

1997

Mr. Gene Wilson
FOIA/PA
Central Intelligence Agency
Washington, D.C.

Rt. 12, Frederick, Md. 21701
6/7/78

Dear Mr. Wilson,

The records you provided the Department of Justice in my C.A. 78-1997 were delayed reaching my lawyer and thus were delayed in reaching me. I have gone over them.

My lawyer is too busy for me to discuss this with him until next week at the earliest. I therefore take a few moments very early in the morning ~~is~~^{for} what you may interpret otherwise but I intend as constructive suggestions for you. I also have no reluctance in telling you what I intend to do about this, if my lawyer and the judge agree.

I do not recall from your affidavit or from any other affidavit that there is any representation that all relevant files were searched or that what you have withheld on a number of dubious grounds is not in fact part of the public domain. For the moment I restrict myself to these considerations. I believe there are others. Of the others, in this effort to be helpful to you and to avoid having to go before a federal court with what ought not have to take the time of any judge, I mention one: you have withheld, without need, justification or even admission of having the records, other relevant records that I have obtained by other means.

You are stonewalling, I think unwisely. You might want to consider balancing the considerations that cause you to do this with what I can prove in court. And what may happen if a judge ever decides he has a belly full of this. Do you really have enough to gain by deliberately withholding to offset what may yet be the consequences of what for one in your position is deliberate misrepresentation under oath to a federal judge? Is there enough benefit in this for the CIA to again risk besmirching itself? I think not. I do suggest that before I have time to respond you might want to think this entire matter through.

I don't know what is in the minds of those who go over these records prior to releasing them but due diligence and good faith are not. You have, despite the withholdings, given me proof of the existence of other records not provided.

I have also reread some of the correspondence you attached as exhibits. While I would not want to predict how any judge might react, some of your evasions are pretty childish. Where I asked for records relating to the processing of my requests, clearly to establish that they were not being processed chronologically, you claimed I was asking research of the CIA. In the light of this why don't you reread your own affidavit on this question? It is clear that my requests were not processed as they should have been and that the appeal was not taken seriously in this case.

It seems obvious to me that there is a policy of achieving non-compliance and means of rewriting the Act in court decisions. You might want to think about whether this is the kind of case in which these objectives are pursued. If you do you ~~then~~ then might want to consider how much of the CIA's activity with regard to the Items of my request was improper for the CIA. It seems to me not to be impossible for a judge to find that the exemptions of the Act do not apply to what is not within the CIA's legal authority.

One of your associates, instead of thinking as it is required to think on receipt of a request or an appeal, asked if I did not owe you money. I did not. And there never has been a time when you did not have a written assurance of payment from me. So your associate, reading my reminder that you were not complying with an old request with which you had complied in part, decided to treat it as a new request in order to stonewall me more and longer. You did not attach your letter as an exhibit but your files hold that letter and my response.

Sincerely, Harold Weisberg

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