

Rt. 12, Frederick, Md. 21701
6/24/77

Ref FPA 460

Mr. Charles Hinkle, Director
FOIA and Security Review
Office of Assistant Secretary, DoD
Washington, D.C. 20301

Dear Mr. Hinkle,

Thanks you very much for your letter by your Deputy stamp dated June 20, 1977

It refers to only one of my requests, those related to Mr. Powell. I have heard from Army Intelligence at Ft. Meade. They told me they had searched the records of that Dallas unit and found nothing. In itself this is unsatisfactory because if these records are not filed there a record of their disposition should be.

Correspondence with all the Ft. Meade people has been entirely unsatisfactory as I will explain. On the face there appears to be less than honest treatment and not what is required, due diligence and good faith. The letters appear to be semantical, I raise what I regard as perfectly proper questions and receive no response. I do get non-responses.

I have requested all there is on the ^{assassination} JFK and on me. Initially I was told repeatedly that there is nothing.

As other agencies find records called for by my requests they refer back to the agencies of origin and then I must believe that only the record referred back exists.

Just yesterday I received from Mr. Conley at Army intelligence a record that agency originated and one of NIS. This is the same Mr. Conley who assured me there was absolutely nothing of any nature called for by any of my requests. And while the correspondence from NIS has appeared to be careful and honest this NIS record is one I have not yet received. (Perhaps it will come. I am much more impressed by their attitude.)

The distribution indicated on the Army Intelligence record includes other places I long ago told Mr. Conley should be search^{ed} when his letters indicated they had not been. I am aware of certain basic practises from my earlier experience in intelligence and from following public official disclosures carefully. There should be many records.

The same thing is true of NSA. Total assurance there is no record relating to me. Then another agency comes up with a record that has me in association with unnamed people supposedly representing some unspecified foreign power. While this has to be utter nonsense unless it refers to my reporting days when it would have been normal and proper - and limited to our allies - it is also the kind of thing it is NSA's responsibility to watch in the national security. It makes no difference what I know and tell them. With this attitude I cannot tell them all I know. But I did tell them I have the names of several NSA agents who investigated me. It is absolutely true. I also have dependable accounts of some of the files on interceptions from those who have seen them. Moreover if none of this was true there is the official testimony before the Senate that makes it certain there were such interceptions of my communications.

In the same mail with your letter is one from Air Force Bolling Field. It refers to the search of a single file and reports no records. I don't know how they file their records but I had much correspondence with them because of overflights that resulted in litigation. Also at least one meeting arranged by the Secretary, DoD, with a Bolling JAG colonel in 1962. I can understand that they do not have 1962 records but I can't understand how there could be any proper disposal of them without a record and not at all while there was continuing litigation. My request was prior to the end of the litigation. At the very least they have

to have their printed flight regulations on file. We are in them. I do not particularly want another copy. I'm merely addressing you as the one at the top in these matters in DoD to give you any understanding of the permeating non-compliance.

The judge ordered discovery against the government, including the Air Force. While I now am not certain that there were Bolling records included [^] believe there were and I know there should have been. Normally those records would have been given to me. I do not know why there was an exception in that case. My situation then was that I could not contest it. I had no resources and no income. These same compiled records have to exist somewhere. They are mine as a matter of right from that litigation and now under the Acts. The Air Force claims they do not exist. They and others have to exist or there has to be a record of what happened to them. I can ascribe motive in this, whether or not it is the actuality. Those files report the existence of other and probably political files on me. They also contain details of how the overly-dedicated deliberately deceived higher levels of officialdom, undoubtedly believing it was necessary and the call of duty. Today it could be embarrassing, as all these records can be.

There was a time, when sonic booms were prohibited and we were under a bombardment of them, when the Secretary for Air had one we came to regard as a fine officer in touch with me on these. I was to report them instantly and did. AF wanted to catch these creating the boom. The booms were damaging to our poultry operation. These records should have been preserved through the litigation. They should not have been destroyed because they are included in my requests, which preceed the end of the litigation.

As I'm sure I've told you it is simply impossible for any one person to write all the countless offices that should have records. I am required to make the records identifiable. To the degree possible I have sought to. Age and health now limit me more. I have come to conclude that despite what George Gardner reported about the better military attitude toward FOIA and PA this is limited to the simple and the usual only. My experience leads to the belief that with limitless power and no fear of punishment the bureaucracy is whipping me around. Embarrassment can be the cause. I was abused. Perhaps today there is some shame over this. Especially because the views the paranoids of that period had nightmares over have all become national policy.

Can you believe that I was held for three weeks as a soldier for a security check and there is no record? Or that I was investigated for a security clearance and there is no record of that? This is what I'm told.

With other agencies [^] have requests going back to 1968 that are without even acknowledgment. Only yesterday I reviewed files of the FBI obtained under a court order that state with positiveness that non-response to a perfectly proper request was ordered. The indications are that this deliberate violation of law was ordered by Mr. Hoover. My request of the FBI for the personal files on me is close to two years old. I have not received a single sheet of paper in response. But I do find collateral filing of such records as this. In a sense worse than that of the other intelligence agencies is what I've obtained from the CIA and what I've not obtained. I have a stack of its records on me about two inches thick is has not acknowledged having. [^] obtained them from another source. I have records of the deliberate lying to the general counsel so he would not know he was lying. My 1974 request was first ignored. It then was said not to exist. It then was found and said to have been complied with. [^] produced proof it had not been and appealed. The appeal is several years old and has not been acted upon. I can't even learn when it will be. You know the law on this. I filed a request with Justice and received not even an acknowledgement in more than a year. I filed a duplicating request in my wife's name and she received prompt response. When I cited from those records others not provided there was again non-response. It has been months. I could go on an on like this. It is a depressing record of deliberate official

lawlessness. In turn this gets to what is not liked about me. Rather than pursuing whodunits my work in the field of assassinations addresses the functioning and non-functioning of the basic institutions of our society. I am beginning to obtain a few records expressing dislike for my work but I have yet to receive one alleging inaccuracy or unfairness.

So you can further understand how I feel and why I write with anger and indignation I give you other illustrations in the hope that you will see to it that these troick with the laws and with me in the Department and those under it end.

The FBI records I went over yesterday ~~and selected~~ ^{are selected} and represented dishonestly. There simply is no question about either. Furthermore, to mask the source in the intended misuse there is a reference to a news account. But parenthatically the Chief of the General Investigative Division added a file number. I know that filing system ^{enough} to know it is a so-called "internal security" file. Even the news story referred to is the wrong one. I know well enough what is referred to and why it had to be done dishonestly. The truth is intolerable to officialdom, especially those in part responsible. The allegation is that I was a security risk. All the existing records are to the contrary. And I have never been the subject of a single security hearing. No such charges have even been made against me. There never was any basis for any to be levied. I could go into great detail on this with records obtained from other agencies than the FBI. Even the dirty tricks designed to create false charges, like I lied about my employment record in my newspapering days. Where I worked regularly for the Wilmington Morning News and did by-line features for the old Philadelphia Ledger Syndicate, forerunner of today's Sunday supplements, one set of investigators sought payroll records of more than 40 years ago. (Who would expect them to exist even 20 years ago, ~~xxxxxxxxxxxxxxxxxxxx~~ for the period before Social Security? And they asked the wrong paper if I were a feature writer for it? Another set of straight investigators found editors who were then reporters and friends and learned that I represented honestly. A real investigation would have disclosed a front-page article by the managing editor complaining about my not having been mentioned in the Pulitzers of about 1932 because I made it possible for another to win one. Yet the representation was that I lied about my employment record. "aturally people don't want to produce such records.

There were intrusions into my Constitutional rights of other kinds, First Amendment included. I do have some proofs. And there is no chance there was not distribution to components of the defense establishment of those records I have received from others.

I am aware that not all records are preserved indefinitely and that not all can be permanently stored where they are filed initially. I have gone into this detail, which is less than is possible, to give you an understanding of why I feel as I do and why I say there is reason to believe that the searches really were not in good faith and were hardly with due diligence. While you have told me that the various agencies have independence in FOIA matters I would like to hope for some persuasion from DoJ, particularly because of my age and health and because I have begun the transfer of my records to a university archive. I will include all seemingly adverse records but I would also like to be able to provide a commentary on them and to use my rights under PA for the official sets.

Sincerely,

Harold Weisberg



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

PUBLIC AFFAIRS

Ref: FPA 460

Mr. Harold Weisberg
Route #12
Frederick, Maryland 21701

Dear Mr. Weisberg:

Reference is made to your letter of June 1, 1977, related to your Privacy Act request for Department of Defense records pertaining to you and to an Army Special Agent, James Powell. Your letter was received in this office on June 8, 1977.

You requested in your letter that my staff perform additional research to obtain Agent Powell's organization and commanding officer. This is to assure you that when your request was transferred to the Department of the Army, my staff included the Agent's unit designation and Dallas address at that time.

The agencies to which we referred your request will be responding to you in the near future. Until additional records are located which indicate a required action from this office, this letter concludes our response to your request.

We will be happy to provide any additional information you desire pertaining to Freedom of Information/Privacy Acts matters.

Sincerely,

A handwritten signature in cursive script that reads "Charles W. Hinkle".

Charles W. Hinkle
Director, Freedom of Information
and Security Review