

FBI desires to withhold from Historical researchers  
Despite the appeals court decision in the spectro case,  
I did request the info relating to the garments

HM 9/26/84

Among the duplicates I found and wrote you about a little while ago are the three attached documents, which I send for several purposes. I do not know whether Lynch wants to be prepared to answer some of the lies that misled the appeals court in that case but I've marked that point in red. They do the same in his case.

The FBI interpreted the en banc spectro decision as entitling it to deny access to all information in those files it designated as investigative. For practical purposes, this meant all its files.

The Supreme Court denied cert 5/13/74. Legal Counsel's memo of the next day is quite clear in graf 2 p. 1 that my request did include "garments and other objects connected with the assassination...." The persisting FBI lie that I seek to expand my requests, restated and no less false in 78-0322-0420, did influence the appeals court and it is factually incorrect (and just about defamatory) with regard to this.

In plain English, when Legal Counsel says at the bottom of page 1 that with refusal of cert "the FBI could operate within the statutory parameters of the FOIA" it means the FBI can deny everything, even with amendment pending. However, it was still bound by "528-73 which directs release of our files older than 15 years to historical researchers."

This was followed up 6/5/74 in a memo indicating that the Nixon DJ was inclined to wipe the requirement of disclosure after 15 years to historical researchers out, but the FBI feared that at that moment to do so would be "unwise" because of the pending FOIA amendments. Although "counterproductive" while amendments were pending the FBI wanted the proposal considered "once this legislation is resolved." They expected a veto. So they are saying that after the veto they'd get even wider exemption from historical disclosure.

Mark Lynch has not indicated whether what I sent him that I thought might be good to have at hand for oral argument was of possible interest or not so I'm reluctant to send him more without some indication from him that he does not find it unwelcome. On the other hand, I do not regard his involvement as something merely intellectual and divorced from reality. DJ argues, as it always has, always falsely, that I am always expanding my requests. The Ferris stuff I enclose shows how long before I filed I made a separate request for that, about which they also lied in 0420. With say a Bork on the panel and with no limits on what they can pull out of the hat, it could be quite hurtful to me if, particularly after its misuse at district, that appeals decision were to be thrown at Mark and he were not prepared. I think this single FBI interpretation, that in fact I did request what the appeals court was misled by DJ into believing that I had not requested, can be an effective response and I think he should be prepared to make it. This was the original case which other FBI records I've sent you include their interpretation that it is the request I expanded upon after FOIA was amended.

In this case hurtful to me means hurtful to all others using FOIA.

And I hope he has some interest in avoiding any additional defamations of me and my work.

file 78-0320-0420 Remand