

Dear Jim, 2448 interrogatories; CIA secrecy

7/22/76

This will be too late to include in them but if you have to argue the last section and for when you draw together what we learn and perhaps what they try to hold back it may be important.

What we have been addressing is Briggs and CIA's honesty and integrity with regard to the law as it applies to them. They reluctantly pretend that the law does apply to them, that they abide by it and then they set about twisting interpretations they are never called upon to justify to convert the law into a license for secrecy, which is the most dangerous enemy of any free society.

What I started putting together with the Mexico cable and can already carry much farther with that is that in fact, in actuality as well as in law, there never was any need to mask the names I singled out and many more in those Mexico cables.

I forgot a glaring one: LEGAT. This is legal attache, or the accredited FBI rep(s). They are all publicly accredited to the Mexican government. Their names appear in all directories, public information.

There is the cult of secrecy all intelligence agencies seek to consolidate. This means they can't be subject to society's supervision and became an agency without any meaningful control and without any being even possible.

There is something else I forgot to tell you. Once I read those cable I filed an appeal and/or a request for an unmasked set. It has yet to be acknowledged. I can't begin to tell you how many times I've asked about it. They'll mention other things but never this. I did it as recently as yesterday and the day before. Each time I cite an illustration of a request not even acknowledged to no avail. Now that a year late they've admitted to me that they have accession numbers I still can't get all of mine. Even the numbers.

They build this confusion in to thwart the law and the applicant. We have to take them at good faith. It doesn't exist. They have the smiling mask of it but never the actuality.

Ink this we carry a heavier load, a greater responsibility, than in this suit. There are no others who can make the record we can that might do something toward ending this very dangerous situation, especially as exemplified by those Mexico cables, where there is a real life Strangelovian story.

I believe this is more than relevant to what is before the court - it is essential. In our case as in the wider application and need. We have to prove a negative - they did not do right with what they keep secret. This is the opposite of what the law says to begin with. It puts the burden of proof on them. In practice they merely cite claims and assume their citation is instant proof. I have not seen one honestly applied, one ever explained in any meaningful way, one that a litigant or judge could understand. So to establish to the judge what the actualities are we have to go into practices in general not just these transcripts, because they also keep the contents of the transcripts secret. Any judge who examines them in camera has to be the world's best and most widely-informed person. He has no way of knowing what is secret and what isn't. Nor does he have any way of knowing what is almost invariably true, that the secrecy does not exist where the claim of defense need is - from potential enemies. It is close to axiomatic that secrecy is from the American people only.

I didn't realize how much on this I was trying to draw together while doing the drawing together. The practice is that there were no copies ever treated as the regulations require, copies and pages got lost and nobody worried a bit. Ford's copies were at Michigan for years with no existing record that anybody was at all concerned about what TOP SECRET means. Then there is the casual letter from the Archives saying it is to be treated as TOP SECRET. No investigation to see if it is mechanically possible. None to see if

the people who will have access are secure in any way. When I went after the transcripts and they knew they'd be called to account, they abandoned the spurious classification of the May 19 transcript and merely called it a personnel record (where the law says "solely," too.). The accounting of the Dulles records is in terms of cartons! Entirely undescribed. Can it be believed that there is no need for any kind of security on the records of the former head of CIA? I saw none in skimming them in the Abzug hearings.

Imagine that he can give his records away! That they can get out of government possession if National Security is the real concern!

So what we are doing because we feel we are compelled to do it is giving the judge a wounded story. Among our needs to do it in this case is to prepare him to evaluate where specific knowledge of the contents is denied us so that we in practise have to assume the burden that is theirs under the law.

There is no way we can do this adequately without addressing the questions involved in the broadest possible way. This means practise and the concepts of the people who use the words that are those of the law in ways the law neither permits nor by any extension visualized.

One of the problems is that these people recognize what to them its a higher authority than law. It is secrecy. They equate it with national survival. Genuinely. It is their faith.

The go to church, love their families and are dedicated.

But to what? The cult of secrecy.

Yet as Robinson said he does not question their good faith.

From our extensive experience there is no basis for assuming good faith and because he has said he does not question it, when he will be called upon to act and to decide and to evaluate their good faith in these matters becomes the issue Robinson himself has made it.

Nobody ever has the balls to stand up to them on the central issue. With the record we have we can and should. If we do we can mean much for the law and make at least a beginning to fencing the rogues in the forest they have already trampled.

Here they are claiming to be reformed, admitting those of the serious abuses of the past that for years were genuinely subversive and they called them "national security." Stealing the mail regularly and for years saying it yielded no "intelligence." So they have reformed. How have they reformed? Take the case of my personal records and their lies for five years, then their feeble pretenses of having nothing. Then they begin to dribble it out, each time swearing, with Briggs the chief false swearer, that they have no more. Then they say they have more but it is immune. Then they let a little more of that out. What do we find is immune? My military records of hospitalization and transfer. Yet these are so incomplete they do not show my medical discharge or a decoration they through their predecessor awarded me. The top general himself, Donovan. They give me a page that mentions me, you have it. It is barely readable yet I have a very clear copy. They hide and claim a legal right to hide what can't be hidden and with another wasn't. They go back more than 30 years and when I was a good citizen and did for the intelligence agencies what they did not do for themselves they finally give me memos that refer to people I spoke to and worked with and claiming they are protecting against "clearly unwarranted privacy" they mask the names the memo itself shows I know!

They claim they have all but the materials I provided, the Nazi plot to overthrow the Chilean government. They do not deny FDR used it in his fireside chat on that. They do admit that I gave it to his son, a Captain working for them. Aside from the obvious, that there never was any need of hiding this from me and that FDR made it public as was then possible, what kind of intelligence agency is it that does not and cannot keep records of this kind? What does intelligence mean? What is necessarily secret, warns us against foreign hazards? And what an example Chile is, with their record in Chile!

I keep telling them I have their records they have not given me. They do not even give me what records. I keep telling them I have proof of deliberate withholding and the proof comes from them and they neither ask what it is or review what they gave me so they can learn and comply. This is not good faith it is the opposite, a powerful argument on intent not to comply.

Ryan is one of these family-living, God-fearing types who likes to try his cases on me. So let us give him the chance with the records on me and the withheld records on me as an illustration of what "national security" really means to those who are at heart and in spirit authoritarians whose intelligence operations are against those American they do not like or whose writing they do not approve.

They claim the right to secrecy on the spectro-that the FBI will crumble if it is not perpetual. Well, it is function after all those requests and it is functioning after they had to dish up what they falsely claim is all.

Some in every case, including the TOP SECRET, privacy, medical.

Well over a dozen cases.

Tell him about the press release, that it addressed the contents of my unpublished book, and we now know, thanks to the Church committee, that they kept secret files on me to use clandestinely against me inside top echelons of government and extending to the Congress.

It is not because I am subversive. It is the contrary: I am and always have been anti-authoritarian.

But these people are dedicated to authoritarianism they described as something else to themselves. This all who are for freedom of information so there can be checks on secret excesses become enemies of the state to them, as the law is an enemy of the state the way they abuse it. They know better than the law and they have this higher authority that compels them to violate it knowing they violate the law. They do this depending on power and immunity at complacency in the judiciary.

I think we want to ask that they be punished as they themselves demand punishment of those who violate other laws.

They have defrauded the judge and me and you. They have born false witness in their own true belief in what is ~~wax~~ right. I think they have crossed into perjury. With what we do have I think we should press on this before this judge and at the first appropriate moment. So he would comprehend this is one of the reasons I wanted to get all that 5/19 stuff before him as fast as possible.

At some point I think he should confront their deliberate toying with him.

If we can go ahead with the foregoing in addition to what he have started we will have proven beyond question that they toyed with us. and the law. And deliberately.

I have plans. I don't know that other work will make it possible.

I'll return to the work on 1996 papers first.

Then I'm going to have to take the time to go over all the CIA requests and responses and complete separate files on each. This will show their record of stonewalling, false pretense and even lies about receipt of requests. Aside from non-compliance- at the initial step where they have no real problem.

Then same this with DJ-FBI.

Best,