

Mr. E. Ross Buckley, FOIA/PA Unit
Criminal Division
Department of Justice
Washington, D.C. 20530

Rt. 12, Frederick, Md. 21701
2/1/77

Dear Mr. Buckley,

Re PA/CRM 1990,1991

My wife, Lillian Stone Weisberg, has asked me to respond to your letter stamp dated 1/21/77.

We do not agree with your claim that it is necessary for us to complete your Form A "because our experience has indicated that many persons throughout the country have the same or similar names." While there is no doubt in our minds that in your records there will be no mistaking us for others, individually or as a married couple, we are returning one of the two forms, keeping the other for our records.

In my case I am not enclosing an affidavit simply because you do not need it. There are other reasons. We live in the country and my car is in the shop. I am well known to the Department. You have my signature in many forms and cases, including in my C.A. 75-1996 in which you executed an affidavit. I have executed many affidavits you will find in the Department's files. If you make a real search of your own Division's you should find samples of my signature going back many years. If you insist on an affidavit after my car's electrical problems have been solved and the weather here does not make it unsafe I will forward one. However, you have more than enough letters alone from me in your files without leaving your Division.

We challenge your last sentence, "We will deem your requests to have been received on the date we receive the requested information." It in fact flies into the face of many sworn Department statements to courts within our personal experience. It is the Department's claim, not supported by its record, that it processes requests in the sequence of their receipt by the Department. In C.A. 75-1996 it has even taken this position with regard to an amended complaint. We therefore ask that our request be processed by the date of first receipt by the Department.

This leads me to ask why you have never responded to my such earlier request. The fact is that I have had no response from any Division or component. We would appreciate your checking on this and processing our request as of the date of my first request. My wife's request, as I presume is apparent, was made when she was told that my request did not cover her. If you do not have personal knowledge of this and have not had this personal knowledge for months it is not because it is not a matter of record in my testimony and in other records, including some of your letters I put into the record in this same C.A. 75-1996. One of the questions there is am I a special case to be discriminated against - less politely stonewalled. In addition to the purchase of a transcript the Department knows of this not only because it was represented by AUSA John Dugan. Mr. Blake of the FBI legal office and other Departmental lawyers were present, as well as other Departmental personnel.

We realize it is not possible to prepare forms that cover all possibilities but these are your forms, not ours, your files, not ours. So we are informing you that we believe there are records relating to both of us that can be filed other than by the descriptions you have provided in these forms. We therefore want it understood that our requests are not limited by these descriptions.

It had been my intention when I began this letter to inform you that I was writing the new Attorney General separately and to include a carbon for you. I have changed my mind and ask you to forward a copy with any comment you would care to make. I am asking that you inform me that you have done this or, if you refuse to, that you have refused to. In the latter event the first time I am in Washington I will hand-deliver a copy.

We have never met, ^{so} ~~so~~ I believe you are entitled to an explanation.

I have FOIA requests filed with your Division that are without compliance after about eight years. The law says 10 days. You put people in jail for violating the law.

That there has been this particular lawlessness has been called to the Department's attention in the matter in which you filed a less than completely faithful affidavit for more than four months - with a 10-day law.

Because of limitations imposed on me, to which I will return, I will give you a round number - there are two dozen or more such requests that have not been responded to. These go back more than eight years and in no case is not overdue in even the phony statistical contrivances that the Department's components have contrived. One of these many is for the files on me. Yet to this moment I have received not only no single piece of paper - I have no meaningful acknowledgement.

I am no stranger to the Criminal Division. I have had a personal relationship with three former Assistant Attorneys General in charge of it and I have known more. I have rendered services to it and to other Divisions for which the Department did not pay me. And for which I did not ask pay. For your Division I also performed a number of delicate missions in the field and under duress. Because these relate to the personal lives of others I give you no specifics in terms of names of identifiable people but this does include a range of what I do hope is the unusual, from succoring a female employee who had a bone broken in an attempted rape to spiriting an alcoholic Departmental employee with the DTs out of a dry country whose law officers were then the subject of a Departmental criminal indictment. (I select these and omit other cases because in these cases FBI agents abdicated. And the Department's lawyers did, too, and asked these services of me.)

So why you now send us these forms and stall us further. And you are better than anyone else in the Department. We do not have even your stallings from them.

I am nearing my 64th birthday. About a year and a half ago I was hospitalized with ~~extremely~~ acute thrombophlebitis in both legs and thighs. By then the damage was serious and irreversible. The consequences include limited access to my files and to filing. But I am clear on having pretested Departmental intrusions into my life and work when they were reported to me in 1969, in having a letter from the Attorney General in which he told me he had referred this to the Director of the FBI from whom I would hear and I have not and in my having requested all files on me very long ago under FOIA and PA.

This is but one of the prior experiences that discourage my telling you what records that are relevant a proper search will disclose. There is nothing in my long experience that lead me to believe anyone intends either a proper search or a full disclosure as it relates to us.

However, the Acts do require this of you, we do expect it and we do want the new Departmental administration to know of prior non-compliance.

Sincerely,

Harold Weisberg