Dear Howard, Archives and me- your FOIA, my damage 9/28/77

Although I wrote you last night that I'd not have time to review the copies you sent today I took them to begin to read when I went for my weekly blood-test. The lab was more rushed than usual and it took longer so I've made some progress in going through them. What I'll do is comment on what I've read, finishing the letter I was in when they stuck me, and then read the rest and make further comment while I walk and after walking. Barring interruptions it should be no problem.

There is, I think, added importance in this now and meaning for you as my executor with Jim because it makes clear that they were in violation of FOIA (and remain in violation of it and PA) and were engaged in improper acts.

Their 3/5/69 refers to "the question of releasing the 'memorandum of transfer' of the autopsy photographs and X-rays ...has been under consideration since Mr. Weisbger's original request." This has two special meanings- they recognise that I had made a request prior to February 28,1969 and there should be records of the "consideration" not supplied and within your request.

My 3/23/69, graf 4, first sentence reports a review of all my requests. Did you get it? I think I did not with regard to my FOIA/PA request. They can't have reviewed all those requests without generating some record(s).

By the way, if you have not sent Jim copies of these, and as of last night he had not received any, do not. I can give him these when I return. I'll keep them together and a reminder for you will be all that is necessary.

My 11/4/69 graf 4 has Johnson's marginal question "Ignore?" where I renew a request. On page 2 note my first sented, graf 2 and last 2 sentences in graf 5. The latter in connection with Hoads' testimony on this point before the Abzug subcommittee and the AG's memorandum on FOIA, which had a specific directive in such contingencies, referral. Final graf, my reminded of requests not responded to and be reminded about the time under a 10-day Act. The attached routing slip reminds me to remind you of what I obtained and sent you, the fictitiousness of the appeals mechanism when the Director Information was but a rubber stamp, asking those whose decisions were appealed to write his decisions.

Their 1/22/70, p 2 on Spectee's memos is semantical with "made available" and especially with "first." The second two were "made available" to me in the Achives and then I was refused copies after I'd read them and made no notes expecting copies.

My 3/13/70, p. 1 grafs 2,3: I never did get their regulations until I was in court pro se in C.A.2569-70 and then they rewrote the special ones to deceive the court. I've not gotten a replacement copy of those then in existence despite several efforts.

On page 2 there is Johnson's note "Already answered." Distinguihs between response and answer. This means they wrote me a letter that was not responsive. You know the history of the "enlraged pictures," hardly really enlarged, of the tie and shirt tabs. This reminder makes me wonder if they did not know that the knot had been undone.

Graf 4 has Johnson's note "Gutted means that records are withheld." I am not certain whether or not this is true but I am certain that more records were withheld than were in the list of withheld records I received and I am certain that there were relevant records not in the Ferrie file. They were later released to me by DJ on Mitchell's order or under his name. What I received was largely if not entirely not subject to withholding and in the actual sense it was "gutted" by not holding any record of his personal history. And example is Fred Sullivan's false swearing on this and Liebelr's editing of the transcript to hide that.

Next Johnson lies. it is he who refused me those copies of the Specter memos. I'm sure it is in correspondence.

My next graf on Ferrie records was,,of couese, information for an appeal if not suit.

Notice that on 4, par 3, the request covers what continued to be withheld until you obtained it.

Last page, graf 4: that the Archives did not make the contents of any executive session transcript available is immaterial under the Act and the waiver that goes back to such decisions as American Mail.

Does the penultimate graf on "the"Admiral Burkley file" have special meaning to you?

My 5/18/70, p. 2, Ferrie again, penult. graf. It is obvious that this could not have been "already answered" or there would be no point in the request/ My DJ recollection may be confirmed by the last graf.

"Ignore" graf: you missed the first one above and in this case there is further correspondence they would not have spent under your request. Suggest you ask for the 1/15/64 record and related correspondence. My present recollection is that more than one was removed from the file and that these were staff memos.

The attached routing slip suggests other files to be searched, Silverstein's and Prince's. The names are not familiar to me.

Their 8/19/70: I'm sure I protested and appealed this interpretation of medical and personnel files and that my position has been affirmed in court. Maybe Rose is not in precise point but I think it is relevant. This fraudulent misrepresentation of the law should reasonably overcome the claim to privacy of consultation, etc. It is gross and indecent in the last sentence blaming it all on the Kennedy family. I'd seek to learn if Evelyn Lincoln was then working for the Kennedy Library, which is Archives, not family.

Last graf first page is deceptive at least. The X-rays were shown to the staff and autopsy doctors and the Commission did have the pictures and the records Archives was then still withholding proves this, like the ex.sess. transcripts. I suggest comparing the continuation at the top of p. 2 with the text of the Memo and what you have received. I believe there were more records. End confirms me on Kennedy Library, I see.

graf 3: note semantics, "Burkley name file."

Last graf: this appearst to follow the suit, 2569-70. Note that the negatives were to have been transferred under the MO,"Everything in thepossession of the Government and considered by the Commission."

Incredible as it may seem I was on the phone for 40 minutes waiting for the doctor's nurse to get on and tell me the results of today's blood testing. During this time I read the rest. ONe I'd forgotten is important in C.A.75-1448. Jim also called and I'm giving him the file in the morning. He'll meet me at the airport. However, I'll not have less time for comment.

My 1/6/72 and attachmed records: I was talking about the coming access to the autopsy materials without disclosing my knowledge. Note that it was sent to four places and the smart-alecky comments on the routing slip, first indicating that they were not letting their own people know what was up and then the response, perhaps Johnson, about the golden rooster braying like an ass. If this is Johnson's writing he had to know that Rhoads had decided to let Lattimer in to see the stuff.

Their 1/17/72, note they use the revised copy of regulations, not the one in effect at the time of the request(s). You attached only p. 2 of the attached draft. It is dated the same day as the braying on the routing slip.

By 1/21 they admit I was talking about Lattimer, which was the day after I wrote them, 1/7 and 1/6. Note second graf, admitting and I think misrepresenting revision in regulations.

In shuffling papers I removed a couple of marking paperclips. Back to their 9/19/70, p. 3 graf 2- despite what Rhoads swore to the refuse to replace missing records. You now have proof that they knew immediately of the thefts by the staff, including Rankin. Third graf from bottom: how could I know the 1/15/64 memo was in that file if I ahd not seen it? I suggest considering their last page in the light of the instant as well as the language of the Act and what we have since learned.

Back to 1/10 not saying but 1972 and those asses, note that they did not tell their own people what I was talking about in exclusive releases, as to Manchester, Graham, etc.

Their 2/25/72 is still another illustration of the meaninglessness of "review" and

"appeal" when they do the deciding for Vawter. 3/ 4. is incomplete and thus misleading, with Vawter being misled and the Act being frustrated. 5. is opposite Rhoads' sworn testimony to the Congress. And what I'd forgotten, there was an ex. sess. review by GSA general counsel in 1972. Does this interest Jim re 1448? I question the unexplained masking at the bootm of p. 2 But the handwritten note makes the GSA lawyers part to the game of appeal as they play it.

Their 1/30/68 does not say they obtained Marshall's permission for the exclusive release to Graham or why it took so long for them to send me a copy.

If I do not come to it one of the paperclips I moved by accident referred to one of their letters saying they would give me everything I had been denied if and when it was released.

My 8/30/72, MMJ's note "Not so" opposite Secret Service being agency of paramount interest, is interesting because there is just no basis within the law for him to be claiming this. It was their property, the M of T swas, as were their other relevant records, including those improperly given to them. In the other interpretation, did the SS release to me, you have that covering letter. So why does one in his position say such things, do they influence others and do he do them on his own when so many know the truth?

You added a "dirty works" note to refer to this and what follows, other use of the phrase. In both cases it was Rhoads personally, on the agreement and on the access to L. It is interesting that MMJ asterisked NNFL and added "Dirty Works Section." True. he understood, whether or not others took this as some kind of joke! But this was the last of the routings.

Their 9/12/72 with the Yock crack to Steve, or Garfinkle,"W. Strikes Again." In this conspicuous by its absence is the NYTimes request for the agreement or any reference to Rhoads telling Graham, exclusively and before Lattimer knew, that he was granting L. access to the autopsy material. While on their own the lawyers can't be excused, these pseudo-scholars were manipulating them.

Their 10/3/72, suggest you ask if their legal eagles find this to be the meaning of the Act today and if so what decisions so hold; for a copy of the Marshall desire in par 2; what records show the Kennedy family, their designation, had control over S.S. records and any legal opinion on this and relating to the other matters in the memo.

Their 1/17/75 to me, which I'd forgotten and I think JL had, seems to be to be important in their representations in 1448. I'm making a separate copy for him for that and will give all to him in the a.m. This is a false statement re what they have.

What appears to be Rhoads? question, "What is he talking about?" has no answer here. His note is of the day after my 5/39/75 letter. If he cant understand what for me is pretty plain and simple, that they have not provided records asked for dor presentation toa court of law, what can he know of what goes on or the contents of the affidavits he executes? (They even then did not provide all the records for 226.) MMJ is absent in snide cracks or pontifications and there is no comment re my top p. 2 on improper withholding being the undeviating rule.

* * * Your N.O. en banc sitting was reported in radio news but nothing I've seen in print. Hope the experience lived up to the expectation.

I have an Archives letter I'll have to let await my return. I'll send it then with my response. They claim the internal communication exemption on some of my requests and ignore others.

Best,

9/23/77: Harold, this is some of what Archives has sent me on my FOIA request for records re your effort to get the memo of transfer. I did not send everything because it was a lot to copy and the other pages are just of your letters and carbons of theirs with nothing added that would give them meaning beyond what you alreadyhave in your files. There are some significant things in the attached pages, however. As the enclosed letters show, I'm keeping up as I can with this request, but I am extremely busy at work and that usually leaves my mind drained at night. Next week we go to N.O. for an en banc sitting. Should be very exciting.

Best

Harold

P.S. Copies of letters sent to JL but not of documents.