

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

Rt. 12, Frederick, Md. 21701
4/19/78

Dear Quin,

This and the enclosure are intended as two appeals. Both relate to cases in courts. Jim Lesar, who was already overloaded, is farthur behind from having had to represent John Ray for two days before the House assassins committee.

The enclosed correspondence with Mr. McCreight relates to an Item of the requests in C.A.75-1996. I was told by the FBI that your office made a review on the merits of everything released to me in that case.

Also enclosed is a copy of Mr. McCreight's letter of April 12. It was with the carton of worksheets that was provided. This letter makes no reference to the fact that the request is for more than just the worksheets or that a complaint was filed. You informed me that you would be monitoring compliance on that request.

The omissions as well as the exemptions claimed on the worksheets leave me no alternative to appeal. However, I make the appeal with the understanding that you may not be able to process it promptly and with the belief that if there is opportunity to discuss the situation much if not all may be worked out in a mutually satisfactory manner.

I am informing Mr. McCreight with a carbon copy. I make use of this to save a letter and to thank him for the fact that the legibility of these worksheets seems to be better than that of any others within my experience and for binding them and labelling them so clearly with the files and the Sections they cover. This will be particularly helpful when the files are in the archive.

Last night I was able to make a spot check of the sheets covering the first few Sections of 62-109060, bound Sections 1-70. Among the questions raised immediately are these:

The removal of the names of the analysts, I presume under (b)(2). I believe that this fails to meet the standard "solely." I have much experience that it does not.

A number of referrals as a result of which no record was provided and no explanation of withholding was made. I believe this does not meet any standard and does not meet the requirement of the National Security Directive relating to referrals under E.O. 11652. It is my understanding that this requires action within 30 days, in the alternative, after 30 days processing by the referring agency as though the record were a record of the referring agency.

Records withheld in their entirety when "reasonably segregable" parts might be provided.

I have serious doubts about the applicability of (b)(7)(C),(D), and (E) to such records as worksheets in historical cases.

I noted one instance in which there was the word "referral" alone and another in which it was stricken through, no exemption claimed and no record provided.

And there is the fact that J. Edgar Hoover himself swore that the FBI's JFK investigation was not for law enforcement purposes. This was in his Commission testimony, Volume 5. You are familiar with the history of my C.A. 2301-70 in which a contrary claim was made by the Department and by the FBI.

There will probably be other questions when I have time to go over all but because this matter is now in court I believe all interests are best served by not delaying this. If your staff has any questions I am prepared to be as helpful as is possible.

Sincerely,

Harold Weisberg



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

April 12, 1978

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Dear Mr. Weisberg:

Enclosed are 2,581 pages of inventory worksheets utilized in the processing of files pertaining to the investigation into the Assassination of President John F. Kennedy. These pages are releasable under the provisions of the Freedom of Information Act (FOIA), Title 5, United States Code, Section 552. The deletions made in this material are based on one or more of the following subsections of Section 552:

- (b) (1) information which is currently and properly classified pursuant to Executive Order 11652 in the interest of the national defense or foreign policy;
- (b) (2) materials related solely to the internal rules and practices of the FBI;
- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would:
 - (C) constitute an unwarranted invasion of the personal privacy of another person;
 - (D) reveal the identity of an individual who has furnished information to the FBI under confidential circumstances or reveal information furnished only by such a person and not apparently known to the public or otherwise accessible to the FBI by overt means;



Mr. Harold Weisberg

- (E) disclose investigative techniques and procedures, thereby impairing their future effectiveness.

Pursuant to the decision of the Deputy Attorney General, Office of Privacy and Information Appeals by letter dated March 31, 1978, to your attorney, James H. Lesar, no fee is being charged for the duplication of these documents.

You have 30 days from receipt of this letter to appeal to the Deputy Attorney General from any denial contained herein. Appeals should be directed in writing to the Deputy Attorney General (Attention: Office of Privacy and Information Appeals), Washington, D. C. 20530. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

Sincerely yours,

Allen H. McCreight / 10/78

Allen H. McCreight, Chief
Freedom of Information-
Privacy Acts Branch
Records Management Division

Enclosures (7)