

Rt. 12, Frederick, Md. 21701
2/23/76

Mr. Clarence Kelley, Director
FBI
Washington, D.C. 20535

Dear Mr. Kelley,

How remarkable it all is! Last week I hear on the radio that you are out in Kansas City with back surgery and now I have your letter - at least it is signed in blue with what appears to be your signature - dated the 18th and sent from Washington.

I do, sincerely, hope your recovery is as magical. If it really is and you can spare some, I can use a little. Magical medicine, that is.

Finally we have something in common, other than a share of your salary and expense case from ~~you~~ and some of your letters reflect an understanding of that fact or the significance of what it represents. We both know what physical pain is. I hurt my back in 1959. I have an idea of what you have been feeling. There was a period of time when it sometimes required an hour for me to get out of bed, a very uncomfortable hour, as I hope you have had no need to learn. I can recall having to be lifted out of bed in World War II when, in exhaustion, I rolled over and fell asleep on my stomach. My sympathy is as sincere as I hope you will regard the rest of what I say. If it reaches you, that is.

There are other coincidences in this. I've been in fairly constant pain for about 10 days now, not from the back. And you refer me to your counsel, AUSA John Dugan. I've met him and prior to your advice in this letter I began by taking such matters up with him. Spawrow, despite what I understand includes a football career in his past, he seems not to believe there is pain and there are causes for pain. He has seen fit to file papers in the litigation to which you refer in which there is actual joking about or ridicule of thrombosis. Perhaps you can understand what the counsel to whom you refer me does not, that pain and dangerous medical problems really are not very funny to those upon whom they are visited. I don't for a minute enjoy having to sit with my legs horizontal when I write you a letter. I see nothing amusing in being virtually unable to keep my right foot still for any length of time when it is at the end of the ~~leg~~ less permanently damaged by the thrombosis. Others might find its swollen condition - from blood that apparently cannot leave it amusing but I'm fairly confident that with your experience you might not share that view. If you ever learn, that is.

Views. I don't know what ones you took to the FBI Academy or with what views you left Birmingham, with all that was going on there when you were SAIC, or with what views you left Memphis when you also were SAIC there. I really can't tell what your views are now from your not uncommon TV appearances, either. From the last I think it is not unreasonable to think you believe that when your underlings commit crimes you must detach yourself. When they lie to you, as you said, and you then lie under oath, the best thing you are supposed to do is - anything.

My views are perhaps more old-fashioned. I actually do believe that government is supposed to live within the law and that as Justice Brandeis said it is the teacher of us all. For good or evil, too. I believe it is to be responsive to the people - and that the people owe responsibilities to their government. When I wrote you and was without response from you I took to writing you by certified, addressed only, mail. Never once did I receive a return receipt that even indicated my letter had reached your office. Now there are regulations on this and you are a major law-enforcement officer. I wanted what I had to say to reach you. I do have this right as the postal code stands. "Somebody down there defamed me of the time, trouble and cost. I wrote you about this, You never responded.

I went to this extra cost in the belief that as a citizen I owed the man in the responsible position calling to his attention what I regarded as at least impropriety if not what with non-FBI mortals might be considered illegality.

This was all I could do to reach you.

After a very long delay that cannot be calculated in all your fabricated and contrived FOIA statistics you, or at least your signature, responds to my complaint about SA Wiseman. Well, responds is not really the word, is it?

You know I have been hearing and seeing all these protestations of purity coming from you and the tube for a long time.

And you have this SA Wiseman who swore falsely about compliance when compliance is the issue before a federal court. He also swore falsely about me, defaming me under the protection of the judicial process. Is this becomes an imperishable defamation.

Why should I not have written you about this? If all these noble expressions of yours have any sincerity at all, why should I not have assumed you would find this welcome? Are you not supposed to be turning the FBI from its sins? Is not abusing a citizen a sin? Is it in your concept right and proper to lie under oath to a court?

In writing you about this I also asked that you forward my letter to the so-called Office of "responsibility. I said I believe you should know. Was I wrong? Should you not know? Is determination of fact that foreign to the Director of the FBI that he cannot ascertain readily if his subordinate swore falsely, if he defamed a citizen? Or do you want the FBI to perpetuate this defamation you have said you intend to end?

Forwarding my letter, if you are unwilling to make your justifications on TV the reality rather than the same dreary propaganda coming from a different face, did not in any way constitute a pre-judgment. But instead you wait this long period of time and tell me to write it. You did, of course, give me the address of the Department of Justice. But I knew where it was and is, believe it or not. Even the inscription on the permanently locked door, "The Place of Justice is a Hallowed Place."

Office of Professional Responsibility indeed!

When you are in Kansas City and I get a Washington letter signed by you, how do I know that SA Wiseman or one of his cronies did not in fact write it and have it signed in your name? You have said you are taking charge. Well, I ask, if necessary under FOIA, for the carbon reflecting who wrote the letter you could not have signed.

I also wrote SA Wiseman about compliance. Anyone responding by complaining is "inappropriate?" You mean it is FBI policy to overburden the courts, to force the totally unnecessary upon the courts? But if any communication except through your counsel is "inappropriate" how is it that he has not once delivered a record to me and other people have, after phoning or by mail? If you answer all SA Wiseman's mail when may I expect a response to my early June letter to his inss which I specified my complaints about his misconduct?

My lawyer, to whom you were thoughtful ~~enough~~ to send a carbon, will read it when he returns from the other side of the world in about three weeks. However, your non-response I will address and under no circumstances will I permit you to cast yourself in the role of a dictator. You, sir, are a public servant and I did and do have a complaint that it is within your responsibilities to address. Is therefore ask again that you do address it. I ought not have to write all these times to complain about the personal misconduct of an employee under your control, the one for whom you have become correspondence clerk by remote control. If he did swear falsely that is an offense within your responsibility. If he did defame me that also is within your responsibility. This is not just a matter before a court, as you pretend.

Subversive as the concept may appear to you, I do have the right to petition for the release of government. I do not have to use a lawyer for this. I regard false granting as a government. I regard personal defamation claimed in official action as a government. Now you have been bamboozling the hell out of TV and the rest of the press as the take-charge man, the referee. You are the one in charge of and responsible for SA Wiseman. I have been sufficiently specific in my petition for the release of government. So I am asking again that you exercise your responsibility and respond directly to my government. And if you can't find time stay away from a few columns and tubes and you'll receive none.

Meanwhile, your concept of living within the law appears to be a machine for perpetual non-action. You refer me to AUSA Dugan on these matters. Well, I spoke to AUSA Dugan about these matters on a number of occasions. When your SA Wiseman could not manage arrange for me to examine records to which I had been offered access I asked Mr. Dugan to make the arrangements. "I can't control my client," he responded. I then asked him to ask your SA Wiseman to abide by your own regulations and specify the search fees a deposit on which I can be asked to pay. "I can't control my client," AUSA Dugan again said.

Finally AUSA Dugan agreed to use his "good offices." (Quite some time later when I was ushered into Mr. Wiseman's august presence I asked him about these "good offices" and why he had never complied with his own regulations but instead used them as a device for frustrating the law and on denying me my rights under it. First he'd ever heard of it, he said, and he'd never heard from your counsel on it.

Now if you require more about your counsel, like cartoons of letters to which he has never responded, all you need do is ask.

When you can tear yourself away from the press long enough to write another letter, or if you ever speak to those who write in your name, please stop writing deceptive ones. You describe this matter as before the "courts." This misleads any deception ever made of an offense. My request for sequential numbers does not date to August 1. It was earlier. And you still have not responded to my request for a list of these requests. However, you do have agents who appear about these before the courts. Without knowing anything about them?

Your letter is an outrage against decency. When I exercise a Constitutional right you respond that a response would "result in further delays of response to other Freedom of Information Act (FOIA) requests, including yours."

If there is no decency in that "Hallowed Place" is there also no shame?

Sincerely,

Harold Weisberg