

Rt. 12, Frederick, Md. 21701
6/1/77

Mr. Robert V. Noble, FOIA/PA Officer
ERDA
Wash., D.C. 20545

Dear Mr. Noble,

Thanks for your helpful letter of yesterday and the enclosures. I have read them, where you have indicated I should.

While I do not know enough about how ERDA keeps records to dispute what you represent in your third paragraph I do believe that my request of May 20 more than adequately meets the requirements of § 709.6 "(4) must reasonably describe the records sought to permit identification."

"Nonetheless I want to do all I can to make your search and compliance as easy for you and as complete for me as possible.

After writing you I made inquiries. One result is that I have been told that the pre-publication version of Dr. Alvarez' article referred to his indebtedness to Contract W-7405 - Eng. 48. As published the credit is to unspecified ERDA support.

If ERDA had done this for the Warren Commission while I would still want the records I would not have the objection I do not hide from you, of the expenditure of tax money in a partisan manner and in a political controversy. Particularly because Dr. Alvarez was on coast-to-coast, prime-time TV with his partisanship in 1967. The Warren Report became public September 27, 1964.

Of course I am also seeking what records there may be that establish a basis for ERDA's expenditure of public funds in this manner and at that time.

Your referral to your San Francisco office is helpful and I do thank you for it. As you can realize, if they make a local call they can obtain first-hand information from the supported Berkeley Lab.

Marking the relevant sections of your enclosures also is appreciated. With regard to § 708.6, with the exception of my not specifying the records system, I believe ERDA knows enough about me to meet these standards. I am suing you in C.A.75-226 in federal district court in Washington. You may be interested in reading the appeals court decision under which it was remanded, No. 75-2021. Your law library certainly has it.

My reading of what you refer me to tells me that you are required to inform me of the nature of the information you can expect of me that I have not provided. With regard to both this litigation and the Alvarez matter I believe I have given you all you need. I do not want, of course, any duplication of what ERDA has provided under discovery in the civil action or what it provided in the earlier stages of this case. Perhaps compliance with the Alvarez request will be helpful here.

My lawyer is Mr. J.H. Lesar of Washington. His phones are 484-6023 and 223-5587. I will be seeing him next week. I will then give him what I received from you today. If I lack understanding because I am not a lawyer please feel free to phone him or write him at 1231 4 St., SW, 20024 or 910 16 St., NW, Suite 600, 20006.

While I reserve the right to recover the charges and I do ask a waiver of them, I also agree to pay them. If you would prefer to handle this through Mr. Lesar please do so. I do have a Washington account on which he only draws checks for such purposes.

There is no personal gain involved or possible in these requests. I am 64 years old,

have suffered acute thrombophlebitis and have designated my files for deposit in a university system

system. Mr. Cesar is one of the lawyers who is also trained as an historian who is one of the executors of my estate. By coincidence the history professor who supervises this archive is en route here now and will be here tomorrow to pick up more of my records. If you require further assurances I believe you would prefer receiving them from a lawyer so please, again, consult Mr. Cesar. Under these circumstances, and particularly because the appeals court decision to which I referred you says that my quest for records relating to the JFK assassination serves the nation's interest, I believe you are authorized to waive all costs and that I meet the conditions for such a waiver.

If you do not agree I do assure you the costs, with the reservation of the right to seek to recover them.

While I do not agree with your application of the cited regulations I do appreciate your effort to be helpful and I do thank you for this.

It seems probably that before you can respond we will have heard from your San Francisco office. This can be beneficial to us both. I would therefore like to make a reciprocal gesture and relieve you of your time obligations under the Acts until we have both heard from San Francisco and have had time to digest whatever may be reported.

Meanwhile, if there is any specific information you would like of me and because we are not separated by much distance, if you would prefer to phone please do so. I am in suburban Frederick, 473-8486

Sincerely,

Harold Weisberg