

mail - mine

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

Rt. 12, Frederick, Md. 21701
3/29/78

Dear Mr. Shea,

Jim has just read parts of your most recent letter to me. One of the reasons I write is to let you know that it also has not reached me. To date I have received, of this entire series of letters, only the one enclosed with your xeroxes of your testimony. To give me your message on this was one of Jim's purposes in phoning. I will return the testimony on the 6th.

If there is anything wrong with my mail on this end it is, I believe, exceptional. All the route men we have had, all the other postal employees with whom we have dealt and the postmasters over a period of more than a decade have been very, very good, really examples of what public servants should be.

But the fact is that if you had not sent copies to Jim I would know nothing of what you have written me. I also would not have been able to read the affidavit you sent me. It means that on your end of mine something is happening to your mail to me. I know of no other mail not reaching me. Yesterday I even received a letter misaddressed (from a former FBI agent).

I'm taking time to respond without having the letter for a special reason: I don't trust myself to do the major work I have to do, part of a large dictating job in C.A. 75-1996, because I've done a little too much physical work this morning and it has left me weak and weary. The doctor wants me now to discover how much I can do and to try to do that much regularly. I used muscles I had not used for a while and probably placed burden they could not bear on the parts of the circulatory system that are impaired.

Jim also told me that you suggested the requests that have not been responded to for the meeting of the 6th. This strikes me as constructive and with Jim's agreement I agree. I suggested to him that he raise more or less of an agenda with you so that we can use the time as efficiently and as constructively as may be possible. There will be more than we'll have time to discuss so I suggested that you and he decide what we'll try to do. Perhaps if it is necessary we can repeat the effort later.

Jim may not have had time to take up with Lynne Zusman what I suggested to him that I believe is relevant. Perhaps it is possible for you, perhaps not. I think the Department should have (and we also should have) the full transcript of the hearing in C.A. 77-2155 before Judge Gesell. I think those of you who are involved on the government end should read it carefully and understand it because the Department seriously misled the judge, as I think I indicated to you when we spoke.

I am not unaware of what Judge Gesell has said and done under similar cases in the past. Nor am I without appreciation of what such a reaction could do that could be helpful to me or unpleasant to my present opposition. However, as there appears to be an official reluctance to consider, I do seek to avoid what could be scandalous and sensational and have as my central purpose obtaining and trying to use the records I seek.

Figley represented to Judge Gesell that there would be full compliance with all my earlier requests when I was provided the second batch of FBI JFK releases. I am sure he was told this and did not personally fabricate the impossible to represent to the judge. The records requested, to the extent they are in these two releases, are much more likely to be in the first release of some 40,001 pages, which I have not been given and about which I have not received a word in writing.

If there is not some acceptable resolution soon I will have no choice - there will be litigation that can be avoided. So I think this is a prime subject for discussion when we meet.

You also should be aware that I believe some of the records I have requested may not be included in those two releases. I asked for the entire HQ file on Oswald. I believe that all of the pre- assassination Oswald file was not released. I believe the FBI will be uptight about this. If not then there is no real problem. It was all collected and should still exist.

I asked for a few photographs. Here also there is no real problem except if the FBI is uptight. These are pictures it withheld from the Warren Commission. (I have other and unclear copies of some from the ^{owners} ~~owners~~, who told me their originals were not returned.)

Aside from things like these in my present less than fully alert state there is no other JFK problem I recall.

You have an awareness of the problems of non-compliance with the PA request.

There remain problems, I believe for the government serious problems, with the ^{king} requests. Because these are in litigation I stop here not to cross any invisible line. I do want you to be aware.

However, now that you cannot receive this until after you told the court you would act in the waiver matter, I add that your affidavit reflects that you have been misinformed. I am not saying you lied because I do not believe you had this intent. However, the net result is that you did swear falsely. And where you offered an opinion you did it without a factual basis from which to project. If you desire and if Jim agrees I'll explain these things to you. However, I have an immediate point in this, a point that is also applicable to Figley's representations and to many others over countless hearings in court and affidavits filed in various cases: what happens to all parties, including the government, when people like you and Figley are misinformed?

I avoid substance because I am uncertain of proprieties and where that line is not from any reluctance to provide you with specifics. So aside from what happens to those who seek information and what this means in the time and loads of the courts, forgetting legal, moral and ethical considerations, can you begin to estimate the cost in time and money to the government?

From my experience the bureaucracy has created for itself what is, save for successes in frustrating the Act, a ruinous situation for itself. If this belief is of interest to anyone willing to attempt to do something about it I will take what time is asked of me.

Jim told me what I do not remember clearly about the reports of record destructions. Only a few of the records I've received under PA bear the pending litigation stamp. If I understood correctly no records should have been destroyed beginning in 1970. However, I am not persuaded that none have ~~not~~ been destroyed or even that none will be, given the Bureau's pretense that it has complied. I would hope that some notice might be sent each field office and, where appropriate (like Frederick), each residency. There remains possible motive for destruction and once I began to establish the true character of the records I did get the flow ceased. I have received overtly false denials of the possession of records.

I hope this is helpful. I also hope I am clear. I'm sorry that some exertions do result in circulatory impariments that also make me a little fuzzy. However, I not only have to do these things - I believe they are good for me.

Sincerely,

Harold Weisberg