

Mr. Guilian Shea, FOIA/PA Appeals
Office of the DAG
Department of Justice
Washington, D.C. 20530

Rt. 12, Frederick, Md. 21701
1/19/77

Dear Mr. Shea,

This is my appeal from the decision of the FBI stamp dated 1/18/78, a copy of which I attach for your convenience.

I am not contesting that there is claim to exemptions. I am contesting that there simply is no means by which I can appeal any one exemption. This situation has been created by the FBI. Deliberately created and persisted in after I appealed it in CIA. 75-1996. By making a blanket claim to seven exemptions in almost 60,000 pages the FBI has de facto negated the law and denied me my right to appeal any one withholding I might regard as improper.

The FBI has gone farther and eliminated the possibility of my using the worksheets as a means of deciding for myself which exemption might have been applied to which withholding. I made FOIA request for the worksheets and related records under date of December 6, 1977. As of today I have not even had an acknowledgement of this request. The elapsed time is 44 days - under a 10-day law.

Not that an applicant should have to or even be able to decide for himself which exemption is being claimed on pages where not uncommonly more than a single exemption is claimed in hundreds of worksheets I have examined with care.

For a reason never given to me you have approved obliterations without citation of the exemption claimed at the point of obliteration, as you have approved withholding entire pages and entire records of many pages without so much as a blank piece of paper to represent these withholdings or to record the exemptions claimed for the applicant.

As you are aware I have had quite extensive experience with FOIA and with the FBI's and the Department's records and withholdings and forms for FOIA use. You may not be aware of it but the FBI revised its worksheets pursuant to suggestions I made. That of which I now write you represents the total waste of time for the applicant and for the agency. I believe it also is not consistent with the intent of the Act if in fact it is not inconsistent with the language. As an example, in denying the applicant the basis for appeal it requires the filing of appeals that might not be necessary or the surrender of the applicant's rights under the Act.

Mr. Lear has been more busy than usual recently, as I presume you know. He also has not been well. Therefore I write in immediate response to the form I received in today's mail. I will inform Mr. Lear by sending him copies.

If I did not I would also be surrendering other rights under the Act, the FBI's form not indicating that a copy was sent to my attorney. You will have this by the time Mr. Lear would be in a position to appeal for me. I thereby do not lose the time it would take him to write and for his letter to reach you.

Sincerely,

cc: Jim Lear

Harold Weisberg



UNITED STATES DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 RECORDS DISCLOSURE COVER SHEET
 FOI/PA BRANCH
 RECORDS MANAGEMENT DIVISION

JAN 18 1978

Subject of Request: JFK Assassination

Mr. Harold Weisberg
 Route 12
 Frederick, Maryland 21701

Dear Requester:

Enclosed are copies of documents from our files. Excisions have been made from these documents and/or entire documents withheld in order to protect materials which are exempted from disclosure by the following subsections of Title 5, United States Code, Section 552 and Section 552a. The exemption number(s) indicated by a mark appearing in the block to the left of the subsection cited constitutes the authority for withholding the deleted material. (See below and reverse side of this sheet for an explanation of these exemptions.)

<u>Section 552</u>		<u>Section 552a</u>	
<input checked="" type="checkbox"/> (b) (1)	<input type="checkbox"/> (b) (7) (A)	<input type="checkbox"/> (d) (5)	
<input checked="" type="checkbox"/> (b) (2)	<input type="checkbox"/> (b) (7) (B)	<input type="checkbox"/> (j) (2)	
<input checked="" type="checkbox"/> (b) (3)	<input checked="" type="checkbox"/> (b) (7) (C)	<input type="checkbox"/> (k) (1)	
<input type="checkbox"/> (b) (4)	<input checked="" type="checkbox"/> (b) (7) (D)	<input type="checkbox"/> (k) (2)	
<input type="checkbox"/> (b) (5)	<input checked="" type="checkbox"/> (b) (7) (E)	<input type="checkbox"/> (k) (3)	
<input checked="" type="checkbox"/> (b) (6)	<input type="checkbox"/> (b) (7) (F)	<input type="checkbox"/> (k) (4)	
	<input type="checkbox"/> (b) (8)	<input type="checkbox"/> (k) (5)	
	<input type="checkbox"/> (b) (9)	<input type="checkbox"/> (k) (6)	
		<input type="checkbox"/> (k) (7)	

The decision to withhold exempt portions of our records is the responsibility of Clarence M. Kelley, Director of the FBI.

If you believe your name may also have been recorded by the FBI incident to the investigation of other persons or some organization, please advise us of the details describing the specific incident or occurrence and time frame. Thereafter, further effort will be made to locate, retrieve and process any such records.

Your request for information concerning yourself has been considered in light of the provisions of both the Freedom of Information Act (FOIA) (Title 5, United States Code, Section 552) and the Privacy Act of 1974 (Title 5, United States Code, Section 552a). It has been determined by the Attorney General that requests by individuals seeking information about themselves are governed by the Privacy Act. In addition, as a matter of administrative discretion, any documents which were found to be exempt from disclosure under the Privacy Act were also processed under the provisions of the FOIA. Through these procedures, you have received the greatest degree of access authorized by both laws.

You have thirty days from receipt of this letter to appeal to the Deputy Attorney General from any denial contained herein. Appeals should be directed in writing to the Deputy Attorney General (Attention: Office of Privacy and Information Appeals), Washington, D. C. 20530. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

See additional information on continuation page.

Allen H. McCreight

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

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b) (1) information which is currently and properly classified pursuant to Executive Order 11652 in the interest of the national defense or foreign policy
- (b) (2) materials related solely to the internal rules and practices of the FBI
- (b) (3) information specifically exempted from disclosure by statute (see continuation page)
- (b) (4) privileged or confidential information obtained from a person, usually involving commercial or financial matters
- (b) (5) inter-agency or intra-agency documents which are not available through discovery proceedings during litigation; or documents, the disclosure of which, would have an inhibitive effect upon the development of policy and administrative direction; or which represent the work product of an attorney-client relationship
- (b) (6) materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy
- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would; (A) interfere with law enforcement proceedings, including pending investigations; (B) deprive a person of the right to a fair trial or an impartial adjudication, or give one party to a controversy an undue advantage by exclusive access to such information; (C) constitute an unwarranted invasion of the personal privacy of another person; (D) reveal the identity of an individual who has furnished information to the FBI under confidential circumstances or reveal information furnished only by such a person and not apparently known to the public or otherwise accessible to the FBI by overt means; (E) disclose investigative techniques and procedures, thereby impairing their future effectiveness; and (F) endanger the life or physical safety of law enforcement personnel
- (b) (8) information collected by Government regulatory agencies from financial institutions
- (b) (9) geological and geophysical information, including maps, produced by private companies and filed by them with Government agencies.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d) (5) information compiled in reasonable anticipation of a civil action or proceeding
- (j) (2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminal, except records of arrest
- (k) (1) information which is currently and properly classified pursuant to Executive Order 11652 in the interest of the national defense or foreign policy
- (k) (2) material compiled during civil investigations for law enforcement purposes and which would reveal the identity of an individual who has furnished information pursuant to a promise that his identity would be held in confidence
- (k) (3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056
- (k) (4) required by statute to be maintained and used solely as statistical records
- (k) (5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence
- (k) (6) the substance of tests used to determine individual qualifications for appointment or promotion in Federal Government service
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.

Mr. Harold Weisberg

Pursuant to the court order issued on January 16, 1978, you will be receiving the entire second release of JFK documents. This shipment will consist of sixteen cartons and will be forwarded to you under separate cover. These documents are being released to you without charge.