

... you might regard it as of excessive length. You will find, on reading it, that it consists of a half-dozen appeals of the specific nature you solicited, as you put it, to clean these things up. Where what you said yesterday indicates pretty clearly that you have not been fully informed, indeed, not sufficiently informed to reach a decision, I have undertaken, at least in part, to inform you and to guide you to other information I think you will agree you do require to render any kind of a decision other than as a rubber stamp. I do not believe, from the way you spoke, that this is your intent. Where I felt it appropriate, I have cited contracts and regulations of which you indicated you were unaware. As I told you yesterday, the appeals machinery within GSA has been misinformed in the past. I cited a specific instance where you were, I emphasize in my belief quite innocently, involved. I do not accuse you of dishonesty. I see no point in bludgeoning you with such matters, but I am prepared to document, should you desire it. In some instances, because of this record, I felt it necessary to give you the history, as with the second and third items. I have also underscored the beginning of each item so you can see for yourself that the others are briefly stated. I attach this note to the first page in the hope of diminishing what I anticipate will be your discouragement at receiving a four-page appeal. If you desire any additional information, please ask me. Harold Weisberg

Dear Mr. Cantu. After completing this four-page letter, I felt, after your complaint of yesterday, that you might

Evelyn Lincoln for a number of items relevant to the assassination and its investigation, including three Warren Commission Exhibits, Nos. 300-5. This memorandum was used by the government in about January 1968. The use was made public about a year later in a report of which you also appeared to have no knowledge at all, that of the so-called Clark panel of experts who examined and reported upon various items. You became a factor and relevant under the American Hall Lincoln v. Salick decision, of which you should also know if you are to decide appeals. This decision holds that by any use whatsoever, any pre-existing exception from disclosure is waived. Thus, use in any way by this government panel eliminated any right to withhold that may have existed.

Upon publication of this panel report, I made a number of verbal and written requests for a copy of this memorandum of transfer. It required about three months for me to be told that this was a private paper entrusted to the Archives for safe-keeping by the Kennedy family, an explanation I found not only incredible but one it certainly did not require so long a time to determine. During this long interval, I was informed that I would be given a decision spontaneously, including by the Archivist, in person, in Judge Salick's courtroom. When I was so informed, I requested as an alternative a copy of the government's copy of this memorandum of transfer, ^{copy} specifically, not the copy held to be the private paper of the Kennedy family. After a lapse of time I was given the same "explanation" and was again refused. I then asked the Secret Service for a copy of its copy. The Secret Service decided to provide it, but elected to do so through the National Archives. It informs me that it sent a copy with a covering letter the day after my request. The Archives never informed me of this, not even after I learned of it by inquiry at the Secret Service. In response to my subsequent and specific inquiry at the National Archives, Mr. Marion Johnson told me a decision was pending as to whether or not the copy sent to the Archives for me would be given to me. After the lapse of more than six further inquiries, even this copy was refused me.

It is my belief that regardless of any and all other considerations, in this matter the Secret Service is what the Attorney General's Memorandum described as the agency of ^{the Justice Dept.} paramount concern, and that no other agency ^{has the right to} attempt to exercise the decision-making authority of such an agency to make a document available to the applicant. The Archives has followed the practice of making available to me copies of such letters from the Secret Service. In this case I would like a copy of the covering letter also. While it may be felt that this letter can be held to be an internal communication, practice and American Hall, in this case, in my view, waive any such right, if it existed.

Moreover, the use documented above waives any right that may have existed to withhold from me the government's copy of this memorandum and any receipts pertinent thereto or relevant thereto.

Pictures of Exhibits 300-5. I appeal the decision to deny certain pictures to me on the basis that all were, under the regulations as of the time of my initial request, guaranteed equal access. Access denied me was granted to another, on January 7 of this year, after I was denied and after it was shown in court that nobody was permitted to view these exhibits. I also appeal the refusal of the Archivist to provide copies of existing pictures made from the existing color negatives exposed by the FBI as agent for and at the request of the Warren Commission. In this connection I remind you of the language of the Attorney General's Memorandum, page 24, which in my view requires this of the Archives.

The basis on which I was denied copies of pictures I had requested and described in detail was a withholding of and misrepresentation of existing regulations, subsequently reported in court, the result being the deception of the court. The Archives knew this and immediately after procuring this decision, changed the regulations so that under them it would not be required to grant this access. It then delayed providing me with a copy of the altered regulation, the only one applicable to my request being the one prior to this change. Thereafter, it again violated the regulations to provide the January 7 access. My letter of January 6 did not reach the Archivist in time for him to adjust the regulations to his new

and such-planned violation. However, after receipt of my letter and after this violation, he again changed the same regulation, on January 10, 1972. I would like to know that neither you nor anyone else in this case sanction such political misuse of regulations and the right to invent and promulgate them at will, in such cases, particularly not with public information and in this case, with official records of an official proceeding, and on such a subject.

I have been put to considerable cost and trouble on this matter, all of it improperly. The Archives' prints of the existing negatives are incapable of being copied by its competent photographers. While I should not have had to depend upon copies of copies to begin with, I believe I am within my rights in asking for the best possible prints from the existing negatives, which are, in any event, required to be in the possession of the Archives or at the very least available to it under executive order of 10/Regt 31/66. I believe the money I have wasted on useless copies should be applied to the cost of complying with my original request, which was for prints made from the negatives. If these negatives are, as they would be, capable of enlargement, then I would like my request to be interpreted as for the areas of damage only, as described in my written requests, and to be certain that there is no unnecessary or wasted work or trouble for the government. I will go to whatever lab is used for this work at the time the enlargements are made at the time they are made, so that there can be no doubt of the limited area of my research interest, the area of damage to these prints.

With regard to pictures I requested to be taken for use of this evidence and copies to be provided to me at my cost, I think you should take into consideration that despite contrary representations, at the time of my request both the CBS-Weekly contract and regulations contain no guarantee as such pictures. I am, frankly, astounded that you would have made any claim without knowledge, as you disclosed yesterday, of the existence of this contract, because the point is clear that you are not sufficiently informed for the making of decisions. I will quote for you the relevant passages, although I think this should have been done for you within the government.

In this contract, I(2)(b) guarantees "access" to "any serious scholar or investigator of matters relating to the death of the late President for purposes relevant to his study thereof". The only right to deny is "in order to prevent unqualified or nonational reproduction", an allegation never made or alleged and, in fact, never requested to whom I made direct challenge for a showing of law. The pictures I requested were susceptible of such use; as a matter of recorded fact, the representative of the executors of the estate, in writing, ofered no objection to the providing of the pictures I requested. III(1) authorizes the taking of photographs for "persons authorized to have access under I(2).

Under 6. of the regulations in effect at the time of my request, I was guaranteed copies of the pictures I requested. The language is, "photographs of these materials will be furnished ~~to~~ as a substitute for visual examination of the items themselves." (Article 6(d) There is no doubt about intent or requirements: "In the event that existing photographs do not meet the needs of the researcher additional photographic views will be made. A charge may be made for unusually difficult or time-consuming photography. Photographs reproduced from existing negatives...will be furnished on request for the usual fees." The existing language authorizing the withholding of copies of such photographs was waived by the representative of the executors of the estate, in writing. And, as may be known to you, photographs of this clothing have been widely published by the government and others, are provided by the Archives regularly, and only "unqualified or nonational" use is proscribed. In the absence of a showing that I intended such use or that it, indeed, was possible with the picture I requested, I believe I am entitled to the copies requested. You will note that it is the researcher who decides, as should be the case, what his needs are, under both the regulations and the contract. I am sorry, I copied the wrong regulations, the limitation on the providing of copies of the pictures was added July 6, 1971. The original and applicable regulations, then in effect at the time of my request, added in the above quotation with the word "fees". This limitation did not exist at the time of my request. The Archives can