Rt. 12, Frederick, Md. 21701
7/26/77

The Attorney General
Department of Justice
Washington, D.C. 20530

Dear Mr. Bell,

In the hope that you are an Attorney General whose has surrounded himself with those who will not permit him to be insulated from the traditional practises and abuses of the bureaucracy he has stated he wants to reform and change I write this letter to you rather than as the prescribed FOIA/PA appeal.

I am as impressed by your FOIA "Letter to Heads of All Federal Departments and Agencies" as I am by the interpretation within your own house that it does not apply to the Department.

From the date of your letter to today I have had considerable experience with the violation of it by your Department. The immediate cause of this letter is an illustration in today's mail.

By way of background, I have perhaps two-dozen long-overdue requests that are without compliance. These go back to 1968. They include the Department's cashing of my check and supplying no word in return. I am in court with the Department now in two cases that should never have gone to court. The costs alone in this are enormous. I regard the principle in the same manner. The subject in one case is the assassination of Dr. King. In the other it is the scientific evidence in the assassination of the President. The second case, in earlier form, is the first of four cited in the Senate debates as requiring the 1974 amendments. In addition it is heavy-tainted with official false swearing. In this immunity is so assumed there is not even pro forma denial of the proofs in the court record.

In 1975 I began to make a series of new requests including for any and all records on me and also under the Privact Act. With the exception of a single record that had already been made available by another unit of government they are without compliance. In almost all cases without response. This lack of response is not becase Department lawyers are not aware. Subject to cross examination in court 10 months ago I testified to them.

So little are you hheded within the Department that just a few minutes ago I was informed by phone that the already belated FBI supposed compliance with my PA request by the FBI was being delayed further because of unjustifiable withholdings. Some four to six volumes of records now are being reprocessed and then will be rexorned in all the copies the processing requires. This is only because your words means nothing to your people.

Several of my requests include the Privacy Act. Compliance with any is well past the maximum claim to backlog. Yet arbitrarily the Criminal Division has held that because it never got around to living within the Act the Act is irrelevant as are regulations and policy statements. In this they have held a 1975 request to date to June of this year and to put me far down on the list. They also refuse to even respond when I remind them the requests were also under the Privacy Act. This was true when I sought to exercise my rights under that Act for the rectification of a needless, pointless and grossly defamatory record generated in the course of all of this and more.

In my July 8 response to a July 7 letter from E. Ross Buckley of the Criminal Division I have in today's mail the July 20 letter of Frederick D. Hess of that Division. He says of Mr. Buckley's letter that it "is correct and appropriate in all respects."

In the first paragraph of his July 7 letter Mr. Buckley deliberately and maliciously misrepresents what I had earlier written in these words,"your statement that you were virtually a Department employee." This is deliberate misrepresentation. I was then an employee of the United States Senate borrowed by the Criminal Division for the purposes of a famous prosecution of that era. This is true, this is what I stated and the Department

has records establishing this. They may be hard to locate but money records are kept and the Department did pay my expenses, not the Senate. The Department used me as an expert consultant on the subject matter and on duces tecum subpoenaes and for other purposes. Some of these, as I have indicated, were of delicate nature.

The first five paragraphs of my July 8 letter relate to this. The only response of Mr. Hess to them is to find the deliberate defamation "correct and appropriate in all respects."

I have rights and I would like to believe that the Attorney General considers his responsibilities to include the protection and preservation of my rights, including under the Privacy Act and from the venom of his own underlings. This kind of mischievous fabrication of false records is not new within my experience and they are used for wrongful purposes I do hope you do not approve. Recently in the King case I received an illustration. Fortunately I had contemporaneous records of my own, including a letter from the Department when I offered it help in a prosecution, and was able to send copies to the FBI. However, in more than a month I have heard no word of the rectification of that defamation. If I do not burden you with copies I am more than willing to supply them. In fact, that particular item is I believe without challenge in court records.

Next in my July 8 letter I raised the question of the charging of search fees under the Privacy Act. They are charged or they are not. Response is simple and direct. Therefore neither Mr. Buckley nor Mr. Hess respond. They do seeks to asses large search fees under PA and to files I believe are indexed.

When I give the correct date of my request, not this contrivance to perpetuate stonewalling, that is undenied. It also is not responded to. Making up a false date for an FOIA/PA request thus becomes "correct and appropriate in all respects."

Considering that this same Mr. Buckley remains without response about a year after I proved in court that he swore other than faithfully in an affidavit in that case this might perhaps not be surprising. But I hope you would not approve it.

Aside from my rights and the observance of the Act I take this time to write you for other reasons. I have been around a long time. I have known a number of Assistant Attorneys General and several Attorneys General. We still have a prize a gift from one. History records that the Attorney General is held at fault for what goes wrong under him even if he has no knowledge and if he is not in accord with what happens. In addition, within my extensive experience there is the delibate waste of extravagant amounts of time and money both much needed for proper uses. This extends to the review process. One of the appraent reasons is to contrive inflated statistics to weep upon the Congress. Another is to frustrate the Acts, often for political reasons. Not uncommonly this is also to prevent official embarrassment, particularly for the FBI and especially in political cases. There are other and not conjectured reasons, like vindictiveness with one like me who exposes official wrong-doing. With me this goes back to my youth.

Among the problems you have inherited is a machine for non-compliance with these Acts. The Divisions and Offices of the Department have a special gearing of which your office should be aware. They shift and everything is dumped onto the FBI. The FBI would be well-loaded without its special tricks for wasting time in FOIA matters. It is more overloaded in this way. In the end there is non-compliance or after the waste of more time and effort and money the whole thing goes back to the Divisions and Offices. Often along the way the courts also are needlessly burdened.

Your statement of May 5 is an excellent one. I regret that within my experience after two and a half months nobody is listening to you. I hope the time comes when they do. I think it will be sooner if you do something about those who continue to ignore you. Meanwhile, this is my appeal from the refusals in the July 20 letter cited above.

Sincerely,

Harold Weisberg