

Dr. James B. Rhoads, Archivist
The National Archives
Washington, D.C.

Rt. 12, Frederick, Md. 21701
11/26/76

Dear Dr. Rhoads,

FOIA request or appeal

In our previous correspondence I have made repeated complaints about discrimination against me in denying me what is given to others and about your blind compliance with unreasonable and entirely unnecessary requests of other agencies that you withhold what is public information when as head of the inter-agency committee you are the outstanding expert in the government and know better. I have also complained, repeatedly, about your politicizing your Post. The Ron Kessler story in today's Post is a good illustration of the validity of my complaints.

This is an angled, inaccurate and to my knowledge in some respects a deliberately dishonest story. It has obvious political objectives of the executive agencies in it.

It deals with the CIA's electronic surveillance in Mexico just before the JFK assassination. It also reports that you have records on this you are withholding.

There has not been any question of either national security or confidential sources for more than a year because the fact of this surveillance has been public more than that long. It is also of an earlier period but with less specificity in E. Howard Hunt's book on his career. I believe it is in Agne's. Both report what since then is not secret, that local authorities cooperated with the CIA in these endeavors.

I do not have a clear recollection about whether I made an FOIA request of you for such records. I am without doubt that I made duplicating requests of the CIA for ~~ME~~ it, one more inclusive and one more restricted to avoid the customary stonewalling that is always described as something else. When I filed the separate request for all surveillance only the CIA noted the duplication and I explained this as above.

Of course I've not had time to read the voluminous 1975 release some of which actually ran well into this year. It has taken you several months to do just the copying, as I've already noted to you personally. Others have. I have their notes. Nothing of this nature or description is included.

The Post's story is specific in saying that you inherited this material when you became the successor to the Warren Commission. It dates one transcript. I am asking why this was not ~~made~~ released prior to and during the 1975 review and releases. I am also asking for all records dealing with any effort to release it or to prohibit its release and for the Commission identification. As you know those in the so-called basic list are utterly and deliberately meaningless. I am also asking, if I have not in the past, for all records of any kind or source dealing with or in any way relating to any and all intercepts of communications to, from or relating to Lee Harvey Oswald and any all records of any kind dealing with or relating to surveillances of any kind by anyone, ~~anywhere and at any time~~ anywhere and at any time. If I have already made this request and have not appealed its rejection I do herewith.

I do it through you because you supposedly run the Archives, you are the head of the inter-agency committee on declassification and you have blindly, even irrationally, followed the requests of those whose improper withholdings of public information the FOIA was enacted to end.

While I do not believe the intra- and inter-agency exemption is applicable, I note in the event you try to invoke it that you have waived it on this subject and with regard to the CIA many times. You have, I believe, thereby waived any legitimate claim to the exemption. So has the CIA. So also has it with its leaks.

Sincerely,

Harold Weisberg

Mr. George Bush, Director
CIA
Washington, D.C. 20505

11/26/76
Rt. 12, Frederick, Md. 21701

Dear Mr. Bush,

This letter is prompted by the Ron Kessler story in this morning's Washington Post and what it means of the CIA violations of my rights under FOIA/PA.

I have a number of requests pending since 1971. There has been no response to most of my appeals. All requests are long past your own claimed- and largely manufactured- backlog. Action on no appeal has been completed, not even on the one because of your non-compliance with my 1971 request. Your record is of virtually total non-compliance.

Your stonewalling on my requests for everything on the JFK assassination and everything on or about Lee Harvey Oswald led me to file separate requests for individual items of evidence so you could process them more expeditiously. With one request almost six year old and not complied with I think you can understand my position and the totality of the proof provided by the CIA that it does not conform to the requirement of the Act, of due diligence and good faith.

When I filed the separate request for all records of all surveillances on Lee Harvey Oswald the CIA responded that this is included in an earlier request. I then said I want it processed separately because I do not want to wait until that distant time when your functionaries complete their review of all the files. The law give you no such right. This narrower request was subject to prompt compliance. What was lacking was the CIA's willingness. What was controlling was and is its determination not to live within the Act and its intent to nullify the Act by making it unworkable. Therefore there has been no compliance with this one of several narrower requests.

There has not been any question of national security or of the disclosing of confidential sources or arcane methods. The fact of all of this kind of surveillance has long been public, as has the identification of those who aided you in these endeavors.

Now the Post has been given on an exclusive basis what I asked for under the Act and was not given. I was not even given a reason for your refusal to abide by the Act, Spurious as the CIA's allegations usual are I was not given even a shoney one. This has been very damaging to me. In the course of this at least one former CIA person, by the most remarkable of coincidences the one who is leading your "defense," has been all over TV and radio in elaborate details. Now this is the kind of think the CIA has assured courts have to be kept secret in the interest of "national security." So I think you face a problem of enforcement. This man seems to have violated the law as you interpret the law and his oath to CIA. That it serves CIA's interests is not material.

David Phillips, as the Post managed not to report, was CIA station chief when Lee Harvey Oswald was in Mexico City.

Although you have done it you should not investigate the press. However, you do have a statutory responsibility under which I demand a full investigation of this matter of you and a report upon its completion. If you do not agree to do this I then call upon you to retract every allegation, in court and elsewhere, that information has to be denied me because you have this statutory responsibility. You meet your responsibilities under that Act or you do not. It gives you no license to choose what you will and will not do under it.

Because of this Washington Post story I ask for immediate and separate compliance with those requests that were denied and from the materials of which this story is written. I do hope that after this story and its coast-to-coast attention I will not be greeted with your usual kokum. I would like to hope that at some point there will be some decent concern in your establishment, some sense of shame over such conduct and wholesale illegalities.

If you recall the way Brandeis put it, this kind of conduct does more to undermine the national than anything you do can do to secure it.

Sincerely, Harold Weisberg