

Mr. Quinlan J. Shea, Jr.
Chief, FOIA/PA Unit
Department of Justice
Washington, D.C. 20530

Rt. 12, Frederick, Md. 21701
8/10/76

Dear Mr. Shea,

Much more than the statutory time has passed since I filed a number of FOIA/PA appeals without even acknowledgment from you.

One of the requests to which there has been no response is for a list of the sequence numbers on these requests, which would also provide a list of the requests. I herewith ask for a list of the sequence numbers on the appeals not responded to.

In the past I have complained that some requests were not acknowledged in any way and no request has ever been acknowledged in any meaningful way that includes a positive identification. There is an apparent plan to build confusion, inefficiency and obfuscation in as a means of building artificial and misleading statistics. In turn this becomes an excuse for non-compliance with the law and the denial of rights under it. Instead of writing self-serving, meaningless generalities in a denial contrived to make another false record for possible future citation, will you please use this request as the basis for an inquiry which, if conducted honestly, will establish what I say to be true. A current review of my files leaves no doubt at all. If the Department had lived within the law and had complied with its own regulations this time-consuming review would not have been necessary.

Several months ago, in response to a claim to due diligence in good faith by your counsel in C.A.75-1996 I presented a 1970 request to which there has as yet been no response - not even acknowledgment of receipt - despite the cashing of the accompanying check. Since then I have not heard a word about that ignored request. It is not the only such case.

In response to what I characterized as a grossly insulting and entirely inaccurate letter from you to my counsel, Jim Lesar, I wrote you by certified mail. My mailing receipt is dated March 1, 1976. You did not return the mailed receipt until March 9. That letter includes charges against an FBI FOIA supervisor to which there has not even been pro forma denial.

With regard to C.A.75-1996, in which Mr. Lesar represents me, he is about to leave the country. Your assistant, Mr. Richard Rogers, wrote Mr. Lesar under date of July 1. If there are to be any communications with regard to that suit prior to the week of September 6 I ask that they be sent to me. Mr. Lesar will be away until about then.

For the record and in contrast to contrary official representations, I note that while Mr. Rogers' letter opens with a reference to "your recent letter," it turns out that "recent" means a full half year. More than another month has passed. You have been silent. Not even the affidavit from you promised by your counsel for the next day has been provided after several months.

Mr. Rogers "limits" your "function" to "the review of those records to which access is in fact denied." This is an ambiguity that says nothing about records not provided for your review, in this case multitudinous records. So I ask how you can function in an appeals or review capacity with respect to records not before you. Relevant to this is the limitation you impose in your February 19 letter, page 2, penultimate paragraph, "assigned for processing to both the Criminal Division and the Federal Bureau of Investigation" - only. These are not the only Divisions from which response is required. It should have been to your knowledge because it long was public knowledge, amply reported in the press, that literally thousands of relevant documents were then with the Civil Rights Division, which had its own continuous involvement in this matter from the outset.

You say of your February 19 letter that its vacuous denials are "for the record." In the almost six months since then you have not seen fit to acknowledge, leave alone respond to my specifics sent certified to assure me of proof of receipt. It was an insulting letter, intended to be insulting and junk to your knowledge if you are qualified for and honest in your job a letter of falsifications. If by some slight chance you were unaware of it you have since become aware. You have processed and given me proof of it. I'll illustrate with your denial of being "influenced in any way" by a later request from CBS. (You have not responded to my request for the date of their request, which was some time later than mine and on this basis alone processed out of order.) Your duplicates of what was provided me include a memorandum by Mr. Horn of Civil Rights that is explicit on Departmental fear of being clobbered on the air by CBS.

Furthermore, if you were oblivious on review this was aired in court long ago, your counsel informed the Court he provided his client with transcripts, and you have nonetheless remained silent. I did ask for a written apology and I do want it included in all the files in which the defamations are included. I do not believe it is either right or proper for official files to be filled with prejudicial falsehoods that do defame me without basis. This official abuse has already become vicious when lawyers who have no personal knowledge make similar defamatory statements under court immunity. I do not have to assume bad faith on their part, although I am not unaware of the official dislike of my work. All they need do is read contrived files like yours.

Were this not to me so grim a matter, I'd be amused that six months after the matter was before a federal court your Mr. Rogers ^{said} I could treat his letter that under the law was six months late as "a denial" and could "bring an action." He asked for "sympathetic consideration" of the work load when there had not been compliance with a request then 1 1/2 months old. And you claim that all cases are handled "in their approximate order of receipt."

It will interest me if you repeat this claim after you provide a list of the requests and appeals and their sequence numbers.

Sincerely,

Harold Weisberg