Mr. Richard C. Huff, Co-Director
OIP
Department of Justice
Washington, D.C. 20530

1/21/85

"Re: 84-8914 and Miscellaneous issues" (sic)

Dear Mr. Huff,

Few experiences within my now not inconsiderable experiences with stonewalling bureaucrats is as unreal as your letter of 1/15/85. On the assumption that at the least it may be self-serving, I'll be specific and detailed. And I begin by repeating still again, if you have any real questions, please ask them, instead of making speeches at me.

Your concluding paragraph, which is without regard to considerable correspondence between us, among other things, states that "In your letter of November 17, 1984, for example, on page 5, paragraph four, you make a request for records, which was not caught until the third reading of that letter." (From your reply it is not easy to believe that you read my letter once, leave alone three times.)

I've reread my letter and I made no request in it. A request, by the way, must be for existing records. I made several suggestions, all in keeping with the stated purposes of that letter, with which it begins. In the fifth paragraph of page five I made one of these suggestions, after disputing your claim already proven not to be in accord with the facts on numerous occasions, that all my appeals have numbers assigned to them. I restate this, with illustration, in that very paragraph, and I then said, "I think it would be helpful to both of us if you would be kind enough to provide me with a list of them," the appeals.

You do not address this, and instead you provide xeroxes of an assortment of cards that for the most part are, for reasons made specific on numerous occasions, without meaning to me. You refer to these (page 1) as "closed appeals." You can't even do a good job of cooking your own books because among them you have an active one that is the subject of recent correspondence, one to which you assigned a 1984 number after I sent you a copy of one of the 1978 appeals I filed relating to that request. (and protested the phony 1984 number you assigned.)

And this also just happens to be one (of many) not included in (your) "my letter of November 13, 1984 (which) included a list of all uour open appeals."

So, you've inflated your statistics by assigning this a new number, but you did not make a list, which was a suggestion, not a request, and you've done nothing to reduce in any way the problem part of which you may have inherited but which you've magnified by wasting time for both of us while doing nothing at all to correct anything.

My paragraph to which you refer reminds you that "you do not have separate numbers for a number of appeals, " followed by an illustration, 25 requests, all appealed, about which " the department testified to the Senate that they would be taken care of."

Aside from another self-serving untruth, that I'm making new requests when I am not and keep referring to old ones you persist in ignoring, you conclude by complaining that you can't understand what I write, "I would like to request that you take some steps to make it easier for us to understand your letters." Now that you've read this particular one at least three times, let us see precisely what it is that so taxes your comprehension and ability to comprehend.

I've been referring to very old requests only and after reading the letter to which I respond, in which you admit that you have not yet begun to act upon 1978 requests, I asked in the first paragraph "if you are aware that you are actually claiming that I am at the bottom of your list with regard to matters that are going on a decade

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old?" It is very cold, that is very hard on me, I'm not able to use my own office (and thus apologize for worse than usual typing) but frankly, I'd expect a child, if not a lawyer, to have no trouble understanding this, and I am not inclined even to suspect that your claimed inability accounts for your failure to respond while making self-serving speeches.

Farthur down on the same page, where you refer to but a single fee-waiver appeal, I tell you there was another and say that if you have any questions, please ask them. Not only has this been the subject of separate correspondence, including the appeal to which I referred earlier, you also have recent copies of such correspondence. I do not know what you claim to have trouble understanding, but it certainly ought not be the invitation to ask questions if you have any.

I then ask if after all the recent correspondence, including some you referred to the FBI instead of acting upon, you are unaware of my appeals relating to my requests for records on and about me. Not understandable? And next I asked if it were possible that after notifying me of referral of my appeal from EOUSA withholding to EOUSA "you have no record at all." You did answer this: you wiped it out without waiting for EOUSA not to respond, as it hasn't. These are "closed" cards you attach.

And perhaps this is as good a point as any to pick up what I really wrote you for, which is quite the opposite of your misrepresentation, to make new requests. I am quite specific at the top of page 1, that I "take the time to clarify some of the mess your office alone has made." "New" requests, Mr. Huff? You can't understand this?

On page 2 I refer to other old requests, to what Mr. Shea reported and to what existed that is relevant and not provided. Not FBI but the DJ copy of the transcript of my testimony before the House patents committee. Is it House, patents, committee or testimony that you cannot understand? Or can it be that this has not been processed, as I suggested, and I'm sure you understood, because that the Nazi front I exposed was represented by a former AAG, Criminal? (It was vested after my expose')

Next I refer to another ignored appeal, part of my appeals relating to records on or about me, one you do understand because you refer to that on your unnumbered page 2, claiming that neither you nor the FBI has any record. This is not true, as my letter made clear: "My appeal . . . gave the numbers of the files for both Hoover's correspondence and the magazine, the latter the precise classification and file number." But if this were not true, as it is, and if the FBI had in fact made a real search to comply with my request, would not the search slip contain all it and all you need?

You say what is incredible about this, that you have no open ~~request~~ appeals, with all I filed - was in fact asked to file - without any response at all.

It is nice that the lawyer reviewing Hoover's Official and Confidential (which does not include Personal & Confidential) files is keeping an eye open. But I think it would be must less troublesome and more productive if [redacted] you have the FBI give you its search slips and then check all the 94 entries. And if you find none, ask for them, because they are not limited to "research matters" and do relate to the press, among other things. As my previous and ignored and existing appeals state.

You keep asking for numbers I keep telling you were ~~never~~ not always assigned, as for example on page 3. Yet you ask again. And, as I've explained often enough before, when most of my appeals were ignored it is obvious that I was given no numbers and thus cannot cite them. Other than to be self-serving, why do you keep repeating an impossible request of me? As an example of this, at the bottom of page 4 I cite my Ronnie Caire appeal, which, as I reminded you, I recall clearly by attaching it as an example in an affidavit. You do have it, with considerable attached documentation, yet your letter manages not to mention this. What can't you understand in this example?

On page 6 I ask why you have not yet gotten to my 1978 appeals (which are not

the oldest but were mentioned) and am I to suppose that this, too, is something that exceeds you ability to understand English? And if not, why do you conclude your letter as you do, quoted above?

I conclude by asking your authority to delegate your appeals function to the component whose failure to comply is appealed, and I guess this, too, taxed your ability to understand. If not to make self-servibe speeches.

I now return to your letter of the 15th which claims to respond to my quotations immediately above while either ignoring or msirepresenting them, and my letters of November 20 and December 7, 1984. You ask what JFK assassination photographs I refer to and that, too, is the subject of separate correspondence which you have, tracing that matter back to the FBI's ignored request of 1978. Why not ask them for a change, you being the at least supposed appeals officer. Have I not provided you with more than you want, so why continue to bug me to do your work and then claim not to understand simple English? This is a separate request, after the general disclosures and before the litigation.

I beg to correct you, top of your second unnumbered page: the only records within the cited litigation are those said by the FBI to be within it. What the FBI did not include and claimed was not included, just plain isn't. They can't have it both ways. At least not yet. And not unless you are merely a rubber stamp.

The wheels of justice sure grind slowly if, after telling me in writing, of which I gave you a copy, the FBI was processing my Nosenko request (at least the unspecified one it referred to) it is only now getting around to acting on classification review. And the machinery of appeals, if there is any, moves as slowly, that having been appealed in 1978, too, and omitted from your supposedly complete listing of them this past November. You do not say why the FBI has to complete the processing before it releases any records, and partial releases is it normal policy. Undess, of course, they are again staging one of their events.

You appear, from what you state at this point, to have resources for nothing at all except self-serving speeches because, with a 1978 appeal about which you have done absolurely nothing, you invite me to file suit. (Aren't you part of and an appointee of the administration that is supposedly cutting all unnecessary costs, like feeding the hungry, reducing medical benefots of the aged and not making loans to those who can't go to college otherwise? Why encourage unnecessary litigation to cover your own failure to perform your assigned duties, acting on appeals. And attestedly the oldest first.)

For the most part the xeroxes of cards, as I've told you over and over again, mean nothing because, absent appeals numbers, I had to set files up by subject, which you did not add.

I'm not well and cannot continue now, but you do not in any way address my letter of the 7th of December. I provided your office with xeroxes of FBI records referring (falsely, it happens) to withheld information about me. God, man, what in the world else do you need? And I've cited this to you, personally, When will you summon the decency, if not the self respect, to stop beating up on an old man who is in poor health? Can't you muster even a shred of shame!!!

Sincerely,

Harold

Resumed 1/22/85

What you lack in a sense of shame you more than make up for with the ridiculous. Perhaps you do not fully appreciate the extent to which you have perfected it.

You now tell me that with regard to Dallas/New Orleans records you rule out those "that either were or could have been adjudicated in that litigation." You thus decide that was not litigated was litigated anyway.

Again Ronnie Caire is a convenient example. I filed that request many years before (with a check that was cashed) I filed the lawsuit and, not surprisingly, the FBI lied in its response, denying the existence of any records. Its basis for the lie was the search that disclosed their existence, records subsequently disclosed to me on their search and internal reporting. Now you never acted on that appeal, the New Orleans search slips do not include any Caire search, and if I understand what you are claiming correctly, it is that you take the position that any and all New Orleans (and Dallas) records not included within the litigation, records not ever searched in it, nonethless are within it. How? Suppose I make a request for something not searched for and held by the FBI not to be within the litigation, are you now telling me what was not litigated is res judicata, too?

You do not lack delicacy of touch in the conclusion to this paragraph: "I will not review again(sic) the Bureau's actions in that case." To the best of my recollection, you have yet to "review" it for the first time. If I err will you please tell me when you so wrote me?

You might also remind me of some relevant record you had disclosed on appeal, after withholding by the FBI. Memory is fragile but my memory does not report a single instance of disclosure by you in your alleged "review."

You misrepresent my September 26 letter I believe to obscure the fact that after many years, many appeals, including also to the FBI Director and the Attorney General by my counsel, the FBI still has not disclosed the records of which I require copies to be able to respond to them ("expunction.") I have been renewing this request, including of you, personally, each time I see another FBI record with reference to existing and withheld records - just withheld, without claim to exemption. Most recently I reminded you, personally, of its gross, deliberate and intendedly defamatory lie about my having visitors from the Russian embassy. I've had no response from you. Or the FBI. With regard to this, where you took no action at all despite your high flown and self-serving rhetoric, you now tell me that "if you simply believe that our appeals actions have incorrectly dealt with such issues," I can just sue.

But you took no "action" and you "dealt" with nothing at all. Do you really want me to take this relatively simple matter to court? And would you like me to include a few others like it, where I provided the FBI's own records establishing beyond question the existence of relevant underlying records that defame me?

With further reference to my Nosenko requests, of which you manage to refer to one only, which happens to be the FBI's preference, too, you tell me that the FBI has received referrals back from the CIA. Is it possible that they failed to tell you (finally) that with regard to this admittedly 1978 request, which I was told years ago was being processed, the FBI has not told you that it is still making referrals? I've just received notice from another agency, hence I know. And with the record of which you have a copy, hardly all of it, do you really believe that as the appeals officer and an official of this administration, you ought encourage me to sue on this, too? In all of this, aside from ambulance chasing, you appear to serve no function. You do nothing about appeals, after ages, and you tell people to just go ahead and clog the courts and waste their own time and money and that of the government. Now if I am unfair in this, you might send me something indicating that about two years ago when I sent you a copy of the Nosenko correspondence you even suggested to the FBI that under FOIA 1978 really was long ago. Particularly in the light of the agency's representations in the courts. And the Departments.

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1/23/85

The letter to which you claim to respond but do not begins with my wondering whether, despite your record of stonewalling, you really believe that you are acting in good faith. I believe that in the past I've suggested how you might make a demonstration that, while not proving it, might indicate at least some such intention. You did not take me up and instead you continue to stonewall and write self-serving speeches. Nonetheless, I repeat that proposal. I've sent you copies of FBI records based upon other, and in at least one instance cited, underlying records relating to me. This greatly exceeds any claimed backlog of which I am aware. In thinking of this I was reminded of part of an earlier such appeal to which there was no response. Mr. Shea reported that the FBI had checked its electronic surveillances indices and I am not the subject of any. In response I informed him that it also indexes those heard or overheard and those mentioned, within the request but not searched. I am not certain but I believe that Ms. Hubbell was present once when we discussed this. Another aspect of surveillances never searched (and while I'm not 100 % certain I believe I raised with Mr. Shea) is the mail interceptions disclosed by the Senate intelligence committee. What was intercepted includes at least some of my foreign mail and there was interception of some that was never delivered. It happens that some of this mail was by government (our's) request. All such information is within the initial request now about a decade old and many subsequent appeals. As I'm pretty certain I informed you personally some time ago, without response or to the best of my recollection, even acknowledgement, the FBI lied in a defamatory was about what its surveillances disclosed. Although your manpower pleas are not really relevant given the age of these matters, which certainly have them at the top of any list, the manpower requirements are minimal for you. All you need do is ask the FBI to make the correct searches and establish that they are correct and complete.

It has been some time since I asked you to ask the FBI to process the records related to the discovery of a Dallas police tape as soon as possible, that being the simplest kind of processing, in part because it might enable me to be more helpful. I have heard nothing. I would appreciate receiving this information promptly or some explanation for the delay, that also being an ancient matter. Also a matter about which the FBI has ample motive for stonewalling and not complying. This information should include the identifying information on the recording. And, frankly, I see no reason at all for the delay in providing a copy of the recording itself because among other things the FBI has disclosed its transcription and it is published.

In this please bear in mind your encouragements of litigation, which I do not want. So, if there is any legitimate explanation of these delays, I solicit them.