

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

RECEIVED

OCT 27 1980

HAROLD WEISBERG,	:	
	:	
Plaintiff,	:	JAMES F. DAVEY, Clerk
	:	
v.	:	Civil Action No. 75-1448
	:	
GENERAL SERVICES ADMINISTRATION,	:	
	:	
Defendant	:	

NOTICE OF FILING

Comes now the plaintiff, Mr. Harold Weisberg, and gives notice of the filing of the following three documents:

- (1) March 23, 1978 letter from Mr. Gene F. Wilson to Mr. Harold Weisberg;
- (2) March 23, 1978 letter from Mr. Harold Weisberg to Mr. Gene F. Wilson;
- (3) March 26, 1978 letter from Mr. Harold Weisberg to Mr. Gene F. Wilson.

Plaintiff submits these letters to the Court because they rebut the Government's attempt to deceive the Court as to the facts regarding a \$1400 duplication fee for records relating to the CIA's involvement in testing and research on mind control drugs.

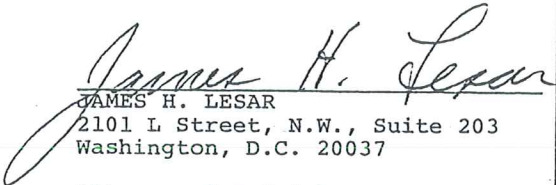
On March 1, 1978, plaintiff Weisberg wrote the CIA in regard to this \$1400 duplication fee. (A copy of his March 1 letter is attached to his reply to defendant's motion for reconsideration.) He requested postponement of payment of the duplication fee "until there is a final decision on the request for a waiver." (Emphasis added) In the meantime, the CIA had obtained a \$500 deposit from Weisberg in connection with his request for records pertaining to Dr. Martin Luther King, Jr., Dr. King's assassination, and James Earl Ray. (The \$500 deposit extorted from Weisberg--for a total of 488 pages of documents--was one-half of the CIA's alleged estimate of the actual costs.) On March 20, 1980, the CIA wrote Weis-

berg that he could either apply this \$500 to defray the costs of copying the documents on Dr. King, or he could apply it against the \$1400 fee for duplication of the CIA's mind control records. Treating the CIA's letter as a denial of his fee waiver request, Weisberg promptly appealed it. (See attached March 23, 1980 letter from Weisberg to Gene F. Wilson.)

To the best of Weisberg's knowledge and recollection, the CIA has not to this date acted upon his appeal of its denial of his fee waiver request. Accordingly, there has not been a final decision on that issue. It is still pending.

The CIA's lack of candor on this matter is another reason for requiring that its declarations be subjected to cross-examination under oath and the appropriate discovery of relevant records.

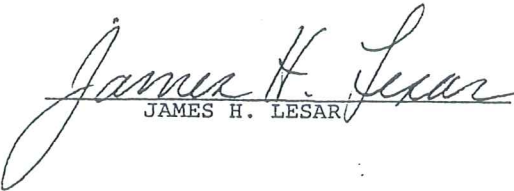
Respectfully submitted,

  
JAMES H. LESAR  
2101 L Street, N.W., Suite 203  
Washington, D.C. 20037

Attorney for Weisberg

CERTIFICATE OF SERVICE

I hereby certify that I have this 27th day of October, 1980, hand-delivered a copy of the foregoing Notice of Filing to the Office of Ms. Patricia J. Kenney, United States Courthouse, Washington, D.C. 20001.

  
JAMES H. LESAR

Rt. 12, Frederick, Md. 21701  
5/23/78

Mr. Gene Wilson  
FOIA/PA Coordinator  
CIA  
Washington, D.C. 20505 FOIA appeal

Dear Mr. Wilson,

Your letter of 5/20/78 is a refusal for my request for a waiver of all charges in either the drug and related materials request or in all my requests. From your language I am not certain that you intended addressing all of them.

It will be easier for both of us if I interpret it as including all my requests and appeal this refusal with regard to all of them.

Perhaps my recollection is incorrect but it is my recollection that your estimate in the drug case of \$1,000 in costs included both search and copying. It is in this case that you asked me I sent you \$500.

Although you do not refer to it my recollection is that this matter is not before a federal court. I therefore will do nothing about that \$500 until there is a judicial determination or perhaps some agreement between the CIA and my lawyer.

Your letter does not state that you have considered my request in the light of the Act and its relevant provisions. It also does not state that I represent that I meet the standards for the waiver. However, I did cite the Act and I did represent that I do meet the standards. Whatever your purposes were I want to make this clear in this record between us. I also want to make clear that your letter does not cite the standards, if any, by which you "considered" my request.

Unless, of course, you meant "It would be unfair to/other requesters..."

You are concerned about unfairness? You have provided to others who made their requests following mine what you did not provide in response to my requests. What you sent me most recently was under a request of long ago. You simply stopped providing those records as they were released to others. Most recently you provided some to a still newer requester. In sending them after refusing to send them you did apologize.

I regard your use of "unfairness" as I regard your decision - as arbitrary and capricious.

Sincerely,

Harold Wisberg

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

23 MAR 1978

Mr. Harold Weisberg  
Route 12  
Frederick, MD 21701

Dear Mr. Weisberg:

This is in reference to our letter of 20 March 1978 wherein we advised you that search fees were being waived in connection with the processing of your request concerning the Rev. Martin Luther King, Jr., and James Earl Ray. We have reviewed the matter further and are able to provide you with the following details which may be of help to you.

Our records indicate that we have already released 488 pages of material in response to that request. The cost of providing you retention copies at 10¢ per page amounted to \$48.80. You may, therefore, choose to apply your \$500 deposit against that amount, and the cost of future releases on this subject. On the other hand, you may also choose to apply the balance against the cost, \$1,435.70, of providing you copies of 14,357 pages of released materials in response to your request concerning this Agency's involvement in drug and behavioral research. You may, of course, also choose to pay separately, and in that case we will be prepared to refund the \$500 deposit to you.

Sincerely,

*Charles E. Savage*

for Gene F. Wilson  
Information and Privacy Coordinator



Rt. 1<sup>st</sup>, Frederick, Md. 21701  
3/26/78

Mr. Gene Wilson, FOIA/PA Coordinator  
CIA  
Washington, D.C. 20505

Dear Mr. Wilson,

Although I see no need for you to have written your letter of 3/23/78 I respond.

With regard to the King/May request, that matter is currently before a court, as you knew and I also reminded you.

Your refusal to comply over so long a period of time, your refusal to respond to letters and other such official conduct forced me to place this matter before the courts. Until I did you stonewalled. On my part I prefer to avoid anything that can be misinterpreted relating to the processes of the court. Unless advised otherwise by Mr. Jim Lesar, to whom I have been sending copies of your letters and my responses, I believe that doing anything further about your belated proposal is inappropriate for me. If there is anything you might want to raise with him in address 910 16 St., NW, Suite 600, 20006.

You also make some suggestion with regard to the 14,357 pages you withheld from me for so inordinately long. In this you ignore the written assurances I had offered you. In addition, you ignore the fact that I appealed your rejection of my request for a waiver of all costs, under the provisions of the Act. Prior to making any such suggestions I believe it was incumbent upon you to make a formal decision on my appeal and to provide me with written, specific reasons if you rubber-stamp yourself, a not uncommon official practice.

While I can take your suggestions with regard to these 14,375 pages as your decision because it so crudely ignores my appeal I believe I am entitled to specifics with regard to any negative determination and that there should be an adequate record in the event I take a negative decision to court.

You also shift your ground with regard to the King/May records. It was, as I told you, my recollection that your demand for a \$500 deposit included estimated search charges. You had written me that you never charged me for any searches. You now seek to interpret your letter as one "wherein we advised you that search fees were being waived in connection" with it. While I can understand your reluctance to face the fact that you extorted more than 10 times the costs of \$48.00 as a precondition when to now I have always paid you promptly I believe that any effort to create a false record in a matter that is before a federal court is inappropriate and unbecoming of the government.

I remind you still again that you have not responded to my repeated requests for a statement of the status of each and every one of my requests. And the appeals. These matters are now as much as more than seven years past date of compliance as stated in the Act.

Sincerely,

Harold Weisberg