

Dear Joan,

9/13/79

Hasty response to your 9/11 so it can get into town and mailed this evening.

I don't know the name of the person or office at State to whom/which requests are addressed. Too many signatures on what I've received from State. But it is perfectly safe to address the Department, with FOIA request on envelope and on letter, both. It is sorted correctly internally.

It does not have to be notarized. (PA waivers do have to be notarized.)

Perhaps the staff is being gone over for security. Please keep in mind for the future that while just about all executive orders, usually referred to as EOs, are window-dressing, they are supposed to be complied with. So, there is a new declassification EO under Carter and it requires classification review on request and after stuff is classified for 10 years.

If you make clear that it is a Freedom of Information request and if you ask for identifiable records, don't worry until you face non-compliance - if you do. ~~Shit~~ Then is time enough to start thinking of worrying.

If Mashak was the guy who handled it informally he may also be the one who handles it under a formal request. But don't worry about that, either. He has to because it requires a decision within 10 days.

If they have a problem they can ask for more time in a letter to you in which they state why they need more time. If they don't he knows you can appeal, and you should, because that also requires a decision within 20 days and gets ~~the decision~~ that decision out of the hands of the one who has decided negatively. Not complying is also a decision, as is complying, complying with some withholding or asking for more time. If they comply I'm sure they'll really need more time to review the stuff.

But the thing to do is to get them started. Step at a time.

My hunch is that unless they can ~~find~~ ^{find} what they believe will stack up in court or decide that they'll be hurt too much not to stall by litigating they'll comply at least in part. This means that they may claim the need to withhold under some of the exemptions to the Act. Time enough for this when you confront it - if you do.

For the bureaucrats FOIA offers protection. Where they may be reluctant to make available what should be "public information" if they have to do it on an informal basis - ~~just~~ perhaps from fear of criticism - if the material is within what the Act requires to be disclosed they are protected in making the decision to disclose, or the recommendation that it be disclosed.

Excuse the haste. Good luck - and get started!

Best wishes,



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DEPARTMENT OF ENGLISH

25 Elm Ridge Road, Pennington, NJ 08534
September 11, 1979

Dear Harold,

A million thanks for your letter of September 6th. The other "document" I would be interested in from the State Department is, of course, David K. E. Bruce's personnel file. Should I ask for it in the same request?

But a further point you forgot to tell me, and it shows how unfamiliar I am with this field, do I address the FOI request to Machak himself; he's Chief of Documents & Reference, Division of Foreign Affairs & Reference Service, Department of State. Does the letter go directly to him? Does it have to be notarized? And should I state: you have 10 days in which to comply? (I should mention he said the Diaries are being, have to be, gone over for security clearance, but requests from outside would "speed things up")
Ha, Ha.

Sorry to be such a baby about this, but I want to get it as right as I can. I hope you're well, better, and from your letters I can see that you're going strong in these departments. I'm becoming tormented by the case, but that's all right. It doesn't work out to: he shot her, or - he didn't shoot her. I'm back on the trail hunting down witnesses and acquaintances. It's not for nothing that I wrote a book about images of masculinity in American movies. When I get bogged down, I think of myself as John Wayne heading out, obsessed, determined, letting nothing stand in his way and doing it, whatever the cost.

With affection,