

*with JEA referrals*

To CIA from Harold Weisberg, JFK assassination records appeals 10/16/79

Appearance and quality of appeals  
Serious  
Referrals

After I recently received your letter forwarding some DBA records that had not been acted on in two years after your referral, because they were then processed for super whereas they had not yet been processed under referral, I wrote you immediately, prior to doing any checking, because casual examination showed it was not possible to identify the records and they were not assembled in sets, which further confused what was sent - I believe entirely unnecessarily.

As soon as possible after writing you these records were checked out here, against the worksheets, as I believe your office should have done.

I did not send this to you immediately because you had asked for a respite so you could do something about so many appeals about which you have done nothing. I have a box that I will send you soon.

Mr. Mitchell phoned about this day before yesterday. I was dismayed to learn the evening then he was not aware that the records provided are not all of the documents in question. This means those acted on in the request of another by EBA, not all those referred more than two years ago by the FBI or even all of those included in the Serials allegedly being provided.

Your letter stated that your action was the final administrative action open to me.

What are you trying to do, overwhelm the courts even more? How can you possibly state that no administrative action remains when you have not even checked the file you are supposedly providing? Have you any idea how much unnecessary litigation this can cause, or the extent of violation of the Act and denial of rights under the Act, this means if it is your or Department policy and/or practice?

In this case the worksheets which you did not even consult make it clear that a number of pages were not provided, do exist, and no claim to exemption is made for them. These are the same worksheets relating to which you provided what I have described and describe again as a rubber-stamp affidavit by means of which a court was misled and unnecessary litigation continued at great cost of all parties.

You call this the final administrative action? Not even minimal checking of the records or the worksheets? The records provided were not even complete, as I informed you immediately. (Mr. Mitchell has agreed to re-examine them so there will not be more of that FBI speciality, withholding by Exemption 6 or 7.)

This raises questions about the recording and quality of appeal under the Act and its time provisions about which you have joined others in the Department in making representations to the Congress. (I mailed Mr. Mitchell further information yesterday)