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22 February 1983

SUBJECT: FOIA Appeal, U.S.S. Liberty

FOIA Coordinator
CIA
Washington, DC 20505

*F81-0712
Status*

Dear CIA:

On 23 July 1981, I made an FOIA request for the following documents:

- a. All documents relative to the attack on the U.S.S. Liberty on 8 June 1967.
- b. Any documents which demonstrate that this attack wasn't deliberate.
- c. Any documents relative to the role of Moshe Dayan in this attack.

The CIA response dated 5 August 1981 provided six "selected" documents plus the CIA public position that the attack was made without knowledge that the U.S.S. Liberty was a U.S. ship.

On 23 February 1982 I appealed the response of 5 August 1981 based on the following:

- a. The CIA was withholding additional documents which could be released or sanitized.
- b. The CIA failed to provide any documents which demonstrate the attack wasn't deliberate.
- c. The CIA failed to provide an index with explanation for the withheld documents.
- * d. My appeal requested all documents on Moshe Dayan, specifically any CIA documents which show Moshe Dayan didn't order the attack on the U.S.S. Liberty.

It is significant that your agency is willing to release raw intelligence data incriminating Moshe Dayan as ordering the attack and knowing the U.S.S. Liberty's identity. However, the CIA to date is unwilling to release any documents showing Moshe Dayan (i.e. Israel) is not responsible for a deliberate attack on the U.S.S. Liberty. Then the CIA publicly states the attack was a good faith error. My appeal specifically attempts to clarify this confusion about Moshe Dayan and the attack. To date, the CIA hasn't

explained the incompatibility between the "raw intelligence" data on Moshe Dayan and the CIA's public position that the attack was in error. Therefore, is there any reason why it can't be concluded that the CIA is not only willing to tolerate having the American public confused but, in fact, is contributing to the confusion on this attack. I repeat my appeal that your agency explain the confusion on Israeli knowledge on the U.S.S. Liberty's identity prior to the attack.

My appeal of 23 February 1982 was acknowledged on 12 March 1982 advising me that approximately 220 appeals were ahead of mine.

On 13 May 1982, after waiting 60 days, I requested that the CIA process my appeal by 15 June 1982 or provide a firm date for an appeal decision. I also requested my status on the appeal waiting list (i.e. queue). The CIA response dated 18 May 1982 provided no meaningful information on when the appeal would be processed or its status.

The CIA's last words to me on 18 May 1982 were, "Your continued patience and understanding is greatly appreciated". I will cooperate with my Government in every possible and reasonable way. It is, however, difficult to accept your 15 month delay in providing either the documents or an index of withheld documents or a response to my appeal or any status on my appeal. I wonder if the CIA is making a good faith effort to comply with the laws of this country.

In summary, my FOIA request of 23 July 1981 and its appeal of 23 February 1982 have not been legally satisfied nor can I accept the CIA response of 18 May 1982 as responsive.

Please don't interpret my patience as concurrence in your non-compliance with the FOIA or as forbearance of my legal rights. Your cooperation in complying with my FOIA request and appeal is requested without further delay.

Sincerely,

6 Incl

1. FOIA Request 23 Jul 82
2. CIA Ltr 5 Aug 82
3. FOIA Appeal 23 Feb 82
4. CIA Ltr 12 Mar 82
5. FOIA Appeal:Follow-up Ltr 13 May 82
6. CIA Ltr 18 May 82

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Class - F81-0912

23 February 1982

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SUBJECT: Attack on the U.S.S. Liberty, FOIA Appeal

TO: Freedom of Information Act Coordinator
Central Intelligence Agency
Washington, DC 20505

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Dear Sir:

This is an appeal pursuant to subsection (a) (6) of the Freedom of Information Act as amended (5U.S.C.552).

In my FOIA request of 23 July 1981, I requested the following:

- a. All documents relative to the attack on the U.S.S. Liberty on 8 June 1967.
- b. Any documentary evidence which demonstrates that this attack wasn't deliberate.
- c. Any data relative to the role of Moshe Dayan in this attack.

I received your response of 5 August [redacted] is response [redacted] 25X1
 states that additional information c [redacted] nce source
 and methods. The FOIA provides that "any reasonable segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt". I believe the CIA has not complied with the FOIA and I believe there are additional segregable portions which don't fall within the FOIA exemptions and which must be released. A specific unreleased document is the CIA report sent to the White House concluding this attack was deliberate. I am hereby requesting this document or sanitized portions thereof.

Part b. of my request was for any documents demonstrating this wasn't a deliberate attack. Your response referenced Mr. Stanfield Turner's conclusion that Israel has no knowledge that it was attacking an American ship. Mr. Turner's statement was based on pages 4 and 5 of the CIA Intelligence Memorandum of 13 June 1967. However, pages 4 and 5 repeat this same conclusion of innocence without support or explanation. Therefore I am appealing your response because it provides only conclusions and repeat my request for any documents demonstrating this attack wasn't deliberate.

On part c. of my request on Moshe Dayan, you provided a dramatic document considered raw information which described Moshe Dayan ordering this attack. Therefore, I must appeal my request and repeat my request for any data raw or processed which shows Moshe Dayan didn't order the attack on the U.S.S. Liberty.

Your response included six documents, three of which are almost totally illegible. Would you please provide readable copies of these documents which are: 00-B-3211/33404; 00-B-3211/20396; TDCSDB-313/02297/67.

From your response I assume you are invoking exemption (b) (1) to withhold information which I believe is of importance to public debate. Section 3-303 of Executive Order 12065 states that, in order to withhold information, a senior agency official must "determine whether the public interest in disclosure outweighs the damage to national security that might reasonably be expected from disclosure". In this attack, the importance of withheld information outweighs such possible damage. To demonstrate public interest and the controversy on this attack I am enclosing the following most recent newspaper articles:

- a. Minneapolis Tribune - 19 December 1980.
- b. Washington Star - 2 March 1980.
- c. Washington Post - 10 June 1980.
- d. New York Times - 19 December 1980.
- e. Washington Post - 25 December 1980.
- f. People Magazine - 10 March 1980.
- g. Proceedings U.S. Naval Institute - December 1980.

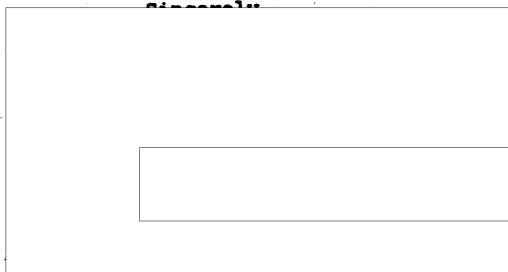
All of the above describe this attack as controversial and unresolved. Additional information on this public controversy can be found in magazine articles in Penthouse (May 76, June 76), U.S. Naval Institute Proceedings (June 1978). Two books have been written by Mr. Ennes and also by Mr. Pearson. I haven't included or referred any newspaper or magazine articles in June 1967 as they are numerous, but again almost all raise questions or suggest the possibility of a deliberate attack. I have also excluded the many books and articles which claim Israel's innocence on this matter. I hope to write a book on this attack and contribute to public discussion on this attack.

If you choose to continue withholding some or all of the material desired in my initial request, I then ask you to provide me an index of such material, together with the justification for the denial of each item which is still withheld.

As provided in the FOIA, I will expect a reply to my appeal letter within twenty working days. If you deny this appeal and do not adequately explain why this withheld material is properly exempt, I intend to initiate a lawsuit to compel its disclosure.

2 Encl

1. CIA Ltr 5 Aug 81
2. Newspaper Articles as



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