

11/21/76

Miss Jay Smith, Director
Civil Archives Division
National Archives
Washington, D.C. 20408

Dear Miss Smith,

In the penultimate paragraph of my letter of 11/5/76 I asked you a ^{single} ~~simple~~ question relevant to my C.A. 75-1448 in which the Archives is the defendant. In the course of the full explanation I gave you I informed you that there was to be a hearing on that matter in 13 days. ^{Then, of course, gave you ample time to respond. Therefore you did not respond. Not in any way. You did not, for example, refuse to answer my letter or this question. You just stonewalled.}

I asked if the defector of the 1/21/64 transcript is the same one about whom the CIA has recently made releases. I did not ask his name, for example. Not that the KGB does not know it. "National security" has come to mean secrets from the American people only so what the KGB knows we may not know. I asked only what cannot be national-security information relating to what is before the court.

If there is anything improper in this request I'd appreciate an explanation of it. If there is not I'd like a prompt and unequivocal response.

Let me explain this in a different, layman's way.

If the CIA release relates to the subject of the 1/21/64 transcript the CIA erred, if I may understate, in asking the Archives to withhold that transcript from me. If the Archives is aware of this then I think there is a substantial question of defrauding me and of deceiving and misrepresenting to the Court. The claimed reason for withholding this transcript from me no longer exists - if it ever did.

There appears to be no complexity in this, no problem in stating yes or no, no work required to learn and respond.

If you persist in not responding I have no choice but to ask counsel to present this to the Court. This then becomes an unnecessary burdening of the Court and your counsel as well as of me and my counsel.

I believe there is no question of relevance, that this is very relevant.

In my letter of 11/5/76 I also went into whether or not any of this was really secret. You have not responded to that, either. So I now ask, in order that the Court may know, whether the name of the defector is public in any way. Of either if there is more than one. If names are known there can be no secrecy as alleged. If this is true then there would appear to be a fraudulent claim to deny me this public record on this basis alone. In turn this means considerable abuse of the Court, the Act and of me and my counsel and for no enormous costs over the many years I've been trying to obtain this public record.

This matter will again be in the court shortly. I do hope you can stop this stonewalling and either respond or explain why you refuse to.

Sincerely

Harold Weisberg