

Dear Alan,

6/9/84

You ask about patterns to look for in CIA's bad faith. It would help if you could agree with a few basic conclusions I've reached, based on my own experience. First, they have a constitutional abhorrence of disclosure (unless they can see advantage in it for them) and will do whatever they can, within limits, just not to disclose. In addition, running up all costs in FOIA is a definite government program, at least with the CIA and FBI/DJ. Their costs they heap on the Congress for "relief." Our costs are our blood and the time they waste bleeds and deters us, too. And at least delays our publication.

In areas that are sensitive to them, as they see it, they are more uninhibited.

Whichever their purpose, and the difference is one of degree for them, that is, they'll do and risk more where they think they can be embarrassed, they cannot succeed if they are honest and truthful. (Except in the few cases where they really do not have relevant records.)

Sometimes they are evasive and really non-responsive. This requires the most careful examination of their language, which they use effectively. Particularly true with generalities. They regularly deceive and mislead. Remember, this is the essence of their craft. They are skilled at it.

But when all else fails they lie and no lie is too big or too embarrassing. This is what they have done with me, and because of my subject-matter knowledge and their extremes it has been easy for me to prove it. What is not easy is getting a judge to face it. I could provide all kinds of illustrations, based on my experience. You certainly have good subject-matter knowledge, so be extremely careful, slow and critical in examining their exact words.

For the most part, and within their experience safely, they assume that the records they begin by withholding will remain withheld. Therefore they feel reasonably safe in taking liberties with truth, and with me they've done this often. This is where subject-matter knowledge helps, particularly withholdings within disclosed records.

But they are not unwilling to tell big lies, and they do. Examples:

I filed a request before PA for all records on or about me early in 1971. No response at all. In 1975 or 6 Jim got in touch with their general counsel and he invited us out. First he told Jim that they had not received any request from me. When we got their he'd been given one. I had two to show him. He said he would have a further check made and eventually I got some. One of those that was disclosed, I think but am not sure by accident, is the response drafted by OS and then lined through and noted as not sent. It reports to files that to this day remain withheld.

I requested and when I was refused Jim filed suit for three partial or complete Warren Commission executive session transcripts. Originally they were classified Top Secret, but I proved that was by the court reporting firm, which was not able to keep control without classification. So then the Archives had the CIA ask that they be withheld, b1. And the CIA filed all sorts of generalized, conclusory and as it turned out untruthful attestations to need to withhold under b1. No matter what I did and proved, no matter what fine speeches the judge made, they won and I appealed. The very day their brief was due they disclosed. Now how did they explain the obvious, that they were afraid for that case record to be examined by the appeals court? Easy. And here also I proved that they lied. They said that because they had had to let the House assassins committee have it they could not withhold from me, and they claimed that it was disclosed in Hart's testimony for the CIA before that committee. First they filed an unofficial transcripts, only a few pages, to prove this, and when I established what it really was, they disclosed about 10 pages of the actual transcript.

There is not a single word in Hart's testimony or anywhere else in that committee's record that has any relationship to the transcripts withheld from me, except that the same names were involved, Rosenko and a couple of other defectors. They withheld the names of the others at district court and I provided them, to no avail. Meanwhile, I have requests going back to 1975 that under its explanation were also required to be processed. Not a word, and I've been asking. Finally, they cooked up an explanation, that under their regulations, because they claim I owe them money, they are not to respond even to correspondence. I can give you further details of this controversy if you want them. I asked for a copy of the regulation they invoked and it not only said no such thing but it leaves beyond doubt that I am right in the controversy. It's been about two months since I wrote them to that effect and I've not heard a word from them. I'll be writing them soon.

With regard to the OS records about which they deceived and misled their own general counsel, I believe but cannot prove that they include anti-publishing operations by the CIA and I think in this instance involving not only E. Howard Hunt but his New York cover when he was in domestic intelligence. I've a prima facie case but not proof. It includes a few of his domestic cover addresses. And I was the victim, with my first book and serialization. Probably some thing in London, with chapters I sent my London agent intercepted and long delayed. In the end I was using air parcel post instead of first class. They appear not to have intercepted that.

But back to the lies. These are common with regard to sources and methods, which scare the judges. They even withhold the location of stations on the fiction that official disclosure will do harm where unofficial disclosure does not. Then they authorize official disclosure in books, the most recent of which I've read is Joe Smith's. I've sent Learer xeroxes of some pages reflecting this

They've withheld from me the entire text of a record of its domestic intelligence operations (save for my name) the entire text of which, including my name, among others, was disclosed to Bud Fensterwald. I've forgotten the claim and swore to the need to withhold from me.

This is off the top of the head, with many interruptions. If you even need any of these illustrations, many are already in case records.

I come from Wilmington but I've lost most of my "classmate contacts. Certainly all the faculty I know there are gone and most of the present faculty is new. The college has expanded enormously since I was there. I've never heard of Block. But if he is also their in-house assassinations expert I'm a bit leary of him on a very simple basis, I've never heard from him. Not even to get any of my books. The people who go for mafia conspiracies are at best wishful thinkers and some are downright dishonest. I can't imagine the mafia, as such, getting involved in anything like the Galindes case. I also doubt that many of their people would run such risks without authority. Too much to lose for what could be in it. Block may be fine, though. I've never heard of him, not that I recall. My last contact on the papers, an editor with whom I worked there in the 30s, died just recently.

I've not followed the Galindes case closely at any time. My hunch is that the claim to withhold they'll make most is sources and methods and that at least some will not be secret despite their claim. Again, it's only a hunch, but where they withhold names, be alert to the possibility of one being that of Johnny Abbes. He had the rep in the Latin American diplomatic set in DC of being Trujillo's assassin.

Best regards,

Dear Alan,

5/7/84

This AP story in today's Baltimore Sun refers to the assassin who tried to kill Pastora as Spanish.

Twice I've heard him referred to as Basque.

First was the night it was on the evening TV news, either NBC or ABC, when a Basque was mentioned as one of the suspects.

Next was a few mornings ago, on WTOP.

Best wishes,

May 26, 1984
P. O. Box 34071
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Mr. Harold Weisberg
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Dear Harold:

Sometimes I am way ahead of you, but please don't let that stop the flow of ideas and information since so far your letters have been extremely valuable. Serendipity pays off!

A case in point about being ahead of you is the play written and given in Santo Domingo based on the Galindez case. I read Phillips' Night Watch immediately it appeared, noted its reference to the New York Times story, ran that down, called the Israeli embassy here to track down Benno Varon, the play's author, eventually got a letter with his address from the foreign ministry in Tel Aviv or Jerusalem, phoned him in Boston where he now lives and had a nice chat with him (and told him about Night Watch, of which he was unaware), and finally got a copy of the play from him. All that was sometime in the mid-1970s. Like the two novels and three television docudramas based on the case, the play took considerable liberties and was so-so.

I am intrigued by your statement that it is not difficult to prove bad faith on the CIA's part. Can you tell me of any patterns you have noticed or specific things to watch for? At the moment I am making an analysis of all the CIA's processing to date for my lawyers' use once Judge Greene hands down his reconsideration decision, and I am naturally interested in ways to determine and prove bad faith. I would greatly appreciate any help you can give me in this regard.

Do you know anything about the New York State senate select committee on crime and its apparently unpaid and parttime research director, Dr. Alan Block, who regularly teaches at the University of Delaware? My FBI analyst called me a week or so ago to say that he was asking for Galindez materials and, since she wouldn't give him my name without permission, to ask that I call him. I did and had a long conversation with him. He described himself as a specialist in organized crime and said he was interested in the Galindez case because of the long-standing rumor that the Mafia was involved in Galindez' kidnapping. Since Block and his committee might be of some use in that regard, I am anxious to learn something of his bona fides.

Best regards,



Alan L. Fitzgibbon