

Deputy Archivist
The National Archives
Washington, D.C. 20408

rt. 12, frederick, md. 21701
12/8/76

FREEDOM OF INFORMATION APPEAL

Dear Deputy Archivist,

this is my appeal from the denials in her letter of 12/6, received today, by mabel e. deutrich, assistant archivist on unindicated part.

i do apologize for the added and i believe temporary limitations imposed by a tendon problem in the right arm. i read this denial and its attachments while following doctor's orders and soaking that arm, so i must also thank the archives for brightening what otherwise might have been a boring half hour by favoring me with some of fbi director kelley's majestic use of language under "description" relating to withheld records. what impressed me most under this category is "re: this is a "description" that carries me back so many years, to the years when fables entranced me, and of these most of all that about "the emperor's clothes."

what imperial expressiveness - nothing at all!

miss, mrs. or ms. deutrich also brightened these moments that otherwise might have been so dull. the last paragraph on her first of two pages tells me that i am denied by the enclosed "letters from the department of state, the fbi, and the cia, which show the exemptions in 5 u.s.c 552" invoked. although the use of one hand might have inhibited me i find no reference to CDs 651 or 1359 in the state or cia letters.

she also plays mystery games with me, which may be attractive while i soak an ailing arm but are not under foia. in her second paragraph she tells me the denials are under (b)(1)(A), without telling me which part applies or is claimed to; and (B), without specifying what executive order; and (b)(7)(D), quoted without completeness or even specifying what, if any, law was being enforced (it was then a crime to kill a postman but it was not a federal crime to kill a President); (D) in the sense "of a ~~criminal~~ ^{records} record compiled by a criminal law enforcement authority in the course of a criminal investigation" which i have no trouble disputing wholeheartedly; (D) in the sense of "investigatory records compiled for law enforcement purpose," in which my heart falters not a bit; and (D) "an agency conducting a lawful national security investigation," this having no possible application.

unfortunately there is in this no distinction between 651 and 1359 so i have no way of knowing, if in fact either does, what relates to which cd.

recently there have been several leaks to the washington post of public information for which i had filed requests that had not been met. one was with the cia. cd 1359 is another. my requests still have not been met - you now deny one all over again - but what i have been denied has been given to the post. in fact i filed separate requests for separate items of the broader requests. the cia leaked allegations of what oswald said in mexico city after trying to talk me out of my separate request for those records months earlier. while my separate request for the withheld parts of cr1359 followed its use by the leak-accepting post, you have denied even that to me after two different reporters have told me of being shown copies, the most recent one only yesterday. while in the past you have ignored my citations of such decisions as american mail, it is my belief that any use, even if there is an applicable exemption, is a waiver.

i am sorry that it is impossible for me to keep up with your interpretations of law and exemption that vary from day to day, from political expediency to political expediency, and that i do not have the staff the government has and thus cannot reconstitute all the parts of records as your whimsy makes them available. this i have no way of knowing from this letter whether i have cd651;8-10 but would appreciate them.

sincerely,

Harold weisberg