

10/3/77

Dear Sidney,

Mike Conklin has just phoned to report his efforts to arrange a conference-call set up between us yesterday. Because we were out to dinner it was not possible.

Actually I'd expected to be in L.A. right now. I had planned to try to see you.

This leads to the first of several explanations I think I should make.

I cannot afford to travel except when the costs are paid. With a lecture engagement in Wisconsin, which had me part of the way out there, I wrote several friends I wanted to see and made arrangements to interview several people in the upper northwest, people who would not be available until the end of this week. The honorarium would have paid the costs not included in the Wisconsin fare.

The letters did not reach one friend in particular because he is in the production end of TV and was away on location. When he phoned me about 5 a.m. the day of the speech it became apparent there was no point in going out there because I'd have been spending almost a week doing nothing. And so this chance for us to meet and talk did not work out.

Meanwhile, two bills came from the FBI for records provided under other FOIA efforts. Nothing remains of the honorarium - when I receive it.

I had hoped that this friend in TV might be able to introduce me to people out there who might get interested in what I've been doing and what I've obtained. My purpose is not personal advantage, to be able to live better or easier. It is to be able to do more than is now possible for me. With good luck, something the past tells me not to expect, I might have been able to swing a research assistant. I am certain from my own news past that my files are loaded with what is on the one hand socially useful and on the other suitable for the market, even today's market.

There is virtually no possibility of booking a speech in California because the nuts and the self-seekers who receive most of the attention in the fields in which I work have a monopoly and generally go out of their way to discourage any interest in any appearance from me. They ~~also~~ have problems from my few appearances because I am not irresponsible and when asked about them am truthful. Mark Lane is the worst of these people, an amoral man who is able and utterly unscrupulous.

So unless you are able to get here on one of your NIH trips it will be a while before I will be able to make explanations except by this means.

I believe I did tell you that the WIA was stonewalling me on these records. I do not know why and I've not taken time to try to assess the probabilities. It can range from vindictiveness to feeling me out. On the face it is unreasonable because as a matter of law I can file suit on this in the morning. But then they know I can on other matters and have not. I have made an inclusive request under FOIA, they had respected it and had complied to where they sent records without advance payment. When they did not supply the records this time or even notify me I wrote to protest and they said I'm at the bottom of the list. Exceptional. So I wrote an appeal, it was more than 20 working days ago and I have thus met the prerequisites for filing suit.

I could have had my lawyer phone or write them, I believe with a reasonable prospect of prompt compliance. I didn't because I don't have the money to pay for so many records. Published accounts vary but I believe that in addition to those records I have there are not fewer than another 18,000, meaning \$1,800 not counting any new releases.

I will end up giving all my copies away as part of all of my records, which will be in the University of Wisconsin through the Stevens Point branch. This is because of a very responsible member of the history faculty there. I asked him to see if his colleagues in the psychology department could find some appropriation that would cover this. He was not successful. I was not able to do anything with the local college, a small one.

What this means is that unless someone advances the cost of these records I now can do nothing about getting them, even if the CIA relents and offers them voluntarily. I have been years working my way out of debt, have no nest egg for personal security and at my age and with my medical problems am reluctant to borrow again. I could walk into my bank

and leave with the money. I don't think I should.

However, I can and would provide any kind of guarantee anyone might want if someone who wants these records, as you do, would enable my paying for them. Our home is clear, for example. I would also undertake to make copies for people like Mike, who should go over them and if you can ever get him to make notes could be helpful to you. And for myself even if I do nothing but deposit them at Wisconsin.

Once I know I can pay my lawyer will make a lawyer's request, with the assurance that if he is not given immediate compliance he will go to court with a case that will hurt the CIA, more now with the Senate holding FOIA hearings- Teddy Kennedy's subcommittee. My own Senator told me last week. I have met the FOIA requirement and I'm sure as one of the first if not the very first. They really would look very bad and they would not want this, especially not now.

My Senator, by the way, is on the intelligence committee. If I were to give him the records I'm sure he'd ask the CIA questions they would not want to have to answer. He also knows the Olson case, a local case, as you may recall.

It would probably be possible for me to arrange California assurances if you would consider something like this.

If it is going to happen it should be soon because the one time of the year we have any regular income is approaching. My wife is an excellent tax consultant. She also enjoys doing it. By about January 15, which is not all that far away now, she'll be too busy to work the machine. As I think you realize standing by it is not good for me.

As you may not have stopped to think I have not asked your interest in having these records. So while I'm writing let me make a few suggestions I do not intend as intruding.

As you go over the records you may find withholdings you do not believe are justified. You may find some about which you do not know or have no way of knowing. The Act permits questioning the agencies on these things. I can do it because I filed the request. My lawyer is quite good on FOIA matters, besides being a good person.

The withholding of any one record, even the obliteration of any one word in any record, is subject to appeal and to litigation. While I am without doubt that there are legitimate questions of privacy and fewer of legitimate "national security," from my own experiences it is probable that many withholdings are to withhold the most embarrassing. I have enough illustrations of what they actually withheld to know the practise of the past.

If you come to areas of withholding where contesting them is of sufficient importance to you an effort can be made to obtain what is withheld.

I'm sorry I was not able to continue the trip as planned. Perhaps we will be able to meet before too long. I am not often away from home and as of now I have no other lectures scheduled.

Sincerely,