

Legend

Rt. 12, Frederick, Md. 21701  
3/26/78

Mr. William W. Shea, Director  
FOIA/PA Appeals  
Department of Justice  
Washington, D.C. 20530

Dear Mr. Shea,

FOIA request/appeal

Addressing an FOIA request to you is unusual but under the exceptional circumstances, including my request for expedited processing and immediate review of any withholdings on the merits, I do make the request of you so that if you agree you may route it and also monitor compliance, including the expedited processing.

Please excuse the haste and errors. We have but one mail a day and I want this to be able to go out in it. Also, I had to get a very early start to be able to complete reading what is essential in this letter and request.

I have a recent FOIA request addressed to the FBI only relating to the new book Legend: the secret world of Lee Harvey Oswald by Edward W. Spetain. When I made the request I had not read the book and I had no reason to believe other than the FBI would be involved with the book and the request, for all relating to it and to Spetain's access to information. (I also asked for the same information and a waiver of costs and fees.)

The more I read the book the more apparent it became that other Department components had to have varying kinds of involvement. And in this I include studies, reports or analyses of the book and attendant promotions.

Then, in the notes to one of the most incredible pieces of writing I have seen, a chapter titled "Epilogue: Inside Out," I found cited as a source on the extraordinary three-year detention without due process of the Russian defector Yuri Nosenko there is Stanley Hotzinger. (P. 528.)

While I have earlier and long-ignored FOIA requests relating to Nosenko (which the CIA also has ignored for a long time) and believe that this request is included in them, I do desire expedited processing now because of the intense public interest and the considerable amount of harm this book and more, the attention to it, can cause to the essential functions of several agencies, not alone but including the FBI and CIA.

And in this regard I believe that I have unique knowledge and am in a unique position, my critical views of both agencies being anything but secret. With the records sought I can better serve a public function.

With regard to these records and to more other records than you may know my interest is separate from any writing interest, although at the time of the initial requests I had a particular book in mind. I am prepared to provide whatever proofs of these claims, which are part of the basis for expedited processing and waiver, you may require. One that should be obvious is that in asking for expedited processing I am assuming an added burden, one not easy for me to assume now. Other is that I do not lack for reading matter or other work to do.

I draw upon personal and professional experiences that are not common to tell you that I can see in this book a recrudescence of what was exceptionally hurtful to government and disastrous to the decision-making process prior to, during and following World War II. This may appear to be recanted but I assure you it is not exaggerated. This has been one of my interests not for writing but to leave a record and to compile all records of this nature relating to me. Some that I have obtained (not from the Department) will be clear on this point to impartial scholars and are available in event their incomplete state to those of authentic scholarly interest. I would hope that there may be some in government who can conceive that there may be such forces now at work, especially with regard to

Current controversies over the FBI and CIA and other similar agencies.

While I do not regard it as knowledge that should figure in your considerations I have no reluctance in telling you that I regard this entire project, not just the book but the people and influences behind it, as grossly unfair to the FBI and of possible damage to any internal efforts it may exercise toward reform. It is grossly unfair to many people in the FBI, now and in the past. It is truly Orwellian in its paranoia and in its dishonesty that cannot be accidental, often but not exclusively aimed at the FBI and Director Hoover and his closer associates of that period.

As evidence of my good faith in this I am prepared to take time for those of proper interest to make such things available to them. I do not offer to take time for indulging idle curiosity but I am willing to take time for serious projects.

I realize that much of this may be incomprehensible to you because you are not a subject interest. Your personal historical interests may not include this particular period of our history. So I'll try to provide you with a comprehensible illustration.

Nosenko defected in February 1964. In that month he was made available to three FBI agents. They filed several long and detailed reports which I have. After evaluation of them the FBI, over the signature of Director Hoover, informed the Warren Commission that it had arranged for Nosenko to testify before the Commission if it so desired. One of the reasons (and one that has been a continuing interest of mine from the first week of the assassination investigation) is that Nosenko told the FBI that the KGB regarded Lee Harvey Oswald as "an American sleeper agent." (And in an entire book on Nosenko and Oswald Epstein makes no mention of this.) From that moment on the CIA devoted itself - unsuccessfully - to preventing the taking of Nosenko's testimony. (This is part of one of my FOIA suits, C.A. 75-1448, Appeals No. 77-1831.) Those who did this are those who today are rewriting history and those who are responsible for this unjustified assault on the FBI over Nosenko.

(For your information another of my FOIA suits is relevant - C.A. 2052-73. In it I obtained a formerly withheld Warren Commission executive session transcript in which Commissioner Dulles, former DGI, assured his fellow commissioners that perjury in the CIA dedication to true patriotism and that if Oswald had been working for an American agency overseas it would not have been the FBI but could have been the CIA. I have published this entire transcript and another on the same subject in facsimile to assure permanent and unrestricted access to both and the annotation I also provided.)

I do not mean to be arguing a case or seeking to influence your judgement. I am trying to inform you of some of what I believe to be truly exceptional circumstances in which I am, able to and want to be in a position to render unique and other than self-service public service. I believe the questions and issues involved are quite serious and of national importance.

Because of the nature and extent of the previously withheld information that was made available to Epstein exclusively (despite my earlier and ignored requests and the ignored requests of others) I believe your reviewer should have and read the book. If it is not read although the index is selective and argue it will be helpful. It is not a subject index except on the FBI, Nosenko and Oswald. As examples while there is no heading for information provided by Nosenko or anything like that there is "admits to lying," which is separate from "bona fides" and "contradictions and omissions." There is "indictment 270" when there was no indictment and there is no mention of any on that page. Yet my reference to Staley Pettinger is not in the index. I, of course, am available to answer questions about what is public domain and I can refer your staff to another who has already made a detailed study of the book and has an ignored FOIA request to a degree duplicating my earlier ones.

As of yesterday's mail I have not received those letters you told me ~~xxxxxxx~~ you had written me except for the one with the copy of your FOIA testimony. I have been able to respond to them because Jim ~~ear~~ sent me copies of the carbons mailed to him.

This is unusual on my end. The mail service here is good, as are all the mail personnel of whom I know.

Going along with this are what I mention merely as a matter of records not connected with you and not detailed in order not to compromise you. There have been certain unoward and repeated acts I regard as entirely improper when I have cases before federal courts. It is impossible to attribute them to any other than official interest. They also are not unique within my personal experience and they do figure in the PA records that remain withheld from me by more than one agency.

Sorry about errors and any confusion from the haste in which I do this.

Sincerely,

Harold Weisberg.