

Dear Mark,

re my post-discovery affidavits 7/19/84

While it is still fresh on my mind and yours and because of the possibility of the question of my post-discovery demands affidavits being raised at oral argument, I want you to know that all address what was alleged, usually untruthfully, by the government. In virtually all instances, as the few sample pages I sent you illustrate, I begin by stating specifically what filing that affidavit addresses. (Some address more than one.) I thus was addressing these filings relating to the discovery demands and representations made in support of them, often straight-out lies, not infrequently obvious deliberate misrepresentations or evasions.

"June" is an outstanding example because of the deliberateness of their misrepresentation and the intended hurtfulness of their fabrications. I'll summarize here what happened and what I did.

Jim used their codename "JUNE" and they claimed that I'd never mentioned it earlier. I had, both with and without that codename. I used, merely and specifically to reflect the fact that I had a single page of reference to their failure to search. They then deliberately misrepresented this page and fabricated the knowing lie that I had withheld information they required to be able to search, another large lie.

That page states that I was merely for "now" not giving Shea the identifications and it states that an explanation of this was enclosed, along with other explanations. So, on the face of it they deliberately misrepresented this page, in addition to fabricating meaning it did not have, a meaning they persisted in trying to foist off on both courts thereafter. Each time they lied and misrepresented again I filed a documented rebuttal under oath in response.

The two affidavits I referred to today are not the only ones. These are those of 7/6/83, which had an earlier reference and is on "June" from Paragraph 206 on, and of 7/22/83, which addresses their false claim to have made a JUNE search when they had not and had not even claimed to have consulted their ~~ELSUR~~ ELSUR indices. The latter I prepared as soon as I received copies of FBI ELSUR records prepared for response to the requests of the House Select Committee on Assassinations. That affidavit is detailed, establishes that the FBI has at least three ELSUR indices, by the subject of the surveillances, those overheard and those mentioned, all relevant to my requests. Attached are 36 of the FBI's own records disclosed in the other litigation, containing this and other relevant information.

I also attested that even where there was known and disclosed electronic surveillance that is relevant, it was withheld and remained withheld after I attested to its existence. Example, the extensive ELSUR of Jim Garrison when the government was preparing to file criminal charges against him. The Department disclosed a thick, single-spaced sheaf of transcripts about an inch thick and used them at the trial, at which the government lost. Those transcripts reveal that two of the phones that were tapped I used, counting all of Garrison's numerous (phones (office)) as one. Another example, disclosed to me in C.A. 75-1996 by the New Orleans office, other intercepted Garrison conversations relating to political assassinations, with a strange character who is in the FBI's investigatory files on the assassinations. (As a critic, I am included in the required searches and there has been no response on this, which I did appeal, and after I filed my affidavits.)

No ELSUR search slips were provided and what was provided are attested to as genuine and complete.

In these affidavits I also attested that the FBI regularly hides its electronic surveillances records as "administrative matters" and then excludes them on searches as allegedly "irrelevant." No admat search is included on the search slips, as I also attested.

I used the Marina Oswald illustration for a number of reasons, all relevant in this litigation and to their endless false representations. First, that was the

subject of the page they made up their cock-and-bull story about. Second, they knew they were lying in making this story up, without question. Third, they also knew that I had provided the temporarily withheld information and based on it Shea required them to disclose those two hidden admat files, neither included in the appropriate main files. In thereafter still refusing to make any search they confirmed my reason for telling Shea separate from any page he might show them and exactly what I feared is what happened: they disclosed what I proved existed and no more and refused to search for more. (I did provide published and undisputed references to the existence of others that were approved wiretaps.)

Another reason for using this illustration is that in processing the existing Dallas inventory of main files only the FOIA unit made phony claims to exemption to withheld all indication of these two known Marina admat files. I obtained an unscised copy and provided both versions, to reflect the deliberateness of the withholding and of the misrepresentations.

John Phillips is the case agent in this litigation as he was in the other, C.A. 75-1996. In the other case, when the FBI refused to make any JUNE search and was making spurious claims to a deep and abiding concern for privacy, I used some of what FBIHQ had disclosed 12/77 and 1/78 relating to these identical Marina electronic surveillances. Thus Phillips own case records let him and others in the FBI and civil division know that the existence of these records was already and voluntarily disclosed. Phillips also should have known of the disclosure in that litigation of that particular Garrison wiretapping the transcript of which was disclosed in it.

With the single exception of the HSCA records used in my 7/22/83 affidavit what I used was in the appeals or earlier in the case record. And with regard to that one exception, I had made the allegation earlier. While I do not recall how many times I noted ~~saying~~ ^{earlier} that no ELSUR search is represented on any of the provided search slips in my affidavit of 5/28/83, Paragraph 13. And they had claimed to have made a search and to require discovery without denying this or virtually anything else that I had alleged.

But in each and every instance the post-discovery demand affidavits addressed their claims in what they filed then and thereafter. In all instances this is specified in those affidavits, usually at the outset. And in this manner I addressed all of their representations in each and every one of their discovery and post-discovery filings.

Howell