

2/11/72

Mr. Sanford Ungar  
The Washington Post  
1515 L St., NW  
Washington, D.C.

Dear Mr. Ungar,

Careful reading of your today's quotation of the NSC plan on changing the law on secrecy discloses it will serve other purposes, if it does not have that deliberate intent. It will cover much more than what are called "official secrets" of a legitimate or semi-legitimate nature. It will have the effect of nullifying the so-called "Freedom of Information Law", 5 U.S.C.552.

If you will compare some of the language you quote with the Congressional reports on that bill (I have one or both), you will find that this proposal would reinstate exactly the definitions the Congress found to be utterly meaningless, that it will have the effect of empowering the withholding of what this law no longer permits to be withheld. Congress went further and explained that it eliminated the kind of language this proposal would reintroduce precisely because it made possible the withholding of almost anything anybody in the executive branch wanted to hide.

Comparing this proposed language and its meaning with Lyndon Johnson's Fourth of July oration (lit.) might be fun. It appears at the beginning of the Attorney General's memorandum on the FOI. I believe I loaned it to you to copy. If not, it was Mackenzie or another of your men covering the courts. His statement was to commemorate the going into effect of the new law.

My own fairly extensive experience with the FOI is that it is ignored or lied about to the point of my getting into court. Within the past week I got something that had been withheld from me for a long time in response to the last step required preliminary to filing. There was no reason for it not to have been given to me on first request. It is not subject to classification, was not classified, is just embarrassing to an official position. This duplicates what has happened fairly often. In the so-called 1970 declassification of Warren Commission materials a fairly large percentage was of materials a friend and I had been pushing for for years. Mitchell denied me copies of some of it while his own department was declassifying it! Mitchell called it, as I recall, law-enforcement files, which was never, ever, true of any of it. The most regular liar in my experience is Kleindienst. Paul Valentine has copies of my correspondence with him where he denied having copies of public, court records. He thought he was safe in saying this, even though DJ initiated the papers, because he had confiscated the court's copies! I had other proof of this, but the nice thing was State's unwillingness to be sued, which led them to giving me the proof that Kleindienst, personally, had what I asked for. Even after he knew I had this proof he continued to lie, and not until the case was about to be heard did Mitchell over-rule Kleindienst. Even then they held out on me and I had to go to court to get what Mitchell had promised. The summary-judgment I got was not reported. These are the kinds of things that will be the most common if the NSC proposal becomes reality. It is not genuine official secrets but "public information" that will be most of what will be hidden. Bureaucrats get so uptight about some of this they commit perjury with fair frequency. I have charged it three times without denial. Sincerely,  
Harold Weisberg