

Mr. Wm. H. Jenkins, FOIA Appeals Authority  
National Security Agency  
Central Security Service  
Fort Meade, Md. 20755

Rt. 12, Frederick, Md. 21701

6/1/77

Dear Mr. Jenkins,

Your polite letter of May 23 refers me to prior correspondence "for information regarding how you ~~may~~ should proceed if you are dissatisfied with this Agency's responses to your requests," which you inaccurately then limit to FOIA. It is PA, too.

Neither in this letter nor in any other letter have you really made proper response.

The Acts impose upon you and the agency a good-faith search, with due diligence.

You have already denied having any records at all relating to me only to be jarred a bit when one of your own records was referred back to you for clearance. This record has me the associate of representatives of foreign government. I therefore do not believe that there are no other records on me.

This is not the only reason I do not believe it. I have received accounts of others. Moreover, Congressional testimony makes it certain that there should be other such records.

I have had long experience with various agencies and their denials. Those making the denials are able to deny simply because they were lied to, had information withheld from them or because the right files were not searched. The latter has not been uncommon. In fact I have records given to me by accident showing the deliberate withholding from the appeals authority of the identifications of files holding materials on me. In still other case I have records on me the existence of which was denied by other means, including their being given to others who then gave them to me.

With these experiences, with these being the realities, with all that has come out before Congressional committees and various courts throughout the country, I have asked a very simple thing of you. I repeat that request. Once you have told me that I can sue you you have told me what you did not have to tell me and we can let it rest there. Now instead of telling me what I did not ask, which is a rough equivalent of not searching the right files, please tell me what I did ask.

I want to know that you, personally, have seen to it that there was a good-faith search with due diligence, that this search included any and all files of all your agencies and all associated, whatever called, that could possibly hold information from or relating to interceptions of communications of any kind or source, any and all files in any way relating to suspected subversion or foreign contacts, any and all files in any way relating to political assassinations, and if I did not specify it before, to publishing, promotion, distribution and foreign distribution of manuscripts and books.

I believe this is required of you if you discharge your responsibilities properly. I have had years of automatic denials, years in court on such cases and in no single case has there not been what had been denied. I believe also that going to court is the last resort, not what you appear to be making it, a beginning point. But I also want a clear record if I have to go to court. You have been evasive on the search. I ask for specifics, a response that if truthful does represent what the Act requires.

Sincerely,

Harold Weisberg