

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

Rt. 12, Frederick, Md. 21701
6/22/78

FOIA APPEAL

Dear Quin,

This is an appeal from the denials represented by the enclosed letter of June 21, 1978 from Allen McCreight.

Mr. McCreight's letter is needlessly vague in identifying the records he states he has shipped. From the absence of any other reference to records relating to the assassination of President Kennedy I presume what he has shipped is that file.

Mr. McCreight prefers that references be to FOIA No. 62,689. This is not inconsistent with conveying the impression inside the Department that compliance is voluntary, which it is not. I believe more accurate reference is to C.A.78-0322.

Of this unidentified file Mr. McCreight states "It consists of 5,161 releasable pages." I am confident that the unidentified file consists of much more than 5,161 pages however one may interpret "releasable" within dictionary meanings.

Mr. McCreight also states that "The term 'previously processed' indicated on the inventories refers to material which was processed in Headquarters files and is already in your possession."

More than two months ago there was what I regarded as an understanding that a complete inventory of all Dallas F.O. records was to be made as those records were packaged for shipment to Washington and that I would receive a copy of this inventory. I have not received any such list or inventory.

Mr. McCreight's use of "material" to describe records is an ambiguity. My prior experience is that the copies from field office and Headquarters files are not identical records. In discussion with Department counsel prior to the packaging of these records for shipment to Washington I made it clear that I intend my request to include all copies of all relevant records from any and all files. Were this not true and were this not my request the reality is that any other arrangement is unworkable because there is no way of making correlations. There is no means by which it is possible to locate any relevant FBIHQ record from any reference in any field office file. There is no means by which identification of a record in one can be made from reference to it in another.

If you desire further explanations based on my prior experiences with such FBI arrangements I will provide them. I offer the opinion that were none of what I state true it would still be much easier and much less costly to provide copies than to litigate.

My prior experience with referrals to other agencies leaves me no practical choice but to appeal. Total silence from these other agencies and an absolute FBI refusal to make even a polite inquiry of them is part of this prior experience. Delays of several years also are not exceptional, when there is belated response.

If by "inventories" Mr. McCreight does not mean processing worksheets from which no essential information is not withheld then I appeal that denial.

I have been denied a copy of the actual inventory. I also appeal that denial.

Mr. McCreight did not start the appeals clock running with my receipt of the records themselves. He started it with my receipt of his letter. Moreover, when Mr. McCreight does make responsive responses to FOIA communications, which is not his practice within my experience, time lapses are long. I invite Departmental examination of the record on this for this year alone. So while I regret the need to make another appeal I feel that in consideration of all the circumstances I must and I do.

Sincerely,
Harold Weisberg