



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

701 Loyola Avenue  
New Orleans, Louisiana 70113  
February 3, 1978

In Reply, Please Refer to  
File No.

Mr. Harold Weisberg  
Route 12  
Frederick, Maryland 21701

Dear Mr. Weisberg:

We have received your letter dated January 28, 1978, in which you stated that we have applied a "limit" to your request for records. There has been no attempt by this office to apply any "limit" to your request. We have merely attempted to describe our records after a good faith search was made to locate records concerning your request.

In your letter you also have brought up the issue of a separate matter, Civil Action #75-1996, which concerns your request for Martin Luther King assassination files. As you have been previously advised, it appears that you presently possess the information retrievable in the New Orleans Field Office records concerning you, or that it is readily available to you at FBI Headquarters, Washington, D.C.

We have referred your latest communication to FBI Headquarters for any possible further processing.

Very truly yours,

FRANCIS M. MULLEN, JR.  
Special Agent in Charge

By *Joseph P. Mc Mahon*  
JOSEPH P. MC MAHON  
Supervisory Special Agent

Rt. 12, Frederick, Md. 21701  
2/8/78

Mr. Joseph P. Mc Mahon  
Supervisory Special Agent  
FBI  
701 Loyola Ave.  
New Orleans, La. 70113    FOIA/PA appeal

Dear Mr. Mc Mahon,

Your letter of February 3, in response to mine of January 28, came today. By a copy of this letter I am appealing your de facto denial to the Department of Justice in Washington. To save time I am doing this instead of having my lawyer, Mr. Jim Lesar, await hearing from me and then write you.

The obligation imposed upon you is to make a search in good faith and with due diligence. You have done neither. And you are evasive.

What may or may not be "readily available to" me "at FBI Headquarters, Washington, D.C." is completely irrelevant to a request filed of the N.O. field office. The FBI cannot on the one hand insist that requests be made of field offices and then have the field offices refer back to headquarters. My request of you was for copies of the records in your field office. You have not provided them. Instead you engage in further stonewalling. Were this not true those records would not be "readily available" to me because of distance and the condition and limitations imposed ~~by~~ by my health and age.

What "it appears" that you think I "presently possess" is also irrelevant.

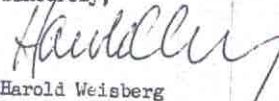
The N.O. field office has records called for by both requests. It has not provided copies of those records. This is a denial. The rest is deliberate evasion, a further effort to stall and delay and deny me my rights as it is part of a campaign to negate the Acts and to lay a false basis for an appeal to the Congress.

If my attorney has not already done so I also herewith request the waiver of all costs on the ground that I meet the requirements for such a waiver. The basis for this ~~of~~ waiver request is well known to the FBI. To a degree limited by previous FBI stonewalling it was litigated in my C.A. 77-2155 in federal district court in Washington on January 16 of this year.

In addition, I want you to know that I know of records in your field office that Headquarters has not provided in response to either request.

I regret very much that this lawless attitude continues to dominate the FBI. If you persist in forcing this matter to court, as to now you are insisting, then I will ask my attorney to consider invoking the punitive provision that are now in the law.

Sincerely,

  
Harold Weisberg

**HAROLD WEISBERG, Publisher**

ROUTE 12 - OLD RECEIVER ROAD  
FREDERICK, MARYLAND 21701

Office of the Deputy Attorney General    FOIA/PA APPEAL  
Department of Justice  
Washington, D.C. 20530