JFK Appeals

To Quin Shea from Harold Weisberg reur office's form letters relating to my renewal of old appeals by providing new information and assigning new and bottom-of-the-list numbers to them 3/2/78

When we are overly busy and seek to solve complicated problems by form letters and perhaps inexperienced help there is always the possibility of adding complications, being provocative when this may not be the intent, and in general creating more and unnecessary work with what is perhaps intended to reduce the amount of work. Several of my cases have been forced to court this way, with considerable costs to all parties.

This leads to the two form letters I received from your administrative staff assistant in today's mail. In these current and inapplicable appeals numbers are added or provided for appeals that are three years overdue in being acted on by your office. I do not accept this and I do hope it was no more than inadvertence. However, I have reread both of my letters that are attached as part of the response and in each case, beause I was aware that a staff person who might not be familiar with the appeals might received the letters, I did provide explanations and I did refer to earlier appeals. I believe it is utterly inappropriate and that this is an understatement - to assign new numbers to appeals three years overdue in being acted upon.

My one-page letter of 2/6/79 to which the number 9-0376 is assigned, begins by reference to a request of about 11 years ago, appealed at least three years ago, and the subject of a fair amount of one-sided correspondence in my effort to obtains compliance or action on the appeal. In this first paragraph I provided proof that the FBI had engaged in a similar unjustifiable withholding with another requester, which is causing more work and cost, including for the Department.

If by any chance there is any doubt within your office about the requests I've made and appealed I can only wonder why I was asked to spend the time I've been asked to spend in helping your staff reconstruct what the FBI has not porvided relating to my requests and the list of some two dozen, all appealed three years ago. As this paragraph states that request is without compliance. ("without any response") I amplified this appeal on a number of occasions in the past year. It is on the list I provided.

The last paragraph, which adds information and provides a possible improper motivation for clear and deliberate violation of the Act, concludes with regard to this first paragraph "These reports are within my initial request and appeals."

I regret that from this it is easy to wonder if the appeals staff is so insensitive to the word appeal that it no longer recongizes it.

The other four paragraphs all rebate to King assassination appeals, all of the past and all involved in the Court's involvement of you personally in C.A.75-1996, The records should have been provided years ago. Here, after the age of the appeals, when I call to your attention that the public domain is being withheld, [redacted] INCLUDING MY NAME one who has provided a privacy waiver I filed, I find it incredible that I am left to wonder from the partly obscured and entirely unexplained markings if that also is a new appeal to your staff

Last August or September I provided Department counsel with tape recordings of the two men in question going public as FBI informers. One held regular press conferences and was all over TV. This is Patterson, whose name along with that of Geppert was withheld in records I had just received. Geppert's tape I also provided, from St. Louis TV. Is this also in the new appeals number assigned?

It happens that I have written you further about this subject, after receiving part of the Patterson field office records from St. Louis only. Perhaps it had not reached your office by the time this form was prepared. Or reached another although it was addressed to you. This letter refers to what you personally testified is improper use of exemption b2, and after your testimony. I have amplified this much in the subsequent appeal from denials in the [redacted] of Patterson's about 800 pages. More than a third of the total release, the largest of the volumes I checked, made the b2 claim after you testified it is inappropriate in such situations. For EVERY many more 100 documents.

This is the only part of my letter, attached to the form, that appears to have been regarded as any form of appeal, even where I used the word. I make this guess because opposite this paragraph I can make out an "AP" clearly and presume the part of the next letter is more indicative of a "P" than an "A." None of the marginal markings is complete on the copy provided, or explained.

The second form letter assigns the new [redacted] number of 9-0377 [redacted] my 2/5/69 the second sentence of which begins "You are also aware that long ago I filed an appeal from denial," followed by further references to appeals. I find it incredible that when a long explanation of the consequence of their violation of my rights under the Privacy Act, copies of which I provided, reached your office someone decided to treat a repeated repeal of three years ago as suitable for going to the bottom of your long list of appeals on which you have not been able to act. Obvious this represents what I cannot and do not accept.

Nor do I avoid calling to the attention of you and your staff that if my appeal had been acted upon in a timely manner, even with full consideration of the backlog, this newest and on rereading my angry letter I still regard as no less than infamous defamation should have been avoided.

I would prefer to allocation this insensitivity and unconcern to overwork and under-experience than what can be taken as the obvious intent, to perpetuate this evil and what I believe is clearly deliberate abuse of PA by the FBI for now accomplished and entirely improper political purposes.

I would have thought it is obvious that in this letter I was making further response to your request relating to information relevant to my PA request, a matter concerning which I did take some time. In this, with what I again would prefer to believe any lawyer would not regard as unjustified anger, I was calling attention to new (to me) violations of my rights under the Act.

Some time ago I asked for a review under the new E.O of all classified withholdings from me. On page 2 I refer to the continued classification of a record relating to me that is more than 30 years old. That was not normal under the old E.O. and I believe does require a special review under the new one. I did make this request. There is no mark of any kind near it. This is an entire withholding. Yet where there are marks, on the first and last pages only, there is reference to what is not complete but appears to say I'm appealing only excision from attachment.

On page 4, based on the history cited and the fact that there supposedly is a review under the appeal in progress, after citing what I believe is prohibited under PA, I state what has no mark or acknowledgement,"I believe a proper review of this matter begins with my first letter to the FBI" and should include all involved. It is not only that I appealed total denial three years ago. It is that, as I state I think clearly enough, once I started correcting the FBI's fabrication it ceased any compliance. That was in about 1976. Even then, when I did cite the Act, those corrections are not provided and were not provided when there was the misuse of FOIA and PA to libel me permanently. I regret that this was met with kind of complaint no more than an inappropriate form letter and a go-to-hell number for a new appeal.

So that I might still have some of what relief may be possible, on this same page I ask if I have provided certain other evidence. No response. No mark. Only a new number.

My inquiry was prompted by the difficulty of access to the original. My wife has since found a copy and I have used it for another purpose but I take it that the Department has no interest from this non-response.

On the last page, in this order, I can make out am underscored A and part of what I take to be a B, then an R and what is probably a B. I take the first to mean that your office interprets the first of these paragraphs as a new appeal. In no sense is it. Those records were provided after appeal. In the confusion created by officials who intially refused to give me numbers and then cited them only arbitrarily and capriciously I cannot provide you with a number. But without any question I provided you with a long-overdue record just received under PA and my request of the FBI, of about 10/75, was appealed early the next year, when I had received no record at all.

This also is true of the next parggraph. The cited news story should exist along with the asp distillate ultimately provided in response to the same appealed request. In this paragrpah I respond to your earlier request for all the leads I could give you and I say that the record reminded me, "...I was reminded of a record that exists and remains withheld." (Now if there is one thing about which the FBI appears to be consistent, it is with records relating to the Director's meetings with the press. I cite such a relevant case. The records are included within the prior appeal.)

I find this all quite disappointing, unpromising, unacceptable and I hope I will not find it will require what I will not eschew.

Harold Weisberg

I have provided your office with what I do hope is unprecedent proof of unprecedented non-compliance with FOIA and I do hope not often exceeded violation of PA. When my requests go back to January 1, 1968 and some are so simple I believe I could safely file suits pro se but under any circumstances with requests as ancient I believe I have a records of being patient and seeking to avpid all possible troubles and expenses for all parties.

If you have many appeals on which you never acted that are three years old then there are others who are also patient, but I hope you do not have that kind of backlog.

Were neither of the preceeding paragraphs true I believe the forms I received are at best inappropriate. I will make no additional comment on them until I have heard fm from you.

My prior experiences with bureaucracies long ago led me to regard them as snakes that have begun to swallow. They can't regurgitate. So once bureaucracies takes a course of malfunction I am apprehensive of continuing malfunction. Long ago I asked for a list of my appeals and their sequential numbers, I believe also where they were on your backlog of that time., now, of course, much altered.

I believe it would be good for both of us if this were to be provided.

Sincerely,

Harold