

FOIA/PA Branch
FBI
Washington, D.C. 20535

1/22/80

FOIA request/appeal

Dear Mr. Flanders et al,

While this is an FOIA request and, given the FBI's record, a simultaneous appeal by a copy to Mr. Shea, I believe it is not inappropriate that I begin with a quotation of which I am often reminded by my FOIA experiences: Lord Acton said that power corrupts and absolute power corrupts absolutely.

And while I have no reason to believe that those who dedicate themselves to not complying with FOIA requests while attempting to give the appearance of striving to comply are particularly receptive to American wisdom, there is that of Santayana, who said that he who does not learn from the past is doomed to relive it.

Because I am not unmindful that this applies also to me I am compelled to file new information requests for information I have already requested and have not received and for information that the FBI does not claim does not exist or is covered by any exemption but still resists providing.

In C.A. 75-1996 my requests include all indices of any form, only I have received none. When I learned that there are abstracts and requested them, although they should have been provided in 1975, I find that the FBI is wasting my time and that of the Court in opposing providing them, with its usual constantly shifting claims, each of temporary convenience to it. The newest is that they hold no information not in the underlying records. This, of course, is true of any index. They serve the same purpose as any index, a more rapid means of retrieval than a page-by-page reading of the underlying records.

I do not know when the judge will hold what in this matter but I do know that the FBI will continue to resist compliance and to stall by the many means it has contrived over many years of our mutual experiences. (Santayana.) There are what are called protective appeals, so I file what I regard as a protective request, for all abstracts relating to the King assassination and its investigation. As the records include more and other than MURKIN records, so also does this request include other than MURKIN

abstracts. It includes all abstracts of all files and records that should have been searched in compliance with my requests, which go back to 1969, and were not searched.

If I obtain the abstracts you are resisting providing in C.A. 75-1996 then I can forget about this request. If I do not obtain them then I will expect this request to be processed in sequential order. I therefore ask that you provide me with the number.

This request also includes all ticklers. While they also are within my requests being litigated because they are a form of index and because they are King assassination investigation records, they also have not been provided. When I learned of their existence and requested them by this identification I received no response. My appeals also have not been acted upon. Therefore this "protective" request includes them and all similar records, including of the office of origin and other offices.

My experience teaches (Santayana again) me that there is only negative communication between the FBI and its counsel, i.e., how can we ~~xxxxxx~~ screw this cantankerous ^{man} old ~~me~~ it was ordained that we "step" far back in 1967? I therefore report what happened in a conference bet ween your counsel in C.A.s 7B-0322 and 0480, before any searches were made. It was agreed that to reduce all problems to a minimum the first 5,000 pages would be submitted to review prior to the processing of any additional records and I would be consulted about any questions. Instead all records were processed, meaning all that were provided, not all that are relevant, without such review and I have been forced to file appeals and may be forced to litigate many matters unnecessarily. I was also asked what other requests I intended to file. My response was that this depended on the degree of non-compliance, that if there were full and complete compliance I might not file any other such requests. As you now know I was ^{patient} ~~apatient~~. I waited almost two years before filing any other requests to obtain the information that should have been provided and wasn't. I still await, for example, the index that I was promised would have reached me months ago. (I am aware of the problem. It goes back to your not abiding by the agreement with your counsel. You have to withhold unjustifiably from the index to protect the unjustifiable withholdings in the underlying records if not also to hide the existence of relevant records not provided.)

So I do not have any JFK index for use in my work or for the archives I will leave.
Moreover, the Dallas index is not to PHHQ records. Thanks ^{to} the FBI's determination to
"stop" me I know that there are also JFK assassination records abstracts and ticklers.
I also have reason to believe that there are PHHQ indices. I therefore make a request
for all of them because whether or not they are within my prior requests they have not
been provided under the highly-touted "historical" or total release.

My reference to abstracts includes both copies because the form of each is
separate and valuable information, even if the entries are identical.

Where there is absolute power and seeming absolute immunity, which may or may
not at some point change, there also is no thought. If there were by now there would
be none of this litigation and that which impends. I do not want to spend my time
appealing and litigating. I want to spend it doing the work for which I make these
requests. When I have the information I have no need to litigate to obtain it. On
the other hand, as long as I do not have the information I am forced to continue
to seek to obtain it.

Of course I am aware that forcing me to litigate is an effective means of
"stopping" me and my work. But I can't do anything about that or influence that
decision.

I am reminded of a story from my boyhood, when I was told that snakes can't
regurgitate, and there was this snake who started swallowing his own tail....

Sincerely,

Harold Weisberg

as these abstracts are not reviewed after their preparation, they may not contain a completely accurate summarization. The abstract system was devised as a filing tool to mark the production or receipt of documents at FBIHQ. Abstracts are not used to locate documents, as no notation is made on the abstract as to who has a document. They contain nothing except what was placed thereon by the original typist.

These abstracts are filed in our Records Management Division by file number. The abstracts pertaining to FBIHQ file 44-38861, which concerns the MURKIN investigation, can thus be located by use of that number. We estimate that there are about 6,500 abstract cards which correspond to documents in FBIHQ file 44-38861.

Since these abstracts contain absolutely nothing which is not on the document itself, they are ordinarily not processed for FOIPA requesters. Processing of these abstracts for release, as plaintiff requests, will require the comparison of each abstract with the document to which it pertains, to insure that no information which was properly excised from the document as exempt from disclosure under Title 5, United States Code, Section 552 (The Freedom of Information Act) appears in the abstract. Such information would of course have to be excised from the abstract as well.

Martin Wood
MARTIN WOOD
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 21st day of
December, 1979.

Lie Ann Woleslagle
NOTARY PUBLIC

My commission expires April 30, 1984.