

Orchard Harwood
JLJW

October 20, 1972

Mr. John W. Dean, III
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Dean:

Under the Freedom of Information Act I asked for two things, the days of E. Howard Hunt's White House employment after March 29, 1972, and the government contracts held by the Mullen public relations agency, for which he also worked. Your letter of October 19 refuses my request for the first and makes no reference at all to the second.

I take your letter to mean that you are the proper person to handle FOI requests. Under the law, the applicant is entitled to appeal refusal. This is my appeal.

The law does have a number of exemptions. They are not mandatory and they are not all-inclusive. "Investigatory" files means only some of those with a specific law-enforcement purpose. Had any of the exemptions been applicable in this matter, under controlling decisions, they have already been waived. One example is American Mail Lines v. Gulick, which holds that mere mention is a waiver and entitles the applicant to what becomes public information.

The White House took the initiative in publicizing the days on which Mr. Hunt worked to March 29, 1972. I have asked for no more than the identical information for the period following March 29.

There have been indictments. None of what I asked for falls within any of the charges. From the indictment, all I have asked for is entirely irrelevant to the criminal case. There is no law-enforcement purpose, therefore even the definition of the statute (which has been waived in any event) means this is not an "investigatory file" under the law. This position was recently affirmed in the Aspin case. Neither Mr. Hunt's White House employment nor the government contracts of the Mullen agency are at issue in the criminal proceeding to which you refer, both are now public information under the law, and I herewith renew the requests I have made with respect to both.

I also add another request, for the sums of money paid by the government for the use of the "Western White House" (San Clemente) and the "Southern White House" (Key Biscayne), by year, together with the sums spent for improvements of any and all nature at both properties. Except where security questions are involved, I would like to know the nature of the improvements, installations, etc.

Sincerely,

Harold Weisberg