Mr. William H. Jenkins
Freedom of Information Appeal Authority
National Security Agency
Central Security Service
Fort Meade, Md. 20755

Rt. 12, Frederick, Md. 21701
5/12/77

Dear Mr. Jenkins,

Your letter stamp dated May 10, Serial N 9136 and your afterthought of May 11, Serial N 9136 A are both in today's mail.

The second is more easily disposed of. It is simply false. You say my letter of April 11 "was not addressed properly." I addressed it to you, by name and function, at Ft. Meade, with the correct zip code. Your letter was in the envelope of still a third agency. As of these current letters you do not identify which of the agencies you are with or whether you are with all three. My letter of April 11 was returned twice with the assurance that tyere is no such person as you at Fort Meade. This sickness of secrecy is characteris tic, adverse to the genuine interests of both the agencies and the people and has as its purpose not the protection from foreign interests of what the national security requires to be kept secrect but the hiding from the people and their representatives of what the agencies suspect may be embarrassing - not uncommonly what is illegal.

I have file cabinets full of what was once withheld with no less sanctimony and claimed nobility of purpose than permeates your May 10 letter. I mean this literally, in the plural. In no case is there or was there any rational basis for claiming any exemption. Within my experience the records of agencies that were without the right to classify and the transcripts of open sessions of the courts have been classified. In the case of these two examples I had to go to court to obtain the improperly withheld public information. In both cases there had been partial publication, which in the meaning of the decisions that cpntrol on the law you say you take literally is a waiver. Yet despite even the waiver I was innundanted with assurances no less pure, no lessimpassioned, that your letter of May 10.

Just yesterday I went over a stack of such records the Secret Service had withheld for more than a decade. There is and was no basis for any withholding. It is even more true of the CIA, which regularly withholds what is public domain, with citations as forcefully and as abundantly cited as ~~yours~~ yours.

You commence on Cloud 9 or a higher one:"This Agency attributes no meanings to words of the Freedom of Information Act other than their literal definitions." If you mean the definitions of the Act they do not exist. If you mean the leteral definitions of either the courts or the dictionaries this just is not true. There is no blanket exemption because some bureaucrat like you suffering the oppression of a life of needless secrecy imagines what does not exist and explains it to himself as a "literal definition" of the language of the Act.

All of this hinges on your abuse of the word "disclose." If it is not unique with you it is not justified. My unabridged disctionary gives these definitions: "to make known; reveal or uncover; to cause to appear; allow to be seen; lay open to view; to open up; unfold." Disclosure?"The act or an instabce of disclosing; exposure; revelation; That which is disclosed; a revelation." You have to torture this to withhold what is known. That is what you do, with this request and with my PA request.

You manage to evade what I have written on this because you cannot address it honestly. The fact of interceptions, your Agency's role in them and your having copies of them is public, official testimony before open hearings of the Congress, published hearings. To provide that information is not to "disclose" it. But you keep on pretending that such records do not exist. On Oswald and on me they do exist. When I noted that the simpest way of denying the existence of the records is to manage to avoid searching the obvious files you make no response. You prate instead. I have accounts of the interceptions on

were searched and have not responded when I asked.

I presume that in your role you have at least a rudimentary knowledge of what is public official knowledge of your Agency. So let me tell you that I wrote Nikita Khruschev at the request of USIA. I have had correspondence with a number of foreign countries relating to my publishing, three at least behind the Iron Curtain because I recall them. Cables and telephone were used. In some cases, not behind the Iron Curtain, manuscripts were neither delivered nor returned. Letters offering publication also were not delivered. I knew of this only after later, personal contact.

Is there any doubt about the Oswald interceptions?

You told me that there were no records on me at all. Not that there were records you held to be exempt - none at all. They the FBI embarrassed you by returning one for clearance and release. That record has me in association with some unspecified kind of representative of foreign governments. With the responsibilities of your Agency you do not keep records of this nature? Come off it. Yet you have been ~~xxxxxx~~ without response on this, too, ~~xxxxx~~ instead seeking to lecture me with what you may believe but is not relevant. I am aware of dedication to needless and wrongful secrecy. And of how important it is to hold a job. And that you can feel secure if nobody sees the withheld records and can make an independent judgement on the applicability of the exemptions. But keeping instalations and functions secure is quite seprate from withholding records to hide illegalities and improprieties the fact and the means of which are officially and very publicly acknowledged.

In even this you limit yourself in several ways. One is that you make no reference to records in the possession of your Agency and not originated by it. Another is by your continued avoidance of all except what came to you for review.

On page 2, like the devil with scripture, you quote the legislative history of the Act only with reference to other statutes for all the world as though the existence of a statute bathed the Agency in total immunity. There has to be relevance, applicability. The same legislative history is explicit on the intent of the Act that its provisions not be misused, particularly not as a subterfuge for avoiding official embarrassment.

Interfering with First Amendment rights is one cause of embarrassment. It is not the only Constitutional infringement.

These represent what is quite separate from proper and necessary functions that should be protected.

It is incongruous that on the one hand your Agency claims not to have ~~xxxxx~~ kept its own records suggesting that I am some kind of national menace while all of these denials are allegedly essential to the national security. You even persist in the fiction that such activities as the interception of communications is a secret function. The fact of such interceptions has never been secret. It is official admitted.

In my view I have given you enough information to justify your having a real and a full search made for records covered by my FOIA and PA requests. I thank you for the information relating to how I can sue the Agency. If I am forced to go to court it is not unlikely that I will invoke provisions you do not cite.

Sincerely,

Harold Weisberg