

Rt. 12, Frederick, Md. 21701
1/12/76

Mr. Thomas Bresson FOIA/PA Office
FBI headquarters
Washington, D.C. 20535

Dear Mr. Bresson,

Going back more than three months I filed a number of FOIA/PA requests that I personally informed you I would be filing when we met and discussed these things now almost a year ago. My purpose then was to inform you because it was by then clear that the FBI had set out to stonewall me and in any way possible gut the amended law.

You have built into this a chaos and a means of compiling impressive if deceptive statistics that would be truly admirable if applied to law enforcement.

To date I can't recall a single meaningful response. Acknowledgments that in themselves are meaningless and are form letters that can be done by machine are delayed past the time permitted by the law.

While in each instance my request has been for identifiable if not indeed completely identified records in no single case has the response indicated leave alone identified my request. I thus have absolutely no way of knowing what the non-response is supposed to address.

I have phlebitis, which limits what I can do and sometimes access to my files. However, let me take as a case in point the form letter bearing Mr. Kelley's signature and dated November 24, 1975. It "is to acknowledge receipt of your [my] Freedom of Information- Privacy Acts (FOIAPA) request [sic] by the FBI on October 31, 1975."

How in the world have I any way of knowing what you received October 31 or how long delayed in the mails any request might be? I do know that on October 27 I filed two requests. This form letter refers to one. It also refers to the Privacy Act, which makes the whole thing - deliberately - more confusing because I am certain neither of these requests was under the Privacy Act. One thing is not confused and that is that as of today you have not even acknowledged receipt of one of these requests, both of the same day and mailing. (Another example is Director Kelley's letter of 1/7/76 which acknowledges an unidentified receipt of 1/2/76. Can this be the delayed other request of 10/27? Have I from anything you have sent any way of knowing?)

With the exception of whatever the FBI received January 2 of this year the time for response under the law in each and every other request has long since expired. I could have filed appeals and then gone to court. (As I recall it when my last appeal, of May, was never acted upon, and I filed in late November, you started to deliver. after I filed suit.) But the last thing I want to do is clutter the courts needlessly or to have any agency waste work, time and money for which there is so much need. However, you, not I, do this. In my opinion there is no excuse for any of this and less than none when last March, specifying that it was so you could prepare, I personally listed to you in your office each of these requests I would formalize in writing when I could.

I simply will not be stonewalled. Nor will I be party to FBI contrivances intended to negate the will of Congress and the law. On the other hand, I have to recognize that in addition to all this deliberate contempt for the law the FBI has by it created a very difficult situation so it can cry-baby to Congress over alleged hardships imposed on it by the Congress. My own experience permits no other interpretation. And in all the suits I have been forced to file, in no single case without later delivery in some form or another of what I asked for or admission of its existence and the proffer of FBI-elected substitutes for what I requested, there is no single instance of any of my requests being improper, unclear, unreal or in any way not entirely proper. In no single case should it

has never been necessary to go to court. In fact, in no case should an appeal have been necessary. And in no single case has there not been what ranged from official lying by some of our highest law-enforcement officials to undisputed perjury. To this day no single person to whom I have attributed perjury has complained to me or filed an action against me. And I have repeated these charges often enough outside the protection of this court. As well as offering to do this outside the courtroom in the presence of an Assistant United States Attorney and involved Department of Justice lawyers, in the courtroom.

Aside from my age and my rights under the law I feel and assume the obligations of citizenship. Neither my age nor my health nor the limitations it imposes on me will deter my determination to make the government abide by the law. As Mr. Justice Brandeis once said, "Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to citizens. In a government of law, the existence of the government itself will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipotent teacher. For good or ill, it teaches the people by its example."

So, recognizing what the government has been up to from long personal experience, I still do not want to add to the burdens its own contempt for the law have made a reality. Therefore, I am giving you and the FBI the option.

Partly because I detest the idea of having to sue my government I am not filing an immediate appeal on those cases where under the law it is my right. This means all but perhaps one request I have made of the FBI. Instead I will wait another two weeks, until January 26. If you have not met each and every one of the requests by that date I ask that you forward this letter as my appeal in each case.

In no case can I be more specific because you have seen to this, not in a single instance identifying the request in the form-letter responses that are not responses. You have each of my requests and you alone, if anyone can, can say to which any meaningless form letter is supposed to address. And I do expect that in any future correspondence about this my request will be identified so I will have at least a remote notion of what the form letter is supposed to address.

Regretfully yours,

Harold Weisberg

By certified, addressee-only mail.