

Dallas (W) appeal

Mr. David G. Flanders, Chief,
FOIAPA Branch
BHI
Washington, D.C. 20530

3/15/80

Dear Mr. Flanders,

Thank you for the two boxes, which have just come, for including copies of your letter of explanation with each, and for sending them registered. I also appreciate the use of the closures on the Acco clips because this is safer for us and reduces the possibility of damage to the records.

If registered mail is more expensive than certified, certified or any means that requires to-the-home delivery is satisfactory. While as a general practice our regular route man does not leave parcels at the base of the box, under regulations not more is required and in the past this has happened. If the substitute carries the mail the possibilities are increased because the substitute always runs late and is anxious not to get later. Today there was snow and considerable runoff water at the base of the mail box, so I do thank you for taking this precautionary step.

This is an appeal and I am sending a copy to Mr. Shea. However, I believe you should be aware of the content and hope you would want to make rectification without taking the extra time appeal requires, particularly with what has not yet been processed.

It will not be possible for me to examine the records with care until after a coming court hearing and I want them accounted for and filed first. ^{So} I appeal on the basis of your letter.

You say that "in order to protect our confidential sources, classified information or personal privacy, it was necessary to withhold in its entirety any index card (or prepare a new index card where a card contained other reasonable information) which references a ~~xxxx~~ serial in the files where excisions of information, for which the original index card was ~~xxxx~~ prepared, were made on that basis." You also state that the alphabetical nature of the cards precludes complete release "since that would lead

to the identification of confidential sources or the compromise of classified information or personal privacy interests. Accordingly 404 cards have been denied in their entirety and 297 new cards have been prepared."

You state you still await action on referrals. ^{My} God! those were made in 1977!

You refer to Dallas cross-references only. How about those of New Orleans records? These are no more than your substitutions for withheld records, which ~~are~~^I accepted after improper withholding merely to expedite compliance.

You are quite late in getting to these matters and I presume I have receipt of these now because of the coming calendar call. The entire index was to have been processed some time ago but you only send the beginning of it now. Perhaps because of the passing of time or personnel changes you do not abide by the compromise to which I agreed. Let us see that you could rewrite cards to withhold identification of actual symbol informants or really confidential ~~sources~~^{sources}. In the underlying records you have engaged in extensive withholdings not in accord with these standards or those of the 5/5/77 policy statement, which I did appeal before you began to process these records I have just received.

You are withholding information that is within the public domain; that was released by the Warren Commission and published by it; that is readily available in the Commission's files at the National Archives; that more than a decade ago the FBI and particularly Director Hoover held should not be withheld; that has been disclosed, with the FBI's assent, by a number of Congressional committees; that is other than you describe; and what does not qualify for withholding under the Act and regulations and Department policy. You have even withheld in some of these records what you have disclosed in others, and duplicating this improper processing in the index ~~cross-~~^{cross-} and ~~cross-~~references merely compounds and complicates the matter. In appeals that pre-date the processing I provide proofs of the foregoing, along with an abundance of copies of the actual records.

At the beginning of this case you were not with your present responsibilities and there may have been personnel changes. I therefore recount what happened.

the day of
 On/what was to have been the first calendar call, in the afternoon, I went to Washington early, met with my counsel and prior to meeting with your counsel in his office, we met with Mr. Shea. Based on prior experiences, which include processing of records by those without any knowledge of what was within the public domain and the extensive withholding of what was within the public domain, I asked Mr. Shea if his office would agree to review the records ^{initially} as/processed in segments of about 5,000 pages, prior to processing for release. He was willing if your counsel and you were willing. We went from his office to Mr. Metcalfe's and were with Mr. Metcalfe when he was informed that Judge Oberdorfer had recused himself and the calendar call was off. This was prior to the ^departure of Washington personnel for trips to Dallas and New Orleans on this matter and the transfer of the records to Washington for processing.

Mr. Metcalfe indicated his approval because this could reduce costs and unnecessary problems and make for easier compliance.

I was to review the first 5,000 pages before any other records were processed so that problems could be met and eliminated. (I do have extensive knowledge of these matters and of what is within the public domain.) I do have an extensive card index to which I offered access, which was not accepted.)

However, this was not ~~done~~ ^{done. Instead,} all the records were processed with the improper withholdings in part indicated above and more than adequately recorded in many lengthy, detailed and illustrated appeals, which have not yet been acted on.

The existing indices, which are within the requests, were not provided. When I learned of them and their withholding, I was provided with a copy of the documents index, in which there is improper and unjustifiable withholding that I appealed promptly. This has not yet been rectified. It is apparent that all the improprieties in the processing of the underlying records were faithfully duplicated in the processing of this index, apparently in an effort to pretend that the processing of the underlying records was

There were negotiations with regard to the subject index, a very valuable record. All so-called sources were not to have been withheld. Only symbolled informants and really confidential sources, where confidentiality was promised or absolutely necessary.

The other matters are outside this agreement, based on which I have been so patient for so long a time. They are also improper. I suggest that you personally examine the published materials of the Warren Commission and satisfy yourself that you are now, actually, under the Act, withholding what prior to the Act the FBI did not withhold. If you examine the volumes with the higher numbers you will see that they are largely of thousands of pages of FBI reports reproduced in facsimile, without any excisions, and including all that you now withhold. The fact is that much of the Report and the appended 26 large volumes, some of which contain close to 4,000 sheets in facsimile, are large based on FBI materials and without excisions. In fact there is no need for them and they violate Government policy stated from the time of the Commission, that all possible information would be disclosed. There are countless FBI and Department records stating this and there are the forceful notes added by Mr. Hoover, supposedly to assure disclosure. The policy originated at the White House and was agreed to by the Department and Mr. Hoover.

Later there was the 5/5/77 Department policy, which also is violated throughout all the records provided.

The agreement did not include the withholding of any cards. It did permit the rewriting of them to avoid identifying symbolled informants. Yet in this first batch only you withheld 404. You did not have that many informants involved in the JFK investigation, from the records I have examined, and besides, these are to be included in the 297 rewritten cards.

Besides, and this is particularly true of claims to classification, which I have appealed without action, these are 1980 withholdings of 1963 and 1964 information. To an incredible extent you have the public domain classified, including quite commonly what the FBI itself disclosed earlier. From recollection this includes information about the Communist and other parties; the defunct Daily Worker and Fair Play for Cuba

Committee; a large number of CIA-related persons and organizations; Mexico information disclosed by the FBI, the CIA, the Commission and a number of Congressional committees; and even what was on international front pages.

The claims to privacy are largely if not entirely baseless and are entirely inconsistent, considering what the FBI itself has disclosed about persons of no real involvement. This includes sexual problems/~~and~~ ^{real} practices, medical, including psychiatric records, political beliefs, ~~and~~ ^{and} imagined but ~~defamatory~~ ^{defamatory}, details of pregnancies and out-of-wedlock relationships, frightful personal characterizations, allegations of criminal activity, some pretty serious, and other such matters. You have disclosed to me records ⁱⁿ ~~on~~ which FBI SAs refer to black men as "monkey faced" and "boys," pimps and drug-pushers and peddlers and users.

The FBI's record is not one of a genuine concern for privacy. When I invoked the Privacy Act long before your general JFK assassination records releases I was denied these rights and false and defamatory information was released, some pretty outrageous fabrications, like that my wife and I annually celebrated the Russian revolution. (When the White House was interested in my work the FBI gave it this and other false, defamatory and misleading information.) How much concern for the privacy of the two Oswald women, the widow and the mother, did the FBI have in disclosing the names of the men/~~with~~ whom they allegedly slept, men to whom they were not married, men who had families?

In these and in other ways you have repeated the costly errors, now admitted errors, in the processing of the King assassination records. In one of his reports filed with the Court Mr. Shea stated that reprocessing was necessary and that the FBI agrees. This could have been avoided. The result is wasted costs for all parties and violation of the law, which I would like to believe is a matter of concern to the FBI. I kept informing the FBI and it ignored all the information I provided, at considerable personal cost. In the JFK case, when my offers were rejected by the FBI, I continued to inform ^{Mr.} Mr. Shea, as you can easily learn if you have not. Again, this

has created large wastes and is violation of the law. Your cited letter continues this, assures further wasted costs and continued law violation and whatever the immediate outcome, assures further and wasted costs because there will continue to be considerable public interest in the information improperly withheld.

I hope you will reconsider this entire matter before processing and releasing any additional records because all the existing problems can be resolved readily and without any real cost.

Inevitably, and for yours to come, such practise cause justifiable suspicions about the FBI and its motives in them.

Sincerely,

Harold Weisberg