

Dear Jim,

3/30/83

At about 3:30 this afternoon, about a half hour after I was able to work for the first time today, I came upon an incomplete appeals I was drafting when I was interrupted, one I was never able to complete, I presume because of my health problems after I had worked past whatever interrupted me. I believe these can be some of the most important records in 0322/0420 and I'll be putting them all together in another affidavit. My purpose in writing is to inform you rather than going into details over the phone and to ask that you take a forceful step.

What I have found is copies of Dallas records marked for ticklers!

So, first of all,, I'd like a short motion to compel that the sworn statement that the Dallas office did not create or keep any ticklers be made by someone with first-person knowledge, not by evasive Phillips. In this case I want to go a little farther than you ordinarily would in a motion and to point out the deliberateness of Phillips evasiveness, even after being corrected several times, and add that I believe I can prove that the reason no first-person affidavit has been provided is that I could prove it to be perjurious because the FBI provided me, if unintentionally, that Dallas did have ticklers.

I think that puts it directly up to them and warns them in advance. It is normal to provide first-person affidavits, of course, and abnormal to refuse to. And what lawyer can defend the incompetent Phillips attestations.

So make it clear that they always intended to achieve the benefits of perjury while technically avoiding it by insisting on incompetent attestations.

How I wish you'd cited the case I mentioned to you after you sent me a copy in which the court held that first-person affidavits are required if anyone with that knowledge is available.

I'll have about 15 FBI Dallas documents marked for ticklers that I selected for other reasons -, and all from the first section of 89-43! In one case, perhaps more, but one I used in the draft of the appeal, they gave me two different copies of the same serial, the difference being in the added notations. One only was used for tickler copies, the other did not bear these notations!

And it is clear that the added notes are not for indexing because the indexing is indicated in the standard FBI manner!

I won't be able to get on this until tomorrow at the earliest, and I'll be delayed by the week's extra bloodtesting, if not also the weather.

This is a great opportunity. Please do it up Brown!

In haste,

AT