CHAPTER 14
Eye to Eye

Long before this miserable business slunk its way to the end I had made a success of my first book. Dell, which had rejected it three times, wanted to reprint it as a pocket-size paperback. The contracted first print was a quarter of a million. For six months it was Dell's only advertised best-selling work of non-fiction. The contract gave Dell first refusal of Whitewash II. It declined that book in about September or October, 1966. Then when it was so gratified by the sale of the first it contracted that one, too. For a short period of time then I did have an agent, John Starr. The sole interest he manifested was getting his 10%. He never questioned Dell's accounting of Whitewash sales. He did tell me, however, that Dell had told him that the royalties I would get in September, 1967 would be more than the $35,000 they then had come to.

With that knowledge, and anxious to move my wife from the farm we loved, and a very convenient location at that, so she would not have all those terrible recollections whatever she looked at, I bought the place in which we have lived since leaving our farm.

The people at our small town bank knew me. Its president, Benny Ohuff, had been our customer. When I asked for the mortgage, what I needed was $5,000 less than the minimum Dell would be paying me, I asked for that it be loaned me for only six months. When the bank's vice president handling that arrangement, one I did not know, asked me why for so short a period, I told him.

"Mr. Weisberg," he said, "we live in a world of business as you do not. All that is supposed to happen does not always happen. Suppose we add a year to that, renewable?" I agreed. And as another vice president I did know, Guy Nuss, later told me, "If you cannot make one of the quarterly payments, let us know and we'll take care of it."

When September came, I had to go see him. I got nothing from Dell! No money that is, I got crooked accounting, so crooked that on its face could not be believed.

It listed the first print of a quarter of a million copies. It also said that of that 250,000 copies, 125,000 remained unsold. But, with 125,000 copies on hand Dell admitted reprinting twice more! And if that

is not beyond belief- that with of the December 1966 first printing unsold, Dell reprinted twice in February 1967! Can this 125,000 copies possibly be believed?

And what does not appear in any of that "accounting," when Dell sent me a box of books to give out when I was the main speaker at the annual convention of the Ohio Associated Press editors, in May, 1967, that box was still a fourth printing that appeared on no accounting! It was published in April and apparently was the on-hand stock from which shipment as was made.

Can people get away with this kind of crookedness?

With an obviously phony accounting, overtly crooked one?

Victims of corporate robbery may think they have a solid case and from all the evidence they seem to, but try and collect! The cost of suing, even assuming winning, can easily exceed what can be collected. And the case can take years to reach a trial.

We had already learned that from book wholesalers.

Lawyers spelled it out for us several times. And unfortunately they were correct. They knew, having experienced it.

That, too, can't be the way it is in this country, can it?

Don't kid yourself!

It was that way with the government and it was that way with book distributors and publishers.

Each new experience involved still new learning.

The agencies and the people in them changed but the crookedness never ended.

We were people without means or influence so anyone could take advantage of us and get away with it and many did just that.

With the government there was this difference; its concern was not money- it was policy.

As a matter of policy the government, meaning the military and the Department of Justice did not want to admit that all its pilots of all aircraft must abide by law and regulation. It also did not want to admit that its aviation caused any damages.

With my work on the assassinations, there was a complex of reasons but all involved government policies. These ranged from the policy that its accounts of the assassinations are correct and thus research can be interfered with, regardless of law and regulations, to the fiction that the FBI and the CIA were not within the law and that their own regulations meant only what the agencies wanted them to mean, regardless of the regulation's language.

What was an even more amazing learning experience is that the government simply does not learn.

As I learned in those many Freedom of Information (FOIA) lawsuits.

However, when the government stonewalled several for 10 years, it succeeded in withholding a large number of records it should have disclosed and did not want to. They could be embarrassing.

But despite all the records that were withheld, by the time my health compelled me to end those efforts I had gotten about a third of a million pages of them.

With the first of those FOIA cases I began to learn about government stonewalling and open lying. Perhaps the single greatest cause of all the withholding of records that were encompassed by my requests, the means by which those records were kept secret, was the omnipresent and enthusiastic official mendacity. Even when it served no apparent purpose other than stonewalling they mostly lied. The FBI's agents lied under oath without fear or inhibition. That they feared no retribution from the judges was apparent when they persisted in lying, not infrequently with new and different sworn-to lies than had already been sworn to.

On occasion those who were the most successful in frustrating the law of the land were promoted for it. That, of course, inspired others to follow suit and not to fear being indicted for perjury. It just never happened and as they all understood, would not happen. It happens to mere mortals, yes; but not to the FBI.

They worked for the indicting authority, which wanted the perjury and was not about to object to it, leave alone indict for it.

The judges knew only too well what the FBI could do with its leaking, how it could- and had- ruined reputations. Remember what it had done to my wife and to me? In court and with our non-existent "celebration of the Russian Revolution?"

My learning experiences in coping with the resistance of government agencies to doing what the law required them to do began with the first FOIA lawsuit I filed. All were in the federal district court for the District of Columbia. All the appeals were to the appeals court of that district. Both had conservative and ultra-conservative judges before Reagan and Bush departed from the traditional practice of having all the federal courts more or less balanced. Both packed them with those whose ideas and prejudices those administrations also had.

In C,A. 718-80 (the first number is that of the case as filed, the second the year in which filed; their order was later reversed). I sought only what I had been denied, public records, mind you, filed with the British courts by the Department of Justice, to get James Earl Ray, the accused assassin of Martin Luther King, Jr., extradited from England.

Justice Department regulations then required the request to be made to the Deputy Attorney General, then Richard Kleindients, later of Watergate, Iran-Contra and other infamies.

It is he who forced me to sue his department to get copies of what was public, for which no Freedom of Information Act ought to be required to begin with. But I had to sue because he rejected my request.

Compelling me to go to court and sue- for public records- served improper and illegal policy purposes, beginning with denying me and the people through me of information to which everyone was required by law to have access. Compelling information requesters to file suit for it precluded most people from ever getting the information their's as a matter of supposed right. If I failed to win in court the policy of suppressing public information succeeded. Aside from the delay and cost of going to court, if in the end I won then the policy of making use of the act too costly and of delaying requesters succeeded. This stonewalling often meant that by the time the information was available the work and lives of requesters had developed to the point where they could not use the information.

In my latter suits deterioration in my health prevented my use of much of the information I did get. And I did not get some until more than a decade after I filed those lawsuits.

The first lawyer I faced in that first suit- and in court I never faced him again- lied brazenly to that judge, Edward Curran, a former Department lawyer himself, and a former United States attorney, in telling him that I had already been offered that information and had refused it.

That lie failed. Curran awarded me a summary judgement. That meant that without any hearing or trial the case was over, then and there, and I'd won it.

(The State Department, which delivered those records to the English government, also had copies, included in the suit. Its record was like that of Justice and it, too, stonewalled.)

I discussed that lawsuit, how it in the end got me those records, and how I got them, along with their content, in Chapter 17 of my book Frame Up, reprinted as a quality paperback by Richard Gallen/Carroll & Graf in 1993. This chapter, "Getting the Truth-Official Perjury," begins on page 412. I have not received a single complaint- not even a mild protest, over my use of the words, "Official Perjury." Nor did I when I alleged official perjury in the courts when I could be charged with that felony if I lied.

So, beginning with my first FOIA lawsuit I learned to expect untruthfulness and any kind of stonewalling that at any point might appear to be expedient to the official suppressors I sued. In all instances they were represented by the Department of Justice. What I had to learn quickly was how to detect what was short of perjury, the various dirty tricks, tricky formulations and uses of words to mean what they do not mean, to violate the law. The law did and does require searching for and disclosing information that is not exempt from disclosure by provisions of the law itself.

This is not the place for a review of all those cases or of all the official abuses in them. Recalling some may be helpful to reader understanding of the actualities and to those who may request information under that most American of Acts, intended to let the people know what their government does.

After the Act was amended in 1974, to restore to it the meaning the FBI and the Justice Department had rewritten by its judge-shopping, finding a judge inclined to be favorable to them or one they knew they had in pocket, I refiled the suit over which the investigatory files exemption was amended, I discussed that lawsuit and included some of the information by it in Post Mortem, especially beginning on page 403.

(In the Senate's debates, Senator Edward Kennedy saw to it that the legislative history would be clear: my first suit for the FBI's scientific testing in the JFK assassination investigation and the FBI's and the courts' positions on it required the amending of the Act to compel disclosure of such information. In effect the Congress ordered the FBI to disclose to me what it had refused to let me have and it told the courts that this was required of the FBI. That part of the debate, the Congressional intent, known as the legislative history, is in the Congressional Record for May 30, 1974, on page S 9336.)

With the FBI in particular, tricky filing and unjustified refusals to search clearly relevant files were a constant problem. History, particularly the FBI's and the CIA's, indicates requesters of information should continue to anticipate these suppressive practices.

In the assassination of President Kennedy, for example, the FBI disclosed a headquarters file, 62-109090, with the title "Liaison with the Warren Commission." By accident it disclosed to me proof of the existence of other Warren Commission files. I identified them, by the FBI's own file numbers, requested them and they remained withheld. Their relevance is beyond rational contesting. Later the FBI disclosed that it had compiled "dossiers," its own word, on not only the august members, all of whom were the most prominent and respected of public figures, but also on the Commission's staff, the latter twice- when appointed and then after the report was out.

When it came to blackmail, the FBI did not forget the "critics." It prepared what it described as "sex dossiers" on us. The only possible uses of this kind of information are for blackmail or for defamation. This is a proper function of our national police agency, part of the Department of Justice? Is it appropriate for the United States of America as it was for the Gestapo and the KGB and similar agencies in other dictatorships?

(From those I know who are considered "critics," there is not much reason to believe the FBI obtained anything unusual, with a single exception. One man who had been a political figure had had some ugly pictures taken of himself with women. When these pictures got out his political career ended. The FBI showed those pictures to reporters, who told me about them. Copies were even leaked to the defense of Clay Shaw, who had been charged as an assassination conspirator by New Orleans District Attorney Jim Garrison.

One of Shaw's lawyers showed them to one of Garrison's staff. He also described them to me, at the same time extending that defense counsel's invitation for me to see them. I declined. The House committee on the assassinations not only got those pictures from the FBI- that committee's staff showed them to others who also described them to me. Ugly as those pictures are and ugly as that man's desire to have such pictures taken is, neither is nearly as ugly to me as that the FBI got them and used them as it did.)

All those withheld records, certainly include much that could be embarrassing to the FBI. Especially that the FBI had prepared itself for blackmail. But that information remained suppressed for two and a half decades. When then disclosed, in a mass of other records, it got no attention at all.

There were quite a few JFK assassination files the FBI did not disclose merely because it gave them different titles. It began by disclosing only the Headquarters "main" files titled on the assassination, this above-indicated Commission "liaison with" file, a Lee Harvey and a Marina Oswald file and a Jack Ruby file, the latter classified as a "civil rights" subject. In addition to other relevant Headquarters files the FBI withheld and refused to search and process for disclosure, it insisted on the knowingly false pretense that all relevant records were at FBIHQ. It knew, as the General Accounting Office disclosed, that only about 20 percent of FBI files are at FBIHQ. Finally, when I had no alternative other than knuckling under to brazen FBI determination to withhold what it knew without question could be embarrassing to it, along with other information that never reached FBIHQ, I filed two lawsuits, later combined by the court. One was for the JFK assassination records of its Dallas office (C.A. 78-0322), the main case field office or its "office of origin." The New Orleans office (C.A. 78-0420), was virtually a second "office of origin" because of Oswald's career there.

With a not inconsiderable amount of lingering suppression, much of which I specified and identified, even by file number, as existing, in the end the records disclosed to me fill file drawer after file drawer, quite a few file cabinets, tens of thousands of pages the FBI had insisted were not relevant. An unknown but large number of relevant JFK assassination records nonetheless remained withheld- secret.

Among other things those records I did get disclosed that the Dallas office refused to accept free

pictures of the President being assassinated because they did not show Oswald with a smoking gun! Another record, filed before the Dallas office even knew Oswald's name, makes clear on the FBI's determination as of that very early moment in its "investigation" not to even consider the possibility that there could have been any other assassin or any conspiracy of any kind in that crime.

A specific item of my New Orleans request was for the records on or about Clay Shaw, the man charged as a conspirator in that assassination by New Orleans District Attorney Jim Garrison. Under oath a New Orleans FBI agent attested that no relevant Shaw records existed.

Yet in an FBIHQ record the whitewashers and suppressors there let through that he lied. I got a headquarters record citing New Orleans records relating to Shaw as not only a homosexual, which was well and publicly known, but that he was also a sado-masochist. that was according to a New Orleans FBI symbol informer who told the FBI this of personal knowledge.

Shaw was found innocent by the trial jury in less than an hour, as he should have been, but as of the time of my lawsuit he was dead. Thus there were no privacy considerations and those New Orleans records, still withheld, are historically important.

There is also the fact that New Orleans could not have made the required search "in good faith and with due diligence" and not have been aware of these records it suppressed, yet its agent swore falsely about them and their existence and about other relevant records the content of which could be officially embarrassing.

Among the other relevant records the FBI lied about under oath- and it cannot be repeated too often that is a felony- are some relating to David Ferrie. His name had surfaced in the Warren Commission hearings. The FBI did have relevant records and with Ferrie dead there was no privacy consideration to compel them to be withheld or to justify their withholding. Those New Orleans records and many others remain suppressed, in violation of the law.

Aside from Ferrie being in the Warren Commission's records, with some testimony about him suppressed from the transcripts when published, he is in the FBI and Secret Service records of their

investigations. He was also charged as an assassination conspirator by garrison. There thus can be no question about their relevance to the item of my requests that asked for "all" Ferrie records. Can it be that the FBI committed perjury merely by stonewall? Or is it that those records, too, can be embarrassing to the FBI?

There are many other files the FBI refused to search despite their unquestionable pertinence to the request. In my experience the Department lawyers blindly support the FBI's obvious lies. Although these lawyers are officers of the court, they refused to have those relevant files searched for disclosure.

An example of this that is as clear as clear can be was in my C.A. 75-1996, for all the FBI records relating in any way to the assassination of Martin Luther King, Jr. Among the specific items of that request was for all information given to other writers by the FBI, part of the FBI's official but secret propaganda in that case.

By then i had belatedly discovered on of FBIHQ's special files for hiding and other special uses. Its FBIHQ File Classification 94 is officially described as "Research Matters." (In the field officers File Classification 80, "Laboratory Research Matter," is a file number for which there is no field office use, those records being filed there in the main case files. The filed offices are File Classification 80 as FBIHQ does with its 94 classification hide from search.) By means of a few notations of duplicate filing in the 94s I learned that the FBI has a simply enormous amount of propaganda, lobbying, information on all components of the media, on writers and broadcasters and telecasters, and much similar information it wants to keep secret. This is stashed away under the 94 classification. Because those files are mistitled as "Research Matters" the FBI simply refused to search and process from them even when I identified by their numbers the relevant files on writers to whom the FBI in secret fed what it wanted used to propagandize it and its case views and beliefs. Actually, to control the case.

The FBI merely wanted especially to keep secret the fact that it had and has a bordello of literary whores it can and did use to control the public mind by controlling what could and would be known and could not and would not be. These included well-known writers and reporters of the day. One story it planted convinced James Earl Ray, the accused King assassin, as he wrote the judge- that letter also

intercepted, in violation of that judge's order before it entered the mail and afterward he might as well walk over and be sentenced because he was already convicted. This FBI trick succeeded. Ray did enter a guilty plea, and that the FBI had no case at all on him remained secret.

The FBI also used most effectively its trickle of treacle in both assassinations. In the Dallas office the record of how it buttered author Jim Bishop up, how it persuaded the Fort Worth hotel in which Kennedy spent his last night to give the Bishops that suite without charge was hidden in a Dallas 80 file. That is hardly a "laboratory research matter."

All records relating to King's assassination were included in my C.A. 75-1996. By accident I discovered that on April 1, 1968, as soon as it was announced that King would return to Memphis, American Airlines in Memphis was told that he would be killed when he got there. It took me many months of the most difficult litigating to get that file. Its title is "Threat to American Airlines and Dr. Martin Luther King, Jr."

But in Memphis it was filed not as a threat to King, but as "149-121." The 149 category is officially described as "Destruction of Aircraft or Motor Vehicle." Because I had not specified any 149 records, although I had included threats against King, after at first denying it had any such record the FBI refused to deliver it as not relevant. No less incredible is that the file was closed out in a month because 24 days after that threat, the FBI described this report- that King would be killed in Memphis- as "untrue!!"

It notified a number of agencies- but not King or anyone connected with him.

In the processing for disclosure of records retrieved from FBI files for that King case the clerk, Ralph Harp, was extraordinarily inclusive in making records delivered resemble Swiss cheese. He withheld so extensively an improperly that the Department's own expert witness, its then director of appeals. *** J. Shea, Jr., testified that the improper withholding was so extensive, all those records required reprocessing. Harp was almost immediately raised from a mere clerk to an FBI special agent!

His partner in crime, an FBI agent described by its case agent, John Hartingh (soon also to be promoted) as a "liberal Harvard lawyer" was even worse than Harp. When I told Hartingh that if that agent processed as much as another single sheet of paper I would demand that all the processed records be

reprocessed. He disappeared from the case.

Records I later obtained contain his qualifications for FBI FOIA processing. When my King FOIA request first reached the FBI that worthy "Harvard liberal" recommended that it be ignored because the FBI did not like me and that alone disqualified me from use of the Act! His recommendation was approved, leading to 10 years of litigation and an unnecessary tax-payer cost well into six figures, if not more.

His rewriting the Act to have it mean the exact opposite of what it says found a kindred spirit in the Department, Joseph Cella. While the FBI entirely ignored my information request, despite the specific requirement of the Act that it be responded to within 10 days, this Justice legal eagle wrote me that because I would not "believe anything they say anyway" they would process no records at all!

When Federal District Court Judge Edward Curran (in C.A. 718-70) ordered the Department to give me the public records used to procure Ray's extradition from England- only those records already publicly disclosed in England but suppressed in the United States- the Department's upstanding lawyers spent hours deciding who would demean himself in letting me see them. This dancing of that stately minuet was by the Civil and Criminal Divisions. In a truly Solomonis decision, both did it. Criminal's Cella gave me them in Civil's offices! It was Criminal's Cella who handed them to me. In the outer office of then the Assistant Attorney General in Charge of the Civil Division, William D. Ruckelshaus. Ruckelshaus let me sit there so long, without even saying "hello" but not without many scowled dirty looks, that I literally fell asleep waiting for Cella.

In going to the main Justice building to examine those records I observed that the one locked door was that over which it is inscribed, "The Place of Justice is a Hallowed Place." I reported my King assassination book Frame-Up. After the book appeared that door was unlocked.

Who says our government is not responsive!

Of all the innumerable dirty tricks played over the two decades of my FOIA litigation the most daring and imaginative was by Mrs. Lynne Zusman, then the Civil Division lawyer in charge of FOIA litigation. She asked the judge, June Green, to confer with us in chambers. Zusman kept secret her reason. (C.A. 75-1996,

for King assassination records.)

It was to tell the judge that the Department and the FBI were not competent to process their own records under FOIA, not a one of those serried ranks of lawyers and FBI agent/lawyers, and that my help was required for them to learn what was wrong in the processing to that point. For that, she told the judge, the Department would compensate me "generously."

Judge Green, much abused by the Department and the FBI in this and in other cases involving vast numbers of pages of records, saw nothing wrong with me, the plaintiff, working for the defendant, my opponent in my lawsuit against it! She wanted me to do it! She made that very clear.

My lawyer, Jim Lesar, without whom the great volume of records I got would not have been disclosed, feared that if we refused it would antagonize the judge. So, pressured by the judge, and my own lawyer, I had no choice but to work for my opponent in the case before her.

I was to give it a "consultancy report." I was, literally, the Department's "consultant" in my lawsuit against it! And until, with all else I had to do, I completed and filed my "consultancy report" the Department and the FBI refused to do a damned thing.

And didn't.

At several status calls the judge needled me to complete that report. It took much time, effort and *** in a large volume of records.

When I finished it was more than 200 typed pages long.

And, having gotten it, the government continued to do nothing at all, particularly nothing with or based on that report!

When I did not get it I asked for that "generous" compensation, Zusman had been confirmed in court and under oath by her superior, the man second in charge of that division, George Schaffer (check). He also told the judge I would be paid "generously."

But when I asked for the contracted compensation at the Department's own rate for consultants, Zusman, her bare and unashamed face hanging out, told Judge Green that she had no authority to assure the

judge and me that I would be paid and that as the result I would not be paid.

Not a cent!

In the time of which the judge and the Department robbed me I could have written one of the books that now has little likelihood of being printed in which I could have brought to light what has not been and now perhaps never will be put together and documented for the people and for the record of history.

For many weeks of work, for the purchase of the dictating and transcribing machines required and for which I had no other use, not a penny!

My debt was further increased.

But the "impartial" judge presided over it all with equanimity. She refused to order that I be repaid or paid. She also refused to order them to respond in any way to their failures detailed in that "consultancy" report. And they never did!

With this display of her rare ability Zusman was soon chief counsel of another agency.

There was an earlier and shorter form of that report. It was prepared by a diligent, careful young woman then an undergraduate at Washington's American University, Lila Analero. She since earned her doctorate and is a university professor. She also was not paid as she, too, was to have been.

What Lila had been asked to do and did do was to make a chronological list of all the details of noncompliance I had already given the government in writing, with brief details of that already specified noncompliance.

In response to what Lila prepared on the FBI's noncompliance the FBI case supervisor prepared and kept secret a lengthy affidavit with 52 lengthy attachments.

Earlier the FBI's case agent, on the morning of a scheduled conference in the Civil Division in which he would participate, in the FBI building across the street for from Justice in response to other unproper withholdings Beckwith gave me some 3,000 pages of records. They were held together by nothing but rubber bands! He knew I was no longer able to drive to Washington, that I had to travel by bus and carry those records on the bus, and that I live on a high level of anti-coagulants. He also knew that it had been and

thereafter again was the FBI practice to mail those records. That was the first and last exception. I refused to accept them loose and asked that they be boxed for me to pick up after the conference in the Civil Division offices. To which we then went.

Having received so many thousands of pages of FBI records from it by mail I knew that the FBI has sturdy mailing boxes of all dimensions, from as small as two inches for standard-sized paper to as large as the post office accepts.

When after that conference I returned to pick them up some were in second-hand cardboard boxes but most were in a number of perforated routing envelopes, all second-hand.

Fortunately, or unfortunately as it turned out, I have a large attache then largely empty. Filled, airline scales showed it weighed 35 pounds. Lesar did not want me make an issue of it, somewhere he got some twine from the FBI for a handle on the cardboard box of those records. We were barely able to close the lid on the attache case, on those records not boxed. Jim helped me to the Greyhound bus station then about six blocks away. I got to the bus as it started.

Walking down the narrow aisle with a large attache case and the box, the twine cut into my fingers. When the bus lurched the attache case hit a seat arm and my abdomen at the same time. Immediately I felt heat strongly at the point of impact. I knew I had hemorrhaged.

When I felt no dampness I knew that the hemorrhage was internal and after a while could clot. By the time it did I had an enormous swelling the size of a double-yolked goose egg or larger. Those eggs are about four inches on their larger dimension.

When I could show it to the family doctor an hour and a half later he was aghast but he also said that in time that ugly swelling would disappear, the ugly colors with it after changing to still uglier colors. In something more than a month that happened.

What would have killed me contrived by Horace Beckwith.

From their contact with him, people in the Justice Department regarded Beckwith as so fine a fellow

that when he was in trouble within the FBI they did all they could to help him.

Although it got cant public attention, he was an unindicted-coconspirator in the case against former acting Director L. Patrick Gray and several other top FBI officials when charged with serious abuses of the rights of those they persecuted. Beckwith was permitted to remain in the FBI for the two additional years required for him to get his retirement.

There must have been two Horace Beckwiths.

The status call at which what the FBI was to respond to Lila's listing of its noncompliances was scheduled for a Monday morning. Beckwith mailed his lengthy affidavits with its 52 attachments to me by certified mail on the previous Friday. That virtually assured that I would not have seen it when I took the 6 a.m. Monday morning bus to Washington because certified mail requires extra handling and extra record keeping by the post office, a separate written record at each step.

That package made very good time reaching Frederick. It was there the next morning, a Saturday. By the time it reached the certified mail clerk and he recorded it, the rural mail carrier was gone. We have only one delivery a day in the country. But the certified mail clerk, noting the FBI return address, phoned me to ask me if I wanted to come in for it. I went immediately. As soon as I was home I skimmed Beckwith's affidavit and saw immediately that it was evasive, non-responsive, diversionary and just plain false. I started preparing a detailed and documented response affidavit immediately, beginning with a records search for my own attachments. I was far from completed responding when I had to suspend preparing it to find a notary on a Sunday evening. I made extra copies of what was finished for the judge and the FBI and its lawyers, as required.

Before court began I asked Lesar to tell the judge that I had this incomplete affidavit and in it charged Beckwith with a number of offense, including false swearing, and what I also knew but had not been published, that he was an unindicted coconspirator in that famous criminal case in which Gray, one of Nixon's Watergating accomplices in whitewashing and stonewalling, and his ranking assistant were charged with those criminal offenses in political, not criminal cases, for political purposes.

Jim was uneasy about referring to Beckwith's amply-proven swearing but understating it he did tell the judge that Beckwith was an unindicted coconspirator in that case.

It was obvious that Beckwith was at the FBI's mercy, that whatever he might or might not have done if he were not that unindicted coconspirator he had to do whatever the FBI wanted him to do or he would not get to complete those two years he needed to get his retirement.

Using an unindicted coconspirator in a major criminal case was an insult to the court. Keeping his status as an unindicted coconspirator secret from the judge while using him to make statements under oath was an additional insult to the court.

After Lesar finished his modest and understated account of the position in which Beckwith was as a criminal coconspirator Judge Green said nothing. She merely looked at Beckwith, sitting before her with the government's lawyers around him. When some time passed and he had said not a word she told him to leave her courthouse and never to return to it again.

Beckwith's friends did take care of him. He was assigned to a field office near where he would live on retirement and I never saw him again. But those with whom he had worked on the case, including the lawyers in particular, hated me even more for disclosing their outrageous misconduct and Beckwith and his perjuries.

In their eyes, I, not they and Beckwith and the FBI, was the offender.

They even got away with not withdrawing his perjurious affidavit and not replacing it, with not responding in any way of the specifics of that second specification of their noncompliance to them. That, in fact, is what led to my "consultancy" and its "generous" compensation supposedly at their expert witness fates. It came to about $10,000 plus costs and expenses, a sum ever so much greater in value in the 1970s.

Almost all federal judges sitting on FOIA cases, in my experiences, are not impartial and they are all abused by the government that almost always gets away with it.

These are merely a few of many such learning experiences about the FBI. They may also be learning experiences for those who would like to use FOIA. All my many FOIA lawsuit case records are loaded with

them. The forms they took were many and different, varying with the issues, the FBI agents, the lawyers, their objectives, their daring and imagination and the degree to which they anticipated they could impose on the courts and deliberately waste the court's time and burden them further with their endless stonewalling. If effect the FBI and the Department's lawyers conspired to violate the law of the land, FOIA, to withhold records by law required to be available to "any person," because they knew those records could be embarrassing if disclosed and because their de facto conspiracy against the law was official policy.

The case in which the perjury- and I do mean false swearing to what is material- was most repetitious and most immune was in my suit for the Dallas JFK assassination records, C.A. 78-0322, later merged with C.A. 78-0420. In those New Orleans records John N. Phillips was the FBI's case agent. In it there was virtually no issue he did not address with varying degrees of dishonesty. His perjury was repetitious, more omnipresent than I recall from any of the many other cases.

In all the many instances, not only the few here recounted, my specifications of his perjury were made when I was voluntarily under oath. I made myself subject to perjury charges if I lied. I repeat, with my in-court opponent also the prosecutor, I was deliberately challenging the government, daring it to charge me with the felony of perjury if I lied under oath myself in swearing that its agents were perjurers. I used that daring means to establish the record that in fact the government was guilty of that felony in its obdurate refusal to obey the law and make public its suppressed records relating to the assassination of the President.

How awful the mere thought that our government could so misbehave, be so determined to suppress records relating to so terrible a crime and to do that by repeated perjuries.

But I do not want to mislead the reader. What I did was daring but I was absolutely certain that for all its power the government would not risk letting a jury decide whether it had lied, as it knew it had, or I had, which it knew I had not.

This is to say, so the reader will not be mislead, that I considered I was not running any real risk at all.

There was in reality nothing heroic in what I did.

I used this, the most dramatic means I could think of, to make an unquestionable record of the fact and of truth for our history. The government committed felonies to suppress information about the assassination of a President.

We were eye to eye- and they blinked.

The courts' records hold many detailed and documented examples of this perjury. They were proven, without any effort to refute the proof. All the courts, including the appeals court, ignored both the sworn-to allegation of perjury, the documentation, and the fact that the government was silent when faced with the proofs of its own felonies. All those judges said nothing and did nothing.

Except hold it against me for embarrassing them.

Perjury, I remind the reader before getting into a few of the illustrations, is swearing falsely to what is material. Few things are more material in FOIA lawsuits than whether the requested information exists and whether it has been searched for with, in the language of one of the earlier decisions in "good faith" and with "due diligence." The reader should also understand that mere lying under oath is not perjury. Perjury requires that the false swearing be to what is material in what is before the court.

For my research and for most serious research into the assassination and its investigations among the very most valuable and informative records are the FBI's ticklers. Those kept by case agents in the field and at FBIHQ some are simply enormous. One in the King case of which I learned was kept by FBI Supervisor Richard E. Long, then active in the King case at FBIHQ's General Investigative Division. (He later became the FBI's assistant director of Finance and Personnel, what being virtue to the FBI being its own reward.)

First the FBI denied that any such tickler existed. Then it denied that if it existed it held any records not included in those MURKIN (FBI acronym for the Murder of King, its case title) records already disclosed to me. Each time that I under oath swore that the FBI had been untruthful and proved it, the FBI swore to still another false explanation. Finally I told the FBI where this Long tickler was. Still it was not processed for disclosure. Finally Quinlan J. Shea, Jr., director of appeals, sent an assistant to where I said it was, and lo! there that Long tickler was!

Only, in all the time the FBI had lied about it, it was gutting that tickler. Nonetheless what remained reflected its political nature and held proof of what could have gotten the Ray case thrown out of court- could have freed him.

Without the required attorney general's written approval, FBI wiretapping was prohibited and illegal. Ramsay Clark refused to sign Hoover's request for permission to wiretap any of the Rays. Hoover had asked permission to wiretap the Rays with the written acknowledgement that it could be interpreted as violating the Constitutional rights of any wiretapped Ray, that it could cost the government money of sued, and even that there could be the possibility, which it tried to diminish, of making it impossible to try the then unapprehended James Earl Ray.

With Clark's refusal to authorized any such taps the FBI did it anyway and in that Long tickler was proof of it, a report on the eavesdropping of a phone conversation between Jerry, Ray and me. We discussed James' defense. Cute as usual with its illegalities, the FBI filed that report not as the MURKIN record, which it was, but in a bank robbery file. As a bank robbery file it had been withheld from me a means by which innumerable other relevant records were withheld.

(It should not be assumed that this was the only illegal FBI wiretapping and other violations of the rights of the Ray family. It is the one proof of which was in that Long tickler. There are substantial indications of other such illegal wiretapping, including obtaining confidential bank records without due process. Even James Earl Ray's supposedly confidential communications with his lawyers, copied from his mail in violation of the trial judge's specific orders, exist in copies in the FBI's files.)

What remained of that gutted Long tickler held much more that is important. This is merely an illustration of the kind of content the FBI knowingly lied about while it merrily gutted that large tickler of all it then thought it safely could, what Long believed might no longer need.

It is common knowledge that at the least in major cases, case agents must compile and preserve ticklers of various sizes and kinds. Their work requires it.

But neither the Dallas nor the New Orleans offices disclosed a single tickler.

Even when I gave the court and the FBI copies of its own records proving the existence of those ticklers, with the tickler routings and filing instructions written on them, its perjury persisted, in various forms.

Phillips swore, for example, that the only ticklers the FBI has is brief notations on 3 x 5 cards that are discarded every six months.

I'd never gotten a tickler on cards and I had gotten from the FBI itself to ticklers more than 15 years old and still preserved, as is necessary.

Each and every one of Phillips sworn-to descriptions of those allegedly nonexisting ticklers was knowingly false.

There is no such thing as an FBI agent who is not aware of their indispensability in the FBI's work.

But Phillips persisted in his attestations that they are all destroyed after six months.

Some time after I filed those lawsuits the House of Representatives established a committee to investigate our political assassinations. To me it was the "House assassins" because of what it did to our history and to the facts of those crimes. It was under the command of Robert Blakey, formerly of the Justice Department organized crimes task force. Blakey was on the assassination hawg with his own theory that the mafia did it, while he simultaneously insisted that there had not been any conspiracy.

Blakey clearly set out with two objectives, to validate the Warren Report to the degree possible and to put down all criticisms of it. There were those on his staff who believed he hoped to parlay his sycophancy into the attorney generalship.

Blakey began each hearing with what he styled a "narration." In it he set forth what would be addressed in that hearing. Each hearing was designed to be a putdown of the named critics and what they said.

There is only one name Blakey never mentioned in any of his narrations or in his putdowns- mine.

Without ever investigating the crimes themselves, Blakey did set out to refute his selection of what these named critics said or wrote. Blakey's putdowns were themselves largely much faulted. He saved what

he believed would be the putdown of putdowns for last.

Mary Ferrell, one of the earliest of all researching the crime, then a legal secretary in Dallas, had obtained a dub of the recorded radio broadcasts of the Dallas police for the time of the assassination. Gary Mack, another researcher, believed that through advanced modern electronic examination shots might be heard on a tape. Ferrell gave the tape to Blakey and Blakey, believing it would be his climaxing putdown, had a scientific study made by a firm of unquestioned expertise, Bolt, Baranek.

One of the mysteries of the assassination and of what for lack of a better name is referred to as the "investigation" of it is that precisely the time of the assassination one of the two radio channels used by the police was suddenly blacked out, overwhelmed by broadcast noise. That noise is heard on it for five minutes-while the President was being killed and then being rushed away.

That there had been this provocative intrusion was known to the police and to the FBI. Both were silent about it and did nothing at all about it.

From their lack of interest, lack of any reaction to this passing strange event that saw to it that those police broadcasts of that crucial time could not be recorded and even could not be heard by the other police using that channel was of neither value nor of any interest to the police or to the FBI in their "investigations." Later the Commission also ignored it.

The Bolt, Bananek report on its study of those blacked-out five minutes on the tape stated that there is a high degree of probability that their testing disclosed the sounds of shots being fired at the President.

(The police equipment used to record those broadcasts were a Dictabelt endless-belt recorder and a Gray Audiograph disk machine, one that made records like phonograph records. These were dubbed onto normal tapes by the FBI.)

In its interpretation of the sounds recorded, four, not three, shots had been fired.

This immediately made the FBI's dubs of the police recordings important. And without any question, the FBI had made dubs and had them.

I told the court, still again under oath, the name of the Dallas agent who had made those dubs, where

and when he made them and even the brand name and type of tape recorder he used in making those dubs. I knew because he FBI itself disclosed those records to me!

First Phillips lied and said the FBI never had those tapes. I then produced the FBI's own and the Commission's records reflecting that it had transcribed those tapes for the Commission, which had published the FBI's transcription of them.

Phillips then swore that the tapes did not exist. I proved that they did- even where the Dallas office hid them!

Phillips then swore that the FBI agent had made those dubs out of personal interest, not for the FBI. For the FBI to transcribe for the Commission to publish was a personal rather than an official duty?

Ultimately, as with the Long tickler, under oath I stated where the recordings of those police broadcasts had been moved to. The FBI swore they were not there and I did not get them.

Two years later Phyllis Hubbell, a lawyer on the appeals staff wrote me in great excitement. She had on her own found those recordings. Where? Exactly where I said they were two years earlier! To the FBI and to that appeals office!

So they remain withheld to this day.

There is no exemption of FOIA that justifies this withholding.

There are no national defense secrets; no informers whose identities can be disclosed; no privacy to be protected.

Only FBI's ass to be covered.

The assess of that great investigative agency with its fabled head of such unequalled greatness, the sainted Founding Director Hoover.

They knew the crucial police assassination-moment broadcasts were obliterated by noise and hadn't done a damned thing about it. Made no effort to learn how, why or by whom.

How do we excuse that? Or can they?

Perhaps the old line that was spoken so often, what the hell, the President was dead, nothing would

bring him back to life anyway.

With all this sworn to and before him, that most eminent of judges so diligent in covering FBI ass, John Lewis Smith did- not a damned thing- except not trouble the FBI or its agent perjurer Phillips.

Phillips is not alone among the FBI's agents and Smith is not alone among the federal court judges who, in covering the FBI's ass, also cover their won- from it.

Phillips' false swearing permeated the FBI's refusing to provide what the law said it had to give me, I proved with regularity that he swore falsely in what was perjury.

It was never refuted.

It also never ended.

Phillips was unpunished, save that with him I also heard that he was promoted once it was decided that he and the FBI would be safe with him elsewhere, not supervising further FBI FOIA "compliance."

There was nothing with which the FBI could not and did not get away with before Smith.

Nothing that he made it do other than what the appeals court might use for demand.

He never once made a peep of a sound about the repetitious allegations and proof of Phillips' perjuries.

And by the time the case had crawled toward its end he was so utterly ignorant of the lawsuit in front of him that he did not even know what he was being sued for.

He actually filed an opinion in the case before him in which he said the records sought were those of the FBI's New Haven field office!

By then the appeals court had been thoroughly Reaganized with right wing ideologues. It also ignored the proven perjury along with Smith's ignorance of what had been before him for several years during which he had been handing down decisions- all in the FBI's interest.

This is by no means an exaggeration of the actualities in those FOIA cases, actualities other litigants had best be prepared to face.

The government makes it so difficult, time-consuming, and so costly to sue for FOIA records that

most requesters meekly accept what the government deigns to give them. Lawsuits are the exception. Most requesters cannot meet the costs, do not want to delay their work, or both.

Lest those unwilling to believe that what the FBI manipulated to withhold was of no great consequence I report a trick of that era that did not involve FOIA but did involve the nation's integrity as it never had been involved before, how the FBI withheld what it withheld, how it then provided it under conditions that assure it would be ignored, and what that information actually did disclose.