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Dear Dave:

If reports that have reached me are correct, there are some people at Stevens Point who are under serious misapprehensions about a recent and unprecedented victory I won in federal district court in Washington on January 16.

This litigation, Civil Action 77-2155, was under the Freedom of Information Act as amended in 1974. It was a successful effort to end de facto suppression of official records that are embarrassing to a minority of people in the government, chiefly those who have difficulty living with their pasts.

The FBI has been and continues to be in deliberate violation of the Act. Through court action I obtained records stating that violation of the Act was ordered on the highest level and approved by the late Director, J. Edgar Hoover, whose handwritten approval is on several of the records.

Other of these formerly suppressed FBI secrets contain plans to "stop" me, including over my writings. My writings, like those of all Americans, represent our precious First Amendment rights.

At least 25 of the requests to which the FBI claimed it was responding are those in which it was in deliberate violation of the law with regard to me and my work.

The excesses and misrepresentations made to a federal court in one of my first FOIA suits led the Congress to amend the Act in 1974, as the Congressional Record shows.

By then it also had become clear to the Congress, through my experiences and those of other Americans who are without great wealth, that determined bureaucrats could and did negate the Act with inflated charges (such as up to 25 cents a page for xeroxing) and endless stonewalling in court. The executive branch does not prosecute itself.

To assure freedom of information and that Americans can learn what their government is doing even if they are not wealthy Americans, the Congress added an amendment that authorizes the waiver of costs under certain specified conditions. In the recent case, a federal judge decided, after hearing all the government's arguments, that I did meet these requirements. He decided that "the equities are overwhelmingly in" my favor. He also told the government that it was responsible by ^{its} not abiding by the law.

(When the court reporter has transcribed that hearing and the judge's order, I will send a copy to Stevens Point so that anyone who cares may read it.)

One of the standards to be met is that the applicant for the fee waiver be found to serve the public interest. Another is expertise.

In its decision No. 75-2021, the federal court of appeals in Washington held that what I do serves the nation's interest. It also charged me with taking and preserving the sworn testimony of several FBI agents who had retired. This decision is in Stevens Point and can be read now.) I had to do this at my own expense. This cost alone exceeds the actual cost of the government's xeroxing of the recent records.

In my Civil Action 75-226, also in federal district court in Washington, the Department of Justice stated that I know more about the assassination of President Kennedy and its investigation than anyone in the FBI. These are unique credentials.

The same Department of Justice said the same thing to another judge in my Civil Action 75-1996, which is for the suppressed evidence in the assassination of Dr. Martin Luther King, Jr. In this suit I have forced an end to the suppression of the FBI's headquarters files and some of those of the field offices.

Although the Department of Justice has accredited me as it has accredited nobody else in the entire country and although I had more than met the legislated standards for obtaining the records at no personal cost, it at the same time did not even act on my request for the waiver of charges until after I filed suit. It was by then in open contempt by having deliberately violated the law. The judge told the Justice Department attorneys, without their murmuring any protest, that if I had not filed suit they would never have responded. This, in fact, is the uncontested evidence in about 10 lawsuits for which I have borne the costs.

The judge's opinion in the recent case is that the behavior of the government was "arbitrary and capricious." What is not generally known is that his order was, in fact, written out for him by a Justice Department attorney after the judge read a verbal opinion. The judge then added the words, "arbitrary and capricious." This is another basis written into the law by Congress. It really means that the government brought all of this down on its own head by its arbitrariness and capriciousness in its nonaction as well as in a belated action the judge found to be totally inadequate.

Under the law I was entitled to copies of these records. The waste was by those who did not abide by the law.

If there are those who have complaints and if their complaints are with regard to the use of tax money and government expenditures, they might well ponder the actual cost of this government adventure into illegality and suppression, the ending of which required the action of a federal court. With all the unpunished crime in the land, the government assigned six attorneys to seek to legitimize the illegitimate.

My files hold at least 100,000 copies of formerly suppressed government records about both of these cases. The Attorney General himself has put both into a special category called "historical." To these, special standards apply.

For more than a dozen years I have paid the costs of all these copies, only a minor fraction of which I can ever use in my writing.

For the government, however, the sale of these copies is profitable. Selling xeroxes of records of the JFK assassination at up to 25 cents a page amounts to commercialization. Need I say what it is when I have also been soaked up to \$10 for a single photographic print of official evidence?

Most of the records I have obtained and those I still seek by court action are for others, as part of one American's dedication to the right of the people to know about these great historic events. Unless the people are informed, representative society

cannot function.

Rather than my getting something for nothing from the government, the government has been commercializing the subject.

In this recent case, when the judge asked what its actual xeroxing cost is, the government pretended not to know. The reality is that under the contracts for the machines used, it may be only the cost of the paper. Under any circumstances, it is not much more. These convenient machines require full use to justify their cost. under the leasing arrangements. (These machines also self-feed copies at a rate of two per second. Simultaneously, they collate up to 50 sets.

It is not that the government did not know this. Rather was it ashamed to admit that with such minuscule costs the FBI's standard charge is 10 cents a page.

All added costs go into the first copy, as is normal. The first copy is the government's own set. The machines, which cost the government rental fees whether or not they are used at all, do all the rest.

Part of the reason for the litigation was to break up what I described as news management by the government. It did not protest the description.

No reporter can possibly assimilate the contents of 40,000 or 60,000 pages in a few moments before he is on deadline. These reporters were, therefore, at the mercy of the government agents who had processed these records.

This situation was deliberately created by the government when it violated the Act and failed to provide the records for a decade, in deliberate violation of the law. Had these records been made available over a period of time, reporters and others could have evaluated them with complete independence.

People who do not understand how these things work in Washington and who are without factual knowledge of details, including of this litigation, may easily jump to conclusions that are without justification or factual basis.

One question these people might ask themselves is why the FBI would withhold these records for more than a decade and then release them in a deluge that flooded the mind. Or why most of these records were not given to the top authority, the Presidential Commission. Or why citizens have to sue to force the release of nonsecret public records.

Why should I, for example, have had to fight the government from 1969 to now to force the release of some 50,000 pages relating to the King assassination? Why should the government still be resisting this in court? They have been, for two full years in that suit, the only one that brought these records to public availability. Imagine the cost of this wrongful effort to suppress in lawyer's costs alone!

The waste and all the cost are the consequence of official malfeasance. The few of us who use the Act to end suppression are what the courts have termed "private attorneys general." With some of the Attorneys General we have had in recent years, the need for citizens to assume such responsibilities should be obvious enough.

Until I filed and won this suit, the government's plan was to have a copy of these records available in the FBI reading room only. What good does this do Americans who live in Alaska or Hawaii? Or who are ill or not wealthy enough to move to Washington to be able to examine this truly towering mass of uncollated paper, more than a ton of it, a pile higher than the average house.

Or why should these records not be available to scholars in the middle part of the mainland? How many undergraduate or graduate students in Wisconsin, for example, would be able to pursue their studies in history or political science if they had to go to Washington, had to make appointments in advance and then were limited to less than a working day in going over records they then would find to be totally without any organization at all?

I would like to add an explanation of why I have deeded all my records to the University of Wisconsin at Stevens Point.

In 1966 I was asked to furnish all my records to the Arthur Price Foundation for deposit at Yale. Yale and Washington are both on the east coast. I knew of no subject expert at Yale.

I have had other requests. The most recent was from the University of Oregon, which then praised my decision to give them to UWSP.

When the Wisconsin Historical Society asked for my papers about four years ago, I agreed. The reason I selected UWSP is because of you. Not only your status as the preeminent bibliographer in the field, more important to me is your refusal to engage in idle and irresponsible theorizing. Unfortunately, this is the approach of most of the historians and political scientists and it also is that of most of the writers in the field. It is anything but authentic scholarship to theorize and suggest in teaching that the FBI or the CIA or President Johnson was behind the assassinations.

If others want to theorize, or what it really is, fantasize, that is their right. But I am not of this bent and I do not want all of the work I have done, all the records I have accumulated at such great cost, to be misused.

In the course of their own busy lives and as they follow their own personal interests, most people do not stop to consider what the assassination of an American president is. From the popular media they may be led to believe it is another whodunit. In my belief and in my work, it is not. It is the most deeply subversive of crimes. It nullifies the will of a majority of Americans. It negates representative society. It also is an intimidation of every president who may feel impelled to make decisions he believes may be unpopular.

Others may disagree but I believe all of society is jeopardized by such a crime and that one means of defending society and its institutions is for the people to be able to study independently, to reach their own conclusions and to express them.

This is why, when I am getting along in years, am in imperfect health and have not had a regular income in more than a decade, I am using my training and experience to obtain the release of these long suppressed records and have arranged for them to be freely available to those who want to examine them.

I regret very much that there appears to have been some misunderstanding. I am writing you upon hearing of it so that if there is the need you can use this letter to inform the uninformed.

I want to add that I was particularly gratified to have been able to meet Chancellor Dreyfus. He is one who will see to it that the fine traditions of American scholarship will be practiced with the records I am depositing.

Because of the time pressures upon him when he had just returned from China, I was more than gratified that he squeezed in a meeting with me and my lawyer, who is also my executor, when we were at Stevens Point. I will never forget that when all the

pundits were saying otherwise, Chancellor Dreyfus accurately forecast changes that were to and did take place in China.

Truly an impressive man!

If any questions arise, please permit me to provide the information that others may lack.

Sincerely,

Harold Weisberg