Mr. Irving Jaffe
Civil Division
Department of Justice
Washington, D.C. 20530

Rt. 12, Frederick, Md. 21701
2/16/77

Dear Mr. Jaffe, FOIA/PA Appeal

My wife has asked me to respond to your letter to her stamp dated the 14th. I regret your omissions alone slow down compliance and the need to appeal.

Mine is a much older request than my wife's but I still await response. By the Department's own statistics the time for compliance with my request is long since past. So, for that matter, is time for response to my appeal from the denial. I am appealing your denial in addition on behalf of both of us by a carbon addressed as you direct.

The citations of law and regulation in your letter do not include the cost, an estimate of the cost or an initial payment toward the cost. My understanding is that you should have given us a sum so that we could remit a check. I therefore ask that you accept my promise to pay for the copying of all the records you say have been located and are not being withheld and that you send them to us without further delay. We will immediately send a check in payment. By now my record of prompt payment should be amply established in Departmental records.

At the top of page two you offer us inspection at the Department. Th e request was for copies and we do want copies of all records you are not withholding.

Your penultimate paragraph refers to certain FBI records copies of which are in your Division's files. You say the FBI has received this request and will respond separately. We desire copies of your copies of these records, those you say are being released as a matter of discretion, in addition to those of the FBI. If we ever hear from them. So you can understand this compliance with my last prior request is about a year overdue. This greatly exceeds the FBI's maximum claim to bakklog and overwork.

Of course I am in the dark about what you have in mind as exempt as "intra- or inter-agency documents" but I do have knowledge of the contents of some and these were all to have been delivered to us under discovery in the litigation and were not. I do have knowledge of such records that do not fall within this exemption. They also do not fit the description of "public documents." I believe we are entitled to copies of them under PA.

You make no reference to the location of records of the Department or in its possession. There are records in Baltimore of which we also desire complete copies. Without consultation with my own files, not currently in my possession, I cannot be certain about other than Baltimore and Washington files but I believe there may well be some. We do mean to include all, of any description, location or nature and origin.

You still do not refer to files on me alone rather than those relating to my wife and me both. My request is of long standing and I would appreciate your including them when you send those as soon as possible. That request was under both Acts. On those that relate to my actions your Division has defended I am also asking for a remission of costs, as permitted by law, on the ground of their historical interest and my having already allocated them to a university archive. As your records show one of these was cited in the Senate as requiring the amending of FOIA.

Among the other files that should hold references to me are those in the case of Louisiana v. Shaw in what is now D.C. Superior Court. As I recall it you personally had some involvement in that, including a trip that is now of historical interest.

Sincerely,

Lillian Weisberg

Harold Weisberg