

Mr. Quinlan Shea, FOIA/PA Officer
Office of the Deputy Attorney General
Department of Justice
Washington, D.C.

Rt. 12, Frederick, Md. 21701
11/1/76

Dear Mr. Shea,

Your affidavits, including in my C.A.75-1996 about which I now write, identify you as both the ultimate FOIS/PA authority and the one who in cases of this nature personally makes the final review.

My counsel, Jim Lesar, is currently engaged in moving his office. I am also anxious to provide you with as fast as possible an opportunity to correct your rather serious error. Mr. Lesar will know by a carbon of this letter.

Despite your insulting, incompetent and entirely inappropriate comments about the state of my health I do have a potentially serious condition. It requires that I type with my legs horizontal. This does not improve my typing.

From the time the first documents were belatedly supplied me in this case I have complained about the unjustifiable maskings. The first time I did this with S.A. Thomas Wiseman was after the judge agreed and said all have to be justified. His response was "I'll see you in court first." To date I have been provided with no correct copy, no justifications, real or imaginary, and most recently I have been provided with more than 400 pages in which this persists.

There have been court decisions of which you must be aware. On the question of masking the names of agents the judge has stated this may not be done. I have a letter signed by Director Kelley in which he says that in cases of this sort it may not be done, should not be, and he provided unmasked copies. This related to JFK.

This deliberate contiving of phoney issues and non-existent exemptions simply must stop. It is an obvious device for making work you have already represented to the Congress, I presume under oath, is burdensome. It is also an obvious device for negating the law. It makes much extra work for me and denies me my rights. I think, as best a non-lawyer may have an opinion, that when you charge me money for these copies you are defrauding me.

Although I came across many unjustifiable deletions of this nature in the first of the two FBI volumes delivered to me on 10/28 - not one is justified in any way - no exemption has been claimed in writing or verbally - in the interest of time I did not write you. Some of these relate to what was well-publicized from coast-to-coast. There is no privacy issue.

What leaves me no choice is your and the FBI's obduracy in the totally unnecessary masking of the names of FBI lab agents. Their names are known from the past. No proper purpose is served by hiding them now. The judge has spoken on this, the appeals court has, even Director Kelley, yet the FBI continues to do this and you continue to approve it.

I have particular reference to the 4/18/68 lab report in 44-38861 (PCA5530). I am well aware of the potential for embarrassment from this record but that is not included in one of the unclaimed exemptions and is prohibited by the legislative history.

With this the record in the first delivery now that you have, allegedly, started to comply with a request actually seven and a half years overdue I have no choice but to make an immediate issue of it and more, what you have ignored in the past or attempted to by-pass by non-responsiveness.

I am asking for an immediate review of each and every sheet of paper given to me in this case by the FBI and the replacing of each one masked or in any other way withheld or a written citation of a relevant exemption. I want any such claim to be by a person who has knowledge. Otherwise there will be the masking of names without end and without cause or possible justification. I am aware that there can be genuine issues of privacy. I am

also aware that until the Act was amended I did not receive a single masked record and I have received countless thousands. Furthermore, all sorts of medical records and defamations have been released. I have had to censor these myself to protect those entitled to protection. The right to privacy is claimed by the Department in accord with its political interests. It is quite ready to defame those it does not like and I have many, many cases.

In the past, including in court, I have raised the question of assigning those with no knowledge of the case to reviews. This is a mechanism guaranteed to lead to the present situation. Because I have made an issue of it I regard this as deliberate. The only alternative is deliberate stonewalling and deliberate violation of the Act, my rights and what the appeals court has already held also serves the "interest" of the "nation."

It is, obviously, a means also of creating those phoney statistics you invent, statistics with which you intend to appeal to Congress to have a negation of a democratic law enacted. The more unfamiliar with this case your assigned people are the more time they will waste and the more unnecessary issues will be created.

I do hope you will cease these improprieties and the violation of my rights and waste of my time they entail. I am asking assurances from you. You may write or phone Mr. Lesar if you'd prefer that response. However, his new phone has not been connected. He will receive a message at 484-6023. If we do not receive some meaningful assurance from you I will ask him to present the entire matter to the Court at the earliest possible moment. Therefore, I hope you will respond promptly.

My purposes are not to make debating points. I want only honest and rapid compliance and an end to all these ludicrous devices so that I may do my work without official interference. So you can understand my counsel and I have already filled in some of these silly excisions in court, enough to make the point and including with your own witnesses.

You are of the Office of the "deputy. If you are not the proper person to whom what follows should be addressed I ask that you present it to the official who is.

I have protested perjury and personal defamation by S.A. Wiseman in the course of his career of denying me my rights and violating the Act. The defamation has to do with the outrageous suggestion, nay, sworn statement, that he had to mask the names of agents to keep me from harrassing them. I have just been told by a second person of these same agents voluntarily engaging in phone conversations with strangers. In the case of the second he phoned the Department and merely left a number. The agent, retired, phoned back. Now there never was any basis, given my activity and record in this field, for this slur the real purpose of which was to violate the Act. With the record of these agents, however, I am again asking for Departmental action.

Special Agent Wiseman sworn and AUSA Dugan told the court there never was any suspect other than James Earl Ray and there are no pictures of the scene of the crime from his search of the FBI's central index. I have proof that this is perjurious and deliberate, on both counts. I have in the past, without response, written your so-called Office of Professional Responsibility about this. Now I have the proof from the files S.A. Wiseman swore he searched. I am, therefore, again asking for official action and for the correction of the false record created in court and adverse to my interest. If there is not a proper redress of these grievances I will ask Mr. Lesar to explore what remedy he believes proper.

Officials of all rank are dependant upon those who provide the information they have. I think it might be informative to you and your superiors in this case to consider that the 4/18/69 lab report PC-A5530 was two weeks being prepared when it was supposedly to have been expedited. You will, I am certain, be able to learn of the coincidence involving the date.

Sincerely,

Harold Weisberg

75-2021, decided the same day by the same appeals court. I did not miss this, thank you. And I also read Gasch's decision in that appended case, which says exactly the opposite of what Dugan represent. Not only says--add emphasis to that citation of the statute. Thanks for Dugan in the long pull, if not for his imperviousness to common decency.

I like--may relish - his fine footballers sense of timing too. This is the first thing he has done after Green was unwilling to believe he lied to her. I'm sure she knows it and that it is commonplace. But it gives us a chance to play on this with her without doing it because he has created that situation for her. This was insane. That he did in my reading is his reflection of the effectiveness of what we have done not of the realities of his situation, which did not really require this of him. He has been forced to depart from the cool, the law by statistics. To me this means push harder, never forgetting him.

I have made a copy of the Memphis Airtel on the enclosed 47 scene-of-the crime pix that are from the files Wiseman swore he searched so save you combing your set, if you have this set. Manic panicked and gave me both copies of the volume and you both copies of the other. You may not even have this. The only reason I know about it is the FBI's embarrassment. If the second agent was Cunningham, as I think, he explained, not Smith, that they have not found those picture. Watch. OPR has them. Want to call and ask and gild that lily, too and add to the point in the shuffling and shunting around of all these records to prevent compliance? I think it will be great to make this point where Wiseman has perjured himself whether or not they find the pix. And I do suggest that you read the Memphis Field Office's descriptions with care. Among what they do is destroy the explanation of Jimmy's having 5B.

I'll resume going over the two volumes when Eve leaves. I'll not continue to make as complete a record. I'll never get done if I do. In what I have gone over there is a request from the MFO for a scientific test we have not been give, for evidence of recoil markings on the windowsill.

Bhaheen et al will have troubles yet. So will the Dugans. Give us time and patience.

From Dugan's Memo we should expect this much material each week. I asked Smith and friend to phone you when he has a new batch. Please phone him Wednesday if you have not heard from him. Wednesday will be more than the week after this batch was copied. Tell him I'll be in town Thursday and will stop off for whatever he has by then. If he tells you he'll have nothing he's made a liar of Dugan. I did tell him that I'd prefer to pick up in person and as an alternative have you informed. Also that you would know when I'll be in DC. That there is no need to end with an even volume is already established. The second batch extends into the third volume.

I think it is time to push on those 25 numbered volumes again after this. They are relevant to the 4/15 request while what I have been given is relevant to little if anything. Except Dugan's lying and Wiseman's perjury. We can nail that babyface and I can think of nothing that would help compliance more. He has been sacrificed. Would it be hard to learn if he is a member of the DC bar in the event Green will do nothing? I do want to press this and think it will save you enormous amounts of time if you do it. Plus the prestige it will give you.

I guess Eve has been delayed. Dave Wrone phoned earlier today. He actually wanted to know if I'll require a wheelchair! What HAVE you been telling him? I told him instead to arrange a walking seminar for me each day the weather permits so I can get some exercise. I also raised the question of black interest in what we are now doing and black willingness to help it as we now need help. I have the hope that his chancellor will see this and that the black students will become activists in it. He says they are interested, much.

Eve has a broken furnace so she is going to her farm for the night, not near the p.o.

Best,