

C.A-78-0249
EXHIBIT 9

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

At. 12, Frederick, Md. 21701
4/19/76

Dear Quin,

This and the enclosure are intended as two appeals. Both relate to cases in courts. Jim Lesar, who was already overloaded, is further 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 enclosing 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