

Mr. Alan Fitzgibbon
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11/29/85

Dear Alan,

Your FOIA thinking (11/25/85) is very good. I have a suggestion so I'm sending a copy to Jim Lesar.

Rear Houston correspondent, when you are in touch with him again, if he was in Secret Service in Houston, there was a leak about Oswald allegedly working for the government^{or} you might ask him if he knows anything about it.

Lonnie Hudkins then covered Dallas for a Houston paper. He is one of those, if not the only one, to whom it was leaked, in the form in which it appeared, that Oswald worked for the FBI. He and several associates made up a phony FBI number for this alleged association and after publication Hoover denied it.

Lonnie became a friend but because I knew he was hiding more than his source I undertook, later, to boobytrap him and as a result I got from him, albeit indirectly, the correct number - and it is not consistent with any known FBI coding.

There was a since-disbanded Army intelligence unit there, and it had Oswald information since destroyed, along with all the records of that outfit.

And I'm certain that Lonnie had Houston Secret Service sources.

After he left Houston for Baltimore he and his wife became friends but of course I've never asked him for a source he could not disclose. (He's now in Buffalo and I hear from him from time to time.)

As soon as I learned that Mark Lynch was sponsoring the exempt-CIA amendment I wrote him, perhaps more than once, and at some length. It is probable that there is personal content that I ought not give anyone else, but my recollection of what I wrote, in general, is clear enough. I traced the ACLU's record that it later came to regret going back to Roger Baldwin and, of course, Morris Ernst, and its abandonment of its most basic principles in the interest of what it then regarded as political expediency. It was a major part of the red-baiting that began long before McCarthy, in the 1930s, and some of its lawyers, allegedly red, were actually disharred, to its silence and as I ~~can~~ now recall, with its connivance. Aside from living through that period I had personal knowledge, from labor lawyers who were ACLU board members to a close friend who was very close to Baldwin. I gave Lynch chapter and verse and cautioned him against acts that he would later regret. What you describe is exactly the Morris Ernst role. He was Hoover's lawyer in some matters until Hoover decided to just dump he and not even respond to Ernst's letters. Ernst puffed Hoover publicly and in private communications. (Before McCarthy there were Dies et al and before Dies, Dickstein-McCormack and a red-baiting press.) I'm sure I also went into related things of that era of which I had knowledge plus some of my CIA/FOIA experiences. However, when a lawyer seems to be sycophantic, it may be just tactics and the corruption of a law-school education as well as subsequent personal experience. Jim Lesar has done some of the things you refer to when I didn't want to because he thought it was the best thing to do then, but these seeming compromises that were anything but compromises were not from questionable motive. I've little doubt that most lawyers would have agreed with Jim's approach - but he and they lacked my personal experiences and didn't see things as I did and do. At the same time, bear in mind that lawyers can suffer retaliation, as happened beginning in the 1930s, and their other clients also can be made to suffer. It is all complex and it doesn't necessarily mean that Lynch intends to be a fink.

ReFOIA, I think the most important matters to be researched are costs and public and institutional good from disclosures. Costs begins with forcing entirely un-

necessary litigation and then enormously escalating costs by diligent stonewalling. In my cases alone these inflated costs must now be in seven figures for the government alone and I've never filed a single case that was not historical and on that basis alone of great public interest. The historical determination was the AG's. In my cases, for a number of reasons that only begin with fear of embarrassment, they also crossed the line into overt criminality, and I think that it is so clear and undisputed, it could with some encouragement be of Congressional interest. In part this is so clear because there came a time that I decided that if only for history the record must be that clear and, making myself subject to the penalties of perjury, I alleged and proved these felonies, mostly perjury, under oath. So in all these cases the records are clear and unrefuted. In addition, emphasis in these areas gets away from what is always weak, merely defending. Make them defend because there is no way they can. Samples of embarrassing information are readily available, and some are pretty hairy. With regard to the book you suggest, I think this also is the way to do that, with information that in itself is of interest and little-known, as well as what was reported so long ago, the CIA's abuses and the FBI's Cointelproing, that it would also be interesting, especially the nasty personal stuff aimed at prominent figures as well as the little known.

— If I didn't give them to you, the two friends who are using computers are Dr. Gerald McKnight, of local Hood College, who is just getting into that use, and Bruce McKinney, then a doctoral candidate at Penn State and now on the faculty at LaSalle, Philadelphia. Jerry McKnight's wife is a psychologist and she is now doing her work on their computer. As I understand it Jerry will be making his notes on a fairly large Memphis FBI file he got from me, on a group which called itself The Invaders, and on the Poor Peoples' Campaign Dr. King started, which it refers to as POCAM, that he is getting from the FBI. He has a sabbatical beginning the end of this month and he plans a second article, the first also on such a Memphis file, for the South Atlantic Quarterly, Duke's.

On "national security" claims, I'll enclose a memo I'm sending to Lench and Lesar. I've much on this phony claim in a number of FOIA suits. One has some rather interesting stuff by Gerald Ford and on himself, as he didn't realize, on his bludgeoning of the Warren Commission over "national security" that was, in addition to being very wrong-headed, ~~was~~ in the public domain in any event.

I've made note from your inquiry about computers on your envelope and I'll take it up with Jerry and his wife. Probably she and my wife will go grocery-shopping together in the morning but if they do not and I don't see Jerry earlier I'm conducting my annual seminar in one of his classes in about 10 days and I will then. I do know that they use floppies and I do know that they are pleased with what they can now do because they have this computer.

At Penn/State McKinney even did his correspondence on his computer and I'm pretty sure he typed his thesis on it. I use your envelope so if he has occasion Jerry can write you an answer.

Best wishes,
Harold

November 25, 1985
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Mr. Harold Weisberg
7627 Old Receiver Road
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Dear Harold:

No, my Houston correspondent appears to have no factual basis for his theory that Ramfis Trujillo arranged JFK's assassination, just a few odds and ends of information which he seems determined though haphazardly to force into some kind of theoretical framework. I've helped him so far because I agree with Mao that a hundred flowers should bloom, know that the Secret Service took an interest in rumors about a 1961 Trujillo plot against Kennedy, recognize that Ramfis, Abbes Garcia, and Espailat were violently anti-American and had a conceivable motive for wanting to do JFK in, and have hoped that his Secret Service experience might be of some faint use to me. For some time I have sensed a want of analytic ability, lack of research discipline, and some confusion (especially about how to make FOIA requests) on the part of my correspondent, and now I'm beginning to doubt his staying power. Be all that as it may, I'll continue with him in low key for awhile in the hope that he may be able to make some--if only a disproving and negative--contribution in his area of research. I'll keep you posted.

Apropos the alleged 1961 Trujillo plot, the FBI documents I have about the two Dominican-Americans the Secret Service was hunting provide absolutely no detail about the alleged plot itself. The Houston man says he has asked the Secret Service for its material about the incident, and if he has, it produces, and he sends me copies or I get them from the Secret Service directly, I'll combine that information with what else I have about the pair and send you a copy of my notes for your edification and comment. Don't expect anything overnight, though.

If you think that Philip Hirschkop might be of some use, why don't you write or call him? According to the telephone directory, he is at 108 North Columbus Street, Alexandria, 703-836-6595. He might even make the hour's drive to see you since you are famous, after all.

If you have the time, do elaborate on the information in your letter to Mark Lynch "about the ACLU's errors of the past in a situation comparable with his vis-a-vis the CIA and its amendment." Or send me a copy. Despite the much-censored documents the CIA released to Jim Lesar about its dealings with Lynch, I am still puzzled about the extent to which he cozied up to the spooks and his motives for doing so. That he does cozy up to bureaucrats was apparent when he

represented me in the mid-1970s and in our conferences with the FBI seemed bent on cultivating them with pseudo-insider's chitchat. And in my one oral Vaughn meeting with the CIA I noticed how much a point they made of praising his use of that procedure. I don't want to sound priggish and self-righteous, but there is such a thing as selling one's soul.

My thinking about FOIA reform is, I must emphasize, nebulous, nebulous, nebulous. Certainly one need, as I keep telling Jim, is for adequate research on the broad area of official secrecy since little of that has ever been done. What kinds of people use the FOIA, what public-interest revelations has it resulted in despite official efforts to prevent disclosures, what harm if any have they done the agencies, what should be kept secret (very little, I agree with Sissela Bok) and for how long, how demonstrate that the agencies oppose disclosure rarely from concern about national security or privacy but far more often to maintain their own institutional power, how prise older documents from the agencies and into the hands of the National Archives, how keep the Archives from succumbing to the agencies' secrecy imperatives? Those are a few of the questions that spring readily to mind.

Another need is probably for a book that would awaken public interest and concern in the same way that Silent Spring and The American Way of Death did. But given the esoteric and essentially intellectual nature of the FOIA, could such a book be written and would it have any real impact?

Yet another need is for a national organization devoted to open government. Existing groups such as the ACLU, AHA, and Sigma Delta Chi take only a sporadic interest in that subject and then often parochially. Such an organization should be more political than legal and, needless to say, should have sufficient financing to mobilize the press and lobby effectively, neither of which has occurred so far.

Perhaps when I am approaching the end of Galindez--toward the end of next year, I pray--I'll ask you for the names of your two computer-using friends so I can query them about their database management techniques. If you are still in touch with them, you might ask them for me if they use sortable, variable-length fields, a phrase they should understand if they know computers at all well. Floppies, in case you are curious, are simply storage devices like phonograph records, the only difference being that instead of music they store words. They're as easy to use.

Best regards,



Alan L. Fitzgibbon