

Ms. Barbara Allen Babcock
Assistant A.G., Civil Division
Department of Justice
Washington, D.C. 20530

Rt. 12, Frederick, Md. 21701
4/10/77

Dear Ms. Babcock,

We thank you for your letter stamp dated 4/5 and the enclosures, which did not reach here until yesterday.

My wife has asked that I respond, in part because she does tax work, which still has her quite busy and in part because of my greater subject-matter knowledge. She will, I hope, correct my typing and add anything she may want to add.

As you asked we enclose a check for \$40.50, reserving rights to recover. Some of the reasons will follow. However, I do hope the Department will exercise its discretion under the cited O.F.R and simply destroy or return the check.

We do not presume that you made the search of have other personal knowledge in the one matter covered in the 405 pages you sent us.

Where you refer to exemptions and exclusions we would appreciate a list with each withholding attributed to a specific reason or citation of law or regulation. This comes from long prior experience, from the absence of what I know the entire files hold and from the fact that I have just been given what I did not receive under discovery. To save your checking, there were two civil suits in Baltimore, Nos. ~~11036~~ 16392 and 11036. The Department file identifications are 157-35-412 and 234.

(There are other relevant files, like 60-74-338.)

Cursory examination of these records discloses references to ^{many} other not provided. We do, of course, desire copies of those. And we do raise questions about a search that discloses the existence of all these records not provided. In some cases these are identified reports (not compiled for a law enforcement purpose), in most cases the records provided state that what is not provided is attached.

Some discovery material from the first case is included. There is no discovery material relating to the second case. I was entitled to copies but none were provided to me. In fact I barely had time to skim the copies the Department sent to the office of the U.S. Attorney in Baltimore is not uncommon with indigent litigants I was without the means of contesting this denial of what was mine I believe as a matter of right. (One consequence is that examination was impossible for my wife.)

What was provided by DoB was copies. DoB now claims these records do not exist. As recently as a letter written after yours. I have the identifications of those files and some notes. I do want the copies I was denied when they were to have been provided.

You do not state what files were searched. I presume the search was limited to your office. I believe the records of the U.S. Attorney in Baltimore are clearly within my request and I ask that you please provide copies of the relevant records from there. Despite claims to backlogs I hope you have this handled expeditiously. Your division should have responded to my request, which is a year or more older than my wife's. I have heard nothing from your Division. My request covered the entire Department.

I am aware that the production of some of these records may be officially embarrassing. However, I believe they are ours as a matter of right. Only some indication of them is in the records provided.

Precedent was involved in the first suit. The flyboys were determined to do all necessary to avoid this. To a degree some of this is invisible to other than a subject expert. You have provided me with proof that I as a layman describe as the defrauding

us. This included misrepresenting what experts said and withholding that from us. It includes other false representations together with the proof of falsity. I have little doubt that without this the outcome of the first case would have been vastly different.

The FBI was sent out into the country to do a job on us. It did. After the end of the first case we were informed by those reached and corrupted by the FBI. In one case a man who had been friend with my wife from her girlhood on confessed to us both just what happened and how. In other cases other neighbors later has misgivings. They then spoke to us. But initially these simple country folk equated the FBI with God, city and urgent national need.

On the chance the public statements of reform I have been hearing so often are genuine I add details. These should also help with a search.

This small community then of perhaps 100 of all ages and the surrounding countryside was a backward area. I was the only one who had gone to college. I was able to do what others could not. Some of these, quite incorrectly, regarded it as threatening their positions in the community and particularly in the fire department, all volunteers. From my prior newspaper experience I was able to institute public-relations efforts that enabled the department to pay cash for expensive equipment, one year a well-equipped Cadillac ambulance, another year the most modern piece of fire equipment for miles around. The resentment was obvious by the time I was able to institute an emergency blood program. It grew nastiest when I was able to institute better communications facilities. These ranged from an automatic sounding of the unattended alarm at night to radio communication, now commonplace. It was even alleged that I took kickbacks. If there was no basis for any of this the FBI exploited it. And with it as background there were none willing to run what was perceived as personal risks in resisting what was asked of them.

After all these years and when it appears to be entirely academic I am still aghast that my government would behave in this fashion. It will require checking records not immediately available to me but I do assure you that in at least one case an agent was one who was a relative of the person to be fixed and I do have the name.

Now that I have had a chance to scan these records I suffer still another shock. It may not be apparent to one now familiar with the subject matter. What was withheld from me is abundant proof of my representations. The most casual evaluation of what you have supplied, which I assure you is far from all, has to show that much more money was spent to defeat a completely legitimate claim than paying the claim would have cost. The vindictiveness of government also is apparent in these records. Incomplete as they are. What is most obvious is the nominal size of the claim, for less than \$10,000, and the complete unwillingness to offer a compromise settlement when the records now supplied show there was official proof of the existence of the overflights alleged and the certainty of resulting damages.

In connection with the second case what you have not provided is those records relating to the threat to my wife's health in all of this and all records relating to an agreement I did work out for an amicable settlement under the auspices of Defense Secretary McNamara. Instead there is the underscoring of my counsel's allegations to this effect. Proof of the reality of this agreement is in the still-withheld discovery material I saw in connection with the second case.

I have lost faith in the willingness of bureaucracies to learn. This is relevant to still other withholdings. In some aspects it represents extra and wasted work for your Division. As an example I cite several internal records by means of which your Division was deceived. One of which I made a note is dated 7/27/70. It says "Settlement negotiations pending." This is false, as the still withheld records will show. The records you did provide show that I offered access to all my records without discovery by you. The fact is that I was never able to get the office of the U.S. Attorney to accept this. And I was offering what it could not specify for discovery. The only records of this nature

the government ever obtained I forced upon it. In the end I had to complain to the judge about the government's refusal even to examine these records. Some, including motion pictures, it never examined. The same was true of the military. I gave it records not reflected in the records you have provided. There was even a threat to prosecute my wife when she complained about trespass and that also you have not provided. I could go on and on with these kinds of details.

There is what to me is a remarkable switch in what I had not known prior to looking at these records. The late Senator J. Glenn Beall (known to my wife when he was a Congressman) made the identical complaint me made. And the United States Attorney who refused to accept my offers of access to our records, who stonewalled us for so many years and who wound up in cheap chiselling is his son!

I should provide you with proof of the fact of the FBI investigation and improprieties I have alleged. In the records you have provided you will find this in all references to one Richard Gray. Formerly he lived not far from us. He was an alcoholic and a crook. I tried to befriend him, to help him straighten himself out. He was never a farm employee. He did such jobs as painting. Never dependably. As I recall it the house in which he lived was owned by his sister. The reason the FBI found him in Washington is because even his family could not abide him. He did such things as kill innocent and inoffensive pet animals. One of these was a tame female goat, a mil goat, he talked my wife out of. My wife had that beautiful creature trained as few dogs are trained. For no reason at all Richard put an ax through its head. There is more I spare you. But this is what your FBI dredged up with the improprieties all records of which you have withheld.

To this I add one other consideration of which I think you should be aware. The records you have provided, which establish the lawyers in your Division as partisans rather than those dedicated to the provision of the canons on seeing to it that justice be done, include the involvement in these operations against us of at least three who later figures in my FOIA suits that were litigated without need. They never should have been forced to court. Doing this was so abusive of me that in one case I was awarded a summary judgement. In another case, limited to the names in these records, that case was cited by the Senate as requiring the 1974 amendments to FOIA.

As the foregoing shows you are not in compliance. Yet at the same time I must thank you - and I do - for making a better effort than anyone else has in the long time, more than five years, we have spent seeking the records on us.

In the entirely inadequate compliance of other agencies it is apparent that what was done to us in a futile effort to defeat a complete honest and exceptionally modest claim was misused venomously against us. I do not suggest that this will show in your files. But I suppose I am a perpetual optimist who hopes that someday he will encounter some official who cares, about people or about integrity in government.

Sincerely,

Harold Weisberg

Lillian Weisberg