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

1/30/90

Re: 89-1077 and 1123

Dear Mr. Huff,

As your office and you, personally, have known, my health has long been impaired, severely limiting what I was able to do. In December I had open-heart surgery, triple-bypass, and I now am even more severely limited. I have done what searching is possible for me now, after receiving your letter of the 19th, and cannot find my appeal or your your response, with the number 1123. I would appreciate copies so that I may make further response. I do herein address 1077.

You say you "consulted" with the FBI. And you say that after this "consultation," whatever you may mean by that, you have no idea what I am talking about and thus you have still another of your endless creations for ignoring my appeals. I am reminded of a letter to me by your co-director in which he informed me that he had turned my appeal over to the FBI, whose withholding I was appealing. Of course nothing happened. I have no way of knowing who in the FBI was consulted or how, but a phone call to anyone qualified for the lowest rank of clerks who could not be informative isn't qualified to hold that job.

For that matter, this is also true of those who did this for you. My appeal included a copy of my letter to the FBI. Your paralegal specialist responded, giving this belated compliance with a series of very old requests and innumerable appeals a new number. You are on the same wavelength. My initial request for the records on or about me was in 1975 and she gave it a 1989 number. Now you are offering to reinstate it with a 1990 number. And I'll be 77 in a few weeks. Do I really have any chance of getting anything while I live when you haven't acted on renewed appeals of a 1975 request and now want to give it a 1990 number?

You have improved on her in one respect: she misspelled my name each time, as your file, which includes my letter, informs you. You, however, misspelled it only once.

I presume that my appeal had not yet reached your circular file at the time you "consulted" the FBI, and that you had it in the papers relating to that request when your letter was drafted. You pretend that I am not saying or asking, "If you are, in fact, seeking to appeal a specific release made by the Bureau, please specify the FOIPA number and the date of the release." My appeal gave you the date. I wrote 6/25/89 and said that I'd received the records the day before. So, are you telling me that without mongolian idiocy or worse in your office and in the FBI you could not identify the records subject of that appeal? Does the FBI send me records daily? You knew I'd just gotten them, you consult with the FBI, whose records without any question at all make specific and unmistakable identification of the records in question, and you tell me you don't know what I am talking about? Were our situations reversed, could you possibly believe you were written to with any honesty at all?

Now about the FBI's number: this is, as the last sentence of my first paragraph states, the first time I could remember ever getting anything from the FBI "without an explanatory covering letter." The release came without any FBI FOIPA number. So how in the world can I give you the FBI's number that it went out of its way to not give me?

"Consult," did you say? When you had what I've quoted in my appeal?

While I was hospitalized for the open-heart surgery I got additional records from the FBI. That time it demanded payment so it did include a number, 277,836. This may or may not be the withheld number about which the FBI never responded and I wrote it several times. I'll be attaching a few letters, including that one or one related.

I am not familiar with your regulations but over the years I've become familiar enough with how you run your office not to believe that you adhere to them faithfully.

I know the FBI had a regulation requiring it to seek clarification if it did not understand a request. My appeal is fairly full of specific citations to withheld records that are within the request, and by citation I also mean identification, I refer repeatedly to how old the request is and how often it has been appealed, and you intended to fulfill the obligations you assume and for which I assume you accept a check from us taxpayers, and you did not see fit to ask for any clarification of either these numerous specifics, my references to those many ignored appeals, or even of the records in questions? Aside from which who can believe that you did not have a dependable identification in the date of my receipt of them, June 24, 1989?

I don't know what your regulations require about any appeals function relating to the FBI's selective and defamatory disclosure of third-party information but if you do not have any such responsibility you also failed to tell me who does. Not that my prior experience leads to the belief that anyone in the Department gives a damn when someone it does not like is its victim. My first request was in 1975, as I say above. When I had reason to believe not long thereafter that the FBI was preparing to make disclosures that would defame me, my then lawyer asked both the FBI Director and the Attorney General to put me in a position to exercise my rights under the Privacy Act. Neither ever responded and the FBI did, in fact, not only disclose defamatory records that were incomplete, without which they would not have been defamatory - it called the attention of the press to them. How do I know? From the press. *Some of these records are sheer fabrications.*

I don't know what, if anything, I'll be able to do about this, but in addition to having it available for those who in the future may have some interest - and how proud you and your descendants should be of your personal and official conduct! - I add a few illustrations of the ~~xxxx~~ specificity of the appeals you have ignored. I think those in my appeal can speak for themselves and that they were comprehensible to you and your staff.

The FBI disclosed paraphrases of two records that are out-and-out lies. One said that I had a personal relationship with ~~xxxx~~ "A Russian national" in its embassy and the other said that I had been visited by someone from that embassy. I cited the records that cite the FBI's identification of the withheld underlying records to which I refer. You didn't even bother to give them ~~xxxx~~ appeals number. You just ignored them. (Which reminds me, I never got any response to my appeal from the withholding of the mail to and from Europe in connection with my efforts to publish. That was during the time the Church Committee took the FBI's testimony to its interceptions of that mail. So this also could have been complied with - were it not for the great likelihood, from what I have learned privately, that those interceptions prevented publication. You should, in fact, have the copy that did not reach me of the returned mansucript, returned when I did not respond to a number of letters seeking publication rights that ~~xxxx~~ never reached me.)

Of the many things that should be at least comprehensible to a child of normal intelligence that you say you cannot understand in my appeal, I call to your attention in particular ~~xx~~ my repeated statement that the records disclosed to others were not provided to me in response to my requests and my references to the fact that these are selective disclosures, with what is the opposite of defamatory continuing to be withheld. In some instances I include file numbers. You could not understand that? Could not perceive what I was appealing? And you are qualified to be director of department component?

There is nothing I can do to make you honest, or even want to be. I'm sorry that for all these years you have placed frustrating both the spirit and the letter of the law above all other considerations, not the least of which, to most people, would be personal and professional integrity.

I believe it is not necessary to attach my appeals, but I do. From what I've seen from you and your office you would not find them anyway. Also the Poindexter letter of 7/7/89 when I wrote you and my 7/17 response. My 8/9/89 letter to the FBI (again no

covering letter that I said makes for confusion) ~~which~~ has three attachments, the last two being the only identification of the records in question provided by the FBI ~~and~~ which, assuredly, the FBI still ~~have~~ has and would have made specific identification of those records automatic. If either you or the FBI ever intended that.

As I think I said before, we are none of us Merlins and we can't remember the future. But as is obvious and as the appeals court has stated, interest in the work I've done will never end. The Department is able to destroy the record I've made with it in my requests and appeals and perhaps the court records of the litigation also has a limited life. But I have made distribution of copies of everything of this nature to others and aside from my own files, of which this takes up almost two file cabinets, copies are widely distributed by those who will preserve them.

Neither of us has any way of knowing whether or what uses may be made. But if there was one thing required to make a solid case for history and for scholars of the dishonesties of the government in those times of great stress and since, if anything was needed to make a case that the government was and is covering up, a case that it has something to hide and therefore hides it, you have done that and those records will exist. I think that in time they will be used. Not by me but by or through the others to whom I have provided copies.

In what I think is a real sense, you have made your own bed for history, too.

Sincerely,

Harold Weisberg

I'm sorry my typing can't be any better.