

Rt. 12, Frederick, Md. 21701
2/1/76

Mr. Gene F. Wilson, FOIA/PA Coordinator
CIA
Washington, D.C. 20505

Also FOIA requests

Your letter of 1/31/75 "assured" me "that we are processing all your appeals" and that "a final response is due you on 16 January 1976."

Since then I have heard nothing from you or anyone at CIA.

Will you please let me know the status and what your intentions are.

I am aware that I could have filed in federal court two weeks ago tomorrow. You are aware that I have been extraordinarily patient. One of these requests is now five years old. There is nothing under appeal not months old. I do not think any claim to work load can be relevant to any but the new request you say you are processing, and with what was provided me that should be child's play to find, the file having been located and excerpted.

If the Agency wants me to sue, as I hope it would prefer to avoid, just let me know and I'll accomodate it, as I told Mr. Warner a year and a month ago when the stonewalling started all over again.

In a letter dated January 30, 1976, Deputy Archivist James E. O'Neill informs me for all the world as though it were a recent development that with regard to three of my request he describes and others he does not that you are the road-block to compliance. Of the three itemized he says my "request for these documents has been referred to the CIA." The Archives used this same language on these same request ~~last summer~~ summer. The others he describes as Commission-originated documents that are "security classified" and "have been forwarded to the Central Intelligence Agency as the Agency of R primary subject-matter interest..." He quotes your forecast as "they will not be able to complete their review of the documents for at least another month."

If your backlog is so vast that this delay is required then there is no choice. But there is nothing in the record on these matters between the Agency and me to persuade that this is true. Nor can I believe that if taken in the order in which received these requests can be so far down the list. I therefore, in fairness to the Agency on one hand and to perfect a case in the event you force me to court, herewith make formal request under the FOIA for all the documents from the Archives relating to my requests and all the CIA responses in whatever recorded form. I include in this records showing the sequence of receipt and the status as compared with others received at the same times.

I have by now reviewed an extensive collection of documents for which the CIA claimed security protection. In not a single case is this or was it ever true. In each and every case the sole purpose was outside the law, fear of embarrassment. I have, I think, been whipsawed deliberately. I also think I can prove it in court. Unless there is some meaningful gesture toward compliance and within the near future full compliance among the decisions I will have to make is whether to seek to invoke the punitive provisions of the amended law. However, as I have sought to avoid suit I do not prefer this course.

I also request under FOIA copies of the CIA affidavits filed in the Heine case in federal district court in Baltimore under the claim of security protection.

Sincerely,

Harold Weisberg