9/9/79

Congressman Don Edwards
House of Representatives
Washington, D.C.

Dear Don,

Thanks for your letter.

Perhaps the enclosed carbons may be of interest.

Mark is Mark Allen, who has just begun his third year at the University of Virginia Law School.

He handled his case pro se.

In an earlier letter I asked him to send you the evidence of what I believe is false swearing in asserting a national security claim.

If you have any interest in the CIA's King records to which I refer in the letter to Robinson you are welcome to copies.

In them the CIA attests that under the amended Act it is required to withhold, to protect "national security," the kind of information it disclosed voluntarily before you people amended the Act in 1974. I have many cases of this.

If any of these people is ever nailed for false swearing it would do a lot of good and the cases of it are numerous.

Best wishes,

Harold Weisberg

Mr. Timothy Robinson
Newsroom
Washington Post
1150 15 St., NW
Washington, D.C. 20005

7627 Old Receiver Road
Frederick, Md. 21701
9/9/79

Dear Mr. Robinson,

After your this morning's story you might want to examine some of the CIA's records of its spying on Dr. King that I gave George Gardner some time ago after I obtained them in C.A. 77-1997.

They are not of the nature described in the quote from Colby. They are much closer to the FBI's "no black messiah" Cointelproing.

What I gave George is of this nature. It involved a clear CIA recognition that its political operations were illegal and its continuation of the use of a domestic informant after he refused to be turned over to the FBI. (Below his self-estimate.)

God knows that there is that I did not get but I received as much on King alone as you report for all persons.

The claims for admitted withhold range from the ludicrous and spurious to false swearing, accept ed by the court.

Some of what I may not have given George seems to be the kind of thing you'd find in a man's pockets - notes of people he was to call, bills for clothing purchases, calling cards with notes on them, etc.

One such note identified a neighbor of Herblock. I wrote him but never got an answer. Meaning Herblock.

This case of mine is now before the appeals court. At the district level it was before John Lewis Smith. He followed his usual practises, of granting summary judgement with material facts in dispute and of accepting anything, no matter how incredible, provided by the executive agencies.

The CIA's informant knew what President Johnson said and believed when Dr. King was killed and as I recall it also undertook to interfere with commemorative efforts.

He appears to have been one of some prominence and of an Anglotonian political view.

Sincerely,

Harold Weisberg

Dear Mark, 9/9/79

In your FOIA suit you seek but a single record from the CIA. From their briefing and oral argument before the district court their brief to the appeals court presents no special problems. Their third request for an extension of time, therefore, would appear to be for a reason not directly connected with your case.

I think there is a good likelihood that in thelast minute they'll moot by giving you that record of a version with fewer expurgations.

But they don't dare do this with the situation in my C.A. 75-1448, which is back before the district court for an award of attorbey's fees.

You may not recall it but the day their brief was due they gave me the Warren Commission executive session transcripts of 1/21 and 6/23/64 and then moved to moot.

They explained this by alleging the erosions of time and declassifications for the House Select Committee on Assassinations.

I think I have them nailed firmly on this because there is ntohing in those transcripts that was subject to classification to begin with and nothing in them that the HSCA used. More, the CIA's witness specified that he took the assignment with the explicit understanding that he would not testify to substance and would restrict himself to the treatment of Nosenko. Nosenko's treatment was unknown to the Warren Commission and is not mentioned in the transcripts.

Actually, throughout the case I did much more than this in unrebutted and detailed affidavits.

There was a time when the appeals court tried to rush our brief, what within my experience and Jim's was exceptional. It was impossible for us. This was either just before or at the time the ~~XXXXXX~~ Ray v. Turner case was before it. We felt they were looking for the kind of record I had in 1448.

Our argument before Robinson on attroney's fees, in which how we got the two transcripts is relevant, is now due again. Jimwas was forced to ask for extensions of time because he was ill and they had had to because the CIA's staff counsel was away. These coincide with the CIA's requests for extensions in your case.

I think the last thing the CIA wants is to pull the same trick before the appeals court before Robinson decides in my case. Remember, there are two previous and similar cases with me, the 1/22 and 1/27 transcripts, both improperly classified and both given to me under strange circumstances after prolonged refusals.

Jim agrees. He had not mentioned the three delays before I received your letter. I discussed this with him yesterday.

We intend to try to depose some of these people. I expect an affidavit from Jerry. Some time ago, when he was working on a story for New Times, I suggested that he speak to Dooley, who had retired from the CIA but was in on the original phoney classifications.

Dolley actually ran off at the mouth and told Jerry that there was nothing classifiable in the transcripts, that the CIA just didn't want them available for a while, and that eventually they would be declassified.

With regard to the 1/22 transcript, which I got at the last minute before I'd have filed~~x~~ suit, I've just located the reason for this: the FBI told GSA there was nothing classifiable in it. (The FBI did not dare get involved in litigation on it from its content.)

You can see what will happen if we can depose these people and ask them what ~~it~~ was classified and what why. There is nothing classifiable in any of them and virtually all their content was within the public domain in any event.

There also appears to be some manipulation to get these cases before John Lewis Smith, who is indifferent to everything except rubber-stamping whatever the FBI and CIA want and has as much as said so in a transcript I have, another's case. Pratt seems to have worked this out. I have an identical situation in C.A. 78-0249, where I actually proved with the FBI's own record that everything withheld as classified was within the public domain. Pratt was in charge of assignment of cases, he has actually boasted of his partisanship in favor of the FBI and he is still burning over what I did to him in C.A. 75-226, where this partisanship was unhidden. (I believe but will never be able to prove that the FBI did the "research" for him where he went outside the court record in his opinion-and I tore all of that up, too, in an uncontested affidavit.)

So, while the agencies have been getting away with all these dirty tricks because they fear embarrassment and because it is a part of their campaign against the Act and requesters, who they seek to waste, they may also see a day of reckoning now in some of the appeals.

I therefore believe that they are anxious to avoid confronting Robinson with a similar effort to meet your case while mine is before him.

So please do what you can to limit the time they can waste on you on appeal.

And if and when they give you the record, file for attorney's fees and if you are refused, litigate that. They can't defend the withholding of the record you seek.

We haven't been able to prevent abuse of the Act but maybe we can now help defend it from official attack and efforts to weaken it.

Best wishes,

Harold Weisberg