

ATF
Mr. Paul Mooney (Robert F or L Priteleit?)
Assistant to the Director, ATF
Treasury Dept.
Washington, D.C. 20226

7627 Old Receiver Road
Frederick, Md. 21701
2/22/80

Dear Mr. Mooney,

In your letter of the 12th you state that you cannot accept my letter of the 6th as the appeal I called it because I didn't use your appeals sheet. You also insist on making a (7)(C) claim for information in the public domain, your reason being that "It would be too great a burden for this office to collect and read all the published ~~information~~ information concerning the Kennedy Assassination to determine what is or is not in the public domain. Having insisted that I have not appealed you tell me I can, which is generous of you, and that "you must identify the specific items being contested and state your arguments clearly and concisely," after which "We will be glad to process your appeal request."

If you were less concerned about being superbureaucrats and making use of FOIA a problem when it needn't be and could keep your own records and affairs straight you would have considerably less work and would spend considerably less money.

The records referred to you by the FBI pertain to both the JFK and Martin Luther King assassination and two two different cases in two different courts to which the Department of Justice has given assurances you prove to be false. If you paid any attention at all to what you sent me you'd know that it included my King assassination request of 12/23/75. For which a 1980 response is not a bit too soon.

With regard to being clear and concise, how much more of each can I be than I was when I told you I was appealing all the excisions because all you withheld is within the public domain? I don't believe I suggested that you read any published material, although all you withheld has been published. You are part of a government that has made disclosures and what you withheld has all been disclosed by that government. These are FBI records. Did you ask the FBI if it has disclosed what you withheld? Does there not have to be a privacy to protect before you make the claim? And what do you have to read to know that the name of the head of the FBI's FOIA/PA branch is not subject to a (7)(C) claim? Yet you made it - and in a case in which the judge ordered that no names of any public employees performing a public function be withheld.

At least three of your people phoned me at least three different times about an allegedly necessary extension of time. Each time I willingly said to take all the time that was necessary. This is incredible pertaining to what you sent, none of which required any time. Less when I offered to be helpful with what is in the public domain, which I recognized can be a problem.

The records are part of two historical cases, so determined by the Attorney General. He stated policy you violated on 5/5/77, or don't you recognize the AG either?

Would you prefer that your silliness and stupidity be presented to the judges sitting on these cases? Perhaps get involved in the appeals court too? Or have me file against you and then you have to produce a Vaughn v Rosen justification - for withholding what the government disclosed years ago?

The information you withheld means nothing to be but the fact and official (mis)conduct and the clarity of the public record in these historical cases do mean something to me. So will you please reprocess those records and stop wasting time and money? If you don't believe that the FOIA/PA chief's name and all else you withheld is public domain why don't you ask DJ, which referred the records to you? And please include the FBI file identifications so I'll know ~~the~~ records are involved in these cases in court.

Sincerely,
Harold Weisberg



OFFICE OF
THE DIRECTOR

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

FEB 12 1980

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, Md. 21701

Dear Mr. Weisberg:

This is in response to your letter, dated February 6, 1980, in which you stated that, "this is an appeal". We are sorry, but we cannot accept your letter as a request for an administrative appeal, since you failed to follow the procedures outlined on the Appeal Rights sheet provided you.

You were sent 61 pages of documents, some of which contained deletions. All the deletions were made pursuant to (b) (7) (C) as stated in our "List of Exemptions Claimed" attachment. These deletions were made as a result of a review of the records in our possession. It would be too great of a burden for this office to collect and read all the published information concerning the Kennedy Assassination to determine what is or is not public information.

You have the right to contest the withholding of any information. However, you must identify the specific items being contested and state your arguments clearly and precisely. We will be glad to process your appeal request when you have complied with the procedures.

Sincerely yours,

pm
Paul Mosny
Assistant to the Director
(Disclosure)