

Mr. Richard L. Huff, Director  
FOIPA Appeals  
Department of Justice  
Washington, D.C. 20530

6/27/84

Dear Mr. Huff,

In concluding my letter of June 15, 1984, I asked you to act on some of my simpler appeals. You had informed me that, belatedly, you were addressing some of what you described as the more complex of ancient matters, all older than the claimed backlog. Also referred to in that and earlier correspondence is the referral back to the FBI from the CIA of JFK assassination records of which the FBI informed me last year without providing a single page until a few days ago.

One of the ancient matters your office has steadfastly ignored relates to the interception of Lee Harvey Oswald conversations with Cuban and Russian officials in Mexico City. Some of those records were not classified until they were being processed, when they were suddenly classified Top Secret. In my appeals I provided copies of what had been disclosed and I referred to what your staff thereafter reviewed, the authorized disclosures of the House Assassins Committee. I heard nothing and I received nothing after this review os the HSCA's disclosures. (To which, I add, I provided an index.)

It happens that I also have at least two requests filed with and ignored by the CIA for these identical materials. It also happens that in one of my FOIA suits the CIA attested that what it disclosed to HSCA could not be withheld from me, after which 100% of it remained withheld.

A former CIA official, David Atlee Phillips, was deposed by Defendant Donald Freed in Phillips' suits against him, Nos. 81-1407 and 2578, federal district court in D.C. Also present were Lee Strickland, special assistant to the USA, Launie Ziebell, associate CIA general counsel, and Paul Kittridge representing the director of operations of the CIA. All of these people were present to prevent the disclosure of any classified information.

Without complaint from any of them, beginning on page 35 of the transcript, Phillips testified that he was in charge of such surveillances in Mexico City, that Oswald's cohversations with Cuban and Russian officials relating to his effort to get a visa were intercepted and transcribed, and that at least one memo was written about the content of these transcripts of conversation interceptions. (Phillips also testified to having an inside source on the Cubans.)

It thus is apparent that what remains withheld is only the content of the intercepted conversations, a partial paraphrase of which was disclosed to another many years ago by the FBI. I do not see how what remains withheld can possibly qualify for any exemption, including "national security" and I therefore ask that you process this appeal immediately. It is one of the few matters about which I would today consider filing suit because of my age and impaired health. I would hope that you, the Department and the FBI and CIA would prefer to avoid any unnecessary litigation, despite the long record to the contrary, because the uncontested facts with regard to this matter have long been before you and are quite clear. Numerous attachments are provided along with my appeals. Your office has never raised a single question about this and related matters, either.

I suggest also that the government has a special and considerable interest in making full disclosure because failing to do so will continue to fuel the suspicions that Oswald, the accused Presidential assassin, had a special relationship with it. When even the people involved in the taping and transcription were interviewed by the press, continued withholding is certain to make people more suspicious of the government. Moreover, there always has been a great and I think overriding public interest in this matter and what relates to it. Sincerely, Harold Weisberg

*Harold Weisberg*

Mr. Launie Ziebell  
Associate General Counsel  
CIA  
Washington, D.C. 20505

6/27/84

Dear Mr. Ziebell,

Because you are chief of litigation, have personal knowledge and discussed and misled me years ago with regard to the matter about which I write, I address you instead of Mr. Strawderman (who is reluctant to respond in any event), with a copy for him for you to forward along with anything you may want to send him.

Five or more years ago, when you represented the CIA in one of my FOIA suits, I asked you when I might expect some response to my many requests, all appealed, going back to 1971. You then told me that "green lights are flashing all over the place," meaning the CIA, to indicate that belatedly these matters were then being acted on. I've not received a single piece of paper since. In that litigation you also informed two courts that what the CIA disclosed to HSCA could not be withheld from me - after which withholding remained at a 100% level.

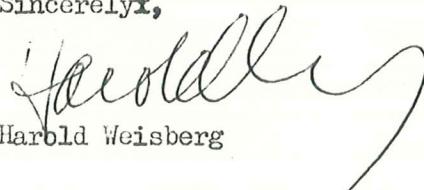
Intending that it be added to my ignored requests and appeals I enclose two copies of my today's letter to the DJ appeals office. I think it requires no further explanation.

One of my two relevant requests of the CIA is for any and all information in any way related to Oswald in Mexico. The CIA has not responded. It has not claimed any exemption. While both requests were filed before there was any HSCA, this is one of the matters the CIA searched for it. This means that no new search is even required to process the request that now is more than five years old. Also, you, the CIA's litigation chief, were present when Phillips made the public disclosures to which I refer in the enclosure.

I am aware that the CIA's flagrant violation of FOIA enables me to file suit without hearing further from it. I do not want to because of my age and impaired health and because I believe that even the CIA ought make at least some gesture of willingness to live within the law. I therefore hope that in all interests you will see to it that with regard to this one matter the CIA does respect and comply with the law and my request.

However, I am also sending copies to Jim Lesar, with a request that if his situation permits he consider filing suit if I do not have a responsive response within a reasonable length of time. If as the CIA's chief of litigation you review my recent correspondence with Mr. Strawderman my meaning will be quite clear.

Sincerely,

  
Harold Weisberg