

FIN.

Dear Jim,

2/21/78

As you know, I've been trying to clear up enough of the accumulation on my desk to be able to spread out my original notes in C.A.75-1996 and the notes I made in reviewing them plus the dictating machine I've obtained. As you know from other enclosures, before going to bed last night I did what was required by FOIA letters going back to last October that I found. I found more but was too tired to address it all.

Because I think that before you go you should take this up with Metcalfe I'll add a little detail that may be unnecessary for you and I'll include a carbon so you won't have to take time to make a xerox.

We are not snowed in although we have been twice. Our lane, which is as long as a football field, is all ice, save for a slight film of snow on top of it. Lil has not walked out to the road since the first snow. I've fallen twice in doing it, neither time hurting myself. Falling and bruising are prohibited because of the danger of internal bleeding. There is another snow forecast for today.

What I've been doing is chipping away at the ice beginning at the door. I've cleared about 100 feet plus almost all of the circular part of the driveway near the house. For me, in my present condition, this is hard and it tires me. Sometimes tires me too much. But I have not been able to get help except for a little while on Sunday, when a tall, strong friend came with his six-foot son. They gave up in less than an hour.

When I get as tired as this can make me I do not function well. My body seems to struggle for oxygen in the blood and I seem not to remember as well.

This is why I did not write you last night about the FBI 12/1/77 letter to me and my 12/3/77 letter to Bill Schaffer, which remains without response to now.

The second paragraph of the FBI letter 4/4/78 says "Also being forwarded are four Baltimore Field Office documents and one FBI Headquarters document, all of which pertain to photographs and an artist's sketch of alleged suspects in this case."

(The "alleged suspects" are in the JFK case. In "this case" there is an alleged suspect.)

In all these records confirm my account of my having given the FBI copies of my pictures through the editor of the local afternoon paper because the local RA was not in town and that I expected their return through the editor, who was considering using them first. These documents also say were there are other relevant FBI files relating to these prints and even where the missing prints were at the time the records were made.

As I've told the FBI, without response, there should be other FBI records that are relevant extending from around here through "Inneapolis to San Francisco."

What the DJ lawyers do not know, probably because they credit all the FBI mythologies, is that these original pictures represent a major disinformation operation and that for some years I've made some effort to deter their misuse.

Although the Dallas record of an investigation avoided the most important single person to have been questioned, the then chief criminal deputy sheriff, they report what I know to be true, that the original pictures are of men of whose names no record appears to have been made at the time of the JFK assassination. The FBI also managed not to get and forward all the details.

When Garrison was about to go ape over these pictures just after the 1968 election and I learned about it I drew upon two friends in Dallas, one a former FBI agent and the other a public official. The former FBI agent made his own investigation for me, based on a picture that showed only two of the men, and the public official had a police investigator make an investigation based upon the complete set. Neither knew I had asked the other. Both investigations dovetailed. I also made inquiries of the managing editor of the paper whose photographer took the original pictures.

As I believe I say in Frame-Up, there is little doubt that the sketch forwarded by the Legat, Mexico City, was based upon one of these pictures, not a view of a man.

I believe that on the one hand this is sufficiently suspicious for the FBI to want to come clean over it and on the other hand to motivate it not to, depending on its attitude today. But there is no doubt that this is an item of my 1969 requests and that as of today there has not been compliance with that item of the request-even after I took the time to write Schaffer about it and even after Lynne spoke to the FBI twice and told Judge Green it would be taken care of expeditiously.

The first of these attached records, of 4/29/68, has stamped on it, "DO NOT DESTROY-PENDING LITIGATION." So it would seem that the Baltimore F.O. knew about the record and the need to preserve it prior to this request from HQ - and still did not provide it.

The concluding paragraph recommends the making of prints so the originals can be returned. Then there is a note that as best I can read it says "copies made 4/30/68 & orig rtd to Lichtinger." Ronald Lichtinger is the name of the local RA, the name I gave the FBI early on in this.

Or, Lichtinger had the originals and they were not returned to me. Nor has any one of the copies been located or offered.

The dictating initials are those of Lichtinger.

The second of the records I quote shows that on 5/3/68 copies were sent by registered mail to Dallas and Memphis, from which there has not been compliance- even though the FBI claims that all the Memphis files were sent to HQ and were searched at HQ -AFTER I made an issue of non-compliance with this item.

I forgot, the first of the records I quote has indication that it was indexed, meaning that I should have received this record under my PA request of more than two years ago. I did not.

Dallas did not respond until 8/21/68, when it sent two copies each to Baltimore and Memphis, with an enclosure to Memphis. Dallas filed copies in three of its own files. In all cases, as is usual, file numbers are given.

This is to say that the search is known to be incomplete, that all the known records were not provided, and that since I wrote Schaffer about this more than two and a half months ago despite its pretensions and representations Civil has simply refused to do anything to get the FBI to comply.

They have not even bothered to acknowledge my letter.

And they certainly have not claimed they can't understand it, even though to get these things done I write in haste.

At the same time there should be relevant records in Civil relating to other pictures I've sought in this case, those of scenes of the crime. Civil either has not searched or has succeeded in missing what should be the obvious.

Is this why I've been forced to get so much farther behind in all my work? Does this represent Civil's interest in getting compliance and bringing the case to an end? Is this the way it acts after the representations it has made to the judge? This is good faith? Its diligence?

If Metcalfe is concerned about the waste of government money, why has he not read and done something about this specific <sup>1</sup> gave Schaffer so long ago?

I told Civil I had told the FBI where to obtain these records. I did it in writing. I suggested, returning again to Metcalfe's concern over government money, that Civil have a paralegal go over all my letters to the FBI. I await a response after three months. But I have not received a single piece of paper as a result of my suggestion and taking that time to save the government's money.

If a paralegal has not gone over what I wrote the FBI, why has not Metcalfe done this as a meaningful meeting of his responsibilities if not as a manifestation of his concern over how government money is wasted?

There are many such cases. I have picked this one only because it was stacked up on my desk, because I told Civil more than it needed to know, and because it is so simple an illustration of so much - including where Civil is coming from and where it appears to want to go.

There is another usefulness in this specific. It has also been sworn to falsely. Wiseman swore to having made a search of FBIHQ files for the pictures and swore that there were neither pictures nor records of pictures. Here we have the proof of the false swearing (to what I believe is material), of the persisting in the false swearing after I proved it to be false, of never having relieved it in the court record, and of all the government's lawyers perpetuating it by seeing to it that there still is not compliance so long after I do what they asked of me and give them proofs as well as leads for searching.

Of course I am offended over all of this and over Hotalcfe's interference with the agreement imposed upon me, especially when he fails to see to compliance when he could have used the time of his interference in seeing to compliance from the records I did provide.

With this kind of record - and it is true of much besides this one illustration - of course I ask myself when and how it will ever end.

To me the record is one of the lawyers protecting the FBI's deliberate lawlessness while pretending otherwise to the judge and succeeding in transferring the burden of proof onto me.

More than a year ago I told the judge that from my experience there would be no end to the non-compliance unless there was some punishment for those who have offended. I believe this illustration is one of offenses against the Act and of deliberateness in it on all levels, including by all the lawyers involved. I believe it also involves the lawyers in misleading the judge.

So I therefore am asking you to consider invoking the punitive provisions. In this case I have given the FBI and the Civil lawyers much more than I am required to and much more than they need - and they remain silent, all of them.

If you'd like I'll take time for other illustrations. They exist and I can think of some without searching.

Sincerely,  
*M. H. Hotalcfe*

Sorry there will not be time to read and correct this before the mail is picked up.