

To Quin Shea from Harold Weisberg, appeals

8/28/80

My 5/22/80 request for records pertaining to the general FBI JFK assassination records disclosure and distribution;
The FBI's fee waiver revocation (my King political and other unmet requests)

Attached are my today's appeal from the latest of the unending FBI manipulations and misrepresentations of my requests, with copies of the FBI's 8/25/80 letter and of my 5/22/80 request ^{and subject} the date/of which the FBI deliberately misrepresents.

As the appeal reflects, this also pertains to the FBI's general practises with me, of stonewalling and redoing my requests in order not to comply with them. In turn that addresses what the FBI is really up to with its subordinate of a subordinate's revocation of the fee waiver authorized by the Deputy Attorney General. I therefore believe that you should consider this in evaluating my prior appeal, which pertained to the so-called King security file, which had nothing at all to do with real security and much to do with FBI dirtyworkings. Obviously the FBI did not want to disclose its persisting evil and with equal obviousness it has resorted to new dirty tricks to deter if not avoid disclosure of its aping of the Gestapo and KGB.

You also have copies of the FBI's 7/1/80 letter, in which it makes specific reference to my 5/22/80 request, singling it out for mention in rejection of the fee waiver. I refer to it because it reflects the FBI's knowledge that my request, thoroughly misrepresented in its 8/25/80 letter, is actually of 5/22. It simply is not possible that this tribute and memorial to ~~late~~ ^{the} late J. Edgar Hoover (aka "The Greatest File Clerk of Them All") did know the character and nature of my request on July 1 and referred to it and then, on August 25, ^{mis}dated it and misrepresented it as of 7/23, merely to delay any compliance.

When it could delay no longer it could be expected to renew its claim that the fee waiver is cancelled. But although I contest it, that is a separate issue. The FBI is required to inform me of the estimated number of pages of responsive records and the estimate of down payment it wants. It also, from its testimony in C.A. 75-1996, is required to have made an automatic initial search to determine whether there are

responsive records and their approximate extent. I have the option I have exercised in the past, of paying its charges and reserving my right to recover them.

It appears in this case that the FBI is following its practise that caused the initial delay in any compliance after I filed C.A. 75-1996, of violating its own regulations and then misciting them. It then did not provide any estimate and after my counsel had informed the Deputy that I would pay the costs, reserving the right to recover them, it pretended that I had not done this and instead asked for written assurances from me that amounted to asking for a blank check.

There is also what I regard as the probability, that there are no records responsive to most of that request. This would mean that the FBI misinformed the court and that the Civil Division joined in that misrepresentation. If that is true, then I believe it should be known to authority in the Department higher than the Civil Division or the FBI. Ordinarily it would be regarded as a serious offense, to a layman also as fraud or effort to defraud.

If the FBI did not single me out for special abuse it did make its initial inquiry within 48 hours, according to its own testimony, and there is a record of the responsive records. The separate parts of my request are numbered, so there should be indication of the extent of pertinent records and whether or not none exist.

I should have received the estimate of costs before the FBI wrote me again after its 7/1/80 letter if not along with it. Under the regulations this is required to be provided and should already exist. While I want this information as it pertains to the entire request, I have special interest in Item 7, which pertains to those duplicate deposits the FBI told that court it was making, thus arguing that providing copies to me did not serve the public interest.

This is its argument in its cancellation of the fee waiver. It argued what is not true, that in making records available to the House assassins committee it made all of them fully available to all the people.

In fact the House committee sequestered all its records for 50 years, which is

the opposite of making them available. The FBI's letter is limited to the committee's report. Even the footnotes are missing in it, also the opposite of making citations available. And that deficiency now cannot be remedied because, according to the committee's letter I provide, they were destroyed, along with the galley proofs. (Perhaps reference to page proofs was intended.) Destruction also is the opposite of making available.

While the immediately foregoing is pertinent to my other requests and has general applicability, the FBI's claim is not in any way related to my 5/22/80 request because that request is not for information pertaining to the assassination and is on a subject into which the committee did not inquire and report.

There is considerable public interest in knowing where, if anywhere at all, the FBI made duplicate deposits of these very important historical records.

There likewise is considerable public interest in knowing whether the FBI and the Civil Division misinformed and undertook to mislead a federal district court.

In the FBI's own terms, assuming that the FBI is the dog that wags the Department as its tail, it has no basis for denying the fee waiver pertaining to the 5/22/80 request. However, I have asked for the estimate of the number of pages involved and the size of the deposit the FBI would request and should have requested before now. I believe that this should be provided promptly and request that this be done.

I also appeal the FBI's deliberate refusal to process my non-subject 5/22/80 request in proper chronological sequence and I ask that action on this appeal include the proper chronology of processing of it.

This is a relatively simple matter you can handle promptly and I ask that you do because I have another option I do not want to exercise, of going to court. Because I have a 1978 appeal on this subject on which you have not acted I believe it is right and proper for it now to head your list.