

Nosenko

Dear Bud,

2/25/78

Jim asked me to read the CIA's responses in your C.A.75-897 re production of documents.

From a hasty reading and not having the earlier records I have a few suggestions that may or may not have occurred to you.

With regard to Carl(os) John Wilson I do recall the earlier records I received. I think it can be argued with fairness that the unjustified withholdings of what bears on his credibility has launched new assassination mythologies and misled many people.

In general the withholdings of names are not in accord with the AG's policy statement on practice in historical cases.

There is no blanket right to withhold FBI names and we filed, in C.A.75-1996, a policy statement by Director Kelley saying none in historical cases. It was in the form of a letter to Emory Brown.

As I read this Jim and I have gotten through to them with an argument we've been making regularly - that there is a dictionary meaning to "disclose" and "reveal," and that it requires the making known of what had been unknown. So I was looking for these words to justify the withholdings and do not recall seeing them once. Instead they have the evasion, "identify." I can "identify Peanut Carter, but that does not "disclose" what about the identification was unknown.

I'd insist that with regard to each such claim, especially with Legats and CIA stations, I'd demand a first-person affidavit attesting that the Legat's name is unknown or that the existence of the CIA's station is unknown. There is no such thing as an unknown or otherwise unidentified Legat. They are all accredited. There is no such thing as an unknown CIA station, except that perhaps most Americans do not know about them. Think the KGB doesn't? Same even with cryptonyms. Besides, the cryptonyms themselves do the hiding so they disclose nothing, except, perhaps, in context. But that I did not see claimed.

Some of the deletions are worse than silly, like "Mexico City from 169-612 - and then, stupidly, leaving Ambassador Mann's name undeleted to guarantee "identification."

1053-947N , 3/12/64 Referred to as Warren Commission staff records and available
1054-947O 3/12/64 from the Archives, or they are to be asked for them. I'd not
1055-947-P 6/24/64 accept this because not only are there differences in the copies
of the same record, there are differences in the withholdings
from them. In this case the dates coincide with staff interest in Nosenko. Especially
the 6/24 one. That coincides exactly with the date of a Coleman-Slawson memo I have, on
Nosenko. The Nosenko executive session the transcript of which I seek in C.A.75-1448
was the day before, 6/23/64.

If there is anything withheld from these records, and it is my recollection^{ion} that there was withholding from records of these dates, then you have a Catch-22 situation in which the CIA refers you to the Archives, which denies and cites the CIA as authority.

Throughout they refer to records referred to other agencies and to not having received replies. With classified documents you can demand they act as though these were of their origin if in ~~30~~ 30 days the agency to which referral was made has not acted. This is in the National Security Council directive on E.O. 11652.

Some of these records are probably not worth the effort to get them but on the withholdings I'd emphasize that these are historical records which you are making available for all Americans and for the future, and that with the passing of time they will become incomprehensible if there are no subject experts to interpret them if the unnecessary and unjustified withholdings are permitted. Also that the withholdings make for confusion and misidentification where none need exist. This is to say that the withholding can do harm where the release could not.

Hastily,