

Rt. 12, Frederick, Md. 21704
11/8/77

Mr. Steven Garfinkel, Chief Counsel
Records and Archives, Office of General Counsel
General Services Administration
Washington, D.C. 20405

Dear Mr. Garfinkel,

In today's mail and without any covering letter I received a pale xerox of your 11/7/77 to Edward Roffman and three documents relating to me. I presume you mailed these to me. If so, thanks.

The single substantive sentence of your letter to "r. Roffman reports that subsequent to Dr. Rhoads' letter of 10/28/77 you happened to discover these records, not listed or described in your letter.

While I am, of course, interested in what you were doing searching files relating to me after supposed compliance with Mr. Roffman's request that is not the cause of this letter.

Dr. Rhoads sent me what he described as copies of the records he sent "r. Roffman. Dr. Rhoads' mailing to me was delayed by a wrong address and an inadequate package which resulted in damage, the need to repair the package and thus delay. However, I have read those records.

My first question, one that should be obvious to you, is why neither GSA nor Archives provided any of these records or the ones you have just sent or the ones the existence of which is established by what has been sent in response to my PA/FOIA requests for them of both GSA and Archives.

While in time if there is need I will provide more questions I also ask when I can expected long/delayed compliance with my requests.

Some of the records sent Mr. Roffman are germane in several of my FOIA cases. You appeared in one. It is my recollection that the records just provided to Mr. Roffman were in part quite relevant in these cases yet were not provided in response to discovery. Naturally I find myself wondering why these records were not provided then, were not provided to me in response to my PA/FOIA requests and were not provided to Mr. Roffman until my two cases were past the district court level and that record closed to me.

Of course it is possible not to believe that these withheld records you have just mailed were not just located. Two of the three GSA letters, to put it more bluntly than you might prefer, contain outright lies. By your own records you had decided prior to 12/8/70 that you could not claim the exemption for the Secret Service copy of the memo of transfer. Yet on 12/19/70 GSA encouraged Secret Service that "it would seem appropriate to deny access on the same basis as we did. In the alternative, you may wish to transfer all copies" to the Archives. Although the Secret Service had agreed prior to this and to my request that was prior to it to release that record to me you contrived a means of denying me my rights and of frustrating the Act. It thus does not require either a suspicious or an ungenerous nature to have questions about the continued withholdings or the belated findings.

The records recently provided refer to a number of files in which you may locate these records that are referred to and have not been provided. Good faith and due diligence, it seems to me, require no less than a search of files that are recorded in those provided and read prior to mailing. May I hear from you on when I may expect the still-withheld records? If the release Mr. Roffman obtained from me does not cover them, please adopt this as an authorization of copies to him.

Sincerely, Harold Weisberg



NOV 07 1977

Mr. Howard Roffman
5885 Edenfield Road, Apt. B-29
Jacksonville, Florida 32211

Dear Mr. Roffman:

Subsequent to the Archivist's recent letter to you enclosing materials pertinent to your Freedom of Information request, we discovered several additional pertinent documents within the files of the Office of General Counsel. We enclose them with this letter.

Sincerely,

STEVEN GARFINKEL
Chief Counsel
Records and Archives

Enclosures

cc:
Mr. Harold Weisberg
Coq d'Or Press
Route 8
Frederick, Maryland 21701

June 22, 1970

Burke Marshall, Esquire
Old Orchard Road
Armonk, New York 10504

Dear Mr. Marshall:

As you are aware, we have, for some time, had a problem concerning the release of a document involved in the transfer in April, 1965, of the autopsy material related to the assassination of President Kennedy.

Recent developments make it highly desirable that we meet to discuss this matter, to the end that a mutually satisfactory solution may be developed.

I would suggest some time during the week of June 29 as being the most appropriate time to get together.

Sincerely,

(signed) Hart T. Mankin

HART T. MANKIN
General Counsel

cc:
Official File - LL
L/N; LL; LR

LR:RJYock:tmh 6-19-70 x-5138
REW:LL:HWBarth:mta 6/22/70

DEC 8 1970

Mr. Harold Weisberg
Coq d'Or Press
Route 8
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in reply to your letter of November 10, 1970, appealing from prior decision of the Archivist of the United States, not to make available to you a copy of the Government's copy of the "memorandum of transfer" of the materials relating to the autopsy of President Kennedy.

On August 19, 1970, you were advised by the Acting Archivist of the United States that this copy was withheld from research under the terms of 5 U. S. C. 552, subsection (b)(6), as a part of "medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" of the family of the late President Kennedy.

A careful review of the document in question, in the light of the cited statute, its legislative history and subsequent interpretations, has failed to adduce any grounds to warrant upsetting the considered judgment of the Acting Archivist.

Under the circumstances, I have no recourse but to advise that your appeal is denied. However, in the event the Kennedy family or its authorized representative should advise me that release of the "memorandum of transfer" does not constitute an unwarranted invasion of their personal privacy, I will reconsider my decision.

Sincerely,

(Signed) W. L. Johnson, Jr.

W. L. JOHNSON, JR.
Assistant Administrator for Administration

Burke Marshall
Tom Kelly, Secret Service
cc: Official File - LC
Mr. Yock - A
Asst. Adm. for Admin. - B
Mr. Vawter - ALI
General Counsel - L
Mr. Marion Johnson - NND
Deputy Gen. Csl. - LL
Asst. Gen. Csl. - LR
Mr. Fauper - Dept. Justice
Mr. Axelrad - Dept. Justice

LC:RFWilliams:afh: 11-25-70
Retyped:LL:mta 11/25/70

L _____ ALI _____

GENERAL SERVICES ADMINISTRATION

FROM THE DESK OF:

HART T. MANKIN
GENERAL COUNSEL



12/2/70

Cleared text by phone w/

Burke Marshall —

He approved.

Be sure to send

copy of this letter

to Mr. MARSHALL

ms

FRIDAY -- 12/4 -- Mr. M. _____ CALL-----

Burke Marshall

Yale Univ.

203/ 436-1191

DEC 10 1970

Mr. Thomas J. Kelley
Assistant Director
U. S. Secret Service
1800 G Street, N. W.
Washington, D. C. 20226

Dear Mr. Kelley:

This is in reply to your letter of November 13, 1970, to Dr. James B. Rhoads, Archivist of the United States, relating to Mr. Weisberg's interest in receiving a copy of the "Memorandum of Transfer to the Archives", dated April 26, 1965.

On November 10, 1970, Mr. Weisberg appealed a decision of the Archivist of the United States denying access to a copy of the memorandum of transfer which is in the possession of the National Archives and Records Service. This denial was based on the provisions of subsection (b)(6) of 5 U. S. C. 552 (the Freedom of Information Act), relating to "medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" of the family of the late President Kennedy.

Before responding to Mr. Weisberg's appeal, we conferred with representatives of the Department of Justice. With their approval, a final denial was issued, a copy of which is enclosed.

With regard to the copy of the memorandum of transfer in your possession, it would seem appropriate to deny access on the same basis as we did. In the alternative, you may wish to transfer all copies of the memorandum of transfer to the National Archives and Records Service. Arrangements for such a transfer can be made by contacting Mr. Marion Johnson, National Archives and Records Service on Code 13, Extension 23171.

Sincerely,

(signed) Hart T. Mankin

HART T. MANKIN
General Counsel

Enclosure

cc: Official File - LC
General Counsel - L ✓
Archivist of the U. S. - N
Asst. Admin. for Admin. - B
Deputy General Counsel - LL
Asst. Gen. Csl. - LR
Asst. Gen. Csl. - LC

LL:HWBarth:mta 12/9/70
L-832394 due 12/2