

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

12/24/78

Dear Mr. Shea,

This relates to my prior JFK assassination records appeals that have not been acted upon and asks for expedited processing and to what I have stated to you and to the Court in C.A. 75-1996, that the FBI saddles your office with unnecessary review of unnecessary and unjustified withholding as a means of "cointelproing" the Act, requesters and the courts.

We have just filed a Reply Brief with an Addendum in No. 78-1107, C.A. 75-226 in district court. I attach copies of some of the records we used.

With regard to the exemptions claimed as a basis for withholding under FOIA there is required to be a law enforcement purpose. Director Hoover testified to the Warren Commission that the FBI's JFK assassination investigation had no law enforcement purpose. I therefore ask again what law was being enforced and again appeal the denial of any records bearing on the purposes of this investigation and/or the basis for claiming a law enforcement purpose without so stating in an affidavit or in any other record provided to me. Of course I also appeal the withholdings themselves, meaning expedited processing of them under the actual appeals of many months ago.

With regard to 62-109090-466 no exemptions are cited at all. "(S)" alone is marginally indicated at three points. Under date of 1/10/78 No. 2040 made the initial classification, citing indefinite exemption from GDS under Categories 1,2,3. Fifteen years have passed since the generation of the underlying records. Prior experience indicates classification was never justified and has been used to hide what can be embarrassing. In the ensuing years much of what remains withheld has become part of the public domain, including various kinds of surveillances. In addition these records and the underlying records relate to laboratory examinations of non-secret nature and to evidence of the same character. Moreover, long ago I asked that all classifications claimed in ongoing litigation be reviewed under the standards of the new E.O., now effective. I have had neither response nor such a review. With these matters having been in court I believe expediting processing is justified.

100-10461-9304 is a Dallas Field Office record (C.A. 78-0322) appeals^{ed} months ago specifically in the part of the appeal relating to the names of FBI personnel. Not only is this not to be done in historical cases, whether or not justified in others, Director Kelley stated that it would not be done, in this case I was led to believe it would not be done, and in most of the Dallas files, all processed early in the processing, no names were withheld. Inconsistently thereafter names were withheld, including ~~these~~^{those} not withheld earlier. In this case the withholding of the name serves no genuine privacy purpose but does serve to withhold the identification of one who is in a position to state whether or not a proper search was made, including in the case now on appeal, where precisely that is in question.

Pages four and five of 62-117290, 62-109090 and 62-3588 on these pages, was obtained by me from 89-43-9958. There has been no showing that the same information is not already available, none of any secret method and name of the withheld information being "solely" of interest to the FBI. I have already provided you with proofs of the public knowledge or various forms of surveillance in this case.

The possible relevance of other records relating to 89-43-8869 is clear from the content if one is a subject expert. Results of tests on the curbstone struck by a bullet during the JFK assassination have not been provided and the spectrographic plate (this one alone) is alleged, if not under oath, to have been destroyed, an allegation I have reason to believe is false. The bullet referred to could have caused that impact.

Sincerely, Harold Weisberg