

I have just finished reviewing this file. Once again I have located records that we should have been provided earlier. I believe that buried at the very back of the Oswald file are records that should have been in the assassination file (#89-43) and were not, at least in those provided to me. I believe, as best a non-lawyer can, that in at least three of the volumes there are records that should have been provided under discovery in C.A. 75-226.

While these volumes are not the only confirmation of what we learned on deposition from Frazier about all records being in the Office of Origin, these volumes do hold the proof, including of the deliberateness of FBI withholding and the deliberateness of an inadequate search.

Rather than being of the evidence itself these volumes are described as inventories. They include the regular checking of the files every six months and of their preservation. The evidence is in the Dallas Field Office. Therefore a search restricted to FBIHQ, as was the case in C.A.75-226, was guaranteed to avoid this evidence. And there can be at no doubt at all that any FBI agent had to know this. However, in this case we did ask for a Dallas search and were refused it.

So, at the very least, I believe we have "new evidence" with which to reopen this case if we do not prevail on appeal. (I am not now taking the time for a careful analysis of these inventories because if the FBI persists in non-compliance I will have to do it later. I also am not making any copies now for the same reason and for reasons of time and cost. The only copies we'll be making now are for Mark Allen, when went over these volumes the weekend he spent here, marking those pages of which he wants copies.)

It appears strange and illogical to me that this kind of material is not in the assassination file but is in the political, "internal security" file, where one would not expect to find it on searching. But on this please note and recall that coinciding with the interest of Congressional committee FAIR, did approve the rehiring as a consultant of the supervisor as of the time of the assassination, Robert P. Cemberling. This means that for 226 purposes the FBI's own expert, custodian of the files and compiler of reports, was available for the searching of the files. His other expertise had to do with the vast index of about 40 linear feet. So even retirement is no excuse for non-compliance.

If anyone calculates the cost of this deliberate non-compliance and includes the cost of the litigation I believe it will come to a large sum. The only purpose is non-compliance.