

Criminal - JFR

Mr. E. Ross Buckley  
Criminal Division  
Department of Justice  
Wash., D.C. 20530

7627 Old Receiver Road  
Frederick, Md. 21701  
4/30/80

Dear Mr. Buckley,

Thank you very much for your letter of the 25th, which came today along with the records described in it.

As soon as I received the package I phoned Quin Shea, who was out ill. I therefore will send him a copy of this as a protective appeal, pending receipt of all the records involved.

I would like to work problems out in advance so that they can be avoided, so that all costs can be reduced and so that litigation can be avoided. It is with this hope that I offered assistance with such problems as what is within the public domain. The Department's record of withholding the public domain has resulted in considerable wasted costs. This can be because you do not have subject experts available to you.

The immediate cause of my attempt to reach Mr. Shea is the fact that when a package is too large to fit in a rural mailbox the route man is permitted to deposit it at the base of the box as long as he is not required to obtain a receipt. Today it rained. Fortunately we have a larger than usual box, and instead of placing the box on the wet roadway he put it on top of the box. Also fortunately it was not there long before someone coming here saw it and brought it to me. (Our home is in a grove of trees and the length of a football field from the road. We cannot see the box from it.) There was no real damage from the rain and the damage from the nature of the package was slight. You used a second hand box, which is fine, but it was twice too large and you used no stuffing. The records were held together only by a thin rubber band. It is fortunate that they were not all damaged severely. If the outer wrapping had been more damaged in the mail the contents would have spilled out in the mail because the box itself was not sealed.

These are important records. I want them to be in good shape when they are in the university archive where all my records will be. I'd appreciate it if you could make a safer package and used a form of mail that requires a receipt so that no package comes here during inclement weather or when I am not at home. Certified requires a receipt.

If like the FBI the Department does not have a form on which the records are described and claims to exemption are stated and explained, the list you used can be acceptable. However, notations on it in pale blue are not suitable for copying on some machines, including mine, and I am making these records available to others. Black is best if you can use it.

There is an immediate problem with multiple exemptions for a single document. You indicate these on the list that existed. However, you do not do what is practise within my experience, post the claim at the point of withholding. This additional notation is the only means the requester can have of knowing what you claim when you claim more than one exemption. The problem gets serious with long records.

(It will be quite satisfactory is on the list you merely make a note of the exemption. It is not necessary to repeat in each case that it is under FOIA. That is understood and you can save that time.)

Several alleged duplicates are noted. Mr. Shea has held that if there is a notation of any kind added they are not exact duplicates. These notations can be very important to those whose interests may not coincide with official purposes.

I note that with #412, a document pertaining to an unidentified Thomson, the claim is (b)(5). I take it that this is the late George Thomson. The year is 1965. I doubt very much that there was pending litigation.

The (7)(C) claims are not consistent with the Department's 5/5/77 policy.

Almost a quarter of the records have been referred. If you are keeping a list of them I would appreciate copies. Without it making a list is necessary. I'd like not to waste that time.

We have not moved since my 1977 request. The area has been given street numbers. Ours is on the first page. Using it saves time for the post office.

Sincerely,

Harold Weisberg