Ms. Mabel E. Deutrich, Assistant Archivist
National Archives
Washington, D.C. 20408

Rt. 12, Frederick, Md. 21701

Dear Ms. Deutrich,

Each of the two sentences in your letter stamp dated 12/10 and here today is false. I deeply regret your compulsive need to conform to the worst of it to compete or survive in what has been the worst of a man's world.

Your letter reads, in full: "This is in reply to your letter of November 26, 1976, making certain requests and citing the Freedom of Information Act (5 U.S.C. 552 as amended. Since your requests would seem to involve the Central Intelligence Agency, we have referred a copy of your letter to that Agency for a direct reply."

First of all I did not address you on 11/26. You do not indicate this. I regret that you also indulge this need to abuse me when I am not well and at my age by requiring me to consult my files when I have made clear for more than a year that this is sometimes difficult, sometimes impossible for me. I am without any staff and I do have filing of more than a year ago I have not been able to get to.

If it is not a deliberate lie contrived for some anticipated future misuse it is at the very least a deliberate distortion to represent "the making of certain requests and siting" FOIA. I did not "cite" FOIA. In the heading of that letter, "FOIA request or appeal" I invoked it. For those of you determined not to like withing the law and for the delays you contrive in denying me my rights under the Act the difference is enormous.

Whether or not there is a CIA "involvement" my request was of the Archivist, not either you or the CIA, although as my letter indicates I had addressed it separately. I addressed the Archivist personally for reasons set forth in my letter. Now it is a fact you neither question nor deny that I asked under the Act, if I had not earlier made the request, for a record the Archives has. If I had made this request earlier my letter is explicit in being an appeal. There is no need and no right you have of which I am aware to contrive this deliberate stalling by making no response and instead duplicating what I had already done by "referring a copy of" my "letter to that Agency for a direct reply." I want a reply from you. This is why I wrote you. Under the law you are required to make an appripriate response. You not the CIA became the inheriter of the Warren Commission's records. My request is for a Warren Commission record. Whatever it may have required of you to get where you now are this amount of simple comprehension certainly was prerequisite.

As I understand the Act whether or not I had made this request earlier and my letter you are overdue in responding to was an appeal, I do interpret your letter as a rejection and am asking you to forward this internally as my appeal. Unless you decide to recognize that there is this law, whether or not you and those to whom you are beholden like it, and to abide by it. In that event you will comply with the request and send me the public information I have requested, charging the inflated xeroxing cost to my non-interest bearing account.

There is no way of interpreting your letter as a "reply" to mine. One of the many illustrations of this is my reference to waiver under the Act. You have neither responded to this nor disputed it.

You have made no claim to any exemption, as the Act requires. You have not denied possession of the public information I seek.

In short, as I see it, you have reduced this to its simplest formulation: compliance or non-compliance, without any claim to any exemption.

Sincerely,

Harold Weisberg

12/14/76

Dear Jim,

This relates to the leak to Wessler and the WxPost.

You can decide better than I whether as a matter of law they have left themselves no leg to stand on.

I think this is the reality.

There is no claim to any exemption.

As I see it there can be no ex poste fact claim to any .

The CIA did give the WC a transcript of the intercepted phone conversation.

The Post did print this and the content of the intercept.

The specifics of the tapping are at least a year old, probably older.

What exemption can there be, even if they are to invoke one belatedly?

I am even more resentful that when the kitchen got too hot for Rhoads he then moved women into it, Deutrich being the second. It got too hot for (Miss) Jane Smith.

Within the limitations of my capabilities and official power I see no reason to add a cooling system to what goes with their jobs.

Sincerely,