Director of Information
General Services Administration
Washington, D.C. 20405

Rt. 12, Frederick, Md. 21701
4/19/78

FOIA APPEAL

Dear Sir,

This is my appeal from the denial of information by the National Archives in its letter stamp dated April 14,1978.

My request covers information I had originally asked for three years ago, was not then or since given or offered, and was thereafter given to another on what appears to have been an exclusive basis (not only by the National Archives.)

I believe that these and other and well-known special considerations constitute a waiver of what might otherwise be proper bases for withholding.

This is far from the only time records that I asked for and was not given were given on an exclusive basis to another whose writing could be anticipated to be congenial to official desires.

This, of course, was not the intent of the Act. I do not believe the exemptions were intended to be applicable in such official misues of the Act.

In this case the delay in responding to my request, a not uncommon refusal to comply with the time requirements of the Act, has had other consequences. Because these could be anticipated I find myself wondering if the delay was not deliberate. There is no explanation of the delay in Dr. O'Neill's letter.

In my C.A. 75-1448 the appeals court (No. 77-1831) sent the case back to the district court to consider accepting new evidence.

Some of this new evidence is the subject matter of the request.

GSA and the National Archives, therefore, have delayed responding to my request, which means delayed denying it, until I had filed what was required of me by the appeals court.

Meanwhile, GSA, National Archives and the CIA have made representations relating to this denied information to the district court, based on which the district court held for them and against me.

I regard this as a more serious matter than mere misuse of the Act and its exemptions for purpose opposite those of the Congress in enacting and in amending the Act.

Under these circumstances I hope you will act on this appeal promptly. The order of the appeals court requires speed. I believe all courts should be fully and accurately informed and that all sides should have a fair opportunity to prepare and present and contest evidence. (In this case you have even prevented my informing counsel of the rejection in time for him to inform the district court with what he filed.)

I believe I also requested a waiver of all costs and fees. In this connection, in my C.A. 77-2155, in which the court ruled for me on such waiver, it asked the actual cost of xeroxing records. In that case the Department of Justice was not able to answer. I theredfre ask to be informed what you regard as the actual cost of making a copy.

Sincerely,

Harold Weisberg

General Services Administration
National Archives and Records Service Washington, DC 20408

14 APR 1978

Mr. Harold Weisberg
Route 12
Frederick, MD 21701

Dear Mr. Weisberg:

This is in response to your request of March 26, 1978, under the Freedom of Information Act, as amended (5 U.S.C. 552), for access to administrative correspondence and Warren Commission records relating to the publication of Edward Epstein's book Legend. Your request was received in this office on March 30, 1978.

We will make available to you copies of the relevant correspondence between Mr. Epstein's representatives and the National Archives if you will furnish us written permission from Mr. Epstein and Reader's Digest for us to do so. It is the policy of the National Archives not to furnish information concerning the work of researchers who correspond with us. We believe that privacy is essential in order to protect the integrity of individual research; hence, your request for our administrative records relating to Mr. Epstein's book is denied in accordance with 5 U.S.C. 552 (b) (6), as "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

We cannot furnish a list of the Warren Commission documents used by Mr. Epstein for the reasons cited above. We will be pleased, however, to furnish records of the Commission to you or your representative in our Central Research Room or send you copies of them for our usual fees.

You have the right to file an administrative appeal of this denial. The appeal must be in writing and must be addressed to the Director of Information, General Services Administration, Washington, DC 20405. An appeal should be received in the Office of the Director of Information no later than thirty calendar days after your receipt of this initial denial of access. The appeal should contain a brief statement of the reasons why the records should be released and should enclose a copy of both the initial request and denial. Both the envelope and the

face of the appeal letter should be conspicuously marked "Freedom of Information Appeal."

Sincerely,

James E. O'Neill

JAMES E. O'NEILL
Acting Archivist
of the United States