

Mr. Allen H. McCreight, Chief FOIA/PA Branch
Records Management Division, FBI
Wash., D.C. 20535

Rt. 12, Frederick, Md. 21701
12/6/77

Dear Mr. McCreight,

Your letter of December 2, 1977 relating to the FBI's release of JFK assassination files came today. I regret that it requires further correspondence.

The first question I must raise, one I've raised more times than I can estimate, is why with all these reviews of JFK assassination records my many requests for precisely this public information remain without response. I have filed two dozen or more such FOIA requests. It is more than a year since your SA Howard testified in my C.A.75-1996 that the FBI had by then had three reviews of this material. It is more than a year since I testified to these requests that are entirely without any compliance since. The FBI's counsel, AUSA and staff, were present at my testimony and at SA Howard's. Various FBI FOIA personnel were present. You obtained the transcript of this testimony. I have since the time of the testimony repeated prior appeals. But to date there is the same - total - silence from the FBI and from you who sign yourself as in charge of the FBI's FOIA work.

The Act requires the production of records, not their generation. However, my PA and FOIA requests that should have yielded these records years ago also are without your compliance. My appeals of this is also without response. I therefore do not have all the records relevant to my FOIA and PA requests. I herewith repeat my requests under the Acts, intending by the repetition that you provide within the time limitations of the Acts all those records that relate to my requests. This means back to as I recall it 1968. I assume that this is your all-time record of non-compliance. Whether or not it is I want any and all such records of whatever source or nature, however generated and wherever filed or stored or described or classified by the FBI. I also solicit any explanation you would care to provide for this persisting non-compliance and the permeating disregard for the obligations imposed upon the Bureau and upon you personally by the Acts.

Aside from other and I believe obvious considerations it is a fact that some if not much or indeed all of what you are now making available should have been provided to me quite long ago. Not having complied with my requests and the Acts has, I believe, been hurtful to me and has constituted an interference with my right and ability to perform the work upon which I have for so long been engaged.

As you are aware long ago non-compliance with my requests was ordered and approved to the highest FBI levels, including the first Director. As you are also aware compliance is the present issue in my C.A.75-1996 and because of the FBI's non-compliance I am at this very moment forced to forego other work and do the work of the FBI with regard to compliance in that case. With this non-compliance being total with regard to JFK assassination records and a major factor in the 1996 case and for other reasons I believe the request in my second paragraph above constitutes justification under the Acts for expedited compliance and I do ask that of you. I want to be able to incorporate what you should provide in the memoranda I am being compelled to prepare for you and at your request in C.A.75-1996.

By the time of the date of your letter of December 2, 1977, a letter I take it was sent to many and is a sort of form letter, your representations in it were untruthful. You had in fact made an exclusive release or more than 500 pages of these "forthcoming" records to Radio Station WINS and the AP at least. You thereafter and prior to the date of your letter made duplicates available to others in the press. Whatever the circumstances of these releases it is a fact and to my personal knowledge is a fact that within this release there are records I began to ask the FBI for going back to about 1968. But your first paragraph refers to your "forthcoming release" and your second begins, "The first segment of these materials will be made available beginning at 9:30 a.m. December 7, 1977, ..."

Of course I am also troubled by your failure to notify me of your making these records available until the day prior to their availability. While I do not deceive you - I cannot use these records in your reading room - your unnecessary delay in this guaranteed that were it within my capabilities it would still be impossible for me because I have a medical appointment that precludes it.

Your fifth paragraph is also troubling. You say of these about 80,000 pages, "Materials to be released are copies from the raw investigative files of the FBI..." This is the same FBI that forced me to go all the way to the Supreme Court in a case in which I did not request "raw investigative files" by falsely representing that I had asked for such raw files and that the release of any of them at any time and under any circumstances would utterly destroy the FBI or render it forever impotent.

When you follow this with "as they were compiled chronologically in our central records system during the investigation." I am further troubled, in general and as it relates to my own requests that remain without response. Most FBI records do not even reach your "central records system" at FBIHQ, and there is no such limitation in any of my requests for JFK assassination records. This can mean, for example, that if I had all the 80,000 pages you are to release you might still not have complied with my requests.

Your concluding paragraph states that "No index of our FBI materials is available to cross-reference these materials to the public record." This is a semantical representation. The public record is only part of the records that are involved. The raw materials are often incorporated in other records, like Letterhead Memoranda and other reports. From my personal experience in FOIA cases I have learned that the FBI has a practice of noting on its field office raw materials what reports include that information. This should mean that through other than what you might describe as an index it is possible to correlate the raw materials with the other records into which parts are incorporated.

These records were processed under FOIA, I take it. This means that other records relevant to the processing were generated. These should include worksheets on which the records are listed and where exemptions are claimed the exemptions are noted. There are other records relevant to processing and review. I herewith ask for a copy of any and all records relating to the processing and release of all these records, whatever the form or origin of such records might be and wherever they may be kept, as in the Office of Origin or other points as well as in Washington. If there are other records that indicate the content of these released records I am especially interested in them because they can be a guide to content. If there is a separate list of records not yet released I ask for a copy of it also or if an inventory was made, a copy of the inventory.

Sincerely,

Harold Weisberg