



AUG | 1980

Mr. Harold Weisberg  
7627 Old Receiver Road (Route 12)  
Frederick, MD 21701

Dear Mr. Weisberg:

I am writing in response to your letter of July 2, 1980, to Steven Garfinkel. Mr. Garfinkel is no longer in the General Counsel's Office, although he has provided much of the information contained in this response. Our delay in responding was caused by the requirement that we receive this information from him.

According to Mr. Garfinkel, several years ago you filed a Freedom of Information/Privacy Act request for access to all administrative records pertaining to you within GSA files, specifically in the files of the National Archives and Records Service and the Office of General Counsel. Mr. Garfinkel was involved in two aspects of your request: First, he gathered all of the records from the files of the Office of General Counsel which he considered within the scope of your request (all correspondence, memoranda, etc., excluding copies of briefs, affidavits, opinions and other formal documents filed in court, all of which were a matter of public record and which had been created by or provided to you or your attorney). He transmitted these documents to NARS for inclusion in the materials to be provided to you. He specifically recalls that we did not attempt to withhold any documents which fell within the scope of this request. To his knowledge, the only document remaining in Office of General Counsel files to which you continue to be denied access is the May 19, 1964 transcript of the Warren Commission executive session which pertained to the continued employment by the Commission of two staff members. As you are aware, this is the same transcript the withholding of which has been upheld by the United States Court of Appeals for the District of Columbia Circuit in Weisberg v. GSA.


Mr. Garfinkel's other involvement with your request concerned his role in providing legal advice to NARS with respect to the release of its pertinent records. It is his recollection that upon your filing of an administrative appeal, even the few documents or portions of documents which may have initially been denied to you were released in their entirety. To the best of his recollection, you were not denied access to any of the GSA documents which fell within your request to the extent these documents were uncovered by thorough searches of NARS and Office of General Counsel files.

Mr. Garfinkel also recalls one or two occasions more recently when the Department of Justice has referred to GSA records created by this agency and located in Justice Department files which had been the subject of requests by you. In each instance, we authorized complete disclosure of these documents by the Department of Justice. Mr. Garfinkel believed at the time of these referrals from the Justice Department that each of the documents had previously been released to you from GSA files.

In any event, at your request the General Counsel's Office is willing to have you or your representative review our files and determine which, if any, you wish to have reproduced. We note, however, that at the time of Mr. Garfinkel's departure from this office, most of the relevant files were retired to the Federal Records Center. We would need to retrieve these files for your examination, so a sufficient amount of advance notice would be required. The documents we presently have on hand are our litigation files.

Please contact Rebecca Thompson of this office at (202) 566-1460 to initiate arrangements for the examination of our files.

Sincerely,

*for*   
DAVID C. FISHER, JR.  
Acting Assistant General Counsel