

1448
Dr. James M. Rhoads, Archivist
National Archives
Washington, D.C. 20408

Rt. 12, Frederick, Md. 21701
3/11/78

Dear Dr. Rhoads,

If Miss Jane Smith's letter of March 9 had been the first such letter I'd received from the Archives I would have been aghast. As it is I can say little more than that I am disappointed. The Archives remains a political rather than a scholarly institution under you and its and your first obligation appears to continue to be the protection of the errant intelligence agencies.

The false representations you have still again made to a federal court trouble none of you. You refuse to relieve this and after a delay of more than two weeks, apparently required by both the semantics and the political decision, write me evasively.

In the last paragraph of Miss Smith's response to my letter of February 20 she lumps the apples of the names of defectors, which relates to the January 21, 1964 transcript, with the oranges of Edward J. Epstein's writing, that having nothing to do with the January 21 transcript, squeezes them both together and juices out the utterly irrelevant, Epstein "did not have access to those transcripts or any other classified documents in the National Archives."

The questions are not of access to the text of the transcript or where there may have been such access. The questions are of the sworn representations by and on behalf of the National Archives and what not beyond any reasonable question is their total falsity. If the Archives was by any slight chance innocent to begin with its innocence ended on receipt of my letter of February 20. Since then the further disclosures as Mr. Epstein seeks to earn back the advance of a reported half million dollars made possible for him by the CIA become truly shocking - even in the light of my long experience in such matters. I strongly urge you to read his New York Magazine interviews, which are shorter than the book, the first Readers Digest condensation instalment and to reread your affidavits in C.A.75-1448. Unless you do not care, as in the past you have not cared, about fraudulent misrepresentations to the court.

This case is not going to go away. If the appeals court holds against me I will refile it with the new evidence provided by Mr. Epstein, with this difference: I will begin by moving to take the depositions of all involved to avoid the allegation made on your behalf of "hearsay," which happens to be what you provided to the courts.

The concluding sentence of Miss Smith's letter is totally unacceptable to me. She says no more than "If the transcripts should be released, you ~~would~~ would be notified promptly."

My efforts to obtain these transcripts are now of a long and costly decade. The request for their release is mine. The suit to force their release is mine. If I may not be able to prevent the government's tricks of denying me first (with you even equal) use I am prepared to see if there is available remedy.

Of course with the Jane 23 transcript Epstein is already out with an account, arranged by the CIA, behind whose soiled skirts you have been shrinking all these years. That account is congenial to the spooks if not congenial to fact.

It is not possible that you employ anyone not perceptive enough to have known that the copy of Senator Schweiker's letter sent me was illegible. Now Miss Smith tells me that you have no legible copy. Pray then how in the world did you act on what the CIA told you except once again as its rubber stamp? And knowing it was illegible to begin with, did it exceed the intelligence of your staff to have thought of obtaining a legible copy? This required only a phone call. But of course if they had done this you'd have missed an opportunity for further stonewalling, for further wasting of what time I have left.

Sincerely, Harold Weisberg