

JAMES H. LESAR
ATTORNEY AT LAW
910 SIXTEENTH STREET, N. W. SUITE 600
WASHINGTON, D. C. 20006
TELEPHONE (202) 223-5587

June 5, 1979

Mr. Quinlan J. Shea, Jr., Director
Office of Information and Privacy Appeals
Office of the Associate Attorney General
United States Department of Justice
Washington, D.C. 20530.

Re: Weisberg v. Webster, et al., Civil
Action No. 78-322; Weisberg v. Fed-
eral Bureau of Investigation, et al.,
Civil Action No. 78-420 (Consolidated)

Dear Mr. Shea:

By letter dated May 10, 1979, Mr. Thomas H. Bresson, Acting Chief, Freedom of Information-Privacy Acts Branch, Records Management Division, Federal Bureau of Investigation, advised me that the FBI has processed and released to Mr. Weisberg "all records within the scope of his requests" in the above cases, "with the exception of the 3 X 5 index cards, referrals from the Headquarters files and a portion of the referrals from the Dallas and New Orleans Field Office files." (A copy of Mr. Bresson's letter is attached hereto)

Mr. Weisberg hereby appeals from the FBI's processing of his requests in the above cases on the following points:

1. The scope of his requests. Mr. Weisberg maintains that the FBI has interpreted his requests in an unduly restrictive manner, thus denying him records that are within the scope of these requests.
2. The adequacy of the search. Mr. Weisberg asserts that the FBI has not located and processed all records which should have been located and processed. He has previously furnished the identity of relevant files which have not been searched in compliance with his requests.
3. Wrongful excisions and withholdings. Mr. Weisberg has advised me that the records which have been released to him contain wrongful excisions, and that other records have been wrongfully withheld in their entirety.
4. "Previously processed" records. The FBI has withheld voluminous records from the files of these two field offices on

the grounds that they were "previously processed" in connection with earlier releases that have been made of FBI Headquarters and field office records on the assassination of President John F. Kennedy. Mr. Weisberg contends that the FBI has withheld Dallas and New Orleans field office records which are not exact duplicates of Headquarters records (or of the records of any other field office) by labeling them as "previously processed"; that some of the records of the Dallas and New Orleans field offices that have been withheld as "previously processed" were not in fact released to him from Headquarters files or the files of other field offices; and that the documents released from Headquarters files contain many wrongful excisions which have not been challenged in court.

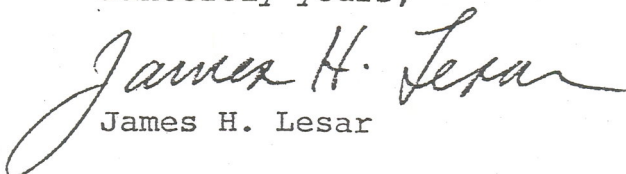
In addition, Mr. Weisberg notes that where the FBI has failed to identify the record which is allegedly identical to the withheld Dallas or New Orleans field office record, it is impossible to determine that they are in fact identical. Yet in order to know that any withheld Dallas or New Orleans record was "previously processed" and did not contain any additional information not on the allegedly identical record that was processed earlier, the FBI was required to know the exact identification of the Headquarters or other field office record that was processed earlier and to examine and compare it with the Dallas or New Orleans record. He also notes that with respect to the records of the Newark and Litte Rock field office records that were processed for another requestor, where the FBI withheld records as "previously processed" it did provide the serial numbers of the allegedly identical records that had been released earlier from the Headquarters files.

Mr. Weisberg has previously lodged numerous appeals with your office on these matters. These prior appeals are expressly incorporated in this appeal by reference. Mr. Weisberg has also informed me that he has this date mailed you some additional appeals, and that a few more will be mailed to you shortly. These, too, are incorporated in this appeal by reference.

Mr. Weisberg asks that your office conduct a thorough review of these matters, keeping in mind that the release of files on the assassination of President Kennedy has been held to be a matter of great historical interest and is therefore one which deserves the most careful attention, in order that as much information be released to the public as is possible.

If either I or Mr. Weisberg can be of assistance to you, please do not hesitate to contact us.

Sincerely yours,


James H. Lesar