

Rt. 12, Frederick, Md. 21701
11/9/77

Mr. Tom Suaman, Counsel
Administrative Practices Subcommittee
U.S. Senate
Washington, D.C.

Dear Tom,

Enclosed are a few random selections from some records Howard Roffman and I have obtained under FOIA. The Archives originally lied, denied having any records it had not given me under my PA request of $\frac{1}{2}$ long ago. Howard, a very bright and very diligent clerk to an appeals court judge, obtained a release from me and kept pushing. My presumption is that Archives and GSA decided delivery was less unpleasant than facing a suit in Florida, where Howard now resides. Rhoads' letter to me reflects that he has released these to Howard. No explanation of their year or more of lies to me.

These are not all the individual records relating to the Kennedy family, Senator Edward Kennedy, to the autopsy and its materials and to what I regard as the perpetual attribution of official suppression of evidence to it and to its wishes. Of course it is but a minor sample of what this one batch holds about the deliberateness of the violations of the Act. They actually reflect that the entire government was simply refusing to respond to my FOIA requests, that is, the agencies to which I addressed them, and that this was the Nixon administration policy. It has changed, with me, only under extreme compulsion. There are records in which Archives and GSA complain that they, too, should be entitled to ignore my requests, of violate the Act. Their compromise was to stretch the 10 days into many months. I have the records in which this is explicit.

Here and elsewhere and by other means I have now established that in the ~~USA~~ expectation of perpetual secrecy all these people generated false and defamatory records relating to me and bucked them upward to control non-compliance, in fact guarantee it. With regard to the Archives and the Archivist, who is chairman of the inter-agency review board, subject to Lesar's approval I intend a direct confrontation on their turf, so to speak, on the fact as represented in their own records. I have this right under PA, to correct error. And to have the correction filed with the records that are inaccurate.

This newest batch of records is consistent with long experience. It discloses the existence of still other relevant records still withheld. That they are withheld is not acknowledged. No exemption is claimed for the withholding. They can do it, nobody will do anything to them, so they do it, brazenly.

I ask that for the time being you do nothing with the single page referring to Gerald Ford. I have given it to a columnist friend who has a time spread. Of course I am not assuming that you would use this. It is merely that I want to protect the friend. I'm including it to illustrate to you the actual reason for whipping me around and through the courts and lying to Judge Gesell in that case in my seven-year effort to obtain that Warren Commission executive session transcript. The record with others is as hairy. To protect Ford they claimed almost everything at one time or another. The CIA claimed (b)(1) for Archives and Ford!

I'm underscored some Kennedy references. I have no way of knowing whether the representations are accurate. I have always assumed that Evelyn Lincoln was at the Archives on behalf of the Kennedy Library, which is part of the Archives. However, if there is personal possession of any of the evidence by the family I fear it will never have any peace on that score alone and separately. Burkley never had possession of the records he delivered to her. The Secret Service did. But he was "Physician to the President," as he signed himself. This imputes withholding to the victim's physician and the physician to the successor President.

Whatever the truth may be on this aspect, possession of the evidence, what is beyond dispute is that the records I sought were at all times clearly within FOIA and that the Kennedy name was repeatedly invoked to deny them. To make this appear to be ~~unjustified~~ necessary as the records moved upward there are some pretty nasty falsifications about me, like if they were to let me have the records I sought I would annoy the family. As I think you know I never made any effort to see Senator Edward Kennedy. I assure you the same is true about Robert Kennedy.

Among the real reasons for the withholdings, and this too is explicit, the records I sought would in all cases have led me to other suppressed evidence. When they reached recognition of bankruptcy on the "Memorandum of Transfer" the lawyers opined that it would then get "stickier."

One page refers to a page of "ackie Kennedy's testimony before the Commission. Robert accompanied her. The record discloses no request by her or from him for withholding any of her testimony. Where she describes what she saw- and she was the closest eye-witness - they withheld that, claiming "good taste." A friend, Paul Hoch, made a west-coast request to go along with mine that dates to about 1967. He pressed an appeal, leading to the release of that page. Once I could read it the real reason for withholding it became apparent. She testified to other than the official account of the crime.

If any of this interests you I have given my originals to Jim Lesar because he will probably want to be using copies in several of our FOIA court cases. The Archives delayed this release until two of the cases were on appeal, when the records were closed. These papers were withheld in both those suits, in both after we sought to exercise discovery. I loaned Bud Fensterwald a set of copies I made in the event he would take any initiatives to prevent the vitiating of the Act before the Congress. I will be in Washington on Friday for a conference with the FBI, AUSA and some DJ people. This case relates to the DJ and FBI evidence in the King assassination. Should you want to speak to me I will be with Jim and can be reached that day through him. Ordinarily I would take the 2 p.m. bus home but I can improvise other transportation. I am no longer able to drive that distance but I can ride well enough because that does not require keeping my legs down. Please do not misunderstand this. I am, not asking or hinting or pressuring in any way. I am merely offering, in the event you or your staff consider that I can be of any help with the FOIA hearings or inquiries of which I know because Mac Mathias wrote me about them and because Jim made one of the records they wanted available to the Nader people for use in Ms. Diane Cohn's testimony. It is my belief that what happened in this King case is perhaps more informative to the committee than the JFK cases. This is because they have given me more than 44,000 pages and remain in non-compliance and because of how they contrived to do that and to waste a fantastic amount of time and money for the government and for Jim and me.

Jim's phones are 223-5587 and 484-6023.

Best wishes,

Harold Weisberg