

Dear Jim, re DJ Answer in 86- 1547

8/4/86

I write this in haste because in what time I've been able to work I've been working on a memo of which I'll send you a copy. Also, this is one of those now more frequent days in which for no apparent reason I'm more tired, really too tired.

First, with regard to my attached <sup>response</sup> letter to Flanders of 7-29/80 - I never heard another word that I can recall. They acknowledge the request, acknowledge that without waiver of my rights I agreed to pay for the records in Item 7, and they then proceed to ignore even that until suit is filed. This, as you know and should tell Gesell, is the rule, not the exception, and I strongly urge you to provide those few pages of the Aborezk hearing, along with the page with the later footnote. I think that before a Gesell this can all be telling. Also, there may well be other letters I then wrote and now cannot remember. Please remember also that I wrote that letter exactly a month before the left femoral blockage was diagnosed at Georgetown and that it was followed by the first of the surgeries, about a week later.

As usual, Flanders' 7/1/80 to me misrepresents and distorts. (This is an atypical copy because a) it is not the record copy and b) withholds the identification of the SA who actually wrote the letter. If I knew who I'd be able to provide a record of consistent misrepresentation and distortion and probably lying under oath by him. (I think that in that period it may have been Martin Wood(s).) I do think that I addressed the rest of his letter separately.

Basic to the misrepresentation, which cannot be made without it, is the utter and known irrelevancy of citing Judge Gesell's decision in that case. I never made any effort to extend it and because I did not this becomes an even more evil misrepresentation and distortion. But in this FBI formulation there is no other basis for any fee waiver request or granting.

However, there was one, well known to the FBI, and it could not have been a) more inclusive and b) more completely voluntary on the part of the Department. Quin Shea, as appeals officer, on his own, decided that because of my selfless and impersonal uses of the records I get, my unique subject-matter expertise and the historical significance of the two assassinations I should and would be granted a complete fee waiver on all such records. He then expanded this, and wrote me that his decision was with the agreement of the FBI, that it would include all such records disclosed to anyone else.

Later - and this was never approved by Shea (and if by anyone else I'm not aware of it) Bill Cole decided to abrogate the fee waiver. He was then just another Civil Division lawyer and he had no such authority, the authority to overturn the high-level Department approval, I think then it was the Deputy but I'm not sure.

After I got a copy of Cole's complete fabrications, total inventions, when you did not represent me in that matter, I filed a lengthy and detailed appeal showing that Cole had simply invented the entire basis of what he wrote. It really is infamous. That was never acted on, never denied, and like so many appeals, it was merely ignored.

Perhaps my memory is faulty, but I think you should ask for any official confirmation of Cole's trickery and should provide the very angry memo or letter I wrote Shea, I'm pretty sure with the request that he distribute it particularly to Cole. I think that whether or not there was later approval of Cole's rotten defamations, it will be significant to a judge like Gesell. I want you to do this as soon as you can.

Notice also that in the last graf of page 1 there is another deliberate deception and misrepresentation, citation of Shea's earlier letter. And they lie about their alleged "understanding." They did provide, without cost, many other records. All of the first part of that large release, not included in Gesell's decision and not mentioned by Shea. They did, while Shea was still appeals officer, send me copies

of what was disclosed to others and I had not specifically requested. I remember in particular some responses to A.J. Weberman's requests. In fact, to this day, they've not gotten a penny from me for any records, and as recently as this year (in response to a 1978 request, later duplicated by another for whom they professed those records) they didn't even ask for payment. I refer to the Nosenko records of which you know.

I suggest also that you check the Shea letter they quote because I'm sure that he intended to include "all" in his meaning and without question it was their interpretation until he was out or well on his way out.

As you know it is not now possible for me to search and locate that correspondence and I think it would be more effective if you immediately demand discovery and be inclusive in it, referring to the papers leading up to the fee waiver and it and any other such internal and other communications, notes of conferences and discussions and copies of all covering letters by the FBI and Department subsequent to the cited Shea letter. It will make it obvious to Gesell that he is being lied to again and I think we'll thus put wheels on their newest axelrod. Please do this!!!

I'm jumping and I have to get up and walk a bit so I'll start not to forget what I did for them in response to that all-inclusive fee waiver. It represents an enormous amount of work and for me significant costs. There is a background to it that I want very much to get into a court record because it is pertinent and because it provides a means for rebuttal of all those many contrived slanders of me as anti-government in particular.

You will remember that I first met Shea when Judge Green asked both sides to cooperate with him in working out the problems they contrived for the King case, C.A. 75-1996. You should also remember that the then Civil Division lawyer whose name I can't at the moment recall refused to accompany us. Then or at any other time. She did, as I recall, walk back to the DJ building with us. Now Shea had originally filed a nasty, snotty affidavit even making slurring reference to my health. I'd then had the two acute venous thromboses of which you had a medical report from your radiologist wife who read the X-rays to both of us. And I was so limited that the FBI had had to park your car inside the J. Edgar Hoover Bldg. for me to confer with them at about that time. You were in his waiting room when Dr. Hufnagel diagnosed the arterial blockages on about 8/1/77. (And that was not long after you had talked me into going to New York from Dallas to appear on Good Morning America and defend the FBI against the false accusation made by Mark Lane and Jimmy Ray. I'd refused to go up from Dallas three times when you persuaded me. But I use this also as dating. It was about 6/77 and I was then aware of the consequences of the arterial blockages and was quite tired from them. So, either at that first meeting with Shea when you were present or not long thereafter he apologized for and explained his nasty affidavit. He'd believed the FBI's fabrications and slurs and, as I recall, was a bit puzzled by the whole thing. Now it happened that he was a friend of the late Joe Borcin and lunched with him often. He mentioned this and me to Borcin who told him the truth about me and all the unpaid (in any way, I mean not even a leak) work I'd done for DJ in my investigative reporting days, particularly with regard to the serious damage to the war effort by the Nazi cartels. (J Edgar Hoover even wrote a letter praising my plexiglas expose and, naturally, the FBI says it can't find it. I gave it even the file number, too! But the letter remained with the magazine, which published only a sentence of it or so.) In fact, Quin later told me that when DJ did nothing about all the fairly complete documentation I provided on the cartel that prevented our uses of synthetic gas and synthetic rubber Joe took those photostats with him and used them in his book on I.G. Farben. This US front of a Nazi owner, Rohm & Haas, is among the Nazi fronts vested after my exposes appeared. I think that Joe also knew about and I know Quin tried to get for me the records of my working without cost to the Department for about four months in their then significant Harlan County, Ky. case, U.S.v Mary Helen et al. He found only one page referring to it. They'd borrowed

me from the Senate Education and Labor Subcommittee for which I then worked. (About 1987-8.) The late Henry Schweinhaut, then in Criminal, selected me from that committee's entire staff as knowing more about Harlan and the coal operators than anyone else, including those who had done the original investigating for the committee. I didn't have to do my own work and the DJ's without getting a cent from the DJ for it but I did. They'd intended me chiefly for help with the duces tecum subpoenas but they used me for much more, including plea bargaining, I remember in particular with the Peabody Coal Co. (It may interest you to know that their Harlan tippie was burned to the ground the night after they entered their nolo plea.)

So, Shea had been told first-person, by a former DJ employee, that I was and remained (he also knew me later) the exact opposite of anti-government or anti-FBI or DJ. And as I think he explained in your presence, he is a history buff and in addition, after I filed FOIA suits in both cases, the AG's had held them to be of exceptional historical importance. So, because he by then knew of my subject-matter expertise, he asked my help so that he could see to it that, in accord with the officially stated policy, he could make maximum possible disclosure. In response, over a period of time, I provide an enormous amount of detailed and documented information. My copies overflow two standard-size file cabinets. You haven't by the way, the OIP letter to me in which they say that nobody had ever provided so much information, ever. (This, by the way, also reflects the FBI's determination to withhold regardless of the AGs' decisions to disclose as much as possible.)

It was some time after I began to provide all of this to Shea that he broadened the fee waiver and disclosure decisions to include all on both subjects disclosed to any other person.

I've got to stop soon for lunch and the first of the flat-on-the-back, legs-up periods I must take time for twice each day, in addition to the three hours of therapy. I think the discovery I request is also important in that it will disclose which people in the FBI and DJ had knowledge of the actualities and then proceeded both to distort and misrepresent and then to file these distortions and misrepresentations before a judge who is a decent man and to their knowledge doesn't like that kind of behavior before him. There just is no question about the fact and it is as I represent and I think you should recall independently and there is no question about it, the FBI and DJ know they were misrepresenting and distorting. And I'm pretty sure that I wrote more than that one letter of 7/1 in response to Flanders. If my recollection is correct, that in itself will spell out the deliberateness of this intent to impose upon Judge Gesell's trust.

I've now forgotten whether there is anything else in the Answer to which I should address myself. In part because after all these years such deliberate official dishonesty is still upsetting to me. And I get upset more easily now. If I've overlooked anything, please let me know. I should be home every day after the morning therapy, from by 10:30 on, except for Thursday, when the dermatologist examines the right wrist to see if that cancer has returned, as it did twice before. I'm hoping the one bump I see is from one of the dozen or so stitches he used last time.

Best,

*Harlan*

P.S. The reason they never complied with that Item 7 is because it proves beyond question that in that 1/78 hearing their lawyers lied to Judge Gesell in seeking to frustrate disclosure to me on the ground that they were placing copies in the Library of Congress and elsewhere as they didn't intend and didn't do. You got relevant records, perhaps in Mark Allen's case, that they not only did not do what they told Judge Gesell they were doing - they instead destroyed their extra copies without depositing any of them in any library or other institution.

Jim,

8/4/86 - 2

I've read and corrected the enclosed letter and because of the way I feel I'd also be reading it to be sure it is clear enough. I write more because this time I want you to do what I'm asking and I do not want to regret still again that you didn't. If there is some compelling reason not to get this all before Gesell right now please tell me. If you want an affidavit, I'll do that, omitting the things in the letter that ought not be in an affidavit.

This provides an opportunity to really get them bashed for their serious misconduct and Gesell is the judge who will resent being imposed upon. The dishonesty of it is will be apparent if you check your own copies for the period of the Blanders letter. And after I wrote the letter I realized why they refused to comply and why I offered to pay - because it proves that they lied to Gesell.

You can win this case right off the bat and have them clobber themselves in the bargain if you do as I want. I want Gesell to know that they have deceived and misled him, or try to, and that it is not and cannot be accidental.

If you will not, please let me know immediately. But I warn you, if you do not have an overwhelming reason I am going to do what I've never done, start ticking off some of the many instances in which you refused to in the past and what the result was. Nobody is ever always right or always wrong, but I'll remember more than enough. It has been very serious to me so this time please do it as I ask.

Please also let me hear from you as soon as possible.

I'd also intended what I now won't have time for today. I'll go over Smith's Memorandum and try to eliminate some and try to list what I regard as priorities for the rest because I realize that this can take a fair amount of your time.

Best,

