

Ms. Barbara Ennis
Director, FOIA Staff, Bur. Public Affairs
Department of State
Washington, D.C. 20520

Rt. 12, Frederick, Md. 21701
3/8/78

Dear Ms. Ennis,

Re: 810184

The FOIA form, which bears no identification, hand dated 3/3/78, in response to my request of January 20, reached me today.

Of its 11 possibilities there is a check mark alongside of one, No. 8: "Your request does not appear to fall under the Freedom of Information Act because it does not refer to records or documents of the Department."

The attached copy of my request is specific and is for identifiable records of the Department, one of whose representatives underlined these words in the request: "were not provided to the Warren Commission and are not available in the National Archives." The beginning, not underlined, states the request is for the Department's records "on or pertaining to Lee's ^Harvey Oswald."

The balance of the form at the point checked asks me to provide other information or documents. I am not required to do this by the Act.

If my request is for reasonably identifiable records I have met the requirements imposed upon me by the Act.

All agencies have and preserve lists of those records they did provide to the Commission. They also have their own original files.

If I did not have substantial reason to believe that the Department has the records I have asked for under FOIA I would not have made the request. They know what they did not give.

If the Department were willing to make an explicit denial of having any records of the description requested I believe it would have written me an unequivocal letter so stating. You have not.

This, therefore, is my appeal from your denial. Your form does not meet the requirements of the Act, including that you tell me how you prefer the appeal to be addressed. I therefore address my appeal to you.

Sincerely,

Harold Weisberg



DEPARTMENT OF STATE

Washington, D.C. 20520

Date: 3/3/78

In reply refer to
Case No. 810184

Dear Mr. Weiskung:

- () 1. Your request for material under the Freedom of Information Act, received in this office on _____ is hereby acknowledged.
- () 2. Your further request of _____ under the Freedom of Information Act received in this office on _____ concerning _____ is hereby acknowledged.
- () 3. Your request will be processed in accordance with the terms of the Act and you will hear from us as soon as possible.
- () 4. The Department of State is authorized to collect fees to offset the costs of administering the Act, and a schedule of fees is enclosed. Waiver of fees on grounds of public benefit can be granted only if the requester makes an affirmative showing of such benefit.
- () 5. Our records indicate that you have an outstanding debt of \$ _____ for services previously rendered to you by the Department of State under this Act. Regulations require that this debt be satisfied before we can proceed with your current request. You are therefore requested to send this office a check or money order for the above amount, payable to the U.S. Treasury, on receipt of which we will be happy to initiate work on your request.

- () 6. A preliminary survey indicates that your request will involve extensive consultation, and/or the examination of widely disbursed or voluminous records. An extension of 10 days has therefore been authorized by the Director, Freedom of Information Office, for processing your request, as provided for under the Act.
- () 7. Your request does not appear to fall within the limits of "reasonable definition" as set out by the Act. We are therefore asking you to consider whether your request could be more sharply defined or limited in extent, and whether you wish to state a limit for costs to be incurred. We will be happy to discuss this further with you by phone if you will tell us when and where you may be reached.
- () 8. Your request does not appear to fall under the Freedom of Information Act because it does not refer to records or documents of the Department. If you have any information as to such records or documents on the subject you now request, please inform us.
- () 9. Since your request involves records the referral of which to unauthorized persons might be construed as an invasion of privacy, we must ask you to forward evidence that you are the person described in these records (if you are applying on your own behalf) or that you are duly authorized to represent a third party whose records you are requesting. Information such as your date and place of birth and Social Security number is usually sufficient for requests concerning yourself; for third party requests an authorizing statement is required from the person you represent.
- () 10. In future correspondence on this request please refer to case number at head of form.
- () 11. Where No. 5 or any of Nos. 7 through 9 above is checked, the 10 day time limit is suspended until a reply is received from the requester.

Sincerely,

fn B. E.

Barbara Ennis
Director
Freedom of Information Staff
Bureau of Public Affairs

Freedom of Information Officer
Department of State
Washington, D.C. FOIA request

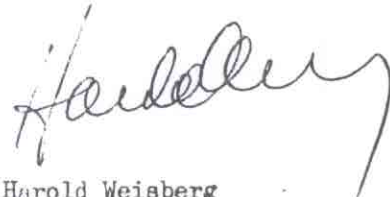
Dear Sir,

This is my FOIA request for all records or or pertaining to Lee Harvey Oswald that were not provided to the Warren Commission and are not available in the National Archives, including but not limited to his passports, travels and any investigations of either or of lookout cards and/or the lack of lookout cards, the distribution of any such records anywhere in the government, including inside the Department, any memoranda or other such records of relevant unwritten communications, any records of the withholding of such records from other requestors, and any records relating to testimony about any such matters, whether or not there ever was any such testimony.

I also request the waiver of search and copying fees as provided in the Act when it is determined that the release of the information sought is in the public interest.

If any such records existed and no longer exist I mean my request to cover all records of any disposition of any record and any investigation of the disposition of any record.

Sincerely,



Harold Weisberg

DEPARTMENT OF STATE
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BUREAU OF
PUBLIC AFFAIRS
FREEDOM OF INFO. STAFF