Mr. Larry Strawderman
Information and Privacy Coordinator
CIA
Washington, D.C. 20505

7/26/84

Dear Mr. Strawderman,

In your letter of the ninth you again refer to regulations. I found the other regulations you sent me so informative (if not at all as you represented) that I ask for the regulations and "disposition schedules" you refer to, those under which you destroy "dormant" FOIA files.

While you are at it, I'd also appreciate regulations defining #dormant" as it relates to FOIA requests. You should understand my reason for this request: I know of nothing that justifies any agency in defining as "dormant" FOIA requests and appeals for which it a) has asked for more time and b) stated were being processed.

There is a little escape hatch in your letter. You do not state with absolute certainty that all records relating to my appeals were destroyed. Instead you say they "almost certainly have been destroyed." I linger with the hope that you still have them in your office and I believe rather strongly that the various components to which copies were referred have them on file. So I ask that you please determine whether or not your office still has any relevant records and that you ask the components for copies they may have. I believe I have a full set of letters both ways and, based on this, I suggest that in doing this you will serve your own interest as well as mine.

I also suggest that in time you may encounter another problem coming from assurances the CIA gave to two courts in my litigation that it could not, and at least by reasonable inference would not, withhold what I had requested from me after it had disclosed that information to the House Select Committee on Assassinations. For your information, since then the CIA has not disclosed a single piece of paper to me.

Your newest invocation of regulations is a bit troubling and, as I indicate below, is also somewhat provocative.

Quite some time ago but rather long after the running of what you refer to as the automatic destruction period I wrote and ask for a statement of the status of my requests. There were a number of reasons for this. One I referred to earlier is Mr. Ziebell's statement to me that "green lights were flashing all over the (meaning your) place" with regard to the requests for which CIA has requested more time. Another is similar and written assurances it had given others who had made similar requests. Now, if you have the kind of regulation you refer to, is it not obvious that instead of citing a nonexisting regulation for refusing to tell me even the status of what was, on the CIA's own word active, you could so long ago have cited this same regulation? Only now, for the first time, after several letters, do you make this less than unequivocal reference to it. Were our positions reversed, would you not wonder, as I do?

Your opening sentence is both helpful and unhelpful. The part I regard as helpful, in the event I litigate, as I'd much prefer not to do, is your unequivocal statement that you, personally, have reviewed the correspondence. The part that I regard as unhelpful is your statement that you "believe we remain blocked by Agency regulations." You can make this helpful to me, and perhaps, in the end, to yourself and the agency, if you would be kind enough to either cite the precise provisions of those regulations a copy of which you sent me or mark up a new set so that you can make a definitive reference to this alleged blockage. Your personal review of

my letters told you that a) I found no such language or provision as you invoked in them and b) I found you and the CIA in violation of your own regulations, which is exactly what I wrote you some years ago.

There is another matter that I find troubling, more so because it relates to CIA assurances to courts of law, something I would like to believe the CIA itself regards as serious. If you destroy my requests how in the world would you be able to do what you assured the courts you had to do, make available to me what you had denied me once disclosure had been authorized in another context?

This gets to one of my specific requests that I made separately, although it was within an inclusive request, in the hope that with fewer and significant records involved you might not continue to stonewall. (With requests going back as far as mine I believe the word is justified.) This is the matter of Lee Harvey Oswald in Mexico and the interceptions of his conversations with the Cubans and USSR. I have read the deposition of David Phillips in his suit against Donald Freed. That transcript discloses that to be certain there would be no improper disclosures the CIA had Mr. Ziebell and an operations representative present. Mr. Phillips was permitted to refer to information you have withheld from me for eight or nine years. And if as it should have, the FBI made referrals to the CIA, they have not been acted upon. The matter in which this is relevant is still before the courts, so while I am asking for your regulations, I'd appreciate a copy of any regulation that authorizes the destruction of what is relevant in ongoing litigation.

A statement of alleged belief is not enough to justify what amounts to the charge that I have gypped the CIA. No matter how politely you may phrase it, I find it objectionable. More because you have avoided any kind of meaningful response after I cited your own regulations as not supporting you in any way and supporting me in ways you ignored. It is a slur and on the existing record is not justified. I therefore ask that you either retract it or do as I ask above, provide the proof in either of the forms I request.

I am past 70, am in impaired health and these are matters that really are quite old. I therefore ask that you respond promptly because I am giving serious thought to seeking counsel. Much as I prefer not to.

Because I really do want to avoid unnecessary litigation, I tell you quite frankly that if I do have to file suit I will produce irrefutable proof that higher CIA authority was knowingly and deliberately misinformed and thus put lies in writing to me.

Sincerely,

Harold Weisberg

Central Intelligence Agency

Washington, D.C. 20505

9 JUL 1984

Harold Weisberg
7627 Old Receiver Road
Frederick, MD 21701

Dear Mr. Weisberg:

I have reviewed your correspondence of 13 April and 15 June 1984 and believe that we remain blocked by Agency regulations from providing you with further Freedom of Information services pending payment to the U.S. Government of $1,435.70 as pointed out in our letter of 10 April 1984.

Should you decide to pay this indebtedness I am doubtful that we can provide meaningful status information on your requests submitted in the 1971/76 timeframe. Our FOIA files on requests that have been dormant for two or more years almost certainly have been destroyed in accordance with the appropriate records disposition schedules approved by the Archivist of the United States. Therefore, while we will continue to service FOIA material referred to us on your behalf by other agenices, a restatement of requests to this Agency would be necessary in the event you pay the sum mentioned in paragraph 1 above.

I apologize for the delay in responding to your correspondence of 13 April and await your reply if we can be of further assistance to you.

Sincerely,

Larry R. Strawderman
Information and Privacy Coordinator