

10/12/77

Mr John Hartingh
FBI FOIA/PA Unit
J. Edgar Hoover Bldg.
Wash., D.C. 20535

Dear John,

Thanks for the call. If we can't solve all the problems efforts to work them out are worth the time.

I see problems ahead. One is your position that when I make a request and the Government stalls it all these years and then it begins giving me records it can withhold on the ground that if any Tom, Dick or Harry had the information it could come within some exemption, even if the information is not in any way secret. The examples I gave you today are real ones.

Another is that nobody believes the Attorney General is boss and his word goes. If necessary I will be taking the position that he is, too, the boss, and what he said in May does go. The judge seems to agree.

You don't know my writing. If you did you know that my practice or protecting privacy rights extends to ~~some~~ those that for its own reasons the FBI did not protect. From the thousands of pages I have examined the exemption has been used where there was neither need nor justification. We discussed some of the past. I think we can reach an accommodation on this past if the FBI is willing. I was telling it regularly where what it was withholding was public and published but it persisted. This is its doing, not mine. Inevitably this means that I am going to have to accept some as a fait accompli. However, I am not going to accept this for all and voluntarily. I cannot. The time is coming when these matters are going to have to be faced. Had some of the released people been put to work on this in June, when the judge said they should be, these problems would all be past or in court.

One means of simplifying this is in the suggestion I made relating to Serial 6139, the promise of which has not been kept. The replacement set from which all the public names are not withheld will go a long way in eliminating problems. If you visualize the situation above in the second paragraph Blake held the delivery of those ~~records~~ not under FOIA. So there is no such problem.

I'll not make a formal appeal over the withholding of file titles for the moment. We did not discuss this. I regard the reason for withholding them as not the real reason. When the names are not withheld there is no privacy question in not withholding the names on the files. I suggest there be some reconsideration of this particular withholding before there is a lot of xeroxing of similar records. Among the withholdings I will be appealing is the pictures, of the past and of the future. I may not want all of them but I do not accept total withholding, especially not when they are published and the records say who is in what picture.

In what has not been processed you are going to come to some things like phone numbers that are not secret. In some cases no longer good numbers of assigned to the same people. In some cases I have them. In others I also have done the checking and have the names and in still others I've been to the addresses. I will want these. I mention this in an effort to lead to an avoidance of more problems.

With regard to the missing check, my wife has checked our books. After we received your 9/15 letter, on 9/16 we issued our check No. 1012 in the amount of \$132.46 to the FBI. Because the envelope has not been returned I presume it is on some desk down there.

Sincerely,

Harold Weisberg