Mr. Emil P. Moschella, chief
FOIPA Section
FBI
Washington, D.C. 20535

Dear Mr. Moschella, reur invalid 245,842

Jim Lesar has sent me a copy of your letter of 6/25/86 to him. In it you quote and misuse your letter to him of 2/16/84, and the quotation of that concoction is most of your recent letter.

Your concoction begins with careful avoidances and misrepresentations. In citing your letter to me of 7/1/80 you are careful to avoid the date of my request and when the FBI has bothered to respond, as in most instances it didn't, it was never prompt. My request was of much earlier. You also cite Judge Gesell's irrelevant decision in another case, omitting that by administrative action the Department granted me a full fee waiver on all JFK and King assassination records. It also agreed that I would be provided with copies of all such records disclosed to others and it informed me that the FBI had agreed to this, an agreement that, typically, it did not keep.

The FBI did inform me that it had, unilaterally, abrogated the fee waiver. You err, and one in your position ought not err in this manner, in claiming that because the FBI had heard nothing further from me (which happens to be quite untrue) it had concalled my request.

Proper procedure for me was to file an appeal. And I did. I did not file the appeal with the FBI, although for all practical purposes under the present administration it acts on them instead of the appeals office, which once, in fact, made this clear by sending an appeal to the FBI for it to address, which it, naturally enough, didn't do. I filed the appeal with the Department's office of appeals. So, you had no authority to cancel my request because I had taken the proper steps. Not that the record indicates taking these steps means anything. Most of my appeals have been ignored by the Department with almost as much consistency as the FBI has ignored my requests.

It is not true to say that the FBI heard nothing further from me because it did. After Mark Allen filed a similar equest I wrote the FBI and withdrew that part of my earlier and similar request that related to JFK assassination records and thereby, in effect, at least, renewed that part of that request relating to the FBI's so-called investigation of the assassination of Dr. King. ("So-called" is not a figure of speech or a slur because the FBI's own records, disclosed to me, state quite specifically that its investigation was not of the crime, its <u>public</u> representation, but of James Earl Ray as an escapee.)

It is not possible to read the FBI's reference to Judge Gesell's unrelated decision, which the FBI knew was irrelevant when it made that reference, and the other distortions and misrepresentations without concluding that this collection of dishonesties is not by any chance accidental. Nor, for that matter, without FBI precedent.

The month after your July, 1980 letter I had arterial surgery that was twice followed by additional, emergency arterial surgery and the consequences have limited what I am able to do severely. I cannot make any file searches now, but I can type for short periods of time. While I was hospitalized and before then I was in regular communication with Quin Shea, who then headed the appeals office. One of your predecessors, not knowing he was speaking to someone who knows me, boasted that the FBI had finally gotten rid of him, as indeed it had. (He, too, undoubtedly learned that promotions in the FBI are earned by the Gilbert and Sullivan method, polishing, but I do not mention his name. Unlike the FBI, I intend harm to nobody. But some of your people, including FOIPA personnel, have spoken to me and to those who know me in ways that the most diligent Gilbert and Sullivan application could not overcome. So, for

that matter, have alienated children of FBI personnel. How else do you think I knew of the existence of FBI records it lied about and denied having?) My first contact with Mr. Shea was after he had filed an affidavit repeating the FBI's party line of fabrications and misrepresentations about me but it was not on his initiative or on mine. It was at the request of a judge. All of my contact with him relating to King records was pursuant to that judicial request. And while I cannot with certainty now state what we discussed six years ago and when I was in the hospital, it is my recollection that it did include these King matters, including the appeal I filed relating to the FBI's unilateral and unauthorized abrogation of the fee waiver granted by the Department. The Department never notified me of its agreement with the gross and deliberate fabrications and distortions and misrepresentations in that action. And if the FBI did not get a copy from Mr. Shea, which I requested of him and assume he sent it, it got one from me indirectly, when I attached it to an affidavit in which in litigation against it I addressed some of the FBI's untruthfulness. (Alas, I have not been able to serve history as well as I'd like to because I have not been able to address all of them, they are that many.)

It would have been very difficult for me to make the searches required to provide you with copies of what you have already in any event if I were no more limited in what I am able to do than when we met when you were present at the depositions of SAs in my litigation and it is now impossible because of complications following additional surgery this past January. However, anticipating that the omnipresent FBI paranoia will immediately suggest that I have ulterior motive, which I do not, I do make a suggestion that, in time, might be helpful to the FBI. My suggestion is that you abandon these deceits and misrepresentations, no matter how you recorded them in the past and drag them out when it appears to be convenient, and make an honest review of all the relevant records. (My memory is not as depenadable as it once was but I just might remember what you might again overlook, and under some circumstances, that might be embarrassing to the FBI, however immune it now appears to be.) Mr. Lesar has copies of all I refer to and if he litigates and again faces the permeating lack of fidelity to fact from the FBI, I may remember what it may omit and it just might be under circumstances that reduce the immunity it has enjoyed in the courts.

You realize I am assuming that you quote yourself accurately but that I am saying that what you quote is self-serving and not in accord with the facts or with the records in your possession. I hope you will straighten this all out based on reality, not the fabrications of the past.

Sincerely,

Harold Weisberg