THE LIE ABOUT THE DALLAS REQUEST AND THE NEED FOR LYING

(See also under affidavits.)

The brief misrepresents that its introductory sentence is the entire Dallas request even though earlier defendant's submissions quote the other portions of it. Because there never, ever, was any search to comply with my actual requests (by either office) it is obvious that until such searches were made there could not possibly be any need for discovery. The lie also is necessary because if there is a remand and counsel fees and costs are claimed for the lie to be represented as the truth is essential to any claim that the litigation itself was not productive.

Moreover, there is no Dallas search slip of any kind until the years after full compliance was claimed.

On May 19, 1979 the FBI claimed full compliance and Lesar filed an appeal disputing this and giving reasons under date of June 5, 1979. The attached copy is a copy of the FBI's file copy, which was attached to one of its submissions I came across. (It had earlier claimed full compliance while withholding the indices referred to.) I attach only the first page. Their use of this as my only appeal when it was not is the only way they can claim to have acted upon my appeals. Most of the enormous amout of detail and documentation I provided as acknowledged appeals addressed Items 1-3 and thus is clearly what they pretended they needed and I had not provided, thus their explanation for and justification of their discovery demands.

To indicate how much mowe was ultimately provided I attach the first two pages of the 3/2/82 Phillips declaration. Still more was provided later. (This Phillips listing still seeks to hide the fact that the FBI files its surveillances as "administrative matters" by not identifying the numbers of the surevillances files on Marina Oswald, which are listed on the second page, even though Phillips does provide the number of one of these, 66-1313-A on the first page. The other is 1313.)

Phillips also lies in stating that the FBI had "reviewed" in this litigation

See p. 2 of attached pages of ~~Phillips declaration~~ Statement of Material Facts at 4. (bottom)

whereas only the second set of numbers, representing most of the total, were not reviewed because they were already disclosed. When I was able to force a review later they had to disclose an additional 3,500 pages that had been withheld as allegedly previous processed and disclosed when they had not been.

This also bears on the need to sue and the productiveness of the litigation.

Without so intending, as a Phillips declaration also disclosed without so intending, the defendants admitted that they never made a Dallas search to comply with my request of that office. (In a statement of material facts the first four pages of which are attached.)

The second page bears of the knowingness and deliberateness of the very big lie in the brief. It also discloses the deliberateness in never searching to comply with the clearly understood requests.

Page 2, at 3., reports the standard FBI field office FOIA practise. Neither here nor at any other place does the FBI state that this practise was followed in this litigation - because without question it was not. Yet still pretending that it was, in tacit admission that it was not - and in abundant confirmation of my misrepresented affidavit on pages 15 and 16 of the brief - the unauthorized substitution for search is clear on page 3 at 5. . Instead of any search at the field office, where the recofds and the indices are, my request was sent to FBIHQ, where SA Thomas Bresson decided without search what would be disclosed. Not surprisingly he limited what would be disclosed to the companion files of those already disclosed in the FBIHQ general releases of 12/77 and 1/78. This does not even claim any search. It claims only a "determination" at FBIHQ, without search and where search was impossible.

What follow at this point is not true. Those HQ files were not disclosed to me or processed for me but are the general releases, of which I obtained one of the sets of copies. They are not involved in any litigation and none of my appeals have been acknowledged that I can recall save for one, disclosure of the bulkies of these main files.

The files that were later disclosed were not disclosed voluntarily by the FBI as a result of the review of the two named SAs. They were disclosed because I was able to correctly identify them, after full compliance was claimed. (FYI-they used Beckwith as an FOIA supervisor and provider of affidavits while he was an unindicted coconspirator in the Pat Gray case and very vulnerable. He swore to anything, did perjure himself and even provided what I proved to be phony records as the real things in C.A. 75-1996. The judge banished him.)

That the lie is deliberate and that the FBI correctly understood the request and simply refused to comply with it is established at the bottom of page 2 ~~and~~ at 4., where it is explicit in stating that the request was not limited to these main files.

At no point here or anywhere else that I can recall, and I'm certain I'd recall, is there any claim to have made any search to comply with the request for records outside the main files. Hence the need to lie on appeal and, I think, part of the reason for seeking to settle now to moot the case before the appeals court can act - or receive anything else from me.

Page 4 at 8. also is untruthful. The FBI did not disclose the indices to me merely because I asked for them. I got them by appeal, which Shea and I handled and negotiated. Because this index was to the four main files there was no way of claiming it was not within the scope when they had decided that the only request was for these main files. (For your better understanding of the FBI in such matters, the sole purpose of the enormous labor and cost involved in this index was to enable the FBI to know what the Warren Commission knew. The sameinformation was already indexed in the general Dallas indices. This index is limited to what was funneled through Dallas to FBIHQ for FBIHQ to consider forwarding to the Commission. The name of the FBI's game is control, even of Presidentiao commissions.)