

Mr. Quin Shea, Director
FOIPA Appeals
Department of Justice
Washington, D.W. 20530

3/6/81

Dear Mr. Shea,

Thank you for the copy of your 2/3/81 letter to Mr. Mesar and the enclosed records. I've gone over them, in haste.

In the ~~second~~ ^{second} paragraph you refer to three documents having been provided earlier. One of these is the CRD report. The copy provided appears to be identical with the one provided years ago. I filed a prompt appeal when I first saw this record because the claims to b1 and 7 C and D were made to withhold what is within the public domain (and is even more so now, with the passing of time and further disclosures). My appeal was ignored and the same flaws persist in the processing.

At the end of this paragraph you refer to further withholdings. May I again suggest that there are safe means by which I can be consulted so that the persisting withholding of the public domain can be avoided? I believe it is probable that no one on your staff has the subject matter knowledge required to determine whether what is well known is being withheld and I remind you of the several Congressional investigations together with other Department and FBI disclosures.

Although no representative of the defendant wanted it, in the end I did provide copies of a consolidated index to several of the books. I did not get the larger card index to the two weeks of evidentiary hearing in Ray v Rosa typed because of the steadfast refusal to use it, but it also is available here. If you want it for copying, you are welcome to it, if you think there can be use for it in the future. This also goes for the transcripts and the various subsequent briefs. And depositions.

I am not claiming that no use of any of these exemptions is justified and I am aware of information that is properly within them. Rather do I mean that for once there ought be proper processing so that interminable requests, appeals and unnecessary litigation can be avoided.

Your letter does not reflect the fact that four attachments are missing

from Nos. 11, 18 and 22.

OPR 23 refer to a Ray biography that is not provided, probably by Dana Boyd.

There are references to other records also not provided.

Among these there are those preliminary to Attorney General Mitchell's letter to my counsel in C.A. 718-70. A carbon of this letter only is provided.

Unless there are notations on these copies of FBI 1-3 it is not necessary to provide duplicate copies.

The CRD records do not account for any pertaining to earlier investigations. That there were earlier investigations is public knowledge and CRD discussed this with a New York Times reporter, who then wrote about it. (My request in C.A. 75-1996 includes all information provided to other writers and none has been provided to me.)

I am surprised that you list but one record for OPIA.

incorrect

My recollection may be ~~incorrect~~ but I believe that more than two "ands Division records have already been disclosed. You list two as withheld.

There should be DAG records pertaining to my requests, if nothing else.

You do not account for any records of either office pertaining to the guilty plea.

You do not account for any Civil Division records pertaining to C.A. 718-70, referred to above, and there are such records. This also is true of Criminal.

Two of the records provided state that the King and JFK assassination cases are open cases. This has much to do with the preservation of all records. (AG to Shaheen, 4/26/76 and Director, FBI to AG, 4/28/77)

Please note that on page 3 of the 5/3/76 Director, FBI to AG letter there is reference to records kept in the divisions rather than in Central Files only. This letter also appears to refer to records within my requests in C.A. 75-1996 and not provided, despite my many allegation that they should exist and the government's many Motions for Summary Judgement. It is apparent that during the life of this litigation the FBI was aware of the existence of these pertinent records and nonetheless continued to withhold them while denying their existence.

Sincerely, Harold Weisberg