Mr. Richard L. Huff, Co-Director
Office of Information and Privacy
Department of Justice
Washington, D.C. 20530

8/13/84

Dear Mr. Huff,

When I returned home from my daily therapy this morning I was so weak and otherwise unwell, with my blood anticoagulated to where it is past the point at which I have hemorrhaged internally, I intended to go to bed. Then I read your truly outrageous letter of the 10th and I knew I'd not be able to sleep, so I made a perfunctory search to be able to make the response is it past indecency of you to ask of me now. And before you blow any gaskets, restrain yourself until you see some of the attachments, a minuscule portion of what your office does - or at least did - have at its own request of years ago.

I take it from the initials that Ms. Phyllis L. Hubbell drafted this letter for your signature. If this is correct, then it is utterly false for her/you to have written that no member of your staff "is personally familiar with such an(sic) appeal." (There were dozens, not merely one.) Ms. Hubbell should have received the appeals I filed and she was, without question, present on a number of occasions when they, including this particular one, were discussed when Quin Shea asked me to go to your office and discuss them.

You also state that in order to search your records you "would need to have the appeal number assigned." In order for me to provide it, you would have had to assign such a number but, as with most of my appeals, you did not assign any number and you did entirely ignore them.

You say you would find "the denial letter or date of the denial" helpful. If you had not entirely ignored so many appeals you might, perhaps, have gotten around to denying them, in which event I'd have such a letter. But I do not. As you and your staff ought well know by now.

It has been my intention to send you a copy of one of these many appeals, but then I remembered the deliberate misuse of my having done this in the past by the Civil Division, persisted in to two courts after correction. So I spent a little more time and send you a few more xeroxes.

In the remote event you have no knowledge of it, the history of these appeals is that your office, after the attorney general decided that the JFK assassination and its investigation are a significant historical case, asked my assistance because of my subject-matter expertise. I was asked to detail and document appeals and I did that, at what to me was great personal cost in time and money. My copies, which include some duplications, take up an entire file cabinet. If you doubt my word, please

come and see for yourself. (You will find approximately the same extent to what I provided relating to the assassination of Dr. Martin Luther King, Jr.)

As a practical matter the FBI made it impossible to distinguish between FBIHQ records and those of the field offices involved in C.A.s 78-0322/0420, combined at the Department's request, by withholding copies of the Dallas and New Orleans records because they were allegedly "previously processed" in the general FBIHQ releases of 12/77 and 1/78. My appeals relating to Oswald in Mexico and his intercepted conversations and related records thus involve both FBIHQ and the field office records.

As a practical matter also, with so large a volume of records involved and such wholesale abuses of FOIA and the Department's own positions and standards, it was usually necessary for me to include more than one subject in many appeals. Before long Shea asked me to caption them and thereafter, when I did not forget or when a covering letter eliminated the need, I did caption them.

In some instances, where I believed I might want a reference for later writing or for the use of others who have access to my file or for later archival purposes, I included carbons in a subject file. It was easier for me to go to this one large file folder of information than to search the many appeals for the pertinent captions. In some instances this means that the carbon copies are of as poor quality as so many of those the FBI has given me when it had the originals. I regret any difficulty you may have in reading these enclosures.

It is clear from them that they are not the first of the many appeals I filed on this subject of the surveillances of Oswald in Mexico and related records and it also is clear that they are not full copies of these appeals because it was not necessary for my purposes to make additional xeroxes of what I provided to your office by way of disclosed FBI records and related public domain information. I have no idea how many more such appeals they are but I believe there are many. I have gone through less than half of this one file for the enclosures and I stopped that search because I believe it is obvious that what I provide is more than enough.

While I am not providing additional xeroxes of the great number of xeroxes I refer to above as attached to those appeals, I do include enough that I recall and I believe are referred to in the copies of the appeals I enclose.

If it were not for the Department's consistent misrepresentations and distortions and customary departures from fact and truth I would have stopped with the first attachment, my 9/17/78 appeal, which is clearly captioned as you say your staff does not know or recall,"Oswald/Mexico City; intercepts." This appeal begins with reference to still earlier ones, with reference to the fact that what was withheld had long been in the public domain, and with citation of the letter of Director

Hoover to the Secret Service Director of the day after the assassination. I also attach Director Hoover's covering letter and the last page of its enclosure. I refer you to the top of the last page, where the FBI Director stated that his SAs "who have conversed with Oswald in Dallas" had listened to the CIA's tapes and examined its pictures and decided that "the above referred-to individual was not Lee Harvey Oswald." As the CIA had stated it was.

This appeal also refers to enormous attention given to earlier published disclosures of the information withheld from me. I attach an incomplete copy of the first of these I came across in the file I searched partially.

Since then there has been much more detail placed in the public domain but withheld from me, much more than I cited almost six years ago, which is only part of the time your office has ignored this and many other appeals. I call to your attention my citation of a telegraphed appeal of about 11/26/76.

Three related pages of a longer appeal are next in these attachments. The captioning I provided is quite clear and comprehensible, "Oswald Mexico - tapes and transcript, pictures," and the FBI record is correctly identified, with copy attached. I include one for you, too. It is the Dallas record 89-43-287a. It is apparent that an unclassified but potentially seriously embarrassing record was classified TOP SECRET after I filed my requests and appeals. I stated this in this appeal and it has never been disputed by the FBI or your office, including in particular not in C.A. 78-0322, with which Mr. Dan Metcalfe has some familiarity.

I provided copies of all the records referred to to your office with this appeal and you will find more than enough of them included herewith, including Serial 287a.

My 10/15/79 appeal explains to Mr. Shea why sometimes I was not able to review records seriatim and thus could not inform him that way. The bottom of the first page concludes: "In connection with my appeal relating to the withholding of information relating to Oswald in Mexico I provided you with a copy long ago," referring to the Hoover-Rowley letter cited above. I then added, "very long ago and as with most of my appeals you have not acted on it." And as you can see, there is more I do not here and now go into.

The quite comprehensible subject of my ~~three~~ two-page appeal of 11/25/79 is "Oswald in Mexico," and I alleged improper classification and violation of the relevant E.O. In this I also cited the withholding of other relevant information, relevant in the combined cases and to what was withheld from FBIHQ releases.

I think it is apparent that I was providing the kind of information your office ordinarily would not have been able to obtain, as was requested of me.

In a letter to Mr. Shea of 3/21/81 I reminded him of the many appeals not acted on, reviewed them briefly and asked for their prompt consideration. If I had then

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intended carrying this further it was made impossible the next month when I suffered an additional and almost fatal post-surgical complication. However, after recovery of sorts I did write Mr. Shea about this further on 9/2/81. Again without response.

Several of the disclosed FBI records tracing the transportation of and receipt by the Dallas office of the withheld information are attached, with excisions I appealed. In the first the "this" referred to and withheld is disclosed by the FBI elsewhere but remains withheld from me by it and by you. See, for example the Hoover to Rowley letter cited above and attached in relevant part.

For your information, in the remote and improbable event that you really are interested in information and really are interested in performing your official duties as other than a rubber stamp for the FBI, the last paraggraph reflects one of the FBI's great hangups against making full and proper disclosure. It decided instantly, without investigation and without subsequent change in its position, that then Texas Governor John B. Connally was struck by a separate bullet or bullets. This alone requires more shooting than was possible with the so-called Oswald rifle, more than three shots when the world's best experts were never able to duplicate Oswald's alleged feat of firing three shots in the time he could have had from the existing motion picture record.

Dallas 89-43-103, also of the day of the assassination, also withholding what appears to be the same information, reflects the fact that a Dallas RBISA named Heitman was to meet the Mexico City Naval Attache's plane and pick up then SA Eldon Rudd of the FBI, who had the withheld information, including tape(s) and photos. The entire text of Serial 104, also dated the day of the assassination, is withheld and that also I appealed. Please note that 2:47 a.m. was the next day, 11/23/63.

One of the records classified after I requested them is the "urgent" 11/23/63 Dallas teletype to RBIHQ. As I now recall it, this was either a paraphrase of the tape(s) or a transcript, which FBIHQ did request. (This is the FBIHQ copy of the record withheld from the Dallas files as "previously processed." I also appealed that on the ground that the Dallas copy contained information of interest to me that is not included on the FBIHQ copy.) The belated, 3/24/77 classification of this record is attached, 89-43-287a, referred to above in one of the appeals I filed relating to it.

Next in the attachments is a partial copy, enough to identify it and its content, of one of the thousands of newspaper stories reporting some of the content of the withheld tapes, paraphrases and transcript(s). It was the day's major stories in most newspapers and it took up the entire front page of one of the Chicago papers a copy of which I provided.

Since then still more had been disclosed officially. When I last wrote you about this I had just read additional details disclosed with the authorization of the USA for the District of Columbia.

This is but a smattering of what over a period of so many years I provided to your office in the matter relating to which your staff counsel Ms. Hubbell was assigned and you now tell me that you can find no relevant record, not a single one, and that neither she nor anyone else has any recollections at all.

My God man! Aside from all the great amount of information I have provided, is the assassination of a President so unimportant to anyone in your Department, or its FBI's investigation of that, to me the most genuinely subversive of crimes? None of you can find anything, none of you can remember anything, and over so many years, none of you could respond to so many appeals, not once? And now, when I have, at my cost and at your Department's request, provided about a full file drawer of information, you now tell me that you continue to ignore all of that? How many requesters, in your experience, have gone to this trouble, taken this time, gone to this expense, only to get the kind of truly shameful letter as that to which I respond?

And remember, these are some of the appeals at issue in the cited combined case now before the appeals court, in which, when I provided so much entirely ignored information your Department demanded "discovery," and then sanctions, and in so doing lied to defame me and entirely misrepresented these multitudinous appeals. One of these many Department fabrications is that my appeals are "incomprehensible." I therefore ask, in unhidden possible anticipation of the future, that you call to my attention anything you consider "incomprehensible" in the attachments.

What I believe it is a gross understatement to refer to as merely your gross negligence has put me to much trouble. I therefore believe that I am justified in asking and in getting an answer to a simple question, calling your attention in advance to my possible future use of your answer or your failure to answer: how many requesters have provided your office with anything like a file cabinet of information, and with regard to a single appeal in a large case of many appeals, how common is it for your office to receive from a requester the amount of detail and documentation I have provided your office that you now tell me you can't find and nobody can recall at all?

Just yesterday someone who is entering law school in the fall was here to look at some of my records. Two with which you may not personally be familiar but that I am reasonably certain I provided to your office in the past I can attach easily because I had not refiled them. They bear, I believe, heavily on the incredible history I

refer to above and you reflect in your letter so I attach copies. They reflect the Department's (including the FBI's) instant determination, without investigation and without investigation even being possible, that it would be concluded officially that there was but a lone nut assassin. One of these is the memorandum to the White House by the then Acting Attorney General, written the first day of work after the assassination, stating at the outset that "1. The public must be satisfied that Oswald was the assassin; that he did not have confederates. . .; and that the evidence was such that he would have been convicted at trial . . ." And down in the Dallas FBI office the very day of the assassination, before Oswald was even charged and quite obviously before any investigation, particularly of any conspiracy, was even possible, a lead from a nearby police department was marked "Not necessary to cover as true subject located." (This was so early a record it was even serialized, indexed and filed the day of the assassination, only the 84th such record.)

I believe that in a reversal of the situation if you received the letter I have just received from you, you would wonder why so many appeals, literally hundreds of them, with thousands of pages of attached records, were ignored and remain ignored and now allegedly can't be found or even recalled; why they had no numbers assigned to them on their receipt, as they did not; and why there was no letter to me reflecting action on them. You would, I think wonder about what motive or motives might underlie this, as I do and have when the law and your assigned responsibilities under it are so clear. And I believe that any impartial person examining this record would find it difficult if not impossible to rule out as motive what is the clearly stated Department policy and the FBI record and practise relating to both of which there are so many other disclosed records.

Your letter concludes with your giving me your word, "We will respond to you as soon as possible after receipt of this information." The information I herewith provide establishes that my relevant appeals go back at least eight years. I therefore believe that when you receive this it ought be your first order of business and that I have every reason to expect an immediate and I hope unequivocal and unevasive response.

Sincerely,

Harold Weisberg