

Rt. 12, Frederick, Md. 21701
4/18/78

Mr. Allen H. McCright, Chief
FOIA/PA Branch
FBI
Washington, D.C. 20535

Dear Mr. McCright,

In your letter of April 13, which did not reach me until today, ~~you~~ you quote from what you represent as the one and only affidavit provided by Mr. Bernard Fensterwald in connection with my requests in C.A.75-1996.

You state that this is in response to my March 15 letter to the Knoxville field office. With regard to this you refer to correction of what I recall as serious factual error in their letter to me as "clarification."

Perhaps you can provide some "clarification" with regard to the Fensterwald release.

Would you be kind enough to check your files and determine whether Mr. Fensterwald provided a second affidavit? Would you then care to determine whether the limitation you interpret in the first affidavit exists in a second affidavit I think I recall?

If my recollection is correct, would you then please direct all the 59 field offices to which I did send copies of the request and affidavit to prompt compliance? The Knoxville field office is not the only one to have taken what I believe is an excessively restrictive view of the requests.

The requests in question go back more than nine years. The matter is still before the court. I have called to the attention of the FBI that it has withheld from me other records it should have provided under the waiver from James Earl Ray. Many months have passed and I have had no response at all from the FBI.

This reminds me of other claims to privacy I believe are not justified and about which I have written the FBI without response. One example of this is one J.C. Hardin. Another is Morris Davis.

There are others.

Five months ago I provided the FBI with a limited list of those who were prisoners. Since then, despite promises made to me and to the court, the FBI has been totally silent, totally non-responsive. The list was provided at the request of the FBI.

I have no desire for there to be any genuine violation of legitimate privacy concerns.

However, I also have no desire for baseless and unnecessary privacy claims to be used as a means of non-compliance.

Sincerely,

Harold Weisberg



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

April 13, 1978

Mr. Harold Weisberg
Route 12 - Old Receiver Road
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in reference to your letter to the Knoxville Field Office dated March 15, 1978. This letter has been forwarded to FBI Headquarters for handling.

Though your attorney, Mr. Lesar, states in the request letter to Knoxville dated December 19, 1977, that the request is for any records or information pertaining to Mr. Fensterwald which is contained in FBI files, the privacy waiver which you obtained from Mr. Fensterwald and submitted in conjunction with your request does not authorize the release of any records or information pertaining to Mr. Fensterwald. In paragraph two of his privacy waiver Mr. Fensterwald states "any records responsive to Mr. Weisberg's requests which mention or pertain to me." In paragraph one of the referenced privacy waiver, Mr. Fensterwald clearly identifies the requests he is referring to as "the two Freedom of Information Act requests dated April 15, and December 23, 1975, which Mr. Harold Weisberg has made for Department of Justice records pertaining to the assassination of Dr. Martin Luther King, Jr. A perusal of Mr. Fensterwald's privacy waiver results in a determination that Mr. Fensterwald has granted you a very specific and limited waiver. The release of any records pertaining to Mr. Fensterwald which does not meet the criteria of his privacy waiver would constitute a violation of Mr. Fensterwald's privacy rights by the FBI. Should you acquire another privacy waiver from Mr. Fensterwald, we shall gladly conform to any standards he should set forth therein.



Mr. Harold Weisberg

For clarification purposes, Knoxville's letter dated March 9, 1978, should have been captioned Freedom of Information Request of Mr. Harold Weisberg, and sentence two should have read: The Knoxville Office of the FBI does not have any records concerning Mr. Fensterwald which pertain to your April 15, and December 23, 1975 requests.

Your patience and cooperation are appreciated.

Sincerely yours,

A. H. McCreight
Allen H. McCreight, Chief
Freedom of Information
Privacy Acts Branch
Records Management Division