

Mr. John S. Pruden, Director
Foreign Affairs Document & Reference Center
Room 1239, Dept. State
2201 C St., NW
Washington, D.C. 20520

Rt. 12, Frederick, Md. 21701
12/22/76

Dear Mr. Pruden,

I have heard not a word since your 7/13/76 letter in which you said, "I will inform you of the results of those searches as soon as they have been completed." This was in reference to my FOIA/PA request of 7/4/76.

By a phone call on 7/16/76 from one whose name I have as Ross Nesberg I was told that this searching would take about a month.

The lapse of time is extraordinary absent some astronomical backlog of FOIA/PA requests, despite the volume of relevant records.

Intermittently during this interval I have not been well. Filing for most of this time has been awkward. I am not yet caught up on it. I therefore ask you to regard this as a formal denial under the provisions of the Act if I have not already filed such an appeal. I also ask that you inform me at your earliest convenience when I can expect the records I seek. I mean that this is my appeal from a de facto denial.

I am aware that with the disappearance of much of the political paranoia of earlier years there is much in these records that can today embarrass the Department. It acted to ruin the lives of many people of whom I was one and then with total disregard for due process. Not one of us was given an opportunity to defend ourselves against faceless, anonymous accusers or against unspecified charges that at least with regard to me are and were entirely without foundation.

Aside from my rights under the Acts I have other and to me important reasons for wanting all these records. I do hope you will provide them promptly.

When I was phoned I also asked for all relevant laws and regulations of the time of that dismal business as they relate to the Department's obligations to inform me of my rights to compensation. I still want this. Prior to the McCarran firing, which was later withdrawn, an unsuccessful effort was made to reduce me in force, as it was then called, RIF. I appealed to the Civil Service Commission, which upheld me. After the McCarran Act firing the dismissal was withdrawn by the Department and I resigned. Years later I learned that under these circumstances I should have been paid for the interval. When the Department did not inform me of my rights I had no knowledge of them. I want to go over the then applicable regulations to see if I can find a basis for this now. I believe the Department had the obligation of informing me of my rights or of issuing a check in payment.

You probably have no personal knowledge of those files so I will explain a special added interest I have. There was a "leak" to the then Washington Times-Herald. Beginning then there was extensive, defamatory and very damaging publicity. There was at least one story that was favorable but not to the Department. I am certain the Department has full records on all of this, from the leaking to the changing of its action. I do want all of this. The favorable story was by Bert Andrews, then of the New York Herald-Tribune. The Washington Post also carried it.

Your letter says it is Department policy to process all such requests under the Privacy Act. I presume this does not deny me any rights I may have under FOIA.

Sincerely,

Harold Weisberg