FOIA APPEAL

5885 Edenfield Rd.. Apt. B-29
Jacksonville, Fla. 32211

September 23 1977

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

Dear Sir:

This is my appeal from a denial of records contained in letters to me from Dr. James B. Rhoads dated July 19, 1977, and Mabel E. Deutrich, dated August 15, 1977. My FOIA request involved records relating to Harold Weisberg's efforts to obtain a copy of the "Memorandum of Transfer."

Ms. Deutrich's letter itemizes several "internal memorandums" which have been denied to me under 5 U.S.C. §552(b)(5), the intra-agency memo exemption. By the dates of the documents alone, I submit that this exemption is inapplicable because these are clearly post-decisional memoranda; the decision to withhold the "memo of transfer" predates 1970. Furthermore, I think it is inappropriate to invoke this exemption, whose purpose is to protect the integrity of the decision-making process. Here, records already provided to me by another agency reveal a flagrant abuse of the Freedom of Information Act by officials in whom the public places great trust; specifically, the government contrived to withhold the "memo of transfer" from Mr. Weisberg knowing full well that it could not do so under the FOIA. The Government should not now invoke the FOIA to hide evidence of this abuse.

Also, Ms. Deutrich's letter states that the earliest letter of Mr. Weisberg's requesting the "memo of transfer" is dated Feb. 28, 1969. Mr. Weisberg recalls an earlier letter dated Jan. 19 or 20, 1969. Records already provided me support Mr. Weisberg's recollection. A memo dated March 5, 1969, enclosed 2 letters written by Mr. Weisberg on Feb. 28 and states that the request for the memo of transfer contained in the Feb. 28 letter "has been under consideration since Mr. Weisberg's original request." Dr. Rhoads' response of April 4, 1969 refers to Mr. Weisberg's request "in your letter of March 23, and in earlier letters..." I hope you will be able to locate a request earlier than that of Feb. 28, 1969.

In closing, please allow me to express my appreciation for the cooperation I have received so far from GSA. I realize this is an unusual FOIA request and a sensitive one in that it involves Dr. Rhoads. I assure you, however, that it is for serious purposes. I do hope, for the good of researchers and historians and for the integrity of your agency, that you will release the records I seek.

Sincerely,

Howard Roffman