

Mr. Richard L. Huff, Co-Director
Office of Information and Privacy
Department of Justice
Washington, D.C. 20530

8/15/84

Re: Appeal No. 80-1019

Dear Mr. Huff,

Of the many questions raised by your letter of the 8th, ~~is~~ how you can explain this long delay when the Department claims that I am not singled out for stonewalling and noncompliance. And the fact is, as some of the records you enclosed make clear, that I had made the appeal in question years earlier than 1980, without response.

You claim to have considered five factors in denying my request for a fee waiver but you make only a half-hearted effort to address two of these and, consistently, you are in error on both. I presume you do not address such things as "whether the requester is able to disseminate the information to the public" because of the vigor of my earlier response, when you lied and claimed I am not able to do this. And, again typically, you have not responded.

Even from the hospital bed I was able to and I did disseminate information to a number of people, including the press and congressional committees. Today, despite my limitations and handicaps, I still disseminate the information I obtain to those who range from students to the press and college professors, on a regular basis. Now and in the recent past ~~to~~ the authors of two books in preparation.

Because you have rubber-stamped the question of public domain you must have had some basis for making this claim and I request it. My point here is that I believe you have just rubberstamped all of this while keeping yourself in ignorance of the information in question and its significance. And that, of course, gets to the two other claims you also ignore, aside from merely asserting them, whether there is a genuine public interest and whether it can contribute to understanding of questions of public interest. (I am left to presume that somewhere among your boilerplating you intend to include historical interest and importance and deny that also.)

With regard to records of the United States Attorneys you avoid any mention of the subject matter, and without thorough familiarity of that you have no basis for making any decision. You do not reflect even seeking this familiarity when you state merely your ignorance, "I am unaware of any public interest existing in the subject matter of the records," yet in the next breath you ^{SAY} that "it appears that the only people who will benefit to any discernible extent from the disclosure of the records in this case is you (meaning my wife and me)."

Well, here at last you claim to have some kind of factual basis, what you "discern." Whether or not you intend to include commercial benefit in this, you ought be able to tell me what benefit to us when we are both past 70, not in good health and childless you can possible "discern" in the records to which I refer below.

I think it will become obvious that in at least some instances it would have been ever so much easier, less costly, and useful to disclose what is withheld. But if you did that as a matter of practise you'd reduce your backlog and expenses and thus reduce the degree to which these factors could be argued in seeking amendment of the Act. You'd also be able to provide more information, which is the purpose of the Act, if not the record ~~of~~ your Department and of your office *with me.*

About 50 years ago there was the case of U.S. v Creech in the District. USA and assistant USA then were Dave Pine and Ed Curran. This was a "Bloody Harlan" case that was and is of considerable historical and sociological interest and of great interest to trade unions and their members and officers. I was then editor of a Senate committee which investigated bloody Harlan and I was later borrowed from that committee by the Department for a later prosecution, U.S. v Mary Helen et al., and I worked and lived ~~in~~

with the Department's lawyers and FBI agents in Harlan and London, Ky. The late Brien McMahon, then head of Criminal, was in charge of the prosecution. Two of his assistants were the late (and later judge) Henry Schweinhaut, who selected me from the committee's staff as best able to help the Department, and Welly K. Hopkins, who on my recommendation was asked by John Lewis to become general counsel of the Mine Workers' Union. In both cases the juries were fixed and in neither case did those in charge believe me. But I had sources who did not trust them and did trust me. If may interest you to know that this was done by buying up the mortgages of those who owned homes.

Ted Creech, son of one of the most bloodthirsty of those mine owners, and it is to praise him to refer to Ted Creech as merely a thug, had threatened a Senate committee witness (who as I recall was himself a dynamiter and one who attempted a murder) and he was charged without the prosecution or its investigators placing him at the scene of the crime. I was able to and did do this for Messrs. Pine and Curran and I did other things to help ~~him~~ them.

This, of course, is exactly the opposite of the picture of me that the Department and particularly the FBI have portrayed in so many really dirty ways. And this in itself is a factor you entirely ignore, the position in which I am historically in those two major events and their investigations, the assassinations of President Kennedy and Dr. King. There is, then, the importance of the Harlan subject matter and the importance of what the Department, particularly but not exclusively the FBI, has done to and about me and my work in what it has disclosed - I add in deliberate violation of my invoked rights under PA. The latter is a matter you have not yet reached on appeal. But I suppose that is because it is only now eight years old.

One illustration should suffice, but I'm willing to provide many more if you so desire. (You'd know of some, like the fabrication that I had a friendly or intimate relationship with someone inside the USSR embassy, a complete and total fabrication, if you were not so intent upon ignoring my appeals.) Toward the end of 1966 President Johnson asked the FBI to inform him about the books on the Warren Commission. Its reply blackjacked him and made no mention of the books. The FBI's response was wholesale defamation of the authors, even one who was soon enough its boy and who had ~~praised~~ ^{praised} it in his book. For openers, it said of me, not my book, please note, which the FBI also found was fair to it, that my wife and I annually celebrated the Russian revolution with a picnic for 30-35 "strangers" at our home. The late Mr. Hoover's favorites, "vicious" and "nefarious," are not exaggerations here. Our "home" was then a well-known and singularly honored farm and the event, far from being an observance of the Russian revolution, was an annual religious gathering arranged by the rabbi of the Jewish Welfare Board. (I can even provide pictures if it interest you, but what my wife and I then did was copied by the University of Maryland, which called its copy "McDonald's Farm.") LBJ promptly lost his interest in those books, but the FBI did not lose interest in its fabrications and other deliberate dishonesties about me. It wholesaled them throughout the Department, to the Congress, to the press (my source) and even to other prosecutors, who I have every reason to believe retailed to the judge.

Now it happens that by the time the FBI planned its general JFK assassination releases I had learned about it what I would never have been willing to believe from my personal experiences with some of its fine agents in Kentucky. So, I had Jim Lesar ask both the Director and then the Attorney General, for compliance with my requests for records relating to me (then about two years old) so that I might be in a position to exercise my PA rights. Neither ever responded and in the same spirit of dedication to the law your office has continued to ignore that and related appeals. In fact, you have not even provided me with copies of those appeals under my request. Need I wonder why? (After my request and appeals were ignored, false, deceptive, misleading and deliberately angled defamations were disclosed, without regard to PA.)

With regard to the King case, I was James Earl Ray's investigator. I conducted the investigations for the successful habeas corpus and the ensuing evidentiary hearing. I also located and produced witnesses and participated in the court-ordered discovery. In all of this, and while I do not expect you to believe me, I tell you what the transcripts leave without doubt, at the very least I seriously undermined the FBI's case and allegations. It is that prosecutor to whom, as the FBI has disclosed to me, it gave records relating to me. It did not disclose what it gave him in person when he left a meeting with me in Washington to go to the FBI. But in some mysterious way he got the notion that I am a Communist and in his own unique way, which ultimately led to his dismissal, he threatened to "get" me in the presence of a witness.

This reminds me of another appeal your office has long ignored. Faced with this threat and arranged to be in view of the prosecutor's assistant, I engaged local criminal counsel as a precaution. And it just happens that one of his known clients was a notorious criminal of such girth that nobody could mistake him. When I interviewed Ray, in Mr. Lesar's presence, at the Shelby County jail where he'd been returned for the evidentiary hearing, instead of his being in an entire cellblock specially prepared for him under the Department's guidance and advice (a matter of continuing withholding after nine years or so), he then was with other prisoners. Among whom was, I'm sure you'll have guessed, this notorious Dixie mafioso. I knew him as Fat Man Williams or Williamson. The FBI knew him as Manfred Baron. It knew him because he was an informer for it. And an FBI informer thus was placed in close and unusual proximity with Ray for the ~~period~~ period preceding and during that evidentiary hearing. I remind you that I did make a request for all information in any relating to any kinds of surveillances of Ray and I did appeal when the fact that this notorious criminal/FBI informer was an FBI informer was in the press. I attached a copy to my appeal.

But as I was saying, it is the Department and its FBI who have made important any and all records relating to me, particularly important because the attorney generals have held the subjects of my interest to be important historical subjects and because of the prejudicial and dishonest nature of the disclosures. This in itself, I believe any fair person will believe, requires the disclosure of what is withheld that is of different character in particular.

Also in the District, there was the case of U.S. v. Wayne. Wayne was the Washington representative of the fascistic and racist Silver Shirts of America and at the behest of, and as I was later able to prove, while being paid by the then House Unamerican Committee he entrapped me, obtaining money under false pretense and uttering and forging. It was a major event of that era, about 1939-40. And although the facts were quite clear, Martin Dies and his cohorts, like J. Parnell Thomas, later jailed, had considerable influence on both sides of the House. (Thomas was a Republican, Dies a Texas Democrat.) They used that influence to hold up Mr. Pine's ~~appointment~~ ^{appointment} as ~~U.S. judge~~ ^{U.S. judge} while they pressured him to get me indicted. Neither he nor Mr. Curran handled the grand jury when I appeared before it, Ed Fihelly did. Wayne was indicted, I was not, and Mr. Dies had to cop a public plea for his agent Wayne, who got two years on the above charges, suspended. (This did not jeopardize his standing as a good "national security" risk because, and this also the FBI withholds from me, he was working on a then very secret atomic ~~bomb~~ ^{bomb} project. The FBI did not consider his conviction enough. It wanted information from me about Wayne as a "security risk.")

In the effort to get me indicted for no crime at all the FBI itself put pressure on me, once holding me against my will in the main Justice building to get me to sign a false and incriminating statement. This should be in the withheld records and it certainly should be in those of the FBI but somehow it has managed not to provide any of its relevant records at all. Do you wonder why? And ought I still wonder why your office has not acted on that appeal, too?

Then there is Weisberg vs U.S. in federal district court in Baltimore. If there

is any need for a prime example of Civil Division stupidity, consider that litigation. (It is the FBI's proud boast, in disclosed writing, that it saved the government about \$9,000.00 in that case, not counting its expenses, which equalled or exceeded this alleged saving, about which more follows.)

I had a unique and well-known poultry farm over which military helicopters flew with regularity and gross negligence, grosser still when the Defense Department, after its own investigation, sought to eliminate those trespasses. At the direction of the Secretary of Defense, who as I state had his own investigation conducted, a member of the general counsel's staff was assigned to look out for my wife's interest and mine and to seek to effectuate an out-of-court settlement after I won the first suit, that FBI saving to the taxpayers above. He succeeded and an agreement was reached involving all the military services. Only the Army later decided not to abide by the agreement. And that led to the second suit.

As a result of the first suit, which also ought not have gone to court (your office ought have some recollection of other litigation forced upon me and its consequences) a new precedent was set. And as a result of that precedent, instead of the FBI's boasted-of saving, there were payments in the millions to other litigants. The first case, which I know from having the decision shown to me by a lawyer I once met, involved about \$5,000,000. It was in western Pennsylvania and I am confident that because it was in the standard law sources it remains there for you to see for yourself. (I am willing to go through the motions of believing that you do look for information, regardless of your record.) You won't find this in the law books but you can confirm in other ways that Congress, over a period of years, held a number of hearings in an effort that as of my last knowledge was unsuccessful, to solve the problem created by your Civil Division when it forced the first case to trial.

Now are you telling me that none of this is of any public interest? No historical interest? Of interest to my wife and me only? Suppose as I recall that one case of 25 years ago cost more than \$5,000,000.00, and suppose there were no other such cases, as I am sure there were and were more costly. What did it cost the government to not have and to pay interest on that much money for that many years? This is of no interest to anyone but us? This and how the government itself brought it all about, especially the Department and the military?

Inevitably, this is another reminder. Of another ignored appeal. Ever fashioning its own petards, the FBI fixed one of my witnesses, a retired man who worked for me parttime. A simple man whose daughters and my wife had played together as children. A man who was later troubled when his wife required much blood and I arranged for it through a volunteer fire department program I had initiated and implemented. A man who was the uncle of the SA who misled and enticed him to "forget," assuring him that that was right and proper. The man who, troubled after some time, came and confessed to my wife and me. I appealed the withholding of all relevant records, and it is not beyond reason that the Baltimore records hold some reference that you and they today might not understand but I would.

Other people ~~who were supposed to come and speak to me when they had time to think about it after the trial~~ ^{spoke} ~~by their own volition~~ were government witnesses. And for that you can hardly exercise any 7C or D claim, can you? Yet the FBI continues to withhold their names even though they testified, and you uphold the withholding of all. No public interest in this, Mr. Huff? Of interest to my wife and me only? And how about those who are dead and have been for years, like Horace Thompson, Raymond Price, George Carvington Price, Rob Fawley and his wife Eileen? Others who may be living are Mrs. Rush Wright and Charles and Helen Linthicum.

This was a civil suit. Yet you claim law enforcement purpose. (I suggest that I was enforcing the law, not the Department in any event.) Aside from the fact that there has been disclosure, how can you assert 7C and D in a civil suit? Not by merely

saying there was law enforcement when quite obviously there wasn't.

Inherent in all of this is something else I believe is of public interest and should be of official interest, the consequences of government undertaking to do harm to a private person and of ignoring the law. The cost to government in cash alone is enormous, and I would have thought that by this time someone where you work would have given this a little thought instead of flailing rubberstamps.

In addition to all of this your letter is vague where it need not be. For example, you give me no idea what you are talking about on page 2, first paragraph, when you claim to withhold law enforcement investigatory records that violate privacy and "reveal" investigatory interest in some parties. You do not even identify the subject matter in broadest terms, like King or JFK assassination. It is quite likely that what you are holding back does not involve any question of privacy in those cases, that much is in the public domain, and I think you ought at least give me some substance with all this gas so I might be able to address it. Or correct you if you err. (As I have just reminded you at some length you have.)

While my original request may not have specified the DC USA there is no doubt that it was clear to the Department that such records were within it and I was never so informed. I did not then know that I had to make a separate request. However, this was later the subject of some discussion with Mr. Shea, I'd be surprised if not with Ms. Hubball present, and it was then clear that I intended all information regardless of source and that as a result he was supposed to have sent a letter to all relevant components.

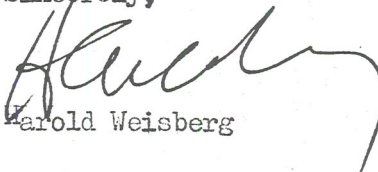
Under these circumstances I am unwilling to have any aspect of this treated as a new request or a new appeal, not after going on a decade. (You attach an ignored appeal of 1977.) I ask that you see to it that the EOUSA treats this as a priority matter, and if you can bring yourself under the existing conditions to charge me for those records, I will pay them, reserving the right to get it back. You use the word "new" and I'm not going to the bottom of any of your interminable lists on this.

Thank you for telling me that SA Tom Blake's name was withheld on two pages. How about the other such withholdings? FOIA case agents appear in court and you assert a "privacy" claim? In this instance I don't give a damn and I know in any event, but is there no end to this harassment, this misrepresentation, this gross and unnecessary waste of time and money? I suppose at this point I do not need to ask if anyone ever shames at any of this.

Given the age of the matters in question, I hope you can bring yourself to make reasonably prompt response. In particular I would like some word from you about the ancient appeals I refer to, and I do not mean by asking me for copies of what you have somewhere and would not have lost control over if your office had performed its proper function. In each and every instance you can ascertain the underlying fact without any great effort, and that ought be enough, I would hope, to persuade you to park your rubber stamp for a while.

Just to round this off, you have ignored appeals going back to 1969 requests, in those days accompanied by checks that were cashed. Is that old enough for you to get around to it?

Sincerely,


Harold Weisberg