

Dear Jim,

CIA Opposition in 1729

6/2/80

It came in today's mail. While I anticipated what I thought would be the correct response I did not anticipate that these power-crazy people would point it up as well for us as they did.

On page 2 they are Catch-22, they lie and withhold and there is nothing that can be done about it. All courts are foreclosed, they say.

This also means that FOIA cases never end if an agency is determined to withhold, the Act and requesters are frustrated and the courts remain overloaded.

They underscore the appropriate part of the Coland decision but from what I recall of it they also omit what bears on good faith or bad faith. As I recall it the court believed that the withholdings in Coland were merely accidental. That is not true in this case.

At the very least they knew of withholdings prior to the time Liebonau sat down to do his affidavit. They told nobody, not any court and not us. I had to pick this up ~~for~~ for myself and they not don't deny it.

So instead they claim I "speculate." I do not because any CIA equivalent of an FBI MURKIN record is within my CIA request and because Liebonau, as I recall it, gave us nine serial numbers, of all but the withheld 10th document. (As I think I said, I believe it was a serious error not to include that in 1996, with the copies I provided and you'd said you wanted.)

Moreover, I did not speculate on pertinence. I specified it in 1996 and without it there is no relevance to the Liebonau affidavit.

They have not responded to where I said that the FBI referred those records to the CIA before it complied with what records it provided, so there is no excuse for any allegedly missing record. I have and included the dates.

They have now done the same thing in 0249 - withholding proof that they withheld until after the appeals judgement was handed down although they knew earlier.

We have had the same thing in every case and called it to the appeals court's attention in the transcripts and spectro cases. In both the court did not reject any newly-discovered evidence per se. It said, as I recall spectro, that it was not necessary to get to that. This is not the same as what the Opposition now alleged.

There is no basis for presuming good faith and mere oversight from what I have provided and remains uncontradicted. There is uncontradicted proof of bad faith. Therefore there appears to be added Coland pertinence.

With our experiences and history I think the time has come to lay it all out before the appeals court: these people always withheld, never claim it was accidental, and on our own, after the record is closed, we learn that they have withheld and have provided the courts with inaccurate and knowingly incomplete information. Unless this is stopped we and the Courts and justice will always dangle, dangle, and turn slowly as any wind blows.

What they argue threatens the independence of the judiciary.

My hunch, if you want to play it in question form, is that the tenth record is the biography of their illegal operative or a messiah substitute.

Best,