: "Any records that were located therein pertaining to the JFK assassination or which were responsive to the Associate Attorney General's decision of December 16, 1980, were processed and, if nonexempt, were provided to plaintiff."

213. Whether records were located or not and whether any exemption was claimed for any or not are not at all conjectural - if any of this ever happened. If records were located, there is a record of them and their processing. If any claim to any exemption was made, that also is a matter of record and, in fact, the FBI was required to communicate this to me, to claim any exemption. Whether or not it did is not conjectural or an appropriate matter for conjecture. No such information was ever provided to me. As a result, based on long experience, I believe that no such searches were ever made and Phillips just made this up, in the expectation that he can get away with anything in this case.

214. Even in this he again deliberately misquotes the requests. They are not at all limited to whatever the FBI may regard as "pertaining to the JFK assassination." The requests include anything pertaining to the investigations and to persons and organizations involved in them, wherever or however filed.

"Whether All Records Identified on 'See' References Have Been Provided"

215. Phillips' Paragraph 2(n) is no more than a rehash of what he attested to earlier and I refuted. Typically, he again ignores my attestation because he cannot contradict it. He hedges, evades, fails to attest that all "see" references were searched, tries to pass the responsibility for a search off on me and boasts that the FBI provided me "with copies of all the indices search slips prepared by the Dallas and New Orleans field offices."

216. For starters, I state that it is a lie, from his own declaration, that I was provided "with copies of all" the search slips. While more proof on this will follow, as I state above, no records of any kind, search slip or any other, were provided relating to any searches of the SACs' safes, by this or any other designation.

217. I also state that, if what was provided is "all" of these search slips, then noncompliance was deliberate, beginning with knowingly inadequate searches.

218. It is daring of Phillips - or is intentionally disrespectful of this Court - because I do have the search slips, for him to state without equivocation that I was provided with "all releasable information ... This includes records identified by way of 'see' references." As will be seen, no matter how he tortures the meaning of "releasable," this is a lie.

219. For all the world as though I have not, repeatedly and extensively for almost five years, specified searches of these references that are required and were not made, he actually has the gall to ignore all of this - after entirely corrupting the directive of the appeals office on searches to be made by the FBI - and tries to put defendant's burden on me. He states that because I have these search slips, "Plaintiff thus has the capability of determining what files (including those identified by way of 'see' references) were searched and processed ..." And even though I have already reminded him and defendant and defendant's counsel that unwittingly he has attested that no search was made to comply with my actual requests, as I repeat below, he pretends that these searches were made and states that "all releasable information has been provided to" me.

220. Instead of repeating what I had already proven to be lies and apparently in the expectation that the Court would not remember or consult my proofs or would blindly accept anything he swears to, he here refers in a footnote to what I had already refuted. In the prior declaration to which he refers he states, his emphasis, that "the FBI processed all the Dallas and New Orleans files that were responsive to plaintiff's FOIA request." In this prior declaration he refers to his fourth declaration to quote what I had earlier refuted, without contradiction from him, "I stated that the same files set out in paragraph 3 of my first declaration 'were (the ones) determined by the FBI to be responsive to plaintiff's FOIA request.'"

221. When all else fails him, Phillips is tricky. Supposedly he is attesting to full and complete searches. But he avoids any reference to searches because he had, if unintentionally, admitted that no searches were made. (See Paragraph 225 below)

222. The search slips provided are not for and do not replace the initial searches. Some are pursuant to a few of the many appeals. Some are irrelevant and some are phonies, as I show below.

223. Also representing full, complete and proper searches and full compliance is Phillips next and concluding Paragraph 3. In it he claims "that the FBI's search in these cases was exhaustive. The agency not only undertook a systematic approach to locating records directly responsive to plaintiff's FOIA requests," it also, after appeal, conducted "a search for records which were, at best, remotely related to plaintiff's request." He then, without confessing indebtedness to either Madison Avenue or Orwell, boasts of what he refers to as "the FBI multi-tiered search," uncritically parroted by defendant's counsel, when both knew this was already and undisputedly proved to be a very big lie.

224. Because of the magnitude and deliberateness of the last of the above-quoted lies, distortions, misrepresentations and evasions, I address the last one first, particularly because I addressed it pointedly, emphatically and without contradiction in the long and detailed affidavit defendant's counsel wants to get expunged because it is irrefutable and pertinent on all points raised in the filings it addresses, including that Phillips declaration.

225. To this day the FBI has not searched to comply with my requests. In his carelessness with fact and lack of concern about deceiving and misrepresenting to the Court, Phillips forgot himself and told the truth, that when the field offices received my requests they did not make any search, then or thereafter. Instead, obviously after consultation with FBIHQ, they forwarded my requests to FBIHQ/FOIPA where, without any search and without any search being possible there, SA Thomas Bresson decided what would be disclosed to me in substitution for a search. In making this decision, he did not even consult the inventories provided by those field offices earlier in response to a limiting directive from FBIHQ. I attached the Dallas copy as an exhibit to my earlier affidavit. Or, arbitrarily and capriciously, FBIHQ decided not to provide even all of what was inventoried.

226. (The New Orleans inventory remains withheld - not because any exemption was invoked but apparently through tricky filing, which kept any copy out of all the assassination main files it listed. This is the subject of another of those many ignored appeals. Phillips also ignores it while claiming full and complete searches.)

227. The so-called "multi-tiered search," which does not exist, consists of the subsequent disclosure of part of what the appeals office directed be disclosed. All of what was subsequently disclosed, with the exception of "see" references, which

I address below, was not the result of any search at all. It is part of what I specifically identified as pertinent and withheld.

228. Because neither these "multi-tiered" searches nor the initial searches were made, defendant has a Hobson's choice, between admitting the lie and lying again. The defendant lies again.

229. Phillips either lies or is totally ignorant of the subject matter when he states that what the FBI was directed to do by the Associate Attorney General is "at best" only "remotely related to" my requests. All are squarely within them. George DeMohrenschildt, for example, was very much what Mr. Shea described as a "player," as my prior and uncontested affidavits establish in considerable detail. Who can doubt the significance of the secret files on the wiretapping and bugging of Marina Oswald, the alleged assassin's wife and the first and the major Warren Commission witness, particularly when it was the FBI Director himself who talked the Commission into asking for her to be tapped. (He never sought or received any authorization to bug her, but he began that before she moved into her house.) There cannot be many witnesses the FBI considered important enough to keep under around-the-clock physical surveillance. She was. (I know of no other case but the field offices have not even searched their surveillance records, as I state under "JUNE.") According to Phillips, Clay Shaw and David Ferrie are "at best" only "peripheral to" my requests, which include the Garrison as well as the FBI's investigation, but Shaw was indicted and tried, Ferrie died before he could be charged, and Ferrie also figured as a possible suspect in the records the FBI gave the Warren Commission.

THE SEARCH SLIPS ARE PHONY, DISCLOSE NO SEARCHES AND INADEQUATE SEARCHES, DO NOT INCLUDE RECORDS KNOWN TO EXIST, LIST PERTINENT NONEXEMPT RECORDS NOT PROVIDED, OR HAVE NOTHING AT ALL TO DO WITH THIS CASE

230. No doubt the great volume of the DeMohrenschildt records FBIHQ sent to the Commission reflects the fact that they are only "remotely related." A large quantity of DeMohrenschildt records were not sent to the Commission at all. They are disclosed to me for the first time in this case. With regard to them, although complete compliance has been claimed by defendant for a very long time and, based on this false claim, defendant has long sought summary judgment, not until two days

after Phillips signed his Eighth Declaration did he, personally, using the signature of his boss, write me that "processing of this file (Dallas 105-632) is completed."

(Exhibit 9) He is careful, as usual, to be so general his letter does not provide the number of pages disclosed with it. Bound, they are an inch or more thick. He does state that this one entire DeMohrenschildt record is 1,674 pages long.

231. With regard to Phillips' boast that the "see" references were searched diligently, that everything nonexempt was provided, and that the FBI also provided me with copies of the search slips, he is in character: untruthful - but completely faithful to Orwell. Some of these search slips are phony. Some disclose that no search was made at all. Some disclose inadequate searches of the indices because they do not include known records the existence of which the FBI has already disclosed. Some list pertinent nonexempt records that remain withheld. Some have nothing at all to do with this case and apparently were included to inflate statistics, the FBI's traditional answer to everything it cannot face. Some are dated before I filed this case or my requests. None - not a single one - is dated at or near the time of my requests. Some are dated two years later. Some, whether or not phony, clearly are not originals. What Phillips states was not searched for and should not have been was searched for, as it should have been, is not exempt, and is withheld. Some disclose that there are files on the "critics" and their organizations, by name of the organization. (I had already provided the numbers of some files on "critics" by name and in another case the FBI did find another organization, filed by its name, and provided it.) Some of these search slips reflect the FBI's bizarre file classifications pertaining to its political operations and its equally bizarre concepts reflected in its filing.

232. When I received these search slips, I made copies and annotated them for my own purposes. On the exhibits that follow my annotations bear my initials. I added pertinent information, like the meanings of the file classification numbers, etc.

Marina Oswald Search Slip

233. The first of the attached Dallas search slips is Marina Oswald. (Exhibit 10) It is dated 10/15/80 which leaves it without doubt that no prior search was made in response to my 1977 request. That the originally withheld Marina

"subversive" file, 105-1435, to which I refer above, was known to be pertinent but still was withheld until after my vigorous complaint, is reflected by the notation that it was sent to FBIHQ in 1978. (Phillips did not list it in those FBIHQ substituted for my requests.) Six are noted as not sent to FBIHQ until 11/80, long after complete compliance was claimed, and, with the possible exception of a single page, all identified in my complaints/appeals. That only one record is included from the enormous main assassination file, 89-43, and that one, Serial 10551, is a 1980 record, is ridiculous. She appears throughout the main files.

234. Phillips withheld the identification of the file on wiretapping her and continued to withhold it after I attested that it had been disclosed. This is not the first disclosure of it, 66-1313, and this slip does not include the illegal and unauthorized bugging file, which has a letter added to the number. The "66" files are titled "Administrative Matters." It is obvious that electronic surveillance is not an "administrative" matter. This is the kind of thing to which Mr. Shea referred in stating that it is the content and subject matter, not where or how the FBI has information filed, that determines pertinence.

235. This search slip, however, does reflect what is normal and others can be compared with it. The person making the request fills out the search slip, and that is one handwriting. Others do the searching and make the entries, other handwritings. As will be seen, the FBI was not concerned enough to duplicate this with some of the phonies it sent me. That this is a copy of a file copy is reflected by the stamp in the lower right-hand corner. If such a stamp does not appear, then what was provided is phony, and many are. The 190-36 reflects that this is in the 36th file in the Dallas 190 or FOIPA requests file. There should be a third number, the serial number. That there is none is ground for suspicion.

236. The 105-1716 file is on the Paines, with whom Marina lived in Dallas just before the assassination. The Paines, particularly Mrs. Ruth Paine, were well known to the FBI to be significant figures in all investigations, what Mr. Shea calls "players," and thus within my requests. The existence of this entry reflects the fact that in at the very least a large number of instances, contrary to the entirely unsupported Phillips claim that much work would be required to identify them, identification was almost automatic.

237. Unless the 10/66 date following the electronic surveillance entries

refers to later such intrusions into her life, there is something fishy in this because what was disclosed to me states that surveillance was discontinued in early 1964. (All the FBI got, aside from intrusions into her conferences with her lawyers, is personal stuff, some quite personal, like her accounts of her nocturnal sexual fancies and of sleeping with a married man after her husband was killed and while under federal "protect'ion.")

238. It is not likely that a real search for Marina records does not disclose other records not listed here. An example is the DeMohrenschildt records. She had much to do with the DeMohrenschildts.

The Hosty Magical Search Slips

239. The Hosty search slip (Exhibit 11) is magic and fraud combined. In a search not ordered until 2/2/81, in response to a 1977 request, two searchers came up without a single citation in their "All References" search!. It is an authentic FBI "multi-tiered search" that produces no record of the Oswald case agent who was involved in a number of the most sensational controversies of the FBI's investigation. One is the Dallas police report that only minutes after Oswald's arrest he stated that the FBI knew Oswald had the potential but had not believed he would be violent. Another is Hosty's personal destruction of and failure to tell the Warren Commission about Oswald's note to him allegedly threatening to bomb the FBI Dallas office and the Dallas police headquarters. Hosty also was disciplined by Director Hoover following an investigation by the FBI's inspector general. And there are others.

240. Above Hosty's name two symbols are written in. These are FBI Records Branch symbols. The circle with a dot in the center means that a "main" card was found in the index. The circle without the dot means that Hosty is the subject of "mail," which appears to refer to records that were sent (but not in this case). These are not provided and no claim to exemption was made to withhold them in Phillips' boasted full compliance. As they do not appear on the search slip, they also were neither accounted for nor provided to me.

241. It is apparent that when searching the indices yielded two different kinds of listings, even though they are indicated in code, the search slip that does not list a single record is phony.

242. This search slip also is a phony because it does not have the required stamp in the bottom right-hand corner and bears no file classification and serialization. It also is one of many proofs that the FBI does not retrieve records by means of its general indices only. It is impossible to retrieve this record from indexed, numbered files because it has no file number and is not marked as having been filed, as all are when they are. However, this can be from one of those ticklers that Phillips swears do not exist.

Warren Commission Search Slip

243. There are two search slips for the Warren Commission, one as magical and fraudulent as the Hosty search slip but retrievable from files because it was filed in 190-36, if without serialization (Exhibit 12), the other, under the Commission's correct name and with the date of the beginning of that file, 10/64. The "All References" first "search," of 10/28/80, or almost three years after my requests, yielded not a single citation. The second was much more "multi-tiered." It produced a single citation, the post-Commission file, 62-3588. For the period before the Commission ceased to exist, these diligent searchers found nothing. At the very least, all the main files I have examined contain many references to the Commission. Each, at the very least, has repeated references to the Commission requests and responses made and to its personnel, orten FBI complaints and criticisms of them and their requests. But none of this showed up on two of those fabulous searches that make Phillips and defendant so proud.

Jack Ruby Search Slips

244. Jack Ruby searches reflect a different variety of magic and fraud. The 7/25/78 New Orleans search slip (Exhibit 13) is four double-columned pages long, but as the FBI accumulated more records in this ongoing historical case, listing them required only one column on a single sheet in Dallas, the Office of Origin. (Exhibit 14) Of these, four listings are of filings subsequent to the 1978 search. Although there is supposedly strict prohibition of any destruction in this historical case of permanent interest, Dallas destroyed eight of the 17 entries. Only four were sent to FBIHQ in response to the "All-Reference" search of 10/15/80, then three more were sent the next month. This destruction eliminated almost all records not

provided to FBIHQ for the Warren Commission. One of these was a "racketeer" filing of January 1976. Other destroyed records pertain to atomic energy-criminal filing, the white-slave traffic act, bank robbery, and five are from that special 94 or "Research Matters" file the FBI steadfastly refuses to search in all my cases and in which it includes such delicacies as its propaganda, leaking and lobbying activities and its records on the media and writers and researchers it does not like. (At least one Dallas 94 file pertained to a criminal intelligence program and for a while Ruby was a Dallas FBI criminal informant.) Ruby, of course, was only the man who aborted any trial of Oswald and the working of our system of justice by killing him.

245. There is dishonesty of obvious motive in the Dallas search slip provided to me. It does not include all references the indices contain. The FBI has admitted that for six months Ruby was its probationary criminal informant. It claims that because he was not productive he was dropped. Dallas, therefore, has a pertinent 137 file as a result. One of the possible reasons for dishonesty in this search is to pretend that these records do not exist. Another possible reason is that disclosure will not be consistent with the FBI's statements pertaining to Ruby as its informer. Whatever the explanation, this is deliberate dishonesty in the search and the attestation to genuineness inherent in Phillips' declaration. Based on this deliberate dishonesty and imposing on the trust of the Court, the FBI seeks summary judgment.

246. Five of the entries on this Dallas search slip are obliterated. One or more may be of such 137 listings. The identifications of the files are withheld under claim that they pertain "solely" to FBI personnel matters and to confidential sources. Neither can be true of the 137 records pertaining to the dead Ruby. In each of these cases, however, the search slip states that copies were sent to FBIHQ three years after my request and the month after the date of the 1980 search.

247. The FBI requires that for each contact with an informer an informer contact report be made on a special printed form. No such form has been provided to me. The FBI also requires that permission to make an informer be requested and granted in writing. Any payments also have to be accounted for. No such records are provided or, as far as I can determine, listed on this search slip.

248. The dating of the New Orleans search slip indicates it could have been

pursuant to this request, after it was forwarded to Bresson at FBIHQ. It provides a dependable measurement of the FBI's determination not to comply with a request for all records. In each of the four instances of a record not being in one of the main files to which Bresson decided I should be limited, New Orleans did not send it to FBIHQ for me on the ground that it was "irrelevant." This also provides a measure of the dependability of Phillips' and defendant's counsel's word when they tell this Court that I was provided with "everything" - Phillips under oath.

Marguerite Oswald Search Slip

249. Although Phillips swears that no Marguerite Oswald search was made and also swears that this was because it was not required, there was a New Orleans search under the name of the accused assassin's mother. (Exhibit 15) If no search was made, why was I given the search slip showing that indeed it was made? While this record has the correct FOIA file number, it has no stamp recording its filing and thus appears not to be the original or a copy of it. The request for the search coincides by date with the searches made under Ruby. It also bears the name of the SA at whose request the clerks made searches in this case, according to Phillips.

250. This makes it appear that Phillips' lying under oath is automatic. He does no checking at all. Instead, without even thinking, he just swears to anything that at any moment appears to be expedient. He cites these search slips as his authority for stating that I was provided with everything not exempt, yet he also states that no search was made for Marguerite Oswald records and they were not provided. If he had even skimmed them before swearing to this obvious lie, he would have known immediately that a search had been made under the name of Marguerite Oswald and he would not have had to lie at all.

Irrelevancy and Fakery in Search Slips

251. "Senstudy" is the FBI's code name for the Senate Intelligence Committee investigation. This, another unfiled, hence unretrievable, search slip (Exhibit 16) of the same time period, has no apparent purpose and appears to have been included merely to inflate statistics and pretend to the extensiveness of searches that were not made. (To the best of my knowledge, this file was not provided. No exemption

is claimed.)

252. There is obvious fakery in the attached New Orleans search slips because they run continuously, the searches pertaining to Lee Oswald, David Ferrie, Clay Shaw and Jim Garrison all run in together on a continuous series of 22 sheets. (Exhibit 17) This is not the way it is done. It cannot be done this way. Each search is requested on a separate sheet and the clerks add any additional sheets that may be necessary. Obviously, before the search nobody has any idea how many entries there will be or how much space posting them will require. It just is not possible that these are copies of original search slips. These slips bear no file number and no filing stamp or notation. It thus was impossible to retrieve them from the files or by means of the indices. This indicates that they may be handwritten copies made from other and withheld search slips. All appear to be in the same handwriting. They do not contain other essential information, like when who made what request and what was requested. In not a single instance is the identification of the searcher or the date of the search or any review of the search posted, as is required. The kind of search also is not indicated.

253. This gang-bang of "searches" begins with a sheet the first half of which pertains to John S. Kennedy and the other half to Lee Harvey Oswald. Although this is the first of a continuous run of 22 pages, there is nothing to indicate that a search under the wrong name of the President has anything to do with my request. Moreover, it also is dated 1/4/77. This is almost a year before I filed the requests now litigated, so those searches cannot be in response to my requests. This also suggests strongly that stupidly incompetent copies were made of existing search slips and are being palmed off by defendant - under Phillips' oath - as searches made for me in this case.

254. There is a legend at the top of the first sheet. It reads, "Circle when included in analysis and shipment." No copy of this analysis was provided. Aside from the few main files to which FBIHQ limited compliance, there are only three encircled entries. One under Oswald was stricken through. The two under the Kennedy name are to files, on the Commission and on Ruby. This also reflects the determination to withhold all records not included among the files from which the Commission was and the Congress would be supplied.

255. One of the citations is withheld under claim to (b)(2) and (b)(7)(D),

claims the FBI customarily makes to withhold nonsecret file numbers. That is improper. There is a notation stating that this record and another were destroyed. Why any such records would be destroyed, if they were, after the President was assassinated and no records were to be destroyed is not apparent.

256. Bearing on the FBI's real reason for withholding file numbers under hoked-up claims to exemption is the fact that I can provide the identification of the second file, New Orleans 97-74. It is the Fair Play for Cuba Committee (FPCC) file and is quite pertinent. Oswald contrived himself a connection with the national office in New York by means of an unsolicited letter and \$5. He then made up a nonexistent New Orleans branch that figures very prominently in all investigations and allegations pertaining to his beliefs.

257. Every detail of this John S. Kennedy "search" strongly suggests another FBI fraud. Like the others, it is a phony because it cannot be the original search slip and cannot have anything to do with a request of a year later. There are three page citations to the very large main assassination file, every record in which bears his name. There is but a single reference to one record in the also vast Oswald file. It is entirely unlikely that in those many thousands of pages there are no additional references to the victim/President. Moreover, the numbers of these two main files are not encircled. This represents that those files were not shipped. Yet the Commission file was shipped? And only one page of one record of the large Ruby file? This defies reason. It cannot be true.

258. The Oswald "searches," which take up the second half of this sheet, continue onto the first half of the first sheet of Clay Shaw "searches." Of the 17 entries, only two are not to one of the main files supposedly sent later and in toto to FBIHQ for processing and disclosure to me. Yet not one of those entries is encircled. Only one entry is encircled, 97-74-72. It then is stricken through, indicating it was not sent. (This is the previously mentioned FPCC file and it has more than a single page on Oswald because I have a copy of what was disclosed to another requester.)

259. The other record is 4-0-64A. It is noted as destroyed before a year the last digit of which was eliminated in xeroxing, 197?. This is a National Firearms Act case and why the FBI would want to - or think it was empowered to - destroy such a record in this historical case is not apparent. No records in this

case were authorized to be destroyed and without authorization, including from the Archives, it was prohibited.

260. The extraordinarily few Oswald entries end with the citation of a total of four pages at the beginning of the first Shaw page. The first three are citations of individual pages of the assassination file of which, in its many thousands of pages, he is the main thing. None of these pages is indicated as sent to FBIHQ for processing. The fourth citation, to a civil rights record, is noted as "destroyed."

261. In this gang-bang search New Orleans almost entirely divorced Oswald from the man who killed him because this "search" resulted in the identification of only one page of the many pages in that file. It divorced him from his self-created Fair Play for Cuba Committee connection and it divorced him entirely from any connection with his wife and his mother, no file on either being listed.

262. I was provided with a copy of a 1975 Oswald search slip (Exhibit 18) which bears no information other than the filing stamp and the list of records indexed. According to this slip, New Orleans had only three of the main files and five other entries that are withheld under claim to an illegible subsection of (b)(7). Here, too, the "multi-tiered" FBI search divorced him from his wife, his mother and his contrived FPCC connection, to say nothing of that firearms case.

263. The first entry under Shaw is to a 46 file, noted as "irrelevant." There is no such thing as an irrelevant file in responding to a request for all records. ("46" is Fraud Against the Government.) All the other citations are to a single file, the main assassination file. Not one is encircled, or indicated as sent to FBIHQ for processing in this case. The individual listings take up three full two-column pages. It appears to be improbable that there was not a single reference to Shaw in any other main files because of the large amount of Garrison-period records allegedly linking Shaw with Oswald and Ruby.

264. David Ferrie entries begin in the lower half of the third Shaw page and continue for six double-columned pages, the last of which has its second half taken up with the beginning of the Garrison entries. All the Ferrie citations are to two main files, the assassination and the Oswald files, with one exception, citation of nine pages of 94-448-1201. They are labeled "irrelevant." This is impossible in responding to a request for all records, and no claim to exemption can

be made until they are processed. (Ferrie died in early 1967.) But according to these numerous pages, nothing was sent to FBIHQ for processing. (The 94 file classification is used for records pertaining to the FBI's propaganda, leaking, lobbying and other activities, like its criminal intelligence program in field offices.)

265. Phillips has not denied my earlier affidavit in which I attested to having seen an FBI Neutrality Act record pertaining to Ferrie's alleged Cuban gun-running activities. The FBI leaked this record to someone else from whom it occasionally seeks favors. It is not accounted for in this "search."

266. The Dallas "search" slips do not include any Shaw or Ferrie searches.

267. There are 11 two-column full pages of Garrison citations plus the second column of the last Ferrie page. What is provocative is the repeated claim of "irrelevant" for not sending to FBIHQ for processing many pages of the identical 94-448^{file}, also claimed to be irrelevant on the Ferrie pages. Aside from the fact that no record is irrelevant in responding to a request for all records, how irrelevant can it be if both Ferrie and Garrison are at the same points in a single long record, often on the same page? Garrison did arrest Ferrie as a suspect in the assassination at the time of the trial and did accuse him later in the Shaw case. Given the uses to which the FBI has put 94 classifications, this could be a file on the Garrison "probe," an entry added to another record I have.

268. These listings give the lie to Phillips' attestation that I was given all nonexempt pages. Clearly that is false because I was not given these and no claims to exemption were or could be made. Because FBIHQ had these "search" slips, the existence of this clearly pertinent information was known at the time Phillips lied while boasting of these "search" slips and "multi-tiered" searches.

269. I know the FBI claims it kept no separate Garrison file, but in the April 14, 1967, memorandum on an informant's report (attached as Exhibit 19) all of the heading and names are withheld on claim to (b)(2) and (b)(7)(D). Those FBI names, according to FBI testimony in another of my cases, were not to have been withheld, on orders from the top in the FBI, for the entire period of the processing of these records.

270. This, obviously, will create a very serious problem in any Vaughn indexing and if anyone swears in this case that such names must be withheld, there

will be a substantial question of perjury because another FOIA supervisor swore in another of my cases that they would not be and still another supervisor swore that FBI policy was changed and, for the period of processing at least, they were not to be withheld.

271. In place of the heading the FBI wrote in "Garrison Assassination Prob." If this represents either "problem" or "probe," then it is apparent that the FBI did have a separate place for collecting Garrison records other than the cited main files.

272. In connection with the spurious claim to withhold the identification of the informant, it was all over the front pages on his initiative. He is John "the Baptist" Canceler, a well-known criminal.

273. Garrison records in a wide variety of classifications are noted as destroyed or irrelevant, which none can be. These subjects include civil rights, interception of communications, illegal wearing of uniform, personnel matters, miscellaneous administrative matters (one of the FBI's catchall "admat" files where surveillance and other records are hidden), subversive matter, "research matters" (press, propaganda, etc.), anti-racketeering, interstate transportation of wagering information, obstruction of justice, fraud against the government and sports bribery. Particularly if any of these relate to his performance as district attorney, they are quite significant. In any event, the request is for "all" records on or about this very public figure, to Mr. Shea a key "player."

274. Garrison was an FBI special agent and he is in a 67 file, the file in which personnel records are kept. It is not likely that this file was destroyed, as is indicated. The FBI has and needs them going back to its very beginning.

275. The "admat" file has the same classification number as that in which the FBI hid its records pertaining to the bugging and wiretapping of Marina Oswald.

276. There is no single reference to any assassination main file other than 89-69, the main one titled the assassination. It appears entirely unlikely that there are not references to Garrison in at least the Lee and Marina Oswald and the Ruby main files.

277. Almost none of these records, none at all of the 89-69 main file, are encircled to indicate that they were sent to FBIHQ for processing. The frequency and extent of this gives the lie to Phillips' attestations that I was given all

nonexempt records. No claim to exemption is made here, there is no blanket exemption and an appropriate exemption must be made for each page.

278. As I state above, this slip is a phony, but phony or not, it does identify many pertinent records that were not processed and remain withheld. These also are records it requires no work at all to locate because they are already located on these slips.

279. To indicate the kinds of uses to which the FBI puts its "62" or miscellaneous and administrative inquiry files (at FBIHQ both the assassination and Commission files are 62s), I attach a record from the Dallas assassination main file. (Exhibit 20) This record pertains to one of the groups of "critics" and one of the better-known "critics." A note at the bottom added by the Dallas case agent states that with this record Dallas "opened" a "62 dead." It clearly is pertinent, it was not provided and it is not listed on any search slip provided to me. When FBIHQ wrote Dallas about this record six days later, the Dallas copy has a notation of duplicate filing outside the assassination main file, in 62-4372. That clearly is a file holding information pertaining to "critics" and it should show up in any genuine and honest search.

280. The foregoing Paragraphs report what the boastful Phillips describes as an "exhaustive," "systematic" and "multi-tiered" search. What is "multi-tiered" is the dishonesty of it all, layer on layer of it. What is "systematic" is his lying, deception and misrepresentation. What is "exhaustive" is his and defendant's diligence in seeking a totality of dishonesty. In these "search" slips they approach totality of dishonesty because, as I state above, they are phony; are usually irrelevant to and not searches made for this case, which is what he swears to; are not copies of originals, which he also swears to; are not inclusive; yet they do refer to records that are pertinent, were not provided and for which no claim to any exemption is made.

281. It is of these phonies that Phillips attested, in his inappropriate effort to saddle me with the plaintiff's burden of proof, that "Plaintiff has the capability of determining what files (including those identified by way of 'see' references) were searched and processed by the FBI in these cases." He is correct in one phrase, "plaintiff has the capability," old, handicapped and unwell as he is, when confronted with such an enormity of sworn official dishonesty, such deliberate

lying to a federal court.

282. He states the opposite in stating that these slips enable me to determine which files were searched and processed. I am able to determine that some of those listed were not processed, that no claim to exemption was made to withhold them and that none could be. (Earlier I identified those not searched for.)

283. I was also able to determine and these slips add to the unrefuted proof that no searches were ever made to comply with my actual requests or with subsequent directives to the FBI.

284. In short, as it pertains to all searches, the truth and fact are almost the exact opposite of what Phillips swears to and what he swears to is the basis of all of defendant's pleadings, including for summary judgment.

CONCLUSION

285. Except for pictures, which I address separately below because they are the subject of defendant's Opposition of July 19, 1982, and its alleged basis, its attached Phillips' Seventh Declaration, in the preceding Paragraphs of this affidavit I have addressed what I believe is each and every allegation by Phillips in his Eighth Declaration. I believe I have shown that he is never truthful, and that while he sometimes merely misrepresents, evades and seeks to deceive, he also is blatantly untruthful.

286. I know of no authority other than his falsehoods and infidelities to fact that the FBI invokes as entitlement to summary judgment.

287. In the past Phillips has not attempted to refute what I attest to and in this instance he also will not, because once again he cannot.

288. As I state above, I have considerable FOIA experience. In the area of my work and interest, this means that I have considerable experience with varying degrees of official abuse of fact and truth. I believe that this defendant, lusting for noncompliance, and this defendant's agent, Phillips, are less inhibited in their raping of truth and fact in this case than I have ever observed before in this long and painful experience.

289. Before this Court, they also were more careless. As I state above, their usual scheme is to ignore my requests until I file suit and then to substitute

what is less uncongential to them for my actual requests. However, this case is the first time they have been careless enough to swear, as Phillips actually did swear - and does not and cannot deny - that, instead of making searches as required, FBIHQ decided without search (or even being able to search the distant field offices) what records I would be provided.

290. I am familiar with the legislative history of FOIA going back to the time of this provision of the Administrative Practices Act. I am familiar with the enactment and the amending of the Act, particularly as excessive official dishonesty in one of my cases was responsible for the amending of the investigatory file exemption. I also have considerable experience in FOIA cases. (One of my current cases began with a 1966 request and with litigation filed in 1970.) Based on this knowledge and experience, I believe that the unintended Phillips admission, that the initial searches were not made, means that, unless defendant is willing to accept a reasonable compromise, this case is now back at its 1977 beginning or will take a costly and wasteful detour in getting there, to the making of the initial searches that were never made.

THE OPPOSITION AND THE SEVENTH PHILLIPS DECLARATION
DO NOT STATE THE TRUTH WITH REGARD TO PICTURES

291. If in theory the Opposition is based on the evidence of Phillips' Seventh Declaration, in its representation of fact it states what Phillips does not state and in its Argument with respect to the providing of copies it fails to cite controlling authority, government regulations and the Attorney General's own interpretation of the meaning of access, as stated in his published Memorandum on the Act. In addition, in one of my own cases, the government admitted that the Act requires providing photographic copies of photographs. Based on these and similar omissions and a desire not to provide me with photographic copies, the Opposition argues that undertaking to make what it self-servingly describes as "reasonable efforts to make the records," that is, pictures "available to a requestor (sic) ... complies with the disclosure requirements of the Act." How what defendant proposes could be feasible if I lived in Kodiak or Honolulu or were bedridden the Opposition does not explain. In addition to representing with what now is deliberate falsehood, that defendant provided me with "photostatic copies," the Opposition states that I can examine the photographs in the FBI's public reading room.

292. It also is argued that defendant cannot find any record of my having been promised photographic copies by the former Director of FOIPA Appeals, which I stated he had told me. However, as I also stated, Mr. Shea is still employed by the Department of Justice and it is conspicuous that no affidavit from him is provided in support of defendant's argument about this or anything else.

293. A compromise is offered which ignores motion pictures - and they were not provided to me in these "photostatic copies." If the Court in its wisdom can instruct me how to cohabit with an octopus, I am willing to try to reach a reasonable compromise. However, it is my uniform experience with this defendant that, absent sanctions, the given word means absolutely nothing, and as the Court is aware, when I earlier offered a major compromise, this defendant rejected it out of hand. As a result of the considerable extra work, cost and trouble this has caused my counsel and me, I will not today offer the same compromise.

294. If it were not that defendant's counsel is well aware of the fact that it is physically impossible for me to get to and use the FBI's reading room as he proposes, I might assume that he does not make this proposal in bad faith. However, defendant, the appeals office, the Civil Division and defendant's counsel know very well that it has been difficult for me to get to Washington since an arterial blockage was first diagnosed in 1977, that thereafter I could get there only when I could get someone to drive me in a rental car, and that since the first of three major surgeries two years ago I have not been able to get to any conference, calendar call, hearing or oral argument in any of my cases, including this case.

295. It is inconceivable to me that he is unaware of the fact that his own Civil Division officemate was ordered by another court to come to my home for a deposition because I am unable to get to Washington. Bearing on this is a remarkable coincidence reflecting internal communication regarding me, my cases, my physical and medical limitations and counsel's pettiness in exploiting them.

296. Toward the end of 1975 I suffered and survived severe thrombophlebitis in both legs and thighs. Since then I have lived on a heavy and potentially dangerous dosage of anticoagulant which requires me to be extremely careful, to avoid any bruising or scratching, no matter how minor, lest I hemorrhage. For a short period of time thereafter, I was able to drive to Washington. When I could no longer drive, I used the poor, limited and inconvenient Greyhound bus service,

until after arterial blockage was diagnosed in 1977. In 1976, when it became clear that it was unwise and unsafe for me to drive to Washington to pick up copies of government filings in my FOIA cases, I asked all government counsel to mail a set to me. I offered to pay. All agreed, recognizing the problems I face and aware of extra delays in extra mailings. (None would accept payment for the extra xeroxes.) In some instances, without my asking it, special delivery was used. This continued in all my cases, with all government counsel, until the officemate of defendant's counsel in this case became counsel of record in my C.A. 75-1996. He canceled this arrangement immediately, refused to restore it when asked, and when ordered to do so by the judge in that case and after agreeing to do as ordered, continues to refuse to do so. When he became defendant's counsel in another of my cases, he canceled this arrangement in it and again refused to restore it. When his officemate became defendant's counsel in this case, he also immediately canceled the same arrangement. After several long delays in mailings reaching me, I asked my counsel to ask him again to mail copies to me for which I would pay. My counsel informed me that he again had refused. As a result, particularly now when I have to spend about half a working day in therapy, this results in unnecessary delays in the government filings reaching me and in great time pressures for me. I cannot prepare affidavits, for example, within normal time limitations.

297. There is no doubt that the Civil Division is well aware of my medical and physical limitations. I am without doubt that defendant's counsel in this case also is fully aware of them. I therefore believe that when he told the Court that I could use the FBI's reading room, he was well aware that I cannot.

298. To leave no doubt on this score, I state that the briefest standing or a short period of normal sitting present me with problems that last at least the rest of the day, until I can stay prone for the night. The Civil Division has known for seven years that I cannot sit normally except for short periods only. I must have my legs elevated, even in the courtroom. It is unwise for me to stand long enough to brush my teeth, and I never do. Even if I had a way of getting to the FBI building and even if that trip did not now weary me for two days, it is not possible for me to use the FBI's reading room.

299. There is another reason I cannot use the FBI's reading room, and this gets directly to the integrity of defendant's counsel's representation that I can:

the FBI refused me permission. I did ask.

300. What makes defendant's present self-serving prating even more inappropriate is the fact that it was to be able to examine pictures and pictures only that I tried to use the FBI's reading room and was unable to because the FBI would not permit it.

301. If defendant did not single me out for special discriminations, defendant would not now face any problem with regard to pictures. Now defendant wants the very cake he has already eaten.

302. Shortly after the FBI's general JFK assassination releases, a "critic" was in the FBI's reading room. He told me of the large number of pictures there, hence my knowledge that pictures not physically in the Dallas and New Orleans FBI offices were at FBIHQ, something defendant has never denied. At the time of these releases, the FBI had written me telling me that I must have an appointment to use the room. After hearing of the presence of these pictures there, I wrote and asked the FBI to make an appointment for me at any time convenient for it. I never got a reply. After some time passed with no reply, I filed an FOIA request for copies of these pictures. Again, and typically, the FBI also ignored my FOIA request. I did not even receive an acknowledgement of it. After waiting more than enough time, I filed an appeal. In four years my appeal not only was not acted on - I have never received even an acknowledgement of it and I did file reminders.

303. Because the FBI prohibits use of its reading room without an appointment and because it refused to make any appointment for me, it has denied me access, in the very sense defendant's counsel now says I have access.

304. In his Seventh Declaration Phillips fails to claim any factual knowledge of any kind pertaining to this case. He claims only a general knowledge of FBI FOIA "procedures," blandly ignoring that he has already attested, albeit unintendedly, that those procedures were not followed in this case.

305. Next to swearing to anything, Phillips is best at ignoring all the many sworn corrections of his nonstop unfactuality that I have provided. Correction, however, does not diminish his resort to untruth because there is no other way in which he can swear, as he does in his Paragraph 3, that I have "been furnished with all releasable film relative to the JFK assassination ..." (I break his lies apart because they are "multi-tiered." I continue this quotation, with nothing omitted, below.) (Par. 311)

306. What he states is what should have happened and he knows very well did not happen. His lie provides a convenient quotation for defendant's counsel's misuse. Phillips does not state here that I have been provided with "copies" of this film. He states I received film. He knows this is a lie, as does defendant's counsel, who is also aware that I caught Phillips in another lie earlier when he swore to the kind of allegedly photographic copies Phillips claims were provided.

307. Earlier Phillips was untruthful in telling the Court that I received "photostatic" copies when I did not. After I corrected this, defendant's counsel now, as quoted above, repeats the lie. This is not insignificant and is designed to deceive and mislead the Court. Photostatic copying is a photographic process, employing a camera. Xerox copies, which are what I actually got, are made by an entirely different process, an electrostatic printing process, that does not involve any camera and does not provide "photographic" copies. The definitions in the unabridged Random House dictionary are, "Photostat, a camera for making facsimile copies," and "a copy made with this camera, to copy with this camera." It defines "xerox" as "a process for reproducing printed, written or pictorial matter by xerography." This process is defined as "a method of printing in which a negatively charged ink powder is sprayed upon a positively charged metal plate from which it is transferred to the printing surface by electrostatic attraction." (Emphasis added)

308. Because Phillips repeats his untruthfulness after I corrected him, his purpose is to lie. Any doubt on this score is eliminated by his Paragraph 6 in which he states that "the FBI decided to furnish plaintiff with photostatic (or as plaintiff incorrectly refers to them, 'xerox') copies of the photographs in question."

309. Any doubt about defendant's and Phillips' intention is also eliminated by the last sentence in Phillips' Paragraph 3, "Those films were 'photographically reproduced. Thus plaintiff has 'photographic copies' of all the releasable films that pertain to his FOIA requests." (I also have disputed his "all.")

310. Defendant's counsel is aware that this is a lie because it was a bit too much for him, although he did repeat the false claim that I was provided with "photographic copies." In his effort to support and use Phillips and his lie, defendant's counsel states (in his footnote on page 1 of the Opposition), "By

'photostatic copies,' Special Agent Phillips meant that the photographs were duplicated by a photocopying machine. It is not certain, however, that the Xerox Corporation manufactured the machine which was used to do the duplicating." Who manufactured the electrostatic machine that was used for making xerographic copies is a childish diversion. Moreover, when Phillips swears to "photographic copies" to a Court, he does speak for himself; and although defendant's counsel is not correct and he knew Phillips was not correct, he did file Phillips' lies, knowing he was filing untruth. This is the apparent reason for his effort to fuzz it over while still pursuing the improper purposes of the untruth.

311. What Phillips states in the balance of the sentence quoted in part in Paragraph 305 above, referring to "all the releasable film" he states I was given, is, "which are contained in the Dallas and New Orleans Field Offices." (Emphasis added) This is an evasion intended for purpose of lying about which I have corrected Phillips. His repetition of it, therefore, is not accidental, is purposeful, and is intended to deceive and mislead the Court. Where those films are now is immaterial. They are undeniably the records of those offices and thus are within my requests. (I also provided the FBI Dallas office's account of the extent of film it stored outside its files and in the safe place it described. This Phillips also continues to ignore.)

312. To eliminate any doubt about this and about defendant's knowledge of it, which also means about defendant's intent to be untruthful and to deceive and misrepresent to the Court, I provide Exhibit 21, one of a very large number of such records I have. I selected this one because it is the cover of the first file in the top drawer of the file cabinet nearest the stairs I have to use to get to these records. (Using stairs, standing and bending are difficult for me.) Exhibit 21 was provided to me in this case. It is the cover of the first volume of the New Orleans main assassination file.

313. It states on the face that it is New Orleans File 89-69, and there is the added stamp, "New Orleans Div. File." (The FBIHQ number for that main file is given, 62-109060.) But Phillips' own unit was unwilling to trust the FBI's clerical personnel to read this, so it stapled on a forceful, capitalized additional warning on a 3x5 card, with the fact that this is a "FIELD OFFICE FILE" underscored twice. It then added another caution, again capitalized, "DO NOT FILE IN FBI

HEADQUARTERS FILES."

314. While it was never really in question, except for defendant's and Phillips' steadfast untruthfulness, all records in this case, including the photographs of both field offices, not only remain the records of those field offices but above all else, they are not to be filed "IN FBI HEADQUARTERS FILES." There is no possibility at all that Phillips and defendant are not aware of this. Their insistence upon untruthfulness is for the improper purpose of noncompliance while they swear to compliance.

315. Phillips and defendant persist in trying to deceive and misrepresent by the improper use of the word "contain." That it is persisted in as of today, after repeated corrections, is not because defendant, outside the person of Swear-to-Anything, Gag-at-Nothing Phillips, is not aware of it. I wrote Phillips' boss about this six months ago (Exhibit 22), after perceiving it as what I then described as Phillips' "dirty trick" in the letter he wrote to me in his boss's name two days earlier. (Exhibit 23)

316. In Exhibit 22 I also informed defendant that long after the records provided to me in this case were processed, the Associate Attorney General, in the letter defendant persists in trying to misuse, stated that "there are various films and tapes in those (i.e., Dallas and New Orleans) files which were not processed for possible release to Mr. Weisberg. The Bureau will now consult with him regarding these materials and will process any which are of interest to him." I never received any response and the FBI never did do what it was told it "will" do. Instead, we face perpetual misrepresentations, including what what the AAG said the FBI "will" do was "discretionary." I next pointed out what remains true today, that "Since then the FBI has not consulted with me with regard to this matter and until the imminence of action in court did not even respond to my letters about it."

317. It is obvious from the language of the AAG's letter that his appeals office had specific knowledge, something the FBI has never denied, of the existence of New Orleans and Dallas "films and tapes" which "were never processed" in this case. As my letter to the FBI also points out, the FBI did not claim to the appeals office that those offices do "not 'contain' those records nor did it represent to the appeals office that they did not exist. I was in touch with the appeals office. I was informed that I would receive prints of all the film and dubs of the tapes."

318. Until it was expedient to misrepresent to the Court, the FBI did not dispute that I was to have received "prints" and "dubs." And until Mr. Shea was eased out of the appeals office, no trickery like "contained" was employed to hide the fact that pertinent records of those offices have been and remain withheld.

319. Because I am addressing the deliberateness of the dishonesty I have from the first faced in this long-stonewalled case, I repeat that the appeals office found and the AAG confirmed that after the processing of the records to which Phillips attests, long after that, the Department found and the FBI did not dispute that it found "various films and tapes in these (i.e., Dallas and New Orleans) files, which were not processed" for" me in this case (emphasis added); and that, in addition to having officially been informed that it "will now consult with him (meaning me) regarding those materials and will process any which are of interest to him" (emphasis added), I reminded the FBI of this on March 27 of this year, without response.

320. With this the actual record, it is apparent that defendant's and Phillips' sworn-to repetition of the irrelevancy "contained" is for the purposes of perjury without the risk of it, to hide behind the irrelevancy in swearing to a lie to this Court.

321. What Phillips states in his Paragraph 4 also is intended to mislead the Court, that "many of these photographs" were published by the Warren Commission. Although this publication is not relevant to either my request or to scholarly uses of photographs, many also were not. I am not interested in souvenirs. I study photographs and I regularly find in them significant evidence ignored by the FBI, particularly in regard to its "services to the Warren Commission, which depended on it and trusted it. This cannot be done from either published photographs or the Commission's unpublished FBI photographs, which the photographer of the National Archives described to me as the most professional job he had ever seen of making clear pictures incomprehensible. He illustrated with copies he was making for me of color photographs. The FBI was so professional in eliminating all the evidentiary values it could that it even eliminated the colors!

322. In the printing process, with which I am quite familiar from prior professional experiences and from my own publishing, in which I, personally, prepare my books and the photographs in them for printing, photographs are converted into a series of dots (called "screen"). As assuredly an expert criminal investigator

trained by the vaunted FBI to where it trusts him to make affirmations to a federal court should know, in addition to other reductions in clarity introduced by the printing process, any magnification, whether for the eye or further printing, magnifies these dots. The amount of magnification possible without this great distortion is limited. The only means I know of to eliminate this is by use of a very large and very costly "offset" camera which I cannot afford. It can remove the "screen."

323. One example of what I have found that the FBI either did not find or omitted from what it told the Commission is in a photograph of the President at the time of the actual shooting, taken by an amateur, Phil Willis. The FBI did give this to the Commission. I found, among other things of significance that the FBI did not tell the Commission, that there is a man behind a wall on the so-called "grassy knoll" in Dealey Plaza, exactly where the recent Congressional investigation concluded a shot had been fired from. My unique discovery, based on my personal study of this picture, later was confirmed after elaborate and detailed scientific study by the Itek Corporation. Another example, based on an FBI photograph it did not give the Commission and I got from it under FOIA years ago, relates to the most basic evidence of the body of the crime. Among the FBI photographs for the Commission of high professional valuelessness are those of the President's shirt. In those it gave the Commission the FBI eliminated even the clear pattern! By examining an FBI close-up of the collar which it did not give the Commission and was quite clear in the FBI's file copy, I was able to determine that, rather than bullet-holes being visible in the collar, there are two slits that, when the collar is buttoned, do not coincide as they must if caused by a bullet, the FBI's story. They also are quite different in length. This would require an extraordinarily magical bullet. On deposing a retired FBI agent who had observed this - without telling the Warren Commission because, apparently, he was only assigned as liaison with ^{it} and ^{twice} testified to it - I learned that he had ordered additional scientific testing. The results of that testing were not given to the Warren Commission and have not been provided to me in my suit for the results of such scientific testing. (Of course, my initial request was only 16 and a half years ago, and I first filed suit only a dozen years ago. Besides, as I have heard it said, the President is dead anyway, isn't he?) The FBI has yet to contest that

those slits in the shirt collar do not coincide or that, if of ballistics origin, they must coincide.

324. There is also what is represented by the FBI's record in the matter of the Charles Bronson film, of which I have informed the Court without a peep from the FBI. Bronson took both still and motion pictures of the assassination scene. The FBI saw both as soon as they were processed. Of Bronson's motion picture, which actually shows almost 100 individual pictures of the entire area of the building from which the FBI claims all the shots were fired - including the window from which it claims all were fired - the FBI reported that it is valueless because it does not show the building at all. And of the excellent still picture Bronson took, described by the FBI as showing the President himself in the midst of the assassination, the FBI said it was valueless because it could not be used to identify Oswald! The FBI fears, correctly, I believe, that if I am able to continue to examine the photographs it tried to ignore and could not, I might continue to find in them what it either did not find or what it ignored.

325. In his Paragraph 5 Phillips, without providing any basis for them, presents what he states are the FBI's costs of making pictures. Apparently he forgets that I have bought pictures from the FBI or, consistent with his record of swearing to anything, regardless of fact or truth, he does not care. He tells this Court that it will cost \$8.75 to make "a standard 8 x 10 print." I state that I bought them from the FBI at its price of 40 cents each. Phillips' own unit has the receipts I signed when I paid it. The receipts specify the prices for both black-and-white and color prints, both of which I bought and paid for. My checks will not disclose the number of copies. However, my wife located one of my checks to the FBI for copies of pictures. It is for \$4.35, for pictures, in the plural.

326. But in his Paragraph 4, where Phillips exaggerates the cost of copying photographs to almost \$100,000 and has this purpose to serve by it, he does not resort to the use of "contains," referring to Dallas and New Orleans photographs. Here, for the first time, he says they are "in" the files of those offices. When he wants to withhold, his reference is to "films" rather than "photographs" and his limitation is to "contained" in those "offices." (In the absence of any special definition, the terms are interchangeable and can refer to both types.)

327. If defendant wants to reach a compromise with regard to copies of photographs, both motion and still, a distinction Phillips continues to fuzz over even after I corrected him, it has an inventory of them. If it provides this inventory with an assurance that all of them are included without any fancy semantical tricks, I will go over the inventory and, I am certain, will not ask for most of them. In this I mean all film of whatever kind, regardless of where the FBI may now have it, if they were originally of those two offices.

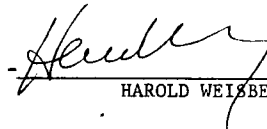
328. The case record now holds an ample indication of what I mean by semantics and trickery. I cite one from Phillips' Eighth Declaration, Paragraph 2(e). There, continuing to ignore all the many unrefuted proofs I provided that the films and tapes of the field offices remain the records of those offices even if loaned elsewhere (he even lied to say the FBI does not loan), he states, for all the world as though it were not already proven to be false and deceptive, that "as I indicated in Paragraph 3(g) of my third declaration, some tapes and films (this includes the 'Thomas Alyea film') were sent to FBIHQ during the investigation and thus are involved in the pending administrative appeal of plaintiff's separate FOIA request for FBIHQ material." I provided proof in the form of FBI records that the Alyea footage is a Dallas record. Phillips does not deny this because he knows it is and knew it without my providing this proof. Whenever they were sent anywhere, these field office records remained field office records, as reflected above in Exhibit 21, and Phillips and defendant know that, too. They are pertinent in this case, and he does not deny that. They are not pertinent in the FBIHQ appeal because they are not FBIHQ records. Moreover, as Phillips fails to inform the Court, there is no reason to believe that anything will ever happen to that ancient appeal, now going back four years or more, and with this inordinate span of time and the FBI's stonewalling record, there is every reason to believe nothing will ever be done about those appeals. The processing of those records was an FOIA atrocity, my appeals are numerous, and trying to straighten out the great mess the FBI deliberately made will be an enormous project - if it is ever undertaken. This is why Phillips and defendant try to pull this particular dirty trick - because they know nothing will ever happen.

329. Fortunately, I remember enough about the motion picture film to state categorically that he lies in suggesting that all those not provided to me and

known to exist and for which no claim to exemption is made "were sent to FBIHQ." To illustrate this and simultaneously illustrate Phillips' intent to be dishonest in this I cite again the case of the John Martin (Minneapolis) amateur movie, all the pertinent facts pertaining to which are in the case record without any contradiction at all from Phillips or anyone else speaking for defendant. I know the facts about this because years ago, after my complaint, there was an internal investigation. It disclosed exactly what I had stated, that after Martin loaned the FBI his footage, it made copies before returning it to him. Phillips cannot deny this, is determined to withhold, so he deceives and misleads the Court about it and other such cases.

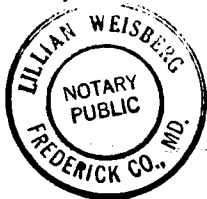
330. Bearing on the FBI's intention in all of this, I state that my first request for a copy of this Martin film, accompanied by a check that was cashed, was mailed on New Year's Day 1969. Except for what then was not communicated to me, the results of the internal inquiry, I have heard nothing. Martin's most assuredly is not among any sent for the use of the Warren Commission because the FBI was very careful not to let the Commission know it had Martin's footage. Of course it was of no value. It is only film the Commission did not have of Oswald being arrested in New Orleans in a fracas that is a major part of the Commission's investigation. Naturally, it could not be of any value in an investigation because, after all, all the FBI's reports state that it shows an Oswald associate never mentioned or found by the FBI in its investigation.


331. I am well aware that some tapes were sent to Washington at the time Phillips refers to ambiguously as "the time of the investigation." Among these were tapes of public appearances of "critics." These were classified "secret," including the FBI's tapes of radio appearances.


HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 1st day of October 1982 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn the statements made therein are true. My commission expires July 1, 1986.




NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND

LIST OF EXHIBITS ATTACHED

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CA 118-0322-176-0420
EXHIBIT 1

INVESTIGATION OF ASSASSINATION
OF PRESIDENT JOHN F. KENNEDY
NOVEMBER 22, 1963



FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
John Edgar Hoover, Director

I. THE ASSASSINATION

President John Fitzgerald Kennedy was assassinated in Dallas, Texas, at approximately 12:29 p. m. (CST) on November 22, 1963. At the time, the President was en route from Love Field to the Trade Mart in Dallas to address a luncheon sponsored by several civic groups. Among those in the motorcade with the President were his wife, Vice President and Mrs. Lyndon B. Johnson, and Texas Governor John B. Connally and his wife.

A. Assassin in Building

As the motorcade was traveling through downtown Dallas on Elm Street about fifty yards west of the intersection with Houston Street (Exhibit 1), three shots rang out. Two bullets struck President Kennedy, and one wounded Governor Connally. The President, who slumped forward in the car, was rushed to Parkland Memorial Hospital, where he was pronounced dead at 1:00 p. m.

Eyewitnesses at the scene of the shooting saw an individual holding a rifle in a sixth-floor window of the Texas School Book Depository Building located on the corner of Houston and Elm Streets. One individual stated that after he heard what he believed to be a second shot, he looked up, and saw this man take deliberate aim with a rifle and fire in the direction of the Presidential motorcade as it passed. (Exhibit 2)

Cartridges Fired in Oswald's Rifle

Three empty cartridge cases were found near the window from which the shots were fired on the sixth floor of the building. These cartridge cases were examined by the FBI Laboratory, and it was determined that all three had been fired in the rifle owned by Oswald. (Exhibit 22)

Immediately after President Kennedy and Governor Connally were admitted to Parkland Memorial Hospital, a bullet was found on one of the stretchers. Medical examination of the President's body revealed that one of the bullets had entered just below his shoulder to the right of the spinal column at an angle of 45 to 60 degrees downward, that there was no point of exit, and that the bullet was not in the body. An examination of this bullet by the FBI Laboratory determined that it had been fired from the rifle owned by Oswald. (Exhibit 23)

Bullet fragments found in the automobile in which President Kennedy was riding were examined in the FBI Laboratory. It was definitely established, from markings on two of the fragments, that they had been fired from the rifle owned by Oswald. (Exhibit 24)

Palm Print on Rifle

Dallas police lifted a latent impression off the underside of the gun barrel near the end of the foregrip of the rifle recovered on the

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78-0322 / 98-0420
EXHIBIT 4

FBI

Date: 4/2/64

REC 27

Mr. Mohr	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Evans	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Transmit the following in _____

(Type in plain text or code)

Via AIRTEL

AIRMAIL

(Priority or Method of Mailing)

TO: DIRECTOR, FBI (62-109060)

FROM: SAC, DALLAS (100-10461) (P)

SUBJECT: ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY, 11/22/63, DALLAS, TEXAS
MISCELLANEOUS INFORMATION CONCERNING

Rec'd each on 4/13/64 by: [unclear]

ReButel to Dallas, 3/30/64, requesting the Dallas Division furnish letterhead memorandum in form of a supplement to prior submissions of all radio transmissions from local and state police capable of being received in Dallas from 12:20 PM, 11/22/63 to 6:00 PM, 11/24/63, as they relate to the assassination of the President, murder of Dallas Police Officer J. D. TIPPIT, investigation of said assassination and murder, and the security and movement of LEE HARVEY OSWALD to the Dallas County Jail, to enable the President's Commission to intelligently evaluate the data submitted.

State Police - Texas

Enclosed herewith are ten copies of a letterhead memorandum reflecting identification of police codes used by the Texas Department of Public Safety, Dallas County Sheriff's Office, and Dallas Police Department in radio transmission logs.

The information contained in this LHM and that contained in the LHMs of 3/16 & 23/64 containing transcripts of radio transmission during pertinent period is not being incorporated in a report, UACB.

The investigation reflected in enclosed memorandum was jointly conducted by SA'S EUGENE F. PETRAKIS and A. RAYMOND SWITZER.

- 3 - BUREAU (ENCS.-10)
- 2 - DALLAS

ARS:eah
(5)

ENCLOSURE

REC 27 65
2872
Set to J. Lee Hamilton
4-7-64 RDR/eh
cc of encl to [unclear]
[unclear]

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

79 APR 13 1964

CLASSIFICATIONS

1. * Training Schools; National Academy Matters; FBI National Academy Applicants
2. ** Neutrality Matters
3. ** Overthrow or Destruction of the Government
4. National Firearms Act; Federal Firearms Act; State Firearms Control Assistance Act; Unlawful Possession or Receipt of Firearms
5. Income Tax
6. Interstate Transportation of Strike Breakers
7. Kidnaping
8. Migratory Bird Act
9. Extortion
10. Red Cross Act
11. Tax (Other than Income)
12. Narcotics
13. Misc. National Defense Act; Prostitution; Selling Whiskey Within Army Camps (Obsolete 1920)
14. ** Sedition
15. Theft from Interstate Shipment
16. Violation Federal Injunction (Obsolete 1938)
17. Veterans' Administration Matters
18. May Act
19. Censorship Matters (Obsolete 1946)
20. Federal Grain Standards Act (Obsolete 1921)
21. Food and Drugs
22. National Motor Vehicle Act (Obsolete 1927)
23. Prohibition
24. Profiteering (Obsolete 1945)
25. Selective Service Act
26. Interstate Transportation of Stolen Motor Vehicle; Interstate Transportation of Stolen Aircraft
27. Patent Matter
28. Copyright Matter
29. Bank Fraud and Embezzlement
30. Interstate Quarantine Laws (Obsolete 1925)
31. White Slave Traffic Act
32. Identification (Fingerprint Matters)
33. Uniform Crime Reporting
34. Violation of Lacy Act (Obsolete 1927)
35. * Civil Service
36. Mail Fraud
37. * False Claims Against The Government (Obsolete 1928)
38. * Application for Pardon to Restore Citizenship Rights (Obsolete 1936)
39. ** Falsely Claiming Citizenship
40. Passport and Visa Matter
41. Explosives (Obsolete 1957)
42. Deserter; Deserter - Harboring
43. Illegal Wearing of Uniform; False Advertising or Misuse of Names, Words, Emblems or Insignia; Illegal Manufacture, Sale, or Use of Military Cremation Urn, Illegal Manufacture, Use, Possession or Sale of Emblems and Insignia; Illegal Manufacture, Possession or Wearing of Civil Defense Insignia; Miscellaneous - Forging or Using Forged Certificate of Discharge from Military or Naval Service; Miscellaneous - Falsely Making or Forging Naval, Military, or Official Pass; Miscellaneous - Forging or Counterfeiting Seal of Department or Agency of the U.S.; Misuse of the Great Seal of the United States or of the Seal of the President or the Vice President of the United States; Unauthorized Use of "Johnny Horizon" Symbol; Unauthorized Use of "Smokey Bear" Symbol
44. Civil Rights; Civil Rights-Election Laws; Civil Rights Election Laws - Voting Rights Act, 1965
45. Crime on the High Seas (Includes stowaways on boats and aircraft)
46. Fraud Against the Government; Anti-Kickback Statute; Dependents Assistance Act of 1950; False Claims-(Civil); Federal-Aid Road Act; Lead and Zinc Act; Public Works and Economic Development Act of 1965; Renegotiation Act (Criminal); Renegotiation Act (Civil) Trade Expansion Act of 1962; Unemployment Compensation Statutes; Economic Opportunity Act
47. Imprisonment
48. Postal Violations (Except Mail Fraud)
49. National Bankruptcy Act
50. Involuntary Servitude and Slavery
51. Jury Panel Investigations
52. Theft, Robbery, Embezzlement, Illegal Possession or Destruction of Government Property
53. Excess Profits on Wool (Obsolete 1925)
54. Customs Laws and Smuggling
55. Counterfeiting
56. Election Laws
57. War Labor Disputes Act (Obsolete 1951)
58. Bribery; Conflict of Interest
59. World War Adjusted Compensation Act (Obsolete 1928)
60. Anti-Trust
61. ** Treason or Misprision of Treason
62. * Miscellaneous - including Administrative Inquiry (formerly Misconduct in Office)
63. * Miscellaneous - Non-Subversive - including: Black Market in Railroad Tickets (Obsolete 1955) Civil Aeronautics Act (Obsolete 1958) Eight-Hour-Day Law Federal Judiciary Investigations Federal Juvenile Delinquency Act Kickback Racket Act Lands Division Matter (Condemnation Proceedings) Miscellaneous-Civil Suit Miscellaneous-O.P.A. Violations (Civil) (Obsolete 1955) Miscellaneous - Wage and Hour Law (Fair Labor Standards Act of 1938) Soldiers and Sailors Civil Relief Act of 1940 Tariff Act of 1930 Top Hoodlum Coverage Unreported Interstate Shipment of Cigarettes Federal Cigarette Labeling and Advertising Act Foreign Miscellaneous
64. ** Espionage
65. ** Administrative Matters
66. * Personnel Matters
67. * Alaskan Matters (Obsolete 1956)
68. Contempt of Court
69. Crime on Indian Reservation; Inducing Conveyance of Indian Trust Land; Crime on Government Reservation; Embezzlement or Theft of Indian Property
70. Bills of Lading Act
71. Obstruction of Justice; Obstruction of Court Orders; Obstruction of Criminal Investigations
72. * Application for Pardon After Completion of Sentence and Application for Executive Clemency
73. * Perjury
74. * Bondsman and Sureties
75. * Escaped Federal Prisoner; Escape and Rescue; Probation Violator; Parole Violator; Mandatory Release Violator
76. * Applicants (Special Inquiry, Departmental and Other Government Agencies except those having special classifications)
77. * Illegal Use of Government Transportation Requests
78. * Missing Persons
79. * Laboratory Research Matters
80. * Gold Hoarding (Obsolete 1952)
81. * War Risk Insurance (National Service Life Insurance) (Obsolete 1967)
82. * Court of Claims
83. * Reconstruction Finance Corporation Act (Obsolete 1953)
84. * Home Owner Loan Corporation (Obsolete 1952)
85. * Federal Lending and Insurance Agencies
86. * Interstate Transportation of Stolen Property (Fraud by Wire, Radio, or Television)
87. * Unlawful Flight to Avoid Prosecution, Custody, or Confinement; Unlawful Flight to Avoid Giving Testimony
88. * Assaulting or Killing A Federal Officer; Congressional Assassination Statute
89. * Irregularities in Federal Penal Institutions
90. * Bank Burglary; Bank Larceny; Bank Robbery
91. * Anti-Racketeering; A.R. - Lea Act; A.R. - Interference with Government Communications System; A.R. - Hobbs Act
92. * Ascertaining Financial Ability
93. * Research Matters
94. * Laboratory Cases (Examination of Evidence in Other than Bureau Cases)
95. * Alien Applicants (Obsolete 1944)
96. * Registration Act
97. ** Sabotage
98. ** Plant Survey (Obsolete 1944)
99. *

- 100 ** Subversive Matter (Individuals), Internal Security (Organizations), Domestic Security Investigations
101. Hatch Act (Obsolete 1941)
102. ** Voorhis Act
103. Interstate Transportation of Stolen Cattle
104. Servicemen's Dependents Allowance Act of 1942 (Obsolete 1957)
105. ** Foreign Counterintelligence - Russia, (formerly Internal Security) (Nationalistic Tendency - Foreign Intelligence) (Individuals and Organizations - by country.)
106. Alien Enemy Control; Escaped Prisoners of War and Internees (Obsolete 1963)
107. Denaturalization Proceedings (Obsolete 1952)
108. Foreign Travel Control (Obsolete 1964)
109. ** Foreign Political Matters
110. ** Foreign Economic Matters
111. ** Foreign Social Conditions
112. ** Foreign Funds
113. ** Foreign Military and Naval Matters
114. Alien Property Custodian Matter (Obsolete 1972)
415. Bond Default; Bail Jumper
116. * Department of Energy (Applicant-Employee); (Formerly Energy Research and Development Administration - Applicant-Employee), Nuclear Regulatory Commission Applicant-Employee (Formerly Atomic Energy Act - (Applicant-Employee))
117. ** Atomic Energy Act-Criminal
118. * Applicant - Central Intelligence Agency (Obsolete 1952)
119. Federal Regulation of Lobbying Act
120. Federal Tort Claims Act
121. * Loyalty of Government Employees (Obsolete)
122. Labor Management Relations Act, 1947
123. * Special Inquiry - State Department - Voice of America (U.S. Information Center) (Public Law 402 - 80th Congress) (Obsolete 1963)
124. * European Recovery Program (International Cooperation Administration) (formerly Foreign Operations Administration, Mutual Security Agency, Economic Cooperation Administration or E.R.P.-European Recovery Program, A.I.D. - Agency for International Development (Obsolete 1963))
125. Railway Labor Act; Railway Labor Act - Employer's Liability Act
126. * National Security Resources Board - Special Inquiry (Obsolete 1950)
127. * Senate Positions in the U.S. Government - Public Law 266 (Obsolete 1950)
128. * International Development Program (Foreign Operations Administration) (Obsolete)
129. Evacuation Claims (Obsolete - 1966)
130. * Special Inquiry - Armed Forces Security Act (Obsolete 1951)
131. Admiralty Matter
132. * Special Inquiry - Office of Defense Mobilization (Obsolete 1951)
133. * National Science Foundation Act - Applicant (Obsolete 1963)
134. ** Security Informants
135. PKOSAB (Protection of Strategic Air Command Bases of U.S.A. Air Force)
136. American Legion Contact (Obsolete 1966)
137. Criminal Informants
138. * Loyalty of Employees of the United Nations and Other Public International Organizations
139. Interception of Communications (Formerly Unauthorized Publication or Use of Communications)
140. * Security of Government Employees; S.G.E. - Fraud Against the Government
141. False Entries in Records of Interstate Carriers
142. Illegal Use of Railroad Pass
143. Interstate Transportation of Gambling Devices
144. Interstate Transportation of Lottery Tickets
145. Interstate Transportation of Obscene Matter; Broadcasting Obscene Language
146. Interstate Transportation of Prison Made Goods
147. Federal Housing Administration Matters
148. Interstate Transportation of Fireworks
149. Destruction of Aircraft or Motor Vehicles
150. For Administrative use of Voucher - Statistical Section (in recording harboring fugitive statistics)
- 151* (Referral cases received from CSC under P.L. 298) Agency for International Development
Atomic Energy Commission (Civil Service Commission)
National Aeronautics and Space Administration
National Science Foundation
Nuclear Regulatory Commission (NRC) (CSC)
Peace Corps; Action
U.S. Arms Control and Disarmament Agency
World Health Organization
International Labor Organization
U.S. Information Agency
152. Switchblade Knife Act
153. Automobile Information Disclosure Act
154. Interstate Transportation of Unsafe Refrigerators
155. * National Aeronautics and Space Act of 1958
156. Welfare and Pension Plans Disclosure Act
157. ** Extremist Matters; Civil Unrest
158. ** Labor-Management Reporting and Disclosure Act of 1959 (Security Matter) (Obsolete 1966)
159. Labor-Management Reporting and Disclosure Act of 1959 (Investigative Matter)
160. Federal Train Wreck Statute
161. * Special Inquiries for White House, Congressional Committees and Other Government Agencies
162. Interstate Gambling Activities
163. ** Foreign Police Cooperation
164. Crime Aboard Aircraft
165. Interstate Transmission of Wagering Information
166. Interstate Transportation in Aid of Racketeering
167. Destruction of Interstate Property
168. Interstate Transportation of Wagering Paraphernalia
169. Hydraulic Brake Fluid Act (Obsolete - 1966)
170. ** Extremist Informants
171. Motor Vehicle Seat Belt Act (Obsolete 1965)
172. Sports Bribery
173. Public Accommodations - Civil Rights Act of 1964
Public Facilities - Civil Rights Act of 1964
Public Education - Civil Rights Act of 1964
Employment - Civil Rights Act of 1964
174. Explosives and Incendiary Devices, Bomb Threats (Formerly Bombing Matters; Bombing Matters-Threats)
175. Assaulting the President (or Vice-President) of the United States
176. Antiriot Laws
177. Discrimination in Housing
178. Interstate Obscene or Harassing Telephone Calls
179. Extortionate Credit Transactions
180. Desecration of the Flag
181. Consumer Credit Protection Act
182. Illegal Gambling Business; Illegal Gambling Business-Obstruction; Illegal Gambling Business-Forfeiture
183. Racketeer Influenced and Corrupt Organizations
184. Police Killings
185. ** Protection of Foreign Officials and Official Guests of the United States
186. Real Estate Settlement Procedures Act of 1974
187. Privacy Act of 1974 - Criminal
188. Crime Resistance
189. Equal Credit Opportunity Act
190. Freedom of Information/Privacy Acts
191. ** False Identity Matter
192. Hobbs Act - Financial Institutions
193. Hobbs Act - Commercial Institutions
194. Hobbs Act - Corruption of Public Officials
195. Hobbs Act - Labor Related
196. Fraud by Wire
197. Civil Actions; Claims Against the Government (FBI)
198. Crime on Indian Reservation
199. ** Foreign Counterintelligence - (Country abbreviation) - Terrorism
200. ** Foreign Counterintelligence - China
201. ** Foreign Counterintelligence - Satellite
202. ** Foreign Counterintelligence - Cuba
203. ** Foreign Counterintelligence - All Other Countries
204. Federal Revenue Sharing - State and Local Fiscal Assistance; Crime Control Act; Comprehensive Employment and Training Act; Housing and Community Development Act; Railroad Revitalization and Regulatory Reform Act
205. Foreign Corrupt Practices Act

* Applicant-related Classification
** Security-related Classification

File classifications noted as obsolete are not currently opened as new cases.
Year that classification became obsolete is also shown.

CA 98-0322/78-0420
EXHIBIT 9



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, Maryland

Dear Mr. Weisberg:

Reference is made to your Freedom of Information Act (FOIA) request for Dallas Field Office File 105-632, concerning George De Mohrenschildt.

As a result of the recent fee waiver decision the enclosed documents are being furnished to you without charge. These documents contain information referred to other Government agencies for releasability determination or material declassified by the Departmental Review Committee. A copy of the inventory worksheets is attached.

The following statutes were cited when exemption (b) (3) was used:

Title 8, United States Code, Section 1202F,
The Immigration and Nationality Act

Title 26, United States Code, Section 6103 and
7213, dealing with IRS tax information

Title 50, United States Code, Sections 402 and 403,
prohibiting the release of certain CIA information

Processing of this file is completed. Pursuant to your request, 1,674 pages were reviewed, 1,200 pages were released, 332 pages were denied in their entirety and 142 pages were previously processed.

1 - James Lesar (Enclosure)
Suite 900
1000 Wilson Boulevard
Arlington, Virginia 22209

Mr. Harold Weisberg

Also enclosed is a copy of a letter from the Department of State to Mr. Lesar. The original is being furnished to Mr. Lesar.

This material was reviewed by the Office of Information and Privacy prior to release.

Sincerely yours,

James K. Hall /jnp

James K. Hall, Chief
Freedom of Information-
Privacy Acts Section
Records Management Division

Enclosure

TO: SUPPORT SERVICE SUPERVISOR
 Subject: **MARINA OSWALD**
 Address: _____
 Date: **10/15/80**
 Social Security Account #: _____

Address: _____ Birth Date: _____ Birthplace: _____ Race: _____ Sex: Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-43-10551	9/60		
47-4666-7	6/69 det 1/22/78		
100-10-461-9310 p.2	4/73	Oswald, Marina Nikolaevna	
105-1435	7/62	sw to FBIHQ 4/78 (original)	
100-10-461-28 p.5	7/62		
105-1716-2 p.1	12/63	copy sent to FBIHQ	11/80
62-3372-37A	12/63	U	
105-1435A-170	1/64	sent to FBIHQ	4/78 (original)
9-1984	7/64		
66-1313-307	10/66	copy sent to FBIHQ	11/80
66-1313-334	10/66	" " " "	"
" 335	10/66	" " " "	"
" 336	10/66	" " " "	"
" 337	10/66	" " " "	"

wiretapping, not included
 1313A, Day 100 - HW

Requested by: **Shela Waldman**
 Searched by: **Rolando J. Hernandez** 10/22/80 **15 Oct 80** (date)
 Consolidated by: _____ (date)
 Reviewed by: _____ (date)

Squad: _____ Extension: _____ File No.: **190-36**
 SEARCHED _____ INDEXED _____
 SERIALIZED _____ FILED _____
 OCT 11 1980
 FBI - NEW YORK
 [Signature]

File Review Symbols
 I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable reference
 47 = IMPERSONATION
 62 = MISC., Inc. Administration Inquiry
 9 = Extortion
 105-1435 = Marina Oswald
 100-10461 = Lee Harvey Oswald

TO: CHIEF CLERK
Subject: Jack Ruby
Altuses:
Address:
Date: 7/25/78
Social Security Account #:
Birth Date:
Birthplace:
Race:
Sex: Male Female

Exact Spelling
 All References
 Main Subversive Case Files Only
 Subversive References Only
 Main Criminal Case Files Only
 Criminal References Only
 Main Subversive (If no Main, list all Subversive References)
 Main Criminal (If no Main, list all Criminal References)
 Restrict to Locality of

File & Serial Number	Remarks	File & Serial Number	Remarks
41-2464		89-69-1907	
89-69-12402		1908	
1256 p 52, 94, 185,		1912	
192, 223		3122 p 3	
89-69-1333 p 14, 28		2089	
1563 p 1		2083 p 3	
1564 p 2		2039 p 2	
1684		3099 p 3	
1698		3048	
1719		3059	
1759		1056	
1655 p 2		3049	
1810		3079	
1814		3183 p 2	
1850 p 2		3135 p 2	
1843 p 2		3148 p 2	
1897		3190	

Requested by: Anderson Squad: 6 Extension: File No.: 190-3

Searched by: JW (date) _____
Consolidated by: _____ (date) _____
Reviewed by: _____ (date) _____

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____
JUL 27 1978
FBI - NEW ORLEANS

File Review Symbols
I - Identical
NI - Not identical
? - Not identifiable
U - Unavailable reference
G.P.O. 1973-471-981

TO: CHIEF CLERK
Subject _____ Date _____
Social Security Account # _____

Aliases _____
Address _____ Birth Date _____ Birthplace _____ Race _____ Sex Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69-8149 p1		89-69-4090	
3207 p2		4285	
3329		4388	
3333 p2		94-448-52-2	undulant
3275 p2		95-3	
3444 p5		100-16601-98 p188	
3450 p2			202
3454 p3			296
3508 p2			338
3612 p3			336
3870 p5			628
3820			696
3813			689
3854			649
3920 p2			752
4009 p2			-276 252
4091 p10			-1706 p2

Requested by _____ Squad _____ Extension _____ File No. _____
Searched by _____ (date) _____
Consolidated by _____ (date) _____
Reviewed by _____ (date) _____

File Review Symbols
I - Identical ? - Not identifiable
NI - Not identical U - Unavailable reference G.P.O. 1972-471-961

TO: CHIEF CLERK _____ Date _____
 Subject _____ Social Security Account # _____
 Aliases _____

Address _____ Birth Date _____ Birthplace _____ Race _____ Sex Male Female

- Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
100-16601-87 p14 & 15		89-69A-114 p1	
105-0-12770 p2	destroyed	108	
157-10673-1121	indirect	107	
	886	122 p2	
190-00-24 p4	Administrative	279	
89-69A-92 p2		263	
87		215	
87A		194	
88 p2		172	
91 p2		727	
1937		724	
1962		580	
44		571	
95		557	
97		563	
99		675	
100		677	

Requested by _____ Squad _____ Extension _____ File No. _____

Searched by _____ (date) _____
 Consolidated by _____ (date) _____
 Reviewed by _____ (date) _____

190 = FOLT (MCS)

File Review Symbols
 I - Identical ? - Not identifiable -
 NI - Not identical U - Unavailable reference G.P.O. 1972-471-941

TO: CHIEF CLERK
Subject

Date _____
Social Security Account # _____

Aliases _____
Address _____ Birth Date _____ Birthplace _____ Race _____ Sex Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69A-567		89-69A-501	89-69A-671
548		502	583
576		503	
553		509	
649		514	
642		515	
637		523	
672		524	
674		525	
634		531	
593		534	
660		538	
484		541	
496		542	
497		477	
499		68	
500		628	

Requested by _____ Squad _____ Extension _____ File No. _____

Searched by _____ (date) _____

Consolidated by _____ (date) _____

Reviewed by _____ (date) _____

File Review Symbols
 I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable references

G.P.O. 1972-471-981

TO: SUPPORT SERVICES SUPERVISOR

Date: 10/15/80

Subject: JACK LEON RUBY

Social Security Account #

Address

Birth Date

Birthplace

Race

Sex
 Male
 Female

Exact Spelling

All References

Main Subversive Case Files Only

Subversive References Only

Main Criminal Case Files Only

Criminal References Only

Main Subversive (If no Main, list all Subversive References)

Main Criminal (If no Main, list all Criminal References)

Restrict to Locality of

File & Serial Number	Remarks	File & Serial Number	Remarks
190-128	6/80	[REDACTED]	copy to FBIHQ 11/80
89-43-10472 p4	6/79	[REDACTED]	copy to FBIHQ 11/80
89-43-10482	8/79	[REDACTED]	copy to FBIHQ 11/80
183-34-2	1/76 det [REDACTED]	[REDACTED]	copy to FBIHQ 11/80
105-1280-110	9/64 copy to FBIHQ 11/80	183-34-2	
190-128	8/80		
44-1639	11/63 Lee Harley SNALD (Victim Deceased)		
94-47-470	8/53 det		
117-30-14 p9	10/50 det [REDACTED]		
24-190-45	7/59 copy to FBIHQ 11/80		
31-5614-733	9/61 det [REDACTED]		
94-55-158	3/62 det [REDACTED]		
94-55-163	9/62 "		
94-55-166 p46	3/63 "		
94-55-170 p51	9/63 "	44-1639	11/63
91-0-1022	12/63 copy to FBIHQ 11/80	[REDACTED]	3/64
89-43-1174	12/63 (b)(6) [REDACTED]		

Requested by: Michael Waldman

Searched by: Patricia A. Lyons (date) 10/22/80

Consolidated by: _____ (date) _____

Reviewed by: _____ (date) _____

File Review Symbols

I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable reference

190-36

OCT 15 1980

[Signature]

CA 78-0322/78-0420
EXHIBIT 17

Circle when included
in analysis + shipment

Date: 1/4/77

TO: CHIEF CLERK

Subject: John F. Kennedy

Aliases:

Address: _____ Birth Date: _____ Birthplace: _____ Race: _____ Sex: Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____

All References Criminal References Only

Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)

Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
46-3018-1 p 2	irrelevant	See Warren Oswald	
72-111-254	copy in 89-69	44-2064-158 p 1-11	
89-69-4280-p1			- 117 p 2
89-69-4399			- 133
92-26-2975-N	irrelevant		- 128
_____	destroyed (b)(2) (b)(7)(D)		- 127
157-1123-A-112	destroyed		- 34 p 3
157-1123-179 p 2			- 37
89-69			- 36
44-2064-158 p 1	Warren Comm. in (HW)		- 36 p 3
62-3702	← Warren		- 141
100-16661-48 p 688-691			- 145
62-0-17402-1 p 1	destroyed	100-16601	
89-69-1256-P576, 591		89-69	
		44-2064	
		4-A-64A	destroyed p 1819x
		97-74-72	destroyed

Requested by: J. McFarlan

Searched by: _____ (date) _____

Consolidated by: _____ (date) _____

Reviewed by: _____ (date) _____

46 = Fraud against government (HW)
71 = Obstruction Justice
92 = Cont. - Kachkovsky
4 = Nat Firearms Act
97 = Registration Act
Fair Play for Cuba Committee

File Review Symbols
I - Identical; NI - Not identical; ? - Not identifiable; U - Unavailable reference. GPO 1972-471-801

TO: CHIEF CLERK _____ Date _____

Subject: _____ Social Security Account # _____

Aliases _____

Address _____ Birth Date _____ Birthplace _____ Race _____ Sex Male Female

- Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
- All References Criminal References Only
- Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
- Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69A-683		89-69A-560	
698		562	
699		563	
44-3768-102 - dated		565	
(Chapman - New)		567	
(FRAUD AGAINST GOVT) (HW)		569	
46-3018-107 - irrelevant		571	
(1755A-13) ASST. DIR. PREP. SUP		572	
89-69A-518		573	
511		577	
519		579	
520		586	
524		583, 582	
526		585	
528		588	
529		590	
537		593	

Requested by _____ Squad _____ Extension _____ File No. _____

Searched by _____ (date) _____

Consolidated by _____ (date) _____

Reviewed by _____ (date) _____

File Review Symbols

1 - Identical 2 - Not identifiable
 N - Not identical U - Unavailable reference

G.P.O. 1972 4/1 931

TO: CHIEF CLERK _____ Date _____
 Subject _____ Social Security Account # _____
 Aliases _____
 Address _____ Birth Date _____ Birthplace _____ Race _____ Sex
 Male
 Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69A-596		89-69A-629	
598		633	
600		634	
602		635	
603		637	
608		642	
609		643	
610		644	
611		645	
612		649	
613		651	
620		655	
621		658	
625		660	
624		661	
627		664	
628		669	

Requested by _____ Squad _____ Extension _____ File No. _____
 Searched by _____ (date) _____
 Consolidated by _____ (date) _____
 Reviewed by _____ (date) _____

File Review Symbols
 I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable reference
 G.P.O. 1972-471-901

Indices Search Slip
FD-160 (Rev. 3-23-71)

TO: CHIEF CLERK
Subject: _____ Date: _____
Social Security Account #: _____
Aliases: _____
Address: _____ Birth Date: _____ Birthplace: _____ Race: _____ Sex: Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69A-670		89-69-11078	
672		4093	
674		4086	
671		4085	
675		4084	
676		4083	
677		4080	
89-69-3989		4091	
400902		4098	
4014		Gene Ferris	
4024A		89-69-150	
403502		159	
4044		157	
4064		155	
4070		152	
4073		151	
4077		1716-p2	

Requested by: _____ Squad: _____ Extension: _____ File No.: _____
Searched by: _____ (date) _____
Consolidated by: _____ (date) _____
Reviewed by: _____ (date) _____

File Review Symbols
I - Identical ? - Not identifiable G.P.O. 1972-471-261
NI - Not identical U - Unavailable reference

TO: CHIEF CLERK
Subject: _____
Aliases: _____
Address: _____
Date: _____
Social Security Account #: _____
Birth Date: _____ Birthplace: _____ Race: _____ Sex: Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69-1717-00	FROM PREVIOUS FILE 89-69-150	89-69-176-5	
1822	→ 159	1778 p2	
148	(HW) 157	1781	
155	155	1798	
154	152	1803	
304	151	1810	
1404 p2	1716 p2	1823 p3	
1427 p2		1841	
1441		1841 p2	
1442		1861	
1472		1899 p2	
1498		1938	
1541		1957 p3	
1562 p4		2024 p2	
1564		2038 p2	
1672 p3		2068	
1678		2083	

Requested by: _____ Squad: _____ Extension: _____ File No.: _____
Searched by: _____ (date) _____
Consolidated by: _____ (date) _____
Reviewed by: _____ (date) _____

File Review Symbols
I - Identical ? - Not identifiable
NI - Not identical U - Unavailable reference G.P.O. 1972-471-981

TO: CHIEF CLERK
 Subject: _____ Date: _____
 Social Security Account #: _____
 Address: _____
 Birth Date: _____ Birthplace: _____ Race: _____ Sex: Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69-2088 p2		89-69A-741	
2089		736	
3066 p3		739	
3173 p1		737	
3213		763	
3376 p2		584	
3491 p2		677	
3846 p2		623	
89-69A-137 p1		531	
229 p2		541	
240		89-69-4113 p2	
255		4321 p6	
261 p4		4327 p2	
585		4329 p2	
576		4334 p2	
740		4325	
741		4336	

Requested by: _____ Squad: _____ Extension: _____ File No.: _____
 Searched by: _____ (date) _____
 Consolidated by: _____ (date) _____
 Reviewed by: _____ (date) _____

File Review Symbols
 I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable reference G.P.O. 1972-471-261

TO: CHIEF CLERK
Subject: _____ Date: _____
Social Security Account #: _____
Aliases: _____
Address: _____ Birth Date: _____ Birthplace: _____ Race: _____ Sex: Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69A-534		89-69-2074 p2	
541		3004 p12	
89-69-4351		3007 p3	
4376		3118	
4379		3149 p2	
4390 p5		3164 p2	
4392		3208	
4395		3299	
4399		3434	
149		89-69A-20	
684		91 p2	
1447		92 p2	
1694		132 p1	
1725		226	
2043 p2		125 p1	
2076 p2		284	
2118		283	

Requested by: _____ Squad: _____ Extension: _____ File No.: _____
Searched by: _____ (date) _____
Consolidated by: _____ (date) _____
Reviewed by: _____ (date) _____

File Review Symbols
I - Identical ? - Not identifiable
NI - Not identical U - Unavailable reference G.P.O. 1972-471-961

TO: CHIEF CLERK

Date _____

Subject _____

Social Security Account # _____

Aliases _____

Address _____

Birth Date _____ Birthplace _____ Race _____ Sex Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____

All References Criminal References Only

Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)

Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69A-281, 280, 279, 276		89-69-160	
272, 268, 266, 247,		169	
216, 215, 212, 210, 192		343	
172, 759, 763, 721, 713		319	
716, 718, 727, 722, 586		367	
541, 543, 541, 555, 548		142	
549, 551, 577, 583, 582		255	
616, 617, 610, 618, 628		237, 27	
634, 637, 643, 645, 646		686	
654, 658, 660, 664, 671		682	
672, 675, 674, 476, 477		1446	
481, 484, 486, 488, 489, 490		1448	
492, 494, 497, 500, 501-07		1510	
522, 524, 590, 532, 542,		1513.	
544		1637, 02	
89-69-4316 p. 2		1655, 02	
4403, 4401		1682	

Requested by _____ Squad _____ Extension _____ File No. _____

Searched by _____ (date) _____

Consolidated by _____ (date) _____

Reviewed by _____ (date) _____

File Review Symbols

I - Identical ? - Not identifiable

NI - Not identical U - Unavailable reference G.P.O. 1972-471-661

TO: CHIEF CLERK

Date _____

Subject _____ Social Security Account # _____

Allies _____

Address _____ Birth Date _____ Birthplace _____ Race _____ Sex Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____

All References Criminal References Only

Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)

Subversive References Only Main Criminal (If no Main, list all Criminal References)

File

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69-1698		89-69A-112	
1752 p2		113 p1	
1790		115 p1	
1809		123 p2	
1814 p2		136 p1	
1839 p2		139	
1916 p2		140 p1	
1929		142 p1	
1954 p2		144 p1	
1957		89-69-2071 p3	
1958		3049 p3	
1990		3050	
2041		3059 p2	
89-69A-89		4059 p2	
101 p1		4091 p10	
106 p1		4308 p2	
104 p1		4205	

Requested by _____ Squad _____ Extension _____ File No. _____

Searched by _____ (date) _____

Consolidated by _____ (date) _____

Reviewed by _____ (date) _____

File Review Symbols

I - Identical ? - Not identifiable G.P.O. 1972-471-961

NI - Not identical U - Unavailable reference

Life

TO: CHIEF CLERK _____ Date _____
 Subject: _____ Social Security Account # _____
 Address: _____
 Birth Date: _____ Birthplace: _____ Race: _____ Sex: Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

find

File & Serial Number	Remarks	File & Serial Number	Remarks
71-448-1201	irrelevant	44-2611	irrelevant
139-1		139-123	destroyed
31		80-565	destroyed after 1974
32		43-684	destroyed
33		67-4715	destroyed
34		67-4715-40	
35		80-608	on conviction
36		44-3768	destroyed
37		44-3772	destroyed
100-16641-48, 199, 225, 265		63-3455	destroyed
286, 287, 288, 289, 290		100-17809	Personnel Matter, Commitment + parole
292, 293, 294, 295, 296		67-448-11	irrelevant
297, 298, 299, 311			
-415, 583			

Requested by _____ Squad _____ Extension _____ File No. _____

Searched by _____ (date) _____
 Consolidated by _____ (date) _____
 Reviewed by _____ (date) _____

File Review Symbols
 I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable reference G.P.O. 1972-271-961

(TW)
 44 = CIVIL RIGHTS
 139 = Interception of Com. in violation
 80 = Laboratory Research Matters
 43 = Illegal Weapons, Rifles, etc
 67 = Personnel Matters
 62 = Misc. Inc. Administrative Inq's
 100 = Subversive Matter, Int. Security
 94 = Research Matters

TO: SAC, CLINTON

Subject:

Date:

Social Security Account #

Aliases:

Address:

Birth Date:

Birthplace:

Race:

Sex:

Male
 Female

Exact Spelling

Main Criminal Case Files Only

Restrict to Locality of _____

All References

Criminal References Only

Main Subversive Case Files Only

Main Subversive (If no Main, list all Subversive References)

Subversive References Only

Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
41-448-1201	irrelevant	44-2617	irrelevant
1301		139-123	destroyed
31		80-505	destroyed by 1974
32		43-684	destroyed
33		67-4715	destroyed
34		67-4715-40	on Garrison
35		80-608	←
36		44-3768	destroyed
38		44-3772	destroyed
100-16641-48, 199, 225, 285		62-3855	destroyed
286, 287, 288, 289, 290		100-17809	removed by Asst. Dir. of FBI
292, 293, 294, 295, 296		44-448-11	irrelevant
299, 307, 300, 311		3101	
-415, 583		33	
		34	
		35	

Requested by _____

Squad _____

Extension _____

File No. _____

Searched by _____

(date) _____

Consolidated by _____

(date) _____

Reviewed by _____

(date) _____

File Review Symbols

I - Identical
NI - Not identical

7 - Not identifiable
U - Unavailable reference

G.P.O. 1972-471-961

44 = CIVIL RIGHTS
139 = Interception of communication
80 = "Laboratory Research Matters"
43 = Illegal Wearing of uniform, etc
67 = Personnel Matters
62 = Misc. Inc. Administrative Inquiries
100 = Subversive Matter, Int. Security
44 = Research Matters

Indices Search Slip
FD-160 (Rev. 3-23-71)

TO: CHIEF CLERK
 Subject: _____ Date: _____
 Social Security Account #: _____

Aliases: _____
 Address: _____ Birth Date: _____ Birthplace: _____ Race: _____ Sex: Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
94-448-36		89-69-1823	
-38		1825	
-40 p1		1829	
89-69-1442		1830	
1468		1831	
1413		1839	
1471		1843	
1563		1843	
1564 p2		1832	
1569 p2		2068 p2	
1676 p1		1983 p2	
1717 p1		89-69A-88	
1954 p3		87A	
1958		89	
1964 p3		90	
1773		91	
1812		92	

Requested by: _____ Squad: _____ Extension: _____ File No.: _____

Searched by: _____ (date) _____
 Consolidated by: _____ (date) _____
 Reviewed by: _____ (date) _____

File Review Symbols
 I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable reference G.P.O. 1972-471-961

Index Search Slip
FD-160 (Rev. 3-23-71)

TO: CHIEF CLERK _____
 Subject _____
 Address _____
 Birth Date _____ Birthplace _____
 Race _____ Sex Male Female

- Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69A-93		89-69-3007	
94		3015	
96		3024	
97		3039	
100		3060	
2052		2070	
220		2071	
89-69-2008		2076	
2110		2074	
2014		2083	
2024		2084	
2029		2089	
2030		3163	
2038		3160	
2043		3171	
2045		1861	
20343		1899	

Requested by _____ Squad _____ Extension _____ File No. _____

Searched by _____ (date) _____
 Consolidated by _____ (date) _____
 Reviewed by _____ (date) _____

File Review Symbols
 I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable reference G.P.O. 1972-471-961

Indices Search Slip
FD-160 (Rev. 3-23-71)

TO: CHIEF CLERK
Subject: _____ Date: _____
Social Security Account #: _____

Aliases: _____
Address: _____ Birth Date: _____ Birthplace: _____ Race: _____ Sex: Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69-1907		89-69A-136 p1	
1916		137 p1	
1929		139	
1948		140	
1941		142	
3239		144	
3240		122	
3241		118 p1, 2	
89-69A-245 p2		119 p1, 2	
260		120 p1	
115 p1		89-69-3027	
125 p1, 2		3048	
125 p2, 1, 4		3049	
126 p1		3053	
132 p1		3078	
133 p1		3079	
135 p1		3089	

Requested by: _____ Squad: _____ Extension: _____ File No.: _____

Searched by: _____ (date) _____
 Consolidated by: _____ (date) _____
 Reviewed by: _____ (date) _____

File Review Symbols
 I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable reference G.P.O. 1972-471-961

TO: CHIEF CLERK Date _____
 Subject _____ Social Security Account # _____
 Aliases _____

Address _____ Birth Date _____ Birthplace _____ Race _____ Sex Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69-3097		89-69-3319	
3099		3363-2	
3101		3370	
3105		3183	
3114		3190-2	
3118		3193	
3122		3188	
3124		3231	
3131-2		3135	
3362		3138	
3361		3142	
3362		3149	
3362-2		3203	
3347		3467	
3301		3470	
3311		3468-2	
3307		3473	

Requested by _____ Squad _____ Extension _____ File No. _____
 Searched by _____ (date) _____
 Consolidated by _____ (date) _____
 Reviewed by _____ (date) _____

File Review Symbols
 I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable reference G.P.O. 1972-471-981

TO: CHIEF CLERK _____ Date _____
 Subject _____ Social Security Account # _____
 Aliases _____
 Address _____ Birth Date _____ Birthplace _____ Race _____ Sex _____
 Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
84-69-3482		89-69-3213	
3452		3219	
3450		3382 02	
3448 02		3317	
3454		3407	
3457		3412	
3444 06		3414	
3277		3419	
3253		3420	
3225		3421	
3283		3223 02	
3249		3224	
3291		3230	
3246		92-36-2071 0 D - indictment	
3290		92-346-382	
3994		383 02 } indictment	
3208		385	

Requested by _____ Squad _____ Extension _____ File No. _____
 Searched by _____ (date) _____
 Consolidated by _____ (date) _____
 Reviewed by _____ (date) _____

File Review Symbols:
 I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable reference G.P.O. 1972-471-981

92 = Anti-Racketeering - 1/

TO: CHIEF CLERK

Date

Subject

Social Security Account #

Aliases

Address

Birth Date

Birthplace

Race

Sex

Male

Female

Exact Spelling

Main Criminal Case Files Only

Restrict to Locality of _____

All References

Criminal References Only

Main Subversive Case Files Only

Main Subversive (If no Main, list all Subversive References)

Subversive References Only

Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
92-346-407	irrelevant	92-365-752 p1	irrelevant
346P-801 p1		92-346H-86	irrelevant
797		89-69-3567	
92-36-2529 p2		3551	
80-505-198	destroyed	3548	
92-346 Q-5		3571	
8		3575	
12 p2		3601 p2	
53		3612	
60		3640 p2	
65		3641	
67		3643	
68		3644	
69		3647	
70		3649	
105		3651	
141 1/16		3653	

Requested by

Squad

Extension

File No.

Searched by

(date)

Consolidated by

(date)

Reviewed by

(date)

File Review Symbols

I - Identical

? - Not identifiable

NI - Identical

U - Unavailable reference

G.P.O. 1972-471-961

TO: CHIEF CLERK

Date

Subject

Social Security Account #

Aliases

Address

Birth Date

Birthplace

Race

Sex

Male
 Female

Exact Spelling

Main Criminal Case Files Only

Restrict to Locality of _____

All References

Criminal References Only

Main Subversive Case Files Only

Main Subversive (If no Main, list all Subversive References)

Subversive References Only

Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69-3616		89-69-3797	
3618		3798	
3625		3804	
105-482-4821	destroyed	3813	
93-346-4-88	incomplete	3814	
157-10673-269		3818	
490		3820	
614		3821	
882	incomplete	3824	
886		3832	
971		3846	
89-69-3675		3852	p2
3678		3864	p2
3687		3870	
3703		3873	
3766		3877	
3774		3882	

Requested by

Squad

Extension

File No.

Searched by

(date)

Consolidated by

(date)

Reviewed by

(date)

File Review Symbols

I - Identical
NI - Not identical

? - Not identifiable
U - Unavailable reference

G.P.O. 1972-471-961

157-10673 = MURKIN - HW
105 = intercept transcription
Wagging information

Indices Search Slip
FD-160 (Rev. 3-23 71)

TO: CHIEF CLERK _____ Date _____
 Subject _____ Social Security Account # _____
 Aliases _____

Address _____ Birth Date _____ Birthplace _____ Race _____ Sex Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References)
 Subversive References Only Main Criminal (If no Main, list all Criminal References)

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69-3883-03		89-69-4069	
3892		4073	
3896		4070	
3899		4078	
3903-05		4086	
3904		4093	
3905-02		4084	
3907		4083	
3916-02		4091	
3923-02		4098	
3948		4100	
4035		4104	
4029		4105	
4044		3959	
3989-02		3966	
4020		3967	
4024		3975	

Requested by _____ Squad _____ Extension _____ File No. _____

Searched by _____ (date) _____
 Consolidated by _____ (date) _____
 Reviewed by _____ (date) _____

File Review Symbols
 I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable reference G.P.O. 1972-471-961

TO: CHIEF CLERK

Date _____

Subject _____ Social Security Account # _____

Aliases _____

Address _____ Birth Date _____ Birthplace _____ Race _____ Sex Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____

All References Criminal References Only

Main Subversive Case Files Only Main Subversive (if no Main, list all Subversive References)

Subversive References Only Main Criminal (if no Main, list all Criminal References)

File & Serial Number	Remarks	File & S. Number	Remarks
89-69-3983		89-69-4197	
3494		4206	
3496		4217	
3497 p2		4113	
3508		4116	
3518		4120	
3471		4126 p4	
3442		92-36-2475 p86	independent
3420		92-50-7311 p3	
3431		92-336-17	destroyed
3440		92-863-16 p36	independent
3486		92-821-18 p1	destroyed
3489 p26		92-697-25	destroyed
3562		92-909-33 p34	destroyed
92-50-1067		[REDACTED]	destroyed
72-111-94 p57, 63, 67, 85		173-994-28A p3	destroyed
-339			

Requested by _____ Squad _____ Extension _____ File No. _____

Searched by _____ (date) _____

Consolidated by _____ (date) _____

Reviewed by _____ (date) _____

File Review Symbols

I - Identical ? - Not identifiable G.P.O. 1972-471-961

NI - Not identical U - Unavailable reference

92 = Anti-Racketeering (R)

72 = U.S. Department of Justice

173 = Public Accommodations - Civil

(R) is dated 1964

TO: CHIEF CLERK _____ Date _____
 Subject _____ Social Security Account # _____
 Aliases _____
 Address _____ Birth Date _____ Birthplace _____ Race _____ Sex Male Female

Exact Spelling Main Criminal Case Files Only Restrict to Locality of _____
 All References Criminal References Only _____
 Main Subversive Case Files Only Main Subversive (If no Main, list all Subversive References) _____
 Subversive References Only Main Criminal (If no Main, list all Criminal References) _____

File & Serial Number	Remarks	File & Serial Number	Remarks
89-69-4401 p2		92-365-188	irrelevant
4403		92-838-19	destroyed
4261		92-1022-502	destroyed
4286 p2		92-1156-19 p22	irrelevant
4288		92-1120-503	destroyed
4290 (HW)MURKIN		157-11673 sub-2-278	irrelevant
4299		162-727-4806	destroyed
4309 p2		162-809-4	destroyed
4313		182-69-655	
4304		660	} irrelevant
4316		662	
4393		685 p3	
4395		92-36-3251	
4128		3141 pTJ + 2 p	irrelevant
4138		2303 PHH. W.	263
4144		92-50-1138	
4152		1600	

Requested by _____ Squad _____ Extension _____ File No. _____
 Searched by _____ (date) _____
 Consolidated by _____ (date) _____
 Reviewed by _____ (date) _____

File Review Symbols
 I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable reference G.P.O. 1972-471-961

162 = Interstate Gambling Activities
 182 = Illegal Gambling Business
 92 = Anti-Racketeering HW

TO: CHIEF CLERK

Date

Subject

Social Security Account #

Aliases

Address

Birth Date

Birthplace

Race

Sex
 Male
 Female

- | | | |
|--|---|--|
| <input type="checkbox"/> Exact Spelling | <input type="checkbox"/> Main Criminal Case Files Only | <input type="checkbox"/> Restrict to Locality of |
| <input type="checkbox"/> All References | <input type="checkbox"/> Criminal References Only | |
| <input type="checkbox"/> Main Subversive Case Files Only | <input type="checkbox"/> Main Subversive (If no Main, list all Subversive References) | |
| <input type="checkbox"/> Subversive References Only | <input type="checkbox"/> Main Criminal (If no Main, list all Criminal References) | |

File & Social Number	Remarks	File & Serial Number	Remarks
92-50-1677 p2		89-69-4616 p2	
1819		4619 p2	
92-376-544	2 irrelevant	4622 p2	
376Q-4005		46-3018-1 p2	irrelevant
182-69-683	irrelevant	92-50-2272 p1, 3, 5, 12, 13,	
92-36-396 p2	irrelevant	16, 41, 42, 43, 55, 8	
182-69-843 p118	irrelevant	104, 114, 126, 146, 1	
105-2950-2039	irrelevant	91, 96	
182-69-308	irrelevant	92-0-208 p2	irrelevant
182-69-309	irrelevant	139-0-81	irrelevant
66-1230-1500 p3	irrelevant	172-0-46	irrelevant
159-293-502	irrelevant		
92-50-2270 p			
92-56-2272 p20, 151, 159, 165			
92-563-361 p14	irrelevant		
92-1583-226 p2	irrelevant		

Requested by	Squad	Extension	File No.
Searched by	(date)	66 = "Administrative Matters" (92)	
Consolidated by	(date)	139 = Interception of Communications	
Reviewed by	(date)	152 = Illegal Gambling	
		92 = Anti-Racketeering	
		46 = Fraud Against Government	
		172 = Sports Betting	

File Review Symbols
 I - Identical ? - Not identifiable
 NI - Not identical U - Unavailable reference S.P.O. 1972-471-961

CA 78-0322/78-0420
EXHIBIT 19

UNITED STATES GOVERNMENT

Memorandum

TO : [REDACTED] (b)(7)(D) (b)(7)(C)

FROM : [REDACTED] (b)(7)(D) (b)(7)(C)
Danson, Assisting Prof.

SUBJECT: [REDACTED] (b)(7)(D) (b)(7)(C)
CLOSED CASE--

DATE: 4/14/67

[REDACTED] Informant has furnished both reliable and u-reliable information in the past. Unreliable information in the category of unverifiable rumor and speculation on informant's part.

Informant stated that several weeks ago he talked with BUNDY who is a fellow prisoner and the person who testified that he saw CLAY SHAW pass money to someone at the Lake front. BUNDY indicated that he had been offered a deal by GARRISON if he would testify to a story about SHAW. This supposedly took place several weeks ago in Parish Prison and before BUNDY testified. BUNDY was undecided but told informant and others that he would do anything to get out of his sentence. BUNDY indicated in so many words without coming out and stating directly that his testimony was not true and a story given to him to tell.

Informant further advised he has been approached by SALVATORE PANZECA and BOB WILSON (former Agent) with respect to testifying to this on behalf of CLAY SHAW. PANZECA is a member of the firm representing SHAW.

Informant further stated that in about January, 1967 LYNN LOISEL, member of GARRISON's staff drove down Dauphine Street and pointed out a white house with a red door and asked him if he could get into the house and out and put something in it without being detected. Informant declined and was told that it had something to do with the KENNEDY assassination and that the residence was that of SHAW. Informant was not told what he was to do in the house or place in the house. He was given the DA office Confidential number of 822 2184. This was changed and he was given the present number of 822-0584 through which he could contact the DA.

Informant furnished the above information on his own volition and asked nothing in return. IT SHOULD BE NOTED THAT NOT ALL OF HIS INFORMATION IS RELIABLE AND HE EXAGGERATES AND HAS COME UP WITH THE "BIG STORY" ON OTHER OCCASIONS.

89-69-1495

SEARCHED	INDEXED
SERIALIZED	FILED
APR 14 1967	
FBI - NEW ORLEANS	



CC [Handwritten initials]
copy [Handwritten initials]
Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan (b)(7)(D)

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI

DATE: August 6, 1971

ATTN: DOMESTIC INTELLIGENCE DIVISION

FROM : SAC, Alexandria

SUBJECT: COMMITTEE TO INVESTIGATE ASSASSINATIONS
927 15th St., N. W.
Washington, D. C., 20005
MISCELLANEOUS - INFORMATION CONCERNING

[REDACTED]

Bernard Fensterwald, Jr., a Washington, D. C., attorney, who apparently is the Executive Director of the captioned committee.

[REDACTED]

[REDACTED]

Inasmuch as there is no criminal violation suggested or anything of intelligence value contained in the enclosure,

it is recommended that the contents not be disseminated by the Bureau.

- 2 - Bureau (Enc - 1)
- ② - Dallas (1-89-43)
- 2 - Kansas City
- 1 - Alexandria
- JJMcD/rp
- (7)

62 denied opened on 1-12-71

89-43-9283

SEARCHED <input checked="" type="checkbox"/>	INDEXED <input checked="" type="checkbox"/>
SERIALIZED <input checked="" type="checkbox"/>	FILED <input checked="" type="checkbox"/>
AUG 12 1971	
FBI - DALLAS	

Gemberling



CA 78-0322/78-0420
EXHIBIT 21

MATERIAL MUST NOT BE REMOVED FROM OR ADDED TO THIS FILE

DO NOT DESTROY - PRESERVE FOR SELECT COMMITTEE ON ASSASSINATIONS

DO NOT DESTROY - PRESERVE FOR SELECT COMMITTEE ON ASSASSINATIONS

FEDERAL BUREAU

OF INVESTIGATION

67-109060
Bureau File Number

100-9-69

1-150

FIELD OFFICE FILE

DO NOT FILE IN FBI HEADQUARTERS FILES

RETURN TO FOIPA
ROOM 6296

11/15/78

MATERIAL MUST NOT BE REMOVED FROM OR ADDED TO THIS FILE

7/10/69

DO NOT DESTROY - PRESERVE FOR SELECT COMMITTEE ON ASSASSINATIONS

DO NOT DESTROY - PRESERVE FOR SELECT COMMITTEE ON ASSASSINATIONS

FEDERAL BUREAU

of

INVESTIGATION
67-109060

File Number

67-109060
1-1000

FIELD OFFICE FILE

DO NOT FILE IN FBI HEADQUARTERS FILES

RETURN TO FOIPA
ROOM 6296

B

9-17-69

Mr. James A. Hall, Chief
FOIPA Section
FBI
Washington, D.C. 20535

3/27/82

Dear Mr. Hall,

In the March 25, 1982 answer to my letter of February 18, 1982, SA Phillips resorts to the identical misrepresentation and deception he employed in his March 22, 1982 declaration. In both formulations, with regard to Dallas film and tapes, he says there are none "contained" in the Dallas office that have not been provided. He does not state and without perjury he cannot state that there are no Dallas films and tapes that have not been provided because he knows there are. The most perfunctory Dallas search will disclose their existence and their present location. They can be provided and they were to have been provided long ago pursuant to ^{the} December 16, 1980 letter of Associate Attorney General John H. Shanefield.

In that letter the AAG states that "there are various films and tapes in these (i.e., Dallas and New Orleans) ^{files} which were not processed for possible release to Mr. Weisberg. The Bureau will now consult with him regarding these materials and will process any which are of interest to him."

Since then the FBI has not consulted to me with regard to this matter and until the imminence of action in court did not bother to respond to my letters about it. And even now it seeks again to deceive and mislead in order to withhold public information. The one matter taken up with my counsel was the Marina Oswald tapes. Because of their nature and that content which was known to me I waived them only. They hold personal information that ought not be made public.

If the judge believed the Phillips affirmation he was deceived and misled, and it cannot be accidental.

When those films and tapes were loaned by the Dallas office, unless it departed from clear FBI practise it prepared a covering inventory, copies of which are required to be in its files and those of FBIHQ. They also are included in pre-existing

Dallas inventories.

It simply is not possible that FBIHQ is not aware of the present location of these films and tapes for at least the past five years. It likewise is impossible that Dallas could not inform FBIHQ, should any inquiry have been necessary, of what left its office, when it left and where it was sent.

If I have to inform the Court of this I will. However, ^{day before} yesterday the Court reflected a great desire to end this litigation, a desire I share, and I would prefer not to bother the Court without need.

And if SA Phillips were as familiar with this case as he would like the Court to believe, he would never have dared try pull such a dirty trick.

I have read the Dallas records. The film is a matter of great interest to me. My third book is devoted to the existing film that was suppressed. It includes the facsimile reproduction of a number of Dallas records pertaining to the film that Dallas obtained, ~~to~~ some it avoided obtaining until it had no choice, and what it sent to the Warren Commission. The information contained in the Dallas records I received in C.A. 78-0322 adds greatly to what was available in the Commission's records. The Dallas records ^{also} reflect the fact that although the Dallas office pretended otherwise it made copies of what it sent to the Commission and kept this fact secret from the Commission.

From the time of the AAG's letter until now the FBI has not claimed that Dallas does not "contain" these records nor did it represent to the appeals office that they did not exist. At its request I was in touch with the appeals office. I was informed that I would receive prints of all film and dubs of all tapes. The appeals office was aware of their existence, if not, as I believe, their location at that time.

With regard to the third paragraph of your letter, what I wrote was based on a list prepared by a student. When I began to write you further about this I discovered error in that student's work. It now is not possible for me to duplicate that checking, particularly not within any length of time I believe the Court

would now consider. I therefore waive that matter.

With regard to the Hosty matter, one record in particular is of interest to me and locating it should not present you with any major problem. It was placed in a 67 file the number of which I now do not recall. I did write the appeals office about this and I believe provided the number then. However, that appeal was ignored and there is no letter from it to which I can refer.

For your information and assistance, Lee Harvey Oswald, before the assassination, went to the Dallas office and left a threatening letter for Hosty. All knowledge of this was withheld from the Commission. (The FBI told the Commission it had no reason to believe that Oswald had any predisposition toward violence and thus had not told the Dallas police of his presence in Dallas or his past.) After the retirement of then SAC Gordon Shanklin, the fact of this threat by Oswald and its destruction was leaked to the Dallas Times-Herald. There followed an Inspector General's investigation the records of which were disclosed to me. During that investigation it was necessary to interview some of those with knowledge over and over again. Charging Shanklin with perjury was considered. When Hosty and Shanklin contradicted each other - Hosty said that Shanklin told him to destroy Oswald's threat after the assassination - additional information was sought. Instead of being placed in the file with all the other records, what I believe was the final statement by Hosty was placed in that 67 file. The matter is of considerable historical importance. If locating this in Dallas is any kind of problem, there should be a copy at FBIHQ which ought not be difficult to locate.

You close your letter by ^{suggesting} ~~saying~~ that I am making an additional request. I think it is apparent that I am not making any additional request.

Sincerely yours,


Harold Weisberg

CA 78-0322/78-0420
EXHIBIT 23



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

MAR 25 1982

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, Maryland 21701

Dear Mr. Weisberg:

Reference is made to your letter dated February 18, 1982, which was received March 4, 1982, concerning your Freedom of Information Act (FOIA) request for materials pertaining to the assassination of President John F. Kennedy.

Please be advised that all the files responsive to your FOIA request were searched and processed. These searches were made upon receipt of your initial request and during the administrative appeal process.

If you believe that material was not received by you, as indicated by our disclosure letters, please advise us of the date of our letters and the discrepancy in the enclosure count and an effort will be made to rectify any problem.

As a result of your letter we verified that you were furnished all the releasable tapes and films contained in the Dallas and New Orleans Field Office files responsive to your request.

Please note that the Dallas Field Office does not maintain a personnel (67) file on James Hosty. The only

Mr. Harold Weisberg

personnel file located containing information on the Kennedy Assassination, 67-425, concerning general personnel matters, was processed and the releasable material was furnished to you.

If you make separate, specific requests for additional material please furnish as much information as possible. It may be necessary to charge search and/or duplication fees for the separate request. You may, of course, appeal any fees that you might be charged.

Sincerely yours,

James K. Hall / JKH

James K. Hall, Chief
Freedom of Information-Privacy
Acts Section
Records Management Division