

JL: Abzug hrg 10/11/75

HW 1/30/76

You know the parts that are immediately useful.

I marked parts for future uses. A few that can have special uses are:

- 46 Archives wrote all agencies 7/75 asking consideration of further declassifications. (He was not asked how they responded. But this includes the CIA which has not yet responded. I added it to my FOIA request, what I'd asked for and their response.)
- 41 Interesting that they missed the contradiction between Rhoads' statement that it his duty ot "preserve" the WC records and his refusal to ask the agencies of origin for copies. This slipped by Bella. It has been his consistent position because I began asking him to do this early and he always refused. He told me to ask the originating agencies. "Preserve?"
- 50 (More of this later). Pretends I did not make any request for the 1/22/64 tr. until the time it was successful. I strated I think in 1967. I have correspondence and through 1973 it is indexed by subject. This is one of the points over which we may at some point want to sue, more than one way: to recover costs and now to allege compensible damages.
- 71ff 75-1448 relevant. Here they lie, as I think less clearly on 50. I think this would be helpful in such suits and would be great for cross-examining Rhoads in one.
Bella and her staff all missed the simple, direct question here: Didn't you read the enabling executive order? It is so short? Didn't you when you were responding to requests? To law suits? Didn't you ask your general counsel? Justice? Do you assume the answer to legal questions when you have a general counsel? Isn't it a fact that you referred Weisberg's request to your general counsel? There is so much they missed! So much I could have done as a companion witness, as I told Tim. He got away with his sanctimony. It makes good reading but they missed their chance.
- 80 Here is the "assumed" part. But I did invoke American Mail, which relates to whether use by a Member of the Commission waived the exemption claimed. That required more than an assumption. He did respond.
- 81 We should check this with the Rhoads affidavit in 2052-73. It makes perjury, I think. This is not the time of my first request. It was not 3 but 8 years ago. Their claim is that this happened as a result of my request. It furthers the lie and if it did happen on the last request, why did it not on the first? There was none but politcal change.
- 82,3 On WC material in the Archives. Rhoads slipped another one by Bella and her experts. Under the law Rhoads and the Archives replaced the WC. He and it thus became the classifier and the "classifying agency" and he thus has and had the legal right to declassify the illegally classified as long as no properly classified information of another agency was involved. He refused to do this. I asked for this stuff often enough.
Where he complains of understaffinf, after I wrote with some bitterness on this in the epilogue to WWII, in person and probably in writing he denied it. Here it was his excuse for everything.
I've noted these things in the event we have to cross-examine or impeach his testimony at some point. If we need more, I've made marginal marks.
In general I think Bella deliberately set her sights low. I think that while she may have had to get to the floor, she has not been all that busy in the 2 1/2 months since then.