

Dear Jim,

3/15/84

The copies of the HSCA-related FBI records disclosed to Mark came today and I've gone over them. Your hunch was correct - they include what was not disclosed to me in C.A. 78/0322-0420 combined. I've done all the checking I can do for the moment because the subclavian steal is complaining about the trips on the cellar stairs. I believe the only additional checking required and in fact possible is in one of the FBI's itemizations of what was disclosed. I remember at least one in a Phillips affidavit and at least one in something LaHaie filed. And what is so beautiful is that this proves two things I alleged, that the search slips are phonies because the required searches were never made; and that there is no discovery from me that can enable to FBI to prove that it did comply. Additionally, one of the files that I believe was not disclosed includes a record that was disclosed about which I swore that Phillips swore falsely.

FBIHQ wrote both field offices telling each to start a new Marguerite Oswald file. They may claim irrelevance, but if they do they ridicule themselves almost out of court. Moreover, Dallas cannot claim irrelevance because it appears that N.O. did establish the file as soon as notified. I'm going on the first item of the first of the N.O. search slips, of which you have copies and which I at least twice attached to affidavits. This first search slip as provided in on Marguerite and the first entry is 100-17279. (I am not at all sure that N.O. provided this and the file check I was able to make does not disclose it. It also is not on the card index Rae made as I received these records and she filed them. The reason I say that perhaps N.O. did then establish this file is because the search slip has at the end of that entry "11/65)." It thus is possible that N.O. established the file as soon as it received the FBIHQ directive of 11/29/65.

There is no Marguerite Oswald Dallas search slip! They never searched her. Or if they did they swore falsely because they swore that those search slips are complete.

Now, if you remember, there was a single page of DL105-976 that as I remember it I produced or referred to, after which it was provided with excisions to which Phillips swore. I provided the withheld info and proved his claims to withhold were false. Whether or not these are accurate recollections, there is an entire DL main file with this number and it relates to Marguerite's sending a few bucks to her in the USSR. I do not recall receiving the rest of the file and I do not find any card indexing it.

You may recall that Phillips swore that even its title had to be withheld on grounds of "national security" as I believe after it had already been disclosed and it was not bi anyway.

The question is what if anything to do. I think you should write LaHaie a letter, if new counsel approve, and that you should not in it tell him everything but enough for them to be able to do their own checking. If you tell them everything that is all they'll look at. If you do not, they may blunder into something else not disclosed, of which there is simply an enormous amount, and they know it. Perhaps, if agreed to, this would be best in the form of my having told you rather than reflecting any knowledge you have. I'll enclose a rough draft of what I have in mind.

Please remember that all of the current stuff is hinged on their claim that the discovery they demand of me will prove complete compliance and as I recall, their "good faith." If you prove that, meaning either or both, untrue before the appeals are heard, maybe it wipes everything out? In any event, it puts them on notice and this dates the time of my receipt, about 10:30 a.m. today, as soon as I returned from my walking therapy, and in the same mail I received a certified letter, which means that the rural carrier took all my mail to my home to obtain a receipt, which my wife signed in my absence.

By the way, no identification with these copies, so please provide it so I can file and accession them correctly. If nothing else, the covering letter with these pages marked.

Thanks and best!

I'm a little unsteady, which is not unusual after such use of the stairs and bending at the file cabinets, I've wood to bring in and a college student doing an honors paper on my Marina files is due momentarily, so I may not get around to trying to find the list or what was provided that Phillips swore to and LaHaie used right away. If you can remember a citation for either, please let me know because that is a very fat file to go through.

When you mention this to Lynch and Morrison, please remember that there is nothing exceptional about my learning of pertinent records not disclosed and that to the best of my recollection it is the record in all my FOIA litigation. I can't think of an instance in which I did not obtain more after complete compliance was claimed.

I'll not seal this until I mail it so if I find the list I'll let you know.

draft of suggested letter to Lahaie

From time to time Mr. Weisberg receives copies of FBI and other records disclosed to other requesters, sometimes from the requester and sometimes from those who received copies from the requester. He does not always review these records as soon as he receives them but sometimes he does. On occasion he writes me about these records disclosed to others and not disclosed to him. In a letter I have just received he reminds me that years ago the Department agreed that all records in any way relating to the JFK and King assassinations and their investigations disclosed to others were to be provided to him and that since Mr. Shea left the appeals office this has not been Department practice despite its earlier agreement to it.

Mr. Weisberg informs me that records disclosed to another requester refer specifically to "JFK assassination" records of unquestionable relevance in C.A. 78-0322/0420 combined that he does not recall receiving. These are main files, not "see" references, he says, and his check of the search slips the FBI attested are authentic and complete do not include at least two of these relevant main files.

He also informs me that in this litigation he identified one of these files and that he provided an affidavit in which he alleged that with regard to it SA John Phillips had sworn falsely.

In this regard Mr. Weisberg also reminds me that the basis for the FBI's demand for discovery is that if Mr. Weisberg complied the FBI would be able to prove it had complied with his requests and met its obligations in this litigation, and that it so represented to the Court after he had provided the information and attestation referred to above.

In stating his unwillingness to provide other identification Mr. Weisberg points out that he has already provided this information, with regard to this and well as other relevant records not disclosed only to have the FBI demand extraordinarily burdensome discovery while ignoring all he has provided and for which he states there is acknowledgement of receipt. He also is well aware of the sanctions sought and

obtained based on your representation that the discovery would prove good faith and full compliance.

Sorry about the confusion and my being confused and woozy. Just remembered that the college is on its break this week so I started to check the case records in my office and hit the jackpot immediately. The first 1983 DJ pleading I checked referred to that Phillips attestation by date so I got it immediately. It is his of 3/2/82 attached to their Motion Concerning Adjudication of Certain Exemption Claims of the same date and follows the memo on points and authorities.

Neither Dallas ~~xxx~~ file is in Phillips' list or the proposed order and no Marguerite N.O. file is in either despite the fact that this record is the first on the first N.O. search slip.

I do not have a clear recollection of whether I went into Marguerite by name in what I provided after receiving this Phillips attestation and unless there is need to later I'm not going to. I do have a recollection of the one record from DL 105-976 that I ridiculed the hell out of Phillips about and I have no recollection of ever seeing any other records in that file.

I think I'd better not now make copies of what I've marked for extra copies from these Mark records but you'll find the "JFK assassination" reference in the very first of these FBIHQ Marguerite records, of 11/29/65 and I think you need no more because it is the one that instructs both offices to establish new files and therefore the central index simply has to disclose them. While I'm not making extra copies of all of them I am making copies of more than this one, to reflect the need for at least those sent to the two field offices to exist in those field offices. And as we know, at least N.O. 100-17279 and DL 105-976 do exist. (I said "at least two" even though I was confident of three but I did not want to make any mistake. Stick with at least two if you or they do this because I'd rather not be more explicit and maybe let the crooks crook themselves and because there may be the remote possibility that DL destroyed the third file, even though if it did it still should be reflected on the search slips and noted as destroyed.)

If Lynch (or Morrison) agrees and wants to do it, how effective it would be if he did it in his first letter to LaHale, if he writes to notify him of being in the case.

You and perhaps Lynch/Morrison may also be amused by the fact that the FBI took Marguerite so seriously it twice, unless there is duplication, notified the Secret Service that she is some kind of danger to the President and in order to make the block of the form having to do with alleged emotional instability relevant classified her as either communist, racist or fascist! They ain't got no respect for ol folks! (I'm pretty sure I marked these for copying.) This makes any ludicrous claim of irrelevance even more ludicrous if they resort to that.