

Mr. Mark Lynch
122 Maryland Ave., NE
Washington, D.C. 20002

7/15/84

Special Delivery

Dear Mr. Lynch,

After mailing my earlier letter today I resumed examination of the case record that I have bound, which goes up to a year ago. If anything of later date makes any significant difference, as in the new charge I make, of deliberate lying about the number of pages of my affidavits and the falsehood that I could have completed discovery at the time they required, I'll let you know promptly.

I have found and will send you the page on which these same counsel stated that the purpose of their discovery was to enable them to meet their burden. It is in their opposition of 6/20/83. (Below)

Their lying about what I'd said about "JUNE" is now much more significant because the purpose was to establish that they had lied about this earlier in saying that I had never made any mention of JUNE. My affidavit of 7/22/83 begins by proving that they had lied about JUNE and, not having bothered to try to refute this, they tell the identical lie in this brief.

Jim told me that you had read and believed that my affidavit on my health is significant. This is executed 7/6/83, filed 7/27. It does much more than address my health. It addresses their unsworn lie that in the time I could have prepared 230 pages of affidavits I could have complied with all their discovery demands. It turns out, as that affidavit states without contradiction, that there were actually then only 98 pages of text and, what the liars did not bother to tell the judge, the period of time was 125 days. So, they now tell the appeals court what they knew to be a lie. There is no way they can claim not to have read this affidavit because they deliberately misrepresent what I said about JUNE in it and then lied further to claim that this was "typical" of my appeals. I'll be copying and sending some of these pages. It will then be quite clear why they lie and say I am incomprehensible and discursive (which, by the way, is what Shea wanted).

My inclusion of my Caire appeal begins on page 22, graf 71, and the documentation is important. These are not clear records. Jim can provide better copies. I'm sending this to him, which should call it to his attention.

I've told you that their persisting misrepresentations lead to major problems and hurt to me and deception of the courts. The appeals court, in the spectro decision, said I'd not asked for the results of testing of the clothing. I used the FBI's copy of my initial request as an exhibit and it is quite specific in including the clothing. (There just is no way to prevail without addressing their lies because otherwise they'll prevail on one of them, and there are so many!)

While elsewhere in their brief they give a new total number of my affidavit pages, on 46 they state that they refer to the period "from February through November 1983" and at the same point they describe the affidavits as "incomprehensible." What a chance to show what they call "incomprehensible!"

On page ¹⁵ 45 they state that my affidavits of 4/29, 5/5 and 5/28 "totalled 71 pages not counting attachments," so I'm surprised, if this is true, that they did not dispute my later affidavit on this point. I'll try to check when I can. On 29 beginning 5 lines up, "During the period February to November, 1983, plaintiff filed no fewer than eight affidavits, totalling more than 246 pages, and with extensive attachments."

While the page count will have to be checked, their own versions of the same thing are entirely contradictory. From the use they make of this after correction it is, I think, another significant lie.

To save you the time of checking and comparing, brief at 23: "Defendants did not, however, undertake discovery to relieve themselves of the burden of proving that the

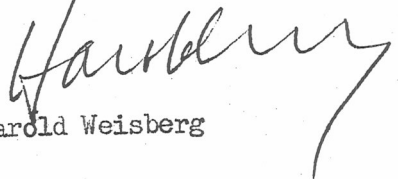
(p 4 above)

FBI's search was ~~inadequate~~. 6/20/83 ^Upposition, page 4: "In fact, the very reason why the defendant undertook its very limited (sic) discovery was to enable it to meet its burden of showing that its search was adequate." (Emphasis added)

I'm not a lawyer, but I wonder if there can be a much more significant lie when one of my bases for not providing discovery was that it attempts to place the burden of ~~the~~ proof on me and they deny it? ^{6/21/83}

Brief at 20 also states that what the ^Upposition ~~states~~ is impossible, as I believe I've quoted to you before: "Not ~~could~~ defendant's discovery have accomplished this." Nothing omitted between these two direct quotes.

Sincerely,


Harold Weisberg