To Quin Shea from Harold Weisberg 8/30/80
King political request
— Fee waiver revocation by FBI alone
My PA request and appeals

Whatever may account for it, your non-responsiveness has been enormously burdensome, creates an extraordinary amount of extra work for me (and the courts) and has become part of the FBI's campaigns against me and the FOIA. This addition to prior captioned appeals illustrates.

Shortly after the FBI's 7/1/80 notification that a subordinate of one of its many subordinates had revoked the fee waiver granted by the DAG I asked for copies of any regulation or other authority that gives this power to a faceless special agent. In theory you are to respond in 20 days. In practise you rarely respond. This atop the FBI's stonewalling accounts for much unnecessary, long-lasting and very costly litigation.

It is obvious that if this underling lacked the authority he grasped or if his immediate superior also lacked it, nothing further is required of me or anyone else in a similar position. It also is obvious, I think, that the Attorney General ought do something about such practises. There are regulations, it has been held, judicially and administratively, that I meet their requirements, and there is not even a pro forma claim that this has changed.

Your inappropriate silence thus requires that I provide more information in order to end this newest in the FBI's apparently endless series of stonewallings to "stop" my work and frustrate efforts to study its own record in historical cases.

In connection with a different project on which Ms. Rae Barrett was engaged before she left I have just received the attached letter from Paul Hoch. He is a PhD, has been consulted by several Congressional committees and a Presidential commission, and is the author of a number of scholarly articles and co-author of several books. Dr. Hoch states that I serve him better than the FBI and that when I have and provide copies of records this reduces sunstantially what is asked of the FBI under FOIA.

Dr. Hoch's experiences with the FBI and with me are of a period of about 15 years. I have been providing him and countless other shcolars and officials with copies of records for that long.

For the same long period of time I have provided similar services to the major media, small and large papers and the TV nets. I attach a recent "thank you" letter from the Los Angeles Times' Atlanta Bureau. Its chief states that what he found here is "unique" and often "is not available elsewhere." Please note that pertaining to a story about political acts by the government against Dr. King, the subject of my instant request, he found that "x key portions" of records he obtained from me "were mysteriously missing from the court's file" and that the clerk "was unable to explain their absence." (His report was syndicated from coast to coast.)

In what I regard as its wrongful and improper revocation of the fee waiver the FBI pretends what is not true, that the report of the recent House assassins committee makes fully available to the people and the country the identical information I seek from it. The committee made no inquiry at all into many of these matters and indeed it lacked authorization for some.

The report refers to only a minuscule portion of the records the committee obtained. With regard to those records it did use, if one is restricted to the report one is also restricted to the committee's interpretation of them. In fact the committee published, without any contradiction at all, a 50-page analysis asked of me in which I prove that its interpretations are not dependable and often are opposite to fact and truth. The committee did not publish the underlying information because it states other than the committee wanted to say. Were this not true, the committee's records still remain unavailable, as I have reason to believe the Department and the FBI know very well and as the attached letter, also provided by Dr. Hoch, also states. The letter is from a Member of that committee, who also is a former FBI SA, Sam Devine. Mr. Devine states that the records are not "available for public distribution without a resolution of the House."

Even citations to these records are not available, as the Congressman also under-

takes to explain:"Unfortunately, the missing footnotes in the King section of the Final Report were destroyed." In fact they had not even been set in type. From prior experience - I was an editor for the Senate - I know that the explanation lack credibility. The corrected proofs are required to be preserved, not "thrown away."

In any even, even citations to withheld records are missing in the report on which the FBI seeks to base its action for which it provided no citation of authority. It is clear that the information in question is not available in the committee's report - or other records, which the FBI did not cite.

In the course of looking for other information I came across my counsel's 4/7/76 letter to the Attorney General, copy to Department counsel. It is based on an article in the New York Times, which suggests that FBI records on its surveillance of Dr. King were to be destroyed. Page 2 of this letter establishes our belief that my requests of before that date "include materials which are undoubtedly part of the FBI's surveillance and harassment of Dr. King." As you know, shortly thereafter my request for King political records was reformulated and as yet there is no compliance. Instead, when the FBI could stonewall no longer, it fixed upon the Cointelproing of revoking the fee waiver, which can be an effective denial to one whose only regular income is Social Security. It i s another stonewalling device.

Another stonewalling devise is reported in the penultimate paragraph. I filed a PA request, which the FBI then ignored. Later it "pretended that this request was not made." In going on five years you have not acted on my appeals and I have provided proof of the existence of pertinent records neither provided nor accounted for with claim made to any exemption. (Whatever the present situation of your office, that is a 1975 request and a 1976 appeal.)

The concluding paragraph refers to records within my 12/23/75 (King) request still not searched for. While Mr. Lesar refers to CRD records only, I have provided you with previously withheld proof that the Criminail Division also was involved in that internal reinvestigation of the FBI. That division still withholds its pertinent records.

You have not even ackowledged that appeal. This gets to another stonewalling method. First the FBI ~~ignored~~ and Department ignore requests, they then stall, then the judge involves you, intending that you be in charge, then you do nothing on the contrived ground that the case is in court. This is a machine for perpetual non-motion. It also is a means of assuring that the one way in which public information will not be available is under the law that supposedly assures its availability. All a requester need do is make a request. He then spends the rest of his life and substance in constantly stonewalled litigation.

As I have been able to review the published materials of the House committee I have come to repeated proofs that the FBI's representation is, to its knowledge, not truthful. In a King Volume, XIII, the footnotes for one section of a staff report, there are many references to FBI Lab files, without serial numbers and with the Lab numbers that were withheld in what compliance there was with my 4/15/75 request. Also without a single serial number there are repeated references to an "R.P. Murkin" file of the FBI's. I have no record from any such file. On this basis alone the FBI has made nothing available through that committee and that committee's records indicate the existence of FBI records still withheld from me.

The same is true of JFK assassination records. In VII I found two solid pages of references arranged not to be identifiable with FBI records. Instead, as in the above King citation, the committee refers to its own and sequestered file numbers.

The FBI thus claims that once copies of its records are sequestered for 50 years it has made them available and claims this alleged availability is a basis for its revocation of the fee waiver. How proud Orwell would be!

Without the fee waiver these records are denied me and I will not be able to make them available to others or to add what is possible from my own knowledge and experience, which are acknowledged by the Department, in both cases, to be unique. I will not get younger than 67 and my health does not improve. The first day I can mail this I will be admitted to the hospital for invasive tests that go farthur than the non-invasive tests

which have established a new arterial blockage. It then will be determined whether surgery is indicated. This development was not only predictable. I have fully and accurately informed the Department, the FBI and the courts. So all you stonewallers knew - the FBI, the Department and you. You all thus knew that any stonewalling could result in permanent non-compliance, the real intent of the fee-waiver revocation by the unauthorized FBI.

If the FBI is authorized, it would have been a simple matter for you to provide the authorization, when I requested it, instead of contributing to that stonewalling.

The fee waiver matter is not new. It dates to 1975. Court and administrative determinations were in 1978, when the FBI neither appealed not claimed any such authorization for itself.

I hope it is not asking too much to hope that under a 20-day law you will have responded by the time I am home from the hospital, at least with regard to whether or not the FBI has the authority it has asserted through flunkies.

If it does not have this authority, indecency is added to illegality and all who are silent in the face of it become part of it.