

Rt. 12, Frederick, Md. 21701

7/15/77

Mr. Quinlan Shea, Director FOIA/PA appeals
Department of Justice
Washington, D.C. 20530

Dear Mr. Shea,

In today's mail I received a copy of the Philadelphia lawyer letter you wrote Jim Lesar under stamp date of July 12. When he received your letter Mr. Lesar discussed your bargain-basement benefaction with me and I have asked him to present the matter to the Court. Because of urgent need we are accepting the discount while preserving all rights. This is merely to restate what has been the situation from the outset.

From the record in this matter if I live long enough to receive a single honest and straightforward letter from any of you, you in particular, I will have with some satisfaction ~~have~~ upset the actuarial tables. At my age and in my condition, a subject of earlier indecency from you, this would be a blessing.

Typically yours is a self-serving letter in which you contrive a false record, by omission and by stating truths out of sequence without any indication of their proper relationship to each other.

When you state "Director Kelley acknowledged this fact ["great public interest and historical importance" in the assassination of Dr. King] very early in the processing of these records, when he decided to place all releasable materials in a public reading room, thereby making them available for public inspection at no cost," you achieve a total misstatement of the actualities of this matter. [Emphasis added.]

That you and your people were in total and deliberate and ordered violation of the Act for seven continuous years prior to the beginning of the "processing" of records is the fact. That this did not begin until after the beginning of this litigation also is the fact. That this became a further device for perpetuating non-compliance is the fact.

At no point and in no way do you address the language of the Act or the controlling decisions of the courts of which I am aware in this newest of your evasions and misrepresentations. The Act grants authority to waive all costs and charges under certain conditions. The question before you was not whether you would pretend to throw me a crumb after years of abuse of which you also made yourself part. It is quite simply whether or not my request is based on what meets the requirements. Either it does or it does not.

From its first legislated form copies have been a right of all persons under the Act. Depositing duplicates inside the J. Edgar Hoover Building has meaning to an overwhelming percentage of Americans only if they are millionaires. It has no meaning at all to any who have to work for a living, not for those not of greater than average means, none for those who like I suffer impaired health and capabilities and, with the volume of these records, it will be a truly exceptional circumstance if even a millionaire can extract meaning from them after many visits to your reading room. You may disagree but you have arranged a shallow and unbecoming device if you pretend that either stacking up indiscriminately mangled and often incomplete and otherwise illegible records or permitting the futility of examination of stacks in the thousands means giving access or complying with my requests.

When you follow this representation with the utterly false allegation that I "chase, however, the request personal copies" I believe it is not to exaggerate to characterize this as a lie. First of all my requests were years prior to the establishing of this reading room and any deposits in it. Second, this litigation also preceeded the deposit of any such records in any such reading room. Next the records searched were searched over my objections in open court that these were the wrong files for compliance. Fewer than one page in a

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hundred is related to my requests. The Department selected these files and then deliberately misrepresented them to the Court as one of an endless series of devices to stall and interfere with compliance. In addition the offer of copies and the schedule of delivery was initiated by the Department, not by me, and over the aforementioned objections by me. There was no alternative offered to me as the Court record will establish.

For you to use the word "personal" to describe these papers at this juncture and with what is in the record of this case and known by and discussed with me by the FBI constitutes still another lie. The record is clear that I have established a public archive in a university system and have dedicated all my records, including those I receive in this case, to the public and by this means. The arrangements predate the amending of FOIA.

Knowing this is a matter before the Court and that you failed to comply with the earlier directive of the Court you contrive further false representation in limiting my request for waiver to "reproduction fees." The first device contrived for continuing non-compliance after I filed the complaint was the pretense there could not be the beginning of a search until I made a deposit against search fees. The regulations required that I be given an estimate of these costs. That was not done. When I informed your counsel that I could not write a check without filling in a sum and would write such a check subject to the reservation of my rights to recover if I am to believe the FBI, he never so informed the FBI. I believe that where more than one person is given access to records for which there are search charges the practice is to refund or pro-rate these charges. I will not object if in making this refund you withhold 1/200,000,000th of the charges I have paid.

That this reading-room deposit is used to deny compliance is thrown at me time after time when I protest unjustifiable withholdings. If we give it to you, I am repeatedly told, we have to give it to everyone. I am not aware of any requirement of the Act that requires the giving of records for which no request is made under the Act. In addition, there is the relinquishment of privacy rights in favor of me only.

Were none of this true there would remain the lack of relevance of the existence of a reading room. That is in Washington only, where most Americans do not live and cannot visit. Its contents to now are of your selection, not mine. The contents are limited to official records some of which are of deliberate falsity. I have already provided proof of this to the FBI. By itself is it little more than official propaganda for those who might conceivably persevere through that mountain of paper. With the extensive and now admittedly wrongful withholdings, much of these 20,000 pages is macerated into gibberish. They are thus given more propaganda value and less factual value. For Americans to be able to extract meaning from this mountain of paper requires access to other information, which I have arranged for in an unofficial but public archive.

Other than this your spelling is perfect and your typist is my envy.

You say the Deputy "has asked" you to act for him in this. If he did this knowing all the facts and in writing I would welcome the filing of a copy of any such directive with the Court. It is commonplace within my experience that actions are taken in the name of officials who are entirely unaware of it. However, if he has done this, he has put himself in the position of the biblical maiden who, entrusted with the keeping of the family vineyard her own vineyard did not keep.

Sincerely



Harold Weisberg