

Mr. James K. Hall, chief
FOIPA Section
FBIHQ
Washington, D.C. 20535

Harold Weisberg
7627 Old Receiver Rd.
Frederick, MD 21701

3/3/84

Dear Mr. Hall,

Re: FOIPA No. 62,749, Yuri Nosenko

Your letters of 2/21 and 3/1/84 indicate that I have found a means of getting letters from you. I now face the no less arduous task of getting letters that are both responsive and truthful.

After you and the appeals office received my communications of 2/25 you wrote me 3/1 stating as follows: 1) that you write in response to my letter of 1/10 with regard to my Nosenko request (you should have been referring to more than one because I made more than one); that the questions I asked 1/10 are answered in your 12/16/83; and that my request "is being handled as equitably as possible." In stating that your "response will be forwarded to" me "upon completion of this processing" you state that the processing is not complete.

Your form letter of the 16th of December is the one in which you got confused and called me a "Mooney." It is so general in almost all aspects that it does not even state that its contents relate to this request. You do not state, for example, that referrals are involved or that some of the records are classified, although it can be inferred that you mean this. You do state that you have to consult with other agencies, that my request is being handled as equitably as possible" and that "a response to you is anticipated in the near future."

The FBI's letter to me of May 17, 1978 begins by referring to my Nosenko request it dates March 9, 1978. That six years ago. It states that a review of the Nosenko file was then being conducted - 6 years ago. Of this your 12/16 letter states that you "handle them (requests) in chronological order based upon the date of receipt." And in that letter and on 3/1/84 you use identical language to describe this as "as equitable as possible." (I presume you do not question my references to Orwell or dispute them because in your letter you do not and the foregoing is merely one of the many indications that my reference is not inappropriate.)

On August 24, 1983 you again wrote me that you are handling requests in order of receipt, again refer to consultations ~~me~~ with others, and you solicited a letter if I had any questions. I believe I did write you but I find no copy in this file.

Your letter of 12/16/83 says it responds to my letter of 11/10/83 and is captioned and is limited to my Nosenko request the number of which it gives as 90,013. One paragraph only of my two-page letter relates to Nosenko. The rest relates to a matter you have totally ignored since then, including when you and not Dan Metcalfe wrote me in response to the appeals I directed to him. On 11/9/83 you wrote me that the "bulk" of 367 documents referred from the CIA "for direct response to" me had been processed. You indicated that I have this "bulk" of JFK assassination material. I wrote you the next day requesting a list of these in any form in which it exists and stated that "I do want each and every one of these records that is not a duplicate." I also said I would pay for these, even though they are within the granted fee waiver, not to delay receiving them but in that event reserved the right to recover the payment.

Your 12/16/83 does not refer to or respond to any of my Nosenko questions. In addressing it six days later I raised a number of questions relating to Nosenko, including an estimate of when I might receive this information. Your embarrassed letter of 1/5/84 apologizes for calling me "Mooney" and corrects the FOIPA number to 62,749 but otherwise is completely nonresponsive and tells me nothing else.

The letter I received today states that it is in response to my letter of 1/10/84 and that the answers to my questions "were furnished in" your 12/16/83, your "Mooney" letter. That letter does not refer to or respond to any question I asked. I repeated

some, including "when I may expect the requested information" on 1/10 and that you do not refer or respond to in your 3/1 - in response to No. 62,749, of 1978.

I appealed both of these denials to Dan Metcalfe on 1/23/84. I have not heard from him since but on 2/21/84 you state you "respond" to it, making no reference to the Nosenko request at all and claiming with regard to the CIA referrals what clearly is not true, that "we are unable to determine positively about which referrals to (sic) CIA you are inquiring (sic)." (The second sentence in my letter to Mr. Metcalfe is "(w)ith regard to the referrals from the CIA..."(emphasis added). The copy of my letter to you attached to my appeal also refers to "referrals back from the CIA." It thus is apparent that only by deliberate misrepresentation are you able to claim that you cannot "determine" what I appealed when it clearly and explicitly is the subject of your own letter to me cited above and my response. And while your 2/21 states that in the event I meant what clearly and exclusively I meant, "(w)e expect these referrals to be returned in the near future." These are the identical referrals you told me on 11/9/83 had already been referred back to the FBI. ("The CIA has referred 367 documents...")

I wrote my lawyer about this and after writing ^{him} ~~him~~ decided to send you and Mr. Metcalfe copies. My letter to you asks that "if you believe that I have erred in any way, I will welcome specification from you. Meanwhile I renew the requests I made in the correspondence you do have and did understand..." It is only after you received this that you claim what is not true under date of 3/1/84, that "(t)he answers to" my "questions were furnished in our letter dated December 16, 1983. Your request is being handled as equitably as possible" when you have neither disclosed nor claimed exemption after an admitted six years.

In the event Mr. Metcalfe again intended for the FBI to act for the appeals office, I am sending him a copy of this letter and yours of 3/1/84.

For purposes of underscoring I remind you that you still have not given me or accounted for the Nosenko materials you (meaning the FBI) gave Carl Oglesby for him to give to the KGB.

Sincerely,



Harold Weisberg

cc: Mr. Metcalfe