

Exemptions ~~have~~ claimed FBI/JFK

Mr. David G. Flanders  
FOIA Branch  
FBI  
Washington, D.C. 20535

5/29/80

Dear Mr. Flanders,

Your letter of May 21 refers to mine of March 17 in which I report disagreement between the JFK assassination records cross-references and the records. You say that these cross-references were prepared in order to process the Dallas subject index. You also say that "it is not necessary for the processing of the special index that the exemptions placed on the cross-reference list agree entirely with the worksheets prepared when the underlying were processed."

You make no reference to exemptions claimed for the index being processed.

What you appear to be saying is that for the FBI inconsistency and error in claims to exemptions are immaterial because the only important thing is to make some claim to exemption and it doesn't make much difference what claim is made as long as some claim is made. You also appear to be stating the FBI belief that not informing or confusing or misinforming an FOIA requester and doing the same with a significant national record is a matter of no consequence.

That these cross references were prepared for the processing of the Dallas index appears to be an improvisation.

The Dallas index does not cover the entire period included in the cross references.

The information provided to me is that the cross-references were a compromise in order that all the field office files not have to be processed because there were extensive withholdings in them on the claim of previous processing in FBIHQ records. The cross references are in substitution for the withheld field office records, which without them are not identifiable in FBIHQ records they are said to duplicate.

Of course the information provided to me may not be correct, but it is that the processing of the index began before the compromise on cross-references was reached.

With regard to Dallas 89-43-119 and HQ 62-109060-10<sup>2</sup> where no claims to exemption are posted on the record and the worksheet claims "outside scope" you say that nothing was withheld as outside scope. Where claims to exemption are made only on the worksheets and there are multiple claims the requester and the historical record have no way of knowing what claim is made for any exemption. For practical purposes this means that you withhold without claim to exemption. However, on outside of scope, why should this have been posted to a record that is part of a file where the entire file was to be disclosed? Nothing is outside of scope where the entire file is to be disclosed.

I don't think you have explained anything. I do think that you have again reflected on FBI lack of concern over the integrity of its processing and representations.

If what I say I was informed is not correct I would appreciate being informed.

Sincerely,

Harold Weisberg