8/14/72

Mr. Richard A. Vawter, Director of Information
General Services Administration
Washington, D.C.

Dear Mr. Vawter,

Title 41, Chapter 105-60.404 (c) reads:"If the denial is sustained, the matter will be submitted promptly by the Director of Information to the Assistant Administrator for Administration whose ruling thereon will be furnished in writing to the person requesting the records."

You are the Director of Information upon whom this statutory responsibility is imposed. My appeal of March 30, 1972 is to this moment without response. The word "promptly" is that of the Congress, not mine. You have not sent me a copy of your submission to Mr. Johnson, nor have I heard from him.

I am not unmindful of your open solicitation that I go to court in my quest for suppressed evidence relating to the assassination of the President and its investigation. I don't think it is possible for a government official to come closer to begging that a case be taken to court. However, I also am not unmindful of the inevitable political consequences of some suits, no matter how legitimate. In this case, the shamefully transparent intent is to make it appear, quite falsely, that the family of the President rather than bureaucrats is responsible for this suppression. Nor am I unmindful of the repeated and no less transparent solicitation that I exploit a dodge of your invention and by a surrogate apply for access to the contracted materials. You, not I, hold that contract to be legal and binding. Your solicitation that I select an expert to see this contracted material for me clearly violates the intent of that contract. Nor am I unaware of what prompted these belated solicitations to the improper to me: my reporting that I had discovered officialdom had concocted such a propaganda device with a writer whose predisposition was known and the character of whose writing could be anticipated.

Those additional steps that have been taken to make it appear quite falsely that officialdom is innocent of suppression and the survivors are responsible for it are not entirely unknown to me. If I regard open violation of the law, as evidenced by your failure to perform your legal responsibilities and by overt and illegal suppression as reprehensible in a society such as ours, I tell you without inhibition that this official effort to transfer the blame for suppression from official shoulders to the family of the President is an unspeakable obscenity.

If you continue in your efforts to force me into court, it will be with a record that is clear on official intent and I do feel that 5 U.S.C.552 is not my only remedy. Not at this point, in any event.

This letter is also an appeal from refusals of public information in the Archivist's letter of August 8, 1972 to me. In it he refuses me a copy of a memorandum "containing information concerning the spoiling of a roll of '120' film by a Secret Service agent present at the autopsy of President Kennedy". The date in this letter is given as November 1, 1966. A different date is given in the Archivist's letter to me of March 28. Both dates are subsequent to the date of the contract. For this reason and because the contract lists that material alleged to be covered by it, this memorandum is not and cannot be covered by the contract.

Both letters describe this as "medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Were this ever the case, as it was not, this statutory exemption has been waived under a number of binding

decisions, only one of which I cited to you because it requires no legal training for comprehension. It declares that any use of what might otherwise be held waives all exemptions. Given the willingness, your counsel can supply others.

But in this case what I seek is clearly, by your own definition, anything but a medical or "similar" record. And it is part of a file that in your own letters clearly has been published, eliminating any possibility of invasion of privacy. You, meaning both the Archives and other agencies of government, have published this material repeatedly, under circumstances in each and every case that amount to official propaganda.

The utter spuriousnessness of the claims made is disclosed in Dr. Rhoads letter of August 8. He refers to a report made by "Naval Medical Staff", hardly accurate, on November 1,1966. Both doctors described what they saw to the press under circumstances congenial to official intentions and thus waiving any exclusionary rights. The second allegation is that "This document also contains 'the list signed by the men who did the autopsy' of the X-rays and photographs." Presumably this was testified to in full before the Warren Commission, which published the testimony and pertinent exhibits. In addition, the list of film is an appendix to the contract and was published as such on the initiative of the Archives, so on this basis also no exemption can be claimed with seriousness. Moreover, such a list is part of the report of the Department of Justice panel and was introduced into court evidence by the Department, as was a report based on the alleged report of November 1 by the same "men who did the autopsy".

For the sake of eliminating legal hair-splitting, I have been careful to avoid asking for anything allegedly covered by the alleged contract. Yet Dr. Rhoads says "We show it to the researchers whose applications to examine the autopsy material are approved by the Kennedy family representative, Mr. Burke Marshall..."

None of what I have asked for in the letters rejection of which I hereby appeal is or can be covered by the alleged contract. Moreover, Mr. Marshall has no official responsibilities, roles or functions and has nothing to do with public information, as the law defines what I seek. In this connection, I take the liberty to correct the Archivists factual errors. "Researchers", according to this alleged contract and all prior official interpretations, are not researchers but pathologists and others described. The first person to whom the contract material was shown had no standing under the contract. (However, his exclusive publication of that which I seek, in his version, constitutes still another and binding waiver.) Nor is Mr. Marshall "the Kennedy family representative." He is empowered to act for the executors of the estate. The two are not synonymous.

To say as the Archivist does, that "The 'list signed by the members of the 1968 Forensic Panel' is the list included in the report of that panel" is utterly irrelevant. I have asked for, am entitled to and renew my request for this list for which I asked in my letter. That it was published in different form under different circumstances does not give the government the right to decide for me what I want for my research. I have too many allegedly identical records that are not identical.

Dr. Rhoads acknowledges providing copies of those two reports to Dr. Lattimer and acknowledges they are not covered by the contract. This in itself entitles me to copies under the law and pertinent decisions and your own regulation require the providing of copies.

Sincerely,

Harold Weisberg