August 26, 1970

Dr. James B. Rhoads
Archivist of the United States
National Archives and Records Service
Washington, D. C. 20408

Dear Dr. Rhoads:

The picture of the base of CE 399, taken for Dr. John Nichols in duplication of the one you had earlier taken for me, has arrived, with a rather extensive accumulation of creases, wrinkles, crimps and minor punches, the more readily accomplished by omitting all backing and not sealing the envelope. It is one of the more original, if petty, ventings of spleen. Fortunately, the negative seems undamaged so I can, if necessary, have a better print made locally should I require it, thus relieving the enormous burden the ordinary housekeeping chores of tending an archive to an assassinated president imposes upon your overtaxed and apparently understaffed agency, as Dr. Angel's letter of August 19 makes so apparent.

Were it not that I have for so long had your personal assurance that there was and is no manpower shortage, I would start a campaign to see that Congress and the Bureau of the Budget treat you better. Of course, your assurances are not entirely consistent with the time required for simple responses to normal inquiries. However, is it not rather extraordinary, for an agency not suffering a manpower shortage, to begin an August 19, 1970, letter with the statement that it is in response to seven letters, the first four written five months earlier, in March, one in April, one in May, and the most recent a month and a half old?

It does, of course, require a slight amount of time to read a letter. But does it not take much longer to write a letter than to read it? Therefore, it is meet to address why I have to write such long letters. The first thing in your letter provides a convenient and appropriate case in point. In passing, I note the falsehood inherent in it, which is one of the additional reasons I have had to write so often and at such length, and the known and total departure from the law and the most pertinent, established precedent (American Mail Line, Ltd. v. Gulick, 411 Fed. 696 (1969)). It has become necessary to research the law to research your precious archive on the assassination of a president and the official investigation of it, such is the tender feeling with which the purity of the archive is preserved, the dedication with which you adhere to the executive order finding that the "national interest" requires that everything be in your custody and available. Here is a true reflection of an official policy that nothing be suppressed. But to the point that is most relevant, the need

for writing letters: It required about a hundred days for you to "answer" my first request for this "memorandum of transfer". Surely, it did not take so long a time for the lawyers to read and research the law, if that is what they did prior to your response. Could it have taken them 100 days to "learn" that this is a "private paper", which it is not?

Need I tell you how long thereafter it required for you to "answer" my request for the federal copy of this same paper?

Who, then, is responsible for the extent of this correspondence, and who causes waste of time, for whom?

You return to this at the top of page 2 and below the middle of page 3. There you repeat the falsehood about "private" papers, for the federal copy cannot, by even so flexible an imagination as you are, on occasion, able to draw upon, be so described. (May I ask a description and identification of the two other papers?) Where you refer to my having "copies of all the covering letters", if this is the case, some of the papers would appear to have been sent you without any. But what is of greater interest, would you please, since your letter seems to be designed for the making of the kind of record you or your lawyers desire, tell me when you informed me that the Secret Service sent you a copy of this memorandum in February for you to provide me with a copy thereof? That was in February, and your letter is dated August 19, more than a half-year later.

I cause your staff to waste time in letter-writing? With this record?

It is a year and a half since you informed me, face-to-face, that you had ordered a study made (unsolicitedly) to see if all my inquiries had been responded to. Then and thereafter, I informed you they had not been. With the character of the material of interest and the question being one of suppression (the pseudo-scholarly "withheld" that you prefer is not appropriate), let me remind you of one, involving a violation of your own regulations, an explanation of how you "leaked" a copy of the GSA-family contract exclusively to one whose ignorance of the material you could depend upon and whose sycophantic predisposition was a safe assumption, after telling me it was impossible for this contract to be used in other than a "sensational or undignified manner", and then delayed sending me a copy until after his story, so congenial to official desires, appeared in print. Is it that you cannot explain this transparent propaganda activity - and not the only one, at that?

How many letters did I write in the futility of seeking an explanation? I can understand that you may find such letters uncongenial, but I asked neither you nor those who preceded you to take the responsibilities you hold or to violate the regulations under which you are supposed to discharge them. It should be obvious, even to you, that the abuse here, and real waste of time, is by you and of me.

Your next paragraph is in answer to an inquiry by me to put me in a position, as Congress intended and ordered, to use the "Freedom of Information Act" (how appropriate that you, too, use quotes!). The

clear purpose of this law and its language requires reasonable speed in response. Did you comply with this? Yet if I depart from the regulations, would you not ask a court to throw out my suit? Hofe again, who is responsible for the waste of whose time? And the denial of whose rights under the law?

Next you come to David Ferrie and although, to your knowledge, I have sought every paper available on Ferrie for almost four years, you here report the existence of some for the first time. Nor, as you say elsewhere, was it possible for me to have learned of them by using your search room, for this knowledge comes from materials you have already refused to let me examine. I asked years ago. Below the middle of page 3, you return to this to repeat a falsehood this correspondence long ago established as a falsehood. Your frivolity of suggesting I search the files in person is again limned. "Nothing was removed from the name file for Ferrie except the pages of the file that are withheld under the guidelines ..." Rubbish! I went and saw, as you asked, and I reported to you that the file was gutted. For even those pages allegedly withheld under the guidelines, there was not one of your customary green slips recording and explaining the removal. There were, as I then, immediately, told you, either one or two items only, and a separate folder, identified as of file 75, as I now recall, was either empty or close to it. My letter makes all of this clear. You did not refute it or invite me back in to see a reconstituted file. Whereas your first page rattles off a long list of Secret Service documents, the files I saw did not contain them. I believe this is not because the Secret Service did not supply them nor because it refused to replace them, for the Secret Service is the one agency that seems disposed to help you have what you do not want to have, a complete archive.

I am not responding paragraph by paragraph for, in just about every case, there exists an adequate record and reading my letters is, of course, so uncomfortable for you, so time-consuming.

However, the second paragraph on page 2 opens with a fine sample of federal semantics, elevated to a new high state by the Presidential assassination and federal writing (not restricted to letters) on it. I note the intrusion of an unreality, the word "numerical". We will face that in due time and proper place. The rest of it has been responded to. Having appealed through your so-called channels of appeals, completely without response, I have no need to duplicate the experience.

The Ferrie case already cited is enough to respond to your third paragraph on page 2. First you gut the files (and, although I shall not now go into it, deliberately misfile); you hold me responsible for not giving you information you make it impossible for me to have; and then, when I ask, you tell me what is not so, that the documents are available. Making a gutted file available to me is to give me nothing but the need to write you further.

The last paragraph also offers me nothing. But, since you seem intent upon making a record, it would have been nice if you had set forth why your photographer "thinks that 8x10 prints would not be satisfactory". Can it be because these are not photographic negatives, that you do not have a normal photograph in the entire file and on the entire subject that is a normal photograph and is susceptible of ordinary enlargement, save for those this condition forced you to make, the same ones you refuse, in departure from your own practice and the law, to copy for me?

Page 3 begins with a fine representation of the condition of an archive to an assassinated president and an excellent reflection of the official attitude toward that crime and the archive. You do not have certain files. You know how to replace them. You simply refuse to do this. How great a "task" is this? Does it require more than the lifting of a telephone? Is it, indeed, the "task" that you shun? Is it that laborious? And is this your own characterization of your own and official concern for this archive, on this subject? If you are not to do this, who is? If not to you, to whom, then, does the executive order relate? As I have earlier asked, if this is not done, is this executive order any better than the most unseemly propaganda? Do you here treat it as anything other than propaganda?

The 'regret' you allege feeling over the "error" by which you so long withheld from me the picture you took for Dr. John Nichols in duplication of that you earlier took for me explains nothing, even if it is "regret" you feel and "error" that this was. So that we can have a complete record where you seem to be intent upon making one to which you might later refer in a manner that you may find suitable for special purposes, why do you not record <u>when</u> this "error" was discovered and <u>how long</u> it took for you to inform me of it and provide the picture? Was it just a few days ago, as the misinformed reader of your letter might assume or, what is more in point, might by it be misled into assuming?

This instance also relates to who is abusing whom, who is responsible for the time consumed in reading - and writing - letters. For how long did you deny you had taken any such pictures for me, several members of your staff knowing better? For how long did you deny I had sent you an electrostatic copy when you requested that? For how long did you just refuse to duplicate the picture for me? And how aptly this addresses a separate matter, how well you tend your responsibilities, how carefully you do that with which a child could be entrusted. You invoke the need for preserving these materials as a disguise for suppressing them, yet you cannot do so simple a thing as keeping them filed? Is this how you "preserve" your archive? You here acknowledge that, in December 1969, you did have this really unnecessary electrostatic copy of the picture you took for me )the negative was clearly marked as having been made for me, whether or not you had a print in the file). How did it come to take <u>eight months</u> to correct this "regretted", as you describe it, "error"?

And what kind of research do you make possible with this kind of files-keeping? What good does it do a careful researcher to use your search room when you provide him with incomplete and misrepresented files?

You say that "the memorandum of January 15, 1964, had been removed from the file of memoranda concerning staff meetings and conferences before your examination of the file." I note there was no record of this in the file, when your practice is to insert a slip-sheet, and I could not have been aware of the existence of more such documents without having seen them. This would not be the first case where something was denied me after I saw it, either. I ask you now if, to the knowledge of your staff, this is a complete file, if all such records are now in it or accounted for in it. And I also ask you what you do not say, why it was removed. The subject is one on which there is federal sensitivity, Oswald's federal connections. This is not subject to withholding under existing regulations. Why, I repeat, was it removed? And if the file is not now complete, why is it not now complete? Here I also note that your agency provided this housekeeping service to the Commission, so you should have all the requisite knowledge.

I have earlier alluded to your great desire for "fairness to other researchers", the compassionate concern so nobly expressed on page 4. As I have reported your expression of this lofty sentiment in giving non-researchers, exclusively, what you have denied me, I also use this appropriate point to record the considerable trouble to which you go to call to the attention of my competitors what my work alone has produced. If this is not clear to you, personally, without further explanation, there are those in your agency who can explain it to you. There is also the prospect that, in time, it may become clear to you by other means.

Had you discharged, or even intended to discharge, the obligations you voluntarily assumed in accepting your high office, neither the letter of August 19 nor this response would have been required. Where that letter is not false, it is deceptive. Where it does not openly misrepresent, it is carefully calculated to accomplish this purpose. And it is contrived to impose upon others who might at some time read it. Would it be wrong to anticipate that you might regard a federal judge as one such person?

So that you may be in the same position as I am to evaluate the federal word as I must, I encourage you to examine my correspondence with the Department of Justice relating to what was withheld from me concerning James Earl Ray. A portion of the earlier part only is attached to Civil Action No. 718-70, in Federal District Court in Washington. In that case, you will also find a summary judgment entered a week ago. If you read the entire file of this correspondence, you will find that there is no single truthful letter addressed to me - not a single one - aside from the quite proper inquiries that were ignored. The existence of the file that the Justice Department originated was denied. Possession of the copy it had confiscated was denied. I was also assured this file was required to be denied me under the provisions of 5 U.S.C. 552, another deliberate falsehood. And once I filed suit, there was no single one of the papers the Department filed in court that was not false and known to be false, the last one of which I have a copy being, in addition, perjurious.

This is not the only case of federal perjury on this subject.

Nor is the record of the correspondence you have addressed to me inconsistent with this cited record. I can only hope that, at some point, its character will change.

Sincerely,

Harold Weisberg