

Stein/A

Mr. Ray L. Sawyer
Chief, Policy Staff
RMA/CAS
Fort Meade, Md. 20755

2/22/80

re Serial 89059

Dear Mr. Sawyer,

My wife has asked me to respond to your letter of 2/22/80. You state that you are now acting on a referral from the FBI of her PA request of 12.15/75, which your agency received on 2/4/80. You presume it was not mailed by small-packet through the foreign mails, was not lost, and was only just now sent by the FBI. No matter, a delay of more than three years is not by any means a record for the overly-dedicated and insufficiently principled agencies. It doesn't begin to compare with your own record in my PA request, in which, with the dedication to complete honesty and the unwavering integrity those of us who pay the salaries of bureaucrats I have come to expect, you denied the existence of this record.

However, you are not inconsistent. I recall your affidavit in my FOIA litigation.

When I told you that two of your investigators had been to the State "apartment" making inquiries about me and I had their names, you also denied that.

There is a law, Mr. Sawyer. It is called the Privacy Act. Under it, and it applies to you, too, you are required to enable those on whom you have records that may not be so wise to be able to file correcting statements. In making a false denial of having any records on me you denied me my PA right to correct this record, which in so incomplete it amounts to inaccuracy and is defamatory.

It is, in fact, inaccurate in attributing my reason to my firing by the State Department because I was fired without charges, without hearing, and under an act since found to be Unconstitutional, the National Labor Relations Act. However, the State Department resinded the action and was apologetic.

Your withholdings do not conform to the requirements of FOIA in that you do not correlate the claims to exemption with the withholdings. You do make a (7)(C) withholding but you make no claim to this exemption. You make (7)(D) claim for a government agency. As best one can figure out what you withhold and left to be figured out. Now one can appeal

absence of an identified exemption?

Has anyone a (b)(1) claim in a record that bears no visible classification. If you elaborated the classification (not in accord with the FO) then one can't be certain whether a withholding is of the classification or of other content.

It is on reading records like this one that I have come to realize just how the nation was saved from the most massive catastrophe. There is someone who supposedly had some kind of unspecified association or connection with three people said to be my relatives. (The names do not exist and one is dead.) Therefore, because my wife belongs to a purchasing cooperative at a time period like you considered them subversive, this person, totally unknown to my wife, might jeopardize the nation and thus it is that we have been saved from any intelligence disasters, from Frank Barker to Robert, with so many in between.

If you can take the time from your more important duties, like making unnecessary claims to FOIA exemption to withhold what does not really need to be withheld, maybe you can explain to me what the FBI has said like can I have had an indirect association?

And now that it is clear that the response to my FO request was not truthful, how about complying with it?

Sincerely,

Herald Weisberg

200 2/22/50
John from Harold Rosenberg, re our RA requests 2/22/50

Attached are copies of FBI/NSA's 2/22/50 letter to my wife, the referral to it of the FBI, apparently delayed more than three years, and my letter to Ray Banner.

I would like to know just why the FBI never made this referral before.

In filing the FBI placed the original in its "internal security" file on me, not in the file of the person I don't know and probably never heard of. However, I would like a clear and legible copy and I am interested in the duplicate filing of the Red Special copy.

In filing the FBI also stamped what appears to be "SI 7" on the record. What does this mean, Soviet Espionage by any chance?

Naturally, I'm also interested in this "indirect association with representatives of foreign powers" I'm supposed to have had, apparently leading to my firing. If that is wrong, then how long? I should be that your Department appears to have kept secret the direct associations with intelligence representatives of a foreign power it ought open to, Great Britain. Maybe Joe Jackson took it to the grave with him.

How could a reporter ever be other than a security risk? Or one who could find my office supplies or telephone or electric services? Maybe that meant all the diplomatic people who were among my customers when I worked? Maybe his was ambassador with whom the State Department worked as both photographer?

Do you suppose that the Franklin would understand this? How come the founding fathers didn't see him?

Maybe you can see why I wonder if this indirect association business has its origin in what the FBI withheld, my alleged association with the USSR embassy, an aspect you have not gotten around to.

for attachments see:

PA Requests, Appeals - Department of Defense -
National Security Agency - (LW)