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William F. Tyson
Executive Office for U.S. Attorneys
Department of Justice
Washington, D.C. 20530

6/15/80

Dear Mr. Tyson, FOIPA appeal

Your letter of 6/10 forwards a few of the records referred to your office by the Criminal Division, I presume in response to my FOIA request pertaining to JFK assassination records. You do not so state and there is confusion because there should have been separate compliance by your office in response to that request as well as in response to my PA request for all records on or pertaining to me. Several months ago the appeals office reminded the various components of the PA request.

For unidentified records withheld in their entirety you claim exemptions (b)(5) and (7)(C) and (D), without claiming that no information in them is reasonably segregable. A considerable amount of information has been disclosed by the Government, particularly various Department components. It therefore is not uncommon for claims to exemption to be made for information that has been disclosed. While by a carbon copy I am appealing your withholdings, as I wish this request compliance with my PA request, I also ask you to review what you have withheld to determine if the withholding is really necessary, if you have applied an excessively broad interpretation of the exemptions and whether the claim to (b)(5) is at all justified because of recent decisions, like Constal. Loading onto the appeals office appeals that need not burden it overloads it and negates the purposes of the Act.

That your office and the Criminal Division have records responsive to my request and not within these exemptions is illustrated by the two copies of my letters not to any Department component but to the Naval Intelligence Service, which you provide. You have not provided an record accounting for the presence of my correspondence with NIS in your files or for why you referred or sent copies to the Criminal Division. For what purpose? How did your office received them, and for what purpose? One is marked "ENCLOSURE 4/" To what, and where are the other enclosures? (I see nothing in these letters that is any proper business of any Department component, and the letters to which they respond are

included in what you provide.)

It appears strange to me that Criminal would refer these records back to you without your including the basis for that Division to do this. There is no indication on the copies themselves. Thus there should be other pertinent records. It likewise appears to be strange that my letters to MIS should be in your files. I am baffled by your office forwarding them, whether or not also other copies of my correspondence with others, to the Criminal Division, which prosecutes criminal offenses. Am I suspected of criminal offenses? Is this the basis for the (b)(5) claim?

I am asking the same questions of the Criminal Division with a carbon copy of this letter.

Sincerely,

Harold Waisberg

cc: G. Shea, E. Ross Buckley