

State - LHC / KCL

Mr. E.E. Malmberg
Department of State
Washington, D.C. 20520

Rt. 12, Frederick, Md. 21701
5/26/78

Dear Mr. Malmberg,

There is a simple and inexpensive solution to the problem you pose in your letter of the 19th, which did not reach me until today: Just copy all the records involved.

In the advice you say you gave Mr. Strawberry, advice with which I disagree, there is missing what I believe is essential, the historical-case determination by the Attorney General. From this determination I believe different standards apply. What you might regard as burdensome in an ordinary case warrants more time and effort after this determination.

I suggest also that the possibility of embarrassment to the Department is considerably reduced if the isolation of records not provided to a Presidential Commission has to be made by others. I certainly will not take that time. My interest is in the information, not in causing any embarrassment. I also want the public archive I am leaving to be as complete as possible.

There also is the coming 15-year standard. It is probably already past with some of the records in question.

The Department of Justice has also decided, aided in the decision by an order from federal district court, that I meet the prerequisites for the waiver of all search and copying costs. I do request this waiver. If the Department wants more proofs I will supply them. As an alternative I will agree to pay the costs and then litigate the matter.

There are a few old matters I would like to have cleaned up. These relate to my request for all the records on or about me. There has been partial compliance and some withholding. In addition, I am certain there are still other records. There is substantial reason to believe that known files have not been searched. And I doubt very much that the "national security" claim made for several records can be applicable after 30 years @ if it ever was.

That was a sick period in which paranoia dominated the dedicated wrong. There never was any legitimate "national security" question involving me. My belief is that the inheritors of this past apply the same attitudes and standards. My desire is to obtain all the records and where comment is necessary file such comment so that these defamations will not be misused in the future to undermine my subsequent work. In this I am not theorizing. I have official records of exactly this being done. People of decent concern in the Department have enough to atone for without now playing Shylock.

Quite some time ago I wrote and asked for records applicable at the time I was dismissed, the action was withdrawn and I resigned. The regulations I sought and seek relate to the Department's obligation to inform me of my rights and to pay me for the time I lost. Certainly regulations are arranged so they can be located and exist by subject.

The personal records also will be deposited in the university archive. I would like them to be complete so that in the future independent evaluations can be made. ~~independently~~ I would hope that by now if this does not reflect the Department's view it is past time for the Department to give this some fresh thought.

Sincerely,


Harold Weisberg



DEPARTMENT OF STATE

WASHINGTON, D. C. 20520

May 19, 1978

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Dear Mr. Weisberg:

I have been asked to reply to your letter of March 27, 1978, to Mr. Strawberry. I am afraid that I advised him that your request was not one for reasonably identified records because it would be unreasonably burdensome to attempt to locate records meeting the terms of your request.

It would have been nice, perhaps even logical, to have done what you assume was done at the time of the Warren Commission, that is to make a list of all our documents on Oswald and a list of such of those documents as were furnished to the Warren Commission, and similarly to make a list of documents furnished and denied under Freedom of Information requests. Unfortunately, so far as I know, this was not done; there are no such lists. Hence, all we could do under your description, is manually compare the Warren Commission documents with our whole set of documents and make a judgment. We could not tell what documents we have which meet the description in your request without going through that process, which requires us really to search not only our records but those of NARS and the like. This, I believe, the Freedom of Information Act does not require us to do.

I am sure Mr. Strawberry will be happy to discuss with you alternative ways of formulating your request so that we can begin to process it.

Sincerely,

K. E. Malmborg

cc: FOIA - Mr. Strawberry