

Rt. 12, Frederick, Md. 21701
7/28/77

Robert L. Borosage, Director
Center for National Security Studies
122 Maryland Ave., N.E.
Washington, D.C. 20002

Dear Mr. Borosage,

I am not a Johnny-come-lately to encouraging others to join the fray, either.

I am all for it. There never are enough people involved in those important affairs in which they should be, as I see it.

Nothing personal but there are among these those who would not get their feet wet when they feared chilling. What this has driven some to do is not helpful in the overall.

We have differing views on that to which there is no answer, what would have happened if.

My own view is that under the Warren court and before Nixon was the time to seek to establish precedents.

It is also my view that if the ACLU had filed the suit that is the first of four cited as requiring the 1974 amendments the history of the investigatory-files exemption would have been entirely different beginning in 1967 - with all this could have meant. No Danager would in those years have turned the court of appeals around. You should read the panel decision I won in that case before it was turned around. And now, without a word appearing in the papers, what the same appeals court handed down in this case the same day they issued Open America.

I don't always do as well as I'd like to. But regardless of what the records show I have not yet hit a dry hole. There is no such thing as a case from which I have come without some previously-suppressed records. And if anyone ever turned the government around and prevailed when it invoked national security before Jim Lesar and I did it, I'm not aware of it.

There is another difference, my subject-matter knowledge. Despite the prejudices I face courts have taken my word against that of batteries of FBI agents and even a former solicitor general. In every case I have proof for my word.

We have a current national security case we are losing that we could have won with help. I'm less able from illness and Jim is all alone.

While I appreciate it that you deplore the fact that in those early days I had no help, I deplore it that now Jim Lesar has no help in these cases from which much good can come. This extends to cases he has not been able to file.

Once the ACLU screwed up enough courage to file an assassination FOIA suit what did they do? File for Mark Lane for records that were never secret, that I'd had for a decade. That Ruby stuff with which it and he promoted themselves and did no other good.

No complaint against Johnnies-come-lately here. Dislike of the present attitudes of some and of the pasts of others, yes. I could put a few Johnnies-come-lately to good use myself. There will never be a time when there are too many people willing to work to good ends.

Sincerely,

Harold Weisberg



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July 21, 1977

Harold Weisberg
Route 12
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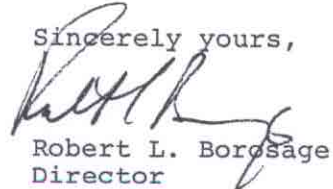
Dear Mr. Weisberg:

Yes, it is true we have come late to this work for the intelligence agencies and their programs would have best been opposed in the 1930's and 1940's. As you know, in the next two decades, the courageous stood alone under severe attack. Now we have a chance--a small one--to cut the bastards back, so I hope any number of "Johnnies-come-lately" will join the fray. I trust you would encourage the same.

As for the FOIA, I think it deplorable you were not given assistance, but I doubt if you would have done well at all in the early or mid-sixties in the courts against the broad national security exemption in force at the time. We don't do very well now with the law changed for the better.

Thanks for your note. I've placed your name on our mailing list to receive CNSS publications.

Sincerely yours,



Robert L. Borosage
Director

RLB/jam