

Capt. L.E. Connell,
Director, NIS
Hoffman Bldg.
2461 Eisenhower Ave.,
Alexandria, Va. 22331

Rt. 12, Frederick, Md. 21701

NIS/27E/jvs 5400 P7-77 Ser U 3690

Dear Captain Connell,

Your letter stamp dated 6/10/77 came when I was away gathering evidence for an FOIA suit.

I am much impressed by your letter and the fine spirit it represents, by you personally and of the service you represent. While I am aware that it is no more than the law requires of you I must also confess that it is not at all common within my experience, an experience I believe to be extensive. So I begin with thanks and a sincere expression of appreciation.

It is my recollection that I invoked the provision of the Act that permits the remission of charges under the circumstances that I believe do apply while assuring you that I would pay the charges, reserving the right to recover them. Accordingly, our check in accord with your concluding paragraph is enclosed. The amount is \$15.70.

These records will be deposited in the University of Wisconsin system, through the Stevens Point branch. You can satisfy yourself on this through Professor David Wrone of the History Department or Dean Burdette Egan, Professor Wrone's home, with school not in session, is 1518 Blackberry Lane, Stevens Point. The zip for it and the university is 54481. On my return from this trip a letter of thanks from Dean Egan awaited me with your letter. It covered what Professor Wrone took with him. There were an additional name file drawers of material that went by truck after he left. Professor Wrone is in immediate supervision of this archive. You can also satisfy yourself on this through my lawyer in Washington, J.H. Lesar, Esq. His office phone is 223-5587, home 48496023. He obtain his legal education at Wisconsin, is one of my executors and is partly responsible for my depositing all my records in the Wisconsin university system.

So I am again asking the remission of all charges, as the Act permits. While the sum is small the principle is not and at 64, in impaired health, I also am without regular income.

On principle I am in accord with the two exemptions you claim in your second paragraph, (7)(C) and (D). Generally these are necessary and proper exemptions. However, I am asking you to reconsider the claim to them because the Attorney General has held this to be an historical case, to which more lenient standards apply and because I can understand that you may not know what is already public. In addition, the privacy exemption is really "clearly unwarranted" in the language of the Act, not just that there is a question of privacy. The source exemption requires that there really be confidentiality on that source, or that the source not be known. One provision also requires that it be a unique source. Over all there is the recent policy statement of the Attorney General, that all records that can be released shall be released even if an exemption may be claimed.

At least one source is dead. He is Guy Johnson of New Orleans, an attorney. Aside from what he told me personally there are what I believe are references to him in the Warren Commission executive session transcripts. There may well be a reference to homosexuality in some of those records. I agree this would require obliteration of the name other than that of Oswald. Unless that person is publicly known as a homosexual.

You may have a real problem in not knowing what is and is not public. One excellent source is Mr. Marion Johnson at the National Archives. He has an excellent command of the subject and means of knowing what is available through the Archives.

Thank you also for your referrals to other agencies. It is my experiences with some of them that adds appreciation to the spirit of your letter. Some are as much as nine years in non-compliance with my FOIA requests. I do not expect the responses from them dictated by the Act.

While I do want to preserve my rights I do not want to appeal without need and abhor going to court not only because of the intent of the Act but because I regard the assassination of a President as the most deeply subversive of crimes. From this I believe exceptional FOIA standards are imposed upon those administrations that came into being because of the assassination. I therefore enclose a copy of your letter and of this one for you to forward as an appeal in the event you decline to make the added review and inquiries I suggest. If you exercise due diligence in good faith along the lines above I will not now appeal. I am this much impressed by your letter - I trust you despite a long history of untrustworthiness by other agencies.

You refer to an initial request of 5/21/77. You have reason to believe this is true. I made these requests long before the amending of FOIA. The requests are only now being referred around. I believe these requests include the Marine Corps. However, rather than making an issue of this I am forwarding copies as you suggest on your page 2.

You appear to be responding to that part of my request relating to Oswald. My first request for other evidence of the crime was directed to the Navy close to a decade ago. While these records may be in other Navy files than yours there has been no compliance. I would appreciate any referrals or advice from you. I am most of all interested in the evidence of the crime itself, especially the forensic evidence.

In the last paragraph of your first page you refer to index cards or cross-references to records that cannot now be located. While your presumption of routine destruction may be the actuality I would appreciate whatever records you can provide on this. Not only because the destruction of any record related to the assassination can hardly be normal or routine. One example of what I mean is that I have not been able to locate the records of Oswald at Keesler Field and they do not exist in the Warren Commission files. Yet he did take advanced training there. Another example is his security clearance. The Warren Commission documents reflect only that he was approved for confidential. The actual evidence is that he had at least Secret A clearance, probably Top Secret, plus crypto. So, knowing what is cross-referenced may help locate records in the future.

Subsequent to your receipt of this request the Attorney General issued a new FOIA policy statement. It is that all that can be released without hurt is to be released and that he will not defend those agencies not meeting this standard in court. At the same time I recognize what must concern you, that really secret intelligence sources have to be protected and that there not be "clearly unwarranted" violations of personal privacy. What this means is that I am asking that you make a good-faith effort with what is defined as due diligence to assure yourself to the degree possible that the excisions are necessary, that any invasions of privacy claimed are first invasions of privacy and then clearly unwarranted, and that the sources are actually secret sources. In this I recognize that you are not a subject expert. So while I am prepared if not in fact predisposed to believe you I do ask that because I may know what you may not you be prepared for me to question your decisions in these areas.

I intend the appeal in abeyance referred to above to include the remission of all costs. It occurs to me that if you do not question the propriety - and a court has already found applicability in another of my suits - you might feel easier sending these records to Professor Wrono for that archive. I can obtain access through him later. I would ask him to provide me with copies of those pages with excisions so I can review them promptly.

Your letter and its and your attitude are so faithful to the Act and so foreign to most of my experiences I am compelled to repeat my thanks, express my appreciation and note the small but thoughtful courtesies, like the sending of an addressed envelope. I do thank you and the Navy. I also offer the opinion that if yours were the practices of other agencies millions of dollars and thousands of hours would have been saved. Sincerely,

Harold Weisberg