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

11/17/84

Dear Mr. Huff,

After rereading your letter of the 13th I found myself wondering about a number of things. First of these, and in fairness to you I'll address it first, is can this man believe what he writes if as it appears he wrote this himself, can he really be genuine in this? Then I wondered if your people could have kept you so misinformed and underinformed; could it possibly be that there is no continuity in your office and function. I also wondered if you are aware that you are actually claiming that I am still at the bottom of your list with regard to matters going on a decade old. Among other things some of which will become clear.

As I thought about the first of what I say above, I had about decided that you do really believe what you have been told and tell me, that you are genuine in what you say, no matter how wrong your own extensive records show that it is, and then, as I put your letter down and reached for this sheet of paper I saw the last line in your first paragraph and I groaned to myself, more Philadelphia law. Before explaining this and how it leads me to regard almost anything I receive from your office, I do tell you that for at least the moment I am giving you, personally, the benefit of the doubt and will take the time to clarify some of this mess your office alone has made.

Oswald's conversations in Mexico, you write, "allegedly were intercepted by the Central Intelligence Agency." You seem to reflect a mindset in this because the FBI, CIA, Congressional and other official testimony I have provided leave it without any question that the CIA did intercept those conversations. Must you, as head of an office whose function it is to disclose public information to the degree possible adher to the mindset this reflects? And how do you think I do or should feel when this is how you address what you admit is simply an enormous effort on my part, much against personal interest, to provide you unequivocal and official information?

Whether or not when you read this, as I hope you will, I write on the assumption that in all interests you will and you will either contradict what I say or pay attention to it and respond accordingly.

I think it will help your understanding if you turn to the end of your letter, there you list what you state are all the appeals pending before you. The first, FBIHQ/JFK assassination records, has no number, the other three have four numbers. One of those with a single number requires at least two and I think a third, "80-1507 FBI — Fee Waiver." And with regard to this/these, I do hope that if you have any questions you will ask them instead of making assumptions, as you have in the past, that insult me and insult your own intelligence. It ought be enough to remind you of the holding that I am not qualified to a fee waiver because supposedly I am unable to communicate.

Can it possibly be that after all the recent correspondence with your office you are not aware that I have an old appeal (the last of which you referred to the FBI, whose nonresponsive letter is in the mail with yours) from the withholding of records relating to me? Can it possible be that after writing me of referral to EOUSA you have no record at all and thus do not include that? There are, of course, many others not included within those you list.

But limiting myself to this list, and with the reminder that your department is constantly assuring the courts that all my requests and appeals are handled in proper order and not in any way discriminated aginst, the one without a number dates to 1978. There is one of 1980, two of 1981 and one of 1983, which I am confident is, like those preceeding it, much, much older.

Yet with these claims of no discrimination, you now tell me that only now are you working on the 1978 appeals. After all the time and expense I went to to help your office? Including providing thousands of xeroxes when I had no regular income?

On the assumptions stated at the outset, and not because there is no continuity in your office or because it is not known there, I provided all that information on request and, as you must know, it was an enormous and costly effort and it took time that, if you were a writer, you would know that any writer would prefer to devote to his writing. It came about this way:

In C.A. 75-1996, Quin Shea, apparently listening to the rotten FBI fabrications about me - or perhaps reading some of them - slurred me under oath. Because he inferred that I had lied about the state of my health, and if I had that would have been a really rotten thing to do, I reacted strongly and promptly.

Then he happend to have lunch with a former Department of Justice lawyer who had known me in New Deal days, knew personally of the help I provided the Department, without pay or any other kind of reward, and its significance, and he learned that I am not some kind of nut or any kind of red and rather than being an enemy of the government had served it well and effectively. Some of my exposes as a writer were followed by official actions that helped abort some of the successful Nazi economic, political and military espionage operations. The man he lunched with is Joe Borkin who, when I first knew him, was in anti-trust, working on economic warfare.

Shea did follow up on some of the anti-trust withholdings that I appealed but not all of them. He concluded, and I accepted what he said, that my original investigations, which turned up the deals under which when we needed them so desparately, the United States was not making sythentic fuel and rubber. What Shea did not report on and the department did have relates to another of my exposes, of the deals with the Nazis relating to plexiglas and specifically, the transcript of the phony hearing of the House patents committee before which a former Assistant Attorney General (Criminal) represented the Nazi front. And there are other things. he did not find

I digress to illuminate the totality of at least failure of your office. When that story appeared J. Edgar Hoover wrote a letter to the editor praising it. As did the White House, several cabinet members, members of both houses and many other officials. And this, please understand because of the allegations by the FBI that I was some kind of red, during the days of the Nazi-Soviet pact, the [redacted] shibboleth of the period. The magagine was owned by a prominent Republican, friend of recent Republican Presidents, Walter Annenberg. He used the scarce paper on which it was printed for a more commerical venture but it then was the third largest picture magazine, after Life and Look. My appeal, which remains ignored, gave the numbers of the files for both Hoover's correspondence and the magazine, the latter the precise classification and file number. It is obvious that the only reason the FBI withholds that is because it refutes its fabrications about me, and they have assumed more than personal importance because of the fact that their disclosure, after I invoked PA, is an assault on the integrity of my work that the FBI cannot fault on fact.

So, after Shea learned that I am not was he had been told, Judge Green, in C.A. 75-1996, asked me to cooperate with him. I did, going directly to his office for the first time from the courtroom. The judge also asked the FBI and its counsel to help Shea, but they refused and refused to accompany my lawyer and me to his office. Not that I did not meet often enough with the FBI because I did. But the only time Shea asked me to meet with it in his office I asked that a record be kept of what was discussed and what was agreed upon and even with the Department to have the only copy of such a record, the FBI refused.

Shea is a history buff and the attorney general decided that both the JFK and King assassinations are important historical cases. So, in accord with the judge's

request in the King case and Shea's in the JFK case, I provided what you acknowledge is more information than anyone else has ever provided. Shea said, and I think it is beyond question, that I am the preeminent authority on both assassinations and their investigations and thus had knowledge he could not get elsewhere and he needed. From that time on I have been in a public role in both matters and without exception what I have obtained and what I know has been available to anyone and everyone, even those for whom I have very strong dislikes. I do not think you can imagine what this has entailed for me but it include providing information to virtually all of the media in varying degrees, here and abroad. Scholarly papers have been and are being prepared based on information I had so hard a time getting and I made available for the first use of others, not an every-day matter in scholarship. Most recently a doctoral candidate was here for a week, making unsupervised use of my files and making what copies he wanted. He left with close to a thousand pages and I have no idea which he copied. I am not praising myself in this. I am merely reporting the degree to which I extend myself because of my subject expertise and because I believe that this is required of me by FOIA. Moreover, as your own files reflect, all my records will become a permanent university archive, with absolutely no quid pro quo for me.

What you refer to as irrelevant comments and discussions is my effort to inform Shea. I regard it as an effort to make things clear and provide a context. Strictly speaking you may regard it your way if you think only in terms of an administrative appeal but I was in a different role and to the degree I could I undertook to meet that obligation. The department appears to have its view of what the attorney general meant by historical case and maximum possible disclosure and I do not share that view. I presume the attorney general meant what he said and met the obligation that was not forced upon me by the department but I accepted willingly because of this presumption.

This encapsulation of the antecedentss of all those appeals and their thorough documentation does not include the work I did on the consultancy in the King case, which Shea did use both otherwise was no more than a shabby trick played on me and the trusting judge.

Separate from all of this but ultimately of great influence on it is the campaign the FBI and apparently others were waging against Shea. He attested that he reversed the FBI more than 50 percent of the time, hardly his record with me. I learned about the effort to ease him out, which ultimately succeeded, rather late. On occasion the FBI's boasting of its success in getting rid of him has been reported to me. But if he was caught up in that and as a result in an effort to preserve his position, did not act on most of those appeals, that is not in any way my responsibility.

It is apparent, I think, that what you describe as your "routine" practise does not relate to my appeals, which were not routine and to most of which no numbers were assigned and communicated to me.

In your second paragraph you say that you acted on a comprehensive appeal from all Dallas and New Orleans JFK assassination investigation withholdings and this is not true, except as you may have undertaken to wipe them all out without any examination of them by limiting yourself to the protective appeal filed by my counsel long before some of the records in question had even been processed, a formality only by him but addressed with great-and ignored- specifity by me.

Your co-director has some personal knowledge of this because for a while he was the FBI's counsel at the early stages of that litigation and we did confer, as I recall at his request. I have my own way of recalling that day very, very well.

Based on my experiences with the FBI in the King case and desiring to reduce totally unnecessary work and problems for all parties, I spoke to Shea before my counsel and I went to meet with Mr. Metcalfe from whose office all three of us were to go to the first scheduled calendar call in that case. It was postponed when Judge Oberdorfer recused himself at the last minute. Mr. Metcalfe was informed while we

were with him. In the discussion with Mr. Shea, and I think it was his suggestion, but it might have been mine, we agreed that the best procedure would be for the FBI to process a certain number of pages and then, as I received them, would document the appeals from any withholdings. (If you are not aware of it, in January 1979, as the department's witness in the King case, he testified that those records required reprocessing, some 60,000 pages, never done.) On a number of occasions the FBI was instructed by courts to disclose records to me as processed rather than accumulate them and dump an impossible number on me at one time, and this began as its practise. Initially it provided about 200 pages a week and I was able to review and inform it weekly, something it apparently grew to dislike because it was, without question, wasting an enormous amount of time and money merely to withhold the public domain. It is my present recollection that Shea placed an upper limit on 5,000 pages the documented appeals of which he would consider in the field offices case when the FBI disclosed up to that many pages to me. My counsel and I so informed Mr. Metcalfe as soon as we left our meeting with Shea. I am quite clear that I informed him that any other course would lead to an enormous waste in time and money, and it is now quite apparent that it has, and that regardless of the ultimate outcome of the litigation, will continue to be costly and problemsome to the department far into the future, if not forever. It also, I am confident, constitutes a serious reflection on the government and will be so regarded by historians forever because it is clear that public interest in the assassination and its official investigations is going to continue.

Mr. Metcalfe informed us that it had been decided to comply with my requests by processing three, perhaps four, main assassination files. I informed him quite pointedly that this could not and would not begin to comply with my actual requests. And the FBI later attested that instead of making any search to comply with my requests they were forwarded to FBIHQ where SA Tom Bresson, without search and without search possible for him, decided to limit my request to the companion field office files of those of FBIHQ included in the general releases of 1977 and early 1978.

Thus you have the problem that continues and will continue regardless of the ultimate outcome of the present litigation. In which the FBI deceived and misled everyone, your office, me and the courts. An example is what it did when it was directed to search and processes all records relating to the mother of the accused assassin, Mrs. Marguerite Oswald, since deceased. I provided one number of a file on her and that is all the FBI processed in its alleged search at the direction of your office. But it knew very well that it has another main file on her, aside from unsearched see references. Only I was not aware of that until records not disclosed to me were disclosed to another. It is my recollection that I then informed you and I know very well I have heard not a word about this from you. I cite this as one of a number of illustrations that do exist in your own records, all subsequent to the appeal you claim to have acted on and represent that is all-inclusive. It cannot be and isn't and you cannot possibly justify some of the withholdings you claim to have acted on, in your word, on the merit.

It may mean nothing to you, but I suggest that in taking this position you defame yourself in a manner that may well plague your family as historians become aware and conduct research and then write based on their research. If you have any familiarity with the information I provided you know that I am not exaggerating a bit. The above Marguerite Oswald case is merely one of many. The case record in the litigation abounds in other illustrations that were ignored by the district court but assuredly will not be ignored in the future. I believe that in the recent past I provided you with the Bonnie Claire illustration, which included the FBI own records of having records it withheld. Ditto for David Ferrie and Jim Garrison and many others.

I want to be fair to you on this. You claim you have acted on specific appeals.

I deny it. You can establish that you have by providing the underlying records. I am aware that you might make a b5 claim and perhaps it might be justified. But this is a historical case, I do make serious charges, and you ought want to at least try to establish that what I allege is not true. Neither you nor Shea acted on my actual appeals and neither one of you really acted on the pro forma protective appeal filed by my counsel. It was merely wiped out by a political consideration and that, I suggest, while always inappropriate, at the very least under a law requiring maximum possible disclosure, is extraordinarily inappropriate when the information relates to that most subversive of crimes, the assassination of a President, and its official investigations.

Among the other many appeals that are not within the litigation or the 1978 general disclosures appeals are those you ignore in this letter and of which your more recent files provide you with information you ignore. Examples are my Nosenko appeals and others for copies of records already disclosed to others. One example of the latter is what was disclosed to Edward Jay Epstein. These and many others are not "encompassed by" the field offices litigation.

The record disputes your claim that you have not given late numbers to old appeals when I called them to the attention of your office. I have cited this record in relatively recent correspondence.

When you refer to your monitoring of the processing of records disclosed to me I preume you mean under Shea because to the best of my recollection I have received remarkable few since you assumed your present position. If you want me to characterize the results of this monitoring from the record, I will comply, but if I do it will merely generate another embarrassment, that being the nature of the withholdings and the nonsearches only a few of which I've referred to herein. You refer only to processing but I believe your responsibilities do not end there and do include existing records not processed and for which no claim to exemption is made, and it is clear that I've provided their correct identifications, if not by any means all of them, and I've identified others. Your generality is self-serving and is not in accord with the facts or even the records I presume are in your own office.

In the second paragraph on page 2 you say you have assigned numbers to all appeals except the FBIHQ general disclosures appeal. I think it would be helpful to both of us if you would be kind enough to provide me with a list of them. Moreover, I am certain that you do not have separate numbers for a number of appeals that are not within either the FBIHQ or the field office appeals. I have never, for example, had even an acknowledgement of receipt of the appeal from the continued withholding of about 25 requests even after the department testified to the Senate that they would be taken care of, and they all precede the litigation.

This paragraph concludes with the assurance that work on the 1978 appeal "is scheduled to begin soon." After all I provided as I examined the records as I received them, beginning almost seven years ago! And after so many department and FBI assurances to the courts that there is no discrimination against me and that my requests are processed in their proper chronological order!

Your next paragrpah does not relate to the situation that existed at the time of my appeal and continued to exist for more time than reaching it in chronological order. When I appealed the FBI's classification of unclassified information, that was in 1977 or 1978, when there was no E.O. 12356 and the relevant E.O. was to the opposite effect.

If there is a problem for you now in the situation you describe at the bottom of page 2, that is not my fault and I do not recall any request of your office that I did not undertake to honor. When I was asked to provide identifications I did

provide them at the top of each first page. The department, not I, assigned numbers. I have no recollection of not identifying the component, but if there are such instances, they must be a very small percentage. I do not believe I ignored any communixation of any kind from your office. And I certainly am not responsible for the delays or changes in personnel or failed official memories.

More than ever it would be helpful to both of us if I were able to refer to appeals by any number you've assigned to them. This gets to what I refer to above as a certain means of identifying the day my counsel and I conferred with both Mssrs. Shea and Metcalfe. This involved two flights of stairs and I then learned for the first time that I was not able to handle them. I almost passed out trying and had to rest before completing them. Severe and permanent damage from thrombophlebitis in both legs and thighs hospitalized me in 1975. In 1977 arterial blockages were diagnosed but I thought I'd made real progress as the result of diligent therapy and medication. However, I'd had no occasion to attempt two flights of stairs at one time until that particular day. About Labor Day 1980 two blockages in the left femoral artery were located and corrected by surgery, but there were two serious post-surgical complications the second of which is not uncommonly fatal. They left me permanently and much more severely limited in what I am able to do.

I go into these things now because you appear not to be familiar with your own files and to be depending on what others tell you.

I preserve all records as I receive them, making duplicates of some for subject filing in separate files and for other purposes. The only space I have for these FOIA records is in our basement. This requires my use of the stairs for access to them, including all but the most recent FOIA communications both ways. Usually the outer limit is three trips a day, and the last time I made that many it was too much and the adverse effects lingered for several days.

So, not only do I not have most of these appeals filed by the numbers assigned to them because most had no such numbers assigned, as you now acknowledge, but they are not at hand and present a major problem in access. This is aggravated by the fact that I am under strict medical injunction not to stand still. I must keep my left leg elevated or sit, and I do, as a result, both when I search files. I am certain you can see the additional problems this means for me. When I dare not use the stairs without holding onto the rails it means that there is a limit to the number of files I can take to my office on any trip.

I understand what you say about more time in your last paragraph, but I do not understand why, absent intended descrimination that the department denies in court, you have not yet gotten to the earliest appeals you acknowledge, those of 1978, and they are not by any means the oldest. Nor do I understand why you now claim to need more time for such separate appeals as, for example, relating to Nosenko, a very old one and the subject of some of our more recent correspondence which, at the very least, acquaints you and reminds your staff with its age. Many of these appeals lend themselves to and in fact require separate handling. Another example is the Oswald conversations interceptions in Mexico City. You cannot possibly intend to delay any action on any of these until you complete them all, which I doubt you ever will and if you did could not expect to live long enough for it to be of any possible use to me. Unless you intend to merely be self-serving, select a few, spend some time on them, and then pretend to wipe them all out, as you did with my counsel's pro forma protective appeal.

For a number of irrelevant reasons, and I've provided your office with copies, the FBI decided at the very outset not to comply with my requests. One of its lawyers, described by his peers as a Harvard liberal, came up with the legal interpretation that becausd the FBI does not like me the Act does not require it to comply with my requests. A criminal Division lawyer actually wrote me that because

I do not believe the government's solution to the crimes there is no point in any response. It was actaully recommended and on highest authority approved that my requests be ignored. Simultaneously there was extensive distribution of the most evil fabrications about me to prejudice all and to cover over violation of the Act. You may or may not regard the situation this represents as justifying promptness now, and you may or may not consider that my advanced age and impaired health do, as I believe they do, or that the department is any any way indebted to me for the enormous amount of unpaid work I did for it, but I do suggest that my appeals, at the very least, regardless of any staffing problems your office may have, require what the department has repeatedly and ungruthfully represented to the courts, handling no later than their proper place in chronological order of receipt.

And I do suggest that in the end this can be useful to the government because I do have and do share unique knowledge. Moreover, while you may not be willing to believe it, I have always agreed with the FOIA's exemptions. I do believe they are necessary, which is not at all the same as agreeing to abuses of them. Your own files ought reflect my informing your office when, for example, there was disclosure of the names of symbol informers. I do not want them hurt and I am well aware that informers are necessaary and are well known going back to the time Dan'l Fit the Battle of Jericho because it was not the trumpets that made the walls come tumbling down but a strumpet who was also an informer. If the department really intends to disclose what is not required to be withheld, while I live it ought avail itself of my knowledge and make maximum possible disclosure, thus relieving itself in the future as well as now and thus minimizing the widespread belief that it withholds so much because it has so much to hide.

I apologize from my typing because I must keep my legs elevated when I type and this means typing sort of sidesaddle. I hope the corrections are legible enough and that what I have written and cannot rewrite is comprehensible. If not, if you have any questions, please write and let me know. I'll then provide whatever I can.

Sincerely,

Harold Weisberg

Harold Weisberg
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Frederick, MD 21701

P.S. I enclose a copy of the FBI's letter received with yours and of my reply. Once again I question what you did not address before when I raised that question, whether you have the legal, moral or ethical right to seek to transfer your obligations as the appeals component to the FBI, the component from whose unquestioned and unquestionable withholding I appealed. Predictably, as it always has, the FBI is not responsive, is evasive, and continues to stonewall. It makes no reference at all to the withholdings proofs of which I provided you. There is nothing within my extensive experience that could have led you to expect anything else. I again ask that you act on that by now quite ancient appeal on your own and promptly. I think you owe this as the very least as a gesture toward some kind of good faith.