

Re: Excerpted records from Arch. covered by 10/26/77 ltr. 11/7/77

1. 12/18/68 Dates 75-1448 requests much earlier than government represented in court, makes clear withholding was on spurious grounds and involves GSA, CIA and DJ-Off. Legal Counsel all in agreement with totally spurious citations of exemptions.

2. Angel's routing to Acting N of copy of my 6/2/69 to A.G. John Mitchell, routing slip said to be attached actually withheld. My ref to Helcher's D.J. letter may be first written dating I possess of policy of not responding to my FOIA requests, also referred to in these internal GSA-Archives records. (At A) By then 5 of my letters were unanswered, DJ.(B) At ~~A~~ C this is for court records, leading to 70-718 when non-compliance continued. Also p.2. At D reference to my King assassination requests of Department, not only FBI.

King-

B= Memo Transfer as DJ record, Clark panel used and cited.

F= DJ promised Parrie record review and never responded, under previous administration.

G= Personal/PA= FBI agents intruding into my life and work reported. Never answered, to date.

H= non-response on spectro request, leading to two suits, one current, such great work for DJ and for me and figuring in 1974 FOIA amendments.

I= Archives record of non-response, non-compliance - I reported this to DJ, which did nothing clearly because it set the policy of FOIA violation.

See also next record.

3. 4/7/70 A year later the policy is fixed. This refers to what remains withheld but is said to be attached, "a transmittal slip and a letter from Mr. Weisberg to the" DJ. From these Rhoads tells GSA general counsel office that neither DJ nor Secret Service responds at all to my FOIA requests, called "letters" only here. At X the Archives again states that it will provide me with copies of records that are released after being withheld, a policy it did not follow and when I wrote said it had not promised to do. We had a hassle over this with regard to medical-autopsy evidence that I recall, as HR probably will better. GSA handwritten approval at bottom. This means not complying with the law, which required 10-day responses. 3A appears to be by Eckhoff, is Archives copy of J.MJ initialed.

4. 6/9/70 GSA gen. counsel asks to contact Kennedy family re "release of a document relating to the assassination of President Kennedy."

A= Says RPK asked that autopsy materials be turned over to family. But the actual language limits this to "requested that the autopsy documents (emph added) be listed and turned over to the private custody of the Kennedy family. This was accomplished (sic)..."

(Note to JL-whether or not in any way connected the time coincides with the reading of the manuscript of Whitewash at Praeger, then not known to be a CIA publisher.)

B= Leaves in doubt what these documents really were because it says that finding the memo of transfer was a surprise development, "found among other documents."

(Note to JL - it appears that the documents referred to do not include the originals of the autopsy records or what is worse, the Archives sought to hide them. It is my present recollection, possibly addressed in Post Mortem, that I found these originals the one place certain not to be searched for them, in the set of records that the Commission sent to the Government Printing Office. In actuality the WW never had these and they certainly were not printed by it - were never printed until I did it in PK.)

C= Memo transfer not covered by GSA-family/Burke Marshall agreement. "Not covered" direct quote. Language on where it was kept by Archives ambiguous. Not with aut. records I saw.

D= The language here, that the memo of transfer is a private paper and that the Archives has no authority to release it under FOIA is deliberately misleading. Whether or not the family copy was in the Archives as part of a subsidiary Archives deposit at the JFK Library, which I believe is likely, there was the government's copy, which I did ask for and after years of stalling under a series of subterfuges finally did get. There is a separate history to the government's copy, one that has DJ leading in the conniving against the Act and me.

(Reminder to JL - once we got the memo we found no basis under FOIA or anything else for any withholding at any time. And that it was not in fact a "medical record." It was no more than a receipt, if an embarrassing one for the government, proving suppression of basic evidence and the Commission's failure to have any of that evidence considered.)

E & F= They obscure me for once. I went after the Secret Service copy, which is how "we have been informed"-when I first asked Archives for it, then Secret Service, which agreed to give it and simultaneously was conspiring with DJ and Archives for Archives to intercept and withhold it from me -for more years.

F amounts to an admission that there really is no basis for withholding.

G- If ambiguous is clear in representing another effort to involve the Kennedy family, Senator Edward Kennedy and all others through Burke Marshall, when there is no basis for this under FOIA and the government copy of the memo of transfer. What I am saying is that this is part of a continuing effort to be able to attribute suppressions of evidence to the Kennedy family, in this case personally to the only living male close relative of JFK and totally unnecessarily with him given the fact that Marshall, at least on paper if not in fact, represented the executors of the estate. By this language I mean that Marshall's record is consistently if not undeviatingly not in family interest and is that of a rubber stamp for officialdom in the executive agencies.

5. 7/4/71 refers to memo of 7/6 "enclosing a draft reply to the Weisberg letter and revisions of the regulations for reference service on Warren Commission items of evidence.

A- If provided, and some along this line were, I did not make separate copies from this present purpose. The points here are a) What they were really doing is revising the regulations after misrepresenting them to Judge Gesell in my C.A. 70-2569, in which I was pro se. The regulations and the contract both provided that to preserve the three-dimensional objects pictures would be taken and provided qualified researchers as a substitute for examination of the three-dimension objects. The Archives has since refused to replace my copy of the regulations in effect at the time I filed the suit and throughout all of it. (However, I did have a copy at the time of my 2/15/72 appeal to Vawter, here as 6. I quote it on page 3 of that appeal/ at X.) b) when I asked under FOIA for a copy of the Archives regulations in effect at the time prior to the referred-to revision I was refused.

(Note to J.L.- translated into political terms, this means that despite the criticisms that can be levelled against the Johnson administration and RFK's people in DJ and Burke Marshall for the deal that was engineered, there was adequate provision for research and a provision against suppression of the evidentiary value of these three-dimensional objects. On the other hand, this changed as soon as the Nixonians moved in.

That this is the fact is established by other records, some preceding here. It also is established by the facts and by this suit before Gesell and by the changes in the regulations. All copies of the records relating to these changes now provided eliminate the page on which the requirement of taking and providing photos. The changes also removed the requirement that pictures be used as a substitute for examination of the three-dimensional objects, accomplishing a total suppression of their evidentiary value.

Thus although we could still show the pictures they took for me to settle 2596 when we deposed in C.A. 75-226, we cannot have them in the court records or before any judge for any consideration by the judiciary. On this you might want to bear in mind that they made false representation to Gesell because the knot of the tie had been undone while supposedly being protected against this and they thus could not and did not take the pictures agreed to in 2569. The knot, which is the only evidentiary value the tie has in the assassination, existed at the time of the Commission. I go into this in the last 226 affidavit by citing the autopsy doctors' description while ~~the~~ Humes was testifying. Available pictures of the same objects made deliberately unclear by the FBI and not holding the evidentiary values I sought are readily available without any restrictions. The point should be apparent: suppression of evidence.

B- The unaltered regulations are not here.

C- Translation-keep the changes secret as best you can. Do not publish in Federal Register.

D- Sue the Assistant USAtty on the case in.

5A, E- Appears not to be ignoring my appeal and substituting an alleged "reconsideration" relating to the executive sessions request under FOIA. At least a stall.

f & G- These combine to another stalling and frustrating of the Act. If I asked for identifiable records then no "further delineation" was required, at F. G. means that they are doing the opposite of what I asked. They are actually claiming that I do not want what I have asked for and ask me to repeat all my requests, as I said an impossibility for me. This is the logical offspring of their screwing me by the policy of violating the Act and simply ignoring my requests until they grew into a large volume of unmet requests. This memo is four years after they began ignoring my requests and pretending I had not made them. (See paragraph 2 of 3 above, which says four years as of 1970.)

8. When the documents released in 1973 (actually later) are examined it is apparent there was no basis for earlier withholding. Insofar as I have examined those released under the 1975 and intermittent other reviews and under compulsion of the Act there is and was no basis for withholding them. This is to say that the Act was misused as a means of suppression rather than of disclosure.

9. Less than remained withheld. Examples, unnumbered Commission files and staff memo. There is a guarded reference to "internal records" top p. 2, to "be reviewed by the National Archives." Johnson, who drafted this, knew what he does not say, that this would result in still further delays and withholdings because all that could be withheld would have to be referred around to the agencies that originated the content. This did happen and did still so often enough. (Do not recall what is said to be attached, draft of letter on this to DJ.)

X- If there is any misrepresentation about the content of the transcripts at issue in C.A. 75-1448 Steven Grafinkel, counsel, had knowledge of the misrepresentation from having been part of the "review." Others Hessler and Young? The way Johnson puts it he was sure they'd prohibit disclosure: "Can their review be treated as the 1972 review of these transcripts? If not we may wish to secure the opinion of the Central Intelligence Agency" and DJ. The only reason for not going to them to begin with would be that internally the remaining transcripts would be withheld. If this did not happen then he'd have another shot at withholding still longer via CIA and DJ.

XX- Both Hoch and I sought the page of Mrs. JFK's testimony. There never was any reason to withhold it and no basis in the Act.

On the ex. sess. they did change their claimed reason from withholding. Earlier the letter is dated 6/21/71. Under date of 2/18/72 Varber, on appeal, told me there was then an ongoing review. So this means that as part of the review they changed the reasons for withholding, thus leaving no slight chance the review could lead to disclosure. See above on going to CIA and DJ if GSA said to disclose. (A file copy of the 1971 letter to me, which published in 1974, is now included but not included in this selection.)

9. 4/4/72 GSA general counsel Casselman memo on WC materials and FOIA.

On 3/13 there was a meeting with DJ people unnamed at DJ to discuss Hoch's and my appeals.

A- These Archives own review "has revealed that they (WC records) are generally over-classified when classification is at all warranted." Nonetheless DJ had to tell them that "A classification review of all these Warren Commission materials that remain classified should be commenced as soon as possible."

B- DJ decided that the ex. sess. transcripts are under (b)(5) and (b)(1) both. (They lost in court on the letter in my C.A. 2052-75) A few other records to continue withheld. They ordered the release of the page of Jackie's testimony on the obvious ground that it did not qualify for any classification. Not defensible under FOIA, says DJ.

10. An undated draft of a response to me on ex. sess. It says that the GSA OGS has decided exempt as (b)(5) only. Does not claim, as DJ said, also (b)(1). Also attached here is the 1971 letter referred to under 8. above. They copied it to eliminate the name or initials of the one a handwritten note referred to, "Cleared by..." letter marked 10A.

11. 11/14/72 Garfinkel memo, "Correspondence with Mr. Weisberger." They can and will argue either way on the release of the Secret Service covering letters relating to the records the Secret Service supposedly released to me from what it told me. Garfinkel has no trouble with the release but he also forecasts this will lead to further requests. Those he says would be "stickier."

11. Jan. 11, 1973 appears to be the date. Unclear. Remote-generation copy of Casselman's letter to Burke Marshall on Hoch's appeal from denial of Report of Inspection by Naval Medical Staff "prepared at the request of" GSA and DJ, both. Hoch appealed. I had a blanket appeal that did not segregate this. They had rejected his appeal and ignored mine. They rejected his as "a clearly unwarranted invasion of person privacy" of the Kennedys. But they have doubts that this will hold up. In 11A, 1/22/73 Marshall said "It is not part of the family's medical records" so he won't take any position.

12. 2/7/73 draft of letter to me to be signed by Rhoads. There are handwritten corrections

I note now that 5A is not the attachment to 5. However, I also note that 5 concludes by stating that the AUSA recommended the changes in the draft referred to, clearly to make them consistent with his deception of Caswell and to hide the fact of them. Here we have the rascal Hardig controlling executive agency FOIA policy and decisions, not merely defending a case in court. I have marked that sentence on my copy with a Y.

6. Based on records not yet provided they had Varter call me by phone. I've never ~~xxxxx~~ forget that call and I think that when I realized what he was doing I taped it. He begged me to sue rather than appeal so he would not have the appeals to read and act on.
A- Make as you made no requests or do not want what you asked for and start all over again.
B- They pick an appeals agent who is by design incompetent and has kept himself that way.
C- Sue instead of appealing. Not denied to me or in these records, "his really is what they cooked up and that, too, remains withheld in these records. (I also have the tape somewhere. I really was checked.)

What follows in this paragraph now has more point with their records that spell out how they will get around the Act by merely ignoring my requests. It also happens to be what I am telling him here. I point out, too, that I have not merely been writing letters. I have been going much farther than the Act requires of me, asking not for records they can identify but for records I have identified for them. The language then was "identifiable."
D- Reminds him that delay constitutes refusal under the act and quotes the AG on this.
E- He has acted on the memo of transfer while confessing total ignorance! I give him a long explanation not knowing that policy wasted the time for me. Now I have the proof that Act or no Act there was going to be no release, no compliance. This is added abuse of me.
F- They have refused me copies of the pictures of the clothing, both those taken for me and those taken by the FBI for the Commission and not transferred to the Archives under the E.O. of 10/31/66.

G- Quotations of the actual regulations in effect and of the GSA-fault contract.
H- How Rhoads contrived to blame the Kennedys for his suppressions, later amplified by Fred Graham's admissions to me, that "heads forced this agreement on Graham, who had not asked for it whereas I had.
I- Specifies violation of the AG's memo on the Act and presents the opposite of what Rhoads swore to before the Abzug subcommittee.
L- Relates to the executive session transcripts. These I have since received- this was a futile appeal and was by them so intended - establish there never was any basis for withholding them and that the exemptions claimed do not apply. The first record in the attached series, I numbered it 1, show their purposes in withholding were political and intended to prevent exposure of Ford and of more. Another record shows that the 5/19 transcript is withheld for non-existing reasons on which they have recently deceived Judge A. Robinson.
(The penult. graf refers to the physical limitations mentioned earlier. As best I can recall I had almost chopped off my left thumb.)

7. Deals with changing regulation, what I forced on them if they were to continue to suppress. Here as a policy other than represented to Judge Green on copyrighted still pictures in 1996, they do make them available, with a notice of restriction.
(SI-note the reference to a court of claims decision and the fact that "ugan did not claim it in 1996. I think this means it went our way and he withheld that from Court.)
The attached set of revised regulations after 5. to eliminate the rights I sought to exercise and were specific in the regulations in effect at the time I made the request.

8. A- is contrary to the earlier records, not attached here, in which Archives rebuffed a new classification review. It was another two years and then only after we filed a suit that they released the 1/27 transcript. Then they continued to withhold the others. Of those they ~~also~~ released that of 1/22 when they'd come to the last minute before I would sue. SA is the attached memo on "Warren Commission Materials and the Freedom of Information Act," prepared by Johnson, who is a lawyer.
A- As of 1972 they were ignoring the Act, corrected by GSA in 8, and using the guidelines that pre-date the Act. The correction is not of practice but of citation of exemption.

or changes and a note at the top: [Please send copies of incoming and outgoing letters to the Office of Legal Counsel of the Department of Justice.]"

A- Although the preceding record states the study was made at joint request, including by GSA, Archives' parent, this proposes stating "As we do not have the original (emphasis added) of the 'report of Inspection by Naval Medical Staff on November 1, 1966 at National Archives...' we are referring ~~you~~ a copy of your letter to" DJ. (Does not identify my letter by date.)

B- Is less than honest in stating they know of no report of the Secret Service "seizing and destroying exposing a (sic) film of the autopsy" is the delayed end they provided it. This film is listed in the appendix to the GSA-family contract.

C- They send an unsigned copy of the Naval report and when they can no longer claim the privacy exemption resort to inter-agency claim. Then they seek to claim that working papers are not covered by the Act. Other reports knock that down, very pointedly. This is in 13A.

13- Undated Rhoads memo attached to 13B, ~~XXXXXXXXXX~~ Jane Smith's 3-6-75 referring to a Garfinkel memo ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ that is 13B.

13B- At A he refers to their "policy decision" to withhold. This is not the same as saying they are withholding under the Act and citing an exemption for it. He held that working papers are outside the Act and the letters covering names are under (b)(5).

13A makes clear that rather than being exempt or called a lawyer's advice Johnson reported Garfinkel's suggestion for violating the law by claiming all possible exemptions even if later inapplicable rather than changing them, which also is not what the Act requires. This is one of the attached routing slips, below as 13C. They discussed withholding working papers and decide to get a DJ ruling if I appeal the denial. Not before denying.

Smith is correct in stating as her understanding that I'd been getting Commission "working papers." So they call their own "administrative" instead and Rhoads approves. Note given a separate identification is the Smith memo of 1/31/72 reporting legal disagreement over whether they had to publish regulations changes in their Federal Register. Fisher says no, Assistant Gen. Counsel Prince said not to.

13C- 3/5/75 Johnson's memo for which he used a routing slip. Johnson anticipates or proposes I would "approach" the Kennedy family, which is without basis and opposed to a history of never having done this; that they would be "annoyed," and so I should be denied and they should get "get a policy decision" from NJ FOI Committee. But only if I appeal the denial.

14. 8/31/75 general GSA counsel reports on O'Neill memo of 8/20 that enclosed a copy of Clarence Kelley's 8/16 "which removed FBI restrictions on access to certain photography taken during the autopsy of Lee Harvey Oswald..." At A.

B-Archives must "authority to unilaterally impose restrictions on access to records is limited to security classifying documents" under EO 11652. This says GSA gen. counsel.

The Kelley letter was not provided I do not recall about O'Neill's.

They oppose Kelley's interpretation that they can select among requesters, citing language "any person." Or, "selective access is inappropriate."

They stretch to suggest how Archives can still withhold. But I had been refused access to these identical pictures and had never been told about this afterward. My interest, JL, was in being able to knock down the paranoia about a different Oswald returning from the USSR, now the Edgewood line that has been on prime time TV. The wrist scars would be of probative value and I wanted to see them. Not the I-cut, which was published years ago, or any of the gore. By the way, Rhoads made the same recommendation to the WF re scars.

15. 3/21/75 O'Neill memo on our memo of Transfer request, attached. He again says that Mr. Lincoln was "agent for Senator Robert Kennedy" in the transfer. It includes the autopsy report, which was published and can't be withheld, probably the tissue slides and other "gross material." Long before this date I had copies of the original protocol. It does seem to state that the Archives had all this stuff as of 3/21/75, but it may be that he was referring to what Lincoln received in 1965. At A he lies about written requests for the memo of transfer. I did request in 1969 and was refused on appeal and requested again.

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Many earlier records in this release refer to these facts.

At XX the defamation that Marshall fears I may annoy the Senator. I never made any such effort-ever. More than 10 years, it appears to me, is an adequate record-aside from the fact that this would not be exempt under the Act anyway.

I regard this as still another Kennedy exploitation, blaming Teddy by proxy. He attaches a draft of a letter to ^{be}hear in the event they continue to withhold. (Not long there after they did give it to me.)

16. 4/2/75 I am acting on my appeal on some of the ex. sess. transcripts they deleter the names that were obvious, that in and I guessed, that they here disclose without any withholding, and from the names there never was any need of excuse for withholding.

He says the CIA was reviewing the transcripts and will inform after he hears. No such records here provided - and there is no reference to the name of transcript or to any medical or autopsy records in this record.

The last paragraph gives away their misrepresentation to Judge Robinson in 75-144B, where they represented that the content of the 5/19/64 transcript was not the rotten defamatory political misinformation that is freely available. Here they say it was a "discussion" among the members of "two staff members who were accused of a left-wing or Communist-front connections." What they are protecting is not Ball and Edlich but what Gerald Ford was up to in trying to get these two fired.

JL- Their fear was justified: I would have gone for all the suppressed records of evidentiary value of which I knew. However, those other records were not exempt under the Act or by any other means of which I know. I would have wanted them, I would have wanted to make them public and I believe this is both right and proper when a President is assassinated and faithfully represents the intent of the Congress in FOIA.

With this prelude I announce my intention of justifying their fears that led them to withhold these records from me when they are within my PA requests. I want to ask for all the still-withheld records for which no exemption is claimed. They pretend they have complied. These records establish the existence of withheld records for which no exemption is claimed.

I suggest you consider asking them some pointed questions about withholdings of relevant records with cases before the courts, withholding until the appeals have been noted, until the records to which these records are germane have been closed.