Dear Sam, 2/5/90

In your 1/31 you express the hope that the FBI will disgorge the data or apologize and that I will continue to press it until it does. The latter, to the degree I can, I'll do, but I've never known the FBI to apologize or admit error and don't think it will with regard to its defamations of me or it violations of the laws. It is because I want to make a separate record in my files of possible explanations that I respond to those comments separately.

For its own reasons the FBI has stonewalled me from the first request I made under FOIA. When it never expected anyone to see its internal records it stated a number of spurious and extra-legal reasons, even that if can reject any of my requests because it does not like me and be within the law!

I think I sent you and Joe a few pages of a Senate FOIA subcommittee hearing at which the Nader people presented a list of about 25 requests I'd made that were ignored. The head of FBI FOIPA was a witness and he refused to offer any assurance that any of my requests would be complied with. That is pretty brazen when the law requires response to all requests and he was before the Senate!

I suppose but don't know that as personnel changes the special things are passed on to new employees. There may even be a file to which nobody has access with a selection of their awful things in it to prejudice the new people and make it an act of lagalty if not patriotism to frustrate my requests.

They know that nothing will happen to them for misbehaving because that is the official policy. They have learned that they are immune in any offense before the courts.

So, they know they won't be hurt and that they may benefit from violating the law and their own regulations to frustrate my informations requests. I've know those who were most uninhibited in this got allmost instant promotions. In my litigation for the records relating to Mr. King's assassination the clerk (who withheld FBI names even from newspaper stories, he withheld that much!) was promoted to special agent.

While I do not know the reason or reasons, one that I'm certain applies and may, in fact, control, is that disclosure can embarrass them. I think that in the general JFK assassination records releases they included some of their nastiest and fanricated stuff merely because those processing the records had no personal knowledge, assumed they were correct, and could see how they could hurt me. When I started proving they were from unfaith to fact to overt fabrications, it had to be embarrassing to the FBI. From then on it was safer for them not to disclose, law or no law, than to run the risk of my showing all over again how evil and dishonest they were. (The first law is "cover the Bureau's ass." The second is cover your ass.

To a large degree special agents were recruited from the right of center. Some were traditional, authentic conservatives. I've known some of them and liked them. Good people. There also are others, probably much more, far to the right, who regard the law as a bad law and thus worthy of being violated. They also regard what the FBI did that was wrong as not being wrong. Experience with some of these people makes it apparent that to conform with their ideology and their preconceptions they changed the law into what it is not and even put that in writing. They also "change" fact.

I do not expect the FBI to disclose the records it has on me that it has not disclosed but I do want to leave a record that they are not, that they are violating the law, that they have disclosed selectively and prejudicially, and that what they have disclosed that defames me ought not be credited without separate and solid confirmation that, I'm as sure as one can be, does not and cannot exist.

Best, Harold