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

7/26/84

Dear Mark,

On page 2 of the enclosed letter I wrote CIA today I refer to withheld Oswald/Mexico information. This relates to one of the appeals in the Dallas case. An oft-repeated appeal that remains ignored.

A Hoover letter disclosed to another requester states that FBI agents who knew what Oswald looked like and were familiar with his voice looked at the CIA's Mexico City pictures allegedly of Oswald and listened to a tape or tapes of his intercepted conversation(s) with I think the Russians and said it was not Oswald. Hoover's letter is not unequivocal. It does not state, for example, that the voice is not Oswald's. Then SA, later Congressman Eldon Rudd is the FBI agent who, in a Navy plane I can identify, flew this CIA information to Dallas immediately after the assassination. He was met by SA Wallace Heitman a little after midnight or not much more than 12 hours after the assassination, was driven to the FBI office, and the pictures and tapes were examined and listened to, after which Dallas sent a teletype or radiogram to FBIHQ. FBIHQ almost immediately asked for a transcript and it was sent. The teletype or radiogram and the transcript and any and all other relevant records remain withheld. My appeals include as attachments all the records I refer to and seek what was withheld. Among other things, Phillips' deposition testimony establishes the existence of CIA transcripts and an inside source on Oswald in the Cuban embassy, also withheld without any claim to exemption.

What it amounts to is that everything has been disclosed officially except the content of the conversation(s), and I can't think of any appropriate exemption for that withholding. I don't know of anyone working in the field who does not regard this as significant information, whatever it says or means.

I enclose the two memos I mentioned earlier, addressing what might come up at oral argument. If you think of anything you'd like to be prepared for, please let me know.

In my letter to the CIA I refer to proof of how the CIA got higher authority (It was General Counsel Warner) to lie to me. Your associate, Mr. Adler, has a copy. I'm inclined to believe that he was misled and misrepresented to because the withheld information includes interference with my publishing, at least in part through E. Howard Hunt. It was not until during the Watergate scandal (at which this did not become public) that in checking on Hunt I discovered that he used as a CIA cover address during the time in question the office of the agents to ~~which~~ whom the Saturday Evening Post had sent me when it was considering serialization of my first book. The firm of agents was Littauer and Wilkinson, then at 500 Fifth Ave. I dealt with Max Wilkinson who, after read the ms, told me he'd be happy to represent me. Only it turned out that he backed off and that he was also Hunt's agent when Hunt was CIA and writing spook novels. It also turns out that there was a Littauer Foundation that was a CIA front. I was never able to get to New York thereafter and try to connect the literary agent Littauer with the foundation, if there is such a connection.

P.S. It also is virtually certain that the CIA has relevant records after my book was read at Praeger's, a CIA publisher.

Best wishes,

Harold

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 witheld 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 [redacted] 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 Aasassinations. That affidavit is detailed, establihes that the FBI has at least three ELSUR indicies, 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, contains 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 "irrevelant." 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, withoutnquestion. 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 saarch 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 withhold all indication of these two known Marina admat files. I obtained an unexcised 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 record 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 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, unually 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.

Harold

Dear Mark, re my allegedly enlarging on my FOIA requests 7/22/84

This is a boilerplated FBI/DJ lie in all my cases and was never true. The lie is based upon the rewriting of my requests and when I ask the courts for what I requested the FBI/DJ then allege I am expanding the requests. It is because they got away with this in the last spectro case appeal that Smith and they misused in this case that I believe some member of the panel may ask about this. And while that and how they did this in this litigation is apparent, if the question is asked it may well mean that the panel member is not persuaded.

In my King case, for example, they told the court they would comply in full by providing the FBIHQ MURKIN files. Examination of my actual requests makes it obvious that much if not most of the information is not appropriate for filing under the "Murder of King" caption. And each time they were required to provide some compliance with a part of the actual request they alleged I was expanding on my request. There was nothing too ridiculous for them to allege to make it appear that I was adding to my requests. When they had told the court that they would provide all FBIHQ MURKIN records and I learned that they had abstracts of each document and asked for them, and each is cpation/MURKIN and filed as MURKIN, they claimed that it was not a MURKIN record because it was not in a file folder but was of 3x5 cards and was only an index anyway. When I pointed out that a specific item of the requests is for each index they then claimed it wasn't an index. There are endless illustrations.

I sent you one of their records relating to the deception and misleading of the appeals court, the misrepresentation that I was enlarging upon my request to include the President's clothing. In fact my initial request is quite specific in this regard, reflected by their file copy that I sent you. There is much more like this and Lesar has mislaid what I sent him on that. But the FBI's own records state their correct understanding, that in refiling under the amended Act I was adding neutron activation analyses to the original request. The same agent who cooked up the scheme to not search in response to my field offices request and instead provide the companion files of those disclosed 12/77 and 1/78 then filed an affidavit in which he lied, attesting that I had said I did not want any NAA information. Obviously I did not amend the request to include what I did not want, and I filed an affidavit contradicting him. Despite this and the fact that I provided their internal records to the district court, all but their lie was ignored and they got away with that deliberate misrepresentation, that I was enlarging upon my requests.

The degree to which an appeals panel can miss or be deceived and misled about what is in the case record has surprised me and it has been hurtful to me. In the spectro case, for example, in which the successors to the Atomic Energy Commission, then ERDA, was a codefendant, the appeals court held that they had been dropped as a defendant because they had no records. In fact they had and had provided more records than the FBI! And this is clear in the case record. But there also was a false letter from the general counsel of ERDA, which claimed that they had no records. He wrote this without search, based merely on his having asked an EBI agent who had much to hide. When they were forced to search they found much, and bearing again on the honesty of government counsel, those ERDA records were hand delivered by him to Jim at Jim's home over a holiday weekend so he could report to that court the first day after the holiday that they had provided those records.

For your own understanding, harassment is not the only reason for resort to these kinds of abuses. On the clothing in the spectro case, for example, there is a significant report never given to the Warren Commission and still withheld from me. The FBI Lab had a specialty of providing unclear pictures. When under FOIA I got a clear one of the front of JFK's shirt collar it became obvious that the part of the official account of the crime based on it was false, really entirely impossible. It is that an exiting bullet went through the collar at the point where the tie knot

also was nicked. There are no holes in the collar. There are two slits that do not coincide and are of different lengths. No bullet could have caused them. And they are not even near where the knot of the tie was nicked. I had followed this up with great care and pro se prevailed in a suit against the Archives. Judge Gesell ordered them to photograph the shirt collar and tie knot. Lo, it then turned out that the knot had been unknotted and this the picture of the knot could not be taken. (But with considerable FBI magic the knot was retied years later for the House assassins committee, whose experts were never informed that it had been undone and redone.) Thereafter I went through the Commission's ignored evidence and interviewed the Dallas doctors, and it is clear that this damage to the shirt and tie knot was caused by a scalpel during the emergency processes and both the doctor in charge and the nurse who did this told the Commission. (The doctor also told me.) He also told the commission that the bullet hole in the front of JFK's neck was above the collar. He told them this twice, and they ignored it because otherwise they had no solution. In any event, when we confronted the FBI agent who had given limited testimony to the Commission about the clothing during deposition, he actually testified two times and perhaps a third that he had had the question I posed and had asked a hair and fibres expert to make a study and report. Thus the need to claim that I was expanding on my requests - to continue to hide that quite significant report. Which had not been given to the Commission or testified to before it.

Of all the much that is potentially embarrassing to the FBI in the two general areas of my requests, JFK and King, and they have to a great degree succeeded in withholding what can embarrass them, underlying is what you may find incredible but it literally true: they never investigated the crime itself in either case.

Harold