

Mr. Richard W. Huff

1/29/86

OIP

Department of Justice (933 Todd)  
Washington, D.C. 20530

Dear Mr. Huff,

Reur 85-1444, RLH:FLP: Pak

Over the years I have informed you that your letters to me give the lie to the DJ/FBI representations in my litigation, that I need never sue because the FBI always responds to my requests in chronological sequence and that the appeals also are handled chronologically. In this sense - and in no other - I thank you for your letter of the ~~2/18~~<sup>2/14</sup> which, in all other respects, is characteristically evasive, nonresponsive and of virtually boilerplated dishonesty.

You have again assigned a 1985 appeals number to an appeal about a decade old and pertaining to which only last year I sent you a copy of a 1978 appeal that was ignored. When one of your flunkies who specializes in resorting to inappropriate form letters assigned this wrongful 1985 number I wrote you. And you never responded.

But I think it is obvious that with the FBI ignoring all my correspondence and your stonewalling (you avoid even mention of the date of the letter to which you pretend response) ~~that~~ the claim to automatic processing of my FOIA requests in chronological order is an obvious lie to the courts and in my view, with that claim current in C.A. 75-1996, constitutes still another fraud.

Your letter also does not respond to my request for copies of the FOIA inventory worksheets relating to this Nosenko information. In the past the FBI has provided them, thousands of pages of them. I believe that in this instance they were not provided and my letters were ignored because the FBI even now does not intend to respond to my Nosenko requests and instead just didn't want to risk withholding from me the records it was disclosing to another and later requester, whose name, Mooney, was inadvertently disclosed to me.

The generalities in your second paragraph range from irrelevant to untruthful, and the opening and obvious untruth is your claim that you gave "careful consideration" to my (unidentified) appeal. You can't possibly have done this because the only means I have of knowing what is included in what you continue to withhold after this alleged "careful consideration" comes from its having been placed in the public domain by the government itself. So much also for your referrals to the Classification Review Committee, which is never concerned with the public domain within my experience, and to the CIA, which has yet to respond to my duplicating Nosenko requests of it of the same time period.

I am not in a position to make any real issue of it because I am home from emergency surgery only a few days, but your claim to the need to withhold and the inappropriateness of release of the names of FBI SAs just isn't true and if you paid any attention to what was provided you under appeal you (perhaps) would be ashamed to pull that one. The case record in C.A. 75-1996 holds the assurances of FBI Directors Hoover and Kelley that in historical cases, which this is, such names would not be withheld, plus the sworn statement of SA Martin Wood, after this policy had been violated in that case, that henceforth such names would not be withheld. Can't you people ever be honest about anything?

You have a tricky formulation in your pretended response to my request for the FBI information made available to a formerly sycophantic writer, Edward J. Epstein. You say that the FBI "has assured a member of your staff that "Epstein has never made a request for information pertaining to Mr. Nosenko" which, it happens, he published in direct quotation and considerable detail. The FBI's formulation is not identical with yours but is hardly less evasive. It included "FOIA" prior to the

"request." Neither formulation is relevant, both evade and seek to mislead and deceive, and the question of how Epstein obtained this FBI information is utterly irrelevant.

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I cite only one illustration and I select it because it made a very big and very public stink, all over the front pages (and thus, obviously, not suitable for disclosure to me). Epstein disclosed that the FBI had a high-level Russian as an agent and that he was known as "Fedora" and he even referred to the FBI's quotations of Fedora in the Nosenko matter. It simply is not possible that the FBI has no relevant "Fedora" information yet there is not a single indication of any of this in what the FBI disclosed to me and you claim to have considered so carefully.

SEHRQ

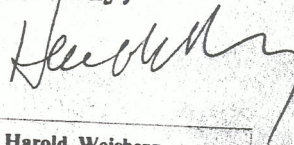
The disclosed records report that Nosenko told the FBI that within the KGB he was in charge of recruiting Americans and others, students and reporters included, yet there is not a single indication that the FBI carried this farther in any way. (Claims might be made perhaps to withhold portions of such records but they are not completely within any exemption.)

Among other things, the FBI automatically cut off all searches as of the date of John L. Hart's testimony for the CIA before the House assassins committee. This is obviously unjustified, whether or not your so-called "consideration" was careful, if it exists at all, because a considerable amount of additional information was made public by the government after that date, as I believe my earlier correspondence states. Moreover, the FBI also withheld what the CIA itself made public before the Congress. Thus also its need to withhold those worksheets and your and its failure to respond with regard to them.

As I have told you over and over again, I do not blindside you and I'm not withholding from you now. The reason I have written this letter in violation of doctors' orders is its pertinence in C.A. 75-1996. I therefore want to have it and your letter not only in my lawyer's hands but I also want you to have an ample opportunity to at least try to make a case that you are not giving the lie to the government's basic representation, which I and I think you know is fraudulent in any event, that it handles everything in order of receipt and I need never sue.

I know you told me that you destroyed all my appeals that you and others ignored, hardly the intent of the law I am familiar with, or with any proper concept of an appeals function. Nonetheless I did provide you with a copy of an appeal of 1978 in this matter and I am again requesting that you stop harassing me by giving it a 1985 number and persisting in this misrepresentation after I notified you.

Sincerely,



Harold Weisberg  
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