Rt. 8, Frederick, Md. 21701
6/30/75

Dr. James B. Rhoads, Archivist
The National Archives
Washington, D.C. 20408

Dear Dr. Rhoads,

Some time around the middle of March, when the FBI refused to provide copies of documents relating to spectrographic and neutron-activating testing under my FOIA request and referred me to you, my counsel requested all the documents the Archives has of this nature.

When this request had not been complied with I made it to Mr. Marion Johnson in person on May 13, explaining in detail the documents I wanted, the reason for the request to the Archives, and the need for this documents as rapidly as possible because I must have them for C.A. 226075. Because the FBI had also refused to say which of these documents contain the information it considers relevant to the Complaint in this action but had said it had discussed this with the Archives, I also asked that to the best of his recollection Mr. Johnson indicate which these documents are and if he had a list of them, a copy of this list.

Because neither of these simple and proper requests were responded to within a reasonable time I was forced to go to two hearings without this material. Thereafter I explained this to you personally under date of May 29 in a letter to which you have yet to respond.

I was clear in expressing the hope that the days of your stonewalling and whip-sawing me over these proper requests had passed but I find from Miss Jane Smith's response to the letter I was forced to write you June 11 that you are still practicing political archivery.

My request was not, as her letter says, for any specific document. It was for each and every one dealing with these two tests. You do have those you have not supplied and you do have a filing system are you were and are in a position to fill this simple request.

This continued stonewalling gives me no choice but to make as an FOIA request those I made referred to above, for all documents relating to spectrographic and ~~xxxx~~ neutron-activation testing.

I believe the language used more than meets the requirement of the law, to say nothing of common sense. These are identifiable documents and I did identify them, at least twice verbally and in writing. There is no letter from you raising any questions along these lines.

As I made clear, it is not possible for me to identify the documents to which the FBI referred because it refused to identify them. I therefore ask for all of them and explained the need and situation to Mr. Johnson more than a month and a half ago.

Instead of addressing the other questions I addressed to you I find Miss Smith protesting that you do not have what I did ask of you, having known since November of 1966 that you said you did not have any of the tests themselves: "...detailed laboratory records..."

I did not believe it necessary to confirm all the requests I made to a man of Mr. Johnson's experience when I spoke to him May 13. However, since Miss Smith has consulted my letter of May 14, which was written in part to justify his expending funds from my deposit, is it asking too much the end of the next month to expect answers to questions I did ask in that letter of May 14 rather than non-answers to non-questions? Must I file under FOIA to learn about the declassifications therein referred to, for example? Or whether any documents are still withheld as specified

in that letter? If I must then please treat this letter as a formal request under FOIA.

The existing record shows that my initial request was filled incompletely and knowingly incompletely. My letter of June 11 reports this to you personally.

Miss Smith's letter makes no reference to whether or not any Nosenko documents were provided to the Warren Commission by the CIA. If there was any doubt about my initial request it is eliminated in My June 11 letter.

It is now a matter of official and public record that for the period of time Oswald was in Russia the CIA was intercepting all such mail. In response to my request Miss Smith uses language experience tells me may be intended to be evasive, "We are not aware of any documents in our custody relating to the interception" of Oswald's mail. Because of the present situation I think it would be particularly appropriate for there to be a request made by you for help on this of other agencies, if you cannot respond with certainty about your own files. I believe, of course, that you can respond unequivocally and that you have avoided this.

However, there again seems to be no real alternative to making this a formal FOIA request, so I ask you to consider this and the previous letters such a request.

I record that I find all of this inappropriate given your responsibilities and the current government campaign to make it appear that this perfectly proper law, a law entirely consistent with the most fundamental American principles, is burdensome to you bureaucrats. I can't think of anything you could have done not to stall and delay that you have not done. This, of course, adds materially to the government time as it does to mine. In no single instance was I told that any of the requests in this correspondence could not be met or that my requests were not specific enough or not for identifiable documents.

I have not been provided with a list of those documents declassified in 1973. I repeat my request for it. If this list does not include who had each document withheld to begin with and why and why and by whom each was declassified, I now ask it. I repeat this request for all those declassified subsequently.

Sincerely,

Harold Weisberg