

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

2/15/85

Dear Mark,

I presume you know that the appeals court rejected the DJ's en banc petition relating only to the footnote in the Shaw case that I'd included in my petition, filed before their's. I've heard nothing about my petition and given the fact that the same panel was involved in both decisions and with mine filed earlier, I'm a little less pessimistic. Of course I'm aware that this eliminates one of the conflicting decisions.

Enclosed is my today's letter to Huff. If you know of any precedents in the area of suing over failure to perform assigned official duties I'd like to know. I remember reading a DC case some years ago but do not recall the case. I'm not aware that this has been done in FOIA matters.

You may recall that in a number of contradictory ways SA Phillips swore that the FBI never had any of the police recordings. Then he lied under oath and attested that the recording had been given to the Warren Commission. I asked for all covering letters for the recordings, from Dallas to DC and FBIHQ to the Commission and there are none. A couple of months ago one was found and I've not yet received it or the records with it or any response of any kind. (One recording, that is.) I'm inclined to think that the FBI realized how hurtful this might be and that is why they continue to stonewall. It now pretty clearly is perjury because Phillips got, through my efforts, proof positive and personally, that he'd lied in saying that the recordings were sent to the Commission.

That is a 1978 request and in 1978 the FBI wrote me that it was then doing something about one of my Nosenko requests. Any backlog claim would be hard to support.

And it is past time for me, by the law of averages, to draw an honest and fair judge.

Best wishes,