JFK-Field Offices (Dallas, New Orleans)-0322

Mr. Quinlan J. Shea, Director
Office of FOIA/PA Appeals
Department of Justice
Washington, D.C. 20530

5/15/79

Dear Mr. Shea,

In today's mail I received the attached letter from the FBI along with the records referred to. For identification and for other and now limited purposes I also attach the first worksheet page of each of the volumes.

It is not possible for me to examine these records carefully at this time. What follows is based on the cursory examination I was able to make while I was waiting for my wife, who I had driven to a medical appointment.

This is a protective appeal. I will file more when it is possible to do so.

As Mr. Bresson's letter states, the referrals on which unspecified agencies have finally acted are limited to referrals from the files of the New Orleans and Dallas field offices only. There has been no action on the 7/77 referrals from FBIHQ files, despite what you indicated to me long ago.

These are the most recent records I have received from the FBI. Despite what I understood was an agreement to resolve the "Previously Processed" problem as you will see these worksheets hold the same unexplained and unidentified entries.

In this connection I will be providing you with new proof that supposedly identical copies in fact are not identicial but a non-duplicating copy remains withhold in those instances.

The enclosed form letter from Mr. Bresson was also in today's mail. It is stamp dated yesterday and is being treated as a new request,. No. 81,586. I filed Mr. Herron's PA waiver in connection with the New Orleans FBI records while explaining where else in the JFK case records relating to him are relevant. Long ago I appealed the withholding of relevant Herron records in the King case. There has been no response. He was in Memphis on journalistic assignment, came into possession of information and gave it to the FBI. There is no indication of this in any records provided from any source in the King case. Prior to locating him and obtaining the waiver I did appeal so the searches could get started. Assigning a new number merely drops this to the bottom of the FBI's stack. It is the perfecting of an appeal to which there has been no response, not a new request.

With regard to the attached worksheet pages, reference to "Previously Processed" above is illustrated on the first by the four entries on this single page which contain no citation of where allegedly previously processed.

Serial 286 on the second attached page relates to what I appealed perhaps a year ago. (There is a companion teletype not listed here, based on the same information and withheld.) My appeal stated that the withheld information is not subject to classification or withholding and that it is within the public domain. This is not denied. It is merely ignored and here is ~~denied~~ remains by Exemption Ignored Referral.

On the third and other pages failure to act by agencies with no known FOIA backlog is recorded, State and INS. This is true of IRS on the fourth page.

The covering letter does not claim that the classifications are in accord with the standards of the new E.O. or that there has been a review of them under these new standards. I request such a review and such assurances, along with the assurance that the withheld and classified information is not within the public domain.

The records are all more than 10 years old.

After I informed you that the Mexico matters were within the public domain there was public Congressional testimony in which both the FBI and CIA cooperated. But this was last year, raising questions about FBI withholding this far into this year and continued classification of that information.

In this connection I want to emphasize that there has been no denial of my statement that the information is within the public domain. Instead this has been ignored. Also ignored is the copy of the Director's letter to the Secret Service Director in which the information is summarized that I provided. (I did not get it from the FBI. To the best of my knowledge the FBI withholds it after it also is within the public domain.)

Now it happens that this information is within a specific request I made in 1975, one of those many ignored requests, some going back more than a decade. It also happens that the CIA, to which referral was made, has stonewalled the same request for the same length of time. It happens, too, that the withheld information includes what is embarrassing to the intelligence agencies.

Some of the withheld information was disclosed to settle another lawsuit. Some of the withheld information was disclosed by the CIA itself several years ago.

When a college student who was using my files as part of a study of the functioning of federal agencies asked me a question about one of the CIA's disclosures (of what it now withholds by not acting on my request or the referral) I made a copy of it to send you. It was provided to me by another, who may have added the notation on the side. It is dated 10 Oct 63 and bears the CIA number 74673.

With time to search my files I could provide much more of this but I believe the burden is on the Government and on appeal is on you. Meaning the FBI and the Department. I do not mean this personally.

There can be additional motive for continued withholding from the fact that Department counsel has provided untruthful affidavits to the propriety of the withholding and the classification in one of my FOIA suits. After I provided proof of the untruthfulness of these affidavits, also under oath, neither the Department counsel nor the FBI withdrew those affidavits.

In the continued hope that some of these problems can be resolved voluntarily, outside of court and without the continual overloading of the appeals machinery I am providing a copy to Mr. Bresson. Sincerely, Harold Weisberg Harold