

78-0322

Mr. Quinn Shea, Director
FOIPA Appeals
Department of Justice
Washington, D.C. 20530

2/24/81

Dear Mr. Shea,

While I neither suggest nor believe that you intend it, your letter of the 19th is a Catch-22. It also is evasive where you are specific.

You say that I should address the FBI directly. That is how I began and I took an enormous amount of time for it. I recall no responses. Even where FBI internal records I obtained under discovery (not, please note, in response to my PA request) state explicitly that the FBI was to respond, it didn't. So what purpose is served by my again writing a totally non-responsive FBI?

Are you suggesting that the only alternative is accept non-compliance? If you are not, can you please call any other alternative to my attention? I'd appreciate this.

In the two case there are counsel. If they or you will provide me with written assurance that at my age and in my condition I won't be wasting my time to write to the FBI about those cases, I'll be more than willing to do so. I would want this assurance to state that within a reasonable time the FBI will respond.

Your specific reference is to the action of Mr. Shenefield in upholding the withholding of FBI names. It is my recollection that I provided you with additional proof of what in my layman's concept is fraudulent misrepresentation by the FBI. I believe I asked that you call it to the attention of Mr. Shenefield's office. It is apparent that the FBI was again untruthful and I sent you merely the newest proof. There is earlier proof in C.A. 75-1996, where the FBI's responses pertaining to a selective Vaughn inventory are explicit in stating that it had abandoned the claim pertaining to FBI agents and that this new policy dated from the middle of 1977. That was prior to my filing the suit in question. I recently sent you proof that in still another case, after Mr. Shenefield's letter, the FBI was abiding by the new policy of 1977 and that Mr. Shenefield was misled and deceived.

Perhaps Department personnel are so used to FBI deception and misrepresentation that they are indifferent to it. I will never get that way. But if you will not forward my letter to those in the Associate's office with whom you were dealing, I suppose there is nothing I can do about it. Except regret it, as I regret your failure to do this with regard to false representations made to procure a concallation of the fee waiver.

With regard to the latter, did I not refer to my rights under the Privacy Act? Did I not characterize the representations made to the Associate's office as defamatory and fabrications? Or are those of us who are maligned and damaged by personnel of the Department of Justice to be required to accept this as the norm, too?

They can ignore my letters if they desire, but I do want them referred to the proper person in the Associate's office. However, I would like to believe that there might be a chance, no matter how slight, that the Associate's office would not approve of any fabrication to obtain an objective, of any defamation, and of any misrepresentation and deception.

For your information, as of today nothing has reached me as a result of Mr. Shensfield's letter of more than two months ago, not even the records described as reprocessed as of that time. Good faith or intent to keep the given word are not apparent in this.

If those to whom you sent copies, I will provide one to Mr. Lesar. Department counsel want to hear only from lawyers and I will not unnecessarily burden Mr. Lesar to send them copies. I'd appreciate it if you would, please.

Sincerely,

Harold Weisberg