

Dear Joan,

11/15/79

The opening wish of your 11/11 is that we are well and holding our own. We are, thanks. You then refer to the painstaking retrieval of rivets from the bottom of the Congo and I can feel for that from what I've been wasting much time on lately, getting a snow blade on the front of my little tractor. This means overcoming one totally unnecessary problem after another and learning as I go. That when my little tractor was made the wrong frame was used. That the recommendation of the dealer was wrong and could not be followed, had to be improvised upon. Finally, after dark last night the job appeared to be substantially done. Today will be partly wasted with a few more odds and ends. Then, instead of rivets, I'll be slipping more wood, too, so it will fit the stove that is in the fireplace so we can try to pass the winter in some comfort and without oil.

If in a sense Conrad was talking about facilities and patience then what is required is patience and coping. Of those who are without substantial means this then requires adaptation, that the ~~stress~~ adrenalin not flow, the blood not pound the veins in anger. Or frustration.

Which is really your FOIA situation, isn't it?

I could respond better if I knew exactly what you asked for.

As a general practise I believe it is good to allow a few days more than the 20 working days of the Act to pass before filing an appeal. When you appeal it is enough to refer to the request, where a number has been assigned including it, saying that failure to respond or comply or ask for more time amounts to a denial, and you therefore appeal. In this you are no worse off if you can't file suit once 20 more working days have passed without anything happening because you don't have to file suit. However, it can have the advantage of getting you a kind of priority situation in the appeals machinery. In Justice it will if your request is not what they call a "project" request, meaning one encompassing a certain large number of records, I've forgotten the exact number.

I'd appeal the State 10/4 if it did not ask for more time. Perhaps now if not in a few days the FBI/DJ 10/30 and the 10/25 State on Bruce.

With him remember that there is an exemption of the Act specifically applicable to personnel and similar files. It can be waived if he is dead or if he is a public figure, which you can claim he was.

With Justice the reference to indices may not mean much if you don't know which ones are searched. If they are by Division you may have to specify which Divisions you believe have or should have records. On the Curriers Civil/Rights Division is obvious. I'd not overlook the former Internal Security, which has been reabsorbed by Criminal. This may involve their referring back to the backlogged FBI records provided by the FBI.

By the way, after you receive a response to your appeal, particularly from the Shea office at Justice, if they do not specify a sequential number for the appeal and a time approximation, I'd ask for an estimate of the time they expect to need. There is no question, they have a backlog all around, at the FBI and in the appeals office, so unless you have means of suing I'd opt for keeping after them in a quiet, polite way, saying you have heard they have a backlog, etc., but would like to know because you are writing a book. This may be the best approach at State, where you can ask if they have a backlog, etc. But I'd do this at the appeals stage. State can invoke the national security and foreign policy exemption, but don't ~~cross~~ cross that bright until your feet are at it.

To now you have done OK and the appeals are no special problem, merely a letter saying the right things.

The CIA is a special kind of beast. It doesn't really care about anything except misusing the Act for its own purposes and continuing its campaign against the Act so that embarrassment to it can be reduced. That they have ignored your request is not unusual. However, I'd follow the same appeals policy, including timing. Because you wrote them 10/18 I'd file that appeal now.

I'm not at all sure that it was right to anticipate an FBI objection because the Alexandra Bruce matter is what you call an open case. They disclose records in open cases, like JFK, which is still open, if they are historical cases, and you can take the position the "race case" is. If the language of your request doesn't include this I'd amend the request to include it and let them claim the exemptions if they believe that necessary. There may be material in the files they can release or if it gets on a policy level may want an excuse for releasing. Remember, they do not love the CIA at the FBI.

You ask whether the appeals letters relating to the diaries and the Curriers should be very specific. This is a judgement call but I'd do it a different way, as by stating your specifics in a structure that goes something like ~~you~~ including but not limited to and then the specifics. I began with pinpoint requests and wound up making them as inclusive as possible, based on experience. There is a predisposition not to disclose, so don't give them figleaves.

When possible it is wise to get all you can afford to pay for because you have no way of knowing what someone may be trying to hide or where else it can be filed in duplicate or even how stuff is filed. As examples I cite the three major JFK files from ~~which~~ which the FBI has made disclosures to me. What is withheld in one is not withheld in another. While this can be because different characters processed different files it can also be that in reading one file a well-intended person may see reason for disclosure after reading a second file. The important thing to bear in mind is that in general nobody is anxious to give you what you want and most resent having to give you anything at all.

You are not "bothering me like a baby." We all have to learn what is new to us. And if this is your real attitude, abandon it promptly because it can be self-defeating with the professional bureaucrats. I don't know that what I tell you is the best possible advice. It is what from my experience appears to be. It is new to you, so you are uncertain. This merely means you have joined the club. Welcome! Don't be afraid of making mistakes and don't be afraid to correct them, which you can always do with a new request.

Perhaps the time will come when we can discuss all of this in person.

The interviews sound great, if only because you have not been turned down. By now you should have had some experience with them. My experience indicates that it is best to turn them on and let them pour out. Each may have a steel to sharpen and may regard you as a possible whetstone. Fine if so. David sounds particularly promising for a wild trucker is a real treat. And if he went so far as to mention his special brand of bourbon, brush up on bourbon a bit. (My preference is for Nelson county, Ky., small-distillery ~~hard~~ bourbons because Nelson County has the best limestone water for bourbon. As I recall "aniels is a good Tennessee sour mash bourbon.) He seems more than usually friendly so a side pleantry might be helpful. In encouraging him to talk.

Did I even tell you that the stuff I got out of Chile despite police and other opposition in the early period of World War II, plans for a Nazi putsch, which FDR used in a fireside chat, wound up in Bruce's office in the Apex Bldg. in Washington when I asked for its return?..Excuse the haste and typos, please. There is a golden promise teasing itself into visibility through the pines past the swimming pool and I want to read the paper before launching into today's errands. I'll get it when I take the other mail out. It is 20 and cold! best wishes, good heart and keep it up.



TEMPLE UNIVERSITY
COLLEGE OF LIBERAL ARTS
PHILADELPHIA, PENNSYLVANIA 19122

DEPARTMENT OF ENGLISH

25 Elm Ridge Road
Pennington, New Jersey 08534
November 11, 1979

Dear Harold,

I hope this letter finds you in good health, holding your own and the condition well under control. Work is all: remember Marlow in Conrad's "Heart of Darkness," to the effect of, perhaps you wonder why I too didn't join the powers of darkness, why they didn't make me one of their own, well, I had work to do. In his case: fishing rivets from the bottom of the Congo River and getting his little ship afloat. We too are trying to keep afloat. For God's sake, don't make any special effort to see Apocalypse Now which in my view does neither Vietnam nor Conrad much credit.

I have filed my requests to the powers that be.

Now I suppose it's time to appeal because they've been silent: so, advice is required, please, please, please.

I have a letter stamped October 4, 1979 from Kathleen Siljegovic, Information and Privacy Staff, Foreign Affairs Document and Reference Center of the State Department acknowledging ~~request~~ of my request for the Bruce diaries. It's a form letter. With a number: FOIA request #7902932.

I have a similar letter from the Dept. of Justice and FBI dated October 30, Re: Audrey Currier et al. They are searching. I'm sure you know the letter.

I have a letter stamped Oct. 26 re: information concerning David Bruce. I had asked for his personnel file. (*Dept. of State*).

I have a letter from Justice re: David K. E. Bruce, stamped Oct. 26, again the form letter "A search of the indices to our records will be made..."

In the hierarchy of importance, what I would like most is Justice's file on the Curriers and their activities in the Civil Rights movement and the circumstances of their death. And of course the Bruce diaries.

So: what do I do next? Have I done the right thing?



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As you can gather, the C.I.A. has not replied at all, although I wrote to them on October 18th, in separate letters, for both Bruce and Currier materials.

Note that I did not ask the F.B.I. for Alexandra Bruce materials at all, keeping in mind that this is an open case. I thought it would be futile. What do you think? Michaelides has decided not to come back to Virginia willingly to stand trial, but the case remains open and there is still a flurry of talk about taking the matter to Greece.

appeal

Perhaps the letter about the Diaries should be composed very specifically? Equally the letter about the Curriers?

You have been so kind and helpful, I hate to keep bothering you like a baby. I'm working all avenues now, that is, David Bruce, the Curriers and Alexandra, all part of my story and the task is enormous, but fun, heartening, although sometimes people won't talk.

Do write and keep in touch with all your news, the new book, the progress of the research and all. What do you think of the xeroxed pages the ACLU puts out on Freedom of Information? I wouldn't dream of following it since I'm sure you've long ago exposed its ineffectuality. I haven't been to Washington all this time, doing the Connecticut, New York, Brooklyn, part of the story, and I've even lined up a ninterview in NY with Paul Mellon (brother-in-law of David K. E. Bruce and uncle of Audrey Bruce Currier) for Nov. 27th. So maybe I'm not doing so badly!

By the way, David Surtees Bruce (son of David K. E.) tells me news will break in a few weeks, but he won't tell me what so if you see any Bruce tidbits in the Washington Star or Post, do let me know.

Meanwhile: happy Thanksgiving (David told me he will shoot a wild turkey and pour Jack Daniels down its throat for a few days, his recipe, god help it). Write soon.

Warmest regards,

Joan