

Mr. Ira Glasser
ACLU
132 West 43 St.,
New York, N.Y. 10036

9/22/84

Dear Mr. Glasser,

Your solicitation letter dated September, 1984, here today, fairly states today's serious problems and, despite some disagreement with ^{but} current CIA policy and lobbying if I were in a position to contribute financially, I still would because the ACLU has done much good and has deserved support. As I recall, several months ago I sent in about \$20, which is a fair percentage of my Social Security check, but I now have a substantial new drain on my limited income and cannot afford even that.

My real purpose in writing is to ask you about the ACLU's lobbying on behalf of the CIA's exemption from FOIA (and phrase it any way you will, it is this) in terms of several of your phrases in this letter, abolition of a fundamental constitutional right (page 2) and "abuse of power by the executive..." (page 1)

Do not I (and others) have a fundamental constitutional right to know what any executive agency has done and is doing?

Is there any doubt in your mind that the CIA's record in FOIA matters is "an abuse of power?"

I have no doubt that all of you were and are sincere in your beliefs relating to this bill, although I disagree with them based on my own experiences. But when there was as much opposition to your position as there was and we are nearing the end of a session of the Congress, what was the urgency, why could this not, as I suggested to Mark Lynch, be delayed until the coming session? As I see it nothing would have been lost and much might have been gained and at the least the strongly-expressed doubts of many could have been addressed.

Fear is a very self-destructive emotion or, as FDR (Judge Sam Rosenman) said, "We have nothing to fear but fear itself."

You'd have to be nut not to fear the departures from traditional American beliefs by the present Supreme Court and the Reagan administration. But fear itself is not justification for capitulation to what you anticipate of them.

That Mark Lynch did not respond when I wrote him is of no consequence because I was giving him my views and recounting the recollections of an older man who has lived through and contended with periods of reaction. And may I say, defeated reaction when it appeared to be impossible. History tells us that the one way reaction cannot be defeated is any form of collaboration with it, and as I reminded Mark, the ACLU has done that in the past and it and many decent people suffered greatly for it.

From my personal experience the ^{CIA} records the ACLU says are immune are not and have not been immune. The CIA has both lied about them and been forced to disclose them. I have several thousand (or more) so-called operational-files pages and they are of great historical significance. I'll provide details if you want them.

From my personal experience and I believe from the CIA's record as the ACLU is well aware of its record, there is simply no basis for believing that anything will speed it up in FOIA matters. As an illustration of its persisting record with me, I enclose copies of the letter I got from it today and my response. The requested records, on and about me, made in 1971 and appealed, with the CIA asking for more time, and for information relating to the JFK assassination and its investigations, dating to 1975, with the CIA asking for more time and assuring, in writing, that all those requests would be addressed, certainly are not withheld merely because of any claimed backlog.

I'm aware of the general attitude ^{toward} ~~to~~ doubts about the JFK assassination and that there has been much nuttiness and irresponsibility, but not all is of this nature, and is there anything more genuinely ~~subversive~~ subversive than the assassination of any president? Can anything be more important to know than how, in time of crisis and thereafter, the executive agencies functioned? Or failed to function? (Side-light, the CIA itself disclosed "operational" records reflecting how close we were to World War III then and who was pushing for it. This is not important information?)

What is done cannot be undone, but the ACLU is foreclosing an enormous amount of such information. Why in the world do you think the CIA has stonewalled for almost a decade, for example?

I don't want to argue the facts of the assassination with you, but let me give you one of many available areas you may have foreclosed, and I can only wonder why when there was nothing to lose and much to gain by only a few months of delay.

Whether or not ~~Lee~~ Harvey Oswald was the assassin or an assassin, as a Marine he had no field assignment that was not related to the CIA. They required both Top Secret and Crypto clearances. This is not on his service record and his assignments to CIO operations are on his service record only as field assignments. I have the proof from ~~Vietnam~~ Navy files. He was assigned to two of the operations against Sukarno, one of which was Strongback. *No CIA records disclosed.*

There is an enormous amount relating to illegal and I think unconstitutional CIA domestic activity that has not been disclosed, as I indicated to Mark, and he asked no questions. What was the ACLU's rush to make it permanently immune?

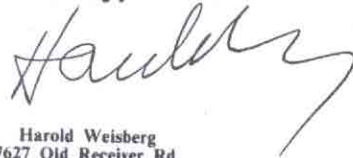
Those who disagree with the ACLU's position failed to develop what I regard as an important consequence of its success, police statism. The enabling act precludes domestic operations by the CIA. Now Reagan has by fiat given it that responsibility. I think it is obvious that when the CIA expects permanent immunity it will be encouraged to even greater wrongful domestic activity - the full nature of which in the past is far from exposed. But isn't what has been exposed bad enough to give you pause, make you worry, in the context of your own language in this letter? Have you not undertaken, regardless of what was in your (plural) mind, to immunize its past, its present and its future excesses? Why? And why the rush?

The Times reported that you had appointed a committee to assess the matter and inform you. If this is in writing I'd appreciate a copy.

This reminds me, as I told Mark, of the time when the ACLU forgot the constitution and endorsed the red scare, only to see that most of its victims were not reds and without regard to the rights of the minuscule number who were Communists. That is not a period in which the ACLU distinguished itself and I fear that, regardless of what was in your collective minds, you have done it again. I'm so sorry!

There is no compromise with principle that can be accepted if one is really dedicated to our traditional and I think great beliefs. I hope that no matter how afraid you (plural) may get in the future you will remember what history teaches us, that compromise with reaction is, inevitably, capitulation to it.

Sincerely,



Harold Weisberg
7627 Old Receiver Rd.
Frederick, MD 21701

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

9/22/84

Dear Mr. Strawderman,

When the envelope holding your letter of the 21st and its enclosure came today and I saw that it was both registered mail and then even stapled, I thought well, perhaps, the CIA has finally decided that the law of the land applies to it, too, if only on occasion. Then I opened the envelope, found your short letter in which you repeat your false representations of July 9, which I proved were false point by point, without dispute or attempted refutation, and a duplicate copy of your regulations I have addressed without refutation from you, and I could not see how, if any of this got to the KBG or DRI it could endanger national security in any way. They know you lie and the regulations were published, so they had nothing to learn. Why else, I wondered, would you take all these precautions, waste all that taxpayers' time and money?

As I thought of this I realized that there appears to be nothing the CIA will not do to phony up false statistics of FOIA costs and nothing it will not do to frustrate FOIA and requesters. And then I realized that in a memorandum Jim Lesar prepared relating to the proposal to exempt certain CIA files from FOIA he had made reference to one of your untruthful letters. So, you have generated another irrelevancy you can use in private, one you can use to mislead and misrepresent.

There certainly is ~~no~~^{no} honest purpose that can be served in again sending me the regulations I have addressed at some length and you have not in any way challenged. Especially when you have this letter for flashing around as though it responds to the request I actually made for an entirely different regulation you cited and I believe and told you I believe does not exist. There simply cannot be any regulation that counters or nullifies an act of Congress, as you represented.

With it obvious that you may be self-serving in all of this, I review the recent correspondence, all of this year.

On 2/16 you refer to my 12/13/83 asking the status of my many ignored requests, all of quite long ago, by stating that "Pursuant to the rules and regulations governing our FOIA process we are unable to accept requests for additional services" because I allegedly owe you money. You refused to inform me of the status of requests for which the CIA had requested more time and about which it had provided written assurances of compliance. I asked for a copy of the regulations you invoked. On April 10 you sent me a copy, highlighting what you regard as pertinent. Three days later I replied by, among other things, pointing out that the situation exists only because of the

CIA's violation of its regulations and that there is no indication that these were the regulations in effect when the CIA ignored my requests ~~and~~ and asked for more time. I also repeated my request for information on the status of those requests and appeals. I received no response and wrote you again on 6/15, repeating what I had said earlier about your interpretation of the regulations.

I have ~~referred~~ ^{referred} to being deceived by the CIA years earlier with regard to those requests and because he, personally, had deceived and misled me with what was a serious misrepresentation of the status of those request I wrote your Associate General Counsel Laurie Ziebell 6/27. He has not responded.

Instead of disputing my allegations, including that the CIA itself was in violation of its own regulations, on 9/9 you wrote me that even if I were to pay the sum I believe I do not owe you it would make no difference because "our files ^{FOIA} on requests that have been dormant (sic) for two or more years almost certainly have been destroyed." "Dormant" when the CIA itself does not respond to requests, "dormant" when it asks for more time?

I wrote you again 7/26, again at some length and again asking for regulations. But not those you finally sent that came today. Which as you very well know I had and had addressed, without refutation from you. You wrote me that your regulations required the destruction of these allegedly "dormant" requests and appeals and what I actually asked you for is those invoked regulations, not duplicates of those you had already sent.

I wrote you again 9/19 because either you appear to have lied to me or the CIA to have lied to the Congress, you telling me that the ~~regulations~~ destructions begin in two years and the CIA having told the Congress its backlog is as much as three years. (I misread one word and wrote you again correcting this 8/23.)

This resume makes it clear that I wrote you on a number of occasions without any response from you. I raised what I regard as substantial questions, those that I believe most people would not only regard as requiring response from you but also questions that you ought want to address in the interest of your own and the Agency's integrity. However, for your own reasons, you ignored them and you now say that your yesterday's letter "is in response to" my "letter of 23 August 1984.")

Your alleged response consists of these parts: 1) reiteration of your claims of 7/9/84, which I addressed and at the least disputed, without refutation from you; and 2) enclosing a duplicate copy of the regulations you knew I had and did not ask for.

Neither is in any way responsive to my letter you pretend to respond to.

In my brief letter of 8/23 I: 1) repeated my request for your ~~request~~ ^{regulation} that you claim authorizes or requires the destruction of FOIA records beginning in two years when you have ignored those requests and appeals and asked for more time; and 2)

asked you how you could possibly have a regulation for the destruction of records as much as year before you reached the end of your backlog^{as} of that time.

You know very well that you have not in any way responded to my letter of the 23rd of last month and that you have created a false record that can be misused to make it appear that you have been responsive.

There is nothing I can do about your misuse of self-serving, non-responsive and I think dishonest letters. So, all I can do is what I now try again to do, make a clear and unequivocal record that you may at some point have to face when you cannot work in secrecy.

I am again asking for a copy of the regulations I asked for in the letter to which you now say, entirely untruthfully, that you have responded to.

I am again asking you to address the questions I raised months ago after receiving the regulations I interpret as establishing that it is the CIA which is in violation of them. My letter cited specific provisions and if they do not say and mean what I believe they state and mean unequivocally, you can certainly make a record that would serve your and the CIA's interest by responsiveness and specification.

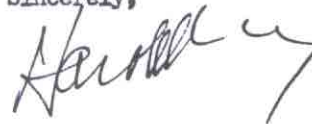
Perhaps you and all of the people on your staff are as old, as unwell and as handicapped as I am and that is why you only conjecture about the alleged destruction of all of the records relating to my requests and appeals. If you are not 100% so afflicted, can it possibly be that your files are so convoluted that you cannot have a clerk check, I presume under my name, and not have to conjecture? Which means not play dirty tricks on an old and unwell man.

Your record and that of those who preceded you with me remind me of what Director Helms told the editors and publishers in his first public appearance: trust us, we do not target on Americans. Do I now have to characterize that statement for you? And if you are not still targeting on me, why in the world do you have to pull all these dirty tricks, why can't you be responsive, why do you have to stonewall and persist in wasting that much more of what remains of my life and work?

And, in plain English, demean yourself and the Agency.

If in no other way, historically the question so many collegiates asked me for so many years lingers and will linger: if the government has nothing to hide, why does it hide so much?

Sincerely,



Harold Weisberg
7627 Old Receiver Rd.
Frederick, MD 21701

Central Intelligence Agency



Washington, D. C. 20505

21 SEP 1984

Harold Weisberg
7627 Old Receiver Road
Frederick, MD 21701

Dear Mr. Weisberg:

This is in response to your letter of 23 August 1984.

As stated in my letter of 9 July 1984, we are unable to provide you with further Freedom of Information services pending payment to the U.S. Government of the \$1,435.70. Enclosed is another copy of our CFR which reflects the basis for declining further FOIA services until the requester has paid all outstanding charges rendered.

We stand ready to work with you once this indebtedness is satisfied.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry R. Strawderman".

Larry R. Strawderman
Information and Privacy Coordinator

Enclosure