

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

Rt. 12, Frederick, Md. 21701
1/19/77

Dear Mr. Shea,

This is my appeal from the decision of the FBI stamp dated 1/18/78, a copy of which I attach for your convenience.

I am not contesting that there is claim to exemptions. I am contesting that there simply is no means by which I can appeal any one exemption. This situation has been created by the FBI. Deliberately created and persisted in after I appealed it in OIA. 75-1996. By making a blanket claim to seven exemptions in almost 60,000 pages the FBI has de facto negated the law and denied me my right to appeal any one withholding I might regard as improper.

The FBI has gone farther and eliminated the possibility of my using the worksheets as a means of deciding for myself which exemption might have been applied to which withholding. I made FOIA request for the worksheets and related records under date of December 6, 1977. As of today I have not even had an acknowledgement of this request. The elapsed time is 44 days - under a 10-day law.

Not that an applicant should have to - or even be able to decide for himself which exemption is being claimed on pages where not uncommonly more than a single exemption is claimed in hundreds of worksheets I have examined with care.

For a reason never given to me you have approved obliterations without citation of the exemption claimed at the point of obliteration, as you have approved withholding entire pages and entire records of many pages without so much as a blank piece of paper to represent these withholdings or to record the exemptions claimed for the applicant.

As you are aware I have had quite extensive experience with FOIA and with the FBI's and the Department's records and withholdings and forms for FOIA use. You may not be aware of it but the FBI revised its worksheets pursuant to suggestions I made. That of which I now write you represents the total waste of time for the applicant and for the agency. I believe it also is not consistent with the intent of the Act if in fact it is not inconsistent with the language. As an example, in denying the applicant the basis for appeal it requires the filing of appeals that might not be necessary or the surrender of the applicant's rights under the Act.

Mr. Lesar has been more busy than usual recently, as I presume you know. He also has not been well. Therefore I write in immediate response to the form I received in today's mail. I will inform Mr. Lesar by sending him copies.

If I did not I would also be surrendering other rights under the Act, the FBI's form not indicating that a copy was sent to my attorney. You will have this by the time Mr. Lesar would be in a position to appeal for me. I thereby do not lose the time it would take him to write and for his letter to reach you.

Sincerely,

cc: Jim Lesar

Harold Weisberg