

Cong. Don Edwards
House of Representatives
Washington, D.C. 20515

7/12/83

Dear Don,

You wrote me 9/10/80 saying that you hoped that in the new Congress your subcommittee "can re-acquaint itself with the FBI's handling of FOIA requests." I had written you, as I recall, about some of my experiences in litigation that they always force and then always stonewall. Since then I've not written you further largely because my mornings are taken up with therapy and because I've spent a great amount of time detailing and perfecting the almost total dishonesty in a 1978 case. I have not inconsiderable experience with official mendacity in my many cases but the FBI and its counsel, and I mean both, counsel on his own authority, have come close to never telling the truth and, as best a layman can have an opinion, have crossed over into perjury and its subornation. I believe they have gone farther because we are before Judge John Lewis Smith, who is virtually an FBI rubber stamp.

They are also trying to rewrite the Act again, this time by procuring a discovery order, without any attestation to need and without even pretending to rebut what I've attested to. I'm in contempt and I will be. I've asked for an interlocutory order so I can go up on appeal. FBI counsel made a pretext phone call to my lawyer to threaten to have me thrown in jail and when we stood fast they shifted to another sanction which can rewrite the Act, too, dismissal - without the initial searches attested to, without justification of any withholdings and in the face of an incredible case record. Actually, the initial searches were never made. I'm still in contempt for refusing to pay their counsel fees in procuring this order that reverses the burden of proof. And again I will be because old and unwell as I am, the Act means much and I will defend it as best I can.

Please understand I am not asking for your help in this litigation. That would be wrong for both of us. Because of my age and health I'd have dismissed years ago but the FBI absolutely refused. Actually. They want to misuse this litigation to get a license for permanent suppression of evidence that can be seriously embarrassing.

As a minor illustration of how potentially embarrassing I enclose as an illustration an extra copy I had on my desk, left over from an affidavit, in which Dallas, the CO, held that it was not necessary to cover leads before Oswald was even charged, the day of the assassination. And the Warren Commission records disclose that the group recommended as suspects by the nearby police

89-43-84 att.

department, had at that time uttered three threats against JFK. This does not count the Miami incident the tape of which attracted some attention and of which the FBI also knew.

Of course the FBI is not required to respond to evidence in litigation. But all I've presented is under oath and subject to perjury charges if untrue. And who is in a better position to prove untruth - if I were not true. So, all I've alleged is unrefuted.

I write because I believe an airing of how, chapter and verse, the FBI and the Department force litigation and then guarantee it will be as costly as possible, all in open violation of the Act, can be helpful in preserving the Act as we now know it.

At the same time, because of their power and willingness to use it, especially improperly, I recognize that this can be dangerous to any who may make the effort, particularly one who stands for reelection. Some of the things they've done to me were pretty dirty. I've got the records.

So, if this presents any problems to you, I will be without complaint. I worked for a Senate committee when I was young and have some understanding of such problems.

From this and my journalistic experiences, however, I can also see a very solid and sensational hearing. There could be a long procession of readings and asking witnesses, "did you state that?" then "Is that true?" The falsity is already established and establishing it requires no ~~work~~ work.

What would take some time is merely reading all this material. I enclose a sample. (If you have no need for it, I'd appreciate its return.) I also know the time pressures and staff limitations.

What I've been doing in the field offices consolidated case is addressing the dishonesty of the FBI's submissions as I receive them. I'm not able to revise and condense drafts so there is some repetition. There are times, as you will see, when I receive another submission about the time I finish addressing the previous one. But I'm omitting nothing. I address all they allege.

My copier has finally quit so I do not know at this minute what I'll be able to enclose. I will delay mailing until I can get into Frederick and make a copy of a Hosty affidavit I've not yet sent my lawyer. I think, going back to your hearings, that you may have some interest. As you will see, when the FBI was directed to make an all-reference Hosty search - three years after I filed my requests - the search slip is entirely blank. It has not been replaced after almost three more years.

As a matter of fact, almost all the search slips are phony and I've proved it, without even pretended refutation. Smith is that kind of judge when the FBI and CIA are involved.

You will find that I am accurate and do not theorize, particularly not about the assassinations. I think a reading of the kind of material I file discloses that if I were not accurate I could expect retaliation in court. They have prevailed by mendacity but I've never been proven factually incorrect, in many cases and over a period of many years.

If you have any interest, while it is not easy for me to get to Washington, it is not impossible. I'll have to hire a cab and it will have to be able to park. I can walk about a city block before having to rest and elevate a leg with little circulation. After a few minutes I can walk again. And I do have a wheelchair I can use. But the cab would have to be nearby. (As you can see, I have to keep my legs up when I type and type sideways.)

This also is not the kind of situation in which I would trust only you. I have all the case records here and all the FBI records I've gotten. My counsel, who lives in Washington and has his office in Arlington, also has the case record.

If you feel you can do nothing, I'll be without complaint. If you can, I'll do all I can to help. I do believe that a memorable hearing is more than merely possible and that it can be important today.

Best wishes,

Harold Weisberg

app 07
4/13
7/4
7/8
7/13