

Mr. Clarence Kelley, Director
FBI
Wash., D.C. 20535

St. 12, Frederick, Md. 21701
2/11/77

Dear Mr. Kelley,

Your yesterday's letter to me states: "Reference is made to your Freedom of Information-Privacy Acts appeal for Warren Commission Document 1347. The document you requested is available at this time. This release consists of 315 pages." for this, you say, the charge is \$31.50. My check is enclosed. Based on recent experiences I do request that a substantial package be made prior to mailing. I would like it to reach me in good shape.

I also ask for a statement of the history of this and the related request to which I still await response. This other and earlier request is for a dub of a tape already public. The tape was provided to the FBI by Miami, Florida authorities in 1963. It was played in public by them about 10 years ago, as reported in a 1967 book of mine. Thereafter I published a not quite complete transcript in still another book. My initial request of the FBI is without response and must be close to 10 years past due in being responded to. So I hope you do not regard me as a little pushy in reminding you of it now and asking for compliance with it now. I will pay the cost of dubbing, as a long record between us should leave without doubt. And despite all the statistics you have put out, not always consistent statistics, I really do not believe you have any older FOIA requests except perhaps some of mine.

By a statement of history I mean to include the date of the request to the appeal of a denial of which you now for the first time respond; a statement explaining the inordinate (by any of your statistics) delay in any response, this delay going back to year before last when the law says 10 days; what special circumstances, if any, account for this delay; and a statistical representation of this request. By this statistical representation I mean how many requests were responded to after it was received and prior to your letter of yesterday. It is, you see, a request for a single record, one that requires no special search, an indelible, not merely an identifiable record. I therefore see no reason for this considerable lapse of time. On the other hand, I can see a correlation between this unexpected letter from you and leaking relating to the House Select Committee on Assassinations, if there is one, in the timing.

I am a bit bewildered by your telling me a) that you are responding to my appeal and b) that it is also under the Privacy Act. Until now I was not aware that you are the Department's appeals officer. From the letters I have received bearing your name I had been led to believe that you are the promoter of the business of the appeals officer. (This is not to say, of course, that he tends to his business.) It will probably be easier for you to explain to me how this is part of any PA appeal I have filed. While my memory is no longer what it was, it is my recollection that I do not appear in CD 1347 and in fact my appearance in it is close to impossible.

If this can be explained by a sudden PA interest you or those who write letters for you have, I'll be delighted to accommodate you with a legitimate PA request, again one long past the time for compliance by even your most tear-jerking statistics. One also long past time for response under appeal. If it really goes back to 1969 when Attorney General Mitchell told me I'd be hearing from the then Director, under your Directorship my request for any and all files on or relating to me is one that is older than any under the statistics you have had presented to federal court in one of my FOIA cases. So if you have some special interest in PA, why not use this overdue request under it for the indulging of that interest? Even I would be a bit happier if you did.

I have already invoked the provisions of the Acts that authorize the remission of fees when there is a legitimate basis for it. I enclose this check subject to my right to ask for its return under those provisions of the law because I am not using this for personal reasons but to add to an unofficial archive in the public interest. Sincerely,
Harold Weisberg