

Can it possibly be right and proper for a federal district court, confronted with undenied criminal acts before it, conducts no hearing or any other proceeding of any

To determine fact and truth
/and describes the few minutes of the hearing in which it asked no single question about these charges, documented and undenied crimes, as "extensive?" Or, when Bulloch, which it cites, states without equivocation that with such offenses, there is no laches? And thus denies the relief from the judgement Weisberg seeks? (You quote Bulluch in parens)

Confronted with undenied evidence of felonious misconduct by the defendants, ~~and~~ undenied evidence that the discovery that is the basis of the judgement was not justified and undenied evidence of inequity the district court, after ~~was~~ displaying its ignorance of the very subject matter of the litigation, follows by stating that "an extensive discussion of the factual background of this case is unwarranted," and thus it continues to ignore all the undenied evidence. It states that what then follows is "a brief synopsis of the essential facts," those it describes as necessary. A more apt than "essential" description of these allegedly "essential facts" is that they are nonexistent, save that Weisberg did file FOIA requests and did file suit. Only not, as the district court repeats here (page 2) "relating" to the assassination of Martin Luther King.

Reflecting its own knowledge that for the first four years of this litigation nothing transpired before it and thus its personal knowledge that in alleging it had "'closely observed" Weisberg's nonexistent misconduct with his lawyer in its courtroom the defense defendants' counsel had fabricated a malicious, prejudicial and deliberate lie, about which the district court is entirely silent, it states that during those four years "the FBI conducted countless searches of the agency's files and released over 200,000 pages of documents." Neither part of this is, as the case record establishes, true. There never were any searches to comply with Weisberg's requests. The New Orleans FBI office used hand-copied search slips for an entirely different request and, ultimately, swore that those recopied records are the original records of the searches allegedly made to respond to Weisberg's requests, palpably untrue and, in fact, impossible. (It likewise is undenied that those search slips do include existing and relevant records that remain withheld to this day. 1/

Weisberg selected about a half-dozen of the undisputed material matters ~~which~~ he alleged are involved in the undenied fraud, perjury and misrepresentation and, although all are undisputedly material and without even pro forma denial, the court ignored all of these proofs of ~~the~~ ^{official} undenied felonies before it.

How "extensive" was that court's "hearing into the evidence supporting plaintiff's arguments? Weisberg segregated the examples he selected for his statement under a heading for each. The first is Phillips gross and deliberate perjury, that no ticklers were processed in this litigation because the FBI destroys them all "routinely" in a matter of days. Yet with the exception of the recordings (see under equity), all of Weisberg's new evidence is copies of FBI records disclosed by Phillips himself to another litigant - preserved after more than two decades! Phillips, it is not disputed, in the case agent in this and in the other litigation, by Mark Allen in a different court. Phillips, the defendants' major affiant, thus knew that the ticklers for which no search was made and about which he swore knowingly falsely are not and were not "routinely" destroyed. He knew also that no discovery from me was required for them to be located and that no discovery from me or from anyone else would enable the defendants to prove that they had provided the relevant ticklers when they had not been and hadn't even been searched for. (Phillips' perjury is the substitutions for search- his personal knowledge that they did not exist!)

Another of the records disclosed to Allen additionally makes a knowing perjurer of Phillips. It is in the case record, where the court ignored it, and it is in Weisberg's statement it said it would read: "Another tickler record disclosed to Allen states that there was no destruction of any assassination records in either field office." (page 3)

Next in the supposedly read Weisberg prepared statement is specification of Phillips undenied perjury relating police broadcast recordings and, knowing that these existed and had not been processed and disclosed to Weisberg, Phillips swore that "plaintiff has been furnished with all releasable films and tapes. (On this as in all other instances, Weisberg attached the FBI's own records disclosed to Allen.)

The FBI was directed by the appeals office to process all records relating to those ~~of~~ known as "critics." Phillips swore that such records were retrievable if any ~~and he persisted in the perjury after Weisberg provided specific file identifications of some of them~~ existed. Yet he simultaneous with his false swearing in this instant cause disclosed to Allen an FBI record referring to "preparation of sex dossiers

1/All records relating in any way to the late Clay Shaw is a specific item of this request and the FBI's affiant swore that it has no relevant information outside the main assassination files to which, initially, the FBI restricted what it disclosed, simultaneously claiming complete compliance. One of the basic investigatory interest with regard to Shaw was whether he was a homosexual. This was especially true of the investigation by the New Orleans district attorney, who had charged Shaw with conspiring to assassinate the President, a charge of which he was acquitted. An FBIHQ record, processed and disclosed by the very component in which Phillips supervises these disclosures, of which Weisberg was not aware before he filed his appeal, states that Shaw's ~~alleged~~ homosexuality was well known to the New Orleans office, which has has, knows it has and has not processed, them while swearing under the penalties of perjury that it has no such records. Under the assassination caption and at the very time, at his confirmation hearing, that, based on what he said he had been told by the FBI, Ramsey Clark announced that Shaw and the mysterious "Clay Bertrand associated with the alleged assassin, Lee Harvey Oswald, are "one and the same," which the FBI promptly denied it had told Clark, the FBIHQ recitation of what it received from its New Orleans office, reports that as far back of 1954, or a decade earlier, one of its own sources told it "that he has had/homosexual ~~relations~~ nature with Clay Shaw. The source described Shaw as a brilliant and powerful man, given to sadism and masochism in his homosexual activities." And, a week earlier, the New Orleans FBI received confirmation "from two other sources" who did not claim the personal experience. On that earlier date two sources informed the New Orleans FBI #that Clay Shaw reportedly is identical with an individual by the name of Clay Bertrand. . . in connection with Lee Harvey Oswald." The FBI did not provide its 1964 to the Warren Commission of a year later, when that information was essential to the proper functioning of that Commission, whose main investigative arm the FBI was, it had and knew it had and has this information ~~that~~ when Weisberg filed his requests, significance and it knows the ~~considerable~~ relevance of this information, it withholds these and all other such relevant New Orleans Shaw records yet swears to complete compliance

The case record overflows with multitudinous ^{examples} illustrations of the FBI's knowing withholding of indubitably relevant information ~~and~~ with its own disclosed records reflecting their existence attached and they were as thoroughly ignored by the court which claims to have "reviewed" them as by the FBI, to this very day. Any "discussion" of the "factual background ~~is~~ of this case" that ignores the enormous amount of unrefuted information Weisberg provided, under penalties of perjury, establishing noncompliance by refusal to search and the existence of the relevant information misrepresents the unrefuted evidence before the court.

This also is true of the Dallas office, where the FBI actually swore, in a memorandum of aberrational honesty, that it in fact made no searches and that FBIHQ decided without any search and without having the Dallas indices to search that it would restrict compliance to the companion files of those of the FBIHQ general releases, its holding action against disclosure relating to its investigation of the most subversive of crimes, the assassination of the President.

Phillips himself swore to this on _____: quote his affidavit.

No search in Dallas was even pretended until three years after the request and long after complete compliance was claimed and then the very few and entirely dishonest searches were involuntary, ordered by the appeals office. (All alleged search records were produced for the case record by Weisberg, not the defendants.)

Since-retired FBI SA James P. Hosty, Jr., was the Oswald case agent in Dallas. He was severely disciplined by the FBI for some of his carryings on but not, however, for his deliberate perjury before the Warren Commission, all undenied in the case record. When a Dallas police lieutenant in criminal investigations provided an affidavit in which he attested that Hosty told him that the FBI knew Oswald had a potential for violence but did not expect him to ~~not~~ kill the President, the FBI denied it and broke off all, even training, relations with the Dallas police for years. Not until after the retirement of Gordon Shanklin, then Special Agent in Charge of the Dallas office was secure did the truth leak. It was confirmed in a compelled and closely controlled FBI investigation of itself, the records of which Weisberg has and used before the district court. They disclose that about two weeks