

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

Rt. 12, Frederick, Md. 21701
7/2/78

Dear Quin,

In this I amplify my prior appeal relating to the Dallas JFK assassination records.

I have now gone over all but the clippings that Mr. McCreight sent me.

I believe that prescribed administrative procedures were not followed. I know the Attorney General's public policy statements have not been adhered to.

There are several kinds of withholdings. One is by the device of claiming "previously processed," which in files so vast is utterly meaningless. Can one guess the number of teletypes and airtels that flowed out of Washington on any given day? So if there is a reference that is comprehensible in the worksheets it is meaningless. (On this, prior to the sending of these files to Washington and based on prior similar experience I informed the Civil Division that I would find this kind of procedure not acceptable and if necessary would litigate it.)

There is withholding by improper and unsupportable claim to exemptions. I am asking for a review of the exemptions claimed, which include the elimination of what the FBI may regard as mere administrative markings but to me are not. These notations, which are of various kinds, have substantial meaning and importance, particularly in this kind of a case. As the FBI got farther and farther into the review of these records it began to claim exemption for what it in the earlier records did not claim is exempt. This came to include what the FBI had earlier released, the names of agents and FBI officials of higher rank, even what I had published years ago.

In particular I ask for a review of the b1 claims and 7D, which is now being used as a substitute for 7C where that would appear to be dubious at best. I ask that the b1 claims be reviewed in light of the new policy I've just read about in the papers.

Another form of withholding is the withholding of entire files, from Mr. McCreight's letter and from other proofs in my possession. He informed me that he would be processing three files only. There are more. In addition, in the 89-43 file he processed only the newspaper and citizens' letters Subs, if all of them.

There was an inventory that existed prior to the beginning of this case. That is withheld from me. One was to have been made on this case before the files left Dallas. That also was to have been provided. It is withheld.

(In the records I did receive I find more evidence of continued withholdings from me under my name by now gray-bearded request for records or or about me.)

Because of my prior experiences with the FBI in FOIA matters I am reluctant to specify outside of court what files it is withholding in ~~its~~ their entirety but files are withheld in their entirety. Even the records that were provided give me proof of this, the FBI is that heavy-handed in its opposition to compliance.

There is the well-known and widely-reported case of the Oswald note to the FBI and the FBI's investigation of that matter. This was also the subject of Congressional testimony. It was reported that the FBI conducted an investigation of this. Not one record of this investigation was provided. There were a couple of news accounts and some isolated hand-deliver memos but nothing else. The record that is public is that affidavits were taken from all FBI Dallas employees of that period. Not one is provided, not even a mention of one.

This case also illustrates what I've observed in all my cases, the waste of large amounts of time and money in an effort to appear to comply while avoiding complying. But nobody in the Department appears to care, except to complain about costs.

In this case a newspaper clipping was separate from the record provided (not infrequently, I mean, not just in one case) and entries were made on the worksheets indicating the unrecognizable clipping was "previously provided." Would not merely xeroxing the clippings have been less costly?

If the entry "previously provided" was made from a list there is no certainty that such a record was in fact provided. Whether made from a list or from actual review, was it not as easy to provide a citation as to provide these meaningless words? It is really worse than meaningless - it is an invitation to error by guessing.

I believe that one of the factors involved in this method is the FBI's fear that I will again catch it in dirty FOIA tricks, as often enough I have. It fears that if it processes a record that it has already processed from a different file it will, from its intense desire to withhold, withhold what may have been released.

So I'll tell you now. (If again not all.)

In this case it withholds what the Warren Commission released. And in this case it discloses what it still withholds, after my appeals and my providing it with specific proofs, in another case. I mean after more than a year, too.

If I didn't say it above, in this case it withholds and provides the same name about the same matters when they are separated by some time and perhaps when different analysts processed the records.

I write you in haste in the perhaps futile hope that these kinds of abuses can be avoided in the records not yet provided.

This file also discloses a conflict of interest. The FBI has rehired the former supervisor who was in charge in Dallas, Robert P. Gemberling. It includes reference to his retirement but strangely does not include the prime-time TV news coverage of his going on the lecture circuit (at \$1500 plus per appears in which he says how great he and the FBI are). Yet it does include permission for him to talk to a local reporter. Half-way cover of the deal. A deal in which he is in a position to withhold what is embarrassing to him, personally, not just to the FBI. It is a pie-card. Without doubt he is a subject expert but he sits in judgement on himself and his past.

Now if the FBI should claim I can't appeal appearances, with records I can and I do. With regard to Mr. Gemberling I appeal the withholdings of the records not provided. And with the records it has just provided in this case I'll be informing the judge in the King case. In response to an item about help to other writers the FBI's response in the King case is that it never helps other writers. In this case it has provided the details of how it arranged for free and push quarters for Jim Bishop, in that item in the King case. Then gave him information. Then noted that he would submit his book in advance to the FBI. In the King case the FBI actually planned to plant its own book with Bishop, by the way, forgiving him what it regarded as its pomposity.

I don't mean to bore you, merely to add details to the appeal.

Sincerely,

Harold Weisberg