Referrals

JFK assassination appeals - referrals

Attached are the referral slips from 62-109060 Section 188 covering Serials 7605, 7606, 7607, and 7621, covering referrals to the National Archives, and 7610, a referral to ERDA. I have no recollection of having received any of these records and in fact I believe that if not entirely almost entirely referrals have not been acted upon.

The records were processed in the summer of 1977. We are now at the summer of 1979. The law is a 10-day law. Neither agency has any reported backlog.

It was about a half-year between the time of referral and the time of providing copies to me. In that time, were the intent not to stonewall, both agencies should have acted on the referrals and the FBI should have provided the records.

Why the FBI felt it necessary to refer these records to the Archives and not to refer countless other records is not immediately apparent.

The function of the Archives is that of custodian of the Warren Commission's records. Records to or from it are thus most probably in connection with disclosure or non-disclosure of ~~xxxxx~~ records. If the withheld records are of this nature then any need to make an exception of these records and to withhold them by referral has no visible explanation.

The time of these withheld records coincides with several of my FOIA cases. In one the FBI is defendant. In the other the Archives was. Having an ERDA record withheld in the same sequence of records strongly suggests a connection with my C.A.75-226 in which ERDA also is a defendant.

This is the first case filed under the amended Act, the case that in earlier form led to the amending of the investigatory files exemption. It is presently before the appeals court.

However, there is no claim to any exemption. Rather is there withholding by the subterfuge of "referral" that then is never acted upon.

Obviously I have no way of knowing the content of records withheld under Exemption Referral/Subterfuge. But with a case in court and with discovery having been ordered before the district court and with the new evidence of which the Department is aware from information I provided to the appeals court I have no reluctance in letting you know that after informing the appeals court I located other new evidence of withheld records.