

The New York Times

WASHINGTON BUREAU
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HEDRICK SMITH
Chief Washington Correspondent

September 20, 1984

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, MD 21701

Dear Mr. Weisberg:

Thank you for your letter regarding the Norman Dorsen-Ira Glasser/ACLU case. I certainly understand your sentiments, although my function as a reporter is to report the fact, without judgment one way or another.

I certainly hope that you have contacted the ACLU about this matter and let them know how you feel. I'm afraid there is nothing I can do for you.

But thank you for thinking of the Times, and in the future you probably would want to address a subject like this to the op-ed page editor. Perhaps then they will want to use it for publication.

Sincerely,



Hedrick Smith

Signed in his absence.

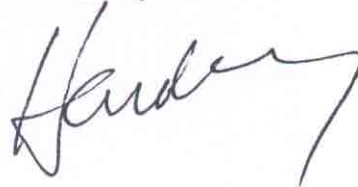
Dear Rick Smith,

9/24/84

It was a bad day for this aging body and I was so weary after my morning therapy I planned a nap until, in the same mail with your thoughtful letter, I received another defamation by the Department of Justice. It made so much adrenalin flow that after I wrote Jim Mesar, my FOIA lawyer, I took your suggestion and dashed off the enclosed submission to the Open page.

You are the kind of ~~the~~ guy Mo Waldron described, I appreciate it and I thank you for it.

Best wishes,

A handwritten signature in cursive script, appearing to read "Hardy". The signature is written in dark ink and is positioned below the "Best wishes," text.

Oped Page Editor
New York Times
22 W 43 St.,
New York, N.Y. 10036

Dear Editor,

The Times' reporting of the controversy over exempting the CIA from FOIA, and this is the practical effect of the exemptions in the legislation, prompts this submission.

In order to keep it short it is general, but if it interests you I'll provide any specification you may desire. Or, I'm not far from Washington, and while I do not know who is there currently, a number of your reporters have used me as a source or have requested and obtained information from me. They are welcome to see what I have if, for example, you consider the Oswald assignments and security clearances newsworthy. Ill health prevents my going there.

That information comes from the inquest into the suicide of Pvt. Martin Schrand.

Senate debate on the 1974 amending of FOIA is specific in stating that the opening of CIA and FBI investigative files, and this means CIA operational files, was prompted by an early one of my numerous FOIA lawsuits. These lawsuits have led to the disclosure of perhaps a third of a million pages of once-secret records.

And neither the FBI nor the CIA crumbled, the government did not fall as a result. The actual result is that all of what could be forced out of secrecy of their dirtyworks became public.

Even the title of this legislation is Orwellian. The authorization of perpetual secrecy is headlined in the Congressional Record and the bill is known as "Central Intelligence Agency Information Act." (Page H 9621)

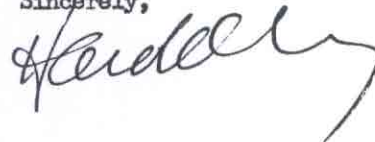
I have CIA records of orthodox flatfooting in Washington and involving me - and they are not accurate.

While I made no mention of it because I may yet sue for the withheld records on me, I discovered a CIA mechanism for psying on what American say and believe by hiring private agencies to do the work for them. The CIA withholds this from me but privately I obtained carbons of what was sent to the CIA, bills, copies of checks in payment and the cover address used.

One of the intrusions of CIA personnel into political and legislative matters was the effort to impeach the late Justice Douglas. E. Howard Hunt and the Mullen Agency were involved, as was the first Watergate burglars' lawyer, Douglas Caddy, officed at the Mullen Agency. Mullen was then CIA and Helms lied to the Erwin committee about when Hunt went there. It was not only after Hunt retired. He was there as early as 1969 - and still CIA. He was so careles a spook then he used as his cover address the cover address of Mullen!

I am now 71, a first-generation American, a former investigative reporter, Senate investigator and intelligence officer, and I am deeply concerned about what this will mean - the danger when the overly-dedicated have nothing to fear.

Sincerely,



"CENTRAL INTELLIGENCE AGENCY INFORMATION ACT"

Despite its joint sponsorship by the CIA and the American Civil Liberties Union, the bill that is supposed to speed up the CIA's response to Freedom of Information Act requests (H.R. 5164) is in fact a police-state measure.

The act creating the CIA specifically prohibits domestic operations by it. By executive fiat, without audible protest from civil liberties groups, President Reagan nullified this law and directed the CIA to engage in domestic activities. This ACLU legislation exempts all such records from the FOIA and prohibits not only their disclosure but even any search for them in response to information requests by the press, historians, Members of the House and Senate, most of the committees of both Houses, and by private citizens.

This assures the CIA that, no matter how great its transgressions, they will forever be immune from public examination - transgressions of the past, of the present and of the future. Its many transgressions of the past against the First Amendment remain largely unexposed. The certainty of perpetual secrecy can hardly be interpreted as any restraint against the Agency's future violations of what we once regarded as basic and inalienable American rights.

The ACLU's support of this newest restraint on information by the Reagan administration is based on an untruth, that the so-called "operational files" of the CIA are never disclosed and are exempt under FOIA as amended in 1974. Thousands of pages of the CIA's operational files have been disclosed to me. They are of enormous political and historical importance - and they are embarrassing to the CIA. Its fear of disclosure is what inspired its campaign for exemption and its years of stonewalling.

The CIA's claim that it has complied with the FOIA and has handled

requests in the order of receipt and to the best of its ability but lacks the manpower for the processing required by the Act is belied by its record. I have requests almost a decade old that it has stonewalled by one device after another. Disclosure of those records assuredly will embarrass the CIA so it ignores the law and its responsibilities under the law and then lies about it.

My requests relate to the CIA's investigations when President John F. Kennedy was assassinated. Surely this is a subject of greatest consequence, however one regards the official solution to that most subversive of crimes. No secret sources, no secret intelligence methods are involved, but if they were, the 1974 Act protects them from disclosure. No reason consistent with the national interest for this resolute suppression of information and the lawlessness with which it is accomplished is immediately apparent.

One example of what is embarrassing to the CIA when its dirty linens are exposed is the fact that it came close to launching World War III with inherently incredible reports from its Mexico City Station, cabled to Washington and used to incite then Ambassador Mann, fictions the FBI doubted from the outset. Only when CIA Langley was terrified and ordered its Mexico City Station to grill the source of the fabrication, that the Cuban embassy there had financed Oswald, did it go to work on him and get a confession that he had made up the whole thing. Only then did it report to Langley that its source was an intelligence operative for the late Nicaraguan dictator, Anastasio Somoza.

Meanwhile, Ambassador Mann, based on this obvious fabrication, was pressing for the most severe sanctions against Cuba, which had a ^{mutual} ~~mutual~~-assistance treaty with the USSR.

Other CIA operational files records disclosed to me include its possession of the contents of the late Dr. Martin Luther King's pockets: messages

to him from his office, of persons he was to phone and meet with, even of everyday purchases he made. These same operational files disclose that, in acknowledged violation of the law, the CIA had a highly placed informer reporting to it on civil rights activists and pressing it to take steps against Dr. King, characterized by that source as a tool of "Chicoms," the Chinese government.

Still other disclosed CIA operational records report its spying on what Americans said when they gathered to discuss a topic of importance to them - in Washington.

That the CIA toyed with the minds of unwitting human beings, resulting in endless agonies and deaths, is recorded in its disclosed operational files the ACLU claims are never disclosed and are immune when they were not.

The CIA disclosed operational records to me in which its stonewalling of the Warren Commission is spelled out. It volunteered nothing and it resisted making full and truthful responses to that Commission's inquiries. This was not the unauthorized practice of an underling; it was recommended by higher authority. The State Department, according to these same disclosed operational records, was aghast at the insolence and insulting nature of questions the CIA wanted to ask the government of the USSR and opposed asking them. By this means the CIA also frustrated official requests for all relevant records the USSR had. That the sophisticated CIA would propose such a course is even more perplexing and provocative when it is remembered that the diplomat in our Moscow embassy that Oswald saw, Richard Snyder, had a record of CIA employment and, instead of allowing Snyder to review his Commission testimony, the State Department withheld it from him and had it reviewed by the general counsel's office. This is a departure from standard practice recorded in the Warren Commission's Document 1174, an innocent and not classifiable record that was classified and

then declassified. Snyder was then stationed in New York City and the withholding from him of his own testimony was five months before its publication, so time and distance were not factors.

Among the CIA's transgressions against the most fundamental American belief that remain unexposed is the involvement of its people in domestic and legislative events, including unexposed Watergate activities. This involves false swearing to the Senate investigating committee chaired by Senator Sam Ervin.

The late conservative leader, Senator Richard B. Russell, a member of the Warren Commission and head of CIA oversight, to his dying day encouraged me to persist in my inquiries because, he told me, "I am satisfied that they have not told us all they know about Lee Harvey Oswald." My inquiries, to a degree only frustrated by the CIA, provide ample support for Senator Russell's apprehensions.

I obtained official records - not from the CIA but from the Navy - proving that the accused Presidential assassin had no field assignment as a Marine that was not related to the CIA and had, what the Warren Commission was never told, the highest security clearances as a Marine, Top Secret and Crypto. This while he was getting Russian and Communist literature openly through the mails, to the knowledge of his superiors. That Oswald had these assignments and clearances is masked and withheld from his official personnel records, where these assignments are listed only as "field" assignments of unspecified nature.

But what was withheld from and hidden on Oswald's personnel record was not hidden in a Navy court-martial inquest into the suicide of a Marine who was on the same assignment at Cubi Point, Philippines, a well-known CIA base.

The question lingers, if the CIA has nothing to hide, why does it hide so much, why does it violate the law and swear falsely to the courts, as it does regularly, to be able to continue to hide information potentially of the greatest national significance?