

7/22/84 filed 1/27/82 on June

Q5 My 7/16/83 affidavit states that
FBI files Jim out side of me in file

check
my 5/28/83

Use also in N.O. & DL
Refers to Marina as the single one provided
"affi correct by identified them to the
appeals office" Thereafter, still no
Jim searches" (hand, mentioned)

2/22/83

2 aff detail my how FBI handles Jim
records with 36 ex libris of top own
records (Marcello included in HSCA)

My 7/16/83 affidavit states how much
time the affidavits required on the subject
in question "about five to six months a day

Q206, p 2 merely because their affortation to motion
to strike says I had made no earlier ment an of
I was out I was put page and to inform you that the

2/9207 says I used that page only "merely to show that I had made the efforts earlier"

Q210 explains why I did not on that page tell Shea all I knew on chance had shown that page to FBI. A 216

because I knew FBI had Marina June files, with held them and "made assurances during to exemption to disclose them from its records disclosed to me in this litigation" after disclosing it

"outside this litigation"

219 I identified the 2 to show that he required their disclosure

226 Phillip Seymour in other litigation in which I used FBI's do avoid records not letting ^{me} surveillance of Marina

227 "Inputs" for use

230 identifies a person that when I had provided that I would say I didn't ^{to} ^{the} ^{fact}

3

Reply I address @ 34 it states
01/11/23/83
that "if only plaintiff would
comply with the court (sic) discovery
orders the ~~affair~~ defendants would
be able to demonstrate beyond any
question that its original search was
adequate" in Reply to 17.5

In Reply manifestation of "junk"
again referred to a "typical" on p 4

myli/13/84

My 5/28/83 affidavit filed 6/6

¶ 13 p 70 Elson search made

My 5/5/83 filed 6/6

¶ 3 1 misfiled Hosty affidavit 3/15-16/79

refer to 8 other Hosty affidavits
amplifications of affidavits. It is 13 p
long & has 26 attachments

¶ 5 20 Ruby P(1) file on search slips

~~Two of the additional misrepresentay~~

misrepresentations

Misrepresentations characterize the defendant's brief. Two others relate to plaintiff's position that the defendant seeks to shift its burden of proof onto him and the equally persisting misrepresentation that plaintiff had never raised any question about the FBI's refusal to search its records relating to surveillances, referred to by the codename "JUNE." The defendant now states the exact opposite of what it stated to the district court with regard to its attempt to shift the burden of proof and with regard to the ~~the~~ \times unmade JUNE searches repeats what it made up entirely and persisted in before the district court after it was proven to be untrue.

Defendant now states (page 23) that they "did not undertake discovery to relieve themselves of the burden of proving that the FBI's search was adequate. Nor could defendant's discovery have accomplished this." Yet among the diametrically opposite representations to the district court are these:

"...if only plaintiff would comply with the Court (sic) discovery orders," the Reply of June 23? (check) 1983 claims, defendant would be able to demonstrate beyond any question that its original search was adequate

"In fact, the very reason why defendants undertook its very limited discovery (sic) was to enable it to meet its burden of showing that its search was adequate." (Opposition of June 20, 1983, page 4)

With regard to the "JUNE" searches that still have not been made the defendant seriously misrepresents the case record and persists in a fabrication that was abundantly proven to be without any basis at all in the case record.

After defendant has misrepresented both the purpose and content of a single page of an appeal to allege to the district court that plaintiff had provided nothing else at all and had continued to withhold alleged necessary information, both of several which are not true, plaintiff provided a number of detailed and documented affidavits

"Moreover, the defendant would be able to demonstrate beyond any question that its original search (sic) was adequate if only plaintiff would comply with the Court (sic) discovery orders..."Reply of June 23, 1983)

Paragraph 2 of plaintiff's affidavit of July 22, 1983 states that the FBI files electronic surveillances information outside the main files substituted for plaintiff's request in this case and iden ~~ifies~~ states that it uses an "administrative matters" file, Number:66, for this purpose and to hide such records under a classification it refuses to search as allegedly irrelevant.

Plaintiff's lengthy and detailed affidavit of July 6, 1983 devotes 26 paragraphs to JUNE matters. He refutes defendant's claim that he had not provided any additional information and stated that after he provided the very information the brief represents he had not provided the appeal office forced the FBI to disclose those records, two "administrative" matters" files on the bigging and wiretapping of Marina Oswald. It states that the defendant knew of the existence of these relevant records without making a search because the defendant had made spurious claims to exemption to withhold all reference to them in an existing inventory. It states that the FBI still had not made the required searches to locate other relevant surveillances information published accounts of the existence of which he also provided. It states that the FBI's FOIA supervisor in this litigation also should have known that the FBI had disclosed existence of these records because in other and earlier litigation in which he also was the case supervisor plaintiff reported it

in which the FBI refused to make this same search he also was the case supervisor and plaintiff then provided other FBI records reflecting these surveillances. It states that plaintiff ~~had reasons to believe that~~ only temporarily did not disclose identification of these Marina Oswald surveillance records to the appeals office because he feared what then happened, the FBI still made no search and provided only those two files.

Plaintiff's July 22 affidavit devotes 26 pages to detailing how the FBI handles and files electronic surveillance information. It has attached to it 36 exhibits of FBI records disclosed to another litigant in other litigation related to the

3
assassination of President Kennedy and its investigations.

(t It thus is apparent that aside from what the FBI knows about its own files a
This also included the fact that the FBI has not fewer than three indices not
search in this litigation relating to its electronic surveillances information.
It indexes by the subject of the surveillances, those overheard on them and those
mentioned in the intercepted conversations.

It thus is apparent that quite aside from what the FBI knows about its own
filing and indexing, which required no discovery, plaintiff had, exactly the
made up and told
opposite of what the defendant now tells this court, provided considerable and
thoroughly documented information that has not been refuted in any way.

Letter 14 Opposition to Protective order, June
p14 say they cant address search did not
include name.

Their own records I sent to you
captioned "my affidavits"

6/4/83
5/31/83
9/14/83

~~Page 3 of my memo captioned "my affidavits" the
pages of proof, Q 4 stat
Page 3A - should be closed to Mark Allen &
attached to my _____ affidavit because
only one of mentioned here over head,
not searched in this letter at all~~

My aff of 7/4/82 notes of 16 - FBI never asked
for any disjunctures, any May

My 10/1/82 of 19974 whether FBI
searched "john" of 22

The ~~actual~~ excessiveness of defendant's discovery demands ^{are} is persistently misrepresented as "simple" whereas ^{they} it actually seeks "each and every" document from among an admitted more than 200,000 and "each and every" reason." for believing that relevant records exist and have not been searched for and provided.

No search to comply with the requests was ever made in Dallas. That office did make some ^{incomplete} searches to comply with the request of the appeals office. Its Hosty search slip is blank, despite the existence of many relevant records, ~~some of which have been provided~~. The New Orleans search slips, sworn to as copies of the original search slips in this litigation, in fact are dated almost a year before the request was filed, do not represent a search responsive to the request ^{but worthless} and ~~yet~~ do list innumerable relevant records that remain withheld without claim to exemption.

Despite the clear thrusts of these requests and in violation of the FBI's own procedures as attested to by the case supervisor (vite Phillips' declaration) the Dallas office made no search at all and instead referred the request to FBIHQ, again as attested to by Phillips (vite his declaration) To this day Dallas had not made any search to comply with the requests. Two years later it made a few searches limited searches when directed to do so by the appeals office. New Orleans also made no search. Its search slips, provided as a genuine reflection of the originals when they are not, are not responsive to plaintiff's request but in fact are a hand-copied rather than xeroxed version of another request and are dated almost a year prior to the filing of plaintiff's request. At FBIHQ, where the required search was not possible, an FBI special agent merely decided to limit the request to what it specifically is not limited to, the Dallas companion files of the FBIHQ files disclosed in December 1977 and January 1978, Plaintiff called this to the attention of the Court promptly and was not contradicted by defendant.

5/28/83 No ref to any Elmy stand on
search slips provided at A 13

7/6/83 At 206-232, me

Plaintiff's July 6, 1983 affidavit states "Paragraph 5) that the FBI files JUNE records outside the four main files that in this litigation were substituted for p a search responsive to plaintiff's requests. and that it uses ~~it~~ an "administrative matters" file, Number 66, for hiding its surveillances records.

July 6, 1983

Plaintiff's May 28, 1983 affidavit completely refutes defendant's made-up story that he had not provided any additional information. It states that "after I correctly identified them to the appeals office" the FBI was forced to disclose this two Dallas allegedly "administrative matters" files on the bugging and wiretapping of Marina Oswald; that ~~thereafter xxxxxx FBI xxxxxx was xxxxxx~~ these were the only such files provided; and that thereafter ~~no additional searches~~ ~~was made~~. the FBI persisted in refusing to make the required searches.

I identified these files to Mr. Shea, he compelled their disclosure." (Paragraph 219