76-143

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

8/6/76

Dear Mr. Wilson,

Thank you for your letter of the fifth and the enclosed list of my requests. I will now coordinate my own files with the list.

You next refer to my request for an organizational chart, as I recall it incompletely in two respects. I asked for only a published, non-secret chart with the shorthand designations. I believe I cited former CIA people as prior publishers. I am confident I made it clear I was asking for no authentic secrets. My purposes are quite simple: to make sense out of what you have supplied me. Nothing more, nothing sinister or devious are in any way hazardous to national security in the most paranoid concept of it. And to be accurate so that in any use, including in particular correspondence with the Agency, I can save time and be accurate.

The statute you cite is not one making withholding of this public information mandatory. It is properly intended for real security needs. Now don't tell me that the most primitive foreign intelligence service does not know more than I'm asking you for. This is not only stonewalling, it is childish. It is in some ways silliern than the fake road signs that lingered for so many years.

Because I am not asking for any secrets I am prepared to make an issue of this. In my view there is no question about the deliberateness of much stonewalling and I believe it violates the law. I have been tolerant because while you have do everything possible to exaggerate it, there is no doubt in my mind that you have a burdensome number of requests. I do challenge your right under the law to encumber me without a legitimate security or national security need. You have done this, regularly. I am prepared to challenge any interpretation of any law that gives the CIA the right to keep secret from the American people what every intelligence agency in the world knows. I hope you will not stonewall me to this point.

I did make a request under the law. I regard it as a proper request. I certainly was serious and I was not indulging idle curiosity. The time required before I can file an appeal has already expired. Therefor, if you do not now comply with this request, please regard this letter as my appeal from the refusal. And I do mean this to include the entirely non-secret abbreviations you have provided and so that I will not errm in assigning names to them.

In this connection I recall having filed an appeal from some of the maskings. Your list does not indicate this and I recall no acknolwedgment. Under most circumstances I am inclined to believe I would not question the masking of real secrets. However, I do question the right to mask where no purpose other than obfuscation is served and where what is masked is both known and published. I'd prefer not to be forced to make an issue of this but I am prepared xkx to. It has now been three months or more, much more than the time before I can appeal a withholding. This therefore is my appeal. I also ask for the number on this request. I am aware that you have passed it in sequence if you did not assign a number on receipt. I will understand if you add a letter when you establish the sequence by the date of that request.

I do not recall that you have ever indicated your time lag. I know I have never made an issue of it. Because I do not want to pressure you by trying to hold you to the precise language of the law I am asking for the approximate delay between request and response.

If in filing what I described as more limited and partially duplicating requests I did not make my purposes clear enough I'll do it now.

You describe my F-75-6669 as "broadly comprehensive." This is hardly an exaggeration. It is total, for everything. Well, that was last year and we are now in the eighth month of this year. I am confident your time lag is not this great. However, I also realize you have problems with this, some possibly legitimate and some certainly not, no more than what the legislative history of the law rules out, perceived embarrassment. You have stalled this a very long time. You can contrive much more of this. Once you had let so much time lapse without compliance I did file several limited requests compliance with which presents no legitimate problems. These are requests that do not have to be part of the large review you do not seem interested in ending. The questions therefore, is not whether these requests are covered by the broad one but when I can expect to receive this public information. I therefore ask that you assign the proper sequence numbers to these requests and inform me of them so I can properly identify my files. You are not engaged in a "review." Your own description is "re-review." Then you may decided on what you may style a "project." With a "review" of that. Unless you are taken to court if you really want to delay, you can, law or no law. And the fact is you have other requests for only limited parts of what is included in F-75-6669. I do not want to wait that long and at the same time I do not want to pressure your review of all of this material.

There is another aspect of this I can address from the attached list. You now have what I cannot and do no accept, 1976 sequence numbers for what with less that fidelity to admit are 1975 requests.

Your F-76-143 is really a request that includes your F-75-4765. And in the eighth month of the year succeeding that of the request I have not received either a scrap of paper or any explanation of non-compliance with that request.

Your F-75-4927 is your F-75-004. Actually this dates to 1971. And we are more than half-way through 1976 without compliance. For half of this year I could not get any response on your intentions after the time for action on the appeal expired. Without some explanation, this does not represent either the good faith or the due diligence required by the law.

I can carry this further. It has been many months since you informed me of your claimed need for consultation with another agency on this. Not a word since. I would like to know the results, in detail. If the records are denied, I want to know what exemption is applicable. Remember, when there was no compliance beginning in 1971 and when the Privacy Act became law I also invoked it.

I did misspell Borosages' name. I referred to Robert Borosage, of the Center for National Security Studies. I believe that information deals with foreign assassinations. I was not confusing him with David Belin. He sued you, C.A.75-0944. I am surprised you have all this difficulty identifying one who sued you.

Hugh McDonald, the request you address next, is High C. McDonald, formerly a division chief in the Los Angeles, Ca., sheriff's department. His name appears on a book that is a palpable fraud,"Appointment in Dallas: the Final Solution to the Assassination of JFK." This book is, for all practical purposes, what used to be called a "black book." McDonald in it and elsewhere represents himself as formerly connected with the CIA. He did know the deceased Herman Kimsey. I am aware of Mr. Kimsey's former relationship with the Agency and that it did not end with retirement, from some of his friends. (I believe I also asked for information about him.) Mr. McDonald's claims of service to the Agency includes penetration of Soviet germ-warfare centers and U-2 planes. There are earlier versions of the book but in the published one ghosted by one Geoffrey Bocca there is reference to an unnamed literary agent. He is John Starr. All versions refer to other alleged CIA personnel, the most important allegedly being the subject of Warren Commission Exhibit No. 237/Odum Exhibit 1 (also the subject of litigation of which I presume you are aware). If this is still "insufficient" information,

let me know what else you require.

If your files abound in High C. McDonald's of the foregoing description, we can perhaps limited it more with what he claims to have invented and owned, an "Identi-kit" (Kimsey again); and a connection with Howard Hughes.

I am not "aware" that under all circumstances you would,"under the same provision of the CIA Act of 1949...have to provide a formal (sic) denial under FOIA (b) (3) of any documents responsive to such a request." I am aware that you do have people who keep up to date on publishing and do file written reports, however.

Your concluding paragraph advises that "certain of the documents found responsive to your F-76-382 on Martin Luther King, Jr., have necessarily been referred to another component for review." I do not know what you mean by "component." If you mean outside the Agency, then please be aware that I am in litigation on this with another agency which has not complied with a request of April, 1975. Yet you do not invoke what I believe you have described as the "third-agency rule." Unless there is an appropriate exemption I believe I am entitled to any such material, without unnecessary delay. If you mean an Agency component, that I have trouble with what follows:

"We shall not be able to get our response to you on thos request by the end of this month as earlier projected., but shall do our best to expedite it when the materials reach out hands."

"Our" here is ambiguous. Obviously, you have these "materials." Otherwise you could not have "found" them and known they are "responsive" to my request. Do you mean your hands?

When you have converted a 1971 request into one of this year, can you appreciate my concern about "our best to expedite," and with a case in court? Especially when this year you have not either expedited or complied after more than five years?

I ask if the component is Agency and if it is for an expected date of mx compliance. This you should be able to provide. Another month will satisfy me. It should not burden you. I also ask about those other documents responsive to this request: when may I expect those you have found? This matter is not before a federal court. I would like to have all those not "referred to another component for review" as promptly as possible.

I regret that each letter I receive from you requries this kind of response. It is apparent that your letter leaves me no alternative and that the exchange represents a considerable waste of time for both of us and further correspondence and time.

Before now you will have received my inquiry about your giving another what is clearly within my request and as of this moment not sending me this public information.

Sincerely,

Harold Weisberg

Dear Jim, My today's letter to Jane Wilson, CIA 8/6/76

What I did not address I do not want you to miss.

Before the time of the drafting of his letter stamp dated 8/5/76 they had searched my request for the King records, F-76-382.

From his own listing there are nine earlier requests.

Only one has been complied with, 76-105.

There has been partial compliance with some others.

If they can have searched this material out, how can there be justification for not haveing found material they have so much older in their list of requests?

Going back to ~~1969~~ 1971?

How much "good faith" does it require before they can exercise "due diligence?"

Best,

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

5 AUG 1976

Mr. Harold Weisberg
Route 12
Frederick, MD 21701

Dear Mr. Weisberg:

This responds to your letter of 21 July.

Enclosed you will find the list of numbers given to your requests, with the shorthand descriptions used by us. Note that we have, indeed, included the name Yuri Nosenko, currently under F-76-143.

In regard to your request for an organizational chart of this Agency, we quote in part from the CIA Act of 1949, Section 6:

> "...the Agency shall be exempted from the provisions of section 654 of Title 5, and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency...."

As you can see from this language, a formal request from you would have to be denied under (b)(3) of the Freedom of Information Act as being specifically exempted by statute.

Request number F-75-6669 is broadly comprehensive on the Kennedy assassination and the investigation thereof, and obviously overlaps and duplicates some of your more specific requests. You have described a "new request" which duplicates in part what has recently been requested by Mark Allen. However, any documents responsive to this "new request" are already covered by the broad and comprehensive wording of your request under F-75-6669 and are part of the re-review currently in process and of which you are aware. Therefore, we have not assigned a new number to this request but shall continue to treat it under F-75-6669.

You again refer to the "the Borsages request." If you mean Borosage, we do not have a request from him on the Kennedy assassination topic. We reiterate our belief that you were possibly confusing the name Borsage with Belin who did make a similar request and who did receive exactly the same documents released to you, nothing more.

Regarding the name Hugh McDonald, first raised in your letter of 2 March 1976, we were given insufficient biographical information with which to make any positive identification. In light of your language, "If you can confirm or deny that McDonald was ever an Agency employee of any kind....So, if there is any information you can let me have I would appreciate it. I will not contest a negative decision....", we did not record this as a formal request warranting a separate number. However, you should understand that under the same provision of the CIA Act of 1949 quoted above, we would have to provide a formal denial under FOIA (b)(3) of any document responsive to such a request.

Finally, although not raised by your letter of 21 July, we must advise you that certain of the documents found responsive to your F-76-382 on Martin Luther King, Jr., have necessarily been referred to another component for review. We shall not be able to get our response to you on this request by the end of this month as earlier projected, but shall do our best to expedite it when the materials reach our hands.

Sincerely,

Gene F. Wilson
Information and Privacy Coordinator

Enclosure

Requests of Harold Weisberg

F-75-004	Personal (subsumed under F-75-4927)
F-75-4765	Yuri Nosenko, etc. (subsumed under F-76-143)
F-75-4927	Personal
F-75-6669	Kennedy assassination
F-75-6838	Materials given to FDR
F-76-105	Heine affidavits
F-76-143	Yuri Nosenko, etc.
F-76-149	Olson papers
F-76-219	Rocca source material
F-76-382	Martin Luther King, Jr.
F-76-405	1967 CIA review of Kennedy assassination info
F-76-437	CIA's use of Rocca
F-76-438	Behavior modification