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July 29, 1983

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, Maryland 21701

Dear Harold:

Enclosed is a document from the Shaw/Allen suits against the CIA which Bud passed on to me. It has some relevance to the question of persons who "figured in Jim Garrison's investigation" which is posed by C.A. 78-0420. It specifically refers to two FBI reports on Arcacha in the context of wanting to resolve questions about him which have arisen because he figured in the Garrison probe. (I note that a copy went to the Office of Security.)

When you received the Criminal Division files, did they provide the 9/18/67 routing slip cum questions which is referred to in the first paragraph of the document?

Also enclosed is a report of a recent Court of Appeals decision which is helpful on the definition of "intelligence source".

On the June records in Mark's C.A. No. 81-1206, the JUNE cover sheet should have been the first page of the fattest volume I mailed you. The others, which were all much slimmer, were separated by a sheet of colored paper. Mark is supposed to get everything requested by the HSCA which was given to or looked at by HSCA. So far they have been giving him what was given to the HSCA, and, as I understand it, doing so in the order it was requested by HSCA. There is a small category of documents which has been withheld on the grounds that HSCA requested them but never looked at them or got copies of them. These are a separate category of JUNE records, by which I mean only that they are JUNE records requested but not looked at by HSCA as opposed to JUNE records which were requested and looked at by HSCA. Since we contend that the former category of JUNE records is within the scope of Mark's request, we will at some point move for their disclosure.

We have all the 78-0322 transcripts except one, that of of April 8, 1983, which I have just ordered. We had previously ordered those of February 17, 1981 and October 5, 1982, and I am sure I sent you both. If you can't find them, let me know and I send copies. The FBI's failure to search in accordance with the terms of your request was pointed out to the Court at the October 5, 1982 hearing, I am sure, and again at the more recent April 8 hearing.

I'll see if I can get the FBI to identify the separate volumes

-F82-0254/1

unavoidable factors which add to these delays.

6. There are representations of fact in this Opposition that are not in accord with the fact in the case record. Conspicuously, with regard to fact, there is no citation of any evidentiary support and my ignored evidence to the opposite is the only evidence in the case record pertaining to these matters.

7. With regard to one of the factors contributing to these delays, while avoiding use of the word, the Opposition calls me a liar. It represents that I am not unwell ("...Mr. Weisberg's age and alleged ill-health." Emphasis added) and represents that I lied in stating the truth about my impaired health, witness how, as FBI counsel put it, my "own actions over the past several months" have "undercut" my attestations. (Footnote 3 on unnumbered page 2) Mixed in with this is a complete fabrication and an absolute falsehood, "...that assertion (has) been refuted in defendant's earlier submissions..." The FBI has presented no evidence at all on this matter and, going back to 1977 - before my surgeries and their complications - it knew I was in seriously impaired health. It knew then - more than five years ago - that it had to park my counsel's car inside the J. Edgar Hoover Building for me even to be able to get there to confer with it.

8. This alleged "undercutting," FBI counsel's word, is that "Mr. Weisberg himself has put before the Court six affidavits totally (sic) more than 230 pages (including attachments)." It then is conjectured that if I "had spent as much time" complying with discovery, I would have been able to comply with the discovery demand. This, too, is absolutely false. No support for it is offered or cited, again because there is none and again, as usual, there is directly contrary evidence that he did not challenge or refute, so at the least FBI counsel had reason to believe his concoction was not truthful.

9. Having not inconsiderable experience with untruths, distortions,

misrepresentations and not uncommonly slanders by the FBI and its counsel, I decided to check FBI counsel's above-quoted arithmetic. It is informative.

10. The actual work for me represented in these six affidavits is in their texts. There are not "more than 230 pages" of text but only 98. Of these, 12 are far from full pages and several are blank save for a few lines of notarial statement. The attachments total 142 pages, almost all of FBI records, and of these 45 pages - almost a third - are the so-called search slips. The time period to which FBI counsel refers, from February 4 to and including June 6, is 125 days. So what his alleged "undercutting" really amounts to is about a half-page of typing a day for me! This really means little more than about five minutes' work a day for those 125 days! This is the exact opposite of what he represents to this Court.

11. These retyped pages of affidavit text are of a larger type face than that of the typewriter I use, a Hermes 3000. It has a much smaller type face and includes more lines per page. Thus, on my typewriter, it amounts to about a half page per day. While I have never timed my output, I know that it is not unusual for me to type five pages an hour. The actual typing time thus comes to about five minutes per day. This "undercuts" nothing but the integrity of FBI counsel's representation to this Court and his entire argument.

12. As my affidavits also state, particularly those FBI counsel represents have been "refuted" when they have not even been addressed at all, I have spent and I am able to spend little time in searching now and searching time does not and cannot represent any appreciable addition to the actual time I spent. Almost all of the attachments, like the phony search slips, were at hand. Some, as I stated with precision and accuracy, were in a box in my office I had not been able to get to because of my health and I just blundered into them, without taking any special time, as I was disposing of the contents of that box. An appreciable percentage

was provided by FBI counsel himself under discovery and they required no time at all for searching. Others, as my affidavits state, I received while I was working on them. My affidavits, with which he here represents some familiarity, make it clear that for all practical purposes the attachments represent virtually no work at all for me and thus almost no time at all.

13. If the actual time is doubled, it comes to only about 10 minutes of time a day, and that still is an insignificant amount of time, not at all what he represents.

14. In addition, as I believe lawyers know as well as writers, there is an enormous difference in the time taken for writing and the time required by endless research in 60 file cabinets, 500,000 pages of records and countless books, which is what the FBI's discovery really demands.

15. In short, FBI counsel's quoted representation is misrepresentation, is false, and based on simple arithmetic he had every reason to know it is false. Moreover, he provided no estimate, not even another of his own fabrications, of the time the discovery he actually demands - which is not the discovery he misrepresents - would or could require. So on this additional basis he just made up what he represents to this Court and on which he has already threatened to have me "thrown in jail," his words to my counsel. I have sworn to the actual requirements of his actual demands and he has not presented any contrary evidence, not even his own unsupported argument. The unrefuted evidence in the case record, therefore, informed him in advance that he was being untruthful and was misrepresenting.

16. Moreover, I know of no honest basis for his making any reasonable estimate, leave alone one he would present to a federal court and use as a basis for denying anyone freedom, without knowing how rapidly or how slowly I write. He has never asked me.

17. Yet his fabrication, which has no basis in any evidence at all and is contrary to the unrefuted evidence I provided under oath, is the sole basis for his calling me a liar under oath over my "alleged ill-health" and my present capabilities or lack of them. Under other circumstances, as I have in the past, I would consider the source and ignore it. However, because it is a basis for the dismissal he solicits from this Court, I do not ignore it. Instead, I attach some of my medical bills. They reflect the complete accuracy and understated truthfulness of my attestations. These bills are not complete. They do not include my 1975 hospitalization for acute thrombophlebitis which had not yet resulted in surgery and of which the FBI has known all along. Of my local doctor's many bills I attach only those that relate to my attestations to additional illnesses beginning this past February. They are bills, not diagnostic records, and do not include all diagnoses.

18. Exhibit 1 is the bill for my September 1980 hospitalization for additional diagnosis, to determine the nature of the arterial blockages in my left thigh and whether surgery was indicated.

19. Exhibit 2 is the bill for the arterial surgery and implantation of a plastic artery two weeks later. (The operative reports and other attachments referred to were not provided to me. They went to my insurer.) The venous doppler listed is a test related to another venous thrombosis I suffered while hospitalized. I was first hospitalized for venous thrombosis in both legs and thighs in October 1975.

20. Exhibit 3 reflects the first of the more serious complications, diagnosed as "arterial obstruction." The nature of the surgery is indicated under "Description of Services." However, because this bill is limited to the surgery, it makes no reference to the arterial blood clots that were not accessible and the venous

blockages, both of which contribute significantly to my overall impaired circulation and resultant problems and limitations.

21. In April 1981 (Exhibit 4) I suffered a total blockage on the left side. It is this emergency that I stated my counsel may know more about than I do because prior to the emergency surgery, which began at night and continued into the next morning, I was drifting into unconsciousness. I know only what one of my surgeons told me the next day, that this particular emergency is not uncommonly fatal. The extent of this surgery also is indicated in the bill.

22. These are the surgeon's bills only. The hospital's bills are much more extensive and expensive, but they do not indicate the nature of the surgeries.

23. Because the FBI's counsel also scoffs at and represents that I lied about the series of debilitating illnesses that I attested began this February and have not yet run their course, I also attach the pertinent bills of my family doctor. He does not record his full diagnosis on all of them because this form is a bill only, not his medical record, but he does indicate most of these illnesses on these bills. (Exhibit 5) As is apparent, I was truthful and understated. Because of the ink he used and the color of the color-coded paper forms, which do not copy clearly, I repeat the various illnesses identified on these bills, the first of which is dated February 2 of this year. (He does not bill for telephone consultations, which are frequent.) Exhibit 5 includes illnesses I overlooked in my understated account: vascular insufficiency, bronchitis, influenza, pneumonia, peripheral vascular disease, edema, ecchymosis, and "anticoagulation," which refers to persisting problems during this period with my blood's prothrombin or clotting time. During the period represented by these bills, it was at the level that is critical for internal hemorrhaging. It also is more critical with respect to the slightest bruising, cutting and falling because they, too, can cause potentially

serious, even fatal, hemorrhaging. (For the rest of my life, my doctors have warned me, I must be extremely careful not to fall or bruise or cut myself because the optimum clotting time of my blood is now twice its base or normal time. During the period in question, it reached almost three times base.) Although it is not mentioned, I also suffered pleurisy, which is painful and interferes with concentration, rest and sleep.

24. Ecchymosis refers to hemorrhaging through the walls of the blood vessels. Coughing during the time I had bronchitis, pneumonia, influenza and pleurisy caused the ecchymosis, many large areas of chest hemorrhaging, with lumps of clots as large as my fist throughout my chest.

25. These bills reflect exactly what I stated pertaining to the bronchial infection, that it persists despite medication. I am ~~am~~ ^{only recently off} the antibiotic prescribed in early February, although at the time of first prescription the doctor anticipated only 10 days of antibiotic treatment. They represent 12 examinations of me by this one of my doctors during the period to which I attested. The suddenness of onset of this lingering infection is reflected by the fact that, as these bills reflect, my family doctor worked me in without appointment only one day after he had seen me for the unusual edema caused by the circulatory insufficiencies I will have for the rest of my life. (There is constant edema from this since 1975.)

26. These exhibits reflect the baselessness of FBI counsel's fabrication, that I was untruthful in representing my medical and physical conditions and limitations. He did not ask me for any proof and he did not dispute my attestations in any way, which he nonetheless refers to as "refutation."

27. While I can pretend no knowledge of Department of Justice standards and concepts of ethic!, morality, decency and truthfulness except as I have observed them intimately and extensively in more than a decade of litigation and as the

attorneys general have addressed them in public statements, I do state that nobody, not even the most talented, erudite and accomplished of lawyers, has any basis for making a representation of medical fact without obtaining those facts and, as my voluntary disclosure of these bills and my earlier attestations leave without doubt, the actual facts were always available. (Among these statements by attorneys general is Griffin Bell's commemoration of "law day" with a published injunction to all Department lawyers that they were never to make any representatin to any court without the most substantial reason to be certain of its truthfulness and accuracy.)

28. Avoiding the actual facts, not asking for them if there were any reason to doubt my sworn representations, not presenting any contradictory evidence of any kind and instead merely fabricating new defamatory untruths is consistent with what can be called the vendetta the FBI and the Department have waged against me for years in a campaign of defamation and the foulest of libels that, from the records disclosed to me, were widely distributed, including to the White House, the Congress, attorneys general and their deputies and others, including those who litigate. Instead of making an effort to refute my earlier references to this campaign, identified as based on FBI records disclosed to me, instead of searching these already disclosed FBI records, which represents very little work and effort, FBI counsel made slurring wisecracks that are clearly intended to prejudice. Some of these records, which are well known to the FBI and to the Civil Division from their attachment to affidavits in other litigation, also are attached to the affidavit I executed June 13 and then mailed to my counsel.

29. Such departures from fact and truth characterize the FBI pleadings in this litigation (and not it alone). My counsel, for reasons I can understand and appreciate, has been reluctant to make use of the factual information I provided him earlier about these departures from truth and fact. They permeate and they are

affidavit, I attach hereto as Exhibit 6 my short appeal of January 15, 1979 (which was well in advance of those "new" searches New Orleans was ordered to make in 1981) and as Exhibit 7 my longer, detailed and documented appeal of June 14, 1979. Both were and remain ignored.

72. Exhibit 6 reflects the fact that the New Orleans main assassination file establishes the fact that Caire figured in that investigation and thus is clearly within my requests in this litigation on that basis alone.

73. It refers to my 1970 DJ-118 Caire request, the cashing of the check for which I received nothing, and to the Department's testimony before the Senate that my old requests would be complied with. It also refers to evidence of the existence of a New Orleans subject-matter index for which no search has been attested to in this litigation. (The scrawled notes on the bottom are mine and are not included on the copy of the appeal I filed.)

74. When I received no response despite this promise to the Senate, I filed a long, detailed and documented appeal, Exhibit 7. While the subject headings may make it appear that some are not pertinent, they are. This is because the FBI withheld field office records as "previously processed" at FBIHQ and thus those FBIHQ records are pertinent in this litigation. Because I am a "critic" and also am included in records pertaining to both the FBI's and Garrison's investigations, all records on or pertaining to me are relevant in this litigation. While as a practical matter the FBI's withholding as "previously processed" made it necessary for me to include FBIHQ and field office records in such appeals, in this instance the caption is specific in referring to "New Orleans and Dallas Field Offices."

75. When I filed this appeal only the text of it had page numbers. I have added continuing page numbers to the copies of FBI records I attached to it to identify them. I also have added letters in the margin to identify portions of

the appeal in the order in which I cite them.

76. At "A" I state that the FBI correctly understood my requests to include "all information about Ronnie Caire."

77. "B" refers to the existence of Caire records at FBIHQ. Among the importances of this information is the fact that, if field office copies were destroyed, the information provided to FBIHQ could be provided in replacement of it.

78. "C" establishes the existence of Caire records in Dallas.

79. "D" reflects the FBI's knowledge that Caire also figured in the Garrison investigation and thus is pertinent to that part of my New Orleans request.

80. "E" reflects the existence of New Orleans Caire records and the fact that they were not provided to me in this litigation.

81. "F" refers to another of my old and still ignored requests that also is pertinent in this litigation, the identification of an Oswald associate through what the FBI had, his fingerprints.

82. "G" addresses the usual FBI dodge, also used in this litigation, of fabricating its own formulation of my request to avoid compliance. Although FBIHQ correctly understood my request to include "all" Caire information, here it draws a phony distinction, that he had "no direct connection with the assassination." My request pertains to the investigations, and Caire is within the investigations. (I did not suggest that he had even an indirect connection with the assassination.)

83. "H" refers to the existence of pertinent records outside the main assassination files.

84. "I" states correctly that I provided additional information pertaining to this DJ-118 FOIA request (page 13) in a covering letter (page 12).

85. "J" reflects FBI determination not to comply with my requests, in this instance with both my personal records request and records pertaining to "critics."

Here I identified pertinent files by their correct numbers only to have those records obdurately withheld, without even a claim to exemption to withhold them.

86. "K" establishes that the FBI correctly understood my request pertaining to the New Orleans Oswald associate the identification of whom the FBI withholds: "He asks for information as to whose fingerprint this was..."

87. "L" is still another illustration of the FBI tricks to avoid compliance with my requests. The FBI told the DAG not that it found pertinent information on Caire, as it did, but instead that there is "no information that Caire was interviewed by the FBI concerning the assassination..." which is only one part of this request.

88. "M" refers to the identification of a pertinent New Orleans record not provided.

89. "N," although the FBI pretended not to understand what I meant in stating that Oswald had "masked" Caire's address in his addressbook, and Dallas recommended that I be asked, which I was not, I provided this information at "O." (Oswald's entry led him to the side door of the office building in which Caire was located rather than its front and main door.)

90. "P" establishes that nothing I have stated in this litigation pertaining to the withheld motion pictures in any way expands on my requests. (They were first made on January 1, 1969.)

91. "Q" has the FBI denying me the New Orleans information requested because it "is contained in files compiled for law enforcement purposes." In all aspects this is a false basis. There is no blanket exemption for all files compiled for law enforcement purposes. Only what falls within an exemption can be withheld. Moreover, this was not a file compiled for any law enforcement purpose ("R"), as the FBI's disclosed records and Director Hoover in sworn

testimony both state. The information remains withheld.

92. "S" reflects the FBI's intent to withhold the requested information even though it correctly understood my request to include it.

93. "T" cites the FBI's interpretation of FOIA referred to in earlier affidavits, without contradiction, that if it does not like me the Act does not apply to it: "In view of Weisberg's character he should not be given the information he requests and there is legal ground for our position." (Also on page 18)

94. "U" refers to Caire's registration as a foreign agent, about which more follows below.

95. "W" reflects that Caire's foreign-agent registration was on behalf of a CIA anti-Castro front whose address Oswald used on his New Orleans literature, and to the FBI's refusal to provide the Warren Commission with copies of Oswald's literature bearing this address.

96. When the FBI simply refused to provide the Commission with Oswald's literature using this 544 Camp Street address, the Commission asked the Secret Service, which did provide it. (See also Paragraph 102 below pertaining to the printing of Oswald's literature.) The Commission's records also reflect the fact that the FBI did not inform it of much that it knew, including that Oswald sought employment with a registered foreign agent or that his organization was a CIA front. By this quoted spurious interpretation of FOIA the FBI withheld the same information from me and from disclosure. The FBI SA who made this interpretation of FOIA to withhold this information from me, T. N. Goble, just happens to be the same man who sat on the intelligence/political desk at FBIHQ and handled this kind of informati!n that went to - and did not go to - President Johnson's Commission. It also just happens that he was assigned to FOIA work at FBIHQ until, in 1977, I absolutely refused to accept any record he processed when he was assigned to my

C.A. 75-1996. He then was removed from FOIA work.

97. In the FBI's report to the Deputy Attorney General about its New Orleans search it acknowledges the connection between Caire and Sergio Arcacha Smith and Caire's foreign-agent registration (page 16). But it withholds most of the pertinent information and it reports nothing about the provocative inter-relationships. Moreover, the FBI did not report all the available information. Between this nonreporting and its failure to draw together all the information it did not withhold, it succeeded in at least underinforming everybody. For example, it did not report, here or elsewhere, what I learned from public sources in New Orleans, that when Caire and Arcacha Smith formed an organization to solicit money, ostensibly for anti-Castro work, they used as a return address this same small building in which the CIA front had offices, arranged for by former FBI SAC Guy Banister, one of its incorporators, in whose office and for whom Ferrie worked, the building Oswald also used as a return address on his literature, when neither Caire nor Arcacha nor their organization had offices in that building. It did not report any CIA connection at all.

98. All of this and more that is known makes it even more unusual that the only known Oswald New Orleans employment application the FBI did not investigate when it was supposed to investigate all of them is his effort to work for Caire in public relations and advertising and that even though it knew that Oswald was a dropout who had no command of either spelling or grammar.

99. There is consistency in the FBI's withholdings from me, under an assortment of spurious claims and continuing in this litigation, and its withholdings from the Presidential Commission. The records I used in my appeals were not provided to the Commission or in this litigation. I obtained them by other means.

100. In responding so incompletely to FBIHQ pertaining to the DAG's inquiry

after I filed my request, New Orleans departed from normal practice and did not identify the file number or numbers of the information it cited. However; one of the pertinent documents withheld from me in this litigation that was disclosed to another requester and which I attached to the addendum to my June 6, 1983; affidavit does identify one such file. It is the identical New Orleans 105-1456 file that, among other things, includes the still withheld and pertinent Ferrie information. The same FBI record reflects the fact that, rather than the single and allegedly destroyed copy of 105-1456 records to which Anderson attested, New Orleans had two copies in that file. It also reflects duplicate filing of the same document elsewhere, in this case with the identification of the file withheld without the posting of any claim to exemption. As my addendum states, this raises new questions about SA Anderson's truthfulness and intentions in his attestations in this litigation pertaining to that 105-1456 file and to his so-called searches.

101. That all of this was known to FBI counsel before he drafted his Opposition is reflected by the fact that in it he refers to my June 6, 1983, affidavit. But neither he nor anyone else, there or anywhere else or in any way makes any reference to this information and its pertinence in searching and compliance. Anderson and Phillips, both of whom swore falsely and deceptively about New Orleans file 105-1456, have not uttered a word.

102. There is consistency and pertinence in all of this. As I attested earlier, this 105-1456 file also includes David Ferrie and his political and social friends and associates of various descriptions, former FBI SAC Guy Banister, for whom Ferrie worked and whose office Ferrie used, and other persons and organizations that are included within my requests. The New Orleans FBI never bothered the Warren Commission or FBIHQ with the intelligence that Banister was in the very same small building that Oswald used as a return address, the building that housed the

CIA's anti-Castro front directly above Banister's office. Consistent with the FBI's refusal to provide Oswald's literature with the address of the CIA front used as Oswald's return address is its deliberate misrepresentations pertaining to the printing of Oswald's literature. When the New Orleans FBI learned that the Secret Service was independently investigating this Oswald printing, it got FBIHQ to pressure Secret Service Headquarters to order the New Orleans Secret Service to suspend its independent investigation. Thereafter, although the New Orleans FBI reported to FBIHQ that those at the Jones Printing Company who dealt with the person who had this printing done stated he was not Oswald, FBIHQ rewrote the New Orleans reports and turned them 180 degrees around, representing the exact opposite, that both witnesses who states it was not Oswald stated that it was Oswald. And thus FBIHQ deceived and misled the Commission, which used the FBIHQ fabrication in its Report instead of the truth in the field reports that FBIHQ rewrote. I published the Commission's, FBIHQ's and the field office versions in 1967.

103. I believe it is obvious that the foregoing paragraphs pertaining to Caire reflect that anyone who represents that under my obviously all-inclusive request, to which I attested without denial in any form, sworn or unsworn, and with FOIA requests going back to 1969 and 1970 and repeated appeals then and in 1979, I now am engaged in "ever-expanding piecemeal" complaints that are "fluid and obscure and in turn virtually irresolvable" either lies or does not know what he is talking about and should not make any representations of this character to this Court. This is particularly true when his objectives include dismissal of this litigation and can include my incarceration.

104. There is absolutely nothing that can by honest men be called new in this; nothing "fluid;" nothing "ever-expanding;" nothing "piecemeal;" nothing in anyway "obscure;" and nothing "virtually irresolvable" - except the FBI's

determination not to search and not to comply with my requests or the Act or its own regulations by any means convenient to it, including false representation and false swearing.

105. There is, in short, absolutely nothing in any way new, and this is true of all my affidavits and all my appeals. What the FBI, through its counsel, not in any evidence, has done is what they have done from the outset in this litigation, pretended that all the proofs I have provided of their refusal to search and refusal to comply represents expanding my requests, which they knowingly, deliberately and over my clearly and forcefully expressed and repeated objections corrupted and from the outset and continuing to now refused and still refuse to comply with.

106. By his request, I provided Quinlan Shea, the appeals director, with those appeals as I read the records. As a practical matter, there was no other way in which this could be done, given the volume of records and because, contrary to Mr. Shea's expressed desire and mine, that there be regular disclosure as processed of batches of records his staff could handle, the FBI accumulated and then dumped cartons of them at a time on me and on him and his staff. Because neither he nor his staff were subject experts, I provided detailed explanations. As this Caire appeal reflects, I went to considerable trouble and expense and took much time to provide him with many thousands of pages of attachments so he and his staff could be adequately informed. These appeals and their documentation, as I have stated without dispute, run to several full file drawers and that, for anyone, more for an aging and unwell man who had no regular income, represents a considerable expense and an enormous effort to be helpful to the government in an historical case of this significance.

107. This Caire appeal is typical in every way. Anyone who knows what he is talking about and says that it is fluid, irresolvable and those other things

represented in the Opposition, lies and knows he lies. So also does he lie if he says that there is anything incomprehensible to the FBI or the appeals office in such appeals and their documentation - that in almost all instances consisted of FBI records, for the most part only those not disclosed to me in this litigation in which they are pertinent. Unless the FBI raised new issues, my affidavits merely repeat what I had already filed in these appeals and thus also are in no sense new or any kind of an expansion on my requests.

108. That none of these representations in this Opposition is supported by any FBI evidence, whether made in the Opposition for the first time or repeated from the past, is simply because there neither is nor can be any such evidence. This is because all these allegations are simply untruthful. Any reading of this four-year-old - and still ignored - Caire appeal discloses that this permeating untruthfulness cannot be and is not accidental.

109. The Caire and many other such matters I have documented throughout this litigation and in my appeals also reflect why I was compelled to file all-inclusive requests: my simple requests for relatively few records were, uniformly and by direct order of higher FBI authority, ignored. On the few occasions the FBI felt that it had to provide explanations for its consistent and long-standing violations of the Act it invented them. These ranged from character assassination to revisions and misrepresentations of my requests to rewriting the Act itself to have it mean that all the FBI is required to disclose is what it wants to disclose and that it is totally exempt from any disclosure to persons it does not like.

110. Consistent with all of the foregoing and with the FBI's unexpressed indebtedness to George Orwell which, from my experience, becomes more obvious the closer we get to 1984, the Opposition refers to the FBI's discovery demands as of "limited nature and purpose." (This is the section to which quoted footnote 6

relates with all its false allegations of expanding requests in piecemeal fashion and to alleged fluidity and obscurity to achieve the virtually irresolvable.) When the FBI demands "each and every" pertinent document, Orwell at his most eloquent could not have improved upon the Opposition's characterization of this endlessness in searching some half-million pages in 60 cabinets of records as "limited in nature and purpose."

111. If, as there is not and cannot be, there were any FBI need to know anything that I know or have to make the searches it has not made - and it has not attested to any such need - that certainly does not require "each and every" document or bit of information to justify making a search, which is the relatively simple procedure of looking at index cards. If the FBI did not have wrongful, dishonest and oppressive purposes, it would have contented itself with asking for no more than reason to believe that it had the information - for which it has not yet searched after five years of litigation.

112. That anyone could represent that the information and documentation I provided in this Caire appeal and all the others as detailed and well documented is in any way inadequate for the making of a simple search is beyond belief. Actually, none of this is necessary for any searching. The FBI knows more about this than I do. It just has not searched to comply with my requests and refuses to.

113. This and all other such appeals and my many documented and unrefuted affidavits clearly establish that the FBI's discovery demands are not more than a deliberate hoax, a deliberate fraud, a deliberate additional stonewalling of this litigation that now is in its sixth year - without the initial searches yet having been made. I therefore repeat again what I have attested to over and over again and what is entirely ignored: that the FBI never intended to and never did make the searches it knew were required by my requests and that in this it knowingly

First, the Court's order does not involve a "controlling question of law as to which there is substantial grounds for difference of opinions." The mere fact that the order controls the future course of this litigation does not mean that it constitutes a controlling question of law. Indeed, such could be said of most orders entered by a court during the course of a lawsuit. Rather, § 1292(b) is

to be used only in extraordinary cases where decision of an interlocutory appeal might avoid protracted and expensive litigation. It [is] not intended to provide review of difficult rulings in hard cases."

United States v. Clay, 420 F. Supp. 853, 859 (D. D.C. 1976), quoting United States Rubber Co. v. Wright, 359 F.2d 784, 785 (9th Cir. 1966).

Nor is there substantial ground for difference of opinion as to the correctness of the Court's order. As the defendant pointed out before in this litigation, the order mere the plaintiff to spell out the factual bases for his assertions about the adequacy of the FBI's search. T order does not in any way reverse, as plaintiff claim of proof in FOIA cases. In fact, the very reason why defendant undertook its very limited discovery was to enable it to meet its burden of showing that its search was adequate. In short, plaintiff can not have it both ways: on the one hand, claiming that he possesses facts and documents which demonstrate the agency's search was inadequate; yet, on the other hand, refusing to comply with this Court's orders allowing the agency to discover

Opposition
6/20/83

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 Washington, D.C.

DESCRIPTION OF RECORD REQUESTED (Include any information which may be helpful in locating record)
 Spectrographic analysis of bullet, fragments of bullet and other objects, including carments and part of vehicle and curbstone said to have been struck by bullet and/or fragments during assassination of President Kennedy and hearing of Governor Connally. See my letter of 5/16/70

LITIGATION: DOES THIS REQUEST RELATE TO A MATTER IN PENDING OR PROSPECTIVE LITIGATION? YES NO

FILL IN IF IN PENDING LITIGATION
 COURT (check one) DISTRICT
 FEDERAL
 STATE

NAME OF CASE

DOCKET NUMBER

There is no prospective litigation if request is complied with

Harold W. Stibbe
 SIGNATURE

FOR USE BY DEPARTMENT OF JUSTICE ONLY
 THIS REQUEST IS:
 GRANTED
 DENIED
 REFERRED

A MINIMUM FEE OF \$3.00 MUST ACCOMPANY THIS REQUEST. OTHER CHARGES ARE AS FOLLOWS. (do not write in this box)

FOR SECOND AND EACH ADDITIONAL ONE QUARTER HOUR SPENT IN SEARCHING FOR OR IDENTIFYING REQUESTED RECORD \$ 1.00 _____

FOR EACH ONE QUARTER HOUR SPENT IN MONITORING REQUESTER'S EXAMINATION OF MATERIAL \$ 1.00 _____

COPIES OF DOCUMENTS:
 50¢ FIRST PAGE, 25¢ EACH ADDITIONAL PAGE _____

FOR CERTIFICATION OF TRUE COPY \$ 1.00 EACH _____

FOR ATTESTATION UNDER THE SEAL OF THE DEPARTMENT \$ 3.00 EACH _____

GSA CHARGE _____

TOTAL CHARGE _____

Payment under this section shall be made in cash, or by United States money order, or by check payable to the Treasurer of the United States. Postage stamps will not be accepted.

This form may be delivered to any of the offices listed in 28 C. F. R. 16.2 or mailed to: Office of the Deputy Attorney General, Department of Justice, Washington, D. C. 20530