Mr. Richard L. Huff- Co-Director
OIP
Department of Justice
Washington, D.C. 20530

11/1/84

Re: Appeal No. 84-1560, pure Orwell, and your 10/29/84 without any appeal number

Dear Mr. Huff,

Your two letters of 10/29 are, I think, helpful to me as you did not intend.

You state that the matter of the FBI's withheld dubs of the Dallas police broadcasts of the time of the JFK assassination is in litigation. Correct. But you fail to state that the FBI's records of surveillances of me, the other subject, is even more certainly in litigation following remand.

You may not see the Department's briefings and court decision, so I inform you that basic to the Department's position is that it handles my requests and appeals without discrimination or any stonewalling. In fact, the Department actually claimed, as I recall it, that there was no need for me to file suit because it would have processed my request without litigation. Thus I regard the exact opposite you have just provided as helpful to me and, I hope, informative to the Court.

It is, I believe, Orwellian for you to assign a new, 1984 appeals number to a letter which could not be more specific in citing and referring to much earlier appeals of the same matter. See the second and third paragraphs of my letter of 9/26/84.

You also tell me that under regulations, for correction I am required to address the "component maintaining the records in question." The second paragraph of my letter states that I did this years ago. I did this, in fact, several additional time that I did not mention it because I thought, apparently mistakenly, that you might regard more seriously requests made directly of the FBI Director and the Attorney General. To the limited degree possible, the FBI then was withholding that much, I did it in writing to the FBI. Before, I repeat, the highly prejudicial and entirely false disclosures made long after the two top officials were addressed personally.

Your records are quite clear and entirely undisputed on the fact that the FBI has not responded in any way. So you exercise your appeals responsibility by still again referring my more recent appeal to the FBI, which has the record of long stonewalling on the very matter I appealed. And you conclude by telling me more than eight years after I began doing it, that if and when the FBI deigns to reply- which would be for the first time and then not until it reaches the bottom of its present backlog, that I can appeal to your office all over again. And again go to the bottom of your backlog.

Meanwhile, I have appealed over a period of many years, including in the appeal renewing the old ones and citing new evidence, from the withholding of the very records I want to be able to correct. I provided references to them to prove they exist and are relevant in my appeals - and relating to this I am under your regulations to address you, not the withholding component - and you make no reference to that at all. Nor has anyone in your office over a period of many years in which I did this very thing earlier.

With regard to the components "maintaining the records in question," you know very well that without having been provided with records of distribution this is impossible for me. I do know and believe I provided you with the FBI's record of having made this defamatory distribution to the Congress, which is outside FOIA.

I think it is apparent that you interpret appeals to mean rubber-stamping because I provide you with citations of FBI records referring to the withheld

records and you have neither consulted them nor provided copies to me nor claimed any exemption to continue to withhold them from me. In short, instead of meeting your responsibilities you are deliberately perpetuating the deliberate evil of the FBI in its gross fabrications that are and are intended to be defamatory. I have written about the FBI extensively in seven books and it has not been able to fault me on accuracy, although once an agent, to cover himself, made an untrue claim that I had with regard to him. Because it cannot fault me on accuracy its own records disclose that it undertook to defame me as its response, including, to, as your own files show, the White House, attorneys general and their subordinates, and the Congress. This is what you lend yourself to all over again, adding the additional abuse of renumbering the very old appeal to place it on the very bottom of all lists of backlogs.

I was well aware that the other matter was in litigation, as I was also aware that FOIA is a discloure, not a withholding statute, that the attorney general himself had held the subject matter to be of exceptional historical importance and ordered maximum possible disclosure, and I was also aware that both the FBI's record with me and my requests and in particular its records in any way relating to surveillances of me are also in litigation. My 9/26/84 additional appeal cites additional FBI records establishing without question additional surveillances of which it does have records it refuses to disclose - without claim to exemption.

Your letter with no appeals number on it says it responds to mine of six months ago, of 3/13/84. At the very top of it I refer to the identification number on the cited letter to which I responded, and although it is not the first number or the first appeal of that matter, it is a 1982 number. It states in its second paragraph that I had filed earlier appeals, discussed them in personal meetings, and never received any written response. And while the third paragraph does not recapitulate the entire history, it provides enough unrefuted information for you to have known that it simply is not truthful for you to state at this late date that the FBI "never obtained duplicates of those tapes" of the Dallas police broadcasts. In fact, it has provided me with several different written versions of this, including a record describing exactly how it made those dubs. When I produced this in the litigation in question, after it had sworn that it had never had such dubs, it then provided a new attestation I immediately proved was also false. It claimed that it had obtained them for and given them to the Warren Commission. It had to admit that it has no record of forwarding from the Dallas office to FBIHQ and no record of FBIHQ giving the tapes to the Commission. It likewise is clear and irrefutable, as I state in my third paragraph, that the FBI transcribed those tapes for the Commission, which published the FBI's transcripts of them. Surely you are aware that in order to transcribe tapes of police broadcasts it is necessary to begin with recordings of those broadcasts.

One problem the FBI has with this is that its transcripts have significanf omissions in them. It therefor has motive in withholding them, as it did when it hid them initially, as is indicated in my third paragraph, and it has to this day not even claimed to have searched for them. I have told it how to find them and it did not respond. Moreover, the FBI could hardly provide copies to me when it had told both the Congress and a special committee of scientists, arranged for by the attorney general, that it did not have them. (The Congress was interested in indication of a fourth shot, which the FBI denied was fired, and required the clearest possible dub for scientific analysis. The committee's scientists stated they had found substantial evidence of this additional shot on a tape of five minutes of the broadcasts on the special channel for the President's motorcade that was blacked out at the very moment of the assassination, a matter the FBI did not bother to invetigate or even seek to anaylze.)

You now state that this matter "was one of the subjects of your omnibus appeal of the denials," inferring without stating specifically that it was included in the also-inferred action on the matter. If your office ever took any action on this matter at all you should have a record of it, and I herewith ask that you provide me with copies of any and all such actions on that matter. The "omnibus" to which you refer was for different purpose and to the best of my recollection included no reference to this matter at all. If my recollection is not in accord with the facts, you can establish this readily by prompt compliance with the above request.

I think it only fair to inform you, if I have not in recent months, that the Dallas police made poor copies of the recordings of those broadcasts available to a writer who it knew would write what it wanted printed and that even less clear copies of those tapes are possessed by other researchers. Recently I have been informed that comparing parts of those dubs with the FBIss transcript shows that the FBI omitted other information another researcher regards as significant.

More than the adequacy, your word, not mine, of the FBI's alleged search is involved in the litigation to which you refer. The appeals also are. The Dallas record is quite clear - it never made any search to comply with my request. Tom Bresson at FBIHQ decided, arbitrarily and over my stated objections, to substitute some of the Dallas equivalents of the FBIHQ records in its general disclosures of December 1977 and January 1978. Its first search slip is dated almost three years after I filed the request, more than two years after I filed the lawsuit, and is limited to what Mr. Shea told it to search for in response to some appeals.

I think it is also fair to tell you that records disclosed to another and withheld from me include specific FBIHQ instruction to the field offices to set up relevant files that are not included in the search slips provided by the FBI, that the file numbers of those withheld files have been disclosed, along with some copies of records, and that recently there has been disclosed to still another requester records of the FBI giving another agency records relating to me that it did not provide in response to my requests for those records, still another appeal your office continues to ignore. (By this I mean that those records are not records of surveillances.)

You conclude by stating that you will have nothing more to say about the subject of that letter. Time will tell, as time also will tell what the utlimate outcome will be. There may be a remand in that case, too, and then the matter of the FBI's representations and the record of your office may indeed be relevant.

Already relevant, however, is the Department s claim that I did not and do not have to file suit, that it complies with my requests in proper order. You have again, I believe, helped to establish that exact opposite is the truth.

Sincerely,

Harold Weisberg