

Mr. Quinlan J. Shea
Director, FOIA Appeals
Department of Justice
Washington, D.C. 20530

7/27/78

Dear Mr. Shea, Re FBI refusal to provide copies of records in C.A.75-1996, appeal

When I tried to reach you by phone this morning it was not because I had any urgent personal need. Rather was it because I believe that what has been and remains withheld from me is part of a misuse of FOIA in an FBI news and Congressional manipulation operation that is not in any legitimate interest and may hurt the Department.

Jim Lesar has just phoned me to report further FBI stonewalling on this by SAs Hartingh and Howard, both of whom told Jim to file new requests for what is clearly within the existing requests and what was provided under discovery when it was stonewalled in response to the request.

I am sure you are aware of the New York Times story and the allegations of a senior SA falling apart with the crumbled record-keeping of the St. Louis Field Office, whose records just happen to have been included in the FBI's stipulations. The FBI's account is that only by accident did this record catch a junior FBI eye during the search for another record and that it then was sent to FBIHQ, which promptly provided it to the House assassins committee. By accident or otherwise that record should have been provided to me when it reached Washington if not separately in compliance with the stipulations.

I asked Jim to ask for it for me today. He was refused a copy and told to file a new request.

The entire story is attributed to a criminal named Byers. It involves a paroled murdered named John Paul Stika. Stika was in McPen with James Earl Ray. Part of the time he was in the same cell block. Part of the time he worked in food with Ray. There is little possibility that he was not interviewed by the FBI. The story itself is familiar to me so I believe I have read relevant records from which the names were excised. (Now that the story is out is I am correct in this I believe that if only for historical purposes unexcised copies should be provided. I do ask this.) This gets to what I told you are problems from unnecessary withholdings and especially in the context of hurting people rather than protecting them by unnecessary excisions.

My request includes all indexes. The FBI misrepresented this so I asked for them and obtained an expurgated set under discovery. Some time later I obtained a less expurgated set and a list of names of withheld prisoners from which last November I was asked to limit my request relating to prisoners.

When I began to hear from reporters I checked these copies. This is what I find, which led to my asking Jim to ask the FBI to provide what it withheld. After Sperling and before Sprunt there was in the expurgated set a name that is about as long as Spika's, cited to prosecutorial volumes and indexed to his McPen Record and description. This citation is XI-41. In the supposedly less expurgated set there is total excision by visibly stapling a piece of paper over what was copied. If this index entry is to Spika, and it is the only one that can be, it now is totally withheld, despite court-ordered discovery. And through Jim Lesar I was told that if I want it I'll have to file a new request and go to the bottom of the list - with 1969 requests, followed by 1975's.

If anyone desires an explanation of my beliefs I will provide it.

Sincerely,

Harold Weisberg