

5/21/77 DJ referrals

Mr. David C. Fisher, Jr.  
Acting Assistant General Counsel  
GSA  
Washington, D.C. 20405

8/18/80

Dear Mr. Fisher,

It is not possible for me to retrieve and review all my pertinent files in response to your letter of the first. I respond from recollection. I am now 67 years old. Also, I suffer both arterial and venous insufficiencies. These limit what I may do.

From your letter I recognize that compliance presents problems to you. I do not assume other than your good faith in what you say.

There are policy considerations that to now have dominated responses to my requests. These range from dislike of my persistence in seeking information the government did not want to disclose to a determination not to disclose what could not properly be withheld. I can provide you with records reflecting this, records saying we cannot properly withhold what he wants and others saying that if we give him this he will spot something else we don't want him to have and can't properly withhold. Regulations were even revised to make it appear that those represented to a court were applicable when they were not. If you make a real search of your records you will find my request for the pertinent regulation that still remains without response.

It simply is not true that all pertinent records were provided to me. What was withheld from me was provided to another to whom I gave a privacy waiver. It also is obvious that there must be other and still withheld records that are pertinent.

If you reread your letter I think you will find inconsistency in what you say Mr. Garfinkle told you. On the one hand he says he personally provided everything. He then says that when DJ referred other records they also were provided. The second disproves the first. Meanwhile, I do not have your copies, which are not identical and which hold information of historical importance. Moreover, these belatedly provided records require that there be other and still withheld records. Mr. Garfinkle's recollection is not correct with regard to these DJ referrals.

These referrals were from one DJ component only. Others also should have pertinent

records. Some components now are complying with a 1977 request while others are not. There is overlap with a 1976 request that still lacks compliance. That there are other pertinent records DJ has not provided can't be questioned because I have copies of them from another source, and these include your records.

Records disclosed inadvertently also disclose the existence of records not provided and some of these involve your office. If my recollection is correct one such name is Hastings. There was a time when Archives stonewalled my requests for months and conferred with your office on all of them and all correspondence.

It is unfortunate that political considerations intruded upon disclosure of public information but it did. It is particularly unfortunate because of the subject matter and because this policy contributes and contributed in the past to disenchantment and disillusionment. Some of these questions will now linger forever and will forever plague the national conscience.

My major interest now is the completeness of the public archive I leave.

I'm sorry that your offer to let me or my counsel examine your files is not practical. Trips to Washington are now difficult for me and they tire me excessively. When your agency has even contested the award of counsel fees to my lawyer I am sure you will understand that there is a practical limit to the time he can invest in such matters. However, I will provide him with copies of your letter and this one.

You should have a record of all that has been provided to me. It seems to me that the cheapest and best solution is to search for all pertinent records and merely xerox and send them.

Sincerely,

Harold Weisberg