



U.S. Department of Justice

Office of Legal Policy

Office of Information and Privacy

Washington, D.C. 20530

JAN 15 1985

Mr. Harold Weisberg
7626 Old Receiver Road
Frederick, MD. 21701

Re: 84-R914 and
Miscellaneous issues

Dear Mr. Weisberg:

This is in response to your letters of November 17, and 20, 1984, and December 7, 1984. You raised a number of issues in those letters.

First, you requested a list of your appeals. That request has been assigned Initial Request No. 84-R914. I am enclosing copies of the cards we have on file on all of your closed appeals. Please note that with the exception of the Dallas/New Orleans appeal, all of them have numbers assigned to them. My letter of November 13, 1984, included a list of all of your open appeals and I have therefore not included copies of those cards here. Since this action constitutes a full grant of your request, I am closing the file in this matter.

Second, I am uncertain exactly which photographs pertaining to the assassination of President John F. Kennedy you are seeking. Although you state that your appeal is neither from the action of Bureau Field Offices nor "within the JFK assassination general releases appeal" (by that I assume you mean your appeal of the action by Bureau Headquarters on your request for Kennedy assassination documents), it appears to me that the records you seek do fall within the Dallas/New Orleans (Appeal designation JFK/DNO) and Headquarters (Appeal Designation JFK/HQ) appeals. If you are appealing the failure by Bureau Headquarters to provide you with JFK assassination photographs, that appeal is indeed within your general Headquarters appeal and will be adjudicated at the time of our processing of that appeal. With regard to photographs maintained in the Dallas and New Orleans Field Offices, any such documents would fall within the main Dallas/New Orleans litigation which has been adjudicated in the government's favor in Weisberg v. Webster, No. 84-5058 (D.C. Cir. Dec. 7, 1984). Please advise me if you are seeking photographs maintained elsewhere, specifying the component or field office involved and referring, if possible, to your appeal number or enclosing a copy of your appeal letter.

Third, with regard to the other issues you raise concerning the Dallas/New Orleans records, the opinion in the Weisberg v. Webster cited above is res judicata with regard to all issues that either were or could have been adjudicated in that litigation. Accordingly, unless some newly discovered evidence indicates that something significant has been inappropriately withheld from you, I will not review again the Bureau's actions in that case.

Fourth, with specific reference to the appeals mentioned in your letters, please provide us with any other appeal numbers that concern your open fee waiver appeals as we have no record of any numbers other than those we listed in our letter to you of November 13. Also, we have no record of any open Privacy Act appeals under your name. Your letter of September 26 appeared to us to be a request for correction or expunction of records pertaining to yourself rather than to be an appeal for records pertaining to yourself. If the Bureau has denied you records pertaining to yourself that have not been the subject of an appeal, please send us their denial letter. However, if you simply believe that our appeal actions have incorrectly dealt with such issues as the scope of the Bureau's search, you must seek judicial review of our action.

Neither the Bureau nor I has any record of your appeal concerning the Hoover letter you refer to in your November 17 letter. Bureau personnel have advised me that if you can provide them with the name of the addressee of the Hoover letter and the approximate time period, it will facilitate their search. For your information, the attorney who is reviewing the Hoover Official and Confidential files has assured me that he has not seen any reference to you in those files and has agreed to notify me if he should run across any such reference.

Fifth, with regard to your reference to your Nosenko appeal, Ms. Hubbell has recently spoken again with Bureau personnel concerning the status of their processing of those records. They have advised her that the Bureau's Document Classification Unit (DCU) is nearing completion of its review of these records, the CIA referrals have been returned and they are coming near to the completion of this task. In view of the substantial delays in the processing of these records, however, they are reluctant to project a date by which they will finish work on these records. Please note that this matter is not carried as an open appeal. As I have indicated to you before, this Office simply does not have the resources to take action on appeals prior to final action by the responsible component. You do, however, always have the option of seeking judicial review in this matter.

Finally, I would like to request that you take some steps to make it easier for us to understand your letters. Please put in your first paragraph a numbered list of all requests for records and all appeals that you are making for the first time in your letter so that we can be certain that they are assigned numbers. In your letter of November 17, 1984, for example, on page 5, paragraph four, you make a request for records, which was not caught until the third reading of that letter. It would be even better if you sent a separate letter for each new appeal and each new request. It would also be extremely helpful if you would refer to each pending appeal you discuss in a separate paragraph or letter, including the identifying information I have requested above. Please do not write to us concerning closed cases unless there is clear evidence that you did not discover until after the appeal was closed that we incorrectly decided a significant issue on appeal. We do not have the resources for continued review of closed cases and it interferes with completion of the open cases. Your recourse in these matters is to seek judicial review.

Sincerely,



Richard L. Huff, Co-Director
Office of Information and
Privacy

cc: James H. Lesar, esq.
Henry LaHaie