

Not filed in court

Route 12 - Old Receiver Road
Frederick, Md. 21701

January 12, 1978

The Honorable Griffin Bell
The Attorney General
Department of Justice
Washington, D. C. 20530

Dear Mr. Bell:

In your name because you are a named defendant in my C.A. 77-2155, your Quinlan J. Shea has used the authority and immunity with which you cloak him for another of his offensive and insulting abuses of power.

He has again lied to a federal court about me. This time, mindful of the vigor of my reaction of the past, he was careful not to lie under oath again.

If I do such a thing, you put me in jail. Mr. Shea does it and you keep him in the position in which the Watergate administration placed him.

As your ultimate review and appeals authority under the Freedom of Information and Privacy Acts, he thus is suited only for the protection of the FBI's continuous perjury in FOIA cases. This leads to the belief that it is the intent of this administration to perpetuate the sins of the past while proclaiming purity of act and soul. Under any other conditions, he is totally unsuited for any position of trust, any requiring any degree of personal integrity, any requiring any respect for and compliance with law.

On November 19, 1977, under FOIA, I filed for the remission of costs on the FBI's JFK assassination records. Not until more than twice the time for response stipulated by the Act had elapsed did you release the first batch of those records.

But you did not respond - at all or in any way, law or no law.

On December 7, 1977, you staged an unseemly Madison Avenue-type media event in which you dumped on the deadline-beset press an indigestible 40,001 pages of uncorrelated records. Then I filed for a temporary injunction, in the above-cited suit. I repeated my request for the remission of fees because I believe I meet the standards and purposes of the Act for such remission. I also asked that I have a set of the records to be released in time to be able to respond to inquiries by the press. Again your Department was contemptuous of the requirements of the Act. It also ignored the Complaint and Motion until after the permitted time had passed.

Finally, yesterday the FBI hand-delivered to my lawyer, Jim Lesar, a letter dated two days earlier. That letter was 50 days late under the Act. Long after supper tonight, your response in C.A. 77-2155 was hand-delivered to my lawyer at his home. It is infamous.

Attached to it is another of Mr. Shea's letters. It is false and defamatory. It is not based on personal knowledge. It is a typical example of what, from my experience with him, are Shea specialties: fabrication and obfuscation. It also represents what ought not be tolerable under any decent concept of public service for it is still another in a long series of attempted character assassinations, the personal abuse of a private citizen whose only sin is accurate exposure of official misconduct, preeminently that over which you now preside.

Where I have worked extraordinarily long and entirely unpaid hours for more than 14 years in a private inquiry into what to me, a first-generation American, is the most subversive of crimes, political assassination, in your name I am now charged with being

Mr. Bell - 2

"blatantly commercial." The other totally false language you have made into a permanent and privileged defamation of me I cannot quote verbatim because the letter has not reached me. I quote what my lawyer has just read to me.

In an affidavit filed in my C.A. 75-1996, this same Mr. Shea joked about my health. He implied that my counsel had made false representation about it to the court. My counsel referred to my health only after the most unconscionable Departmental stonewalling.

C.A. 75-1996 has been in court more than two years. I cannot say of it that it is without precedent, even though prior to the filing of that suit - and under a 10-day law - *your Department totally ignored those FOIA requests for more than six years.*

What I believe is without precedent is that in the present case, C.A. 77-2155, at least half of the number of JFK requests to which the FBI claims to be responding were filed by me personally. *These - all still without response - are as much as a decade overdue. None is less than two years overdue.* Thus do you observe and enforce the law and practice the pieties you utter for public and Congressional consumption, like your policy statement of May 5, 1977.

When I have neither suggested nor asked for the suppression of the records now scheduled for release and with this incredible contempt for truth, you charge me with so doing. Although my requests for their release to all who want them go back to May 23, 1966, a request that still remains without any response at all, you and those whose employment depends upon you and this administration now tell a federal court exactly the opposite, that my purpose is suppression. This is to use the processes of the court for deliberate, malicious defamation. The language of the complaint is clear on this. The Department still again has fabricated.

In this JFK case, aside from the past indecencies the Department has engaged in - and Mr. Shea's excesses are minor compared with some - the Department's present offenses are even more grievous.

In September 1976, in C.A. 75-1996, the Department paraded alleged FBI FOIA experts before the Court. Present and participating were a number of FBI FOIA agents of various ranks, a representative of the FBI Office of Legal Counsel, the Assistant United States Attorney and several other Department lawyers. One of these FBI witnesses alone testified to having supervised *three* reviews of these JFK records *without having considered any single one of my more than two dozen FOIA requests then all long overdue under the law.* From that day to this moment, not one of your lawyers and not one of the FOIA personnel has seen to compliance with any one of these requests that under the Act go back to 1968, 10 years. Not even when I paid in advance.

(In one prepaid instance of years ago, the Department tore up my check, then put it together with Scotch tape and cashed it - without sending me even a sheet of blank paper in return. And despite these not fewer than three prior reviews of the records now being released, you have deceived the courts, the press and the country by attributing new and large costs to their present release.)

In recent months and on a number of occasions I have informed various Department FOIA and legal employees that if the Department did not begin to live within the law it would leave me no alternative to filing suits that should not have to be filed, suits in which under the law the Department would seem to have no defense. The most recent of these occasions is particularly in point.

In early November the Department leaked to the *Dallas Times Herald* that it was planning this totally indigestible release of these long-suppressed JFK records. Thereafter my lawyer and I had a number of meetings with Civil Division lawyers. I then urged them to try to work out something by way of compliance so I would not have to resort to litigation. I offered unstinting cooperation and was led to believe my invitations would be accepted. They have been rebuffed - totally.

With this history - and it is far from the Department's full record - to now charge me with attempting to prevent the release of records is to berate the victim of a rape as an attractive nuisance.

The fact is that you still suppress most of the relevant records. I have been compelled to begin anew the tedious task of seeking their release. The fact is that you stage these current releases so that, by their mass alone, they become a new form of suppression. Because they are of such great volume, the volume alone denies access. So does the cost to most Americans and to all of the few authentic subject experts. The fact is that you have contrived it, by denying my requests over all these years, so that the press does not have access to a subject expert who can refer to these records. The fact is that the police minds who dominate this have arranged for the present releases to intrude into the freedom of the President and his diplomats in foreign affairs. It is monstrous to me that you make such sport with the so-called investigation of the assassination of a President.

It is also the now proven fact that the Department has been engaged in a long campaign to destroy me and my work while remaining in gross and deliberate noncompliance with my request for the records on me under the Privacy Act. It has given the White House the most malevolent fabrications about me, has sent them throughout the federal government and even into a State, there to intrude into the processes of justice. Simultaneously, it has undertaken to damage me financially. I now have its records in which this, too, is explicit.

When I first heard reports of this nature in 1969, I informed the Department, in a letter to the Attorney General. The denial I received is now proven to be deliberate mendacity. This also involves both the Criminal Division and the FBI.

The FBI's records disclose that it was determined to "stop" me - their word. To this end the Bureau actually plotted with an agent to have him file a spurious libel suit against me. The government paid for all the legal research to establish that he was not a public figure and therefore could sue. But brave as are your agents on TV and in inspired books and articles, undaunted as the FBI has been in its persecution of such personages as the assassinated Dr. Martin Luther King, Jr., neither the Bureau nor this ersatz hero, Lyndal Shaneyfelt, dared file an action against me. Neither would dare face my knowledge of its and his record. Neither would dare examination in an open court of its practice of the vices of totalitarian societies against me, of their JFK assassination investigation or of the accuracy of my writing.

I first learned of this conspiring in the halls of justice during the taking of depositions I was directed to take by the court of appeals in its No. 75-2021. At the end of that deposition I told Assistant United States Attorney Michael Ryan and Emil Moschella of the FBI Office of Legal Counsel that I would waive the statute of limitations so that Mr. Shaneyfelt could file suit against me. When Mr. Shaneyfelt did not sue me, I gave him my waiver of the statute in writing. No suit has been filed. None will be. My experience with these people is that even with their limitless power and their uninhibited misuse of it, they will not dare face fact or stand against a determined and informed man who does not fear them. They are effective when they can practice their authoritarian dirty-works in secret but they lack the face-to-face qualities of manhood.

They also know that I do have unique credentials in the field of my expertise, those I believe qualify me for the remission of costs. Your Department has bestowed some of these credentials upon me. In this alone I believe I meet the standards for my request of November 19, 1977. Your Department has certified to one federal court that I know more about the JFK assassination and its official investigation than anyone in the FBI. More recently, it has told another court the same thing about the Martin Luther King assassination and its official investigation. It then did what I believe is without precedent. It unilaterally designated me as its consultant in my suit against it. I regard this as entirely improper under the Act. Also

Mr. Bell - 4

improper is the fact that in order to accomplish this your lawyers had to lie to a federal judge, so they did lie, thus misleading and deceiving that judge. This, too, is not without precedent. It taints every one of my numerous cases.

And so far as your charge of my alleged commercializing goes, I have not been able to learn what I am to be paid or when I am to be paid, and I have not had a penny of my cash expenses repaid. Your Department is deadbeating me and charges me with exploitation.

Were there the possibility of personal gain for me, Mr. Shea's letter is singularly without fact. It is long on slurs and falsehood, however.

The fact is that if I never receive another piece of paper and live another 20 years, I will not have exhausted the literary possibilities my present files hold. The fact is that I will never be able to read all those 80,000 pages or to do much writing about them.

The fact is that long ago I agreed to give all my records, including all I would obtain in the future, to a university system. The fact is that once I was taken ill I began to make this deposit. The fact is that there is no financial consideration involved.

The fact is that for the year just ended my gross income from the sale of the books, from a lecture and from several consultancies was only \$7,199.13. Of this, which is without any of the many other attendant costs being balanced against it, I paid the FBI alone and a court reporting firm that provided the reporter for taking the depositions of FBI agents about 42 percent. You are well aware that there were numerous other court costs alone. There are many other costs involved in sending out and printing books, in traveling to speak, in getting to and from court as frequently as you require me to be at court by the stonewalling over which you preside.

In practice I give away records I receive so they may become public knowledge. Affidavits establishing this are a matter of court record. To obtain these records, I spend years fighting your entrenched and determined bureaucracy, which is dedicated to violating the law. When the records have sufficient significance, I give them to the press prior to my own use of them. I have done this when I had scheduled it even when I had pneumonia. I have held a number of press conferences to do it and to respond to the questions of the press. All of this involves still other costs I have to bear.

I also bear the added cost of reproducing these formerly suppressed records in facsimile so the press, the people and the Congress may have access to the actual records, not merely my representation of them. In next to my last book, at one point I reproduce more than 100 pages that were improperly classified TOP SECRET. Your Department forced me to go to court to obtain this record. In my most recent book, published while I was hospitalized in 1975, I bore the added cost of facsimile reproduction of 200 pages that were formerly withheld, again including those I had obtained only after years of FOIA effort.

So that such records would continue to be readily available to those who want them, I reprinted my third book in 1977. It is my poorest seller. But because it is largely such facsimile reproduction, of records dealing with the FBI's suppression of the photographic evidence in the JFK assassination, I did go to this expense. In press time, paper and shipping the reprinted book to me, the costs totaled \$4,987.75. This figure does not include any of the other costs. My gross sales of that book for that year was a mere \$592.83.

These two items of my many costs in rendering what many scholars and reporters and the federal appeals court recognize as a public service - what I paid the FBI directly and the court reporter to preserve FBI testimony and this one printing item - exceed my entire gross income for the year 1977.

Mr. Bell - 5

The two books I published in 1975 have not yet returned their cost. They cannot and will not. I never expected them to. I can do no more than make my books available, without advertising or promotion. But they can and do make the public record I regard it as my obligation to make.

You have no difficulty obtaining my tax returns and I know of occasions on which the Department has obtained them. If you are now at all queasy about this, then you are perfectly welcome to make an open inspection of my records. If your FBI agents are not brave enough for this hazardous assignment, there is a local IRS auditor who knows where I am because in the past he made a full field audit. He is welcome to examine my records for you.

I do not expect you or any of those who practice such anti-Americanism as is inflicted on me to accept this invitation because the courage to face fact and the magnitude of the evil you have just done is nonexistent.

J. Edgar Hoover may be dead, but his hand still guides your hulk.

What are the facts about my health about which Mr. Shea jests and lies under oath?

I suffered acute thrombophlebitis in both legs and thighs in 1975. By the time I was hospitalized, the damage was serious and irreversible. Main veins are gone in their entirety.

Then arterial obstruction was diagnosed, as was hardening of the arteries. While other conditions are suspected, the nature of the tests to determine them and their extent presents hazards that lead my doctors to recommend against those tests until the possibility of surgical remedy is considered.

The supply of blood to my brain has been impeded. I am under strong cautions against sudden motions for this reason and to guard against falling, more recently against the danger of fracturing a hip.

I am on a high level of anti-coagulant, required by whatever has happened to my blood and the already extensive clotting. Because of this I am under strict injunction against falling, cutting or bruising myself. (The last time the FBI did not keep its word about the delivery of records by mail and I had to carry them, I was bruised by their weight and hemorrhaged internally. The visible area was the size of a turkey egg.)

In the recent past I have lost 35 pounds without going on a diet.

These illnesses can be fatal. For only part of one of them, the Washington chief of police was recently held to be totally disabled. He was retired with pension at an age less than mine. If a single clot breaks loose, that alone can kill me.

If this, which is not full or complete, is not enough to make you proud of your Mr. Shea, let me give you more cause.

I have so commercialized that what little driving I am now able to do safely is in a car I bought more than 13 years ago. It has been driven 130,000 miles. (I cannot keep my legs pendant for long. If I stand for 15 minutes, I can pass out. I now drive no further than the bus station when I go to or from Washington. The trip to the bus station is of about 15 minutes.)

I have not bought a suit of clothes since 1968. I then bought a factory reject. I am content to wear out-of-style clothing others give me so that I may apply the cost of clothing to the obtaining and xeroxing of records I am giving and have given to the public.

Daytime our thermostat is set at 60 degrees. We lower it at night. We wear extra clothing for warmth even though with these circulatory problems I am sensitive to cold. My doctor has told me to move to a warmer climate. I supplement our heat with the fireplace when friends can cull my trees for me. But I can grow weak and

faint from pulling a small garden cart of wood into the house.

You are perfectly welcome to a surprise inspection of our luxurious living from this commercialization you have attributed to me.

My lawyer did not exaggerate the unpaid effort with which I make my records and my knowledge available. I spend hours, even days, with reporters. Students have come here and remained as our guests, with free access to my records and my knowledge. This month a graduate student I have neither met nor spoken with by phone is coming for work on a doctoral thesis based on my records. Committees of the Congress ask and obtain my assistance. The staff director of one conveyed me from here to a Washington hospital to be able to obtain my assistance when his need was urgent. (Another similar illustration follows) Members have consulted me individually. Their staffs have come here and left with copies of my records - up to cartons full at a time.

For none of this am I paid in any way. At my age it is not possible to replace the time it requires of me and takes from other work I cannot expect to live long enough to complete.

If I do not do this, then only the voice and opinions of J. Edgar Hoover will be heard, though he be in his grave. Only official accounts will be printed. On the subject in which I work the press would be reduced to the equivalent of the *Voelkische Beobachter* or *Pravda*.

I also take such time for the foreign press, print and TV.

I have done this and other things like it for years. If you can find in the FBI's files a single complaint that I have misinformed a single reporter, been inaccurate in any way, you will find what I have not once heard in all these years - despite the fact that most reporters do not share my beliefs.

In doing what it can to deter me, of which this most recent infamy is but one example, the Department has violated our most basic tenets. It has wasted a very large amount of public money and the time of countless public employees. Aside from interfering with my rights and work, another result is to negate a law it does not like. This results in news management - official propaganda - with the press and the people the innocent victims.

In my view this alone amounts to an official obstruction of the functioning of representative society, which requires that other than the official voice be heard.

I do not recall from my lawyer's reading to me of Mr. Shea's letter that the Department claims I fail to meet the standards for the remission of costs. Typically, Mr. Shea obfuscates this with personal venom and falsification. This repeats what I think is beyond question, that in this as it has in each and every one of the FOIA suits I've filed, the Department has wasted much public money in its efforts to "stop" me.

What you have done in this case is schizophrenic. It is also bad public policy. I will not be part of it.

First you lay all these indecencies upon me, including that I am "blatantly commercial." Then you offer me a bargain-basement discount of 40 percent. If your allegations of commercialization are true, then you have no right to offer me *any* discount. If they are *not* true, then because I am a unique case I qualify to receive these records. They will become part of a public archive in any event. They will not be my personal property. And you involve so much time of so many people - waste so much money - all over again.

If you for a minute think I am exaggerating when I refer to the waste of public money, then I dare you to have your own auditors or perhaps the GAO make a cost accounting for you of what the Department has already wasted in my C.A. 75-1996 alone.

Mr. Bell - 7

Of course you will not do this because you do not dare face what you would learn. Personal defamation, in secret and in court, are far from all the Department's abuses.

There is no single one of my many FOIA cases in which it has not sworn falsely or, where it was not the defendant, has not presented falsely sworn and knowingly false sworn statements to those courts. For other than those in your Department this is a felony. I call upon you to do your duty - to have a full investigation made of these abuses and if there has been the false swearing I tell you about - and am prepared to prove where I have not already done it under oath - to enforce the law. Your job is to do that, not to defame and persecute private citizens engaged in lawful pursuits. Or to protect those under you in what for others is a felony.

In my case it is more than a lawful endeavor. The appeals court in No. 75-2021 held that what I seek to do on this subject serves the nation's interest. (Isn't it odd that neither Mr. Shea nor any of your other counsel could remember and consider this?)

I also call upon you to make a full investigation of all these abuses of the law and of me and, if you find what with an honest inquiry you can't avoid, to punish those who have committed offenses. Your people have stalled every one of my cases to run life's time clock on me, to prevent my work, to impoverish me, and to negate the law. While they have ignored all my requests for this information for up to a decade, they have met similar and identical requests when made by others, without even then providing me with the same records, offering them or even informing me of their release. They did not even notify me of the time and conditions of the first of the current releases until the day before, when if I had desired to be present it was impossible for medical reasons. At the same time, despite my prior requests, they released the first three of the current volumes to another months ago, again without even notifying me. My first knowledge was from an Associated Press story - which did not properly identify the nature of this exclusive release to another of what I had requested under FOIA and been denied.

So you can fully appreciate the extent to which this has been carried, one of my requests is for the FBI Headquarters file on Oswald. That is what you are now releasing. I was not provided a single piece of paper from it.

Your assistant United States Attorneys, including in this instant case, do not deliver court papers served upon them to the Department until after the time for response has passed. This guarantees violation of the Act and regulations.

When you are disposing of Mr. Marston, the appointee of the Watergate administration, does this suggest why you are not disposing of Mr. Silbert who also is of Watergate fame? (Mr. Marston, by the way, was the assistant to Senator Schweiker who asked for my assistance during the life of the Senate Intelligence Committee, of which the Senator was a member. It was Mr. Marston who drove me to the doctor prior to my hospitalization, when I could not walk, after I had spent that morning with him and Senator Schweiker.)

Your Washington assistant United States Attorneys - under Mr. Silbert - systematically misrepresent to and deceive and mislead federal judges. The one time I had the chance to state this in court to the face of one, he said no more than "What can I say?" He has not enlarged upon this since.

I called these transgressions to Mr. Silbert's attention. He has not responded. So, with Mr. Silbert presiding over violation of the law you keep him in office, and with Mr. Marston investigating members of my party, you would oust Mr. Marston even before you have a successor selected and approved?

You are part of an administration that speaks loudly about infringement of human rights in other lands. I ask you to see to it that as an American I enjoy all of my rights, free from the denial of them by those under you and those who act in your name. Cast

Mr. Bell - 8

first your own note.

I call upon you to see to it that there is an end to the intrusions into my life and these constant abridgements of my Constitutional rights by your Department. For more than a decade it has been determined to "stop" my writing. The records are explicit in using this word and addressing it to my writing. I believe this is a deliberate violation of the First Amendment. It is your responsibility to assure me of this and all my other rights.

I am prepared - nay, I am anxious - to prove all I have represented in this letter. (I hope you will understand that with all the time your people have deliberately wasted in this, I am having to stay awake long after the necessary bedtime for one in my condition and have to write you off the top of the head, without time to consult files or to organize or rewrite this letter if it is to reach you prior to the hearing.) I am willing to execute an affidavit to all of this, subject to the penalties of false swearing, if you will in return have an impartial examination made of the false swearings of those under you who have victimized me and the Act.

In particular, I call upon you to either prove what I regard as these most despicable of lies in your name by Mr. Shea or to apologize for them and to retract them in public, to me and to the courts to which they have been addressed.

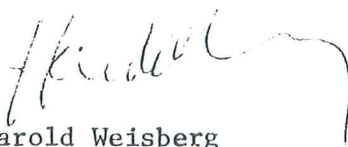
If you find that I am telling you the truth, as beyond any question I am, then I believe Mr. Shea is totally unfit for any public service, especially in the Department of Justice.

It is wretched business to heap such infamies upon a man of my age and health when I have devoted my declining years to an unpaid public service, one that you personally and all those under you have failed to have done. If you do not do all in your power to rectify what has been done to me and to the Act, you become party to this official misconduct - you sanctify it.

And you will have made a cruel joke of all the noble protestations you and the administration of which you are part have made so continuously and so loudly.

Under you your Department - not just the FBI - continues not to comply with my requests for the records on me, which mean what it has done to me. My appeals are without pro forma response. As you know, this negates the Privacy Act. It also makes it impossible for me to seek to neutralize all that official venom under the Privacy Act and to prevent your Department's continued misuse of it. I think this most recent of Mr. Shea's indecencies provides the explanation - even if he is the chief appeals officer.

Sincerely,



Harold Weisberg

Postscript of 1/13/78:

I do not practice your Department's dirty tricks so I herewith record that this letter did not get into today's mail. Despite the hours we worked, it was not possible for my wife to retype it prior to the coming and going of the mail. However, if it fails to reach you prior to the hearing, that is exclusively because of your Department's stonewalling.

What you hand-delivered to my lawyer last night was to have been mailed to me. It was not in today's mail and I thus cannot address it more fully now.

I have asked Mr. Lesar to subpoena Mr. Shea for the hearing.

Mr. Bell - 9

I am also sending Mr. Shea copy of this letter. If it remains impossible for me to get this letter into Frederick today for it to be mailed, a copy of my letter to Mr. Shea will be enclosed.

In my today's mail there also are communications from Paul Hoch, who has made FOIA requests of the FBI and who has had these requests met while mine have been systematically denied. Because it is a personal letter to a number of those with whom he is in contact and is in response to my sending to him information and records, a practice that dates to almost 12 years ago, I believe I should mask in the copies I provide what is not directly relevant to what is in immediate issue.

This letter establishes that while your FBI was playing its customary dirty games with my counsel and me - and if he is not party to them, also your Mr. Metcalf of the Civil Division - it was even using the phone to inform Mr. Hoch. You will note that on January 10 the FBI informed Mr. Hoch that the coming release was by then set for January 18, this coming Wednesday.

But your Mr. Metcalf told my lawyer on that very day, the 10th, and on the next day, the 11th, that the date had not been determined. He said the FBI would tell him when it had been set. Not until yesterday, the 12th did Mr. Metcalf inform us.

The net effects of this continuing series of the dirtiest of official dirty tricks was to further inhibit what my overworked lawyer could possibly do in preparation and to lull him into believing the assurances he had been given that he would be informed immediately. This misled Mr. Lesar into believing that he would have ample time. This particular offense is magnified, even if innocently, by Mr. Metcalf's failure to deliver the papers he was to file in court until long after the time he had promised them.

When I used the description "mendacity" I fear I was flattering the FBI, if not the Department also.

If there are any questions about the honesty of what I have masked, when I see Mr. Lesar I will give him the original of this communication that is dated January 10.

The second paragraph establishes that prior to the FBI's call to Mr. Hoch, it had already set the date of this second release for January 18.

The third paragraph relates to one of the more recent requests I have been forced to make because of this official record of refusing to respond to my requests. Note please that it states that the processing of field office files had been begun. My response from the Field Office of origin was a rejection and a referral to Washington. My counsel filed an immediate appeal.. Mr. Shea has been too busy slurring and defaming to acknowledge the appeal.

Harold Weisberg

