Dear Mark, re my allegedly enlarging on my FOIA requests 7/22/84

This is a boilerplated FBI/DJ lie in all my cases and was never true. The lie is based upon the rewriting of my requests and when I ask the courts for what I requested the FBI/DJ then allege I am expanding the requests. It is because they got away with this in the last spectro case appeal that Smith and they misused in this case that I believe some member of the panel may ask about this. And while that and how they did this in this litigation is apparent, if the question is asked it may well mean that the panel member is not persuaded.

In my King case, for example, they told the court they would comply in full by providing the FBIHQ MURKIN files. Examination of my actual requests makes it obvious that much if not most of the information is not appropriate for filing under the "Murder of King" caption. And each time they were required to provide some compliance with a part of the actual request they alleged I was expanding on my request. There was nothing too ridiculous for them to allege to make it appear that I was adding to my requests. When they had told the court that they would provide all FBIHQ MURKIN records and I learned that they had abstracts of each document and asked for them, and each is cpation/MURKIN and filed as MURKIN, they claimed that it was not a MURKIN record because it was not in a file folder but was of 3x5 cards and was only an index anyway. When I pointed out that a specific item of the requests is for each index they then claimed it wasn't an index. There are endless illustrations.

I sent you one of their records relating to the deception and misleading of the appeals court, the misrepresentation that I was enlarging upon my request to include the President's clothing. In fact my initial request is quite specific in this regard, reflected by their file copy that I sent you. There is much more like this and Lesar has mislaid what I sent him on that. But the FBI's own records state their correct understanding, that in refiling under the amended Act I was adding neutron activation analyses to the original request. The same agent who cooked up the scheme to not search in response to my field offices request and instead provide the companion files of those disclosed 12/77 and 1/78 then filed an affidavit in which he lied, attesting that I had said I did not want any NAA information. Obviously I did not amend the request to include what I did not want, and I filed an affidavit contradicting him. Despite this and the fact that I provided their internal records to the district court, all but their lie was ignored and they got away with that deliberate misrepresentation, that I was enlarging upon my requests.

The degree to which an appeals panel can miss or be deceived and misled about what is in the case record has surprised me and it has been hurtful to me. In the spectro case, for example, in which the successors to the Atomic Eneggy Commission, then ERDA, was a codefendant, the appeals court held that they had been dropped as a defendant because they had no records. In fact they had and had provided more records than the FBI! And this is clear in the case record. But there also was a false letter from the general counsel of ERDA, which claimed that they had no records. He wrote this without search, based merely on his having asked an EBI agent who had much to hide. When they were forced to search they found much, and bearing again on the honesty of government counsel, those ERDA records were hand delivered by him to Jim at Jim's home over a holiday weekend so he could report to that court the first day after the holiday that they had provided those records.

For your own understanding, harassment is not the only reason for resort to these kinds of abuses. On the clothing in the spectro case, for example, there is a significant report never given to the Warren Commission and still withheld from me. The FBI Lab had a specialty of providing unclear pictures. When under FOIA I got a clear one of the front of JFK's shirt collar it became obvious that the part of the official account of the crime based on it was false, really entirely impossible. It is that an exiting bullet went through the collar at the point where the tie knot

also was nicked. There are no holes in the collar. There are two slits that do not coincide and are of different lengths. No bullet could have caused them. And they are not even near where the knot of the tie was nicked. I had followed this up with great care and pro se prevailed in a suit against the Archives. Judge Gesell ordered them to photograph the shirt collar and tie knot. Lo, it then turned out that the knot had been unknotted and this the picture of the knot could not be taken. (But with considerable FBI magic the knot was retied years later for the House assassins committee, whose experts were never informed that it had been undone and redone.) Thereafter I went through the Commission's ignored evidence and interviewed the Dallas doctors, and it is clear that this damage to the shirt and tie knot was caused by a scalpel during the emergency processes and both the doctor in charge and the nurse who did this told the Commission. (The doctor also told me.) He also told the commission that the bullet hole in the front of JFK's neck was above the collar. He told them this twice, and they ignored it because otherwise they had no solution. In any event, when we confronted the FBI agent who had given limited testimony to the Commission about the clothing during deposition, he actually testified two times and perhaps a third that he had had the question I posed and had asked a hair and fibres expert to make a study and report. Thus the need to claim that I was expanding on my requests - to continue to hide that quite significant report. Which had not been given to the Commission or testified to before it.

Of all the much that is potentially embarrassing to the FBI in the two general areas of my requests, JFK and King, and they have to a great degree succeeded in withholding what can embarrass them, underlying is what you may find incredible but it literally true: they never investigated the crime itself in either case.

Harold