Mr. Quin Shea, Director
FOIPA Appeals
Department of Justice
Washington, D.C. 20535

4/4/81

Dear Mr. Shea,

In accord with the futility you created to reduce the work of your office, I enclose herewith my today's appeal to the FBI, a copy of the letter to me with which the FBI sent some records pertinent in C.A. 78-0322 (JFK field offices), and selections of those records as used in the appeal.

As you will see, the FBI has gone so far out of its way not to identify anything in its letter it fails to record sending of four films - why I don't know. But I have enough faith in the FBI and its consistency not to accuse it of good intentions.

WhenI did not receive records in accord with the agreement proposed by the FBI through its counsel and accepted by the Court I asked my counsel to inquire. Mr. Metcalfe informed him that the FBI first had forgotten to prepare a covering letter and then had erred in it. I presume that what I finally received is not the one the FBI did not intend to send. It thus follows that the defects in the FBI's letter are deliberate, for purposes the FBI has in mind. It certainly is not an informative letter, as it fails to be an adequate covering letter.

The FBI does not state that these are all the declassified records referred to in Mr. Shenefield's letter of last December and the number of pages of declassified records is not identical with those stated in that letter. When it required almost four months for those already processed records to be sent, expecting the FBI to create a straight and honest record apparently is expecting too much of it.

The FBI did not identify those records that had been withheld in full and those withheld in part. It also knows that making this kind of check is beyond my present capabilities. So, except where it appears to be apparent that there had been partial prior release, I am assuming that there was no prior release.

Despite the meaninglessness, deceptiveness and inaccuracy of the FBI's letter, it and the enclosed records are proof that the FBI persuaded its counsel to lie to the Court. I put it this way because I neither believe nor suggest that Mr. Metcalfe lied deliberately to the Court or to my counsel. But lie the FBI did in representing that it required time to process these records. They were processed before the Shenefield letter was sent and then they were deliberately withheld to waste time and as much more of what remains of my life and work that the FBI couldwaste. And to delay the end of this case and further inflate FOIA costs.

The FBI further misrepresented in claiming that its people required time to learn what is public domain. (As of 1976 it had already gone over its JFK assassination records at least three times according to its testimony in C.A. 75-1996 and, obviously, it had

gone over its JFK assassination records prior to its general releases of 1977 and 1978. To the best of my recollection, there is nothing that had been withheld in these records that had not already been disclosed by the FBI itself. It did withhold what it had placed in the public domain by calling it classified information.

I recall nothing of what had been withheld as classified and now is disclosed that is not included in my appeals of years ago. As you should recall, I have numerous attachments of FBI records to reflect this fact.

It thus is apparent that the FBI also lied in claiming that it required time for its people to become familiar with the subject matter. While just about all, if not all of what had been withheld in these records was disclosed in Warren Commission records (as well as much of what remains withheld), familiarity with the Commission's disclosed records was not required because it was all within what the FBI had already disclosed. (My letter to the FBI also cites continued "national security" claim for the public domain and for what is identified as public domain in my extensive and documented appeals.)

It is not only the FBI that has not responded to the letters you told me to direct to it. You have failed to respond to my asking you if the FBI's claim that it "coordinated" with your office and thus had its approval for "the processing of this material." If your office did not approve, then the FBI is engaging in another deliberate deception and misrepresentation. If your office did approve, then it approved the withholding of the public domain as "national security" information and it ignored all those documented appeals I provided. I believe I am entitled to have an answer and to be able to provide it to the Court.

In the past I have asked you to call information I provided to you to the attention of first the Deputy and then the Associate Attorney General. I have no evidence that you have done this. What I now complain about is more and worse than official lying. It is serious misconduct and deception and misrepresentation to a Court of law. Whether or not all of you in the Department live in terror of the FBI, which could account for its years of lawless conduct, and whether or not the Associate still fears it, I believe that you have responsibilities in this matter and that it should be called to the Associate's attention. Not for the first time, the FBI deceived and misled that office, too.

In the past overzealous and under-principled Department counsel have sought to make light of my allegation that the FBI seeks to hide its own records in these abuses and to discourage any inquiry into its record. On this one of the attached records is particularly in point. When, at the time of the assassination, an SAC asked and assistant director what was important in the investigation, the most conspicuous omission of what was important is any investigation of the crime itself. What was important was propaganda to make it appear that Hoover's instant vision was correct.

There is no end to the reasonable motives that can be attributed to all of this misconduct, the lies, the phoney national security claims and the perpetual stonewalling. For example, you will find in these records proof that the FBI is well aware of who the critics are, that it has files on them and on the criticism, that it assigned its informers to cover their meetings, and that it has no problems in retrieving this kind of information, which is within my requests. The FBI phonies up all kinds of excuses not to comply because compliance will embarrass it. I have provided you with abundant proofs, as with the proofs that it undertook to try to ruin me and my books - and that from its providing others with "public domain" information for these purposes to the equally counterproductive efforts or its informer, it failed. What the FBI did with all of us is at least improper. In these records you will find some file numbers, particularly an 80 file on Jim Garrison. I do not recall whether this is the same one I called to your attention years ago. It is clearly pertinent and it remains unsearched - after all these years since I informed you of it.

Aside from all ot her considerations, this is indecent behavior of which I complain. I am engaged in a public work from which no personal profit is possible. Its importance has been recognized by the Department, the Congress, the courts, many scholars and others. I will reach my 63th birthday Wednesday. My health has failed to the point where I can't stand still, can't walk much and can't walk at all without pain and limping. If you, Metcalfe and others in the Department want to add to the FBI's abuses, there is nothing I can do about that. Except, of course, to see that you are witting and not innocent.

Sincerely,

Harold Weisberg