

Dear Alan,

10/1/84

Welcome back. To the world and to efforts to ~~preserve~~ preserve and protect it.

While you were in the hospital I made a few efforts on behalf of FOIA but did not send you copies. Jim has them if they interest you. I had an extra copy of one on the desk and I enclose it. What I wrote Paul Hoch, Jim's client, only yesterday, may also.

As of ~~your~~ my last info from Jim, the two houses are not in agreement, not too unusual when they rush to quit. If it stays this way the bill will die in the House and have to be reintroduced and go through channels. While there appears to be no basis for believing that the next Congress will be less inclined to favor CIA or nullify FOIA, it nonetheless provides possibilities. I believe that if they are to have any prospects of any degree of success the fight will have to be entirely different than what I've observed from the distance.

In the current session I believe that the fight had to be to so seriously embarrass ACLU that it would have to change its position. While cogent legal argument was useful to this end, by itself it could not and did not succeed. In any new Congress it will have to be to expose the CIA and embarrass the ACLU by indirection. That is more than possible. What is questionable is the amount of public attention it can get, particularly when there are so few who can try and so few who can be enticed to carry what on any other subject would be legit stories and think-pieces.

Jim, as I've never been able to persuade him, remains the creature of the orthodoxy of his formal education and his thinking and actions are based on that as his law-school indoctrination. He cannot make himself think the way that is necessary for taking and developing an initiative. He just sits back and await the next move of the other side to defend himself against. We've argued much about this. Including right now in the Hoch case.

What I did, in the usual rush, is not to Hoch's liking or his, quite possibly for reasons other than their academic approaches and preferences. I'll know more perhaps when I hear from Hoch.

But I've nailed them in a series of pretty big and significant lies that simply must embarrass the trusting judge if he is put in that position, which is really quite easy, the work having been done, whether or not the form is liked. In plain English it is at the very least close to perjury and with certainty the witness in this case having sworn other than he did some years ago on material points, the basis of perjury.

This is the kind of thing that is going to have to be collected and used. You can depend on it, in any area of sensitivity to the CIA it has lied in court as well as out.

With it the CIA's FOIA record, in general and in specifics. In general, as I've suggested to Jim, requests should be made for its records of receipt and action on FOIA requests. It must have such records, even in the form of lists because it requires lists to be able to assign numbers. Ditto for appeals. It then will be apparent that the CIA's backlog is not as it has described to Congress and is not entirely (if really at all) because of the number of requests received.

Jim told me you discouraged use of JFK assassination requests. I think you confused two considerations, the presumed general attitude toward the subject matter, along with the nuttiness and wastefulness of some of the requests, with the CIA's record. With focus of the CIA's record you'll have the best possible examples of its policy and practise of stonewalling and you have it on a comprehensible and politically significant and effective level - if they have nothing to hide on so important a matter, the most subversive of crimes, why do they continue to hide?

Even after disclosure - to presumed sycophants.

And the Congress. In a suit in which I represented me before the Hoch judge the CIA justified withholding until the very day its appeals brief was due by swearing that what it disclosed to the Congress it had to disclose to me. And after many years I've not received a single page.

Yet mine are inclusive, historical requests.

With, when it asked for more time going back to 1975, separate subject-matter requests for several topics. Like the Oswald-Mexico records.

There is little likelihood of any request for any significant number of records providing fewer opportunities for legitimate claims to sources and methods or of being able to sustain such claims in any litigation.

Moreover, all these records were identified and isolated and kept isolated for years, without any compliance with my and other requests.

So most of the cost and work had already been eliminated.

And the more they try to defend themselves the more they bog themselves down in the old and any new mendacity.

Moreover, we know enough about what is hidden as well as what is disclosed to be certain that what is withheld can be seriously embarrassing. And comprehensible, not complicated. Like the ostensible disappearance of an enormous number of Oswald records. That it had a source (quite ~~like~~ likely blown by them) inside the Cuban Mexico City Embassy and withheld this from the Presidential Commission. That Oswald had no marine field assignment not related to the CIA, including two efforts to overthrow Sukarno. That he had high and unreported security clearances, Top Secret and Crypto. Of these things I have the proof in hand. There are more. Like they came close to starting World War III and would have if Ambassador Mann had been listened to in Washington through feeding him obvious and inflammatory b.s.

If the bill is reintroduced there should be hearings and if the academics can forget they ever went to college they can be absolutely sensational in content. The attention, of course, is not predictable, but with hearings the competitive factor can work.

The JFL records are "operational" and thousands of pages have been disclosed. Ditto for the mind-bending records. So it is obvious and can be made more painfully obvious that the AGLU is worse than wrong in basing its support for what will be the total exemption its people say they've avoided on the falsehood that it does not disclose operational records anyway because they are insane. Some of the JFK records are pretty hairy, like its people planning torture, booby-hatching and assassinating.

I'm stayed away from, why I don't know, the domestic intelligence aspect. Those records, past and present as well as future, would be permanently secret. Combine this with Reagan's mandating those responsibilities, which remain prohibited by law, and this means problems for the AGLU and some Members if they support it.

The character of the effort has to be changed if it is to have any prospect for any success at all. It has to be of such a nature that it becomes dangerous for Members to support exemption, the opposite of the position most may now perceive, that it is dangerous not to support exemption.

I don't know what can be hoped for with so few people willing to try, but I am certain that this is the kind of effort that must be made. Doesn't what has just happened indicate that the character of the effort then made is not either suitable (if the only kind) or effective?

Please excuse the haste and typos. I've much to catch up on. Continued good luck

with your health,

11-56