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Mr. Thomas S. Martin
Civil Division
Department of Justice
Washington, D.C. 20530

7627 Old Receiver Road
2/9/80

Dear Mr. Martin,

This responds to your letter of the 7th, for which I thank you.

Your letter is carefully written, so carefully I believe some clarification of the record is an appropriate beginning for me.

My first request was not date 6/6/77. It was much more than a year earlier. Like the remainder, which I believe was an appeal, it was ignored by Civil Division.

You refer to the sending of some records to my wife on 4/5/77, which is, from your accounting, earlier than my request. The actuality is that my wife made her request long after mine was ignored. It interested us that her request was not ignored, although her appeal still is, while mine was entirely ignored.

You say you "recently became aware that we had not responded..." Would it not be more accurate to say that you were nudged by the appeals office?

You make no references to the Civil records in the offices of several United States Attorneys, Baltimore and Washington. Some of the records in question were required to have been given to me under discovery ordered by the Court in Baltimore. However, I was not provided with copies. I was only allowed to examine them. From this examination I know that what was provided to my wife is incomplete. Search of those offices, therefore, is important and required ~~by~~ compliance.

The referrals you list do not include the military. In the helicopter suits the Army represented all the military, including White House details. However, I have no way of knowing from your letter what was referred to which agency and thus will have no way of evaluating the completeness or incompleteness of any response. (No response is not unusual within my experiences with those you do list.) I would appreciate a list of the referrals and a check for completeness because your list is not complete.

~~XXXXXX~~ Some of the FBI reporting was directly to the USAs, which means that Civil may not have copies but the USAs do and I would like them, please.

The USAs also have witness interviews. If the passing of 20 years does not eliminate privacy questions, some are dead and some did testify, thus for them there is no privacy ~~xxxxxx~~ concern. Those I know ~~xxx~~ were interviewed and have died are Mr. and Mrs. George C. Price, Horace Thompson and Warden Rose.

The helicopter litigation had a number of historical importances and I am anxious for all those records to be included in the archival deposit of all my records. One of these importances was ecological. Another was legislative, coming from the precedent, which was confirmed by the Supreme Court in another case when Civil abandoned appeal. Nothing of this nature was provided to my wife and we have no copies of Congressional consideration of the matter. I hope Civil can provide all such information with regard to call cases. (C.A. 2304-70 is another. It was cited by the Congress as requiring the 1974 amending of the investigatory files exemption of FOIA.)

There is historical importance also in Civil's Congressional testimony regarding my FOIA requests. (A review of the portion with which I am familiar might be illuminating to Civil now in terms of compliance and costs in particular.)

Under law and regulation you can waive charges and I request this. By the way, you do not list C.A. 77-2155 and several other cases. The other cases have not yet reached a final conclusion but with your abandonment of appeal in C.A. 77-2155, it has. In it the court held that I meet the requirements for a waiver because of my age, health and financial condition, in addition to the public uses to which all these records are put. All of these matters are of historical importance. Some of the litigation is used in college courses and a university has published a book about one case. Moreover, the cost of defending a suit to obtain a waiver will greatly exceed the cost of the xeroxing.

I also request that you include all records relating to C.A. 77-2155, in accord with your letter, in what you provide.

Sincerely,

cc; Quinlan J. Shea, Jr.

Harold Weisberg