

Mr. Philip A.D. Schneider  
Associate Director for Manpower Information  
U.S. Civil Service Commission  
Washington, D.C. 20415

Rt. 12, Frederick, Md. 21701

4/23/77

Dear Mr. Schneider,

If the government employed fewer who boasted of PhDs in signing their letters and more with the common sense and common decency to write honest letters those who like I see to use what is ours as a matter of right under FOIA and PA would have less reason to wonder if all of government was being run by Orwellians.

You begin by telling me if I will make a payment for what you assure me are no more than duplicating records you will send me a duplicate of what the State Department sent me. You conclude with unspeakable arrogance, that "further correspondence from you concerning this particular matter will be filed without reply.

In between, with underscored emphasis, you tell me what personnel records are not kept. Decorations or citations are not, underscored. Investigations are not, underscored. How better reflect meritorious public service? How better hide injudicious official acts?

But you also underscore in what the GPO is supposed to hold, "the records and reports of personnel actions effected during any employee's federal service and the documents and papers required in connection with those actions."

So how come I was fired without there being a record of it?

How could I have been rehired without there being a record of that, too?

What was the basis of my being fired? Or rehired? I have received no such record.

Being fired under these circumstances requires administrative decisions. Neither on this nor the retraction is there a single sheet of paper in the files provided to me. There is nothing, in fact, on what is "required in connection with those actions."

I was fired twice. Your Commission forced the withdrawing of one. You have provided me with no records on this. These are not, naturally enough, "actions," and there thus are no "documents and papers required in connection with" them.

If you cannot find a convenient executive order of that period in Washington from your letter I presume you would be at least as much at home in Berlin or Moscow. Between them and Orwell you should find something, some means of wiping out "actions." Otherwise, whether or not you do no more than file what I tell you, we are both left with the regular dictionary meaning of "actions" and "the documents and papers required" by them.

Then you tell me, Herr Schneider, that "The Commission designates the papers and documents which are to be filed are permanent records and agencies cannot designate other records or documents for permanent filing in the folder without prior approval of the Commission."

Spasibo, tovarich, may I now have this Commission authorization for the permanent inclusion of all the venom, all the hints and suggestions of what is not and never was true. I would not have thought special permission would be granted for the preserving of slurs and innuendoes while fact was being memory-holed. But records of this nature I was provided.

I do not think that those of you who sign yourselves with PhDs can begin to appreciate how confusing all of this can be to us mere mortals. Here you tell me, after reading the file I was given, that investigations are not kept - you prohibit it, in fact. Yet that file shows partial investigations. Like a report stating that I was not truthful when someone investigated what I did not state. The investigative reports do not state that what I did represent is truthful, even though there is the volunteered statement in them that is exactly what I did state.

If the Commission does not permit the preservation of investigations but does, as this case makes clear enough, permit a one-sided interpretation of them, my acquaintance with Orwell is sufficient explanation. Unless I remember American tradition and belief.

Alas I cannot say practise, can I?

Even that Americans can petition for the redress of grievances and have them remedied is verboten in the official records. Thus I am some kind of subversive in the files you do permit to be preserved in perpetuity but the official acknowledgement of danger to others and the redress of this grievance, if it ever was part of an "investigation," is not allowed to exist.

You have yet to let me know that I had any other federal employment other than in the State Department.

I may as well be a civilian Kafka, too. The army no longer has my Army records.

And so I am left your your "regret" that I "do not agree with" your "findings which relate to" my "federal employment."

Check your Orwell again. Didn't you also mean non-employment? My not being employed by the government prior to by the State Department?

Are these some of the reasons you conclude "I must tell you that further correspondence from" me "concerning this particular matter will be filed without reply?"

That being the case maybe we'll have to await a time when there may be a reply in court or before a Congressional committee, perhaps.

Sincerely,

Harold Weisberg



UNITED STATES CIVIL SERVICE COMMISSION  
BUREAU OF MANPOWER INFORMATION SYSTEMS  
WASHINGTON, D.C. 20415

STANDARD FORM NO. 64

5010-108-01

APR 21 1977

Mr. Harold Weisberg  
Route #12  
Frederick, Maryland 21701

Dear Mr. Weisberg:


This is in reply to your letter of February 13, 1977, concerning your earlier (October 21, 1976) request for access to records which the Civil Service Commission maintains on you. Our letter of February 9, 1977, advised you that we reviewed your Official Personnel Folder (OPF) and found that the Department of State had furnished you with copies of its contents on December 17, 1976. If you wish to obtain a second copy of your folder, we will be happy to furnish you duplicate copies at a cost of \$.10 per page.

The Civil Service Commission, under authority of Executive Order 10561, has responsibility for the maintenance of the OPF which is established for each Federal employee. The folder is the official repository of the records and reports of personnel actions effected during any employee's Federal service and the documents and papers required in connection with those actions. The Commission designates the papers and documents which are to be filed as permanent records and agencies cannot designate other records or documents for permanent filing in the folder without prior approval of the Commission. The information described in your letter, such as records of appeals, investigations, decorations, or citations, and correspondence with the Department of State, does not fall within the category of those records and reports described above; those items are not authorized for filing in the OPF, and are not a part of your folder. It is possible that the items you seek are contained in a system of records maintained by one or more of your former employing agencies. Since these records are not under control of the Civil Service Commission, your proper point for requesting access to such records is to those agencies, not the Civil Service Commission.

If your wife will furnish us her Social Security number, date of birth, name of Federal agency where last employed and the dates of that employment, we will be happy to conduct a search for any existing records pertaining to her.

Our statements to you regarding the contents of your OPF have been factual, and we have attempted to be responsive to your inquiries. As our letter of February 9, 1977 indicated, there are fourteen records systems maintained by the Civil Service Commission; you were provided a description of the contents of each system and a contact point for further inquiries. I regret that you do not agree with our findings concerning Commission records which relate to your Federal employment. I must tell you that further correspondence from you concerning this particular matter will be filed without reply.

Sincerely,



(Dr.) Philip A. D. Schneider  
Associate Director for Manpower Information