

Rt. 8, Frederick, Md. 21701

11/6/73

Dear Mr. Roberts,

Your November 5 answer to my October 15 request for public information under 5 U.S.C. 552 is not consistent with the language of spirit of the law and I would from here one appreciate an end to delays in response guised as inquiries for more details so I may be better served.

The law does not require that the applicant identify the public information he seeks. It merely requires that he make it possible for the government to be able to identify them. It uses the word "identifiable" to describe the records sought. A number of court decisions address this in various ways but all in support of this interpretation. Obviously, one one who was direct access to the records can do more. I have asked for identifiable records.

also

As an illustration I quote your penultimate paragraph, "You have/expressed interest as to 'whether or not there was competitive bidding for the contract.' As used in your letter, would the phrase 'competitive bidding' encompass negotiations?" The clear request I made was for all contracts. There is competitive bidding or there is not. Anything that is not comेतetive bidding is not competititive bidding. Because it is clear that I requested information on all contracts, even any not in the corporate name, this is no more than a means of delaying honoring my request. If any contracts were entered into by any means other than competitive bidding, I want to know the fact and why, and the form in which I obtain this information is not essential.

Only your records can supply a full answer to the question in your second paragraph. If you contracted with officials or employees instead of the corporation, you know which. The corporation bears Mr. Mullen's name. Mr. Robert Bennett is president and Mr. E. Howard Hunt, who is reported in the press to have enjoyed the use of other identities, was a vice president and worked on some of the contracts. To make this more specific where I think there is not and has been now need, I do want all contracts regardless of signatory included in the request. If you have no knowledge of subterfuge signatories you do not have the ~~knowledg~~ knowledge, but those working on the contracts or under them or who arranged them can make the identifications insofar as they know them.

Your third paragraph seizes upon an effort I made to try to simplify this for you. If you have tabulations that can provide the limited information I requested and if providing me access to such tabulations can fill my needs and save time and effort for you, I merely expressed a desire to be cooperative and to simplify your work. It may serve all my needs to have a list of the contracts and for what they were and who engaged in the work under them. However, I have no way of knowing the form in which you keep records. Insofar as performance is concerned, I think that at least for the present we can limit this to when,if ever, it was unsatisfactory.

I really did not intend making a big deal out of this, something into which your letter seems to convert it. However, if you really have any serious questions, let me propose what can simplify this: if you will locate and/or collect whatever you think is responsive to my request, I will go to your office, examine it and then and there let you know if it satisfies my request, indicate what if any copies I want, and all of this may then well be concluded.

To a degree, some of this must have been done in the recent past in response to an inquiry from the Congress of which I have knowledge.

My telephone is 301/473-8186. I am not usually away for any length of time.

Sincerely,

Harold Weisberg