

Mr. James K. Hall, chief  
FOIPA Section  
FBIHQ  
Washington, D.C. 20535

3/5/84

Dear Mr. Hall,

Two days ago, after receiving your letter of the first, I wrote you stating you that, among other things, your letter simply was not truthful or responsive. In it you claimed that you had "furnished" the "answers to" my "questions" under date of December 16, 1983. I referred to that letter as an inappropriate and nonresponsive form letter. You were compelled to say something because "R. Metcalfe referred my appeals to you and you supposedly responded for him.

Not long ago another requester wrote me asking how long it takes the FBI to get around to doing something about an old request because, as he put it, after a year the FBI "was still asking me to be patient." I asked him for copies of the correspondence and they came today.

His request was made 1/31/83. The field office notified him on 2/4 that his request was being forwarded to FBIHQ. On May 17 FBIHQ informed him that approximately 750 pages were involved and that some might be withheld. He responded and received no response from you, so on 11/9 he wrote you again, complaining about your silence. You wrote him on December 8, almost word for word what you wrote me about an entirely different request and specific questions I asked that he did not and were not in any way involved in his request. It is apparent that two of your associates read and quoted from a form in responding to each of us, making only the most minor alterations to make it appear that we were receiving a response when in fact neither of us really did and with me, you did not answer a single one of the questions I asked.

A year after receiving his request that involved a small number of pages you wrote this other requester that "some additional delay may be encountered before the processing of your request can be completed," without saying why there might be any delay at all after the time of your claimed backlog was passed. At this point in your 12/16/83 letter to me you wrote - with regard to a 1978 request - "some delay has been encountered in processing your request," not telling me what delay or what caused it after so many years. Instead you told me that "in order to deal fairly with all requests, the FBI attempts to handle them in chronological order based upon the date of receipt." At this point in the letter to him you said the same thing in slightly different language. Then, with the exception of a single word inserted in the letter to him and inserted in what here follows in parens, you wrote us both: "The time required to process a request (,however,) will vary depending upon such factors as the volume and complexity of the material requested, the need to" ~~with~~ with slightly different language at this point to each of us but saying the same thing. Or, this confirms that instead of responding to the questions I asked or the appeals I filed that were referred to you, you employed a meaningless and utterly nonresponsive form letter.

It appears that you thus were also untruthful with this other requester because, among other things, the "volume" of 750 pages is not a "factor" that causes "additional delay" a year after you received his request. The "complexity of the material requested," another of your "explanations" to him, clearly is not any kind of factor and it simply is not truthful to pretend that it is.

Each of us was informed that processing had started months ago, each of us asked in different ways when we might expect to receive some records (he even asked for them in increments and was refused), and as of today neither of us has received a page or <sup>been</sup> given any indication when we may expect to receive so little as a single page of the records admittedly processed.

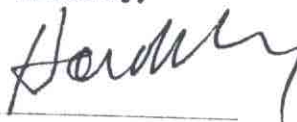
The other request also is limited to the investigation of the assassination of President Kennedy and to a field office that had relatively little involvement in it, if your letter indicating only 750 pages of records <sup>fact is 800</sup> all it has. It is, from FBI testimony in my C.A. 75-1996, a non-project type case that is handled more expeditiously. Yet in more than 14 months this other requester hasn't received anything or even any indication of when he may expect anything. Yet during this period, and referring to a time when the FBI had claimed a much greater backlog, it stated to the court in one of my cases that it would have handled my litigated request in less time if I had not filed suit. This reflect the fact that whatever the FBI does with requests for other kinds of information, it does not comply within the time of its claimed backlog when requests are for assassination-investigation information. It thus is apparent that the FBI is untruthful not only to me and not only to other requesters but also to the courts.

Serious a matter as flagrant and repetitious untruthfulness by a law enforcement agency is, it ~~is~~ is an even more serious matter when it involves law violation, as I believe this does. You have obligations under FOIA and you are, from the record I have detailed in this correspondence, in flagrant violation of the law.

In all of this you have also made a mockery of the so-called machinery of appeals and you have demeaned Mr. Metcalfe, who first referred my appeals to you instead of acting on them and then accepted, without question, your nonresponse which also was untruthful.

An "Open America," in fact or in terms of that decision, may be a joke to you and the FBI. It is not to me.

Sincerely,



Harold Weisberg  
7627 Old Receiver Rd.  
Frederick, MD 21701

cc: Mr. Dan Metcalfe

P.S. None of your letters to this other requester includes its FOIPA number. This appears to inflate the costs of handling his request and its correspondence artificially and it does not let him know where he is in your backlog. Every time you respond to me nonresponsively you also artificially magnify FOIA costs and within my experience you have misused your inflated statistics.