

At. G. Frederick, et. 21701

201/411-3136

10/10/72

Mr. Dick Harwood, National Editor
The Washington Post
1120 15 St., NW
Washington, D.C. 20005

Dear Dick,

I told you of my FOI requests of Clawson. Today I got a reply from John Dean. A copy of my response/appeal is enclosed. If you want his letter, I'll be glad to send it to you. I read it with Bob Woodward, who does not interpret it as I do.

Dean says, "The information which you seek has been turned over to the Federal Bureau of Investigation and is a part of its investigatory files. Since any of the material provided to the FBI could be used as evidence in the criminal prosecution of charges against Mr. Hunt, the Department of Justice has requested that none of it be publicly disclosed prior to the completion of that prosecution."

I have read the indictment with care. None of this is relevant to any of the charges. All I asked is the days Hunt worked for the White House after March 29, 1972. He is not charged with working for the White House. Dean's real purpose is to contrive a means of refusing to give me what was without the waiver public information if the investigatory-file exemption alone were to be invoked (he'd have done better with another). In doing it, he has just about said the White House is tied up in this whole mess. How else can it be relevant to the existing indictment? Dean does not hold out the possibility of further indictment of Hunt. His language is "in the prosecution of charges against Mr. Hunt" and he refers to "that prosecution".

I think there is a story in Nixon's profiting from renting back his own property to the government and in getting free the benefit of all improvements. I understand he gets \$200,000 for San Clemente alone but pays on it only \$100,000 a year. Pretty good deal if he gets paid \$200,000 a year for staying at his own house, all travel and other expenses also paid!

And I'd be surprised if a simple check on property records wouldn't show something very wrong with his purchase of the former boxer Cummings property on Forrest Lane right after that po' boy Checkers speech. The reported price was \$50,000. I know the house and grounds. They had to have been worth in measureably more, even then. Unless there have been changes on Forrest Lane, this property was on the turn-around dead-end circle, on the right going in from 49th Street, the only way in.

Your fine recent editorial (which couldn't cover everything) didn't note that all the alleged denials of what the Post is said to have said are denials of what, unless my memory is at fault, the Post did not charge. This has become standard government semantics.

The reporting is great. I hope you can keep it up.

Sincerely,

Harold Weisberg

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