

The New Evidence (Ticklers) * Background.

Seven or eight years ago I filed an FOIA request for all the material the FBI provided to the House Select Committee on Assassination. When it was ignored I appealed. I was not able to file suit. Later, Mark Allen made a similar request, limited to records related to the JFK assassination. Mine included records relating to the assassination of Dr. King. After Allen began to receive records, after he filed suit, he made available to me copies of what he believed would interest me, through his counsel. Thereafter, I withdrew that part of my still-ignored request of so long ago relating to the JFK assassination.

By new evidence I mean FBI records disclosed after the case record in this litigation closed before the district court. With one exception this consists of pages from a simply enormous tickler or combination of ticklers, filing unknown to me, disclosed to Allen by the FBI itself. The single exception is the correspondence with the Department's appeals office relating to the FBI's possession of recordings of the assassination communications of the Dallas Police Department. The FBI and the appeals office consistently denied their existence and possession, ignored all the leads I provided so that they would be located, and ultimately and by accident the appeals office stumbled on one such recording exactly where I indicated it would be found in this litigation. I even attached the FBI's record reflecting this. Thereafter the FBI withheld from me, from the Dallas file, all other related records.

This is merely a selection of new evidence from what was disclosed to Allen, selected to be illustrative. There is much more, virtually all of it relevant in this litigation and all of it relevant in my prior requests and not provided to me by the FBI or in response to many appeals.

All of the material disclosed to Allen was handled within the FBI in its relations with the House committee by the FBI component that handles FOIPA requests. It therefore was known to exist in that component at the time it swore in this litigation that it did not exist. I believe but I am not sure that the FBI FOIPA supervisor in this litigation, SA John N. Phillips, also is case supervisor in the Allen case. If this is true then it is obvious that if by any remote and highly unlikely if not in fact impossible chance that Phillips did not know of the existence of this relevant and withheld material at the time he swore untruthfully in this litigation, he had to know of its existence in its processing for and disclosure to Allen and he did not either provide it to me or correct his untruthful attestations to the court. After pro se I informed the appeals court and the defendant of its disclosure to Allen and of its relevance and existence, none has been provided to me by the defendant and I have not had any communication about it from the defendant, direct or indirect. (I mention this because it addresses intent and is, I believe, culpable, particularly when sanctions against me are sought and obtained on the basis of what the FBI and its counsel knew was not truthful and because they have taken no steps to correct either their untruthfulness to the courts or rectify the injustices to me and the invalidity of the claims relating to both discovery and sanctions.)