Dear Jin,

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6/20/83

If Thursday's hearing is postponed or not there are a few things I think you should emphasize, and if LeHaie tries their usual devise of interrupting and trying to sidetrack, please don't let him. He can argue on his own time. All undisputed in the case record.

Searches: MANAXEAXAMAATXAILAXETXAALAXAAAAAA

Searches to comply with my actual requests not yet made and attested to.

FRINQ instead decided, without any search, to try to limit me to a few main files. Dallas did. New Orleans added a few searches, not nearly complying, and then withheld most of the records identified as not relevant when they are relevant, as to this day has not been denied. Almost three years after compliance was claimed, Dallas added only some of what the appeals office directed be searched for and processed. Neither office has processed the existing and pertinent records I did identify.

Elsurs, ordered by the judget no search slips provided, no ELSUR search attested to as of now. Not included in supposedly complete search slips.

Search slips: my attestation that they are not for this litigation (New Orleans) not disputed and can't be. Most dated almost a year before my request, which I attested to and they do not even deny.

Give them a few challenges and make it clear that you are providing only a few illustrations.

Dallas has still not made any search for the records pertaining to and for the copies it has of the police broadcasts of the time of the assassination, on tape. I have proven that all their attestations pertaining to this are not truthful and have not been rebutted. Why do they not have a competent person make and attest to a competent search? Isn't that eacler and less costly than filing untruthful and incompetent affidavits?

New Orleans: as a minor illustration, particularlt after my refutation of Anderson's declaration, why do they not just provide a copy of the 105-1456 file, of the record, indexed copy, and let it be seen that they have provided all the pertinent records, let it be seen that they have made a search for any such information as it includes. Can they be afraid? Isn't merely xeroxing it a lot easier and cheaper than all they've gone through, all the litigating which does not address my allegations and evidence - which leave all unresolved and displated?

Electronic surveillance of Garrison and met why is there no competent New Orleans attestation to a real search and instead Phillips again swears to the expedient when he has and can have no personal knowledge? Why have they not denied my attestation that they have already disclosed electronic surveillancemon Garrison and me? (On Garrison they've been silent, on me they've claimed an "investigation," entirely undescribed, in the wrong place only, FEIHQ, and they've made no response to my allegations pertaining to picking me up in <u>New Orleans</u>, not FEIHQ.

Why have they been silent about my allegation that they have, have not seatched for, the motion pict use I identified? Why have then not even attested to any search for them and other such multipless information?

Second-hand attestations almost exclusively: why when it is not disputed that those who have personal knowledge can provide attestations - and should.

<u>Dismissal. sanctions. discovery</u>:Not one of my allegations is refuted, even with a second-hand attestation by an incompetent. It is not disputed that the discovery is not necessary. t is not disputed that voluntarily, before the question

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was raied by the FBI, I had already provided all the information and documentatio of which I am aware. It is not disputed that searches to comply with my actual requests are not made and not attested to. It is not disputed that the FBI needs no help from me to make searches responsive to my actual requests. My allegation that the search slips are entirely incomplete and that some are phony is unrefuted. (Emphasize that almost all New Orleans alleged searches in this litigation are dated almost a year before I filed my requests.)

Burdensoneness- not even addressed, leave alone refuted.

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Not visualized in and contracy to Act - no briefing et all by FHI on this. The Act says the burden of proof is on the agency to sustaint its action. It does not say under some condition. It says under all conditions, and without rofutation I have stated that it has not made the required searches, has not provided even all the records identified on the so-called searches, has not just ified any withholdings, and I have provided countless illustrations of this that almost without exception remain ignored. It isn't even denied that the FEI's record in this case assures me that even if I did its work, as it demands under the discovery guise, it would pay any more attention than it has, which means none at all . really. With at least what I have specified, there is no doubt that the birden of proof is on the FBI and it has not even pretended to have met this burden of proof.

<u>Frivelousness. ulterior and improper purposes</u>: The FMI does not even deny that it has not made searches responsive to my actual requests and in this has violated its own regulations (which I should have included above also); that it has not responded to the detailed and documenteed information I have provided, including in almost entirely undisputed affidavits; that its attestations are incompetent; that in the specifics I provided it was untruthful (it hasn't even addressed these specifics, leave alone node on effort to refute them); that it has and knows it has pertinent information not yst searched for an not provided even when it was identified.

Can it possibly be that in the face of this case record it is other than frivolous, other than improper and for ulterior purposes that it now demands dismissal as a sanction?XXXXXXX And that when it hasn't even bothered to refute my allegations relating to the basis of its claim for dismissal, that the discovery is not proper and is not necessary and is wrong?

This is in haste and far from inclusive. It represents some of what I think we need all drawn together at one point, succincity, in the event of appeal.

Smith may try to cut you off as well as confuse you. Persist. This is important. If he refuses you, ask that his refusal be in form you can appeal. If he refuses, whatever your opposition to it in general, mandamus. Remember, the appeals court considers the issues on mandamus even if it turns that down. It gets the issues there. If you can't get it all in orally, you can in more or less factual outline form, and that can be used after you file it. a his case lacks it and it is essential for more than use on appeal.

When I didn't hear from you by lunchtime about the purpose of Smith's Friday afternoon call to you, I graciest decided to rush this so I can get it in the evening mail.