

JFK and MLK assassinations records appeals Harold Weisberg 2/24/80
Historical case standards stated by FBI but not adhered to
FBI discrimination against my FOIA/PA requests

In 62-109060, Section 183 there is a 10/22/75 McDermott to Jenkins memorandum whose serial number should be higher than the 740 that is visible on it. It pertains to an upcoming FBI review of still withheld Warren Commission records, including a number of classified records. It refers to FBI FOIAPA practise as the processing of requests "in chronological order" (page 1), which is entirely inconsistent with my experience.

The historical case standard (page 2) is proper but is not practise in either the JFK or King case: "The FOIAPA Section is of the opinion that we should withhold material in this review only where there is an absolute, compelling reason to do so."

By this standard the same FOIAPA Section found an "absolute, ~~compelling~~ compelling reason" to violate an Order of the Court in C.A. 75-1996 and withheld FBI names and in the JFK cases found an "absolute, ~~compelling~~ compelling reason" to withhold what the FBI itself had earlier disclosed in the same records. In both cases there was this "absolute, compelling reason" to withhold the public domain and to continue to withhold it after I informed it that it was withholding the public domain.

The standard for "third party privacy" is that the exemption should be claimed "only where the matter is of a deeply personal nature and where disclosure would be clearly unwarranted."

You understand, I hope, that I provide an illustration merely as it comes to mind, not necessarily the best and certainly not all of them. In C.A. 75-1996 the FBI withheld the names of men arrested for robbing the Bank of Alton, Ill., the bank the FBI conspiracy theorists want it believed was robbed by the Ray brothers to finance James. This information is not secret. The judge told the FBI not to withhold it. Because the FBI has not since replaced those records, in three years or more, it must have absolute and compelling reasons not to. But can those reasons be from this stated policy? Clearly not.

The same standards supposedly apply to classified records but they were not applied in my King or JFK cases.