

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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HAROLD WEISBERG,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action Nos. 78-0322
	:	and 78-0420
FEDERAL BUREAU OF INVESTIGATION,	:	Consolidated
	:	
Defendant	:	
.....	:	

AFFIDAVIT

My name is Harold Weisberg. I reside at 7627 Old Receiver Road, Frederick, Maryland. I am the plaintiff in these consolidated cases. <sup>9</sup> My prior professional experiences and my subject matter expertise are attested to in a number of my prior affidavits in this and in other litigation and have never been questioned. The FBI itself has stated that I know more about the assassination<sup>51</sup> of President Kennedy and its investigations than anyone working for it.

1. For purposes of this affidavit I state that my prior professional experiences include analysis and investigation of the functioning of government agencies. My work on the assassination of President Kennedy is a study of the functioning of our basic institutions in that time of great stress and thereafter. I know of no other person who has made any such study for as long a period of time or of its scope and magnitude. My published work on it is used in colleges throughout the country. My first book (of <sup>5/8</sup> ~~118~~) on this subject, which dates to 1965, has gone through eight domestic printings and some abroad. It is still used as a basic text in colleges and universities. Its accuracy and that of all my other works, contrary to slurs employed by the FBI in substitution for fact - despite all that has since come to light (largely as a result of my efforts and FOIA litigation) and despite

official suppression, largely by the FBI - remains unquestioned. More than a third of a million pages of withheld records, disclosed after I published my last book, do confirm my work and do not refute it in any way.

2. As I state in earlier affidavits, the plaintiff in an FOIA case, when faced with systematic untruthfulness, misrepresentation and deception by government agencies, is under extraordinary handicaps. First of all, the government does not prosecute itself for offenses for which, if I committed them, it could prosecute me. Because it enjoys immunity it indulges in unfaithful representations to court. If the plaintiff ignores them, he loses his lawsuit. If he responds to them - and he does not dare do as the government does and merely make unsupported allegations - it takes considerable time and effort and is costly. It requires many words to refute a lie of a few words. Within my experience these government practices have become a means of stopping the studies for which the information requests are made. This is to say that the government can convert the Freedom of Information Act, which is intended to require disclosure of nonexempt information, into an instrument for withholding, as it has in this litigation and as I alleged and documented throughout it. As I have attested, without even an effort at refutation, this defendant, beginning sixteen years ago, schemed to "stop" me and my writing by frivolous and spurious litigation. Its record with me since then is entirely consistent with this scheme and to a large degree it has succeeded.

3. In this litigation, despite the length required by it, I have addressed each and every allegedly factual representation by the FBI and shown, without any real effort at refutation, that they are not faithful to fact and that they are untruthful, misrepresentative, deceptive and misleading. If my allegations are not truthful, the FBI is well equipped to at least contest them with fact and by competent affiants. Instead, save for a belated claim of its supervisor in this

case, SA John N. Phillips, it and its counsel have ignored my affidavits virtually completely. This is because they are accurate and cannot be refuted. With regard to Phillips' belated pretense at addressing all the evidence I filed in this litigation, he contented himself with claiming no more than that he had not been truthful and knew of no other untruthfulness by the FBI. I responded with an affidavit which established the untruthfulness of his entirely unsupported and entirely self-serving and conclusory denial. He and the FBI have been silent on this since.

4. While I know of no requirement that the FBI respond to evidence I produce that is contrary to what it wants believed, I also know of no licence it enjoys to ignore such evidence and then represent that it does not exist. This is its practice in this litigation and in its Opposition to Plaintiff's Motion for Reconsideration (the Opposition).

5. The FBI's departure from factuality is not limited to its affiants. It includes its counsel, who also misrepresent, deceive, mislead and are not truthful. I have read every pleading and I state that they are characterized by untruthfulness, evasiveness, misrepresentation and that they mislead. After reading the Opposition I add that trickery is also a fair description. It complains of delays, suggesting that they are deliberately contrived by my counsel and me, when in fact they are guaranteed by FBI counsel who ended its prior practice of mailing copies of all pleadings directly to me because of the distance between my counsel and me and refused to resume the practice, even when, as usual, I offered to pay the costs. This has added up to a week to the time required for pleadings to reach me. I have attested to the foregoing on several occasions, he has made no denial, and he persists in guaranteeing unnecessary delays for which he seeks to blame me. He also, save for untruth, slurs and fabrication that I address below, ignores other

unavoidable factors which add to these delays.

6. There are representations of fact in this Opposition that are not in accord with the fact in the case record. Conspicuously, with regard to fact, there is no citation of any evidentiary support and my ignored evidence to the opposite is the only evidence in the case record pertaining to these matters.

7. With regard to one of the factors contributing to these delays, while avoiding use of the word, the Opposition calls me a liar. It represents that I am not unwell ("...Mr. Weisberg's age and alleged ill-health." Emphasis added) and represents that I lied in stating the truth about my impaired health, witness how, as FBI counsel put it, my "own actions over the past several months" have "undercut" my attestations. (Footnote 3 on unnumbered page 2) Mixed in with this is a complete fabrication and an absolute falsehood, "...that assertion (has) been refuted in defendant's earlier submissions..." The FBI has presented no evidence at all on this matter and, going back to 1977 - before my surgeries and their complications - it knew I was in seriously impaired health. It knew then - more than five years ago - that it had to park my counsel's car inside the J. Edgar Hoover Building for me even to be able to get there to confer with it.

8. This alleged "undercutting;" FBI counsel's word, is that "Mr. Weisberg himself has put before the Court six affidavits totally (sic) more than 230 pages (including attachments)." It then is conjectured that if I "had spent as much time" complying with discovery, I would have been able to comply with the discovery demand. This, too, is absolutely false. No support for it is offered or cited, again because there is none and again, as usual, there is directly contrary evidence that he did not challenge or refute, so at the least FBI counsel had reason to believe his concoction was not truthful.

9. Having not inconsiderable experience with untruths, distortions,

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misrepresentations and not uncommonly slanders by the FBI and its counsel, I decided to check fbi counsel's above-quoted arithmetic. It is informative.

10. The actual work for me represented in these six affidavits is in their texts. There ~~are~~<sup>are</sup> not "more than 230 pages" of text but only 98. Of these, 12 are far from full pages and several are blank save for a few lines of notarial statement. The attachments total 142 pages, almost all of FBI records, and of these 45 pages - almost a third - are the so-called search slips. The time period to which FBI counsel refers, from February 4 to and including June 6, is 125 days. So what his alleged "undercutting" really amounts to is about a half-page of typing a day for me! This really means little more than about five minutes' work a day for those 125 days! This is the exact opposite of what he represents to this Court.

11. These retyped pages of affidavit text are of a larger type face than that of the typewriter I use, a Hermes 3000. It has a much smaller type face and includes more lines per page. Thus, on my typewriter, it amounts to about ~~an~~<sup>half</sup> page per day. While I have never timed my output, I know that it is not unusual for me to type five pages an hour. The actual typing time thus comes to about five minutes per day. This "undercuts" nothing but the integrity of FBI counsel's representation to this Court and his entire argument.

12. As my affidavits also state, particularly those FBI counsel represents have been "refuted" when they have not even been addressed at all, I have spent and I am able to spend little time in searching now and searching time does not and cannot represent any appreciable addition to the actual time I spent. Almost all of the attachments, like the phony search slips, were at hand. Some, as I stated with precision and accuracy, were in a box in my office I had not been able to get to because of my health and I just blundered into them, without taking any special time, as I was disposing of the contents of that box. An appreciable percentage

was provided by FBI counsel himself under discovery and they required no time at all for searching. Others, as my affidavits state, I received while I was working on them. My affidavits, with which he here represents some familiarity, make it clear that for all practical purposes the attachments represent virtually no work at all for me and thus almost no time at all.

13. If the actual time is doubled, it comes to only about 10 minutes of time a day, and that still is an insignificant amount of time, not at all what he represents.

14. In addition, as I believe lawyers know as well as writers, there is an enormous difference in the time taken for writing and the time required by endless research in 60 file cabinets, 500,000 pages of records and countless books, which is what the FBI's discovery really demands.

15. In short, FBI counsel's quoted representation is misrepresentation, is false, and based on simple <sup>e/e ar</sup> arithmetic he had every reason to know it is false. Moreover, he provided no estimate, not even another of his own fabrications, of the time the discovery he actually demands, - which is not the discovery he misrepresents - would or could require. So on this additional basis he just made up what he represents to this Court and on which he has already threatened to have me "thrown in jail," his words to my counsel. I have sworn to the act(a) requirements of his actual demands and he has not presented any contrary evidence, not even his own unsupported argument. The unrefuted evidence in the case record, therefore, informed him in advance that he was being untruthful and was misrepresenting.

16. Moreover, I know of no honest basis for his making any reasonable estimate, leave alone one he would present to a federal court and use as a basis for denying anyone freedom, without knowing how rapidly or how slowly I write. He has never asked me.

17. Yet his fabrication, which has no basis in any evidence at all and is contrary to the unrefuted evidence I provided under oath, is the sole basis for his calling me a liar under oath over my "alleged ill-health" and my present capabilities or lack of them. Under other circumstances, as I have in the past, I would consider the source and ignore it. However, because it is a basis for the dismissal he solicited from this Court, I do not ignore it. Instead, I attach some of my medical bills. They reflect the complete accuracy and understated truthfulness of my attestations. These bills are not complete. They do not include my 1975 hospitalization for acute thrombophlebitis which had not yet resulted in surgery and of which the FBI has known all along. Of my local doctor's many bills I attach only those that related to my attestations to additional illnesses beginning this past February. They are bills, not diagnostic records, and do not include all diagnoses.

18. Exhibit 1 is the bill for my September 1980 hospitalization for additional diagnosis, to determine the nature of the arterial blockages in my left thigh and whether surgery was indicated.

19. Exhibit 2 is the bill for the arterial surgery and implantation of a plastic artery two weeks later. (The operative reports and other attachments referred to were not provided to me. They went to my insurer.) The venous doppler listed in a test related to another venous thrombosis I suffered while hospitalized. I was first hospitalized for venous thrombosis in both legs and thighs in October 1975.

20. Exhibit 3 reflects the first of the more serious complications, diagnosed as "arterial obstruction." The nature of the surgery is indicated under "Description of Services." However, because this bill is limited to the surgery, it makes no reference to the arterial blood clots that were not accessible and the venous

blockages, both of which contribute significantly to my overall impaired circulation and resultant problems and limitations.

21. 11 April 1981 (Exhibit 4) I suffered a total blockage on the left side. It is this emergency that I stated my counsel may know more about than I do because prior to the emergency surgery, which began at night and continued into the next morning, I was drifting into unconsciousness. I know only what one of my surgeons told me the next day, that this particular emergency is not uncommonly fatal. The extent of this surgery also is indicated in the bill.

22. These are the surgeon's bills only. The hospital's bills are much more extensive and expensive, but they do not indicate the nature of the surgeries.

23. Because the FBI's counsel also scoffs at and represents that I lied about the series of debilitating illnesses that I attested began this February and have not yet run their course, I also attach the pertinent bills of my family doctor. He does not record his full diagnosis on all of them because this form is a bill only, not his medical record, but he does indicate most of these illnesses on these bills. (Exhibit 5) As is apparent, I was truthful<sup>ul</sup> and understated. Because of the ink he used and the color of the color-coded paper<sup>forms</sup>, which do not copy clearly, I repeat the various illnesses identified on these bills, the first of which is dated February 2 of this year. (He does not bill for telephone consultations, which are frequent.) Exhibit 5 includes illnesses I overlooked in my understated account: vascular insufficiency, bronchitis, influenza, pneumonia, peripheral vascular disease, edema, ecchymosis, and "anticoagulation," which refers to persisting problems during this period with my blood's prothrombin or clotting time. During the period represented by these bills, it was at the level that is critical for internal hemorrhaging. It also is more critical with respect to the slightest bruising, cutting and falling because they, too, can cause potentially



serious, even fatal, hemorrhaging. (For the rest of my life, my doctors have warned me, I must be extremely careful not to fall or bruise or cut myself because the optimum clotting time of my blood is now twice its base or normal time. During the period in question, it reached almost three times base.) Although it is not mentioned, I also suffered pleurisy, which is painful and interferes with concentration, rest and sleep.

24. Ecchymosis refers to hemorrhaging through the walls of the blood vessels. Coughing during the time I had bronchitis, pneumonia, influenza and pleurisy caused the ecchymosis, many large areas of chest hemorrhaging, with lumps of clots as large as my fist throughout my chest.

25. These bills reflect exactly what I stated pertaining to the bronchial infection, that it persists despite medication. (I <sup>only recently off</sup> ~~am still on~~ the antibiotic prescribed in early February, although at the time of first prescription the doctor anticipated only 10 days of antibiotic treatment.) They represent 12 examinations of me by this one of my doctors during the period to which I attested. The suddenness of onset of this lingering infection is reflected by the fact that, as these bills reflect, my family doctor worked me in without appointment only one day after he had seen me for the unusual edema caused by the circulatory insufficiencies I will have for the rest of my life. (There is constant edema from this since 1975.)

26. These exhibits reflect the baselessness of FBI counsel's fabrication, that I was untruthful in representing my medical and physical conditions and limitations. He did not ask me for any proof and he did not dispute my attestations in any way, which he nonetheless refers to as "refutation."

27. While I can pretend no knowledge of Department of Justice standards and concepts of ethical, morality, decency and truthfulness except as I have observed them intimately and extensively in more than a decade of litigation and as the

attorneys general have addressed them in public statements, I do state that nobody, not even the most talented, erudite and accomplished of lawyers, has any basis for making a representation of medical fact without obtaining those facts and, as my voluntary disclosure of these bills and my earlier attestations leave without doubt, the actual facts were always available. (Among these statements by attorneys general in Griffin Bell's commemoration of "law day" with a published injunction to all Department lawyers that they were never to make any representation to any court without the most substantial reason to be certain of its truthfulness and accuracy.)

28. Avoiding the actual facts, not asking for them if there were any reason to doubt my sworn representations, not presenting any contradictory evidence of any kind and instead merely fabricating new defamatory untruths is consistent with what can be called the vendetta the FBI and the Department have waged against me for years in a campaign of defamation and the foulest of libels that, from the records disclosed to me, were widely distributed, including to the White House, the Congress, attorneys general and their deputies and others, including those who litigate. Instead of making an effort to refute my earlier references to this campaign, identified as based on FBI records disclosed to me, instead of searching these already disclosed FBI records, which represents very little work and effort, FBI counsel made slurring wisecracks that are clearly intended to prejudice. Some of these records, which are well known to the FBI and to the Civil Division from their attachment to affidavits in other litigation, also are attached to the affidavit I executed June 13 and then mailed to my counsel.

29. Such departures from fact and truth characterize the FBI pleadings in this litigation (and not it alone). My counsel, for reasons I can understand and appreciate, has been reluctant to make use of the factual information I provided him earlier about these departures from truth and fact. They permeate and they are

basic to this Opposition, as I address them further below.

30. This Opposition is consistent with the FBI's other filings in this litigation in its dependence upon repeating the same untruths, distortions and misrepresentations after I refuted them and despite the FBI's failure to provide any evidence to contradict me. It also is consistent in ignoring my unrefuted proofs that these FBI representations are untruthful, distort and misrepresent and in the pretense that the case records does not hold my unrefuted evidence. But no matter how often untruth is repeated, it remains untruth, no matter how repetition may lull the author into believing untruths from his own repetition of them. These untruths lack any evidentiary support not only because it does not exist but because the FBI did not even pretend to provide any evidentiary support for them. The allegations in the Opposition are made by FBI counsel on his own authority. Their character is indicated above and is further indicated below where I address others of them.

31. FBI counsel is not reluctant to seek the benefit of prior FBI misrepresentations, deceptions and untruthfulnesses presented to other courts, which were influenced by them, in his efforts to deceive this Court into believing that I have made "ever-expanding" requests in this litigation in "piecemeal fashion." (Footnote 6, page 5) I have already refuted this false representation of "ever-expanding" requests and the FBI has not even pretended to present any contradictory evidence, which it cannot. FBI counsel follows by repeating an earlier untruth that also lacks any evidentiary support, that "This tactic by plaintiff has kept his complaints <sup>in</sup> fluid and obscure and, in turn, virtually irresolvable." In pretended support of this "a similar litigation tactic" is attributed to me in my suit incorrectly described as "concerning the spectrographic analyses" only "in the FBI's Kennedy investigation." (Citation to No. 82-1072 (d.c. cir) April 5, 1983.) All of this

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is keyed to one of his contradictory versions of what is sought by discovery, in this representation - and neither is truthful - "attempting to get plaintiff to articulate all the bases for his complaints about the adequacy of the FBI's search."

32. "Search" is the key and the FBI record in searches is what this Opposition entirely misrepresents in prejudicial and unfair citation of No. 82-1072.

33. With regard to the FBI's so-called searches and their alleged "adequacy," the history of the cited litigation, which ended on April 5 of this year, 17 years after my first request, is that for all this time the FBI steadfastly refused to make what the appeals court said it could consider adequate searches. On this its decision is explicit. In order for the FBI to make searches the appeals court said it could consider adequate, I was forced to that court four earlier times, and each of those four times, although the FBI claimed it had made adequate searches, it had not, according to that court.

34. That I allegedly sought to expand my request in that litigation, which the appeals court did represent, reflects the success of the FBI's misrepresentations that characterize all my litigation involving it. The question relates to the withholding of tests made on the collar area of the President's shirt. The misrepresentation is that this is an expansion of my request. (There was additional pertinence in court-ordered discovery pertaining to the existence or nonexistence of the requested information, which that court described as of interest to the nation as well as to me in one of the remands.)

35. Attached as Exhibit 11 to the affidavit I executed June 6 of this year is a copy of the Department's DJ-118 form that I filed May 16, 1970. It was amplified in my accompanying letter of the same date. The request could not be more specific in "including garments and parts of vehicles and curbstones said to have been struck by bullet and/or fragments..."

36. Although FBI counsel pretends that my affidavits and the unrefuted evidence in them do not exist, he does refer to this affidavit in the Opposition (in footnote 3). It therefore appears that in making this false representation he did have knowledge of the language of my request and its specific reference to "garments." (The FBI has yet to claim that a shirt is not a garment.)

37. FBI counsel's other untruthful representation of the alleged purpose in discovery, made when the hearing he requested seemed near, was a different untruth because, with a hearing possible, he did not dare face testimony on whether I had "articulated" what is referred to as my "complaints about the adequacy of the FBI's search." The truth is that I had, extensively, and had been ignored. So it then was represented instead that the FBI required me to do its work for it, draw together for it all that I had filed and it had ignored.

38. I have never admitted that the FBI made searches to comply with my requests and it has not, as I attested, without refutation. I went further and quoted the FBI's own affiant, SA John Phillips, who is its supervisor in this litigation and who actually swore that when Dallas received my request instead of searching it sent my request to FBIHQ where, without search and without search there being possible, SA Thomas H. Bresson decided what it would disclose in attempted substitution for searches to comply with my request. My prior and unrefuted attestations, repeated over and over again, also include that I was informed of this scheme to frustrate my requests by not complying with them by the FBI's then counsel, on the day Judge Oberdorfer recused himself, and I then informed the FBI that this would not and could not comply with my requests. This is basic, unrefuted, and it is anything but what FBI counsel represents. When I do no more than ask that my requests be searched and complied with and he knows the FBI has not done either, he represents this as my alleged "ever-expanding piecemeal fashion" of

keeping "complaints fluid and obscure and, in turn, virtually irresolvable."

39. It is because the FBI and its counsel persist in their knowing and deliberate misrepresentation of my requests that they misrepresent and are untruthful in their misrepresentation of my presenting proofs of failure to search and comply with my requests and describe it as "expansion" of those requests.

40. Although the records provided under discovery are incomplete, they nonetheless prove that the FBI did not and did not intend to comply with my requests in <sup>Dallas</sup> New Orleans, where almost three years later there were inadequate searches in incomplete compliance with the directives of the appeals office, as set forth in detail and is unrefuted in my prior affidavits.

41. When I requested copies of all original records of all searches made in this litigation, FBI counsel objected on the ground that I had already been provided with this information. When I proved that this could not be true and referred to those search slips as "phony," the untruth was reiterated under oath, without any effort to refute the evidence I provided. It was ignored. That evidence was not subject to refutation because, among other things, search slips <sup>New Orleans</sup> ~~were~~ <sup>were</sup> dated almost a year before I filed my requests. ^

42. SA Clifford H. Anderson is the New Orleans office FOIPA expert and case supervisor. Apparent reasons for his failure to attempt to refute me also include the existing records he created which prove my attestations. They had been provided in the incomplete discovery.

43. Under date of August 30, 1978, he forwarded and inventoried to FBIHQ's FOIPA branch the records he claimed completely complied with my requests (File 89-69-4713). That this was represented as total compliance is indicated by "RUC" added to the caption. "RUC" in FBI abbreviations means "referred upon completion." But what he told FBIHQ was so vague and inadequate that FBIHQ had to ask for what

Anderson described as "clarification" in his airtel of December 5, 1978. I cannot refer to the file identification of this discovery record because the copy provided is not a record copy and lacks such identification and means of retrieval by the indices ordfrom the central files of record copies. This appears to be a tickler copy. I believe, based on prior experience, that the withholding of the record copy is intended to withhold additional information on it.

44. Anderson's alleged "Clarification" includes what he states was searched: "the following names or subjects were searched through the comprehensive indices of the New Orleans Field Office." He then lists: "Assassination of President JOHN F. KENNEDY; LEE HARVEY OSWALD; JACK RUBY; Warren Commission; JIM GARRISON; CLAY SHAW; DAVID FERRIE."

45. This listing clearly establishes that the searches sworn to as for this litigation are now, which is what I attested without contradiction.

45. Even then, as I attested in my earlier use of this record in an affidavit, Anderson made clear that there had been no search to comply with my actual request because he states that each record located on this so-called search was "reviewed to determine if it related to the assassination of President KENNEDY." My request is specific in stating that it is not so limited and it also includes all records on or about the Garrison investigation and the persons and organizations who figure in it.

46. Anderson and FBIHQ both knew he was untruthful in his "clarification" because his own inventory (Serial 4713) quoted above) includes records not included in his "clarification" (which nonetheless appears to have satisfied FBIHQ FOIPA). These are: "62-3914 SAM COLLIER, Miscellaneous Information Concerning; 62-4448 Senstudy; 80-608 JAMES C. GARRISON, Etc.; 100-16926 MARINA NIKOLAEVNA OSWALD, nee PRUSAKOVA IS - R; 100-17279 MARGUERITE CLAVORIE (sic) OSWALD IS-R; 100-17809 JIM GARRISON, SM-C; 175-0-15 (obliterated) Threat Against the President."

48. Bearing on intent not to search and comply, intent not to do as directed by the Department with regard to "critics" and the accuracy of the information I provided in appeals and in affidavits in this litigation <sup>ion -</sup> ~~ion -~~ if not also intent to knowingly and deliberately swear falsely with regard to "critics" - is the fact that this Garrison "subversive" ~~file~~ File 100-17808 is exactly the file I correctly identified by this number as having information pertaining to "critics." Anderson did send this file to FOIPA at FBIHQ as relevant and it still did not provide the information. Instead, it went through a typical Phillips song and dance about having no such records, sworn to, as usual, and all the time they were right in Phillips' own FOIPA office where they had been sent for processing and disclosure.

49. Bearing on the ulterior and improper real purpose of the FBI's discovery demand is the absolute certainty that the correct file number I provided is all that is needed for any search. This would be true if the file had not already been searched and located. But in this instance it had already been sent to and actually was at FBIHQ FOIPA when it provided Phillips' false swearing.

50. All the records listed in paragraph 47 above are not included in what FBIHQ provided to me when it processed what Anderson shipped. Because his omission of them coincides with this FBIHQ first withholding of what Anderson had deemed responsive, it appears that the "clarification" actually was intended to provide a cover for FBIHQ, which could thereafter cite his December 5, 1978, letter to represent that it had processed all he provided.

51. It is without doubt that Anderson knew that his "clarification" was not truthful and accurate and that FBIHQ FOIPA also knew this. Bearing on intended untruthfulness is the fact that instead of writing Anderson the FOIPA branch phoned him six days before his December 5 written response. A phone call <sup>o</sup> ~~es~~ does not generate a retrievable written record.



52. In forwarding the records, Adderson drew a distinction between "the search slips" and what he referred to as the "workpapers." He also made an offer, which was not accepted by FBBHQ, to prepare and execute an "affidavit regarding the procedure utilized!" What he referred to as the "workpapers" may be the original records of searches, but those provided and sworn to as genuine and complete cannot be. (Move on this incompleteness appears below.)

53. The FBI knew that it was untruthful in its January 19, 1983, response to my Request for the Production of Documents when, in response to the first, which requests "Copies of the originals of all search slips in this case" (emphasis added) it objected "on the ground that plaintiff has already been provided with" all of them. The Response is not attested to by anyone in the FBI. It is signed by FBI counsel. They then proceeded to prove their dishonesty in simultaneously providing a nonrecord FBIHQ copy, not a New Orleans copy, of the February 3, 1981, directive bearing the initials of FBI SA Willis A. Newton, who is assigned to this litigation. It begins, "1. Conduct a new search on all subjects which were previously searched." This directive also includes: "4. Conduct a search for 'any official or unofficial administrative files which pertain to the Kennedy case' and if any are located, send to Headquarters" and "5. Conduct a search for 'files on "critics" or "criticism" of the FBI's assassination investigation' and, if any are located, send to Headquarters." (Emphasis added)

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54. His 5, as I have attested without even attempted refutation, is the FOIPA Branch's knowing and deliberate revision of the directive of the appeals office, revised so that the withheld records would continue to be withheld because the FBI knows it does not file and cannot retrieve topically, as I also attested without refutation.

55. No search slips or any other search records of any kind pertaining to

these 1981 searches are provided in this litigation, despite the above-quoted representation by FBI counsels that they were and despite the repeated sworn statements by the FBI that I was provided with "all" such records.

56. In his February 11, 1981, response a nonrecord copy of which was provided on discovery, Anderson represents the alleged search in compliance with this FOIPA directive not to be for what he listed in his August 30, 1978, inventory, which he was told to do, or his December 5, 1978, "clarification" of it. It is not even identical with the unoriginal phony search slips provided.

57. Searches require searching and slips and/or other records reflecting it. None are provided relating to these ordered searches.

58. That Anderson did not intend a real search or even honesty is reflected in his covering letter. It states that there are no "official or unofficial administrative files which pertain to the Kennedy case" when at the very least there are FOIPA files, including at least two pertaining to me. Without reasonable doubt there are also such records pertaining to other requesters. He also changed FBIHQ's punctuation to change the meaning in stating that there are no "'files on critics or criticism of the FBI's assassination investigation.'" In New Orleans there are such records pertaining to me and with regard to others I provided the correct file identification, as stated above.

59. Although Anderson uses quotation marks to represent that he followed FBIHQ's orders exactly, he did not do that. Instead of reporting the impossible topical search under "critics" and "criticism," which is what FBIHQ's communication directed, he went further. He reports - and did not make - a search under the names of the "critics" and their organizations. This is precisely what omitting the quotation marks means and precisely the misuse to which FBIHQ could put his untruthful report - if Quinlan Shea had not been eased out as director appeals, as he was.

60. Because in this affidavit I address the departures from fact and truth by FBI counsel, I emphasize that this ~~Response~~ was signed by counsels and that these counsels, with their Response, provided redundant proof of their and FBI untruthfulness, including repeated FBI untruthfulness under oath after I had stated what is and what is redundantly proven to be true and is not contradicted by any evidence the FBI has provided.

61. With regard to Anderson, I intend to be unequivocal. His statement, with quotation marks removed, that there are no New Orleans records pertaining to the "critics" is false and the case record proves it to be false, as do my appeals, and Anderson had to know it is false if only because he personally sent such a file to FBIHQ, as I show above.

62. Although the Opposition represents that what I stated in opposing discovery is refuted, in fact the FBI has not produced any evidence at all pertaining to discovery or to my attestations. There are claims made by FBI counsel the true character of which is reflected in this and other affidavits I provided. That I have already provided all the information requested in my affidavits and appeals is not addressed, leave alone disputed in any way. It also is not disputed that, as I attested, based on my prior experience and admittedly expert knowledge I have every reason to believe that the discovery demand was not necessary, was intended for other and improper purposes, and any information provided would, from the FBI's record relating to my affidavits and appeals, again be ignored.

63. One of the many matters I have attested to, without contradiction or dispute of any kind, is the FBI's determination not to comply with my requests and the Act. Illustrative of this is one of a number of separate FOIA requests I made and it ignored and ignores. This one pertains to a man who figures in all official JFK assassination investigations, the FBI's, the Commission's, Garrison's and the

Secret Service's. It thus also is included in this litigation. His name is Ronnie Caire. I referred to him in an earlier affidavit to illustrate that, even after the Department promised the Senate that this old request and two dozen other requests the FBI had ignored would be responded to, the FBI never intended to respond and to this day has not.

64. Caire had a New Orleans advertising and public relations agency. Oswald applied to him for a job. Given what the FBI knew about Caire, this should have excited some interest. Instead of getting at all interested, even after the FBI was supposed to investigate all Oswald's job-seeking in New Orleans, it did not investigate this very unusual Oswald application and it did not even interview Caire.

65. My counsel reported to me that FBI counsel told him emphatically that no Caire records would be searched for or provided in this litigation in which, without possibility of question, they are pertinent to both parts of my requests and of both offices. Because this illustrates the spuriousness of the discovery ploy, the nature of the information I have already provided, the FBI's determination not to comply under any circumstances and not to make the required searches more than five years after they were required to have been made, when my counsel informed me of what FBI counsel told him I checked my Caire appeals file. (As I have attested, I have about two file drawers of such documented and detailed appeals.) My Caire appeals reflect the detailed and documented information I provided that was and remains ignored and FBI counsel himself now insists will continue to remain ignored.

66. Among other things, it turns out - and the FBI knew - that New Orleans records pertaining to Caire are included in the very 105-1456 file I correctly identified as holding pertinent Ferrie information that still has not been provided and without doubt this Caire information is indexed in New Orleans. <sup>his</sup> ~~The~~ information

was provided to me by FBIHQ FOIPA branch and exists also in New Orleans, which also has the underlying records not searched for and now specifically refused to be searched for. If the government required any additional reasons for continuing to withhold this underlying information, such reasons appear in what follows.

67. I filed more than one appeal. All ~~were~~ and remain ignored.

68. The FBI, which did find pertinent information, cashed my check and provided no information. I regard and have referred to this and other such instances as defrauding me. In one appeal I referred to it as being gypped.

69. This is not all that can be embarrassing to the FBI. While I have not been given any reason for FBI counsel's obdurate refusal to provide any Caire information, one of the details in and FBI records attached to one of my appeals makes it apparent that this refusal to provide what is clearly pertinent does serve the purpose of protecting sworn-to untruthfulness pertaining to the New Orleans 105-1456 file and its pertinence in this litigation.

70. I emphasize also that the Department assured the Senate in 1977 that my old FBI requests would be complied with and that the Caire request represented on the DJ-118 form I filed September 26, 1970, with the required payment in advance, is one of those old FBI requests. Because this FBI xerox of the original that I filed is not clear, I quote that it requests "all information about and FBI records of interviews with" Caire. (Emphasis added) I provided information pertaining to him which associates him with Oswald, assassination investigatinn figures and the CIA, as becomes clear below.

71. Before I received the copy of this Opposition, having been informed by my counsel of FBI counsel's expressed determination that there be no compliance in this litigation with regard to Caire, I examined my Caire appeals file and copied and sent some of it to my counsel. Because all of it is not necessary to this

affidavit, I attach hereto as Exhibit 6 my short appeal of January 15, 1979 (which was well in advance of those "new" searches New Orleans was ordered to make in 1981) and as Exhibit 7 my longer, detailed and documented appeal of June 14, 1979. Both were and remain ignored.

72. Exhibit 6 reflects the fact that the New Orleans main assassination file establishes the fact that Caire figured in that investigation and thus is clearly within my requests in this litigation on that basis alone.

73. It refers to my 1970 DJ-118 Caire request, the cashing of the check for which I received nothing, and to the Department's testimony before the Senate that my old requests would be complied with. It also refers to evidence of the existence of a New Orleans subject-matter index for which no search has been attested to in this litigation. (The scrawled notes on the bottom are mine and are not included on the copy of the appeal I filed.)

74. When I received no response despite this promise to the Senate, I filed a long, detailed and documented appeal, Exhibit 7. While the subject headings may make it appear that some are not pertinent, they are. This is because the FBI withheld field office records as "previously processed" at FBIHQ and thus those FBIHQ records are pertinent in this litigation. Because I am a "critic" and also am included in records pertaining to both the FBI's and Garrison's investigations, all records on or pertaining to me are relevant in this litigation. While as a practical matter the FBI's withholding as "previously processed" made it necessary for me to include FBIHQ and field office records in such appeals, in this instance the caption is specific in referring to "New Orleans and Dallas Field Offices."

75. When I filed this appeal only the text of it had page numbers. I have added continuing page numbers to the copies of FBI records I attached to it to identify them. I also have added letters in the margin to identify portions of

the appeal in the order in which I cite them.

76. At "A" I state that the FBI correctly understood my requests to include "all information about Ronnie Caire."

77. "B" refers to the existence of Caire records at FBIHQ. Among the importances of this information is the fact that, if field office copies were destroyed, the information provided to FBIHQ could be provided in replacement of it.

78. "C" establishes the existence of Caire records in Ballas.

79. "D" reflects the FBI's knowledge that Caire also figured in the Garrison investigation and thus is pertinent to that part of my New Orleans request.

80. "E" reflects the existence of New Orleans Caire records and the fact that they were not provided to me in this litigation.

81. "F" refers to another of my old and still ignored requests that also is pertinent in this litigation, the identification of an Oswald associate through what the FBI had, his fingerprints.

82. "G" addresses the usual FBI dodge, also used in this litigation, of fabricating its own formulation of my request to avoid compliance. Although FBIHQ correctly understood my request to include "all" Caire information, here it draws a phony distinction, that he had "no direct connection with the assassination." My request pertains to the investigations, and Caire is within the investigations. (I did not suggest that he had even an indirect connection with the assassination.)

83. "H" refers to the existence of pertinent records outside the main assassination files.

84. "I" states correctly that I provided additional information pertaining to this DJ-118 FOIA request (page 13) in a covering letter (page 12).

85. "J" reflects FBI determination not to comply with my requests, in this instance with both my personal records request and records pertaining to "critics."

Here I identified pertinent files by their correct numbers only to have those records obdurately withheld, without even a claim to exemption to withhold them.

86. "K" establishes that the FBI correctly understood my request pertaining to the New Orleans Oswald associate the identification of whom the FBI withholds: "He asks for information as to whose fingerprint this was..."

87. "L" is still another illustration of the FBI tricks to avoid compliance with my requests. The FBI told the DAG not that it found pertinent information on Caire, as it did, but instead that there is "no information that Caire was interviewed by the FBI concerning the assassination..." which is only one part of this request.

88. "M" refers to the identification of a pertinent New Orleans record not provided.

89. "N," although the FBI pretended not to understand what I meant in stating that Oswald had "masked" Caire's address in his addressbook, and Dallas recognized that I be asked, which I was not, I provided this information at "O." (Oswald's entry led him to the side door of the office building in which Caire was located rather than its front and main door.)

90. "P" establishes that nothing I have stated in this litigation pertaining to the withheld motion pictures in any way expands on my requests. (They were first made on January 1, 1969.)

91. "Q" has the FBI denying me the New Orleans information requested because it "is contained in files compiled for law enforcement purposes." In all aspects this is a false basis. There is no blanket exemption for all files compiled for law enforcement purposes. Only what falls within an exemption can be withheld. Moreover, this was not a file compiled for any law enforcement purpose ("R"), as the FBI's disclosed records and Director Hoover in sworn



testimony both state. The information remains withheld.

92. "S" reflects the FBI's intent to withhold the requested information even though it correctly understood my request to include it.

93. "T" cites the FBI's interpretation of FOIA referred to in earlier affidavits, without contradiction, that if it does not like me the Act does not apply to it: "In view of Weisberg's character he should not be given the information he requests and there is legal ground for our position." (Also on page 18)

94. "U" refers to Caire's registration as a foreign agent, about which more follows below.

95. "W" reflects that Caire's foreign-agent registration was on behalf of a CIA anti-Castro front whose address Oswald used on his New Orleans literature, and to the FBI's refusal to provide the Warren Commission with copies of Oswald's literature bearing this address.

96. When the FBI simply refused to provide the Commission with Oswald's literature using this 544 Camp Street address, the Commission asked the Secret Service, which did provide it. (See also Paragraph 102 below pertaining to the printing of Oswald's literature.) The Commission's records also reflect the fact that the FBI did not inform it of much that it knew, including that Oswald sought employment with a registered foreign agent or that his organization was a CIA front. By this quoted spurious interpretation of FOIA the FBI withheld the same information from me and from disclosure. The FBI SA who made this interpretation of FOIA to withhold this information from me, T. N. Goble, just happens to be the same man who sat on the intelligence/political desk at FBIHQ and handled this kind of information that went to - and did not go to - President Johnson's Commission. It also just happens that he was assigned to FOIA work at FBIHQ until, in 1977, I absolutely refused to accept any record he processed when he was assigned to my

C.A. 75-1996. He then was removed from FOIA work.

97. In the FBI's report to the Deputy Attorney General about its New Orleans search it acknowledges the connection between Caire and Sergio Arcacha Smith and Caire's foreign-agent registration (page 16). But it withholds most of the pertinent information and it reports nothing about the provocative interrelationships. Moreover, the FBI did not report all the available information. Between this nonreporting and its failure to draw together all the information it did not withhold, it succeeded in at least underinforming everybody. For example, it did not report, here or elsewhere, what I learned from public sources in New Orleans, that when Caire and Arcacha Smith formed an organization to solicit money, ostensibly for anti-Castro work, they used as a return address this same small building in which the CIA front had offices, arranged for by former FBI SAC Guy Banister, one of its incorporators, in whose office and for whom Ferrie worked, <sup>(tce)</sup> building Oswald also used as a return address on his literature, when neither Caire nor Arcacha nor their organization had offices in that building. It did not report any CIA connection at all.

98. All of this and more that is known makes it even more unusual that the only known Oswald New Orleans employment application the FBI did not investigate when it was supposed to investigate all of them is his effort to work for Caire in public relations and advertising and that even though it knew that Oswald was a dropout who had no command of either spelling or grammar.

99. There is consistency in the FBI's withholdings from me, under an assortment of spurious claims and continuing in this litigation, and its withholdings from the Presidential Commission. The records I used in my appeals were not provided to the Commission or in this litigation. I obtained them by other means.

100. In responding so incompletely to FBIHQ pertaining to the DAG's inquiry

after I filed my request, New Orleans departed from normal practice and did not identify the file number or numbers of the information it cited. However, one of the pertinent ~~documents~~ <sup>documents</sup> withheld from me in this litigation that was disclosed to another requester and which I attached to the addendum to my June 6, 1983, affidavit does identify one such file. It is the identical New Orleans 105-1456 file that, among other things, includes the still withheld and pertinent Ferrie information. The same FBI record reflects the fact that, rather than the single and allegedly destroyed copy of 105-1456 records to which Anderson attested, New Orleans had two copies in that file. It also reflects duplicate filing of the same document elsewhere, in this case with the identification of the file withheld without the posting of any claim to exemption. As my addendum states, this raises new questions about SA Anderson's truthfulness and intentions in his attestations in this litigation pertaining to that 105-1456 file and to his so-called searches.

101. That all of this was known to FBI counsel before he drafted his ~~Opposition~~ <sup>as</sup> is reflected by the fact that in it he refers to my June 6, 1983, affidavit. But neither he nor anyone else, there or anywhere else or in any way makes any reference to this information and its pertinence in searching and compliance. Anderson and Phillips, both of whom swore falsely and deceptively about New Orleans file 105-1456, have not uttered a word.

102. There is consistency and pertinence in all of this. As I attested earlier, this 105-1456 file also includes David Ferrie and his political and social friends and associates of various descriptions, former FBI SAC Guy Banister, for whom Ferrie worked and whose office Ferrie used, and other persons and organizations that are included within my requests. The ~~FBI New Orleans~~ <sup>New Orleans FBI never bothered the</sup> ~~Warren Commission or~~ <sup>Warren Commission or</sup> ~~FBIHQ~~ <sup>FBIHQ</sup> with the intelligence that Banister was in the very same small building that Oswald used as a return address, the building that housed the

CIA's anti-Castro front directly above Banister's office. Consistent with the FBI's refusal to provide Oswald's literature with the address of the CIA front used as Oswald's return address is its deliberate misrepresentations pertaining to the printing of Oswald's literature. When the New Orleans FBI learned that the Secret Service was independently investigating this Oswald printing, it got FBIHQ to pressure Secret Service Headquarters to order the New Orleans Secret Service to suspend its independent investigation. Thereafter, although the New Orleans FBI reported to FBIHQ that those at the Jones Printing Company who dealt with the person who had this printing done stated he was not Oswald, FBIHQ rewrote the New Orleans reports and turned them 180 degrees around, representing the exact opposite, that both witnesses who states it was not Oswald stated that it was Oswald. And thus FBIHQ deceived and misled the Commission, which used the FBIHQ fabrication in its Report instead of the truth in the field reports that FBIHQ rewrote. I published the Commission's, FBIHQ's and the field office versions in 1967.

103. I believe it is obvious that the foregoing paragraphs pertaining to Caire reflect that anyone who represents that under my obviously all-inclusive request, to which I attested without denial in any form, sworn or unsworn, and with FOIA requests going back to 1969 and 1970 and repeated appeals then and in 1979, I now am engaged in "ever-expanding piecemeal" complaints that are "fluid and obscure and in turn virtually irresolvable" either lies or does not know what he is talking about and should not make any representations of this character to this Court. This is particularly true when his objectives include dismissal of this litigation and can include my incarceration.

104. There is absolutely nothing that can by honest men be called new in this; nothing "fluid;" nothing "ever-expanding;" nothing "piecemeal;" nothing in anyway "obscure;" and nothing "virtually irresolvable" - except the FBI's

determination not to search and not to comply with my requests or the Act or its own regulations by any means convenient to it, including false representation and false swearing.

105. There is, in short, absolutely nothing in any way new, and this is true of all my affidavits and all my appeals. What the FBI, through its counsel, not in any evidence, has done, is what they have done from the outset in this litigation, pretended that all the proofs I have provided of their refusal to search and refusal to comply represents expanding my requests, which they knowingly, deliberately and over my clearly and forcefully expressed and repeated objections corrupted and from the outset and continuing to now refused and still refuse to comply with.

106. By his request, I provided Quinlan Shea, the appeals director, with those appeals as I read the records. As a practical matter, there was no other way in which this could be done, given the volume of records and because, contrary to Mr. Shea's expressed desire and mine, that there be regular disclosure as processed of batches of records his staff could handle, the FBI accumulated and then dumped cartons of them at a time on me and on him and his staff. Because neither he nor his staff were subject experts, I provided detailed explanations. As this Caire appeal reflects, I went to considerable trouble and expense and took much time to provide him with many thousands of pages of attachments so he and his staff could be adequately informed. These appeals and their documentation, as I have stated without dispute, run to several full file drawers and that, for anyone, more for an aging and unwell man who had no regular income, represents a considerable expense and an enormous effort to be helpful to the government in an historical case of this significance.

107. This Caire appeal is typical in every way. Anyone who knows what he is talking about and says that it is fluid, irresolvable and those other things

represented in the Opposition, lies and knows he lies. So also does he lie if he says that there is anything incomprehensible to the FBI or the appeals office in such appeals and their documentation - that in almost all instances consisted of FBI records, for the most part only those not disclosed to me in this litigation which they are pertinent. Unless the FBI raised new issues, my affidavits merely repeat what I had already filed in these appeals and thus also are in no sense new or any kind of an expansion on my requests.

108. That none of these representations in this Opposition is supported by any FBI evidence, whether made in the Opposition for the first time or repeated from the past, is simply because there neither is nor can be any such evidence. This is because all these allegations are simply untruthful. Any reading of this four-year-old - and still ignored - Caire appeal discloses that this permeating untruthfulness cannot be and is not accidental.

109. The Caire and many other such matters I have documented throughout this litigation and in my appeals also reflect why I was compelled to file all-inclusive requests: my simple requests for relatively few records were, uniformly and by direct order of higher FBI authority, ignored. On the few occasions the FBI felt that it had to provide explanations for its consistent and long-standing violations of the Act it invented them. These ranged from character assassination to revisions and misrepresentations of my requests to rewriting the Act itself to have it mean that all the FBI is required to disclose is what it wants to disclose and that it is totally exempt from any disclosure to persons it does not like.

110. Consistent with all of the foregoing and with the FBI's unexpressed indebtedness to George Orwell which, from my experience, becomes more obvious the closer we get to 1984, the Opposition refers to the FBI's discovery demands as of "limited nature and purpose." (This is the section to which quoted footnote 6

relates with all its false allegations of expanding requests in piecemeal fashion and to alleged fluidity and obscurity to achieve the virtually irresolvable.) When the FBI demands "each and every" pertinent document, Orwell at his most eloquent could not have improved upon the Opposition's characterization of this endlessness in searching some half-million pages in 60 cabinets of records as "limited in nature and purpose."

111. If, as there is not and cannot be, there were any FBI need to know anything that I know or have to make the searches it has not made - and it has not attested to any such need - that certainly does not require "each and every" document or bit of information to justify making a search, which is the relatively simple procedure of looking at index cards. If the FBI did not have wrongful, dishonest and oppressive purposes, it would have contented itself with asking for no more than reason to believe that it had the information - for which it has not yearsearched after five years of litigation.

112. That anyone could represent that the information and documentation I provided in this Caire appeal and all the others as detailed and well documented is in any way inadequate for the making of a simple search is beyond belief. Actually, none of this is necessary for any searching. The FBI knows more about this than I do. It just has not searched to comply with my requests and refuses to.

113. This and all other such appeals and my many documented and unrefuted affidavits clearly establish that the FBI's discovery demands are not more than a deliberate hoax, a deliberate fraud, a deliberate additional stonewalling of this litigation that now is in its sixth year - without the initial searches yet having been made. I therefore repeat agasn what I have attested to over and over again and what is entirely ignored: that the FBI never intended to and never did make the searches it knew were required by my requests and that in this it knowingly

and deliberately violated its own regulations - the very regulations I invoked in my requests.

114. In daring to make so many false representations, sworn and unsworn, as I attested earlier, the FBI either expected an automatic rubber-stamp, which reflects upon this Court and its integrity, or expected immunity and the accomplishing of the wasting of more of what remains of my life and work. This is exactly its 1967 scheme, to "stpp" me and my writing.

115. When the FBI has not made and attested to making the searches required to comply with my request of 1977 and this is 1983, its real objectives are obvious and at the least cannot include good-faith compliance.

116. Unlike the FBI, which provided no sworn evidence at all in support of its discovery demands, I provided my objections to its demands under oath and subject to the penalties of perjury. Consistent with its record throughout this litigation, it made no effort to=refute me with any evidence at all. Also consistently, it entirely ignored everything I stated under oath, except for snide wisecracks and its unsworn untruths that I address herein. Thus what I have attested to is entirely unrefuted.

117. What I attested to and is not even addressed in any evidence provided by the FBI is that its discovery is not necessary, that it has not provided any evidence that discovery is necessary, that long before it made these discovery demands I provided all the information I could in my appeals and affidavits, that its demands are deliberately excessively burdensome, and that they place the agency's burden of proof on the FOIA requester. (The FBI has not addressed burden of proof in any way. It has not briefed the question to argue that it can transfer any part of its burden of proof or all of it. Whether or not in reflection of what it thinks about or expects of this Court, it has not even bothered to deny that it



seeks to transfer its burden of proof to me.) I believe it is significant that the FBI has not - has not even attempted to - provide any evidence of any kind in any attempt at refutation. I believe it also is significant that because it is entirely unable to refute my attestations, it resorts to what are now clearly established as untruthful and unsworn allegations by its counsel.

118. Despite not having refuted my evidence and not having presented any of his own relating to discovery, in the Opposition FBI counsel seeks sanctions against me based on his representation that his discovery demands are "limited." This is directly contrary to what I have sworn to, that his discovery demands are excessive, burdensome, may be impossible for me to comply with and could take the rest of my life, whether or not I could ever comply with them. The contradiction between his unsworn representation and mine is absolute. Either I am a perjurer or he addresses this Court untruthfully.

119. What he knows about my appeals I do not know. From what he has stated I recognize that this is immaterial because he has a record, as reflected herein, of stating anything at all that may at any time appear to be convenient, even to the point of contradicting himself on his alleged reasons for discovery.

120. However, what is in the case record he does know. All copies of all my affidavits filed in this litigation have been sent directly to him and he even represents familiarity with them in this Opposition (at page 2). He therefore knows that I swore - and he made no effort to refute - that compliance with his discovery may be impossible and any attempt to comply could take the rest of my life. Knowing this - and not refuting it or making any effort to - he nonetheless on his own authority tells this Court that his discovery demands are "limited," so limited that I could have complied with the relatively slight effort to which he refers (albeit with his characteristic inaccuracy) on page 2 of the Opposition,

which I address at the beginning of this affidavit.

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121. If he knows it no other way, as because he is the FBI's counsel he should know, then from my affidavits alone he knows very well that I have provided two file drawers of appeals and all of them are included in his discovery demands. Yet knowing this - and not having made any effort at all to contradict it because it is the truth and he cannot contract it - on his own responsibility he tells this Court that his discovery is "limited." Even if nothing else is included in his discovery, as it is, and even if all he wants of me is extra xerox copies, two file drawers of even only xeroxing is hardly "limited" for anyone, least of all for an aging and unwell man whose only regular income is \$335 monthly Social Security.

122. On this basis, too, his representation that his discovery demand is "limited" is something he knew was untruthful when he uttered it.

123. It also does not require a law degree to know <sup>that when you demand</sup> ~~when you demand~~ <sup>each and every</sup> ~~each and every~~ <sup>reason and</sup> ~~reason and~~ <sup>each and every</sup> ~~each and every~~ <sup>document</sup> ~~document~~ <sup>and every</sup> ~~and every~~ <sup>document</sup> ~~document~~ you intend the exact opposite of what is in any way "limited."

124. He knows beyond doubt that he and I cannot both be truthful and he knew this when he described his discovery as "limited." I believe that if I swore falsely I am a perjurer, and I believe that as a Department of Justice lawyer he knows that perjury is a felony. It is a more serious offense than that for which he threatened to have me "thrown in jail" and thus a more effective sanction. He also is, I believe, an officer of the court, whether or not his departmental responsibilities, in his conception of them, require him to report felonies. He has not called any alleged perjury by me to the notice of this Court or any prosecutor, which means his employer. Yet at the same time he states the direct opposite of what I have sworn to this Court and he does this knowing what I have sworn to. Of course, he also knows that he has not presented any evidence to

contradict me and that he has not presented any evidence of his own. But because he states what he does, knowing it is in direct contradiction to what I have sworn to, he has fashioned a petard and hoist himself on it. He knows that if I am truthful, ~~he~~<sup>he</sup> is not. He also knows that (f)I I am not truthful, he has the obligation of doing something about ~~that~~. That he does not, particularly after making threats to have me thrown in jail and especially after asking for the sanctions that he is openly afraid to have go right to the appeals court, leaves it without reasonable doubt that, as the evidence shows clearly and redundantly, he knows he presented untruth to this Court.

125. He also knows that the case record holds all that I have sworn to and that he has presented no such evidence. What he confronts is the fact that, even if there were need for and justification of agency discovery from an FOIA plaintiff, in advance of the demand for discovery I had and he knew I had already complied with it to the degree possible. On the other hand, while still demanding discovery, he has not provided any attestation to need. At the same time, he has not provided:

- any attestation to searches to comply with my requests;
- any attestation to compliance with them;
- any refutation of my documented and detailed affidavits, which include allegations of false swearing and other departures from reality and factuality;
- any attestation that the FBI does not have the records I identified and it withholds;
- any attestation that what it admits having and withholds as "irrelevant" is not relevant, as it without a single exception is; or
- any briefing of the legal question I raised, that the Act is specific in requiring the agency to sustain its actions, which include not searching in response to my requests;
- not complying with its own FOIA regulations;
- not responding to my appeals and affidavits, which include the very information claimed to be sought under discovery;
- not searching for the records I identified as pertinent; and
- not justifying its withholdings (although the FBI ~~imised~~ several years ago that it would do this rather than have me dismiss this litigation without prejudice to the rights of others).

126. After actually stating that all my many appeals and all my affidavits

and all their extensive documentation do not permit the FBI to have "a meaningful opportunity to address" my "allegations about the adequacy of" the FBI's search, meaning, in truth the searches it has not made and has not attested to making, the Opposition mixes, in a single paragraph, the admission that this discovery is unprecedented (but claims that does not mean anything and in some magical way not indicated that it is so unprecedented does not mean "that the order ~~for~~ it) creates substantial grounds for difference of opinion"); the misrepresentation that this discovery is "limited"; and it refers to the "procedural history of this case," about which it says nothing. It footnotes the meaningless statement about no procedural history given to the appeals court's No. 82-1072, for all the world as though it has any relevance to the alleged procedural history in this litigation. (As I state above, the Opposition misrepresents that decision 180 degrees in what it states about FBI searches, the supposed issue here. The actual "procedural history" cited in citing No. 82-1072 is the FBI's steadfast refusal to search until after I had been to the appeals court four times, until after the fourth remand.) It next argues that I be allowed to appeal only when there is nothing to appeal - only after the litigation is over and I have provided the discovery the order for which could only then be appealed. Seeking a decision on this admittedly unprecedented move by the FBI is referred to as a "smokescreen." There is no explanation of how asking higher authority to determine a precedent is a "smoke-screen." This is not at all surprising because no rational explanation is possible.

127. The Opposition here also claims that "the FBI does not understand how an interlocutory appeal of the April 13 discovery order" would "materially advance the ultimate termination of the litigation." (Pages 5-6, emphasis in Opposition) I have spent almost two decades in an intensive study of the FBI and its record

and failures when the President was killed and it supposedly investigated the crime. As I have attested, without any contradiction and with the FBI's own records reflecting this attached, it never investigated the crime and it never intended to. In all of this work, in all of my examination of hundreds of thousands of pages of FBI records, I have never found it so lacking in what the Opposition refers to as "understanding." The most obvious way in which an appeals court decision could "materially advance the ultimate termination of the litigation" is by telling the FBI to stop trying to rewrite FOIA; to stop playing these kinds of unseemly games with an Act designed to let the people know what their government does - and does not - do; and to make the searches that it was required to make more than five years ago - under a ten-day law - and it has not made or attested to making.

128. Without this claim of FBI stupidity the Opposition could not demand dismissal with prejudice, thus there is this proclamation of FBI stupidity - to justify the end of FOIA litigation in its sixth year without the initial searches being made and without any justification of so many withholdings.

129. How when seventeen years after enactment of FOIA no agency ever demanded discovery and how when the issue is raised for the first time and could be precedent there is no "substantial grounds for difference of opinion" about it is not explained. The obvious reason is that this, too, cannot be explained.

130. This Opposition also argues, still without any citation, that the extent of the discovery (about which the FBI has been only untruthful) is the controlling factor. The principle is of no significance. If the discovery is, as deliberately misrepresented, "limited," then discovery is, it is represented, appropriate. How there is a difference in principle between degrees of discovery under one and the same principle is not indicated. However, there is no question at all about the existence of "substantial grounds for a difference of opinion"

because the FBI represents that its discovery is "limited" and I have attested, repeatedly without refutation, that it is the very opposite of limited. These FBI representations, with all honor and credit due its special agent who stated that FOIA does not apply to those the FBI does not like, is Gobledgook.

131. On the basic question of searches, this is what the case record reflects:

I have attested that the FBI has not made the searches required to comply with my requests;  
It has not refuted me and it has not attested to having complied with my requests;  
It has not claimed any justification for not searching and complying with my requests;  
I have attested that it violated its own FOIA regulations and it has not even bothered to make pro forma denial;  
I have attested that it unilaterally and improperly substituted for my requests records of its own preference, over my immediate and repeated objections;  
It not only did not deny this improper substitution - it admitted it under oath;  
I have identified pertinent record after pertinent record not searched for and improperly withheld, have provided proper file identifications, and the FBI has not searched for them or claimed any exemption for them;  
Even when search was compelled and the pertinent record was found, as happened with withheld David Ferrie information, and even after the FBI found the information, it still withholds it and has made no claim to exemption.

132. Rectifying these and other failures and shortcomings requires no discovery from me, but it is uncontested that to the degree I could I provided all the information I have pertaining to <sup>all these</sup> ~~all these~~ and related matters.

133. If the FBI had any genuine interest in avoiding any appeal and if it had any genuine interest in advancing "the ultimate termination of this litigation" (its words on page 6), it would attempt to meet its burden of proof instead of trying to unload it on me and it would, if it really believed it had, attest to making proper searches to comply with my requests. If it had ever had any genuine interest in terminating this <sup>litigation</sup> ~~legislation~~ it would not have ignored my many appeals

and affidavits and the extraordinary amount of information I provided voluntarily, more than two file drawers of it in all.

134. It is obvious that making the belated searches, at the very least for the information I identified, would have been much less costly than all this litigating, which inevitably is perpetuated by what the FBI is doing and by what it refuses to do. With each item of information I have provided, the FBI need do no more than have a clerk check its indices, a simple, rapid and inexpensive procedure. When it does not do this and demands that I provide discovery, which it has not attested to needing; and when it has from the outset and for all the many years of this litigation refused to search for the information the existence of which I proved by attaching the FBI's own records, as with Ferrie and herein with Caire, bad faith is blatant and discovery is a subterfuge for stonewalling. Searches are required for properly requested information, but they are not yet made and attested to. Searches are not made for the undeniably pertinent information I correctly identified, and without reasonable doubt t2is reflects the FBI's determination not to make proper searches, not to comply; and to prolong this litigation and make it more expensive for all parties by whatever means it expects to get away with.

135. With regard to sanctions, the FBI claims that no appeal is proper and no appeal should be possible until there is nothing to appeal; and that a precedent is not a precedent, is of no consequence and thus also is not appropriate for appeal. With regard to the substance of the discovery, the FBI has not even bothered to make unsworn denial and has entirely ignored in its arguing the undisputed and entirely undisputable fact that to the degree it is possible and prior to any demand for discovery I had already provided all the information and documentation of which I know. Having received this extraordinary amount of information, more than two file drawers of it in all, and not having denied receipt of it, which is

impossible, the FBI actually claims a license to ignore all this information, as it did contemporaneously as S provided it, and the license to demand that now, in the sixth year of this litigation, I duplicate all over again what it has and still ignores.

DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION  
TO DEFENDANT'S DISMISSAL MOTION

136. After I completed the draft of this affidavit, I received from my counsel a copy of the Defendant's Reply to Plaintiff's Opposition to Defendant's Dismissal Motion (the Reply). Both submissions were delayed in reaching me and thus I was delayed in being able to communicate with my counsel and address them because FBI counsel ended the existing and efficient arrangement of sending a copy directly to me. I had always offered to pay the costs and specifically, with this counsel, my counsel renewed the offer and he refused. These two submissions total only 16 pages of xeroxing. While there can be variation in the cost of xeroxing, I do have knowledge of the cost of government xeroxing as of the time this lawsuit was filed. The high-volume machines that collate copies automatically were rented at a basic minimum cost that was paid whether or not the minimum number of copies was made. Thus, some copies might cost nothing at all. The basic cost of such machines was a half-cent a copy. What FBI counsel "saved" the government by refusing to send copies to me may be less than a dime and it cannot be more than an insignificant sum. However, by this "saving," he again was able to cause unnecessary delays and create a situation he could misrepresent, as he does regularly, to attribute deliberate and unnecessary delays - the very delays to which he was always contributed - to my counsel and me.

137. From the preceding paragraphs of this affidavit and from some of my earlier affidavits it is not unfair to state that characteristically he begins this



Reply on his own authority with a large, knowing and deliberate untruth: That "plaintiff ... opposes defendant's motion (to dismiss) on the ground that dismissal is too harsh a sanction." (Second sentence, first paragraph, first page) There are no ifs or buts, no qualifications of any kind, only his direct, unequivocal and utterly false statement that this is the sole basis for my opposition to his motion to dismiss.

138. With regard to the Opposition my counsel filed on June 6, 1983, as well as to my affidavits which are cited in it, FBI counsel's representation is not true and it is simply not possible that he did not know it was untrue when he put it on paper and filed it with this Court.

139. As a matter of fact my Opposition questions "if any sanction is appropriate" (page 2); alleges the FBI "pursues vendettas against its critics," including me, has "ordered" that my "requests not be answered" and stated that it must "stop" me and my writing (pages 2-3); has not complied with my requests "made as long ago as 1969" (page 3); "in this litigation ... the FBI has yet to conduct a search responsive to the actual requests" (page 3); has not followed "normal FBI procedures in processing requests" (page 3); "in this case the FBI sought to substitute its version of his requests for the actual requests" (page 3); "in the case of the Dallas Field Office, no search is even claimed to have been made until October 15, 1980, nearly three years after the request was made and long after the FBI claimed to have complied with it" (page 3).

140. My Opposition refers to "the FBI's resistance to releasing its records of its investigations into the assassination of President Kennedy" as another reason (page 3), with this extending even to Congressional committees (page 3).

141. On page 4 my Opposition states that "Dismissal is also inappropriate for other reasons," including unjustified withholdings of existing records as

irrelevant and failure to justify withholdings and excisions (pages 4-5).

142. With reference to what without dispute I had already provided, my Opposition states "This volume of evidence is considerable and already provides defendants with all the information they need to know to be able to rebut, if they can, plaintiff's contentions." This is followed by examples (pages 5-6). Using the defendant's first interrogatory as an example, my Opposition cites what I have already provided and states, without refutation, "The FBI has all the information it needs from plaintiff on this issue." (page 6)

143. In direct refutation of the FBI's pretense that its discovery is "limited," my Opposition quotes its first interrogatory, which is typical, as demanding "each and every fact" and "each and every document and/or other source," not merely indication of the existence of the information not yet even searched for.

144. My Opposition also states - and this remains undenied - that "it would be impossible for plaintiff to comply with the demands of this interrogatory." (page 6) I have also attested, and my Opposition here states, without denial, that this is true of all the discovery.

145. The reason the defendant's ~~Reply grossly and deliberately misrepresents my Opposition is that it cannot~~ <sup>Reply grossly and deliberately misrepresents</sup> ~~misrepresents my Opposition~~ cannot refute any of this. All of it is in the case record and no effort has been made to refute any of it. It is just entirely ignored by the FBI and its counsel. He could not tell the truth if he had to face what throughout this litigation he has not been able to face, the true facts as partly reflected above. Instead of facing the evidence he cannot refute, he represents untruthfully that my Opposition's only "ground" is "that dismissal is too harsh a sanction."

146. The Reply pretends to address one of the statements in my Opposition

as what it calls a "diatribe that the FBI has a vendetta against him." It states of this that "other than his own unsubstantiated statements, plaintiff has not produced one shred of credible evidence which establishes that the FBI attempted to harass or retaliate against him in any way." It states also that I have not "produced any evidence to substantiate the other numerous charges that he levels against the FBI." This is, in all particulars, diametrically opposed to the truth. In affidavits and in appeals I provided documentation of all of this from FBI records. In the one instance in which I did not produce the evidence, in affidavits earlier in this litigation in the form of the FBI's own records and the Department's testimony to the Senate committee that the FBI's conduct with me is entirely unexcusable, I did provide citations in this litigation; but I had already given the FBI its own documentation of all these things in other litigation, and when I later found some of the pertinent records in the FBI's disclosed records relating to me, I attached them to my next affidavit.

147. As I state above and without dispute have attested earlier, the fact that the FBI and its counsel elect to ignore my affidavits (and ignored appeals) that they cannot rebut does not mean that the unrefuted evidence I have produced is not in the case record, as it is.

148. If the FBI and its counsel had not intended to be untruthful, they would have consulted their own records of the litigation I cited (in which counsel's officemate represented the FBI) in which I provided this, my appeals or the FBI's own copies of the records disclosed to me, which are immediately available to the FOIPA branch without duplication of the original search, as well as what I did provide in this litigation.

149. With regard to the old 25 requests the FBI ignored and continued to ignore after the Department promised compliance to the Senate, if in fact they were

Not still ignored, the FOIPA branch could have attached its covering letters. They remain ignored, the FBI <sup>intends</sup> ~~INTENDS~~ for them to remain ignored, regardless of the assurances of the Department to the Senate, and because they remain ignored it and its counsel are reduced to invective, attempted character assassination and straight-out and deliberate untruth.

150. That I provided complete documentation is illustrated by the Caire appeal attached to this affidavit. It is one of those old requests still ignored after the Department assured the Senate those requests would be complied with. I also provided the FBI with a list of these ignored requests, as I did the appeals office. More complete untruthfulness than the defendant's <sup>Reply</sup> ~~Reply~~ musters on this is not easy to imagine.

151. With regard to my statement that on two different occasions the FBI decided that it had to "stop" me and my writing (which it could disprove easily if search proved I had been untruthful and it made no attempt to disprove this), I later found and attached the first of these FBI records about "stopping" me and my writing.

152. With regard to its trying to ruin me and my books by intruding into my public appearances, I have found in the FBI's personal records on me two illustrations of this and I attached those FBI records to my next affidavit. (These also were the subject of a separate appeal years ago.)

153. With regard to its so-called legal interpretation, that it has a legislated license to ignore the FOIA if it does not like a requester, I had already provided it, in 1970. It also is included in the attached Caire exhibit.

154. None of this was considered in the decision quoted on page 4 as having subjected it to "judicial scrutiny." Moreover, these FBI records speak loudly, clearly and unequivocally for themselves. It did what it did, its own

records prove it, and it cannot lie its way out with irrelevancies.

155. In short, if the FBI and its counsel had set out to address this Court as completely untruthfully as within their not inconsiderable experience they could, I cannot conceive of their having come closer to complete untruthfulness. This in itself represents the extent to which the FBI (and its counsel) will go in their attempts to defame me, prejudice the Court, and persist in what they all over again establish is a vendetta.

156. One would never know from this Reply that I have attested to the factual questions involved, that my attestations are not addressed by any evidence provided by the FBI, and that these affidavits are cited and quoted in my Opposition. It is the false pretense of defendant's Reply that this evidence does not exist and was not cited in my Opposition that does cite them.

157. My Opposition also states what is basic pertaining to the question of searches and whether or not the FBI ~~needed discovery~~ <sup>needs discovery</sup> to be able to search. It states, and the statement is entirely ignored in this Reply, that the FBI has not yet made and has not yet attested to making the searches required by my requests. Until the FBI does this, assuming that there are any circumstances under which it requires and is entitled to discovery - and I repeat again that it has not so attested - it does not and cannot require discovery until it has made these searches.

DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO ITS  
MOTION FOR A STAT OF PLAINTIFF'S DISCOVERY

158. If the FBI and its counsel had set out to prove my allegations relating to their permeating untruthfulness, deceptiveness and evasiveness, their distortions and misrepresentations and that they will resort to any trick or device, no matter how it reflects on governmental integrity, to prolong this case, refuse and frustrate compliance, waste as much as possible as remains of my life and work and in all of

this waste much time and money for all parties, including the courts, they would have been hard put to exceed the degree to which they do this in this Reply.

159. I address these matters as they appear in this Reply except for the matter of the threat to me.

160. While I have no personal knowledge of what transpired when defendant's counsel phoned my counsel on May 12, 1983, I do know what my counsel promptly told me at that time, and I do know that this Court has accepted attestations from SA Phillips who attested regularly to what other persons told him when those with first-person knowledge were available and were not called upon by the FBI or its counsel to provide their first-person knowledge.

161. Mr. Lesar told me that he phoned me promptly because the threat was made during a pretext call in which defendant's counsel persisted even though Mr. Lesar told him that he was pressed for time in preparing for trial. Defendant's counsel's resort to subterfuge, his persistence when Mr. Lesar wanted to terminate the conversation and his threat impressed Mr. Lesar, he said.

162. His pretext that Mr. Lesar reported to me is not mentioned by defendant's counsel who does not, in fact, provide any reason for his calling Mr. Lesar. Why he should - for any reason other than making this threat - is neither apparent nor even suggested. His pretext was to tell Mr. Lesar to tell me where to send the discovery costs check defendant's counsel knows very well I am not going to send. Were this not true, he still knows he did not have to tell me anything at all, directly or indirectly. From the extensive personal experience of which he knows, I am quite confident that if I sent defendant's counsel a check made out to the Department of Justice or the FBI, there would be no trouble routing or cashing it. In fact, the Department and FBI have a long and clear record of cashing my checks - even after shredding them and reassembling them crudely with scotch tape. (I

provided the FBI with a copy in earlier litigation.) They have cashed a number of ~~my pre~~ payment checks for FBI records without any problem, without ever asking me to make any changes in them and often just defrauded me out of those sums by not responding at all, as the case record already reflects. If defendant's counsel knows anything at all about the case record, as he should and reflects, then he knows that I have been giving the Department and the FBI such checks for more than a decade. If not also defendant's counsel, the FBI certainly knows that for some months I gave checks to it weekly, without instructions and without any problem. There was absolutely no reason at all for defendant's counsel to have anything at all to say <sup>me</sup> to or about the check he pretended to expect or even to think he did and there was absolutely no reason at all for him to expect a check. It is clear beyond question in the case record and he knows very well that I am not going to be party to his rewriting FOIA by participating in this discovery strategem.

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163. Based on my extensive experience with the FBI and a number of its counsel, I believe that Mr. Lesar would have been foolish and negligent if he were not concerned by so transparent and childish a pretext call, the only possible purpose of which was to make this threat.

164. I do not know what else defendant's counsel can do except deny that he made any threat. He can hardly admit it.

165. It cannot be believed that defendant's counsel thinks that my counsel is not aware of the seriousness of sanctions, particularly contempt (or that I am) or that he had to inform my counsel, or that my counsel had not amply and emphatically informed me or that any counsel would not have. It cannot be believed that defendant's counsel thinks that my counsel and I were not fully aware of the path he was taking in demanding discovery and where it could lead and what it meant. There was absolutely no reason at all for him to initiate any conversation along

any such lines. The case record is clear on my position.

166. What Mr. Lesar told me about what defendant's counsel said in the sanctions part of his call is not as is represented in this Reply. It consisted of emphasis on the seriousness of contempt (of which Mr. Lesar did not need to be told), without any other sanction or possible sanction being mentioned. (I was not aware that any other sanction is possible and from the first I have presumed that defendant's counsel was aiming at contempt.) When Mr. Lesar phoned me after this pretext call, he did not tell me that any other sanction was mentioned by defendant's counsel, only contempt. All I asked Mr. Lesar about this is whether I would be entitled to bail because my health makes even temporary jailing a considerable danger for me. He told me that usually this is the case and that usually a motion has to be made first.

167. Defendant's counsel's account is so vague and evasive it did not even include the fact that he made the call, not Mr. Lesar. He refers only to a "conversation," which could have been in person or on Mr. Lesar's initiative. Missing also is any suggestion of any reason for defendant's counsel to phone Mr. Lesar, and if he had any reason other than to make a threat he could deny, he certainly could state it and ought not withhold it in making a denial. He makes passing mention of the Caire matter here (addressed further below), but he would not have called Mr. Lesar about that and he does not say he did. He not only does not explain why he had any occasion to phone Mr. Lesar, his own account suggests he could have had no purpose other than making this threat without witnesses. I can think of no other purpose.

9 168. Defendant's counsel does not give an honest, straightforward account of his own prior submission/in his footnote 2. However, even if it were completely fair and completely true, as it is not, it is not relevant to the purpose forwhi 5



which he appended it, to indicate that not only did he not make the threat but that no purpose would have been served by it. This footnote reads, "As ~~added~~<sup>noted</sup> in defendant's memorandum in support of its dismissal motion (see footnote 1 of that memorandum), the FBI decided to seek only dismissal as a sanction ..." (emphasis added) However, the date of this short (six pages) memorandum is six days after his threat failed and my counsel let him know that I am not afraid of a contempt citation. So, his footnote is entirely self-serving, and because it is of later date and is not relevant to whether, as of the time of the threat, he could have no motive or purpose in making the threat. If there is relevance, then it is that once he learned that ~~his threat~~<sup>his threat</sup> failed, he had to make good on it or shift his ground. If he made good on it he knew very well that ~~this~~<sup>this</sup> unprecedented ~~move~~<sup>move</sup> in an FOIA lawsuit would go up on appeal right at the time Congress is considering amending the Act. There is no reason of which I know for the Congress to believe him and/or the FBI ~~w2en~~ they represent that the Congress did not place the burden of proof on the government or that the Congress did place the burden of proof on the plaintiff. Bearing on this is his refusal to brief the question, which he has not done. Bearing on his and/or the FBI's awareness of the fact that this could be politically unwise at the time of his call, today and for the immediate future, is his and/or the FBI's fear of an immediate appeal, witness his and the FBI's strong opposition to my taking this appeal. If for a moment they believed discovery against a plaintiff is appropriate and visualized in FOIA and that the appeals court would agree, they have every interest in ~~rushing~~<sup>rushing</sup> an appeal and getting that kind of a decision. Thus, charging me with contempt can be seen as contrary to the FBI's interest and that he would threaten it without daring to do it. His making such a threat during a pretext call six days before he filed his motion let him know that if he asked for a contempt citation he and the FBI were on the way to the

appeals court on the question of discovery and with it the question of their truthfulness. It also gave them six days to take a different course, which is precisely what they did.

169. However, that the FBI "decided to seek only dismissal" (emphasis added), which he here represents, is not what his own cited Memorandum states. It does not state that the FBI will not seek a contempt citation and in fact reserves the right to seek any sanction. It states first that "defendant does not seek a contempt citation against him," meaning as of then and not referring to any future time. It then states, "Nor does defendant presently seek any other sanctions ...". This says nothing at all about the future and is not at all the same as representing an irrevocable FBI decision "to seek only dismissal as a sanction." If he had meant that forever there would not be any consideration of any other sanction, no purpose was served by including "presently" with regard to seeking any sanction. To state that as of May 18, 1983, the FBI "does not" seek a contempt citation certainly does not state that the FBI had decided that it never would.

170. FBI counsel denies that he scoffed at my health problems. On this he provides credible proof of what is true. He took my counsel's statement pertaining to my health problems and inserted a word <sup>my</sup> ~~my~~ counsel did not use, "alleged." He proves he did not "scoff at Weisberg's health problems" making it read "nor did he ~~scoff~~ at Weisberg's (alleged) health problems."!

171. I took the threat and the possibility (if not probability) of a contempt citation seriously and began immediately to make preparations to defend myself. In the course of this I examined records I otherwise would never have thought of looking at and found some of the useful FBI records I then attached to my affidavits.

172. Defendant's counsel also denies that in his call he refused absolutely

to provide any compliance with regard to Ronnie Caire. What he says about this is "that the FBI had problems ... and would have to interpose objections ..." and nothing else at all. He does not indicate the nature of any of these alleged "problems." The reason is obvious: there is no legitimate problem at all. This is apparent on reading the copies of the two Caire appeals that were attached hereto before defendant's counsel filed this Reply. In fact, before I began or had any reason to believe that I would be preparing this affidavit, I sent Mr. Lesar these appeals along with an explanation of their significance and Caire's. There was no reason at all for me to have searched for, sent him and explained only those two Caire appeals from two file drawers of appeals, given all the many existing compliance questions in this litigation, unless defendant's counsel had stated exactly what my Opposition represents he did. Also, there is nothing in defendant's counsel's representation that makes the FBI's attitude toward the Caire matter any different than its attitude on any other compliance matter. It stonewalls them all but has not stated any other absolute refusal.

173. Bearing on defendant's counsel's honesty and integrity and the dependability of his word to this Court is what he represents Mr. Lesar stated about this in my June 6, 1983, Opposition: "At no time did (defendant's) counsel indicate that if the defendant's objections were overruled by the Court the FBI would refuse to answer the objected to interrogatories, including those on Mr. Caire."

174. There is a footnote at this point that has no visible relationship with this statement, is the usual propaganda and defamations, contains untruths and misrepresentations, and I address it separately below. (See paragraphs 177ff.) 8/

175. Although it takes time, checking defendant's counsel's quotations, references and citations is one of the surest ways of never digging a dry well. ^

He is absolutely safe in denying that he said that "if defendant's objections were overruled by the Court the FBI would refuse to answer the objected to interrogatories, including those on Mr. Caire." This is because my Opposition neither says nor even suggests anything at all like this. It states only, and quite simply and straightforwardly (at the top of page 2), that "defendant's counsel stated that the FBI is not going to provide plaintiff with any information on Ronnie Caire." There is no relationship at all (save for Caire's name) between ~~what defendant's~~ <sup>what defendant's</sup> ~~the defendant's~~ counsel says my Opposition states and what it actually states.

176. Meanwhile, he does not deny that he did say that "the FBI is not going to provide plaintiff with any information on Ronnie Caire," which is what my Opposition does say that he did say. And it has not, 13 years after it accepted my request and cashed my check and more than five years after I filed this litigation in which it is without question pertinent and when no exemption has been claimed for it.

177. This kind of misrepresentation simply cannot be accidental.

178. In his footnote to the Caire matter that makes no mention of Caire and is not related to the Caire matter in any way, defendant's counsel represents that the FBI was "responsive" in its answers to Interrogatories Nos. 32 and 33. Once again the FBI and its counsel ignore the affidavits I provided and they did not refute or even dispute. What I stated thus is entirely undisputed.

179. On May 28, 1983, I executed an affidavit addressing the answers of both field offices. On June 6 my counsel filed copies with the Court and sent one to defendant's counsel personally. A few of the uncontested statements I made in it are:

that the FBI's so-called "responsive" answers are evasive, are nonresponsive and are keyed to the FBI's misrepresentation of and refusal to search in compliance with my actual request (with details not quoted here);

c/

"The second and third paragraphs of these Answers are based on the FBI's misrepresentation that my request is limited to what the FBI chooses to regard as its "Kennedy assassination files." (again with full details following in my affidavit); that the FBI's supposedly complete and genuine search slips hold no reference to any ELSUR searches and that no ELSUR search slips were provided at any later time. (ELSUR or electronic surveillance is the subject of the interrogatory); that "In its claimed ELSUR searches the FBI represents that the only persons involved in the investigation of the assassination are the two Oswalds, Jack Ruby ... the FBI's case agent, James P. Hosty, Jr., and George DeMohrenschildt; and the only organization involved in the assassination investigation was the President's Commission. It knows better." (The Hosty search slip was entirely blank); "Who did the alleged ELSUR searchings is not stated and there is no attestation from anyone who claims to have requested or made the searches. Instead, there are the entirely meaningless attestations by FBIHQ SAs Willis A. Newton and John N. Phillips (who neither have nor claim any knowledge and who did not and could not have made the Dallas searches) that 'the answers are true and correct' and the additional attestation of the Dallas SA who states that the alleged ELSUR searches were made under his 'direction.' (I can claim that I 'directed' the Metropolitan Opera because I waved my arms to its music.);"

and I noted the existence of known and acknowledged ELSURs not accounted for by the FBI in any in this litigation.

180. With regard to the New Orleans answers, I pointed out that they

"are sworn to by the same FBIHQ SAs who neither claim nor have personal knowledge;"  
that there still are no New Orleans ELSUR search slips provided;  
"As I have stated earlier, it is false to represent that there are no ELSUR records pertaining to any of the persons he lists ... because there are wiretap and bugging records on and about Jim Garrison, whether or not on me... This has already been disclosed officially. A large volume of transcripts were released in connection with the Department's effort to convict Garrison of a crime (he was acquitted) and it was also disclosed to me in another case in which SA Phillips is supervisor;"

I next stated that the New Orleans SA, Clifford Anderson, who signed the Answers was also the case agent in the litigation in which those records were disclosed to me and thus should have known that his attestation was false:

"Anderson is careful not to include my name among those he claims to have searched... Thus he admits that he did not have any ELSUR search made to determine whether or not I appear in any ELSUR records."

I next state that in neither Dallas nor New Orleans was any search made regarding me, although I am the subject of Interrogatory 33:

"My prior affidavits are quite <sup>explicit</sup> ~~positive~~ stating that I used Jim Garrison's phones that were tapped, that he phoned me using those phones, and that I also used other phones that were used"

in this anti-Garrison operation.

181. This is only part of many pages of entirely undisputed description of what defendant's counsel, while taking his customary prejudicial and less than honest cracks at me, unashamedly refers to as "responsive answers" and he holds up as models of responsiveness.

182. That defendant's counsel has knowledge of what I stated in my quoted May 28 affidavit does not rest on the presumption that he is familiar with the case record. It is one of the six affidavits that he claims prove I am a rejuvenated youth in perfect health, referred to at the beginning of this affidavit.

183. He states (top of unnumbered page 3) that "there is no truth to plaintiff's rather confusing claim that the defendant has not previously "asserted that the plaintiff had not provided documents and facts to support his claims (but rather) simply sought to require him to produce a definitive list or compilation of those he relied upon to challenge the adequacy of the search." What "this claim" <sup>are</sup> is is not stated. It is <sup>not indicated.</sup> ~~indicated~~ It is not even suggested. The previous reference is to the threat against me and clearly "this claim" cannot relate to that.

184. Whatever this may (or may not) be, it is followed by "As the defendant has demonstrated before ~~the~~ the procedural history of these cases establish (sic)

that the defendant has attempted repeatedly to get plaintiff to articulate all the factual bases for all his complaints ..."

185. I am familiar with the FBI's attestations in this litigation and I believe I have proven they often are not truthful and have other major flaws and that the FBI has never once refuted me and on only a few occasions has even made a unsuccessful efforts. So I got interested in seeing just exactly how this or anything else that depends on FBI evidence was "demonstrated." The footnote <sup>note</sup> cites "Defendant's Opposition to Plaintiff's Motion for a Protective Order." Once again, no page given.

186. Still again, checking out defendant's counsel is rewarding. The first thing I discovered, on the very first page of his own cited Opposition, is that as of not later than the date of its filing, January 19, 1983, defendant's counsel was ~~were~~ aware of other of my objections to his discovery than he (after that date) represented to the Court, as I had attested. On its first page he refers to three of the others. One of these that he and the FBI since then have ignored is that "there is no need for the FBI to seek discovery from plaintiff on the search issue." (If this is not true, I do not understand why, instead of all its horsing around, the FBI has not filed a rebuttal affidavit attesting that it does need discovery and what information it needs to make the searches it has not made.)

187. This checking also discloses defendant's counsel's affection for words like "demonstrate." He uses ~~it~~ over and over again where he cannot and does not cite any evidence because it does not exist. What he refers to in his footnote 3 is almost word for word identical with his language to which his footnote is attached. It is not proof and is not factual: "as will be demonstrated below, the history of these cases demonstrates that the defendant has consistently endeavored to get the plaintiff to articulate precisely the bases for his complaints

*about the adequacy*

~~ABOUT THE ADEQUACY~~ of the FBI's search so that it could resolve his complaints."

188. In passing I note that one of my "complaints," repeated over and over again, is that the FBI had never searched to comply with my actual requests. I believe that it is required to do this. It also has never attested to searching to comply with my actual requests. I believe it now is required to do this, too. I believe also that this is a very basic "complaint" in FOIA litigation. It certainly has been "articulated" often enough, under oath and subject to the penalties of perjury. So I cannot but wonder, simple an affidavit as it would require, why the FBI just has not answered that one "complaint" properly - after all, it does allege that I am denying it the right to defend itself - by providing two simple attestations, one from Dallas and one from New Orleans. Each could state exactly the same thing, that the person attesting read, understood and by means of the searches described complied with the requests I filed, repeating the language of my requests of each office and stating that all pertinent records located were processed for disclosure. Why defendant's counsel, expert on the law that he is, has not thought of this kind of simple solution and saved himself much work I also do not see.

189. From his self-quotation we have defendant's counsel stating as far back as January exactly, <sup>almost</sup> ~~almost~~ word for word, what he now states, that I just keep on refusing to "articulate" all my "complaints." This, he says, is what on January 19th he "demonstrated." Unfortunately, free as he sometimes is with footnotes and their content, he was stingy here on January 19 and has none. So he does not state here or tell me how to look where before, earlier, he "demonstrated" that from the beginning in this litigation he has failed in this alleged effort. This means two things: a) he tried to get me to and b) I refused to "articulate." All without citations to the case record.



190. However, later there is a caption, "Procedural History of These Consolidated Cases." It goes on for several pages about my appeals and, not surprisingly, it states the exact opposite of not having been able to get me to "articulate." It states that on June 16, 1980, "the former Director of OPIA, Quinlan J. Shea, informed plaintiff's counsel that his office had completed the preliminary work with respect to the administrative appeals and solicited input from plaintiff concerning the scope of these appeals. Having obtained such input from Mr. Weisberg," the Department made its decision, (emphasis added) And I have been contesting that "decision," which ignores almost all my appeals, ever since.

191. Here defendant's counsel himself gives the lie to his oft-repeated pretext that the FBI has not been able to get me to articulate my complaints. The FBI and its counsel just do not like them and do not want to face them. He knows very well that I did exactly what he keeps telling this Court I did not do. The defendant did get, his word, "such input" from me. And so there can be no question about what the "input" refers to, the words preceding it are, "solicited input from plaintiff concerning the scope of the appeals."

192. Reflecting the FBI's intent to persist in misrepresenting and not searching or complying with my actual requests is defendant's counsel's reference to the late George DeMohrenschildt as "tangential" to my request. He knows very well that this is not true, but he must insist that it is not to expose his own client. My requests are specific in stating that they include "all records on or pertaining to persons and organizations who figured in the investigation into President Kennedy's murder..."

193. George DeMohrenschildt was such a person as the FBI knows very well. Indubitably he "figured" in the investigation, quite extensively, and my request is for "all records on or pertaining to" him and other such persons. It simply is not

possible for any DeMohrenschildt record to be "tangential" to this request. An exemption might be claimed for some, but that has nothing to do with pertinence.

194. On the same point, the Oswald case agent, James P. Hosty, Jr., the one pertaining to whom the "exhaustive" FBI search is still represented by a completely blank search slip, also is allegedly tangential. This, no doubt, because he was an active part of the investigation by being a witness on several occasions, before the Warren Commission and the House assassinations committee, and in the FBI's own internal assassination investigations; no doubt because he is among those disciplined by the FBI over alleged failings; no doubt because he is in its files on the investigation extensively; no doubt because of his personal involvement in several scandals that seriously embarrassed the FBI when "leaked" to the press years later. (This includes his admitted personal destruction of an Oswald pre-assassination written threat to bomb the offices of the FBI, which there- after insisted that it never told the Dallas police about him before the assassination because it had no reason to believe he had any tendency toward violence. Despite the FBI's knowledge of Oswald's threat, in advance of Hosty's 1964 Commission testimony, the FBI warned Hosty not to volunteer anything in his testimony before the Commission - from which the FBI had withheld all knowledge of this Oswald threat to do violence. ^

195. Also allegedly "tangential" to my requests is another of defendant's counsel's misrepresentations here, under what he refers to as the "procedural history." It is that Gordon Novel is "an individual who plaintiff thought figured in the Bureau's investigation of the assassination." (emphasis added) (One of the Watergate exposures is that this Novel was to have ~~erased~~<sup>erased</sup> President Nixon's tapes for Charles Colson by electronic bombardment of the White House.) This includes an additional misrepresentation by defendant's counsel, that my New Orleans request

is limited to the FBI's investigation. It also includes the Garrison investigation. Novel was one of the more sensational aspects of the Garrison investigation. He began working for it, in his account, and wound up being charged as a fugitive from it. During the time Garrison sought to have him extradited, the FBI obtained Garrison's military medical records from the federal records center - no other agency is known to have obtained them - and they were almost immediately leaked, to one of the FBI's favorite recipients of leaks, the Chicago Tribune, and to Novel's lawyer. Without doubt, Novel figured extensively in the Garrison investigation, the FBI knows this, and he is anything but "tangential."

196. Defendant's counsel offers no basis for his opinion that I merely "thought," by inference incorrectly, that Novel "figured in the Bureau's investigation." I do not think this - I know it, as the FBI also does. Novel figures quite extensively in the FBI's main assassination files, and not only in New Orleans. He also figures in it as the New Orleans FBI's symbol informer (PCI), a relationship it ended as soon as Novel told it he also was working for Garrison. Thereafter, however, while he was a fugitive, the FBI accepted many phone calls from him from all over the country. He is one fugitive it made no effort to apprehend and deliver to local authorities.

197. If the FBI did not pretend, knowing better, as it does, that Novel is "tangential," it would, in effect, admit misrepresenting my request. In Novel's case, this would also require disclosure of its 137 classification file on him and its informer-contact <sup>form 100</sup> ~~reports~~ reports. These as well as records reflecting who leaked those Garrison military medical records can be quite embarrassing to the FBI.

198. As I continued to examine defendant's counsel's January submission he cites in his footnote, looking for the cited evidence that is not there, I did notice that he departed from the FBI's tricky language and punctuation with regard

to the "critics" search directed by the Associate Attorney General. Whether involuntarily or carelessly, he told the truth the FBI skirted in its attestation, that as he stated the FBI was to "search under all topics" mentioned by the AAG. This is what I attested the FBI said it did, instead of what it was supposed to do, knowing very well, as the appeals office also knew, that the FBI does not file by topic and cannot retrieve by topic. (The AAG did not mention any "topics.") There is little doubt that I "articulated" this complaint repeatedly and under oath, including after defendant's counsel admitted that its search was by topic, which means no search at all. (That no search at all was made is indicated by the absence of any search slips related to "topics" when the FBI has attested to providing all the original records of all searches.)

199. Without ever "demonstrating" how I had not "articulated" my "complaints" and citing only instances in which I had, repeatedly, sometimes strongly, and even acknowledging all my "input" relating to searches, defendant's counsel's January 1983 account then skips to March 2, 1982, when the FBI proposed resolving this litigation, still without making the required initial searches, by "a sample 'Vaughn index.'" It is acknowledged that my Opposition included "that the defendant had failed to act on his administrative appeals which had questioned, inter alia, the adequacy of the FBI's search." It then is represented that a couple of specific illustrations provided by my counsel "failed to detail" my complaints. This does not mean that I had not already made them, as I had. (It even admitted that my counsel mentioned only "what he termed were 'examples.'")

200. In short, checking the source cited by defendant's counsel discloses many matters of other pertinence, including the fact that defendant and defendant's counsel correctly understood my requests to include persons who "figured in the Bureau's investigation of the assassination." However, what defendant's Reply

cites states the exact opposite of what the Reply claims it states. It does not "demonstrate" that I had not "articulated" my "complaints" but it does "demonstrate" that I did precisely that. It acknowledges all my "input" pertaining to searches. It admits, without so intending, that my requests were correctly understood to include all persons who figures in the investigations and then discloses that the FBI pretends those persons who figugential" and that those searches were not made. It discloses, exactly as without refutation I had attested, that the FBI, if it made any search for the "critics" at all - and the evidence is contrary to its attestations - it made only a phony topical search, phony because it knows it does not file and cannot retrieve by topics. This cited source really "demonstrates" that it is the FBI that has not "articulated" anything at all in response to my "complaints," which it does establish that I did make and that the FBI and its counsel know I made.

201. There is particular significance in the above-quoted recognition by defendant's counsel of the fact that my requests include persons who "figured in the Bureau's investigation of the assassination." This significance is that the FBI neither made nor claims to have made any such search. Moreover, as it pertains to discovery, this is absolute proof that the FBI - and its counsel, whose words I quote - correctly understood that part of my request and that they require no discovery from me to make the search that the FBI and its counsel a) know it did not make and b) know is required to comply with my request.

202. The Reply continues with additional representation of what its own cited (in footnote 3) source proves the FBI and its counsel know is not true. Defendant's counsel states on his own authority (he cites no evidence and the FBI has not provided any such evidence) that "plaintiff, on the other hand, has repeatedly attempted to avoid such an articulation, preferring instead to reveal

his complaints and their alleged factual underpinnings in an ever-expanding piecemeal fashion."

203. What he refers to as the "alleged" factual underpinning of my appeals and affidavits (he made no reference to these affidavits in his January submission quoted above) is almost without exception the FBI's own records. I do not agree with his low opinion and deprecation of them.

204. Having acknowledged his understanding that my requests include all persons who figured in the investigations, he reveals that in stating that I either "expanded" on my requests or that S made them "piecemeal" he states what he knows is not true. It is not possible to expand on a request for "all." My requests are and he understands them to be all-inclusive.

205. My affidavits contain no new requests. They merely attest in refutation to the FBI's misrepresentations and untruths with regard to searches, my requests and the information I had already provided on appeal.

206. He here cites as a supposed "example" of my allegedly "ever-expanding" request, my counsel's reference to "JUNE" files. He alleges that I had not stated this earlier, that it was not until "when he was finally forced to" under Local Rule 1-9(h) that "plaintiff cited the FBI's alleged failure to include 'June' files within its search." This does not conform with the facts and with the case record.

207. "JUNE" is an internal FBI code word for surveillances. My appeals include many pertaining to surveillances and my affidavits refer to them. My use of the word "JUNE" in what he cites, an appeal, was merely to inform Mr. Shea that the FBI itself had used this designation on records not provided. "JUNE" records were filed separately. They can embarrass the FBI.

208. In supposed support of his claim that I expanded my requests in my

affidavits he quotes out of context what I stated merely to show that I had made the appeals earlier, my July 21, 1982, affidavit: "I note that in my March 4, 1979 (administrative) appeal (Exhibit 3), I called attention to 'the existence of an undisclosed Dallas "June" file and noncompliance with regard to those records.'" (As I stated in that affidavit, I had just come across that particular appeal and attached it merely as an illustration of the very fact he misrepresents, to show that my raising questions about nonsearches and noncompliances relating to surveillances is in no sense new.)

209. However he may try to contort and misrepresent, this is the exact opposite of "expanding" in 1983. It is without possibility of question that as of March 4, 1979, at the latest, and I believe I had also done this much earlier, my appeals reported "noncompliance with regard to those (surveillance) records." There is no expansion in this and it is not "piecemeal" in 1979 or in 1983's reference to the 1979 record.

210. He next quotes from my appeal to represent untruthfully that in it I admit continuous withholding of information from the FBI that it requires to be able to make any search. This is not true in either sense, that the FBI requires such information from me to make the searches or that I did not provide this information. My words he quoted are, "While I have additional identifying information I do not now (emphasis added) provide it for reasons stated in the enclosed appeal." He does not quote from the enclosed appeal, which I did file at the very same time. It can be retrieved readily from the government's chronological filing of them to ascertain the reason I provided separately - in the event Mr. Shea showed this appeal to the FBI. Instead, he says what is untrue, as he would have known if he had asked his client, the FBI, from which he provides no attestation, "The defendant has no idea what other 'appeal' plaintiff is

referencing here. Accordingly, it is impossible not only to respond to the reasons for plaintiff's non-disclosure of the so-called 'additional identifying information,' but also to the broader allegation that the FBI's search did not include all 'June' files." From beginning to end, this is his fabrication and that, I believe, is why he provided no FBI attestation.

a | 211. I do not have to check to know my reasons. The FBI has a long history of noncompliance and stonewalling in my cases. It also has a history of, when compelled, disclosing only what I identify, not what it has that is pertinent. This matter also turned out exactly that way when I provided that information to Mr. Shea. The FBI withheld - and continues to withhold - all such information I did not identify to Mr. Shea. I hoped it would be required to make the search it still has not made and still has not attested to making, for all that surveillance information.

212. I believe it would be informative and helpful to the Court if, to justify his language about "the broader allegation that the FBI's search did not include all 'June' files," defendant's counsel were to provide what still has not been provided, search slips requesting and reporting any "JUNE" searches or surveillance searches of any kind, including but not limited to the FBI's ELSUR records. (There are ELSUR indices, and no search of them is claimed or attested to.)

213. When I filed that appeal in 1979, the FBI had already claimed full compliance - more than a year and a half before the Dallas office made its first searches, according to its attestedly complete search slips - and they include nothing at all about any ELSUR, "JUNE" or any other surveillance index search. October 15, 1980, is the earliest date on any Dallas search slip - in response to my 1977 request.



214. One of the many examples in this litigation of the FBI's deliberate withholding of what it knew is relevant is its claim to compliance without providing its main files on the so-called "star witness," Marine Oswald, wife of the accused assassin. Thus it actually pretended that she did not even "figure in" its investigation. Another convenient example, and it is still incomplete, is included in a Phillips attestation to what was ultimately provided. My recollection is that the number of files provided in his attestation is at least three times the number of those disclosed when compliance was first claimed.

215. With regard to Marina Oswald, the appeals office required the FBI to disclose its records on her. Pretending complete compliance, the FBI then provided a main file on her, its "subversive" file. However, I knew of the FBI's electronic surveillances on her because, although the FBI had made spurious claims to exemption to obliterate it from records it disclosed to me in this litigation, it in fact did disclose its electronic surveillances of her outside this litigation.

216. Bearing on my reluctance to let the FBI know exactly what I know is what it did in this litigation to hide the fact of its electronic surveillances on her, apparently without realizing it had already disclosed existence of these surveillances.

217. When the House assassinations committee was established, FBIHQ asked its field offices to provide an inventory of their holdings of main assassination files only. The Dallas response was extensively obliterated and fictitious claim to exemption was made to hide its inclusion of these electronic surveillance (or "June"-type) files on Marina Oswald. As FBI counsel should know, I have provided both versions, the excised and the unexcised, which are attached to my affidavits in which I also attested to what follows.

218. New Orleans still has not provided its inventory, which it elected

9/ not to file any of the main files to which its restricted compliance with my requests. It has such an inventory.

219. After I identified these files to Mr. Shea, he compelled their disclosure. It is that simple, the case record reflects it and defendant's counsel is aware of it, contrary to his histrionics and misrepresentations. This also is stated in my earlier - unrefuted - affidavits.

220. But bearing on the phoniness of the Dallas search and later "compliance" from it is the fact that on the Marina Oswald search slip the identification of the bugging file is obliterated, even after I knew it (66-1313A), as I have also attested in this litigation without contradiction. Withholding that, under fictitious claim to exemption - as I have also attested without refutation - clearly had as its real purpose hiding the fact that the FBI neither got nor requested permission to bug her, and bugging required criminal activity on its part, breaking and entering.

221. Also bearing on the FBI's intention not to comply is the fact that the one Marina Oswald record noted as destroyed on this search slip was not destroyed until after Dallas received my request. Other records noted as sent to FBIHQ as pertinent were not provided then. If they had been they would have established, for example, that George DeMohrenschildt is not "tangential" and ~~the~~<sup>the</sup> existence of the withheld "subversive" (105) file on him.

222. Meanwhile, pertaining to the FBI's failure to "articulate" in response to my appeals and affidavits, it continues to refuse to make any genuine ELSUR, "June" or electronic surveillance searches. The fact is that it remains totally silent, save for diatribes by counsel, after I provided such evidence as the published statement by Arthur Schlesinger (who had been in the Kennedy and Johnson White House and was close to Robert Kennedy) that Attorney General Kennedy

had authorized such surveillances, in the plural. I also noted that, as with bugging Marina Oswald, the FBI conducted unauthorized surveillances.

223. Contrary to the FBI counsel's unsupported representations - I emphasize the FBI has <sup>1</sup>now sworn to anything about this and still has not provided any evidence in refutation - it is obvious that the FBI requires no discovery from me to make these and any other such searches. It still had not made them after I provided the Schlesinger and other unrefuted evidence of the existence of other electronic surveillance records, in both field offices.

224. On his part, FBI counsel elected not to use as an "example" my attestation to the existence of electronic surveillance records on Jim Garrison, disclosed to me in other litigation in which FBI SAs Phillips and Anderson are FBI supervisors and disclosed as part of an unsuccessful effort to put Jim Garrison in jail.

225. These and countless other similar matters support my attestation that the FBI requires no discovery from me to make these unmade searches. They reflect what I also attested to, without denial of any kind, that the FBI ignores and on the basis of its record would continue to ignore any information I might provide under discovery. The case record makes it clear that there is no end to FBI subterfuges, pretexts, evasions, stonewalling and false representations.

a) 226. How Phillips could have missed my earlier disclosure of my knowledge of the electronic surveillance of Marina Oswald I do not know (if he did miss it) because before the withholding of these <sup>1</sup>Dallas surveillance records I used some of those records as exhibits in another case in which he is the FBI's supervisor.

227. FBI counsel's completely unfactual and entirely misrepresentative and deceptive statements about "JUNE" matters concludes, "And this allegation about 'June' files is typical of Mr. Weisberg's other complaints about the FBI's search."

In ways other than he intended, for once he is correct. My unrefuted allegations and their attached documentation, not FBI counsel's misrepresentation of them, do establish that the FBI did not intend such searches, still has not made them and requires no discovery from me to make them now.

228. For all the world as though I had not provided all that "input" of which he personally informed this Court on January 19 of this year, for all the world as though I had not provided all those affidavits of which he complains without refuting them, FBI counsel appends this footnote to my quotation of him in the preceding paragraph:

"The lack of specificity underlying plaintiff's 'June<sup>th</sup> file (sic) allegation (sic), as well as his other allegations about the adequacy (sic) of the FBI's search (sic), belies Mr. Weisberg's newly devised claim (sic) that he has 'repetitively provided the defendant with both facts and documents precisely articulating (and documenting) his claims regarding the FBI's failure to conduct a proper search."

229. To FBI counsel's knowledge, there is not a single factually correct statement in this footnote, save for the fact that I do and from the outset have alleged "the FBI's failure to conduct a proper search." (Nor has he provided attestation to any.) In each and every instance, as the unrefuted case record reflects reſundantly, the truth is the exact opposite of his representation. Bearing on his intent as well as his knowledge is his own January 19, 1983, statement that I had been asked and had provided exactly what he here and elsewhere claims I refuse to provide.

230. His complaint about my alleged lack of specificity is based on his own fabrication, as I show above, that I withheld the very Marina Oswald electronic surveillance information I provided. How he managed to fix upon the one instance in which the FBI complied, albeit not voluntarily but in response to the proof I provided Mr. Shea, I do not know, but he did. He has not complained that I have

been inaccurate in this. If he wants to add that to his complaints, because I was specific, he can use as another "example" the withheld information that I did provide, the number identification of the Dallas bugging file on Marine Oswald. I state it is 66-1313A, even though I know that the FBI's file classification 66 means "Administrative Matters" and neither breaking-and-entering nor bugging, which requires this, seems to be an "administrative matter." I was specific in this, although he represents I was not, and I have been, to the degree possible, in all those many matters he and the FBI entirely ignore when they do not misrepresent. If I am incorrect in this specificity (which he calls a lack of specificity), it is a simple matter for him and the FBI to provide the unexcised records and show it. If there was no Garrison surveillance disclosure to me in the case in which both Anderson and Phillips are supervisors, they can attest to that - and, of course, risk my producing what I state was provided. If there was no disclosure of extensive electronic surveillance of Garrison, attestation to that likewise is simple, but it, too, entails the same risk, that I will produce proof.

231. His fabrication that I lack specificity, which he refutes in his own citation of his own January submission, also is refuted by my many affidavits he has elected to ignore. If there is one thing that is beyond question about what he calls my "complaints," it is that they are specific - and documented. Knowing the truth but wanting to allege otherwise, he seized on a bad example and then, without any checking at all, on his own authority, was totally untruthful about it to this Court, as I show above.

232. With regard to my insertions of "(sic)" above, it is not true to state, as he does, that there is but a single "JUNE" file; it is not true that I made only a single "allegation" of this; it is not true that I have ever referred

to the FBI's (non)search as in any way "adequate;" and it is not true that any of this is "newly devised" or in any way new. All that is new is this particular version of his misrepresentations.

233. The Reply concludes by referring to my allegedly "conclusory claims," without citation of any one, and with as large an untruth as is possible when the question is of searches to comply with my requests in this litigation:

"Notwithstanding Mr. Weisberg's conclusory claims, there is absolutely no evidence in these cases that indicates that a further search is warranted." This is followed immediately by what FBI counsel states on his own authority, without citation of any evidence (which is impossible because he knows he has not adduced it and that it does not and cannot exist), "Moreover, the defendant would be able to demonstrate beyond any question that its original search was adequate if only plaintiff would comply with the Court (sic) discovery orders."

234. The deliberate total dishonesty of these representations is more than merely established by my undisputed affidavits, some of which he referred to. Of the many illustrations, I select a basic one. I have attested - over and over again - that the FBI has never made any search to comply with my actual requests. It has not denied this. It has not even pretended to produce any evidence that it has made those searches or that I am in error. As I state above, it cannot because it has already sworn to this and given me its records which are explicit on it and neither can be refuted. So, it is as large and deliberate an untruth as possible to represent that on this one of many basic and entirely undenied points, "there is absolutely no evidence in these cases that indicates any further search is warranted." Because searches to respond to my requests have never been made and have never been attested to as having been made and because I have provided both sworn statements ~~that~~ are unrefuted and the FBI's own records that cannot

be refuted, there is an abundance of evidence - and it is the only evidence - that those searches have never been made. There is no other reason for the FBI not to make any effort to refute my attestations. Because these are the unrefuted facts in the case record, its only evidence on this point, it is obviously and deliberately false to represent either that these required searches have not been made only because I have not provided what is demanded on discovery or that if I provided anything at all - "if only plaintiff would comply with the Court (sic) discovery orders" - it is within human possibility that "the defendant would be able to demonstrate beyond any question that its original search was adequate."

236. Literally - and I emphasize on his own authority because he has not adduced any evidence pertaining to this at all - FBI counsel actually represents that he would prove the "adequacy" of a "search" neither made nor even claimed to have been made - in response to requests of 1977.

236. I have addressed each and every allegation in this Reply and to the best of my recollection all in the other submissions. I have done this at some length for a number of reasons, including to reflect their true character. I have extensive experience with the FBI's submissions in FOIA litigation and with its other records, coming from my study of almost two decades of an enormous number of its records and considerable experience in FOIA requests, appeals and litigation. In all this extensive experience, I do not recall as close an approximation of totality in untruthfulness as I document in the preceding paragraphs of this affidavit.

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HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 6th day of July 1983 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1986

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NOTARY PUBLIC IN AND FOR  
FREDERICK COUNTY, MARYLAND



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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

.....  
HAROLD WEISBERG,  
  
Plaintiff,  
  
v.  
  
FEDERAL BUREAU OF INVESTIGATION,  
  
Defendant  
.....

Civil Action Nos. 78-0322  
and 78-0420  
Consolidated

AFFIDAVIT

My name is Harold Weisberg. I reside at 7627 Old Receiver Road, Frederick, Maryland. I am the plaintiff in these consolidated cases. My prior professional experiences and my subject matter expertise are attested to in a number of my prior affidavits in this and in other litigation and have never been questioned. The FBI itself has stated that I know more about the assassination of President Kennedy and its investigations than anyone working for it.

1. For purposes of this affidavit I state that my prior professional experiences include analysis and investigation of the functioning of government agencies. My work on the assassination of President Kennedy is a study of the functioning of our basic institutions in that time of great stress and thereafter. I know of no other person who has made any such study for as long a period of time or of its scope and magnitude. My published work on it is used in colleges throughout the country. My first book (of six) on this subject, which dates to 1965, has gone through eight domestic printings and some abroad. It is still used as a basic text in colleges and universities. Its accuracy and that of all my other works, contrary to slurs employed by the FBI in substitution for fact - despite all that has since come to light (largely as a result of my efforts and FOIA litigation) and despite

official suppression, largely by the FBI - remains unquestioned. More than a third of a million pages of withheld records, disclosed after I published my last book, do confirm my work and do not refute it in any way.

2. As I state in earlier affidavits, the plaintiff in an FOIA case, when faced with systematic untruthfulness, misrepresentation and deception by government agencies, is under extraordinary handicaps. First of all, the government does not prosecute itself for offenses for which, if I committed them, it could prosecute me. Because it enjoys immunity it indulges in unfaithful representations to court. If the plaintiff ignores them, he loses his lawsuit. If he responds to them - and he does not dare do as the government does and merely make unsupported allegations - it takes considerable time and effort and is costly. It requires many words to refute a lie of a few words. Within my experience these government practices have become a means of stopping the studies for which the information requests are made. This is to say that the government can convert the Freedom of Information Act, which is intended to require disclosure of nonexempt information, into an instrument for withholding, as it has in this litigation and as I alleged and documented throughout it. As I have attested, without even an effort at refutation, this defendant, beginning sixteen years ago, schemed to "stop" me and my writing by frivolous and spurious litigation. Its record with me since then is entirely consistent with this scheme and to a large degree it has succeeded.

3. In this litigation, despite the length required by it, I have addressed each and every allegedly factual representation by the FBI and shown, without any real effort at refutation, that they are not faithful to fact and that they are untruthful, misrepresentative, deceptive and misleading. If my allegations are not truthful, the FBI is well equipped to at least contest them with fact and by competent affiants. Instead, save for a belated claim of its supervisor in this

case, SA John N. Phillips, it and its counsel have ignored my affidavits virtually completely. This is because they are accurate and cannot be refuted. With regard to Phillips' belated pretense at addressing all the evidence I filed in this litigation, he contented himself with claiming no more than that he had not been ~~un~~ truthful and knew of no other untruthfulness by the FBI. I responded with an affidavit which established the untruthfulness of his entirely unsupported and entirely self-serving and conclusory denial. He and the FBI have been silent on this since.

4. While I know of no requirement that the FBI respond to evidence I produce that is contrary to what it wants believed, I also know of no licence it enjoys to ignore such evidence and then represent that it does not exist. This is its practice in this litigation and in its Opposition to Plaintiff's Motion for Reconsideration (the Opposition).

5. The FBI's departure from factuality is not limited to its affiants. It includes its counsel, who also misrepresent, deceive, mislead and are not truthful. I have read every pleading and I state that they are characterized by untruthfulness, evasiveness, misrepresentation and that they mislead. After reading the Opposition I add that trickery is also a fair description. It complains of delays, suggesting that they are deliberately contrived by my counsel and me, when in fact they are guaranteed by FBI counsel who ended its prior practice of mailing copies of all pleadings directly to me because of the distance between my counsel and me and refused to resume the practice, even when, as usual, I offered to pay the costs. This has added up to a week to the time required for pleadings to reach me. I have attested to the foregoing on several occasions, he has made no denial, and he persists in guaranteeing unnecessary delays for which he seeks to blame me. He also, save for untruth, slurs and fabrication that I address below, ignores other

unavoidable factors which add to these delays.

6. There are representations of fact in this Opposition that are not in accord with the fact in the case record. Conspicuously, with regard to fact, there is no citation of any evidentiary support and my ignored evidence to the opposite is the only evidence in the case record pertaining to these matters.

7. With regard to one of the factors contributing to these delays, while avoiding use of the word, the Opposition calls me a liar. It represents that I am not unwell ("...Mr. Weisberg's age and alleged ill-health." Emphasis added) and represents that I lied in stating the truth about my impaired health, witness how, as FBI counsel put it, my "own actions over the past several months" have "undercut" my attestations. (Footnote 3 on unnumbered page 2) Mixed in with this is a complete fabrication and an absolute falsehood, "...that assertion (has) been refuted in defendant's earlier submissions..." The FBI has presented no evidence at all on this matter and, going back to 1977 - before my surgeries and their complications - it knew I was in seriously impaired health. It knew then - more than five years ago - that it had to park my counsel's car inside the J. Edgar Hoover Building for me even to be able to get there to confer with it.

8. This alleged "undercutting," FBI counsel's word, is that "Mr. Weisberg himself has put before the Court six affidavits totally (sic) more than 230 pages (including attachments)." It then is conjectured that if I "had spent as much time" complying with discovery, I would have been able to comply with the discovery demand. This, too, is absolutely false. No support for it is offered or cited, again because there is none and again, as usual, there is directly contrary evidence that he did not challenge or refute, so at the least FBI counsel had reason to believe his concoction was not truthful.

9. Having not inconsiderable experience with untruths, distortions,

misrepresentations and not uncommonly slanders by the FBI and its counsel, I decided to check FBI counsel's above-quoted arithmetic. It is informative.

10. The actual work for me represented in these six affidavits is in their texts. There are not "more than 230 pages" of text but only 98. Of these, 12 are far from full pages and several are blank save for a few lines of notarial statement. The attachments total 142 pages, almost all of FBI records, and of these 45 pages - almost a third - are the so-called search slips. The time period to which FBI counsel refers, from February 4 to and including June 6, is 125 days. So what his alleged "undercutting" really amounts to is about a half-page of typing a day for me! This really means little more than about five minutes' work a day for those 125 days! This is the exact opposite of what he represents to this Court.

11. These retyped pages of affidavit text are of a larger type face than that of the typewriter I use, a Hermes 3000. It has a much smaller type face and includes more lines per page. Thus, on my typewriter, it amounts to about a half page per day. While I have never timed my output, I know that it is not unusual for me to type five pages an hour. The actual typing time thus comes to about five minutes per day. This "undercuts" nothing but the integrity of FBI counsel's representation to this Court and his entire argument.

12. As my affidavits also state, particularly those FBI counsel represents have been "refuted" when they have not even been addressed at all, I have spent and I am able to spend little time in searching now and searching time does not and cannot represent any appreciable addition to the actual time I spent. Almost all of the attachments, like the phony search slips, were at hand. Some, as I stated with precision and accuracy, were in a box in my office I had not been able to get to because of my health and I just blundered into them, without taking any special time, as I was disposing of the contents of that box. An appreciable percentage

was provided by FBI counsel himself under discovery and they required no time at all for searching. Others, as my affidavits state, I received while I was working on them. My affidavits, with which he here represents some familiarity, make it clear that for all practical purposes the attachments represent virtually no work at all for me and thus almost no time at all.

13. If the actual time is doubled, it comes to only about 10 minutes of time a day, and that still is an insignificant amount of time, not at all what he represents.

14. In addition, as I believe lawyers know as well as writers, there is an enormous difference in the time taken for writing and the time required by endless research in 60 file cabinets, 500,000 pages of records and countless books, which is what the FBI's discovery really demands.

15. In short, FBI counsel's quoted representation is misrepresentation, is false, and based on simple arithmetic he had every reason to know it is false. Moreover, he provided no estimate, not even another of his own fabrications, of the time the discovery he actually demands - which is not the discovery he misrepresents - would or could require. So on this additional basis he just made up what he represents to this Court and on which he has already threatened to have me "thrown in jail," his words to my counsel. I have sworn to the actual requirements of his actual demands and he has not presented any contrary evidence, not even his own unsupported argument. The unrefuted evidence in the case record, therefore, informed him in advance that he was being untruthful and was misrepresenting.

16. Moreover, I know of no honest basis for his making any reasonable estimate, leave alone one he would present to a federal court and use as a basis for denying anyone freedom, without knowing how rapidly or how slowly I write. He has never asked me.

17. Yet his fabrication, which has no basis in any evidence at all and is contrary to the unrefuted evidence I provided under oath, is the sole basis for his calling me a liar under oath over my "alleged ill-health" and my present capabilities or lack of them. Under other circumstances, as I have in the past, I would consider the source and ignore it. However, because it is a basis for the dismissal he solicits from this Court, I do not ignore it. Instead, I attach some of my medical bills. They reflect the complete accuracy and understated truthfulness of my attestations. These bills are not complete. They do not include my 1975 hospitalization for acute thrombophlebitis which had not yet resulted in surgery and of which the FBI has known all along. Of my local doctor's many bills I attach only those that relate to my attestations to additional illnesses beginning this past February. They are bills, not diagnostic records, and do not include all diagnoses.

18. Exhibit 1 is the bill for my September 1980 hospitalization for additional diagnosis, to determine the nature of the arterial blockages in my left thigh and whether surgery was indicated.

19. Exhibit 2 is the bill for the arterial surgery and implantation of a plastic artery two weeks later. (The operative reports and other attachments referred to were not provided to me. They went to my insurer.) The venous doppler listed is a test related to another venous thrombosis I suffered while hospitalized. I was first hospitalized for venous thrombosis in both legs and thighs in October 1975.

20. Exhibit 3 reflects the first of the more serious complications, diagnosed as "arterial obstruction." The nature of the surgery is indicated under "Description of Services." However, because this bill is limited to the surgery, it makes no reference to the arterial blood clots that were not accessible and the venous



blockages, both of which contribute significantly to my overall impaired circulation and resultant problems and limitations.

21. In April 1981 (Exhibit 4) I suffered a total blockage on the left side. It is this emergency that I stated my counsel may know more about than I do because prior to the emergency surgery, which began at night and continued into the next morning, I was drifting into unconsciousness. I know only what one of my surgeons told me the next day, that this particular emergency is not uncommonly fatal. The extent of this surgery also is indicated in the bill.

22. These are the surgeon's bills only. The hospital's bills are much more extensive and expensive, but they do not indicate the nature of the surgeries.

23. Because the FBI's counsel also scoffs at and represents that I lied about the series of debilitating illnesses that I attested began this February and have not yet run their course, I also attach the pertinent bills of my family doctor. He does not record his full diagnosis on all of them because this form is a bill only, not his medical record, but he does indicate most of these illnesses on these bills. (Exhibit 5) As is apparent, I was truthful and understated. Because of the ink he used and the color of the color-coded paper forms, which do not copy clearly, I repeat the various illnesses identified on these bills, the first of which is dated February 2 of this year. (He does not bill for telephone consultations, which are frequent.) Exhibit 5 includes illnesses I overlooked in my understated account: vascular insufficiency, bronchitis, influenza, pneumonia, peripheral vascular disease, edema, ecchymosis, and "anticoagulation," which refers to persisting problems during this period with my blood's prothrombin or clotting time. During the period represented by these bills, it was at the level that is critical for internal hemorrhaging. It also is more critical with respect to the slightest bruising, cutting and falling because they, too, can cause potentially

serious, even fatal, hemorrhaging. (For the rest of my life, my doctors have warned me, I must be extremely careful not to fall or bruise or cut myself because the optimum clotting time of my blood is now twice its base or normal time. During the period in question, it reached almost three times base.) Although it is not mentioned, I also suffered pleurisy, which is painful and interferes with concentration, rest and sleep.

24. Ecchymosis refers to hemorrhaging through the walls of the blood vessels. Coughing during the time I had bronchitis, pneumonia, influenza and pleurisy caused the ecchymosis, many large areas of chest hemorrhaging, with lumps of clots as large as my fist throughout my chest.

25. These bills reflect exactly what I stated pertaining to the bronchial infection, that it persists despite medication. I am ~~still~~ <sup>only recently off</sup> the antibiotic prescribed in early February, although at the time of first prescription the doctor anticipated only 10 days of antibiotic treatment. They represent 12 examinations of me by this one of my doctors during the period to which I attested. The suddenness of onset of this lingering infection is reflected by the fact that, as these bills reflect, my family doctor worked me in without appointment only one day after he had seen me for the unusual edema caused by the circulatory insufficiencies I will have for the rest of my life. (There is constant edema from this since 1975.)

26. These exhibits reflect the baselessness of FBI counsel's fabrication, that I was untruthful in representing my medical and physical conditions and limitations. He did not ask me for any proof and he did not dispute my attestations in any way, which he nonetheless refers to as "refutation."

27. While I can pretend no knowledge of Department of Justice standards and concepts of ethic!, morality, decency and truthfulness except as I have observed them intimately and extensively in more than a decade of litigation and as the

attorneys general have addressed them in public statements, I do state that nobody, not even the most talented, erudite and accomplished of lawyers, has any basis for making a representation of medical fact without obtaining those facts and, as my voluntary disclosure of these bills and my earlier attestations leave without doubt, the actual facts were always available. (Among these statements by attorneys general is Griffin Bell's commemoration of "law day" with a published injunction to all Department lawyers that they were never to make any representatin to any court without the most substantial reason to be certain of its truthfulness and accuracy.)

28. Avoiding the actual facts, not asking for them if there were any reason to doubt my sworn representations, not presenting any contradictory evidence of any kind and instead merely fabricating new defamatory untruths is consistent with what can be called the vendetta the FBI and the Department have waged against me for years in a campaign of defamation and the foulest of libels that, from the records disclosed to me, were widely distributed, including to the White House, the Congress, attorneys general and their deputies and others, including those who litigate. Instead of making an effort to refute my earlier references to this campaign, identified as based on FBI records disclosed to me, instead of searching these already disclosed FBI records, which represents very little work and effort, FBI counsel made slurring wisecracks that are clearly intended to prejudice. Some of these records, which are well known to the FBI and to the Civil Division from their attachment to affidavits in other litigation, also are attached to the affidavit I executed June 13 and then mailed to my counsel.

29. Such departures from fact and truth characterize the FBI pleadings in this litigation (and not it alone). My counsel, for reasons I can understand and appreciate, has been reluctant to make use of the factual information I provided him earlier about these departures from truth and fact. They permeate and they are

basic to this Opposition, as I address them further below.

30. This Opposition is consistent with the FBI's other filings in this litigation in its dependence upon repeating the same untruths, distortions and misrepresentations after I refuted them and despite the FBI's failure to provide any evidence to contradict me. It also is consistent in ignoring my unrefuted proofs that these FBI representations are untruthful, distort and misrepresent and in the pretense that the case records does not hold my unrefuted evidence. But no matter how often untruth is repeated, it remains untruth, no matter how repetition may lull the author into believing untruths from his own repetition of them. These untruths lack any evidentiary support not only because it does not exist but because the FBI did not even pretend to provide any evidentiary support for them. The allegations in the Opposition are made by FBI counsel on his own authority. Their character is indicated above and is further indicated below where I address others of them.

31. FBI counsel is not reluctant to seek the benefit of prior FBI misrepresentations, deceptions and untruthfulnesses presented to other courts, which were influenced by them, in his efforts to deceive this Court into believing that I have made "ever-expanding" requests in this litigation in "piecemeal fashion." (Footnote 6, page 5) I have already refuted this false representation of "ever-expanding" requests and the FBI has not even pretended to present any contradictory evidence, which it cannot. FBI counsel follows by repeating an earlier untruth that also lacks any evidentiary support, that "This tactic by plaintiff has kept his complaints fluid and obscure and, in turn, virtually irresolvable." In pretended support of this "a similar litigation tactic" is attributed to me in my suit incorrectly described as "concerning the spectrographic analyses" only "in the FBI's Kennedy investigation." (Citation to No. 82-1072 (D.C. Cir. April 5, 1983).) All of this

is keyed to one of his contradictory versions of what is sought by discovery, in this representation - and neither is truthful - "attempting to get plaintiff to articulate all the bases for his complaints about the adequacy of the FBI's search."

32. "Search" is the key and the FBI record in searches is what this Opposition entirely misrepresents in prejudicial and unfair citation of No. 82-1072.

33. With regard to the FBI's so-called searches and their alleged "adequacy," the history of the cited litigation, which ended on April 5 of this year, 17 years after my first request, is that for all this time the FBI steadfastly refused to make what the appeals court said it could consider adequate searches. On this its decision is explicit. In order for the FBI to make searches the appeals court said it could consider adequate, I was forced to that court four earlier times, and each of those four times, although the FBI claimed it had made adequate searches, it had not, according to that court.

34. That I allegedly sought to expand my request in that litigation, which the appeals court did represent, reflects the success of the FBI's misrepresentations that characterize all my litigation involving it. The question relates to the withholding of tests made on the collar area of the President's shirt. The misrepresentation is that this is an expansion of my request. (There was additional pertinence in court-ordered discovery pertaining to the existence or nonexistence of the requested information, which that court described as of interest to the nation as well as to me in one of the remands.)

35. Attached as Exhibit 11 to the affidavit I executed June 6 of this year is a copy of the Department's DJ-118 form that I filed May 16, 1970. It was amplified in my accompanying letter of the same date. The request could not be more specific in "including garments and parts of vehicle and curbstone said to have been struck by bullet and/or fragments..."

36. Although FBI counsel pretends that my affidavits and the unrefuted evidence in them do not exist, he does refer to this affidavit in the Opposition (in footnote 3). It therefore appears that in making this false representation he did have knowledge of the language of my request and its specific reference to "garments." (The FBI has yet to claim that a shirt is not a garment.)

37. FBI counsel's other untruthful representation of the alleged purpose in discovery, made when the hearing he requested seemed near, was a different untruth because, with a hearing possible, he did not dare face testimony on whether I had "articulated" what is referred to as my "complaints about the adequacy of the FBI's search." The truth is that I had, extensively, and had been ignored. So it then was represented instead that the FBI required me to do its work for it, draw together for it all that I had filed and it had ignored.

38. I have never admitted that the FBI made searches to comply with my requests and it has not, as I attested, without refutation. I went further and quoted the FBI's own affiant, SA John Phillips, who is its supervisor in this litigation and who actually swore that when Dallas received my request instead of searching it sent my request to FBIHQ where, without search and without search there being possible, SA Thomas H. Bresson decided what it would disclose in attempted substitution for searches to comply with my request. My prior and unrefuted attestations, repeated over and over again, also include that I was informed of this scheme to frustrate my requests by not complying with them by the FBI's then counsel, on the day Judge Oberdorfer recused himself, and I then informed the FBI that this would not and could not comply with my requests. This is basic, unrefuted, and it is anything but what FBI counsel represents. When I do no more than ask that my requests be searched and complied with and he knows the FBI has not done either, he represents this as my alleged "ever-expanding piecemeal fashion" of

keeping "complaints fluid and obscure and, in turn, virtually irresolvable."

39. It is because the FBI and its counsel persist in their knowing and deliberate misrepresentation of my requests that they misrepresent and are untruthful in their misrepresentation of my presenting proofs of failure to search and comply with my requests and describe it as "expansion" of those requests.

40. Although the records provided under discovery are incomplete, they nonetheless prove that the FBI did not and did not intend to comply with my requests in Dallas , where almost three years later there were inadequate searches in incomplete compliance with the directives of the appeals office, as set forth in detail and is unrefuted in my prior affidavits.

41. When I requested copies of all original records of all searches made in this litigation, FBI counsel objected on the ground that I had already been provided with this information. When I proved that this could not be true and referred to those search slips as "phony," the untruth was reiterated under oath, without any effort to refute the evidence I provided. It was ignored. That evidence was not subject to refutation because, among other things, <sup>New Orleans</sup> search slips were dated almost a year before I filed my requests.

42. SA Clifford H. Anderson is the New Orleans office FOIPA expert and case supervisor. Apparent reasons for his failure to attempt to refute me also include the existing records he created which prove my attestations. They had been provided in the incomplete discovery.

43. Under date of August 30, 1978, he forwarded and inventoried to FBIHQ's FOIPA branch the records he claimed completely complied with my requests (File 89-69-4713). That this was represented as total compliance is indicated by "RUC" added to the caption. "RUC" in FBI abbreviations means "referred upon completion." But what he told FBIHQ was so vague and inadequate that FBIHQ had to ask for what

Anderson described as "clarification" in his airtel of December 5, 1978. I cannot refer to the file identification of this discovery record because the copy provided is not a record copy and lacks such identification and means of retrieval by the indices or from the central files of record copies. This appears to be a tickler copy. I believe, based on prior experience, that the withholding of the record copy is intended to withhold additional information on it.

44. Anderson's alleged "Clarification" includes what he states was searched: "the following names or subjects were searched through the comprehensive indices of the New Orleans Field Office." He then lists: "Assassination of President JOHN F. KENNEDY; LEE HARVEY OSWALD; JACK RUBY; Warren Commission; JIM GARRISON; CLAY SHAW; DAVID FERRIE."

45. This listing clearly establishes that the searches sworn to as for this litigation are not, which is what I attested without contradiction.

46. Even then, as I attested in my earlier use of this record in an affidavit, Anderson made clear that there had been no search to comply with my actual request because he states that each record located on this so-called search was "reviewed to determine if it related to the assassination of President KENNEDY." My request is specific in stating that it is not so limited and it also includes all records on or about the Garrison investigation and the persons and organizations who figure in it.

47. Anderson and FBIHQ both knew he was untruthful in his "clarification" because his own inventory (Serial 4713, quoted above) includes records not included in his "clarification" (which nonetheless appears to have satisfied FBIHQ FOIPA). These are: "62-3914 SAM COLLIER, Miscellaneous Information Concerning; 62-4448 Senstudy; 80-608 JAMES C. GARRISON, Etc.; 100-16926 MARINA NIKOLAEVNA OSWALD, nee PRUSAKOVA IS - R; 100-17279 MARGUERITE CLAVORIE (sic) OSWALD IS-R; 100-17809 JIM GARRISON, SM-C; 175-0-15 (obliterated) Threat Against the President."



48. Bearing on intent not to search and comply, intent not to do as directed by the Department with regard to "critics" and the accuracy of the information I provided in appeals and in affidavits in this litigation - if not also intent to knowingly and deliberately swear falsely with regard to "critics" - is the fact that this Garrison "subversive" file 100-17808 is exactly the file I correctly identified by this number as having information pertaining to "critics." Anderson did send this file to FOIPA at FBIHQ as relevant and it still did not provide the information. Instead, it went through a typical Phillips song and dance about having no such records, sworn to, as usual, and all the time they were right in Phillips' own FOIPA office where they had been sent for processing and disclosure.

49. Bearing on the ulterior and improper real purpose of the FBI's discovery demand is the absolute certainty that the correct file number I provided is all that is needed for any search. This would be true if the file had not already been searched and located. But in this instance it had already been sent to and actually was at FBIHQ FOIPA when it provided Phillips' false swearing.

50. All the records listed in paragraph 47 above are not included in what FBIHQ provided to me when it processed what Anderson shipped. Because his omission of them coincides with this FBIHQ first withholding of what Anderson had deemed responsive, it appears that the "clarification" actually was intended to provide a cover for FBIHQ, which could thereafter cite his December 5, 1978, letter to represent that it had processed all he provided.

51. It is without doubt that Anderson knew that his "clarification" was not truthful and accurate and that FBIHQ FOIPA also knew this. Bearing on intended untruthfulness is the fact that instead of writing Anderson the FOIPA branch phoned him six days before his December 5 written response. A phone call does not generate a retrievable written record.

52. In forwarding the records, Anderson drew a distinction between "the search slips" and what he referred to as the "workpapers." He also made an offer, which was not accepted by FBIHQ, to prepare and execute an "affidavit regarding the procedure utilized." What he referred to as the "workpapers" may be the original records of searches, but those provided and sworn to as genuine and complete cannot be. (More on this incompleteness appears below.)

53. The FBI knew that it was untruthful in its January 19, 1983, response to my Request for the Production of Documents when, in response to the first, which requests "Copies of the originals of all search slips in this case" (emphasis added) it objected "on the ground that plaintiff has already been provided with" all of them. The Response is not attested to by anyone in the FBI. It is signed by FBI counsel. They then proceeded to prove their dishonesty in simultaneously providing a nonrecord FBIHQ copy, not a New Orleans copy, of the February 3, 1981, directive bearing the initials of FBI SA Willis A. Newton, who is assigned to this litigation. It begins, "1. Conduct a new search on all subjects which were previously searched." This directive also includes: "4. Conduct a search for 'any official or unofficial administrative files which pertain to the Kennedy case' and if any are located, send to Headquarters" and "5. Conduct a search for 'files on "critics" or "criticism" of the FBI's assassination investigation' and, if any are located, send to Headquarters." (Emphasis added)

54. His 5, as I have attested without even attempted refutation, is the FOIPA Branch's knowing and deliberate revision of the directive of the appeals office, revised so that the withheld records would continue to be withheld because the FBI knows it does not file and cannot retrieve topically, as I also attested without refutation.

55. No search slips or any other search records of any kind pertaining to

these 1981 searches are provided in this litigation, despite the above-quoted representation by FBI counsels that they were and despite the repeated sworn statements by the FBI that I was provided with "all" such records.

56. In his February 11, 1981, response a nonrecord copy of which was provided on discovery, Anderson represents the alleged search in compliance with this FOIPA directive not to be for what he listed in his August 30, 1978, inventory, which he was told to do, or his December 5, 1978, "clarification" of it. It is not even identical with the unoriginal phony search slips provided.

57. Searches require searching and slips and/or other records reflecting it. None are provided relating to these ordered searches.

58. That Anderson did not intend a real search or even honesty is reflected in his covering letter. It states that there are no "official or unofficial administrative files which pertain to the Kennedy case" when at the very least there are FOIPA files, including at least two pertaining to me. Without reasonable doubt there are also such records pertaining to other requesters. He also changed FBIHQ's punctuation to change the meaning in stating that there are no "'files on critics or criticism of the FBI's assassination investigation.'" In New Orleans there are such records pertaining to me and with regard to others I provided the correct file identification, as stated above.

59. Although Anderson uses quotation marks to represent that he followed FBIHQ's orders exactly, he did not do that. Instead of reporting the impossible topical search under "critics" and "criticism," which is what FBIHQ's communication directed, he went further. He reports - and did not make - a search under the names of the "critics" and their organizations. This is precisely what omitting the quotation marks means and precisely the misuse to which FBIHQ could put his untruthful report - if Quinlan Shea had not been eased out as director appeals, as he was.

60. Because in this affidavit I address the departures from fact and truth by FBI counsel, I emphasize that this response was signed by counsels and that these counsels, with their response, provided redundant proof of their and FBI untruthfulness, including repeated FBI untruthfulness under oath after I had stated what is and what is redundantly proven to be true and is not contradicted by any evidence the FBI has provided.

61. With regard to Anderson, I intend to be unequivocal. His statement, with quotation marks removed, that there are no New Orleans records pertaining to the "critics" is false and the case record proves it to be false, as do my appeals, and Anderson had to know it is false if only because he personally sent such a file to FBIHQ, as I show above.

62. Although the Opposition represents that what I stated in opposing discovery is refuted, in fact the FBI has not produced any evidence at all pertaining to discovery or to my attestations. There are claims made by FBI counsel the true character of which is reflected in this and other affidavits I provided. That I have already provided all the information requested in my affidavits and appeals is not addressed, leave alone disputed in any way. It also is not disputed that, as I attested, based on my prior experience and admittedly expert knowledge I have every reason to believe that the discovery demand was not necessary, was intended for other and improper purposes, and any information provided would, from the FBI's record relating to my affidavits and appeals, again be ignored.

63. One of the many matters I have attested to, without contradiction or dispute of any kind, is the FBI's determination not to comply with my requests and the Act. Illustrative of this is one of a number of separate FOIA requests I made and it ignored and ignores. This one pertains to a man who figures in all official JFK assassination investigations, the FBI's, the Commission's, Garrison's and the

Secret Service's. It thus also is included in this litigation. His name is Ronnie Caire. I referred to him in an earlier affidavit to illustrate that, even after the Department promised the Senate that this old request and two dozen other requests the FBI had ignored would be responded to, the FBI never intended to respond and to this day has not.

64. Caire had a New Orleans advertising and public relations agency. Oswald applied to him for a job. Given what the FBI knew about Caire, this should have excited some interest. Instead of getting at all interested, even after the FBI was supposed to investigate all Oswald's job-seeking in New Orleans, it did not investigate this very unusual Oswald application and it did not even interview Caire.

65. My counsel reported to me that FBI counsel told him emphatically that no Caire records would be searched for or provided in this litigation in which, without possibility of question, they are pertinent to both parts of my requests and of both offices. Because this illustrates the spuriousness of the discovery ploy, the nature of the information I have already provided, the FBI's determination not to comply under any circumstances and not to make the required searches more than five years after they were required to have been made, when my counsel informed me of what FBI counsel told him I checked my Caire appeals file. (As I have attested, I have about two file drawers of such documented and detailed appeals.) My Caire appeals reflect the detailed and documented information I provided that was and remains ignored and FBI counsel himself now insists will continue to remain ignored.

66. Among other things, it turns out - and the FBI knew - that New Orleans records pertaining to Caire are included in the very 105-1456 file I correctly identified as holding pertinent Ferrie information that still has not been provided and without doubt this Caire information is indexed in New Orleans. This information

was provided to me by FBIHQ FOIPA branch and exists also in New Orleans, which also has the underlying records not searched for and now specifically refused to be searched for. If the government required any additional reasons for continuing to withhold this underlying information, such reasons appear in what follows.

67. I filed more than one appeal. All were and remain ignored.

68. The FBI, which did find pertinent information, cashed my check and provided no information. I regard and have referred to this and other such instances as defrauding me. In one appeal I referred to it as being gyped.

69. This is not all that can be embarrassing to the FBI. While I have not been given any reason for FBI counsel's obdurate refusal to provide any Caire information, one of the details in and FBI records attached to one of my appeals makes it apparent that this refusal to provide what is clearly pertinent does serve the purpose of protecting sworn-to untruthfulness pertaining to the New Orleans 105-1456 file and its pertinence in this litigation.

70. I emphasize also that the Department assured the Senate in 1977 that my old FBI requests would be complied with and that the Caire request represented on the DJ-118 form I filed September 26, 1970, with the required payment in advance, is one of those old FBI requests. Because this FBI xerox of the original that I filed is not clear, I quote that it requests "all information about and FBI records of interviews with" Caire. (Emphasis added) I provided information pertaining to him which associates him with Oswald, assassination investigation figures and the CIA, as becomes clear below.

71. Before I received the copy of this Opposition, having been informed by my counsel of FBI counsel's expressed determination that there be no compliance in this litigation with regard to Caire, I examined my Caire appeals file and copied and sent some of it to my counsel. Because all of it is not necessary to this

affidavit, I attach hereto as Exhibit 6 my short appeal of January 15, 1979 (which was well in advance of those "new" searches New Orleans was ordered to make in 1981) and as Exhibit 7 my longer, detailed and documented appeal of June 14, 1979. Both were and remain ignored.

72. Exhibit 6 reflects the fact that the New Orleans main assassination file establishes the fact that Caire figured in that investigation and thus is clearly within my requests in this litigation on that basis alone.

73. It refers to my 1970 DJ-118 Caire request, the cashing of the check for which I received nothing, and to the Department's testimony before the Senate that my old requests would be complied with. It also refers to evidence of the existence of a New Orleans subject-matter index for which no search has been attested to in this litigation. (The scrawled notes on the bottom are mine and are not included on the copy of the appeal I filed.)

74. When I received no response despite this promise to the Senate, I filed a long, detailed and documented appeal, Exhibit 7. While the subject headings may make it appear that some are not pertinent, they are. This is because the FBI withheld field office records as "previously processed" at FBIHQ and thus those FBIHQ records are pertinent in this litigation. Because I am a "critic" and also am included in records pertaining to both the FBI's and Garrison's investigations, all records on or pertaining to me are relevant in this litigation. While as a practical matter the FBI's withholding as "previously processed" made it necessary for me to include FBIHQ and field office records in such appeals, in this instance the caption is specific in referring to "New Orleans and Dallas Field Offices."

75. When I filed this appeal only the text of it had page numbers. I have added continuing page numbers to the copies of FBI records I attached to it to identify them. I also have added letters in the margin to identify portions of

the appeal in the order in which I cite them.

76. At "A" I state that the FBI correctly understood my requests to include "all information about Ronnie Caire."

77. "B" refers to the existence of Caire records at FBIHQ. Among the importances of this information is the fact that, if field office copies were destroyed, the information provided to FBIHQ could be provided in replacement of it.

78. "C" establishes the existence of Caire records in Dallas.

79. "D" reflects the FBI's knowledge that Caire also figured in the Garrison investigation and thus is pertinent to that part of my New Orleans request.

80. "E" reflects the existence of New Orleans Caire records and the fact that they were not provided to me in this litigation.

81. "F" refers to another of my old and still ignored requests that also is pertinent in this litigation, the identification of an Oswald associate through what the FBI had, his fingerprints.

82. "G" addresses the usual FBI dodge, also used in this litigation, of fabricating its own formulation of my request to avoid compliance. Although FBIHQ correctly understood my request to include "all" Caire information, here it draws a phony distinction, that he had "no direct connection with the assassination." My request pertains to the investigations, and Caire is within the investigations. (I did not suggest that he had even an indirect connection with the assassination.)

83. "H" refers to the existence of pertinent records outside the main assassination files.

84. "I" states correctly that I provided additional information pertaining to this DJ-118 FOIA request (page 13) in a covering letter (page 12).

85. "J" reflects FBI determination not to comply with my requests, in this instance with both my personal records request and records pertaining to "critics."



Here I identified pertinent files by their correct numbers only to have those records obdurately withheld, without even a claim to exemption to withhold them.

86. "K" establishes that the FBI correctly understood my request pertaining to the New Orleans Oswald associate the identification of whom the FBI withholds: "He asks for information as to whose fingerprint this was..."

87. "L" is still another illustration of the FBI tricks to avoid compliance with my requests. The FBI told the DAG not that it found pertinent information on Caire, as it did, but instead that there is "no information that Caire was interviewed by the FBI concerning the assassination...", which is only one part of this request.

88. "M" refers to the identification of a pertinent New Orleans record not provided.

89. "N," although the FBI pretended not to understand what I meant in stating that Oswald had "masked" Caire's address in his addressbook, and Dallas recommended that I be asked, which I was not, I provided this information at "O." (Oswald's entry led him to the side door of the office building in which Caire was located rather than its front and main door.)

90. "P" establishes that nothing I have stated in this litigation pertaining to the withheld motion pictures in any way expands on my requests. (They were first made on January 1, 1969.)

91. "Q" has the FBI denying me the New Orleans information requested because it "is contained in files compiled for law enforcement purposes." In all aspects this is a false basis. There is no blanket exemption for all files compiled for law enforcement purposes. Only what falls within an exemption can be withheld. Moreover, this was not a file compiled for any law enforcement purpose ("R"), as the FBI's disclosed records and Director Hoover in sworn

testimony both state. The information remains withheld.

92. "S" reflects the FBI's intent to withhold the requested information even though it correctly understood my request to include it.

93. "T" cites the FBI's interpretation of FOIA referred to in earlier affidavits, without contradiction, that if it does not like me the Act does not apply to it: "In view of Weisberg's character he should not be given the information he requests and there is legal ground for our position." (Also on page 18)

94. "U" refers to Caire's registration as a foreign agent, about which more follows below.

95. "W" reflects that Caire's foreign-agent registration was on behalf of a CIA anti-Castro front whose address Oswald used on his New Orleans literature, and to the FBI's refusal to provide the Warren Commission with copies of Oswald's literature bearing this address.

96. When the FBI simply refused to provide the Commission with Oswald's literature using this 544 Camp Street address, the Commission asked the Secret Service, which did provide it. (See also Paragraph 102 below pertaining to the printing of Oswald's literature.) The Commission's records also reflect the fact that the FBI did not inform it of much that it knew, including that Oswald sought employment with a registered foreign agent or that his organization was a CIA front. By this quoted spurious interpretation of FOIA the FBI withheld the same information from me and from disclosure. The FBI SA who made this interpretation of FOIA to withhold this information from me, T. N. Goble, just happens to be the same man who sat on the intelligence/political desk at FBIHQ and handled this kind of informati!n that went to - and did not go to - President Johnson's Commission. It also just happens that he was assigned to FOIA work at FBIHQ until, in 1977, I absolutely refused to accept any record he processed when he was assigned to my

C.A. 75-1996. He then was removed from FOIA work.

97. In the FBI's report to the Deputy Attorney General about its New Orleans search it acknowledges the connection between Caire and Sergio Arcacha Smith and Caire's foreign-agent registration (page 16). But it withholds most of the pertinent information and it reports nothing about the provocative inter-relationships. Moreover, the FBI did not report all the available information. Between this nonreporting and its failure to draw together all the information it did not withhold, it succeeded in at least underinforming everybody. For example, it did not report, here or elsewhere, what I learned from public sources in New Orleans, that when Caire and Arcacha Smith formed an organization to solicit money, ostensibly for anti-Castro work, they used as a return address this same small building in which the CIA front had offices, arranged for by former FBI SAC Guy Banister, one of its incorporators, in whose office and for whom Ferrie worked, the building Oswald also used as a return address on his literature, when neither Caire nor Arcacha nor their organization had offices in that building. It did not report any CIA connection at all.

98. All of this and more that is known makes it even more unusual that the only known Oswald New Orleans employment application the FBI did not investigate when it was supposed to investigate all of them is his effort to work for Caire in public relations and advertising and that even though it knew that Oswald was a dropout who had no command of either spelling or grammar.

99. There is consistency in the FBI's withholdings from me, under an assortment of spurious claims and continuing in this litigation, and its withholdings from the Presidential Commission. The records I used in my appeals were not provided to the Commission or in this litigation. I obtained them by other means.

100. In responding so incompletely to FBIHQ pertaining to the DAG's inquiry

after I filed my request, New Orleans departed from normal practice and did not identify the file number or numbers of the information it cited. However, one of the pertinent documents withheld from me in this litigation that was disclosed to another requester and which I attached to the addendum to my June 6, 1983, affidavit does identify one such file. It is the identical New Orleans 105-1456 file that, among other things, includes the still withheld and pertinent Ferrie information. The same FBI record reflects the fact that, rather than the single and allegedly destroyed copy of 105-1456 records to which Anderson attested, New Orleans had two copies in that file. It also reflects duplicate filing of the same document elsewhere, in this case with the identification of the file withheld without the posting of any claim to exemption. As my addendum states, this raises new questions about SA Anderson's truthfulness and intentions in his attestations in this litigation pertaining to that 105-1456 file and to his so-called searches.

101. That all of this was known to FBI counsel before he drafted his Opposition is reflected by the fact that in it he refers to my June 6, 1983, affidavit. But neither he nor anyone else, there or anywhere else or in any way makes any reference to this information and its pertinence in searching and compliance. Anderson and Phillips, both of whom swore falsely and deceptively about New Orleans file 105-1456, have not uttered a word.

102. There is consistency and pertinence in all of this. As I attested earlier, this 105-1456 file also includes David Ferrie and his political and social friends and associates of various descriptions, former FBI SAC Guy Banister, for whom Ferrie worked and whose office Ferrie used, and other persons and organizations that are included within my requests. The New Orleans FBI never bothered the Warren Commission or FBIHQ with the intelligence that Banister was in the very same small building that Oswald used as a return address, the building that housed the

CIA's anti-Castro front directly above Banister's office. Consistent with the FBI's refusal to provide Oswald's literature with the address of the CIA front used as Oswald's return address is its deliberate misrepresentations pertaining to the printing of Oswald's literature. When the New Orleans FBI learned that the Secret Service was independently investigating this Oswald printing, it got FBIHQ to pressure Secret Service Headquarters to order the New Orleans Secret Service to suspend its independent investigation. Thereafter, although the New Orleans FBI reported to FBIHQ that those at the Jones Printing Company who dealt with the person who had this printing done stated he was not Oswald, FBIHQ rewrote the New Orleans reports and turned them 180 degrees around, representing the exact opposite, that both witnesses who states it was not Oswald stated that it was Oswald. And thus FBIHQ deceived and misled the Commission, which used the FBIHQ fabrication in its Report instead of the truth in the field reports that FBIHQ rewrote. I published the Commission's, FBIHQ's and the field office versions in 1967.

103. I believe it is obvious that the foregoing paragraphs pertaining to Caire reflect that anyone who represents that under my obviously all-inclusive request, to which I attested without denial in any form, sworn or unsworn, and with FOIA requests going back to 1969 and 1970 and repeated appeals then and in 1979, I now am engaged in "ever-expanding piecemeal" complaints that are "fluid and obscure and in turn virtually irresolvable" either lies or does not know what he is talking about and should not make any representations of this character to this Court. This is particularly true when his objectives include dismissal of this litigation and can include my incarceration.

104. There is absolutely nothing that can by honest men be called new in this; nothing "fluid;" nothing "ever-expanding;" nothing "piecemeal;" nothing in anyway "obscure;" and nothing "virtually irresolvable" - except the FBI's

determination not to search and not to comply with my requests or the Act or its own regulations by any means convenient to it, including false representation and false swearing.

105. There is, in short, absolutely nothing in any way new, and this is true of all my affidavits and all my appeals. What the FBI, through its counsel, not in any evidence, has done is what they have done from the outset in this litigation, pretended that all the proofs I have provided of their refusal to search and refusal to comply represents expanding my requests, which they knowingly, deliberately and over my clearly and forcefully expressed and repeated objections corrupted and from the outset and continuing to now refused and still refuse to comply with.

106. By his request, I provided Quinlan Shea, the appeals director, with those appeals as I read the records. As a practical matter, there was no other way in which this could be done, given the volume of records and because, contrary to Mr. Shea's expressed desire and mine, that there be regular disclosure as processed of batches of records his staff could handle, the FBI accumulated and then dumped cartons of them at a time on me and on him and his staff. Because neither he nor his staff were subject experts, I provided detailed explanations. As this Caire appeal reflects, I went to considerable trouble and expense and took much time to provide him with many thousands of pages of attachments so he and his staff could be adequately informed. These appeals and their documentation, as I have stated without dispute, run to several full file drawers and that, for anyone, more for an aging and unwell man who had no regular income, represents a considerable expense and an enormous effort to be helpful to the government in an historical case of this significance.

107. This Caire appeal is typical in every way. Anyone who knows what he is talking about and says that it is fluid, irresolvable and those other things

represented in the Opposition, lies and knows he lies. So also does he lie if he says that there is anything incomprehensible to the FBI or the appeals office in such appeals and their documentation - that in almost all instances consisted of FBI records, for the most part only those not disclosed to me in this litigation in which they are pertinent. Unless the FBI raised new issues, my affidavits merely repeat what I had already filed in these appeals and thus also are in no sense new or any kind of an expansion on my requests.

108. That none of these representations in this Opposition is supported by any FBI evidence, whether made in the Opposition for the first time or repeated from the past, is simply because there neither is nor can be any such evidence. This is because all these allegations are simply untruthful. Any reading of this four-year-old - and still ignored - Caire appeal discloses that this permeating untruthfulness cannot be and is not accidental.

109. The Caire and many other such matters I have documented throughout this litigation and in my appeals also reflect why I was compelled to file all-inclusive requests: my simple requests for relatively few records were, uniformly and by direct order of higher FBI authority, ignored. On the few occasions the FBI felt that it had to provide explanations for its consistent and long-standing violations of the Act it invented them. These ranged from character assassination to revisions and misrepresentations of my requests to rewriting the Act itself to have it mean that all the FBI is required to disclose is what it wants to disclose and that it is totally exempt from any disclosure to persons it does not like.

110. Consistent with all of the foregoing and with the FBI's unexpressed indebtedness to George Orwell which, from my experience, becomes more obvious the closer we get to 1984, the Opposition refers to the FBI's discovery demands as of "limited nature and purpose." (This is the section to which quoted footnote 6

relates with all its false allegations of expanding requests in piecemeal fashion and to alleged fluidity and obscurity to achieve the virtually irresolvable.) When the FBI demands "each and every" pertinent document, Orwell at his most eloquent could not have improved upon the Opposition's characterization of this endlessness in searching some half-million pages in 60 cabinets of records as "limited in nature and purpose."

111. If, as there is not and cannot be, there were any FBI need to know anything that I know or have to make the searches it has not made - and it has not attested to any such need - that certainly does not require "each and every" document or bit of information to justify making a search, which is the relatively simple procedure of looking at index cards. If the FBI did not have wrongful, dishonest and oppressive purposes, it would have contented itself with asking for no more than reason to believe that it had the information - for which it has not yet searched after five years of litigation.

112. That anyone could represent that the information and documentation I provided in this Caire appeal and all the others as detailed and well documented is in any way inadequate for the making of a simple search is beyond belief. Actually, none of this is necessary for any searching. The FBI knows more about this than I do. It just has not searched to comply with my requests and refuses to.

113. This and all other such appeals and my many documented and unrefuted affidavits clearly establish that the FBI's discovery demands are not more than a deliberate hoax, a deliberate fraud, a deliberate additional stonewalling of this litigation that now is in its sixth year - without the initial searches yet having been made. I therefore repeat agasn what I have attested to over and over again and what is entirely ignored: that the FBI never intended to and never did make the searches it knew were required by my requests and that in this it knowingly



and deliberately violated its own regulations - the very regulations I invoked in my requests.

114. In daring to make so many false representations, sworn and unsworn, as I attested earlier, the FBI either expected an automatic rubber-stamp, which reflects upon this Court and its integrity, or expected immunity and the accomplishing of the wasting of more of what remains of my life and work. This is exactly its 1967 scheme, to "stop" me and my writing.

115. When the FBI has not made and attested to making the searches required to comply with my request of 1977 and this is 1983, its real objectives are obvious and at the least cannot include good-faith compliance.

116. Unlike the FBI, which provided no sworn evidence at all in support of its discovery demands, I provided my objections to its demands under oath and subject to the penalties of perjury. Consistent with its record throughout this litigation, it made no effort to refute me with any evidence at all. Also consistently, it entirely ignored everything I stated under oath, except for snide wisecracks and its unsworn untruths that I address herein. Thus what I have attested to is entirely unrefuted.

117. What I attested to and is not even addressed in any evidence provided by the FBI is that its discovery is not necessary, that it has not provided any evidence that discovery is necessary, that long before it made these discovery demands I provided all the information I could in my appeals and affidavits, that its demands are deliberately excessively burdensome, and that they place the agency's burden of proof on the FOIA requester. (The FBI has not addressed burden of proof in any way. It has not briefed the question to argue that it can transfer any part of its burden of proof or all of it. Whether or not in reflection of what it thinks about or expects of this Court, it has not even bothered to deny that it

seeks to transfer its burden of proof to me.) I believe it is significant that the FBI has not - has not even attempted to - provide any evidence of any kind in any attempt at refutation. I believe it also is significant that because it is entirely unable to refute my attestations, it resorts to what are now clearly established as untruthful and unsworn allegations by its counsel.

118. Despite not having refuted my evidence and not having presented any of his own relating to discovery, in the Opposition FBI counsel seeks sanctions against me based on his representation that his discovery demands are "limited." This is directly contrary to what I have sworn to, that his discovery demands are excessive, burdensome, may be impossible for me to comply with and could take the rest of my life, whether or not I could ever comply with them. The contradiction between his unsworn representation and mine is absolute. Either I am a perjurer or he addresses this Court untruthfully.

119. What he knows about my appeals I do not know. From what he has stated I recognize that this is immaterial because he has a record, as reflected herein, of stating anything at all that may at any time appear to be convenient, even to the point of contradicting himself on his alleged reasons for discovery.

120. However, what is in the case record he does know. All copies of all my affidavits filed in this litigation have been sent directly to him and he even represents familiarity with them in this Opposition (at page 2). He therefore knows that I swore - and he made no effort to refute - that compliance with his discovery may be impossible and any attempt to comply could take the rest of my life. Knowing this - and not refuting it or making any effort to - he nonetheless on his own authority tells this Court that his discovery demands are "limited," so limited that I could have complied with the relatively slight effort to which he refers (albeit with his characteristic inaccuracy) on page 2 of the Opposition,

which I address at the beginning of this affidavit.

121. If he knows it no other way, as because he is the FBI's counsel he should know, then from my affidavits alone he knows very well that I have provided two file drawers of appeals and all of them are included in his discovery demands. Yet knowing this - and not having made any effort at all to contradict it because it is the truth and he cannot contract it - on his own responsibility he tells this Court that his discovery is "limited." Even if nothing else is included in his discovery, as it is, and even if all he wants of me is extra xerox copies, two file drawers of even only xeroxing is hardly "limited" for anyone, least of all for an aging and unwell man whose only regular income is \$335 monthly Social Security.

122. On this basis, too, his representation that his discovery demand is "limited" is something he knew was untruthful when he uttered it.

123. It also does not require a law degree to know that when you demand "each and every" reason and "each and every" document you intend the exact opposite of what is in any way "limited."

124. He knows beyond doubt that he and I cannot both be truthful and he knew this when he described his discovery as "limited." I believe that if I swore falsely I am a perjurer, and I believe that as a Department of Justice lawyer he knows that perjury is a felony. It is a more serious offense than that for which he threatened to have me "thrown in jail" and thus a more effective sanction. He also is, I believe, an officer of the court, whether or not his departmental responsibilities, in his conception of them, require him to report felonies. He has not called any alleged perjury by me to the notice of this Court or any prosecutor, which means his employer. Yet at the same time he states the direct opposite of what I have sworn to this Court and he does this knowing what I have sworn to. Of course, he also knows that he has not presented any evidence to

contradict me and that he has not presented any evidence of his own. But because he states what he does, knowing it is in direct contradiction to what I have sworn to, he has fashioned a petard and hoist himself on it. He knows that if I am truthful, he is not. He also knows that if I am not truthful, he has the obligation of doing something about it. That he does not, particularly after making threats to have me thrown in jail and especially after asking for the sanctions that he is openly afraid to have go right to the appeals court, leaves it without reasonable doubt that, as the evidence shows clearly and redundantly, he knows he presented untruth to this Court.

125. He also knows that the case record holds all that I have sworn to and that he has presented no such evidence. What he confronts is the fact that, even if there were need for and justification of agency discovery from an FOIA plaintiff, in advance of the demand for discovery I had and he knew I had already complied with it to the degree possible. On the other hand, while still demanding discovery, he has not provided any attestation to need. At the same time, he has not provided:

- any attestation to searches to comply with my requests;
- any attestation to compliance with them;
- any refutation of my documented and detailed affidavits, which include allegations of false swearing and other departures from reality and factuality;
- any attestation that the FBI does not have the records I identified and it withholds;
- any attestation that what it admits having and withholds as "irrelevant" is not relevant, as it without a single exception is; or
- any briefing of the legal question I raised, that the Act is specific in requiring the agency to sustain its actions, which include not searching in response to my requests;
- not complying with its own FOIA regulations;
- not responding to my appeals and affidavits, which include the very information claimed to be sought under discovery;
- not searching for the records I identified as pertinent; and
- not justifying its withholdings (although the FBI insisted several years ago that it would do this rather than have me dismiss this litigation without prejudice to the rights of others).

126. After actually stating that all my many appeals and all my affidavits

5A. The FBI  
es not deny:

and all their extensive documentation do not permit the FBI to have "a meaningful opportunity to address" my "allegations about the adequacy of" the FBI's search, meaning, in truth the searches it has not made and has not attested to making, the Opposition mixes, in a single paragraph, the admission that this discovery is unprecedented (but claims that does not mean anything and in some magical way not indicated that it is so unprecedented does not mean "that the order (for it) creates substantial grounds for difference of opinion"); the misrepresentation that this discovery is "limited"; and it refers to the "procedural history of this case," about which it says nothing. It footnotes the meaningless statement about no procedural history given to the appeals court's No. 82-1072, for all the world as though it has any relevance to the alleged procedural history in this litigation. (As I state above, the Opposition misrepresents that decision 180 degrees in what it states about FBI searches, the supposed issue here. The actual "procedural history" cited in citing No. 82-1072 is the FBI's steadfast refusal to search until after I had been to the appeals court four times, until after the fourth remand.) It next argues that I be allowed to appeal only when there is nothing to appeal - only after the litigation is over and I have provided the discovery the order for which could only then be appealed. Seeking a decision on this admittedly unprecedented move by the FBI is referred to as a "smokescreen." There is no explanation of how asking higher authority to determine a precedent is a "smoke-screen." This is not at all surprising because no rational explanation is possible.

127. The Opposition here also claims that "the FBI does not understand how an interlocutory appeal of the April 13 discovery order" would "materially advance the ultimate termination of the litigation." (Pages 5-6, emphasis in Opposition) I have spent almost two decades in an intensive study of the FBI and its record

and failures when the President was killed and it supposedly investigated the crime. As I have attested, without any contradiction and with the FBI's own records reflecting this attached, it never investigated the crime and it never intended to. In all of this work, in all of my examination of hundreds of thousands of pages of FBI records, I have never found it so lacking in what the Opposition refers to as "understanding." The most obvious way in which an appeals court decision could "materially advance the ultimate termination of the litigation" is by telling the FBI to stop trying to rewrite FOIA; to stop playing these kinds of unseemly games with an Act designed to let the people know what their government does - and does not - do; and to make the searches that it was required to make more than five years ago - under a ten-day law - and it has not made or attested to making.

128. Without this claim of FBI stupidity the Opposition could not demand dismissal with prejudice, thus there is this proclamation of FBI stupidity - to justify the end of FOIA litigation in its sixth year without the initial searches being made and without any justification of so many withholdings.

129. How when seventeen years after enactment of FOIA no agency ever demanded discovery and how when the issue is raised for the first time and could be precedent there is no "substantial grounds for difference of opinion" about it is not explained. The obvious reason is that this, too, cannot be explained.

130. This Opposition also argues, still without any citation, that the extent of the discovery (about which the FBI has been only untruthful) is the controlling factor. The principle is of no significance. If the discovery is, as deliberately misrepresented, "limited," then discovery is, it is represented, appropriate. How there is a difference in principle between degrees of discovery under one and the same principle is not indicated. However, there is no question at all about the existence of "substantial grounds for a difference of opinion"

because the FBI represents that its discovery is "limited" and I have attested, repeatedly without refutation, that it is the very opposite of limited. These FBI representations, with all honor and credit due its special agent who stated that FOIA does not apply to those the FBI does not like, is Gobledegook.

131. On the basic question of searches, this is what the case record reflects:

I have attested that the FBI has not made the searches required to comply with my requests;  
It has not refuted me and it has not attested to having complied with my requests;  
It has not claimed any justification for not searching and complying with my requests;  
I have attested that it violated its own FOIA regulations and it has not even bothered to make pro forma denial;  
I have attested that it unilaterally and improperly substituted for my requests records of its own preference, over my immediate and repeated objections;  
It not only did not deny this improper substitution - it admitted it under oath;  
I have identified pertinent record after pertinent record not searched for and improperly withheld, have provided proper file identifications, and the FBI has not searched for them or claimed any exemption for them;  
Even when search was compelled and the pertinent record was found, as happened with withheld David Ferrie information, and even after the FBI found the information, it still withholds it and has made no claim to exemption.

132. Rectifying these and other failures and shortcomings requires no discovery from me, but it is uncontested that to the degree I could I provided all the information I have pertaining to all these and related matters.

133. If the FBI had any genuine interest in avoiding any appeal and if it had any genuine interest in advancing "the ultimate termination of this litigation" (its words on page 6), it would attempt to meet its burden of proof instead of trying to unload it on me and it would, if it really believed it had, attest to making proper searches to comply with my requests. If it had ever had any genuine interest in terminating this litigation, it would not have ignored my many appeals

and affidavits and the extraordinary amount of information I provided voluntarily, more than two file drawers of it in all.

134. It is obvious that making the belated searches, at the very least for the information I identified, would have been much less costly than all this litigating, which inevitably is perpetuated by what the FBI is doing and by what it refuses to do. With each item of information I have provided, the FBI need do no more than have a clerk check its indices, a simple, rapid and inexpensive procedure. When it does not do this and demands that I provide discovery, which it has not attested to needing; and when it has from the outset and for all the many years of this litigation refused to search for the information the existence of which I proved by attaching the FBI's own records, as with Ferrie and herein with Caire, bad faith is blatant and discovery is a subterfuge for stonewalling. Searches are required for properly requested information, but they are not yet made and attested to. Searches are not made for the undeniably pertinent information I correctly identified, and without reasonable doubt this reflects the FBI's determination not to make proper searches, not to comply; and to prolong this litigation and make it more expensive for all parties by whatever means it expects to get away with.

135. With regard to sanctions, the FBI claims that no appeal is proper and no appeal should be possible until there is nothing to appeal; and that a precedent is not a precedent, is of no consequence and thus also is not appropriate for appeal. With regard to the substance of the discovery, the FBI has not even bothered to make unsworn denial and has entirely ignored in its arguing the undisputed and entirely undisputable fact that to the degree it is possible and prior to any demand for discovery I had already provided all the information and documentation of which I know. Having received this extraordinary amount of information, more than two file drawers of it in all, and not having denied receipt of it, which is



impossible, the FBI actually claims a license to ignore all this information, as it did contemporaneously as I provided it, and the license to demand that now, in the sixth year of this litigation, I duplicate all over again what it has and still ignores.

DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION  
TO DEFENDANT'S DISMISSAL MOTION

136. After I completed the draft of this affidavit, I received from my counsel a copy of the Defendant's Reply to Plaintiff's Opposition to Defendant's Dismissal Motion (the Reply). Both submissions were delayed in reaching me and thus I was delayed in being able to communicate with my counsel and address them because FBI counsel ended the existing and efficient arrangement of sending a copy directly to me. I had always offered to pay the costs and specifically, with this counsel, my counsel renewed the offer and he refused. These two submissions total only 16 pages of xeroxing. While there can be variation in the cost of xeroxing, I do have knowledge of the cost of government xeroxing as of the time this lawsuit was filed. The high-volume machines that collate copies automatically were rented at a basic minimum cost that was paid whether or not the minimum number of copies was made. Thus, some copies might cost nothing at all. The basic cost of such machines was a half-cent a copy. What FBI counsel "saved" the government by refusing to send copies to me may be less than a dime and it cannot be more than an insignificant sum. However, by this "saving," he again was able to cause unnecessary delays and create a situation he could misrepresent, as he does regularly, to attribute deliberate and unnecessary delays - the very delays to which he has always contributed - to my counsel and me.

137. From the preceding paragraphs of this affidavit and from some of my earlier affidavits it is not unfair to state that characteristically he begins this

Reply on his own authority with a large, knowing and deliberate untruth: That "plaintiff ... opposes defendant's motion (to dismiss) on the ground that dismissal is too harsh a sanction." (Second sentence, first paragraph, first page) There are no ifs or buts, no qualifications of any kind, only his direct, unequivocal and utterly false statement that this is the sole basis for my opposition to his motion to dismiss.

138. With regard to the Opposition on my counsel filed on June 6, 1983, as well as to my affidavits which are cited in it, FBI counsel's representation is not true and it is simply not possible that he did not know it was untrue when he put it on paper and filed it with this Court.

139. As a matter of fact my Opposition questions "if any sanction is appropriate" (page 2); alleges the FBI "pursues vendettas against its critics," including me, has "ordered" that my "requests not be answered" and stated that it must "stop" me and my writing (pages 2-3); has not complied with my requests "made as long ago as 1969" (page 3); "in this litigation ... the FBI has yet to conduct a search responsive to the actual requests" (page 3); has not followed "normal FBI procedures in processing requests" (page 3); "in this case the FBI sought to substitute its version of his requests for the actual requests" (page 3); "in the case of the Dallas Field Office, no search is even claimed to have been made until October 15, 1980, nearly three years after the request was made and long after the FBI claimed to have complied with it" (page 3).

140. My Opposition refers to "the FBI's resistance to releasing its records of its investigations into the assassination of President Kennedy" as another reason (page 3), with this extending even to Congressional committees (page 3).

141. On page 4 my Opposition states that "Dismissal is also inappropriate for other reasons," including unjustified withholdings of existing records as

irrelevant and failure to justify withholdings and excisions (pages 4-5).

142. With reference to what without dispute I had already provided, my Opposition states "This volume of evidence is considerable and already provides defendants with all the information they need to know to be able to rebut, if they can, plaintiff's contentions." This is followed by examples (pages 5-6). Using the defendant's first interrogatory as an example, my Opposition cites what I have already provided and states, without refutation, "The FBI has all the information it needs from plaintiff on this issue." (page 6)

143. In direct refutation of the FBI's pretense that its discovery is "limited," my Opposition quotes its first interrogatory, which is typical, as demanding "each and every fact" and "each and every document and/or other source," not merely indication of the existence of the information not yet even searched for.

144. My Opposition also states - and this remains undenied - that "it would be impossible for plaintiff to comply with the demands of this interrogatory." (page 6) I have also attested, and my Opposition here states, without denial, that this is true of all the discovery.

145. The reason the defendant's Reply grossly and deliberately misrepresents my Opposition is that it cannot refute any of this. All of it is in the case record and no effort has been made to refute any of it. It is just entirely ignored by the FBI and its counsel. He could not tell the truth if he had to face what throughout this litigation he has not been able to face, the true facts as partly reflected above. Instead of facing the evidence he cannot refute, he represents untruthfully that my Opposition's only "ground" is "that dismissal is too harsh a sanction."

146. The Reply pretends to address one of the statements in my Opposition

as what it calls a "diatribe that the FBI has a vendetta against him." It states of this that "other than his own unsubstantiated statements, plaintiff has not produced one shred of credible evidence which establishes that the FBI attempted to harass or retaliate against him in any way." It states also that I have not "produced any evidence to substantiate the other numerous charges that he levels against the FBI." This is, in all particulars, diametrically opposed to the truth. In affidavits and in appeals I provided documentation of all of this from FBI records. In the one instance in which I did not produce the evidence, in affidavits earlier in this litigation in the form of the FBI's own records and the Department's testimony to the Senate committee that the FBI's conduct with me is entirely unexcusable, I did provide citations in this litigation; but I had already given the FBI its own documentation of all these things in other litigation, and when I later found some of the pertinent records in the FBI's disclosed records relating to me, I attached them to my next affidavit.

147. As I state above and without dispute have attested earlier, the fact that the FBI and its counsel elect to ignore my affidavits (and ignored appeals) that they cannot rebut does not mean that the unrefuted evidence I have produced is not in the case record, as it is.

148. If the FBI and its counsel had not intended to be untruthful, they would have consulted their own records of the litigation I cited (in which counsel's officemate represented the FBI) in which I provided this, my appeals or the FBI's own copies of the records disclosed to me, which are immediately available to the FOIPA branch without duplication of the original search, as well as what I did provide in this litigation.

149. With regard to the old 25 requests the FBI ignored and continued to ignore after the Department promised compliance to the Senate, if in fact they were

not still ignored, the FOIPA branch could have attached its covering letters. They remain ignored, the FBI intends for them to remain ignored, regardless of the assurances of the Department to the Senate, and because they remain ignored it and its counsel are reduced to invective, attempted character assassination and straight-out and deliberate untruth.

150. That I provided complete documentation is illustrated by the Caire appeal attached to this affidavit. It is one of those old requests still ignored after the Department assured the Senate those requests would be complied with. I also provided the FBI with a list of these ignored requests, as I did the appeals office. More complete untruthfulness than the defendant's Reply musters on this is not easy to imagine.

151. With regard to my statement that on two different occasions the FBI decided that it had to "stop" me and my writing (which it could disprove easily if search proved I had been untruthful and it made no attempt to disprove this), I later found and attached the first of these FBI records about "stopping" me and my writing.

152. With regard to its trying to ruin me and my books by intruding into my public appearances, I have found in the FBI's personal records on me two illustrations of this and I attached those FBI records to my next affidavit. (These also were the subject of a separate appeal years ago.)

153. With regard to its so-called legal interpretation, that it has a legislated license to ignore the FOIA if it does not like a requester, I had already provided it, in 1979. It also is included in the attached Caire exhibit.

154. None of this was considered in the decision quoted on page 4 as having subjected it to "judicial scrutiny." Moreover, these FBI records speak loudly, clearly and unequivocally for themselves. It did what it did, its own

records prove it, and it cannot lie its way out with irrelevancies.

155. In short, if the FBI and its counsel had set out to address this Court as completely untruthfully as within their not inconsiderable experience they could, I cannot conceive of their having come closer to complete untruthfulness. This in itself represents the extent to which the FBI (and its counsel) will go in their attempts to defame me, prejudice the Court, and persist in what they all over again establish is a vendetta.

156. One would never know from this Reply that I have attested to the factual questions involved, that my attestations are not addressed by any evidence provided by the FBI, and that these affidavits are cited and quoted in my Opposition. It is the false pretense of defendant's Reply that this evidence does not exist and was not cited in my Opposition that does cite it.

157. My Opposition also states what is basic pertaining to the question of searches and whether or not the FBI needs discovery to be able to search. It states, and the statement is entirely ignored in this Reply, that the FBI has not yet made and has not yet attested to making the searches required by my requests. Until the FBI does this, assuming that there are any circumstances under which it requires and is entitled to discovery - and I repeat again that it has not so attested - it does not and cannot require discovery until it has made these searches.

DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO ITS  
MOTION FOR A STAY OF PLAINTIFF'S DISCOVERY

158. If the FBI and its counsel had set out to prove my allegations relating to their permeating untruthfulness, deceptiveness and evasiveness, their distortions and misrepresentations and that they will resort to any trick or device, no matter how it reflects on governmental integrity, to prolong this case, refuse and frustrate compliance, waste as much as possible as remains of my life and work and in all of

this waste much time and money for all parties, including the courts, they would have been hard put to exceed the degree to which they do this in this Reply.

159. I address these matters as they appear in this Reply except for the matter of the threat to me,

160. While I have no personal knowledge of what transpired when defendant's counsel phoned my counsel on May 12, 1983, I do know what my counsel promptly told me at that time, and I do know that this Court has accepted attestations from SA Phillips who attested regularly to what other persons told him when those with first-person knowledge were available and were not called upon by the FBI or its counsel to provide their first-person knowledge.

161. Mr. Lesar told me that he phoned me promptly because the threat was made during a pretext call in which defendant's counsel persisted even though Mr. Lesar told him that he was pressed for time in preparing for trial. Defendant's counsel's resort to subterfuge, his persistence when Mr. Lesar wanted to terminate the conversation and his threat impressed Mr. Lesar, he said.

162. His pretext that Mr. Lesar reported to me is not mentioned by defendant's counsel who does not, in fact, provide any reason for his calling Mr. Lesar. Why he should - for any reason other than making this threat - is neither apparent nor even suggested. His pretext was to tell Mr. Lesar to tell me where to send the discovery costs check defendant's counsel knows very well I am not going to send. Were this not true, he still knows he did not have to tell me anything at all, directly or indirectly. From the extensive personal experience of which he knows, I am quite confident that if I sent defendant's counsel a check made out to the Department of Justice or the FBI, there would be no trouble routing or cashing it. In fact, the Department and FBI have a long and clear record of cashing my checks - even after shredding them and reassembling them crudely with scotch tape. (I

provided the FBI with a copy in earlier litigation.) They have cashed a number of my prepayment checks for FBI records without any problem, without ever asking me to make any changes in them and often just defrauded me out of those sums by not responding at all, as the case record already reflects. If defendant's counsel knows anything at all about the case record, as he should and reflects, then he knows that I have been giving the Department and the FBI such checks for more than a decade. If not also defendant's counsel, the FBI certainly knows that for some months I gave checks to it weekly, without instructions and without any problem. There was absolutely no reason at all for defendant's counsel to have anything at all to say to me about the check he pretended to expect or even to think he did and there was absolutely no reason at all for him to expect a check. It is clear beyond question in the case record and he knows very well that I am not going to be party to his rewriting FOIA by participating in this discovery strategem.

163. Based on my extensive experience with the FBI and a number of its counsel, I believe that Mr. Lesar would have been foolish and negligent if he were not concerned by so transparent and childish a pretext call the only possible purpose of which was to make this threat.

164. I do not know what else defendant's counsel can do except deny that he made any threat. He can hardly admit it.

165. It cannot be believed that defendant's counsel thinks that my counsel is not aware of the seriousness of sanctions, particularly contempt (or that I am) or that he had to inform my counsel, or that my counsel had not amply and emphatically informed me or that any counsel would not have. It cannot be believed that defendant's counsel thinks that my counsel and I were not fully aware of the path he was taking in demanding discovery and where it could lead and what it meant. There was absolutely no reason at all for him to initiate any conversation along



any such lines. The case record is clear on my position.

166. What Mr. Lesar told me about what defendant's counsel said in the sanctions part of his call is not as is represented in this Reply. It consisted of emphasis on the seriousness of contempt (of which Mr. Lesar did not need to be told), without any other sanction or possible sanction being mentioned. (I was not aware that any other sanction is possible and from the first I have presumed that defendant's counsel was aiming at contempt.) When Mr. Lesar phoned me after this pretext call, he did not tell me that any other sanction was mentioned by defendant's counsel, only contempt. All I asked Mr. Lesar about this is whether I would be entitled to bail because my health makes even temporary jailing a considerable danger for me. He told me that usually this is the case and that usually a motion has to be made first.

167. Defendant's counsel's account is so vague and evasive it did not even include the fact that he made the call, not Mr. Lesar. He refers only to a "conversation," which could have been in person or on Mr. Lesar's initiative. Missing also is any suggestion of any reason for defendant's counsel to phone Mr. Lesar, and if he had any reason other than to make a threat he could deny, he certainly could state it and ought not withhold it in making a denial. He makes passing mention of the Caire matter here (addressed further below), but he would not have called Mr. Lesar about that and he does not say he did. He not only does not explain why he had any occasion to phone Mr. Lesar, his own account suggests he could have had no purpose other than making this threat without witnesses. I can think of no other purpose.

168. Defendant's counsel does not give an honest, straightforward account of his own prior submission in his footnote 2. However, even if it were completely fair and completely true, as it is not, it is not relevant to the purpose for

which he appended it, to indicate that not only did he not make the threat but that no purpose would have been served by it. This footnote reads, "As noted in defendant's memorandum in support of its dismissal motion (see footnote 1 of that memorandum), the FBI decided to seek only dismissal as a sanction ..." (emphasis added) However, the date of this short (six pages) memorandum is six days after his threat failed and my counsel let him know that I am not afraid of a contempt citation. So, his footnote is entirely self-serving, and because it is of later date and is not relevant to whether, as of the time of the threat, he could have no motive or purpose in making the threat. If there is relevance, then it is that once he learned that his threat failed, he had to make good on it or shift his ground. If he made good on it he knew very well that this unprecedented move in an FOIA lawsuit would go up on appeal right at the time Congress is considering amending the Act. There is no reason of which I know for the Congress to believe him and/or the FBI when they represent that the Congress did not place the burden of proof on the government or that the Congress did place the burden of proof on the plaintiff. Bearing on this is his refusal to brief the question, which he has not done. Bearing on his and/or the FBI's awareness of the fact that this could be politically unwise at the time of his call, today and for the immediate future, is his and/or the FBI's fear of an immediate appeal, witness his and the FBI's strong opposition to my taking this appeal. If for a moment they believed discovery against a plaintiff is appropriate and visualized in FOIA and that the appeals court would agree, they have every interest in rushing an appeal and getting that kind of a decision. Thus, charging me with contempt can be seen as contrary to the FBI's interest and that he would threaten it without daring to do it. His making such a threat during a pretext call six days before he filed his motion let him know that if he asked for a contempt citation he and the FBI were on the way to the

appeals court on the question of discovery and with it the question of their truthfulness. It also gave them six days to take a different course, which is precisely what they did.

169. However, that, the FBI "decided to seek only dismissal" (emphasis added), which he here represents, is not what his own cited Memorandum states. It does not state that the FBI will not seek a contempt citation and in fact reserves the right to seek any sanction. It states first that "defendant does not seek a contempt citation against him," meaning as of then and not referring to any future time. It then states, "Nor does defendant presently seek any other sanctions ...". This says nothing at all about the future and is not at all the same as representing an irrevocable FBI decision "to seek only dismissal as a sanction." If he had meant that forever there would not be any consideration of any other sanction, no purpose was served by including "presently" with regard to seeking any sanction. To state that as of May 18, 1983, the FBI "does not" seek a contempt citation certainly does not state that the FBI had decided that it never would.

170. FBI counsel denies that he scoffed at my health problems. On this he provides credible proof of what is true. He took my counsel's statement pertaining to my health problems and inserted a word my counsel did not use, "alleged." He proves he did not "scoff at Weisberg's health problems" making it read "nor did he 'scoff at Weisberg's (alleged) health problems.'"

171. I took the threat and the possibility (if not probability) of a contempt citation seriously and began immediately to make preparations to defend myself. In the course of this I examined records I otherwise would never have thought of looking at and found some of the useful FBI records I then attached to my affidavits.

172. Defendant's counsel also denies that in his call he refused absolutely

to provide any compliance with regard to Ronnie Caire. What he says about this is "that the FBI had problems ... and would have to interpose objections ..." and nothing else at all. He does not indicate the nature of any of these alleged "problems." The reason is, obvious: there is no legitimate problem at all. This is apparent on reading the copies of the two Caire appeals that were attached hereto before defendant's counsel filed this Reply. In fact, before I began or had any reason to believe that I would be preparing this affidavit, I sent Mr. Lesar these appeals along with an explanation of their significance and Caire's. There was no reason at all for me to have searched for, sent him and explained only those two Caire appeals from two file drawers of appeals, given all the many existing compliance questions in this litigation, unless defendant's counsel had stated exactly what my Opposition represents he did. Also, there is nothing in defendant's counsel's representation that makes the FBI's attitude toward the Caire matter any different than its attitude on any other compliance matter. It stonewalls them all but has not stated any other absolute refusal.

173. Bearing on defendant's counsel's honesty and integrity and the dependability of his word to this Court is what he represents Mr. Lesar stated about this in my June 6, 1983, Opposition: "At no time did (defendant's) counsel indicate that if the defendant's objections were overruled by the Court the FBI would refuse to answer the objected to interrogatories, including those on Mr. Caire."

174. There is a footnote at this point that has no visible relationship with this statement, is the usual propaganda and defamations, contains untruths and misrepresentations, and I address it separately below. (See paragraphs 178ff.)

175. Although it takes time, checking defendant's counsel's quotations, references and citations is one of the surest ways of never digging a dry well.

He is absolutely safe in denying that he said that "if defendant's objections were overruled by the Court the FBI would refuse to answer the objected to interrogatories, including those on Mr. Caire." This is because my Opposition neither says nor even suggests anything at all like this. It states only, and quite simply and straightforwardly (at the top of page 2), that "defendant's counsel stated that the FBI is not going to provide plaintiff with any information on Ronnie Caire." There is no relationship at all (save for Caire's name) between what defendant's counsel says my Opposition states and what it actually states.

176. Meanwhile, he does not deny that he did say that "the FBI is not going to provide plaintiff with any information on Ronnie Caire," which is what my Opposition does say that he did say. And it has not, 13 years after it accepted my request and cashed my check and more than five years after I filed this litigation in which it is without question pertinent and when no exemption has been claimed for it.

177. This kind of misrepresentation simply cannot be accidental.

178. In his footnote to the Caire matter that makes no mention of Caire and is not related to the Caire matter in any way, defendant's counsel represents that the FBI was "responsive" in its answers to Interrogatories Nos. 32 and 33. Once again the FBI and its counsel ignore the affidavits I provided and they did not refute or even dispute. What I stated thus is entirely undisputed.

179. On May 28, 1983, I executed an affidavit addressing the answers of both field offices. On June 6 my counsel filed copies with the Court and sent one to defendant's counsel personally. A few of the uncontested statements I made in it are:

that the FBI's so-called "responsive" answers are evasive, are nonresponsive and are keyed to the FBI's misrepresentation of and refusal to search in compliance with my actual request (with details not quoted here);

"The second and third paragraphs of these Answers are based on the FBI's misrepresentation that my request is limited to what the FBI chooses to regard as its "Kennedy assassination files." (again with full details following in my affidavit); that the FBI's supposedly complete and genuine search slips hold no reference to any ELSUR searches and that no ELSUR search slips were provided at any later time. (ELSUR or electronic surveillance is the subject of the interrogatory); that "In its claimed ELSUR searches the FBI represents that the only persons involved in the investigation of the assassination are the two Oswalds, Jack Ruby ... the FBI's case agent, James P. Hosty, Jr., and George DeMohrenschildt; and the only organization involved in the assassination investigation was the President's Commission. It knows better." (The Hosty search slip was entirely blank);

"Who did the alleged ELSUR searchings is not stated and there is no attestation from anyone who claims to have requested or made the searches. Instead, there are the entirely meaningless attestations by FBIHQ SAs Willis A. Newton and John N. Phillips (who neither have nor claim any knowledge and who did not and could not have made the Dallas searches) that 'the answers are true and correct' and the additional attestation of the Dallas SA who states that the alleged ELSUR searches were made under his 'direction.' (I can claim that I 'directed' the Metropolitan Opera because I waved my arms to its music.);"

and I noted the existence of known and acknowledged ELSURs not accounted for by the FBI in any any in this litigation.

180. With regard to the New Orleans answers, I pointed out that they

"are sworn to by the same FBIHQ SAs who neither claim nor have personal knowledge;"

that there still are no New Orleans ELSUR search slips provided;

"As I have stated earlier, it is false to represent that there are no ELSUR records pertaining to any of the persons he lists ... because there are wiretap and bugging records on and about Jim Garrison, whether or not on me... This has already been disclosed officially. A large volume of transcripts were released in connection with the Department's effort to convict Garrison of a crime (he was acquitted) and it was also disclosed to me in another case in which SA Phillips is supervisor;"

I next stated that the New Orleans SA, Clifford Anderson, who signed the Answers was also the case agent in the litigation in which those records were disclosed to me and thus should have known that his attestation was false:

"Anderson is careful not to include my name among those he claims to have searched... Thus he admits that he did not have any ELSUR search made to determine whether or not I appear in any ELSUR records."

I next state that in neither Dallas nor New Orleans was any search made regarding me, although I am the subject of Interrogatory '33:

"My prior affidavits are quite explicit in stating that I used Jim Garrison's phones that were tapped, that he phoned me using those phones, and that I also used other phones that were used"

in this anti-Garrison operation.

181. This is only part of many pages of entirely undisputed description of what defendant's counsel, while taking his customary prejudicial and less than honest cracks at me, unashamedly refers to as "responsive answers" and he holds up as models of responsiveness.

182. That defendant's counsel has knowledge of what I stated in my quoted May 28 affidavit does not rest on the presumption that he is familiar with the case record. It is one of the six affidavits that he claims prove I am a rejuvenated youth in perfect health, referred to at the beginning of this affidavit.

183. He states (top of unnumbered page 3) that "there is no truth to plaintiff's rather confusing claim that the defendant has not previously 'asserted that the plaintiff had not provided documents and facts to support his claims, (but rather) simply sought to require him to produce a definitive list or compilation of those he relies upon to challenge the adequacy of the search.'" What "his claim~~s~~ ~~are~~ is not stated. It is not indicated. It is not even suggested. The previous reference is to the threat against me and clearly "this claim" cannot relate to that.

184. Whatever this may (or may not) be, it is followed by "As the defendant has demonstrated before,<sup>3/</sup> the procedural history of these cases establish (sic)

that the defendant has attempted repeatedly to get plaintiff to articulate all the factual bases for all his complaints ..."

185. I am familiar with the FBI's attestations in this litigation and I believe I have proven they often are not truthful and have other major flaws and that the FBI has never once refuted me and on only a few occasions has even made unsuccessful efforts. So I got interested in seeing just exactly how this or anything else that depends on FBI evidence was "demonstrated." The footnote cites "Defendant's Opposition to Plaintiff's Motion for a Protective Order." Once again, no page given.

186. Still again, checking out defendant's counsel is rewarding. The first thing I discovered, on the very first page of his own cited Opposition, is that as of not later than the date of its filing, January 19, 1983, defendant's counsel was well aware of other of my objections to his discovery than he (after that date) represented to the Court, as I had attested. On its first page he refers to three of the others. One of these that he and the FBI since then have ignored is that "there is no need for the FBI to seek discovery from plaintiff on the search issue." (If this is not true, I do not understand why, instead of all its horsing around, the FBI has not filed a rebuttal affidavit attesting that it does need discovery and what information it needs to make the searches it has not made.)

187. This checking also discloses defendant's counsel's affection for words like "demonstrate." He uses it over and over again where he cannot and does not cite any evidence because it does not exist. What he refers to in his footnote 3 is almost word for word identical with his language to which his footnote is attached. It is not proof and is not factual: "as will be demonstrated below, the history of these cases demonstrates that the defendant has consistently endeavored to get the plaintiff to articulate precisely the bases for his complaints



about the adequacy of the FBI's search so that it could resolve his complaints."

188. In passing I note that one of my "complaints," repeated over and over again, is that the FBI had never searched to comply with my actual requests. I believe that it is required to do this. It also has never attested to searching to comply with my actual requests. I believe it now is required to do this, too. I believe also that this is a very basic "complaint" in FOIA litigation. It certainly has been "articulated" often enough, under oath and subject to the penalties of perjury. So I cannot but wonder, simple an affidavit as it would require, why the FBI just has not answered that one "complaint" properly - after all, it does allege that I am denying it the right to defend itself - by providing two simple attestations, one from Dallas and one from New Orleans. Each could state exactly the same thing, that the person attesting read, understood and by means of the searches described complied with the requests I filed, repeating the language of my requests of each office and stating that all pertinent records located were processed for disclosure. Why defendant's counsel, expert on the law that he is, has not thought of this kind of simple solution and saved himself much work I also do not see.

189. From his self-quotation we have defendant's counsel stating as far back as January exactly, almost word for word, what he now states, that I just keep on refusing to "articulate" all my "complaints." This, he says, is what on January 19th he "demonstrated." Unfortunately, free as he sometimes is with footnotes and their content, he was stingy here on January 19 and has none. So he does not state here or tell me how to look where before, earlier, he "demonstrated" that from the beginning in this litigation he has failed in this alleged effort. This means two things: a) he tried to get me to and b) I refused to "articulate." All without citations to the case record.

190. However, later there is a caption, "Procedural History of These Consolidated Cases." It goes on for several pages about my appeals and, not surprisingly, it states the exact opposite of not having been able to get me to "articulate." It states that on June 16, 1980, "the former Director of OPIA, Quinlan J. Shea, informed plaintiff's counsel that his office had completed the preliminary work with respect to the administrative appeals and solicited input from plaintiff concerning the scope of these appeals. Having obtained such input from Mr. Weisberg," the Department made its decision. (emphasis added) And I have been contesting that "decision," which ignores almost all my appeals, ever since.

191. Here defendant's counsel himself gives the lie to his oft-repeated pretext that the FBI has not been able to get me to articulate my complaints. The FBI and its counsel just do not like them and do not want to face them. He knows very well that I did exactly what he keeps telling this Court I did not do. The defendant did get, his word, "such input" from me. And so there can be no question about what the "input" refers to, the words preceding it are, "solicited input from plaintiff concerning the scope of the appeals."

192. Reflecting the FBI's intent to persist in misrepresenting and not searching or complying with my actual requests is defendant's counsel's reference to the late George DeMohrenschildt as "tangential" to my request. He knows very well that this is not true, but he must insist that it is not to expose his own client. My requests are specific in stating that they include "all records on or pertaining to persons and organizations who figured in the investigation into President Kennedy's murder..."

193. George DeMohrenschildt was such a person as the FBI knows very well. Indubitably he "figured" in the investigation, quite extensively, and my request is for "all records on or pertaining to" him and other such persons. It simply is not

possible for any DeMohrenschildt record to be "tangential" to this request. An exemption might be claimed for some, but that has nothing to do with pertinence.

194. On the same point, the Oswald case agent, James P. Hosty, Jr., the one pertaining to whom the "exhaustive" FBI search is still represented by a completely blank search slip, also is allegedly tangential. This, no doubt, because he was an active part of the investigation by being a witness on several occasions, before the Warren Commission and the House assassinations committee, and in the FBI's own internal assassination investigations; no doubt because he is among those disciplined by the FBI over alleged failings; no doubt because he is in its files on the investigation extensively; no doubt because of his personal involvement in several scandals that seriously embarrassed the FBI when "leaked" to the press years later. (This includes his admitted personal destruction of an Oswald pre-assassination written threat to bomb the offices of the FBI, which thereafter insisted that it never told the Dallas police about him before the assassination because it had no reason to believe he had any tendency toward violence. Despite the FBI's knowledge of Oswald's threat, in advance of Hosty's 1964 Commission testimony, the FBI warned Hosty not to volunteer anything in his testimony before the Commission - from which the FBI had withheld all knowledge of this Oswald threat to do violence.)

195. Also allegedly "tangential" to my requests is another of defendant's counsel's misrepresentations here, under what he refers to as the "procedural history." It is that Gordon Novel is "an individual who plaintiff thought figured in the Bureau's investigation of the assassination." (emphasis added) (One of the Watergate exposures is that this Novel was to have erased President Nixon's tapes for Charles Colson by electronic bombardment of the White House.) This includes an additional misrepresentation by defendant's counsel, that my New Orleans request

is limited to the FBI's investigation. It also includes the Garrison investigation. Novel was one of the more sensational aspects of the Garrison investigation. He began working for it, in his account, and wound up being charged as a fugitive from it. During the time Garrison sought to have him extradited, the FBI obtained Garrison's military medical records from the federal records center - no other agency is known to have obtained them - and they were almost immediately leaked, to one of the FBI's favorite recipients of leaks, the Chicago Tribune, and to Novel's lawyer. Without doubt, Novel figured extensively in the Garrison investigation, the FBI knows this, and he is anything but "tangential."

196. Defendant's counsel offers no basis for his opinion that I merely "thought," by inference incorrectly, that Novel "figured in the Bureau's investigation." I do not think this - I know it, as the FBI also does. Novel figures quite extensively in the FBI's main assassination files, and not only in New Orleans. He also figures in it as the New Orleans FBI's symbol informer (PCI), a relationship it ended as soon as Novel told it he also was working for Garrison. Thereafter, however, while he was a fugitive, the FBI accepted many phone calls from him from all over the country. He is one fugitive it made no effort to apprehend and deliver to local authorities.

197. If the FBI did not pretend, knowing better, as it does, that Novel is "tangential," it would, in effect, admit misrepresenting my request. In Novel's case, this would also require disclosure of its 137 classification file on him and its informer-contact form reports. These as well as records reflecting who leaked those Garrison military medical records can be quite embarrassing to the FBI.

198. As I continued to examine defendant's counsel's January submission he cites in his footnote, looking for the cited evidence that is not there, I did notice that he departed from the FBI's tricky language and punctuation with regard

to the "critics" search directed by the Associate Attorney General. Whether involuntarily or carelessly, he told the truth the FBI skirted in its attestation, that as he stated the FBI was to "search under all topics" mentioned by the AAG. This is what I attested the FBI said it did, instead of what it was supposed to do, knowing very well, as the appeals office also knew, that the FBI does not file by topic and cannot retrieve by topic. (The AAG did not mention any "topics.") There is little doubt that I "articulated" this complaint repeatedly and under oath, including after defendant's counsel admitted that its search was by topic, which means no search at all. (That no search at all was made is indicated by the absence of any search slips related to "topics" when the FBI has attested to providing all the original records of all searches.)

199. Without ever "demonstrating" how I had not "articulated" my "complaints" and citing only instances in which I had, repeatedly, sometimes strongly, and even acknowledging all my "input" relating to searches, defendant's counsel's January 1983 account then skips to March 2, 1982, when the FBI proposed resolving this litigation, still without making the required initial searches, by "a sample 'Vaughn index.'" It is acknowledged that my Opposition included "that the defendant had failed to act on his administrative appeals which had questioned, inter alia, the adequacy of the FBI's search." It then is represented that a couple of specific illustrations provided by my counsel "failed to detail" my complaints. This does not mean that I had not already made them, as I had. (It even admitted that my counsel mentioned only "what he termed were 'examples.'")

200. In short, checking the source cited by defendant's counsel discloses many matters of other pertinence, including the fact that defendant and defendant's counsel correctly understood my requests to include persons who "figured in the Bureau's investigation of the assassination." However, what defendant's Reply

cites states the exact opposite of what the Reply claims it states. It does not "demonstrate" that I had not "articulated" my "complaints" but it does "demonstrate" that I did precisely that. It acknowledges all my "input" pertaining to searches. It admits, without so intending, that my requests were correctly understood to include all persons who figures in the investigations and then discloses that the FBI pretends those persons are "tangential" and that those searches were not made. It discloses, exactly as without refutation I had attested, that the FBI, if it made any search for the "critics" at all - and the evidence is contrary to its attestations - it made only a phony topical search, phony because it knows it does not file and cannot retrieve by topics. This cited source really "demonstrates" that it is the FBI that has not "articulated" anything at all in response to my "complaints," which it does establish that I did make and that the FBI and its counsel know I made.

201. There is particular significance in the above-quoted recognition by defendant's counsel of the fact that my requests include persons who "figured in the Bureau's investigation of the assassination." This significance is that the FBI neither made nor claims to have made any such search. Moreover, as it pertains to discovery, this is absolute proof that the FBI - and its counsel, whose words I quote - correctly understood that part of my request and that they require no discovery from me to make the search that the FBI and its counsel a) know it did not make and b) know is required to comply with my request.

202. The Reply continues with additional representation of what its own cited (in footnote 3) source proves the FBI and its counsel know is not true. Defendant's counsel states on his own authority (he cites no evidence and the FBI has not provided any such evidence) that "plaintiff, on the other hand, has repeatedly attempted to avoid such an articulation, preferring instead to reveal

his complaints and their alleged factual underpinnings in an ever-expanding piecemeal fashion."

203. What he refers to as the "alleged" factual underpinning of my appeals and affidavits (he made no reference to these affidavits in his January submission quoted above) is almost without exception the FBI's own records. I do not agree with his low opinion and deprecation of them.

204. Having acknowledged his understanding that my requests include all persons who figured in the investigations, he reveals that in stating that I either "expanded" on my requests or that I made them "piecemeal" he states what he knows is not true. It is not possible to expand on a request for "all." My requests are and he understands them to be all-inclusive.

205. My affidavits contain no new requests. They merely attest in refutation to the FBI's misrepresentations and untruths with regard to searches, my requests and the information I had already provided on appeal.

206. He here cites as a supposed "example" of my allegedly "ever-expanding" request, my counsel's reference to "JUNE" files. He alleges that I had not stated this earlier, that it was not until "when he was finally forced to" under Local Rule 1-9(h) that "plaintiff cited the FBI's alleged failure to include 'June' files within its search." This does not conform with the facts and with the case record.

207. "JUNE" is an internal FBI code word for surveillances. My appeals include many pertaining to surveillances and my affidavits refer to them. My use of the word "JUNE" in what he cites, an appeal, was merely to inform Mr. Shea that the FBI itself had used this designation on records not provided. "JUNE" records were filed separately. They can embarrass the FBI.

208. In supposed support of his claim that I expanded my requests in my

affidavits he quotes out of context what I stated merely to show that I had made the appeals earlier, my July 21, 1982, affidavit: "I note that in my March 4, 1979 (administrative) appeal (Exhibit 3), I called attention to 'the existence of an undisclosed Dallas "June" file and noncompliance with regard to those records.'" (As I stated in that affidavit, I had just come across that particular appeal and attached it merely as an illustration of the very fact he misrepresents, to show that my raising questions about nonsearches and noncompliances relating to surveillances is in no sense new.)

209. However he may try to contort and misrepresent, this is the exact opposite of "expanding" in 1983. It is without possibility of question that as of March 4, 1979, at the latest, and I believe I had also done this much earlier, my appeals reported "noncompliance with regard to those (surveillance) records." There is no expansion in this and it is not "piecemeal" in 1979 or in 1983's reference to the 1979 record.

210. He next quotes from my appeal to represent untruthfully that in it I admit continuous withholding of information from the FBI that it requires to be able to make any search. This is not true in either sense, that the FBI requires such information from me to make the searches or that I did not provide this information. My words he quoted are, "While I have additional identifying information I do not now (emphasis added) provide it for reasons stated in the enclosed appeal." He does not quote from the enclosed appeal, which I did file at the very same time. It can be retrieved readily from the government's chronological filing of them to ascertain the reason I provided separately - in the event Mr. Shea showed this appeal to the FBI. Instead, he says what is untrue, as he would have known if he had asked his client, the FBI, from which he provides no attestation, "The defendant has no idea what other 'appeal' plaintiff is



referencing here. Accordingly, it is impossible not only to respond to the reasons for plaintiff's non-disclosure of the so-called 'additional identifying information,' but also to the broader allegation that the FBI's search did not include all 'June' files." From beginning to end, this is his fabrication and that, I believe, is why he provided no FBI attestation.

211. I do not have to check to know my reasons. The FBI has a long history of noncompliance and stonewalling in my cases. It also has a history of, when compelled, disclosing only what I identify, not what it has that is pertinent. This matter also turned out exactly that way when I provided that information to Mr. Shea. The FBI withheld - and continues to withhold - all such information I did not identify to Mr. Shea. I hoped it would be required to ~~make~~ the search it still has not made and still has not attested to making, for all that surveillance information.

212. I believe it would be informative and helpful to the Court if, to justify his language about "the broader allegation that the FBI's search did not include all 'June' files," defendant's counsel were to provide what still has not been provided, search slips requesting and reporting any "JUNE" searches or surveillance searches of any kind, including but not limited to the FBI's ELSUR records. (There are ELSUR indices, and no search of them is claimed or attested to.)

213. When I filed that appeal in 1979, the FBI had already claimed full compliance - more than a year and a half before the Dallas office made its first searches, according to its attestedly complete search slips - and they include nothing at all about any ELSUR, "JUNE" or any other surveillance index search. October 15, 1980, is the earliest date on any Dallas search slip - in response to my 1977 request.

214. One of the many examples in this litigation of the FBI's deliberate withholding of what it knew is relevant is its claim to compliance without providing its main files on the so-called "star witness," Marina Oswald, wife of the accused assassin. Thus it actually pretended that she did not even "figure in" its investigation. Another convenient example, and it is still incomplete, is included in a Phillips attestation to what was ultimately provided. My recollection is that the number of files provided in his attestation is at least three times the number of those disclosed when compliance was first claimed.

215. With regard to Marina Oswald, the appeals office required the FBI to disclose its records on her. Pretending complete compliance, the FBI then provided a main file on her, its "subversive" file. However, I knew of the FBI's electronic surveillances on her because, although the FBI had made spurious claims to exemption to obliterate it from records it disclosed to me in this litigation, it in fact did disclose its electronic surveillances of her outside this litigation.

216. Bearing on my reluctance to let the FBI know exactly what I know is what it did in this litigation to hide the fact of its electronic surveillances on her, apparently without realizing it had already disclosed existence of these surveillances.

217. When the House assassinations committee was established, FBIHQ asked its field offices to provide an inventory of their holdings of main assassination files only. The Dallas response was extensively obliterated and fictitious claim to exemption was made to hide its inclusion of these electronic surveillance (or "June"-type) files on Marina Oswald. As FBI counsel should know, I have provided both versions, the excised and the unexcised, which are attached to my affidavits in which I also attested to what follows.

218. New Orleans still has not provided its inventory, which it elected

not to file in any of the main files to which its restricted compliance with my requests. It has such an inventory.

219. After I identified these files to Mr. Shea, he compelled their disclosure. It is that simple, the case record reflects it and defendant's counsel is aware of it, contrary to his histrionics and misrepresentations. This also is stated in my earlier - unrefuted - affidavits.

220. But bearing on the phoniness of the Dallas search and later "compliance" from it is the fact that on the Marina Oswald search slip the identification of the bugging file is obliterated, even after I knew it (66-1313A), as I have also attested in this litigation without contradiction. Withholding that, under fictitious claim to exemption - as I have also attested without refutation - clearly had as its real purpose hiding the fact that the FBI neither got nor requested permission to bug her, and bugging required criminal activity on its part, breaking and entering.

221. Also bearing on the FBI's intention not to comply is the fact that the one Marina Oswald record noted as destroyed on this search slip was not destroyed until after Dallas received my request. Other records noted as sent to FBIHQ as pertinent were not provided then. If they had been they would have established, for example, that George DeMohrenschildt is not "tangential" and the existence of the withheld "subversive" (105) file on him.

222. Meanwhile, pertaining to the FBI's failure to "articulate" in response to my appeals and affidavits, it continues to refuse to make any genuine ELSUR, "June" or electronic surveillance searches. The fact is that it remains totally silent, save for diatribes by counsel, after I provided such evidence as the published statement by Arthur Schlesinger (who had been in the Kennedy and Johnson White House and was close to Robert Kennedy) that Attorney General Kennedy

had authorized such surveillances, in the plural. I also noted that, as with bugging Marina Oswald, the FBI conducted unauthorized surveillances.

223. Contrary to the FBI counsel's unsupported representations - I emphasize the FBI has not sworn to anything about this and still has not provided any evidence in refutation - it is obvious that the FBI requires no discovery from me to make these and any other such searches. It still had not made them after I provided the Schlesinger and other unrefuted evidence of the existence of other electronic surveillance records, in both field offices.

224. On his part, FBI counsel elected not to use as an "example" my attestation to the existence of electronic surveillance records on Jim Garrison, disclosed to me in other litigation in which FBI SAs Phillips and Anderson are FBI supervisors and disclosed as part of an unsuccessful effort to put Jim Garrison in jail.

225. These and countless other similar matters support my attestation that the FBI requires no discovery from me to make these unmade searches. They reflect what I also attested to, without denial of any kind, that the FBI ignores and on the basis of its record would continue to ignore any information I might provide under discovery. The case record makes it clear that there is no end to FBI subterfuges, pretexts, evasions, stonewalling and false representations.

226. How Phillips could have missed my earlier disclosure of my knowledge of the electronic surveillance of Marina Oswald I do not know (if he did miss it) because before the withholding of these Dallas surveillance records I used some of those records as exhibits in another case in which he is the FBI's supervisor.

227. FBI counsel's completely unfactual and entirely misrepresentative and deceptive statements about "JUNE" matters concludes, "And this allegation about 'June' files is typical of Mr. Weisberg's other complaints about the FBI's search."

In ways other than he intended, for once he is correct. My unrefuted allegations and their attached documentation, not FBI counsel's misrepresentation of them, do establish that the FBI did not intend such searches, still has not made them and requires no discovery from me to make them now.

228. For all the world as though I had not provided all that "input" of which he personally informed this Court on January 19 of this year, for all the world as though I had not provided all those affidavits of which he complains without refuting them, FBI counsel appends this footnote to my quotation of him in the preceding paragraph:

"The lack of specificity underlying plaintiff's 'June' file (sic) allegation (sic), as well as his other allegations about the adequacy (sic) of the FBI's search (sic), belies Mr. Weisberg's newly devised claim (sic) that he has 'repetitively provided the defendant with both facts and documents precisely articulating (and documenting) his claims regarding the FBI's failure to conduct a proper search."

229. To FBI counsel's knowledge, there is not a single factually correct statement in this footnote, save for the fact that I do and from the outset have alleged "the FBI's failure to conduct a proper search." (Nor has he provided attestation to any.) In each and every instance, as the unrefuted case record reflects redundantly, the truth is the exact opposite of his representation. Bearing on his intent as well as his knowledge is his own January 19, 1983, statement that I had been asked and had provided exactly what he here and elsewhere claims I refuse to provide.

230. His complaint about my alleged lack of specificity is based on his own fabrication, as I show above, that I withheld the very Marina Oswald electronic surveillance information I provided. How he managed to fix upon the one instance in which the FBI complied, albeit not voluntarily but in response to the proof I provided Mr. Shea, I do not know, but he did. He has not complained that I have

been inaccurate in this. If he wants to add that to his complaints, because I was specific, he can use as another "example" the withheld information that I did provide, the number identification of the Dallas bugging file on Marine Oswald. I state it is 66-1313A, even though I know that the FBI's file classification 66 means "Administrative Matters" and neither breaking-and-entering nor bugging, which requires this, seems to be an "administrative matter." I was specific in this, although he represents I was not, and I have been, to the degree possible, in all those many matters he and the FBI entirely ignore when they do not misrepresent. If I am incorrect in this specificity (which he calls a lack of specificity), it is a simple matter for him and the FBI to provide the unexcised records and show it. If there was no Garrison surveillance disclosure to me in the case in which both Anderson and Phillips are supervisors, they can attest to that - and, of course, risk my producing what I state was provided. If there was no disclosure of extensive electronic surveillance of Garrison, attestation to that likewise is simple, but it, too, entails the same risk, that I will produce proof.

231. His fabrication that I lack specificity, which he refutes in his own citation of his own January submission, also is refuted by my many affidavits he has elected to ignore. If there is one thing that is beyond question about what he calls my "complaints," it is that they are specific - and documented. Knowing the truth but wanting to allege otherwise, he seized on a bad example and then, without any checking at all, on his own authority, was totally untruthful about it to this Court, as I show above.

232. With regard to my insertions of "(sic)" above, it is not true to state, as he does, that there is but a single "JUNE" file; it is not true that I made only a single "allegation" of this; it is not true that I have ever referred

to the FBI's (non)search as in any way "adequate;" and it is not true that any of this is "newly devised" or in any way new. All that is new is this particular version of his misrepresentations.

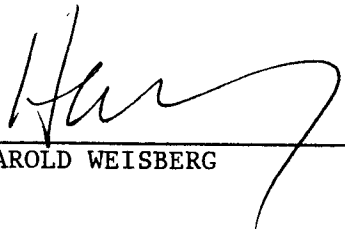
233. The Reply concludes by referring to my allegedly "conclusory claims," without citation of any one, and with as large an untruth as is possible when the question is of searches to comply with my requests in this litigation: "Notwithstanding Mr. Weisberg's conclusory claims, there is absolutely no evidence in these cases that indicates that a further search is warranted." This is followed immediately by what FBI counsel states on his own authority, without citation of any evidence (which is impossible because he knows he has not adduced it and that it does not and cannot exist), "Moreover, the defendant would be able to demonstrate beyond any question that its original search was adequate if only plaintiff would comply with the Court (sic) discovery orders."

234. The deliberate total dishonesty of these representations is more than merely established by my undisputed affidavits, some of which he referred to. Of the many illustrations, I select a basic one. I have attested - over and over again - that the FBI has never made any search to comply with my actual requests. It has not denied this. It has not even pretended to produce any evidence that it has made those searches or that I am in error. As I state above, it cannot because it has already sworn to this and given me its records which are explicit on it and neither can be refuted. So, it is as large and deliberate an untruth as possible to represent that on this one of many basic and entirely undenied points, "there is absolutely no evidence in these cases that indicates any further search is warranted." Because searches to respond to my requests have never been made and have never been attested to as having been made and because I have provided both sworn statements that are unrefuted and the FBI's own records that cannot

be refuted, there is an abundance of evidence - and it is the only evidence - that those searches have never been made. There is no other reason for the FBI not to make any effort to refute my attestations. Because these are the unrefuted facts in the case record, its only evidence on this point, it is obviously and deliberately false to represent either that these required searches have not been made only because I have not provided what is demanded on discovery or that if I provided anything at all - "if only plaintiff would comply with the Court (sic) discovery orders" - it is within human possibility that "the defendant would be able to demonstrate beyond any question that its original search was adequate."

235. Literally - and I emphasize on his own authority because he has not adduced any evidence pertaining to this at all - FBI counsel actually represents that he would prove the "adequacy" of a "search" neither made nor even claimed to have been made - in response to requests of 1977.

236. I have addressed each and every allegation in this Reply and to the best of my recollection all in the other submissions. I have done this at some length for a number of reasons, including to reflect their true character. I have extensive experience with the FBI's submissions in FOIA litigation and with its other records, coming from my study of almost two decades of an enormous number of its records and considerable experience in FOIA requests, appeals and litigation. In all this extensive experience, I do not recall as close an approximation of totality in untruthfulness as I document in the preceding paragraphs of this affidavit.

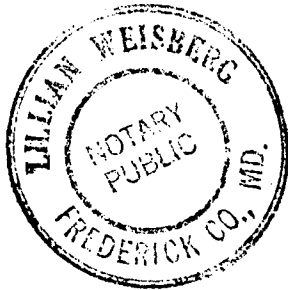
  
HAROLD WEISBERG



FREDERICK COUNTY, MARYLAND

Before me this 6th day of July 1983 Deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1986

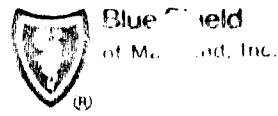


*Lillian Weisberg*  
NOTARY PUBLIC IN AND FOR  
FREDERICK COUNTY, MARYLAND

LIST OF EXHIBITS

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CA 78-0322/78-0420  
Cons.  
Ex. 1



MEMBER IDENTIFICATION NUMBER

277 26 7129 C

PATIENT'S NAME LAST: WEINBERG  
 FIRST: HAROLD  
 BIRTHDATE: 4-8-13  
 SEX: M  
 RELATIONSHIP TO CERTIFICATE HOLDER:  SELF  
 ADDRESS: R. R. 12, Frederick, MD 21701  
 CITY/STATE: Frederick, MD  
 ZIP CODE: 21701  
 CERTIFICATE HOLDER'S NAME: Harold Weinberg  
 CERTIFICATE HOLDER'S PLACE OF EMPLOYMENT:  
 SIGNATURE OF CERTIFICATE HOLDER OR SPOUSE:  
 PLAN A & H MEMBERS (SEE REVERSE SIDE FOR SERVICE BENEFITS)

10,700 East Joppa Road  
Baltimore, Maryland 21204

PHYSICIAN'S SERVICE REPORT

Place of Service:  In-Patient  Out-Patient  
 Home  Office  Other  
 Name of Institution: Georgetown Univ. Hosp.  
 Were the services described the result of an injury?  Yes  No If yes, Date \_\_\_\_\_  
 Did injury result from employment?  Yes  No  
 Chief Complaint or Diagnosis or Severity for Medical Emergency: Arterial Obstruction

Date Admit: 9-2-80  
 Date Dischar: 9-3-80  
 Date of Om:

SERVICES	PROCEDURES PERFORMED (Describe Completely)	Date of Service	Procedure Code	Physician's Usual Charge
<input type="checkbox"/> Surgery - 1	Hospital admission examination /w history & physical	9-2-80	9330	\$100.00
<input type="checkbox"/> Ass't Surg - 0	Left femoral arteriogram	9-2-80	2436	250.00
<input type="checkbox"/> Obstetrics - 1	Office consultation re: arterial obstruction & claudication	8-25-80	9130	75.00
<input type="checkbox"/> Consultation - 0	Arterial pulse volume recordings with doppler pressures (PLEASE SEE ATTACHED.)	8-25-80	I.C.	150.00
<input type="checkbox"/> Anesthesia - 4				
<input type="checkbox"/> Diagnostic X-ray - 5				
<input type="checkbox"/> Radiation Therapy - 5				
<input type="checkbox"/> Machine Tests - 8 (ECG, EEG, etc.)				
<input type="checkbox"/> Laboratory tests - 8				
*See Note				
<input type="checkbox"/> Other				

MEDICAL CARE - 6 PLEASE ITEMIZE DAYS OF CARE	1st Day \$ 1st Day Comprehensive History Physical \$ Intermediate Days @ \$ Routine/Brief Days @ \$ Prolonged/Extended Care Hours @ \$ Intensive Care (ICU, CCU, etc.) Hours @ \$	F R O M	T O				

\$575.00  
Total

Physician's Name, Address including Street, City, State, Zip Code  
 C. A. HUFNAGEL, M.D.  
 3800 RESERVOIR RD.  
 WASHINGTON, D. C. 20007  
 2 - 9544 SSN: 578-44-1430  
 (Out of state physicians MUST show Social Security or Employer's ID Number)

\*Note: For tests performed by a laboratory - list name, tests performed, charge to physician and reporting physician's handling or processing charge.  
 Pl. see attached Expl. of Medicare Benefits  
 Patient has paid Charges  Send additional forms

I certify that I personally rendered the services described above to this member  
 Physician's Signature: Charles A. Hufnagel, M.D.

YR	BEA	PLC	P/R	DOCTOR NO.	SSN	SERV. DATE	SER.	PROG.	EX. CL.	DAYS	REN.	CHRG \$	DISP. CODE	NO. DA	AMT. PAID \$
0				0544CA		/ /									
1						/ /									
2						/ /									

HISTORY NO. | MEM. FEE | HOLDERS 1ST NAME | DED. AMT. | GROUP NO. | CON/COV | CODE | PLAN | P/P | S/P

PATIENT NAME: LAST **Harold**  
 FIRST **WILLIAM**  
 MIDDLE  
 BIRTHDATE: SEX: RELATIONSHIP TO CERTIFICATE HOLDER  
 ADDRESS: 7677 Old Receiver Road, Frederick, MD 21701  
 CITY STATE: ZIP CODE  
 CERTIFICATE HOLDER'S PLACE OF EMPLOYMENT  
 SIGNATURE OF CERTIFICATE HOLDER OR SPOUSE: *[Signature]* 1-28-81  
 PLAN A & B MEMBERS (SEE REVERSE SIDE FOR SERVICE BENEFITS)

700 East Joppa Road  
 Baltimore, Maryland 21204

**PHYSICIAN'S SERVICE REPORT**

Place of Service:  In-Patient  Out-Patient  
 Home  Office  Other  
 Name of Institution  
 Were the services described the result of an injury?  Yes  No. If yes, Date  
 Did injury result from employment?  Yes  No  
 Chief Complaint or Diagnosis or Severity for Medical Emergency

Date Admitted: 9-15-80  
 Date Discharge: 9-30-81  
 Date of Onset

SERVICES	PROCEDURES PERFORMED (Describe Completely)	Date of Service	Procedure Code	Physician's Usual Charge
<input type="checkbox"/> Surgery	Hospital admission examination /w history & physical	9 15 80	9330	\$100.00
<input type="checkbox"/> Ass't Surg	Femoral popliteal bypass, left (PLEASE SEE ATTACHED OPERATIVE REPORT)	9 16 80		\$2,000.00
<input type="checkbox"/> Obstetrics				
<input type="checkbox"/> Consultation	Venous doppler (PL. SEE ATTACHED.)	9 23 80	I.C.	\$75.00
<input type="checkbox"/> Anesthesia				
<input type="checkbox"/> Diagnostic XRAY				
<input type="checkbox"/> Radiation Therapy				
<input type="checkbox"/> Machine Tests				
<input type="checkbox"/> Laboratory tests				
<input type="checkbox"/> Other				

MEDICAL CARE: 6  
 PLEASE ITEMIZE DAYS OF CARE

1st Day \$  
 1st Day Comprehensive History Physical \$  
 Intermediate Days @ \$  
 Routine Brief Days @ \$  
 Prolonged Extended Care Hours @ \$  
 Intensive Care (ICU, CCU, etc) Hours @ \$

F	R	O	M	T	O
---	---	---	---	---	---

Physician's Name, Address including Street, City, State, Zip Code  
 C. A. HUFNAGEL, M.D.  
 3800 RESERVOIR RD.  
 WASHINGTON, D. C. 20007  
 SSN: 578-44-1430  
 2 - 9544  
 (Not of this plan, you MUST show Social Security or Employer's ID Number)

\*Note: For tests performed by a laboratory - list name, tests performed, charge to physician and reporting physician's handling or processing charge.  
 Please see attached Explanation of Medicare Benefits  
 Patient has paid Charges  Send additional forms

Total: \$2,175.00

DO NOT WRITE BELOW THIS LINE FOR PLAN USE ONLY

YR	SEP	PL	P/A	DOCTOR NO.	IT	SERV. DATE	SER	PROC.	TY	CL	DAYS	SEN	CHRG \$	DISP	COR	DA	AMT.	AID	B
0				0544	CA	/ /													
1						/ /													
2						/ /													

HISTORY NO. MEM FEE HOLDERS (1st NAME) GED. AMT. GROUP NO. COR/COV CDR PLAN P/P OR



State of Maryland

PHYSICIAN'S SERVICE RECEIPT

CA 98.0322/78.0428  
0705 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204  
EX. 3 Phone: 494-5110

PART I IMPORTANT PLEASE COMPLETE IN FULL FOR PROMPT PROCESSING SEE REVERSE SIDE FOR SERVICE BENEFITS.

PATIENT NAME HAROLD WEISBERG

4-8-13

577-36-7290

PHYSICIAN NAME HAROLD WEISBERG

PATIENT'S BIRTHDATE

MEMBERSHIP OR IDENTIFICATION NUMBER

Preferred Medicare

MALE

FEMALE

PHYSICIAN ADDRESS 7627 OLD RECEIVER ROAD

GROUP OR ENROLLMENT CODE

CITY STATE FREDERICK MD

ZIP 21701

CERTIFICATE HOLDER'S PLACE OF EMPLOYMENT

SELF  SPOUSE  SON  DAUGHTER

RELATIONSHIP TO CERTIFICATE HOLDER

INCOME LIMIT (TO QUALIFY FOR SERVICE BENEFITS)

I am an individual subscriber under an "Individual" Subscription Agreement, in the Plan indicated below, and my gross income for the last 12 months was:

Plan A or Federal Low Option

Above

Below

\$3,000

Plan B

Above

Below

\$4,500

Plan C Reasonable And Customary Fee Federal High Option State No Income Limits

I am a Member under a "Husband and Wife", "Parent and Child", or "Family" Subscription Agreement, or a married Member under an "Individual" Subscription Agreement, in the Plan indicated below, and our gross family income for the last 12 months was:

Plan A or Federal Low Option

Above

Below

\$4,000

Plan B

Above

Below

\$7,000

Plan C Reasonable And Customary Fee Federal High Option State No Income Limits

I am  covered under another basic surgical, medical contract

Such other insurance is  carried at my or my spouse's place of employment

I CERTIFY THAT THESE STATEMENTS ARE TRUE

5-11-81

SIGNATURE OF CERTIFICATE HOLDER OR SPOUSE

PART II SERVICES RENDERED (REPORT ONLY THOSE SERVICES YOU PERSONALLY RENDERED)

PLACE  HOSPITAL  INPATIENT

OF Georgetown Univ. Hospital

SERVICE  NURSING HOME

OFFICE (3)

10-1-80

DATE ADMITTED

HOME (4)

10-16-80

DATE DISCHARGED

DIAGNOSIS Arterial obstruction

TYPE OF SERVICE BY REPORTING PHYSICIAN

- MEDICAL-0
- SURGICAL-0
- OBSTETRICAL-0
- ANESTHESIA-0
- GENERAL
- LOCAL INFILTRATION
- CONSULTATION-0
- SURG. ASS'T-0
- X-RAY-0
- RAD THERAPY-0
- BASAL METAB-0
- EKG-0
- EEG-0
- LABORATORY-0
- OTHER

Description of Services Use Back of Form To Report Items (1) and Services of Other Physicians on Case

Hospital admission exam. /w history & physical 10-1-80 \$100.00

Thrombectomy of aortofemoral bypass in anterior and posterior tibial arteries and shortening of prosthesis (PL. SEE ATTACHED OPERATIVE REPORT.) 10-3-80 \$2,000.00

Were the services described above provided as a result of an injury?  Yes/Date  No  
Did the condition or injury result from the patient's employment?  Yes  No

For test(s) performed by a laboratory - give name, test(s) performed, charge to physician and reporting physician's handling or processing charge

See attached Expl. of Medicare Benefits. Patient Has Paid Charges  Need Additional Forms

MY CHARGE FOR THIS SERVICE IS \$2,100.00

I certify that I personally rendered the services described above to this Member

Charles A. Huffnagel, M.D.

Physician's Name, Address and Hand Stamp Street, City, State, Zip Code

C. A. HUFFNAGEL, M.D.  
3800 RESERVOIR RD.  
WASHINGTON, D.C. 20007  
2 - 9544 SSN: 578-44-1430

Out-of-state physicians MUST show Social Security or Employer ID Number

FOR PLAN USE ONLY

GROUP

CONT. - GOV.

MEMB. NO.

BIRTHDATE

SEX

DO NOT WRITE BELOW THIS LINE

FOR PLAN USE ONLY

CH	SP	PL	PK	UNIT FOR NO.	FF	SERV. DATE	SEN	PROG.	CL	DAYS	SEN	CHRG \$	DISPLOS	CH DA	AMT. PAID \$
0															
1															
2															

RECEIPT NO.

SEN. PAY

HOLIDAY PAY NAME

DED. AMT.

GROUP NO.

CON/GOV

COE

PLAN

5/1/81

Phone: 494 5110  
CA 78-0322/78-0420  
CONS- EX 4

PLEASE PRINT AND COMPLETE IN FULL FOR PROMPT PROCESSING SEE REVERSE SIDE FOR SERVICE BENEFITS.

NAME OF SUBSCRIBER: HAROLD WEISBERG  
 MEMBER'S BIRTHDATE: 4-8-13  
 MEMBERSHIP OR IDENTIFICATION NUMBER: 577-36-7290  
 GROUP OR ENROLLMENT CODE: Preferred Medicare  
 SEX:  MALE  FEMALE  
 RECEIVER ROOM: S MD  
 ADDRESS: 21701  
 CERTIFICATE HOLDER'S PLACE OF EMPLOYMENT:  SELF  SPOUSE  SON  DAUGHTER  
 RELATIONSHIP TO CERTIFICATE HOLDER:  SELF  SPOUSE  SON  DAUGHTER

INCOME LIMIT (TO QUALIFY FOR SERVICE BENEFITS)

I am an unmarried Subscriber under an "Individual" Subscription Agreement, in the Plan indicated below, and my gross income for the last 12 months was:

Plan A or Federal Law Option	Plan B	Plan C Reasonable And Customary Fee Federal High Option No Income Limits
<input type="checkbox"/> Above \$3,000	<input type="checkbox"/> Above \$4,500	
<input type="checkbox"/> Below	<input type="checkbox"/> Below	

I am  covered under another basic surgical, medical contract

I am  covered under another basic surgical, medical contract

Such other insurance is  carried at my or my spouse's place of employment

I am a Member under a "Husband and Wife", "Parent and Child", or "Family" Subscription Agreement, or a married Member under an "Individual" Subscription Agreement, in the Plan indicated below, and our gross family income for the last 12 months was:

Plan A or Federal Law Option	Plan B	Plan C Reasonable And Customary Fee Federal High Option No Income Limits
<input type="checkbox"/> Above \$4,000	<input type="checkbox"/> Above \$7,000	
<input type="checkbox"/> Below	<input type="checkbox"/> Below	

I certify that these statements are true

SIGNATURE OF CERTIFICATE HOLDER OR SPOUSE: *[Signature]* DATE: 5-11-81

PART II SERVICES RENDERED (REPORT ONLY THOSE SERVICES YOU PERSONALLY RENDERED)

PLACE OF SERVICE:  HOSPITAL  INPATIENT  OFFICE  HOME

NAME OF INSTITUTION: Georgetown Univ. Hospital

DATE ADMITTED: 4-20-81

DATE DISCHARGED: 5-5-81

DIAGNOSIS: Arterial obstruction, venous thrombosis

DESCRIPTION OF SERVICES:

- Hospital admission exam, /w history & physical 4-20-81 \$100.00
- Thrombectomy of common femoral, superficial & profunda femoris arteries. Resection of thrombosed femoral popliteal bypass. Patch angioplasty, common femoral artery. Endarterectomy of common femoral artery. Venous doppler (See attached.) 5-5-81 \$75.00
- Arterial pulse volume recordings /w doppler pressures. (See attached.) 5-5-81 \$150.00

TYPE OF SERVICE BY REPORTING PHYSICIAN:

- MEDICAL-4
- SURGICAL-2
- OBSTETRICAL-3
- ANESTHESIA-4
- GENERAL
- LOCAL INFILTRATION
- CONSULTATION-B
- SURG. ASST.-0
- X-RAY-3
- RAD THERAPY-3
- BASAL METAB.-3
- ERG-4
- ERG-5
- LABORATORY-3
- OTHER

Were the services described above provided as a result of an injury?  Yes/Date  No

Did the condition or injury result from the patient's employment?  Yes  No

Physician's Name, Address and Home Stamp: C. A. DEWANEY, M.D., 3400 BELLEVILLE RD., WASHINGTON, D.C. 20007

See attached Expl. of Medicare Benefits

Patient Has Paid Charges  Need Additional Forms

MY CHARGE FOR THIS SERVICE IS \$2,825.00

I certify that I personally rendered the services described above to this member.

*[Signature]*  
Charles A. Dewaney, M.D.

FOR PLAN USE ONLY

GROUP

CONT. COV.

MEMB. NO.

BIRTH DATE

YN	SEV	DATE	SER	PROF.	BY	DAYS	REN	CHGS \$	RESP. NO.	AMT. PAID \$
		/ /								
		/ /								
		/ /								

CA 78.0322/78.0920  
Cons. Ex. 5

**Insurance Copy - attach this statement to your insurance claim form.**

Complete the personal information requested on the form. This statement contains all the information the doctor is required to supply. It is not necessary for this office to fill out the insurance company claim form.

AGNOSIS		OFFICE SERVICE		OFFICE LABORATORY	
	CPT-4	FEE		CPT-4	FEE
Comprehensive History & Phys.	90080		Bilirubin, Total	82250	
Limited Physical (School)	90070		BUN	84520	
Intermediate Visit	90060		CBC	85031	
Well Baby/Well Child mo/yr.			Culture II Throat II Urine	87060/87088	
Office Surgery			EKG	93000	
Splint/Sling/Ace/Dressing			Glucose	82947	
Ear Lavage	69210		Hematocrit	85014	
<b>HOSPITAL SERVICE-Frederick Memorial</b>					
Initial History & Physical	90220		Hemoglobin	85018	
Extended # to	90270		Hemocult	82270	
Intermediate # to	90260		Mono Spot	86300	
Emergency Room	90570		Pap Smear	88150	
Special Care Unit	99160		PKU	99061	
Admission Discharge			Pregnancy Test (Urine)	82996	
Nursing Home Visit	90460		RA Latex	86430	
			Sed Rate	85650	
			Smear		
			Specimen Collection	99000	
<b>INJECTIONS</b>			Urinalysis, Routine	81000	
Allergy	95125		Urinalysis, Micro.	81015	
Depo-Medrol I.M.	90782		WBC & Diff.	85048	
DPT/DT/Tet. Tox	90720				
Tine	86585				
Fluogen	90720				
M M R	90723				
Oral Polio	90720				
Pneumovax	90749				
Poison Ivy	95120				

Washington, Maryland  
NAME

Date of Service 2-4-78

ATTENDING PHYSICIAN'S STATEMENT	
OUTSIDE LAB (Cont) Nat. Health Lab & Code	FEE
Cholesterol	132
Lipid Screen	929
Potassium	300
SGOT	330
T-4, RIA	325
Uric Acid	337

PROCEDURES	CPT-4	FEE
24 Hr. Cardioescort	93274	
Pulmonary Function	94010	

**OTHER SERVICES**

Disabled / / To / /  
 Part. Disabled / / To / /  
 O.K. To Return / /

Tax I.D. # 52-0972008  
**U. T. F. HICKEY, M.D.**  
**U. W. J. RIDDICK, M.D.**  
 PARK VIEW MEDICAL CENTER  
 516 TRAIL AVENUE  
 FREDERICK, MARYLAND 21701  
 Telephone: 663-3137

Washington, Maryland  
NAME

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DIAGNOSIS		OFFICE SERVICE		OFFICE LABORATORY	
	CPT-4	FEE		CPT-4	FEE
Comprehensive History & Phys.	90080		Bilirubin, Total	82250	
Limited Physical (School)	90070		BUN	84520	
Intermediate Visit	90060		CBC	85031	
Well Baby/Well Child mo/yr.			Culture II Throat II Urine	87060/87088	
Office Surgery			EKG	93000	
Splint/Sling/Ace/Dressing			Glucose	82947	
Ear Lavage	69210		Hematocrit	85014	
<b>HOSPITAL SERVICE-Frederick Memorial</b>					
Initial History & Physical	90220		Hemoglobin	85018	
Extended # to	90270		Hemocult	82270	
Intermediate # to	90260		Mono Spot	86300	
Emergency Room	90570		Pap Smear	88150	
Special Care Unit	99160		PKU	99061	
Admission Discharge			Pregnancy Test (Urine)	82996	
Nursing Home Visit	90460		RA Latex	86430	
			Sed Rate	85650	
			Smear		
			Specimen Collection	99000	
<b>INJECTIONS</b>			Urinalysis, Routine	81000	
Allergy	95125		Urinalysis, Micro.	81015	
Depo-Medrol I.M.	90782		WBC & Diff.	85048	
DPT/DT/Tet. Tox	90720				
Tine	86585				
Fluogen	90720				
M M R	90723				
Oral Polio	90720				
Pneumovax	90749				
Poison Ivy	95120				

Date of Service 2-4-78

ATTENDING PHYSICIAN'S STATEMENT	
OUTSIDE LAB (Cont) Nat. Health Lab & Code	FEE
Cholesterol	132
Lipid Screen	929
Potassium	300
SGOT	330
T-4, RIA	325
Uric Acid	337

PROCEDURES	CPT-4	FEE
24 Hr. Cardioescort	93274	
Pulmonary Function	94010	

**OTHER SERVICES**

Disabled / / To / /  
 Part. Disabled / / To / /  
 O.K. To Return / /

Tax I.D. # 52-0972008  
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 FREDERICK, MARYLAND 21701  
 Telephone: 663-3137

**INSURANCE CARRIERS & PATIENTS:** This form has been adopted to keep paper work costs down. If any additional forms or information is needed there will be a charge of \$20.00.

RETURN: Days Weeks Months NEXT APPT. Day Month Date Time AM PM

APPT. Day Month Date Time AM PM

Telephone: 663-3137

Complete the personal information requested on the form. This statement contains all the information the doctor is required to supply. It is not necessary for this office to fill out the insurance company claim form.

DIAGNOSIS

Table with columns: OFFICE SERVICE, CPT-4, FEE, OFFICE LABORATORY, CPT-4, FEE. Rows include Comprehensive History & Phys, Initial Physical (School), Intermediate Visit, Well Baby/Well Child, Office Surgery, Splint/Song/Ace/Dressing, Ear Lavage, HOSPITAL SERVICE-Frederick Memorial, Initial History & Physical, Extended #, Intermediate #, Emergency Room, Special Care Unit, Admission/Discharge, Nursing Home Visit, INJECTIONS, Allergy, Depo-Medrol I.M., DPT/DT/Tet. Tox, Fine, Fluogen, M M R, Oral Polio, Pneumovax, Poison Ivy.

NAME

Date of Service
ATTENDING PHYSICIAN'S STATEMENT
OUTSIDE LAB (Cont) Nat. Health Lab & Code
Cholesterol 132
Lipid Screen 929
Potassium 300
SGOT 330
T-4, RIA 325
Uric Acid 337

PROCEDURES CPT-4 FEE
24 Hr. Cardioscort 93274
Pulmonary Function 94010
OTHER SERVICES

Disabled / / To / /
Part. Disabled / / To / /
O.K. To Return / /

Tax I.D. # 52-0972008
Dr. F. HICKEY, M.D.
Dr. W. J. RIDDICK, M.D.
PARKVIEW MEDICAL CENTER
516 TRAIL AVENUE
FREDERICK, MARYLAND 21701
Telephone: 663-3137
11453

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RETURN: Days Weeks Months NEXT APPT. Day Month Date Time AM PM

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DIAGNOSIS

Table with columns: OFFICE SERVICE, CPT-4, FEE, OFFICE LABORATORY, CPT-4, FEE. Rows include Comprehensive History & Phys, Limited Physical (School), Intermediate Visit, Well Baby/Well Child, Office Surgery, Splint/Song/Ace/Dressing, Ear Lavage, HOSPITAL SERVICE-Frederick Memorial, Initial History & Physical, Extended #, Intermediate #, Emergency Room, Special Care Unit, Admission/Discharge, Nursing Home Visit, INJECTIONS, Allergy, Depo-Medrol I.M., DPT/DT/Tet. Tox, Fine, Fluogen, M M R, Oral Polio, Pneumovax, Poison Ivy.

NAME

Date of Service
ATTENDING PHYSICIAN'S STATEMENT
OUTSIDE LAB (Cont) Nat. Health Lab & Code
Cholesterol 132
Lipid Screen 929
Potassium 300
SGOT 330
T-4, RIA 325
Uric Acid 337

PROCEDURES CPT-4 FEE
24 Hr. Cardioscort 93274
Pulmonary Function 94010
OTHER SERVICES

Disabled / / To / /
Part. Disabled / / To / /
O.K. To Return / /

Tax I.D. # 52-0972008
Dr. F. HICKEY, M.D.
Dr. W. J. RIDDICK, M.D.
PARKVIEW MEDICAL CENTER
516 TRAIL AVENUE
FREDERICK, MARYLAND 21701
Telephone: 663-3137
10381

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RETURN: Days Weeks Months NEXT APPT. Day Month Date Time AM PM



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**DIAGNOSIS**

OFFICE SERVICE	CPT-4	FEE	OFFICE LABORATORY	CPT-4	FEE
Comprehensive History & Phys.	90080		Bilirubin, Total	82250	
Limited Physical (School)	90070		BUN	84520	
Intermediate Visit	90060		CBC	85031	
Well Baby/Well Child _____ mo/yr.			Culture <input type="checkbox"/> Throat <input type="checkbox"/> Urine	87060/87088	
Office Surgery _____			EKG	93000	
Splint/Sling/Ace/Dressing			Glucose	82947	
Ear Lavage	69210		Hematocrit	85014	
<b>HOSPITAL SERVICE-Frederick Memorial</b>			Hemoglobin	85018	
Initial History & Physical	90220		Hemocult	82270	
Extended # _____ to _____	90270		Mono Spot	86300	
Intermediate # _____ to _____	90260		Pap Smear	88150	
Emergency Room	90570		PKU	99001	
Special Care Unit	99160		Pregnancy Test (Urine)	82996	
Admission _____ Discharge _____			RA Latex	86430	
Nursing Home Visit	90460		Sed Rate	85650	
			Smear _____		
<b>INJECTIONS</b>			Specimen Collection	99000	
Allergy	95125		Urinalysis, Routine	81000	
Depo-Medrol I.M.	90782		Urinalysis, Micro.	81015	
DPT/DT/Tet. Tox	90720		WBC & Diff.	85048	
Tine	86585				
Fluogen	90720				
M M R	90723		<b>OUTSIDE LAB-National Health Lab &amp; Code</b>		
Oral Polio	90720		SMAC	1000	
Pneumovax	90749		SMAC, CBC	1001	
Poison Ivy	95120		SMAC, CBC, T4	1002	
			Profile, Liver	720	
			Profile, Thyroid		

**INSURANCE CARRIERS & PATIENTS**-This form has been adopted to keep paper work costs down. If any additional forms or information is needed there will be a charge of \$20.00.

RETURN: 2 Days \_\_\_\_\_ Weeks \_\_\_\_\_ Months \_\_\_\_\_ NEXT APPT. \_\_\_\_\_ Day \_\_\_\_\_ Month \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ AM \_\_\_\_\_ PM.

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**DIAGNOSIS**

OFFICE SERVICE	CPT-4	FEE	OFFICE LABORATORY	CPT-4	FEE
Comprehensive History & Phys.	90080		Bilirubin, Total	82250	
Limited Physical (School)	90070		BUN	84520	
Intermediate Visit	90060		CBC	85031	
Well Baby/Well Child _____ mo/yr.			Culture <input type="checkbox"/> Throat <input type="checkbox"/> Urine	87060/87088	
Office Surgery _____			EKG	93000	
Splint/Sling/Ace/Dressing			Glucose	82947	
Ear Lavage	69210		Hematocrit	85014	
<b>HOSPITAL SERVICE-Frederick Memorial</b>			Hemoglobin	85018	
Initial History & Physical	90220		Hemocult	82270	
Extended # _____ to _____	90270		Mono Spot	86300	
Intermediate # _____ to _____	90260		Pap Smear	88150	
Emergency Room	90570		PKU	99001	
Special Care Unit	99160		Pregnancy Test (Urine)	82996	
Admission _____ Discharge _____			RA Latex	86430	
Nursing Home Visit	90460		Sed Rate	85650	
			Smear _____		
<b>INJECTIONS</b>			Specimen Collection	99000	
Allergy	95125		Urinalysis, Routine	81000	
Depo-Medrol I.M.	90782		Urinalysis, Micro.	81015	
DPT/DT/Tet. Tox	90720		WBC & Diff.	85048	
Tine	86585				
Fluogen	90720				
M M R	90723		<b>OUTSIDE LAB-National Health Lab &amp; Code</b>		
Oral Polio	90720		SMAC	1000	
Pneumovax	90749		SMAC, CBC	1001	
Poison Ivy	95120		SMAC, CBC, T4	1002	
			Profile, Liver	720	
			Profile, Thyroid		

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RETURN: 2 Days \_\_\_\_\_ Weeks \_\_\_\_\_ Months \_\_\_\_\_ NEXT APPT. \_\_\_\_\_ Day \_\_\_\_\_ Month \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ AM \_\_\_\_\_ PM.

NAME

Date of Service \_\_\_\_\_  
**ATTENDING PHYSICIAN'S STATEMENT**

OUTSIDE LAB (Cont) Nat. Health Lab & Code	FEE
Cholesterol	132
Lipid Screen	929
Potassium	300
SGOT	330
T-4, RIA	325
Uric Acid	337

PROCEDURES	CPT-4	FEE
24 Hr. Cardioresort	93274	
Pulmonary Function	94010	

**OTHER SERVICES**

10/17/77 W.C. R. [Signature]

Disabled \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ To \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Part. Disabled \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ To \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

O.K. To Return \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Tax I.D. # 62-0972008

**T. F. HICKEY, M.D.**  
**W. J. RIDDICK, M.D.**  
 PARK VIEW MEDICAL CENTER  
 516 TRAIL AVENUE  
 FREDERICK, MARYLAND 21701  
 Telephone: 663-3137

12664

NAME

Date of Service \_\_\_\_\_  
**ATTENDING PHYSICIAN'S STATEMENT**

OUTSIDE LAB (Cont) Nat. Health Lab & Code	FEE
Cholesterol	132
Lipid Screen	929
Potassium	300
SGOT	330
T-4, RIA	325
Uric Acid	337

PROCEDURES	CPT-4	FEE
24 Hr. Cardioresort	93274	
Pulmonary Function	94010	

**OTHER SERVICES**

Disabled \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ To \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Part. Disabled \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ To \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

O.K. To Return \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Tax I.D. # 62-0972008

**T. F. HICKEY, M.D.**  
**W. J. RIDDICK, M.D.**  
 PARK VIEW MEDICAL CENTER  
 516 TRAIL AVENUE  
 FREDERICK, MARYLAND 21701  
 Telephone: 663-3137

12487

**Insurance Copy - attach this statement to your insurance claim form.**

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**DIAGNOSIS**

OFFICE SERVICE	CPT-4	FEE	OFFICE LABORATORY	CPT-4	FEE
Comprehensive History & Phys.	90080		Bilirubin, Total	82250	
Limited Physical (School)	90070		BUN	84520	
Intermediate Visit	90060	17	CBC	85031	
Well Baby/Well Child mo/yr.			Culture □ Throat □ Urine	87060/87088	
Office Surgery			EKG	93000	
Spilit/Sling/Ace/Dressing			Glucose	82947	
Ear Lavage	69210		Hematocrit	85014	
<b>HOSPITAL SERVICE-Frederick Memorial</b>			Hemoglobin	85018	
Initial History & Physical	90220		Hemocult	82270	
Extended # to	90270		Mono Spot	86300	
Intermediate # to	90260		Pap Smear	88150	
Emergency Room	90570		PKU	99001	
Special Care Unit	99160		Pregnancy Test (Urine)	82996	
Admission Discharge			RA Latex	86430	
Nursing Home Visit	90460		Sed Rate	85650	
			Smear		
			Specimen Collection	99000	
<b>INJECTIONS</b>			Urinalysis, Routine	81000	
Allergy	95125		Urinalysis, Micro.	81015	
Depo-Medrol I.M.	90782		WBC & Diff.	85048	
DPT/DT/Tet. Tox	90720				
Tine	86585				
Fluogen	90720				
M M R	90723				
Oral Polio	90720				
Pneumovax	90749				
Poison Ivy	95120				

Date of Service 2/1/80

**ATTENDING PHYSICIAN'S STATEMENT**

OUTSIDE LAB (Cont) Nat. Health Lab & Code	FEE
Cholesterol	132
Lipid Screen	929
Potassium	300
SGOT	330
T-4, RIA	325
Uric Acid	337

OTHER SERVICES	CPT-4	FEE
24 Hr. Cardioscort	93274	
Pulmonary Function	94010	

Disabled / / To / /  
 Part. Disabled / / To / /  
 O.K. To Return / /

Tax I.D. # 52-0972008  
 T. F. HICKEY, M.D.  
 W. J. RIDDICK, M.D.  
 PARKVIEW MEDICAL CENTER  
 516 TRAIL AVENUE  
 FREDERICK, MARYLAND 21701  
 Telephone: 663-3137

**INSURANCE CARRIERS & PATIENTS**-This form has been adopted to keep paper work costs down. If any additional forms or information is needed there will be a charge of \$20.00.

RETURN: 10 Days 0 Weeks 0 Months NEXT APPT. Feb 11 1980 AM

12748

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**DIAGNOSIS**

OFFICE SERVICE	CPT-4	FEE	OFFICE LABORATORY	CPT-4	FEE
Comprehensive History & Phys.	90080		Bilirubin, Total	82250	
Limited Physical (School)	90070		BUN	84520	
Intermediate Visit	90060		CBC	85031	
Well Baby/Well Child mo/yr.			Culture □ Throat □ Urine	87060/87088	
Office Surgery			EKG	93000	
Spilit/Sling/Ace/Dressing			Glucose	82947	
Ear Lavage	69210		Hematocrit	85014	
<b>HOSPITAL SERVICE-Frederick Memorial</b>			Hemoglobin	85018	
Initial History & Physical	90220		Hemocult	82270	
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Special Care Unit	99160		Pregnancy Test (Urine)	82996	
Admission Discharge			RA Latex	86430	
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			Specimen Collection	99000	
<b>INJECTIONS</b>			Urinalysis, Routine	81000	
Allergy	95125		Urinalysis, Micro.	81015	
Depo-Medrol I.M.	90782		WBC & Diff.	85048	
DPT/DT/Tet. Tox	90720				
Tine	86585				
Fluogen	90720				
M M R	90723				
Oral Polio	90720				
Pneumovax	90749				
Poison Ivy	95120				

Date of Service 2/1/80

**ATTENDING PHYSICIAN'S STATEMENT**

OUTSIDE LAB (Cont) Nat. Health Lab & Code	FEE
Cholesterol	132
Lipid Screen	929
Potassium	300
SGOT	330
T-4, RIA	325
Uric Acid	337

PROCEDURES	CPT-4	FEE
24 Hr. Cardioscort	93274	
Pulmonary Function	94010	

Disabled / / To / /  
 Part. Disabled / / To / /  
 O.K. To Return / /

Tax I.D. # 52-0972008  
 T. F. HICKEY, M.D.  
 W. J. RIDDICK, M.D.  
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 516 TRAIL AVENUE  
 FREDERICK, MARYLAND 21701  
 Telephone: 663-3137

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RETURN: 10 Days 0 Weeks 0 Months NEXT APPT. Feb 11 1980 AM

13053

**Insurance Copy - attach this statement to your insurance claim form.**

Complete the personal information requested on the form. This statement contains all the information the doctor is required to supply. It is not necessary for this office to fill out the insurance company claim form.

NAME \_\_\_\_\_

**DIAGNOSIS**

OFFICE SERVICE	CPT-4	FEE	OFFICE LABORATORY	CPT-4	FEE
Comprehensive History & Phys.	90080		Bilirubin, Total	82250	
Limited Physical (School)	90070		BUN	84520	
Intermediate Visit	90060		CBC	85031	
Well Baby/Well Child _____ mo/yr.			Culture <input type="checkbox"/> Throat <input type="checkbox"/> Urine	87060/87088	
Office Surgery _____			EKG	93000	
Splint/Sling/Ace/Dressing			Glucose	82947	
Ear Lavage	69210		Hematocrit	85014	
<b>HOSPITAL SERVICE-Frederick Memorial</b>			Hemoglobin	85018	
Initial History & Physical	90220		Hemocult	82270	
Extended # _____ to _____	90270		Mono Spot	86300	
Intermediate # _____ to _____	90260		Pap Smear	88150	
Emergency Room	90570		PKU	99001	
Special Care Unit	99160		Pregnancy Test (Urine)	82996	
Admission _____ Discharge _____			RA Latex	86430	
Nursing Home Visit	90460		Sed Rate	85650	
			Smear		
			Specimen Collection	99000	
			Urinalysis, Routine	81000	
			Urinalysis, Micro.	81015	
			WBC & Diff.	85048	

**INJECTIONS**

Allergy	95125				
Depo-Medrol I.M.	90782				
DPT/DY/Tet. Tox	90720				
Tina	86585				
Fluogen	90720				
M.M.R.	90723		<b>OUTSIDE LAB-National Health Lab &amp; Code</b>		
Oral Polio	90720		SMAC	1000	
Pneumovax	90749		SMAC, CBC	1001	
Poison Ivy	95120		SMAC, CBC, T4	1002	
			Profile, Liver	720	
			Profile, Thyroid		

**INSURANCE CARRIERS & PATIENTS**-This form has been adopted to keep paper work costs down. If any additional forms or information is needed there will be a charge of \$20.00.

RETURN: \_\_\_\_\_ Days \_\_\_\_\_ Weeks \_\_\_\_\_ Months **NEXT APPT.** \_\_\_\_\_ Day \_\_\_\_\_ Month \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ AM/PM

Date of Service \_\_\_\_\_

**ATTENDING PHYSICIAN'S STATEMENT**  
**OUTSIDE LAB (Cont) Nat. Health Lab & Code FEE**

Cholesterol	132
Lipid Screen	929
Potassium	300
SGOT	330
T-4, RIA	325
Uric Acid	337

**PROCEDURES CPT-4 FEE**

24 Hr. Cardioascort	93274
Pulmonary Function	96010

**OTHER SERVICES**

Disabled \_\_\_\_\_ To \_\_\_\_\_  
 Part. Disabled \_\_\_\_\_ To \_\_\_\_\_  
 O.K. To Return \_\_\_\_\_

Tax ID # 52-0972008

**T. F. HICKEY, M.D.**  
**W. J. RIDDICK, M.D.**  
**PARKVIEW MEDICAL CENTER**  
516 TRAIL AVENUE  
FREDERICK, MARYLAND 21701  
Telephone: 663-3137

13556

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NAME \_\_\_\_\_

**DIAGNOSIS**

OFFICE SERVICE	CPT-4	FEE	OFFICE LABORATORY	CPT-4	FEE
Comprehensive History & Phys.	90080		Bilirubin, Total	82250	
Limited Physical (School)	90070		BUN	84520	
Intermediate Visit	90060		CBC	85031	
Well Baby/Well Child _____ mo/yr.			Culture <input type="checkbox"/> Throat <input type="checkbox"/> Urine	87060/87088	
Office Surgery _____			EKG	93000	
Splint/Sling/Ace/Dressing			Glucose	82947	
Ear Lavage	69210		Hematocrit	85014	
<b>HOSPITAL SERVICE-Frederick Memorial</b>			Hemoglobin	85018	
Initial History & Physical	90220		Hemocult	82270	
Extended # _____ to _____	90270		Mono Spot	86300	
Intermediate # _____ to _____	90260		Pap Smear	88150	
Emergency Room	90570		PKU	99001	
Special Care Unit	99160		Pregnancy Test (Urine)	82996	
Admission _____ Discharge _____			RA Latex	86430	
Nursing Home Visit	90460		Sed Rate	85650	
			Smear		
			Specimen Collection	99000	
			Urinalysis, Routine	81000	
			Urinalysis, Micro.	81015	
			WBC & Diff.	85048	

**INJECTIONS**

Allergy	95125				
Depo-Medrol I.M.	90782				
DPT/DY/Tet. Tox	90720				
Tina	86585				
Fluogen	90720				
M.M.R.	90723		<b>OUTSIDE LAB-National Health Lab &amp; Code</b>		
Oral Polio	90720		SMAC	1000	
Pneumovax	90749		SMAC, CBC	1001	
Poison Ivy	95120		SMAC, CBC, T4	1002	
			Profile, Liver	720	
			Profile, Thyroid		

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Date of Service \_\_\_\_\_

**ATTENDING PHYSICIAN'S STATEMENT**  
**OUTSIDE LAB (Cont) Nat. Health Lab & Code FEE**

Cholesterol	132
Lipid Screen	929
Potassium	300
SGOT	330
T-4, RIA	325
Uric Acid	337

**PROCEDURES CPT-4 FEE**

24 Hr. Cardioascort	93274
Pulmonary Function	96010

**OTHER SERVICES**

Disabled \_\_\_\_\_ To \_\_\_\_\_  
 Part. Disabled \_\_\_\_\_ To \_\_\_\_\_  
 O.K. To Return \_\_\_\_\_

Tax ID # 52-0972008

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13994

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NAME \_\_\_\_\_

DIAGNOSIS		CPT-4	FEE	OFFICE LABORATORY	CPT-4	FEE
<b>OFFICE SERVICE</b>						
Comprehensive History & Phys.	90000			Bilirubin, Total	82250	
Limited Physical (School)	90070			BUN	84520	
Intermediate Visit	90060			CBC	85031	
Well Baby/Well Child _____ mo/yr.				Culture □ Throat □ Urine	87060/87088	
Office Surgery _____				EKG	93000	
Spint/Sling/Ace/Dressing				Glucose	82947	
Ear Lavage	69210			Hematocrit	85014	
<b>HOSPITAL SERVICE-Frederick Memorial</b>				Hemoglobin	85018	
Initial History & Physical	90220			Hemocult	82270	
Extended # _____ to _____	90270			Mono Spot	86300	
Intermediate # _____ to _____	90260			Pap Smear	88150	
Emergency Room	90570			PKU	99001	
Special Care Unit	99160			Pregnancy Test (Urine)	82996	
Admission _____ Discharge _____				RA Latex	86430	
Nursing Home Visit	90460			Sed Rate	85650	
<b>INJECTIONS</b>				Smear		
Allergy	95125			Specimen Collection	99000	
Dopo-Medrol I.M.	90782			Urinalysis, Routine	81000	
DPT/DT/Tet. Tox	90720			Urinalysis, Micro.	81015	
Tine	86585			WBC & Diff.	85048	
Fluogen	90720					
M M R	90723			<b>OUTSIDE LAB-National Health Lab &amp; Code</b>		
Oral Polio	90720			SMAC	1000	
Pneumovax	90749			SMAC, CBC	1001	
Poison Ivy	95120			SMAC, CBC, T4	1002	
				Profile, Liver	720	
				Profile, Thyroid		

Date of Service \_\_\_\_\_

**ATTENDING PHYSICIAN'S STATEMENT**

**OUTSIDE LAB (Cont) Nat. Health Lab & Code**

	FEE
Cholesterol	132
Lipid Screen	929
Potassium	300
SGOT	330
T-4, RIA	325
Uric Acid	337

**PROCEDURES**

	CPT-4	FEE
24 Hr. Cardioscort	93274	
Pulmonary Function	94010	

**OTHER SERVICES**

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Part. Disabled \_\_\_\_\_ To \_\_\_\_\_

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15728

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RETURN: \_\_\_\_\_ Days \_\_\_\_\_ Weeks \_\_\_\_\_ Months

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78 States CV 17-1-84

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DIAGNOSIS		CPT-4	FEE	OFFICE LABORATORY	CPT-4	FEE
<b>OFFICE SERVICE</b>						
Comprehensive History & Phys.	90000			Bilirubin, Total	82250	
Limited Physical (School)	90070			BUN	84520	
Intermediate Visit	90060			CBC	85031	
Well Baby/Well Child _____ mo/yr.				Culture □ Throat □ Urine	87060/87088	
Office Surgery _____				EKG	93000	
Spint/Sling/Ace/Dressing				Glucose	82947	
Ear Lavage	69210			Hematocrit	85014	
<b>HOSPITAL SERVICE-Frederick Memorial</b>				Hemoglobin	85018	
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Extended # _____ to _____	90270			Mono Spot	86300	
Intermediate # _____ to _____	90260			Pap Smear	88150	
Emergency Room	90570			PKU	99001	
Special Care Unit	99160			Pregnancy Test (Urine)	82996	
Admission _____ Discharge _____				RA Latex	86430	
Nursing Home Visit	90460			Sed Rate	85650	
<b>INJECTIONS</b>				Smear		
Allergy	95125			Specimen Collection	99000	
Dopo-Medrol I.M.	90782			Urinalysis, Routine	81000	
DPT/DT/Tet. Tox	90720			Urinalysis, Micro.	81015	
Tine	86585			WBC & Diff.	85048	
Fluogen	90720					
M M R	90723			<b>OUTSIDE LAB-National Health Lab &amp; Code</b>		
Oral Polio	90720			SMAC	1000	
Pneumovax	90749			SMAC, CBC	1001	
Poison Ivy	95120			SMAC, CBC, T4	1002	
				Profile, Liver	720	
				Profile, Thyroid		

Date of Service \_\_\_\_\_

**ATTENDING PHYSICIAN'S STATEMENT**

**OUTSIDE LAB (Cont) Nat. Health Lab & Code**

	FEE
Cholesterol	132
Lipid Screen	929
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Uric Acid	337

**PROCEDURES**

	CPT-4	FEE
24 Hr. Cardioscort	93274	
Pulmonary Function	94010	

**OTHER SERVICES**

Disabled \_\_\_\_\_ To \_\_\_\_\_

Part. Disabled \_\_\_\_\_ To \_\_\_\_\_

O.K. To Return \_\_\_\_\_

Tax I.D. # 52-0972008

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15178

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RETURN: \_\_\_\_\_ Days \_\_\_\_\_ Weeks \_\_\_\_\_ Months

NEXT APPT. \_\_\_\_\_ Day \_\_\_\_\_ Month \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ AM/PM

To Quin Shea from Harold Weisberg re 1970 FOIA request re 1/15/79  
Ronnie Caire

Attached is a copy of the worksheet (4) covering Volume 6 of New Orleans FBI file 89-69. Serial 720 is an FD 302 relating to Raymond Caire, aka Ronnie.

While I believe you might be interested in knowing why I made an FOIA request relating to him and any interviews of him in 1970, which include Oswald's having asked him for a job, I do not now take the time for this.

It is my recollection that I was compelled to execute a FO-11B form and mail in a small check after which I was told no records.

This may not be included in the list I sent you office some time back when I told you the list of unmet requests might be incomplete.

I am clear that I received nothing. It is easy for me to check my Caire file, as I have done. It is not as easy for me to check my file of requests.

It now appears that both FBIHQ and th. N.O. office had Caire records I did not receive and that my check was cashed.

While I don't like <sup>much more</sup> getting gypped, even if the sums are small and this was not the only one, I do mind being denied my rights under the Act and what despite your recent testimony I regard as with deliberateness.

There should be no doubt that if this record alone reached FBIHQ it was indexed and should have turned up after the most cursory search.

I am in a position to assure you there was a New Orleans JFK assassination index (not only that still withheld from Dallas) and I will be sending you copies of New Orleans records indicating even a subject index.

My recollection is not dependable because I may be confusing him with a victim of a hurricane but I seem to recall that Caire died. In any event, what interested me in him in 1970 still interests me and I would like to have all the Caire records in a single unit, please. After all, this is why I filed an FOIA request.

If the FBI's records do not show him and a dubious associate using the address of a former R SAC the records are not complete.

wrote Klein on 10/20/70 re FO-11B Caire  
request 10/20/70, filled with check 9/24/70  
inc. another affid of 1/17/79 at 466679

To Quin Shea from Harold Weisberg, JFK assassination records appeals 6/14/79  
Ronnie Caire request - New Orleans and Dallas Field Offices  
Rewriting and misinterpreting my requests in order not to comply  
by PA request; Fingerprint not Oswald's on his literature request

All records relating to my PA requests should have been provided in compliance with it by FBI, and all the field offices because the request was repeated to all. All records relating to Ronnie Caire should have been provided by both New Orleans and Dallas field offices.

I know I have filed a Ronnie Caire appeal earlier. I have also appealed non-compliance with my request relating to the fingerprint that was not Oswald's that was on the literature he (supposedly) alone distributed when he picketed the carrier Wasp right after his last return to New Orleans.

This is early morning and I'm not checking my files, which are being reorganized, so there may be some repetition. This relates to 100-5645-9, copies of which I will attach. The New Orleans file is 100-16601, Dallas 100-10461.

(A) As the first record (one of many drafted by T.N. Goble, who I think was a Russian expert) makes clear, relating to Caire (there are "two basic requests" in his interpretation. He is explicit enough on the first, "All information about" Ronnie Caire.

Given this clear understanding the FBI did not comply, responding instead to the substitution I will quote, *but not responding to mine at all.*

(B) Goble states there is a reference to Caire in Bufiles. Therefore it is not provided and remains withheld. *(There is more than one, as you will see.)*

(C) He is not explicit in stating that this reference is the 7/20/67 N.O. airtel. He implies it, says it was in N.O. 89-69, with a copy to Dallas for 89-43. So finding this record presented no problem to the FBI.

(D) The record is described as a transcript of a Jim Garrison interview with one Carlos Quiroga, who was also an FBI source. The reference is to one of the matters of interest to me, one of which I wrote long ago, and the single specific provided I published in 1967, so there is no secrecy. I had other interests in Caire related to my efforts to follow Oswald's New Orleans career. Oswald reportedly applied to him for a job. The FBI supposedly checked all these applications out for the Commission is not also on its own.

(E) New Orleans was "directed to review its file for all information about Ronnie Caire." It therefore provided me with none.

At the top of page 2 it turns out that Bufiles held more than a single reference, that it held a Dallas report of information provided to Dallas by New Orleans. That Dallas report was compiled by a (Warren DeBourays) N.O. agent/detailed to Dallas for the JFK investigation. His specialties should have made him aware of Caire's record in Cuban activities.

(F) My fingerprint request is next referred to. I asked for the identification of the fingerprint, which is not exactly as Goble puts it *here*.

The note added indicates that Goble is among those who had at his fingertips all the FBI's records on me, those being essential in complying with FOIA, or had searches of the files made when my requests were received by the FBI. His version of these records, based on his selections of them, which are not relevant to the request but are relevant to poisoning the minds of all who read his note, includes what has never been provided and I've appealed frequently, FBI analyses of my books.

Assuming that Goble did not carry all this information in his head there are searches slips relating to <sup>and</sup> me, <sup>Goble</sup> not only searches for ~~him~~. I believe that all are within my PA request and all are relevant to the FBI's JFK investigation, so I ask for these to be provided under my appeal. Why anyone in the FBI had to know anything about me, if they'd learn accurately from FBI files, is not related to the FBI's JFK investigation of to its responsibilities under FOIA.

(G) Please note that while the concluding sentence says the allegedly single reference to Caire at FBIHQ has "no direct connection with the assassination," this is irrelevant because my request was for all information and I was not asking for the identification of assassins.

(H) The notations added to 5646 are illegible. I would like a copy of this record on which they can be read. One is of a number <sup>that appears to be</sup> 146. In the FBI's filing system this number is for the transportation of prison-made goods. There is also a file the number of which appears to begin with a 6 and to include several 5s, which eliminates the FBIHQ assassination and Commission files. Other entries appear to refer to the dates of records.

I For DAG Kleindienst Richards Rolapp required that I provided a DJ-118 form and check, which I did, although the letter in which I made the request is much more detailed than the space on the form permits. As you will see my letter gives considerable detail. When I filed the form I reminded the Department, under date of 9/28/70, of a number of prior information requests that were without any response. So the Department was always aware of this. (Appeals in those days also went to the Department, as some of my requests did. It was all under the DAG.)

J In initial response to the DAG the same note is repeated. But this record, 5646, ~~assisted~~ bears a fairly large number of initials, including those of the Assistant Director in charge of domestic intelligence. And FOIA request had to be directed to him? Personally? (Naturally I ask again that those files be searched in compliance.)

J Here the duplicate filing includes 140-7536 as best I can make it out and a different 62 file, 62-82555. Because this Serial is from 105-82555 this can't be an error in noting files. I take it that both files relate to me and I thus ask for a good-faith search of both files. (140 is security of government employees. In 1970 I was not a government employee and was not considering seeking government employment. State Department records I have quote the FBI as saying it never conducted any such investigation of me. And again, I see no relevance under FOIA. But I do appeal these and similar withholdings. In this case the FBI knew where to search because the record provides the file identification.

K In Serial 5647, the response to the DAG, the same Goble reflects my fingerprint requests accurately, not inaccurately as quoted above: "He asks for information as to whose fingerprint this was..."

L However, this honesty appears to have exhausted Goble's supply of it because instead of responding to my request for all information about Caire he tells the DAG in the Director's name only that there is "no information that Caire was interviewed by the FBI concerning the assassination..."

M He next identifies an FBI record located in New Orleans but it is not attached nor was it provided to me, an omission that appears to have satisfied the DAG's understanding



of his and the Department's and the FBI's responsibilities under the Act. (This is essentially ~~secret~~ because I published the Caire-Arcacha association in the Crusade to Free Cuba and included the information in my initial request.)

M In addressing my having said that Oswald had Caire's office address "masked" in his addressbook the FBI states they have no information on this.

From the nature of the FBI's investigation of what it considered relevant to the assassination of a President and from its investigation of the addressbook (in which it initially "masked" if I may use this substitution for suppressed from the <sup>Oswald's notes relating to SA</sup> Commission ~~entry~~ (Mostly entry) I can understand this, as I can understand the FBI's failure to ask me for either clarification or information. They had a safely dead,

the masking lone assassin and their own investigatory oversights to keep safely dead. However, ~~it~~ was a simple device: the side entrance, a matter in which the FBI had the same blind spot relating to Oswald's use of the 544 Camp Street address, which has as a side entrance 531 (approx) Lafayette, which was the address of its former SAC Guy Banister, with whom David Ferrie and others were associated.

Other records I have read reflect an apparent FBI bewilderment over my statement but no inquiry. There are a number of other entries like this in Oswald's addressbook, none investigated by the FBI from any record I've seen. I took photographs of the non-addresses the first time I was in New Orleans. It appears not to have interested the FBI that Oswald found a need to post non-addresses in his addressbook.

The FBI told the DAG that it investigated the matter of the fingerprint not Oswald's on a leaflet Oswald is supposed to have given out. The diligence of the FBI's investigation of any associates Oswald had is reflected by the fact that with two clear latents, neither of which was Oswald's, "The two fingerprints were not compared with the fingerprints of any other individual."

P While one could conjecture and wonder, and conjecture and wonder might include such fears as identification of someone associated with the FBI or even CIA, one does not have to conjecture whether the FBI knew and did not identify another or other Oswald associates. For this I refer you to my <sup>appeals</sup> ~~appeals~~ relating to the Doyle, Martin and TV films of Oswald in New Orleans. The FBI knew he had another associate or associates on not

fewer than the occasions, two of which were recorded on film. The fingerprint is of the third, which in time is the first.

Q However, the FBI did not let it drop here. It admits it could make the <sup>iden</sup> ~~identification~~ but recommends the my request "be denied since information concerning these fingerprints is contained in investigatory files compiled for law enforcement purposes."

R By now you have ample FBI proof from me that its JMK investigation was entirely without law enforcement purpose. Were this not the case there is no doubt that this withheld information is within my new requests <sup>under the amended Act</sup> (and this is my appeal from its denial.

S There is the additional and false basis that "This request might be denied on the grounds that it was not contained in the formal request." I have previously quoted Mr. Goble's contrary understanding. The intent to contrort not to comply is obvious. ("Regarding the second request made by Mr. Weisberg, which concerned the fingerprint on the leaflet" and "He asks for information as to whose fingerprint...")

T To the note there is an additional defamation added, with a unique interpretation of the Act: "In view of Weisberg's character, he ~~absolutely~~ should not be given the information he requests, and there is legal ground for our position." The underlining was by hand.

There should be some record of this interpretation of the Act. I believe it is relevant and remains withheld, which I appeal.

I am well acquainted with an FBI that fabricates defamations about those it does not like or whose work it does not like but an FBI that invents law is something I'd like to learn more about and include in the historical record.

The New Orleans response <sup>(Serial 5648)</sup> is filed in two other files, 62-81830 and ~~140~~ 140-7536 or 7336. I appeal their withholding. I also note that as of October 1970, when I was of an age that would have permitted my retirement from the government, there was no basis for including me in a government employee security investigation file. This can suggest that the file is a memory hole from which the FBI only can retrieve <sup>I intend</sup> ~~and~~ my appeals <sup>to</sup> included the effort to make a diligent search of this and related files, with the same applying to the "administrative matters" file.

Other illegible notations appear, some partly eliminated in xeroxing. I request

a legible, complete copy.

N.O. told FBIHQ that Caire had an office in the Cigali Building. When I had told the FBI that Oswald had the address masked this airtel omits the address. The front entrance was on Canal, the side entrance on Camp, a block from the International Trade Mart run by Clay Shaw, about a block from the store of Carlos Bringuier and the bar of Orest Pena, both of whom figured in the FBI's investigation and both of whom were FBI sources. For these and other reasons the FBI knew the location and the area well, and in connection with its JFK investigations.

begins by repeating

The airtel ~~repeats~~ what FBIHQ told NO and Dallas. The airtel does not state that its files held no other information about Caire. Later the airtel does refer to other information, including what it sent to FBIHQ and FBIHQ did not report having, Caire's registration act registration. (An illegible note about Caire was added at FBIHQ, along with indexing notations.)

The registration notes that Caire's agency, to which Oswald reportedly applied for a job, what the FBI appears not to have investigated, also represents <sup>ed</sup> the Cuban Revolutionary Council, which was formed and funded by the CIA, and that as of that date, 11/2/62, it was at the same address Oswald used on the literature the FBI managed not to provide to the Warren Commission and failed to provide when the Commission asked for it, 544 Camp Street.

With regard to the fingerprint there are several records cited. I recall no records from the N.O. files provided that would represent a real investigation of this. Especially with the fingerprints coming from two of Oswald's leaflets.

In the Dallas reply, which parrots that it has only what Bufiles have, it is suggested that if I were to "clarify" the <sup>statement</sup> about the masked address "it is possible that some pertinent observation could then be made." (Serial 5649, prepared by the case supervisor, R.P. Gemberling.) FBIHQ did not desire any clarification and asked for none.

I do not wonder why.

This record <sup>also</sup> was placed in the <sup>file</sup> files identified above also and also has illegible entries.

Herminia

7

10/9/70

1 - Mr. T. N. Goble

Airtel

To: SACs, Dallas (100-10461) (Enclosures - 5)  
New Orleans (100-16601) (Enclosures - 5)

From: Director, FBI (105-82555)

LEE HARVEY OSWALD  
IS - R

Enclosed for each recipient is one copy of a letter from the Deputy Attorney General dated 10/2/70, captioned "Freedom of Information Act," with its four enclosures.

Weisberg makes two basic requests in his 9/28/70 letter and form and his 9/15/70 letter. (1) "All information about and FBI Reports of interviews with Ronnie Caire, questioned for Warren Commission."

Bufiles contain only one reference to Ronnie Caire. His name appeared in the enclosure to New Orleans' airtel, dated 7/20/67, submitted to the Bureau under the "Assassination" caption, New Orleans file 89-69. Two copies of this airtel and the enclosures were furnished to Dallas, Dallas file 89-43. Recipients will note that the LHM submitted with this airtel contains a transcript of an interview between New Orleans' District Attorney Jim Garrison and Carlos Quiroga, conducted on 1/21/67. The reference to Ronnie Caire appears on page 10 of this transcript and is a comment by Quiroga that Sergio Arcacha Smith worked for Ronnie Caire at one time.

New Orleans is directed to review its files for all information about Ronnie Caire.

Recipients note that Weisberg states in his 9/15/70 letter, paragraph two, that Oswald had Caire's office address masked in his address book. A review of the information which was in Oswald's address book fails to indicate what Weisberg is referring to. Dallas is instructed to furnish its observations on this point.

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COMM-FBI

REC-84

OCT 12 1970  
SEE NOTE PAGE TWO

TNG:rob  
(6)  
339  
59 OCT 16 1970

MAIL ROOM  TELETYPE UNIT

(8)

Airtel to SAC, Dallas  
Re: Lee Harvey Oswald  
105-10455

For information of recipients, a review of Dallas reports in the Oswald case reveals that a Raymond J. Calce, owner of CMA's Shell Service Station was interviewed on 11/27/63. This interview is reported on page 115 of Dallas Report of SA DeWineys dated 12/2/63. Further, in the same report on page 117 there is set out the results of an interview with one David Diaz, a student at Louisiana State University in New Orleans. Diaz furnished information concerning a group of 16 persons who visited Mexico City, 3/23-27/63. Included in this group was one Arnold Cairo, a student at Louisiana State University. Bufiles contain no information that either of these two people is related to Ronnie Cairo.

(2) In paragraph five of his 9/15/70 letter, Weisberg writes that the FBI discovered a fingerprint on a leaflet which Oswald had distributed. Weisberg asks if the fingerprint was that of anyone connected with the assassination investigation. New Orleans is directed to review its files for information regarding this Weisberg request.

Recipients handle promptly so results may be furnished to the Deputy Attorney General.

NOTE:

The request received by the Department for information from FBI files is from Harold Weisberg. Weisberg is the man who has written several books critical of the Warren Commission, the FBI, Secret Service, police agencies and other branches of the Government relating to the Assassination investigation. His writings have contained inaccuracies, falsehoods, and deliberate slanting of facts to fit his purpose. He was one of ten employees fired by the State Department during 1947 because of suspicion of being a communist or having communistic sympathies. Later, he was allowed to resign without prejudice but he was not restored to his former position. Check of Dallas and New Orleans files is necessary to be certain we can give the Department complete information on Weisberg's questions. Weisberg's inquiry concerned Ronnie Cairo and Bufiles contain only one reference to this individual, a reference which had no direct connection with the assassination.

9

# Memorandum

TO : Mr. J. Edgar Hoover  
Director, F.B.I.

DATE: Oct. 2, 1970

FROM : Richard G. Kleindienst  
Deputy Attorney General *RHK*

SUBJECT: Freedom of Information Act

*Lee Harvey Oswald*

Attached hereto are copies of a request from Mr. Harold Weisberg for information concerning the assassination of President Kennedy.

Would you please have this request reviewed and send me your comments so that I can make an appropriate disposition.

*ENCLOSURE*

Mr. Tolson	<input checked="" type="checkbox"/>
Mr. Sullivan	<input checked="" type="checkbox"/>
Mr. Mohr	<input checked="" type="checkbox"/>
Mr. Casper	<input checked="" type="checkbox"/>
Mr. Conrad	<input checked="" type="checkbox"/>
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Mr. Gale	<input checked="" type="checkbox"/>
Mr. Rosen	<input checked="" type="checkbox"/>
Mr. Tavel	<input checked="" type="checkbox"/>
Mr. Walters	<input checked="" type="checkbox"/>
Mr. Soyars	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Miss Holmes	<input checked="" type="checkbox"/>
Miss Gandy	<input checked="" type="checkbox"/>

*5 - T. Boyle*

*EX-111*

REC-48 / *105-82555-5646*

*105-82555*

OCT 29 1970

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OCT 29 1970

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*10/9/70  
T.M. Wick*

*10/5/70  
10/9/70  
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10/15/70  
10/16/70*

**EXP. PROC.**

OCT 6 1970

10

September 23, 1970

Mr. Harold Weisberg  
The Washington Post  
Suite 3  
Frederick, Maryland 21701

Dear Mr. Weisberg:

I have your letter of September 15 in which you request certain information regarding the investigation of the assassination of President Kennedy.

As you know, it is necessary for you to submit the Form DS-110 together with the required fee, when requesting information of this nature from the Department. I am enclosing a copy of the form for your use.

Sincerely,

R. Edmunds Tamm  
Special Assistant to the  
Deputy Attorney General

105-72555



By *Harold Weisberg*

Coq d'Or Press ROUTE 8, FREDERICK, M.D. 21701

Code 301/473-8186

9/25/70

Mr. Richard Meindienst  
Deputy Attorney General  
The Department of Justice  
Washington, D.C.

Dear Mr. Meindienst,

Because of your recent request to Mr. Fensterwald, I assure you that the subject of this letter is not in litigation and I would prefer that it not reach that stage. I wrote you because, under the law, you are the person I am required to address.

Ronnie Cairo, then of New Orleans, was an associate of James Earl Ray, Smith and others who figured in the investigation of the assassination of President Kennedy. Lee Harvey Oswald also applied to him for a job. Cairo's office address masked in his address book. Cairo and Oswald were on the same fund-raising organization that used an address Oswald also used. Cairo was the New Orleans head of an organization established, directed and financed by the CIA.

Cairo's office address was then the Sigold Building, 611 Camp and Canal Streets, New Orleans. His home address was 611 Dumaine Street. The address his organization ("The Crusade to Free Cuba"), Oswald and I used is 341 Camp Street, which is identical with a side entrance used by the FBI to mask this address, 651 Lafayette Street.

Cairo claims to have been interrogated for 100 hours. The Warren Commission says it has no single FBI report or even reference to him. I request copies of all relevant data. I presume it should have been done by the Warren Commission and would prefer to believe it is masked somewhere.

Cairo's home address is less than two short blocks from Dejeu and Decatur, where Oswald picketed the carrier Wagon in the early summer of 1963. A rather intriguing coincidence, in view of the foregoing. In the course of the investigation, which was not for law-enforcement purposes, the FBI obtained a copy of the leaflet Oswald then distributed, identified a fingerprint as not Oswald's, and, if it ever told the Warren Commission those fingerprints were, I have been able to find no record of it. I therefore ask if this fingerprint was that of anyone in any way connected with the assassination investigation. I would like to know whose it is, for there are also those who should have been connected with the investigation and appear not to have been.

Should you desire that I submit forms, of course, I will. However, I do hope that unessential formalities can be dispensed with unless there is disagreement between us.

00123

*Harold Weisberg*





Lilla Harold Weisberg

Cog d'Or Press ROUTE 2, FREDERICK, M.D. 21701

Code 301/473-8186

12

9/23/70

Mr. R. Richards Rolapp  
Special Assistant to the Deputy Attorney General  
U.S. Department of Justice  
Washington, D.C. 20530

Dear Mr. Rolapp,

In accordance with your letter of 9/23, I enclose herewith the completed DJ-118 for Mr. Ronnie Cairns and my check.

Your letter says "it is necessary for you to submit the DJ-118 form. Is this really the case? Or is it that you can require it and so elect? I do not for a moment doubt you can do this. What I am asking is merely does the Department make this requirement universal? Is with such writing as the current Hitchcock book, with the Overstreets and with others who write what is passing to official?

Using this form makes me feel it will be necessary to go to court. Fact, I assure you, I would like to avoid. Hence my initial suggestion that we dispense with unnecessary formalities.

May I use this occasion to remind you of a number of unanswered letters, not included in what are so grossly described as responses by Mr. Lindquist and Mr. Ruckelshaus in their letters to Mr. Fensterwald? I would appreciate getting responsive answers.

For your information, I have accepted Mr. Ruckelshaus' suggestion and written Judge Curran about what I believe to be perjury by your Mr. Fensterwald. I did not tell him the Department's official spokesman described his order as "bullshit", although, if I had, I would have been doing no more than accommodating Mr. Ruckelshaus.

I do thank you for the promptness of your reply and for your thoughtfulness in enclosing the form.

Sincerely,

Lilla Harold Weisberg

100-71855-

13

U. S. DEPARTMENT OF JUSTICE  
WASHINGTON, D. C. 20530

REQUEST FOR ACCESS TO OFFICIAL RECORD  
UNDER 5 U.S.C. 552(a) and 28 CFR PART 16

See instructions for payment and delivery of this form at bottom of page

NAME OF REQUESTER

DATE 9/23/70

ADDRESS (street, city, state and zip code)

Rt. 8, Frederick, Md. 21701

DO YOU WISH TO RECEIVE COPIES?  YES  NO  
IF YES, SO INDICATE (no more than 10 copies of any document will be furnished)

NUMBER OF COPIES REQUESTED

OFFICE AND CITY WHERE RECORD IS LOCATED (if known)

Washington, New Orleans

DESCRIPTION OF RECORD REQUESTED (Include any information which may be helpful in locating record)

All information about and FBI reports of interviews with Ronnie Cairn, questioned Warren Commission. Further details in letter of 9/15/70. His then address was 616 Duval St., office, Cigoli - 155 (Camp & Canal) New Orleans. He was associate and friend of Sergio Brocas Smith. His office is masked in Lee Harvey Oswald's notes. Oswald applied to him for a job. The organization he and Brocas created also used address Oswald used. He claims to have been interviewed for about 100 hours.

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION?  YES  NO

FILL IN IF IN PENDING LITIGATION

COURT (check one)

FEDERAL  
 STATE

DISTRICT

NAME OF CASE

DOCKET NUMBER

FOR USE BY DEPARTMENT OF JUSTICE ONLY

THIS REQUEST IS:

GRANTED

DENIED

REFERRED

SIGNATURE

A MINIMUM FEE OF \$3.00 MUST ACCOMPANY THIS REQUEST  
OTHER CHARGES ARE AS FOLLOWS. (do not write in this box)

FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD \$ 1.00

FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL \$ 1.00

COPIES OF DOCUMENTS:

50¢ FIRST PAGE, 25¢ EACH ADDITIONAL PAGE

FOR CERTIFICATION OF TRUE COPY \$ 1.00 EACH

FOR ATTESTATION UNDER THE SEAL OF THE DEPARTMENT \$ 3.00 EACH

GSA CHARGE

TOTAL CHARGE

Payment under this section shall be made in cash, or by United States money order, or by check payable to the Treasurer of the United States. Postage stamps will not be accepted.

This form may be delivered to any of the offices listed in 28 C. F. R. 16.2 or mailed to: Office of the Deputy Attorney General, Department of Justice, Washington, D. C. 20530

ENCLOSURE 105-42551-1

14

The Deputy Attorney General

October 9, 1970

Director, FBI

FREEDOM OF INFORMATION ACT

- 1 - Mr. K. M. Raupach
- 1 - Mr. T. N. Goble

Reference is made to your letter dated October 2, 1970, and to its attachments which pertain to a request from Mr. Harold Weisberg for information concerning the assassination of President Kennedy.

EX-111

We have instructed our Dallas and New Orleans Offices to review their files for all information concerning Ronnie Cairo and when the results are received and have been analyzed, you will be furnished our comments.

48

105-32555 - 5616

TNG:aeb (5)

NOTE:

The request received by the Department for information from FBI files is from Harold Weisberg. Weisberg is the man who has written several books critical of the Warren Commission, the FBI, Secret Service, police agencies and other branches of the Government relating to the Assassination investigation. His writings have contained inaccuracies, falsehoods, and deliberate slanting of facts to fit his purpose. He was one of ten employees fired by the State Department during 1947 because of suspicion of being a communist or having communistic sympathies. Later, he was allowed to resign without prejudice but he was not restored to his former position. Check of Dallas and New Orleans files is necessary to be certain we can give the Department complete information on Weisberg's questions. Weisberg's inquiry concerned Ronnie Cairo and Bureau files contain only one reference to this individual, a reference which had no direct connection with the assassination.

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- Mohr
- Bishop
- DeLoach
- Casper
- Callahan
- Conrad
- Felt
- Gale
- Rosen
- Savel
- Walters
- Soyars
- Tele. Room
- Holmes
- Gandy

UNRECORDED COPY FILED IN 105-32555-5616

*Handwritten signatures and initials:*  
K...  
W...  
WBS

15

The Deputy Attorney General

October 28, 1970

Director, FBI

1 - M W. M. Raupach  
1 - A N. Gobie

FREEDOM OF INFORMATION ACT

Reference is made to our letter dated October 9, 1970, and to your letter dated October 2, 1970, which relate to a request from Mr. Harold Weisberg for information concerning the investigation of the assassination of President Kennedy.

Mr. Weisberg's formal request (DJ-113) asks for "all information about and FBI reports of interviews with Ronnie Caire, questioned for Warren Commission. Further details in letter of 9/15/70." In the September 15, 1970, letter, after furnishing some information about Ronnie Caire, he makes a second request. He writes that the FBI discovered a fingerprint on a leaflet which, he asserts, Lee Harvey Oswald distributed. He asks for information as to whose fingerprint this was and indicates he is aware that the FBI determined that it was not the fingerprint of Oswald.

Concerning the first request, the files of this Bureau and the files of our Dallas and New Orleans Offices contain no information that Ronnie Caire was interviewed by the FBI concerning the assassination of President Kennedy or concerning Oswald. (Files were also reviewed for the variations of the name, that is, Ronny Caire and Robert James Caire.)

EX-103 REC-48 185-82555-5647

The files of our New Orleans Office reveal that on November 17, 1961, an individual, who identified himself as Ronnie Caire, Ronnie Cairo Advertising Agency, 704 Cigall Building, New Orleans, Louisiana, telephonically contacted that office and advised that he had been approached by Sergio Arcecha, a representative of the Cuban Revolutionary Front, Room 6, 514 Camp Street, New Orleans, Louisiana, to conduct an advertising campaign for this organization for the purpose of building public support and raising money.

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16

The Deputy Attorney General

According to the caller, his purpose in contacting the FBI was to determine if this organization was legitimate and recognized by the United States Government. The caller was advised that the FBI could not comment regarding this organization or the individual mentioned.

Shortly after receipt of this inquiry, on December 2, 1961, a New Orleans newspaper, the "Times-Picayune," reported that a two-month "crusade to free Cuba" had begun in the New Orleans area. The objective of the "crusade" was to raise money to educate the people of New Orleans to the danger represented by a communist-oriented Cuba. Sergio Arcacha was listed as one of the organizers and a Robert J. Caire was listed as the Public Relations Chairman.

The files of this Bureau reveal further that the Ronny Caire Advertising Agency, Inc., was registered with the Registration Section of the Department of Justice in 1962. This agency was located at 704 Cigali Building, New Orleans 12, Louisiana. Officers were listed as Robert James Caire, President and Treasurer, and Mrs. Robert James Caire, Vice President and Secretary, according to the registration information. This agency represented the New Orleans Chapter of the Cuban Democratic Revolutionary Front, 544 Camp Street, New Orleans, Louisiana, for publicity and fund raising.

The only other reference to a Ronnie Caire located in the files of this Bureau appears on page ten of the enclosure to a memorandum prepared at New Orleans, Louisiana, on July 20, 1967, entitled "Assassination of President John Fitzgerald Kennedy, November 22, 1963, Dallas, Texas." This memorandum was disseminated to the Criminal Division, Civil Division and Internal Security Division of the Department of Justice on July 27, 1967. The enclosure in which the reference appears is a transcript received from one Carlos Bringuior of an interview between New Orleans District Attorney James Garrison and Carlos Quiroga. The reference to Ronnie Caire was made by Garrison who asked Quiroga when Sergio Arcacha worked for Ronnie Caire, to which, Quiroga replied that it was in 1962, after Arcacha went to Miami. No other mention is made of Ronnie Caire.

The Deputy Attorney General

In his letter of September 15, 1970, Mr. Weisberg stated that Oswald had Ronnie Cairo's office address "masked" in his address book. The files of this Bureau contain no information relating to this statement.

With regard to Mr. Weisberg's request for information concerning Ronnie Cairo, it is the recommendation of this Bureau that the request be denied because the information concerning Ronnie Cairo is contained in investigatory files compiled for law enforcement purposes.

Regarding the second request made by Mr. Weisberg, which concerned the fingerprint on the leaflet, Weisberg appears to be referring to the incident reported by a member of the New Orleans Harbor Police, Mr. Girod Ray. This incident was investigated by this Bureau and the results were furnished to the Warren Commission. Your attention is directed to page 803 of Volume XXII of the "Hearings Before the President's Commission on the Assassination of President Kennedy." In June, 1963, Patrolman Ray was on duty on the New Orleans riverfront near where the aircraft carrier U.S.S. "Wasp" was berthed. A Naval officer aboard the ship requested Patrolman Ray to approach a man, who was in the vicinity of the aircraft carrier, distributing leaflets concerning Cuba. Patrolman Ray talked with the man and asked him to stop distribution of the leaflets. The patrolman obtained several of the leaflets from the man. Subsequently, Patrolman Ray believed the unknown man was Lee Harvey Oswald. He based his identification on observations of Oswald on television and of photographs of Oswald which appeared in the press.

The two leaflets which Patrolman Ray obtained from the man were examined by the FBI for latent fingerprints. One such fingerprint was developed on each leaflet. In view of the belief of Patrolman Ray that the man who distributed the leaflets was Lee Harvey Oswald, these two latent fingerprints were compared with the fingerprints of Oswald. It was determined that these two latent fingerprints were not identical with the fingerprints of Oswald. The two fingerprints were not compared with the fingerprints of any other individual.

(18)

The Deputy Attorney General

It is the recommendation of this Bureau that Mr. Weisberg's second request be denied since information concerning these fingerprints is contained in investigatory files compiled for law enforcement purposes. This request might also be denied on the ground that it was not contained in the formal request (158-118) submitted by Mr. Weisberg.

NOTE:

The request received by the Department for information from FBI files is from Harold Weisberg. Weisberg is the man who has written several books critical of the Warren Commission, the FBI, Secret Service, police agencies and other branches of the Government relating to the Assassination investigation. His writings have contained inaccuracies, falsehoods, and deliberate slanting of facts to fit his purpose. He was one of ten employees fired by the State Department during 1947 because of suspicion of being a communist or having communistic sympathies. Later, he was allowed to resign without prejudice but he was not restored to his former position. Dallas and New Orleans files have been reviewed on the questions raised by Weisberg and above is result. Bufiles were also reviewed. In view of Weisberg's character, he should not be given the information he requests, and there is legal ground for our position.

FBI

Date: 10/19/70

19

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

AIRTEL

AIRMAIL - REGISTERED

(Priority)

TO: Director, FBI ( 2555)  
FROM: SAC, New Orleans (100-16601) (RUC)

LEE HARVEY OSWALD  
IS - R

ReBuairtel to Dallas and New Orleans 10/9/70.

New Orleans files reveal the following information relating to ROBERT JAMES CAIRE who is probably identical to the RONNIE CAIRE mentioned in reBuairtel:

On 11/17/61, an individual who identified himself as RONNIE CAIRE, Ronnie Caire Advertising Agency, 704 Cigali Building, New Orleans, Louisiana, telephonically advised that he had been approached by SERGIO ARCACHA, a representative of the Cuban Revolutionary Front, Room 6, 544 Camp Street, New Orleans, La., to conduct an advertising campaign for the Cuban Revolutionary Front for the purpose of building public support and raising money. He informed that the purpose of contacting the FBI was to determine whether this group was legitimate and recognized by the U. S. Government.

He was informed that this office could not make any statement regarding the organization or the individual mentioned;

- 2 - Bureau (RM)
  - 1 - Dallas (Info) (100-10461) (RM)
  - 1 - New Orleans
- SMC:bs  
(4)

REC-13 / 105-82555-5648

EX-112

OCT 21 1970

30

SOFT SECTION

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56 NOV 9 1970

Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_



NO 100-16601

however, it was stated that he might want to contact the local office of the State Department, as well as the office of the U. S. Attorney in New Orleans, to determine whether he would be required to register.

There appears in the New Orleans Times Picayune newspaper dated 12/2/61 an article which announced that a two-month "crusade to free Cuba" was begun in the New Orleans area. The aim was to raise money to educate New Orleanians of the danger that Communist-orientated Cuba presents to the United States. This article lists SERGIO ARCACHA as one of the organizers of this crusade and the article further lists one ROBERT J. CAIRE as public relations chairman for the crusade.

Letter to New Orleans dated 11/2/62, captioned, "RONNY CAIRE ADVERTISING AGENCY, INC.; REGISTRATION ACT - CUBA," enclosed a photostat of an abstract prepared from a registration statement filed by the Ronny Caire Advertising Agency, Inc., with the Registration Section of the Department.

The enclosed photostat of the abstract reveals that the Ronny Caire Advertising Agency, Inc. is located at 704 Cigali Building, New Orleans 12, Louisiana. The officers are listed as ROBERT JAMES CAIRE, president and treasurer, and Mrs. ROBERT JAMES CAIRE, vice president and secretary. The abstract indicates that this firm is representing the New Orleans chapter of the Cuban Democratic Revolutionary Front, 544 Camp Street, New Orleans, Louisiana, to publicize and raise funds.

New Orleans files do not reveal that ROBERT JAMES CAIRE was ever contacted or interviewed in captioned matter.

New Orleans files reveal no additional information regarding RAYMOND J. CAIRE not already known to the Bureau.

In regard to the fingerprint on a leaflet OSWALD had distributed, which is mentioned in referenced communication, the following observations are being set forth:

NO 100-16601

In paragraph five of WEISBERG's letter to Deputy Attorney General KLEINDIENST dated 9/15/70, WEISBERG indicates that OSWALD picketed the carrier "Wasp" and indicated that during this picketing OSWALD distributed leaflets. The FBI obtained a copy of the leaflet and identified a fingerprint on it as not being OSWALD's.

Investigation relating to this incident was conducted and the results set forth in New Orleans LHM 7/22/64.

This investigation revealed that a member of the New Orleans Harbor Police had observed an unknown individual distributing leaflets about Cuba on the New Orleans river front near where the carrier "USS Wasp" was berthed during June 1963. This patrolman was requested by a naval officer aboard the ship to contact the unknown individual and request him to stop distributing the leaflets. The harbor patrolman obtained a couple of the leaflets from this individual and felt sure that this person was LEE HARVEY OSWALD and he based this identification on the fact that he had observed OSWALD on television and his photographs in the newspapers.

These two leaflets were submitted to the Latent Fingerprint Section of the Identification Division by New Orleans airtel 7/28/64. By airtel to New Orleans dated 7/31/64 the Bureau advised that one latent fingerprint had been developed on each of the leaflets submitted; however, the two latent fingerprints were not identical with the fingerprints of LEE HARVEY OSWALD.

(22)

FBI

Date: 10/13/70

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via AIRTEL \_\_\_\_\_  
(Priority)

TO: DIRECTOR, FBI (105-82555)  
FROM: SAC, DALLAS (100-10461)(C)  
SUBJECT: LEE HARVEY OSWALD  
IS - R  
OO: DALLAS

*Handwritten initials and scribbles*

Re Bureau airtel to Dallas and New Orleans dated 10/9/70.

A complete review of Dallas files in connection with captioned matter and the related assassination investigation reveals no information concerning RONNIE CAIRE or RAYMOND J. CAIRE not already known to the Bureau as indicated in the referenced airtel.

For the information of the Bureau, Cover Pages I - JJ of the report of SA ROBERT P. GEMBERLING dated 4/15/64, bearing above caption, contain the results of investigation in Russia by CIA concerning notations which appear in OSWALD's address book.

Pages 672 - 701 of the report of SA ROBERT P. GEMBERLING dated 12/23/63 bearing above caption, contain the names, addresses, and/or telephone numbers from the address book of LEE HARVEY OSWALD.

A complete review of a photograph of OSWALD's address book available at Dallas fails to reflect any information indicating RONNIE CAIRE's office address is in this address book. It would appear that WEISBERG's claim that CAIRE's office address is "masked" in this address book is a statement that only WEISBERG can clarify. In the event WEISBERG can

- 2 - Bureau (RM)
  - 2 - New Orleans (100-16601)(Info)(RM)
  - 1 - Dallas
- RPG:jls  
(6)

REC-48 105-5255-56

OCT 15 1970

SOVIET SECURE

Approved: \_\_\_\_\_  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

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*Vertical handwritten notes on right margin*

23

DL 100-10461

relate how such address is "masked" it is possible that some  
at observation could then be made.

Two copies of this airtel are furnished the  
New Orleans office in view of Bureau request of that office  
and no further action is being taken by Dallas, UACB.