

6/11/75

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

Dear Dr. Rhoads,

After I wrote you May 29 I received from my lawyer copies of the documents requested for the last of a series of times in that letter. I find in going over them that they are incomplete and to the knowledge of the Archives are. When to your knowledge and that of your staff this request was made in connection with a suit in federal court in which the government is respondent, I feel I must again complain about the apparent political motivation of the Archives in this matter and to record what you should know, my belief that this is a serious intrusion into my rights as well as capabilities in court.

I also ask that you direct full and immediate compliance with this request. I need and want everything in the archive dealing with the spectrographic and neutron activation analyses, exclusive of what was recently sent.

This material sent does not include copies of the well-known, the published, some documents I've seen in the past, or anything from the AEC except the one Ebersold letter of 12/11/63. When the AEC has to date found it impossible to respond to interrogatories although under court direction to do so and when it began by lying to us about what it had and did, the omission seems less accidental.

As you knew the FBI had stonewalled on this, insisting that I read their minds and thus learn whatever documents they have in their collective minds that they interpret as relevant to my request and needs in C.A. 226-75, on the frivolous basis that these documents are in your files.

One of the questions before the court now is of compliance. I now have to ask my lawyer to inform the court that even that which is not withheld cannot be obtained by a simple request and I shall ask that he request a postponement until I have all you can supply on this and have time to go over it.

As you realize, I am at your mercy on this. I cannot go to your files and select the relevant. In fact, I have no way of knowing how you have this material filed. I am entirely dependent upon your honorable and faithful execution of your official responsibilities.

This has already been damaging to me. I regard it as an official interference with the ability of the law and the courts to function and into my rights. If it is in any way more hurtful to me I shall ask counsel to inquire into the applicability of provisions of the recent amendments that I understand the Congress enacted to end this kind of abuse of citizens who seek access to public information.

Four weeks have now passed since I made other requests to which there have been no responses. Since then I have learned of a declassification in 1973 of which I have no record of having been informed. That was after the last regularly-scheduled declassification. My letter confirming this request begins with a request for all documents declassified since the last regular declassification.

I had asked for and that day received what was represented as all the Noenko documents. I now learn that what I was then given is not all of them. I raised certain questions about the departure from norm in the declassification of those I did receive that remain unanswered. Although I then did not know of the existence of these other documents I correctly anticipated this added political influence at work under you and the penultimate paragraph of my letter of May 14, 1975 begins with the request that understanding required.

In this letter I also asked specifically about relevant CIA documents. There has been no response.

Without the deliberate intent to interfere with the workings of the Warren Commission by the CIA there have to have been CIA documents supplied to the Commission on the Nosenko matter.

If there are such documents I am entitled to know about them if they are withheld and the alleged reason for the withholding.

(And I did ask Mr. Johnson for a copy of every CIA document declassified since the 1970 declassification. I left a \$50 check to cover costs in the event my deposit was too low.)

Without the FBI's also engaging in deliberate withholding from the Warren Commission there simply have to be more FBI documents relating to Nosenko.

It seems entirely impossible that the staff of the Commission asked no questions about those documents with which I was supplied. The gaps in them are enormous and this was a question of greatest concern to the Commission, as the executive session transcripts you withheld from me improperly leave without doubt.

It now is public knowledge that the CIA was during the period involved intercepting all mail to the Soviet Union. I recall nothing in the Warren material reflecting that the CIA informed it of the fruit of this law violation. So, I add a specific request, for anything and everything in any way related to the interception of any Oswald mail, including but not limited to whether the CIA informed the Commission of it.

He was, I remind you, the only candidate for assassin. I do make this request with utmost seriousness and I do hope you will so regard it and unlike the record of which I am again forced to make complaint, see to it that I receive a prompt and full response within a reasonable time.

If you can make any explanation of the failure to comply with a simple request when that request was in connection with FOIA litigation and of the failure to respond in any way to my letter of May 14, I would appreciate it.

Sincerely,

Harold Weisberg

6/11/75

Dear Jim,

After drafting the material for the new affidavit I believe is required in C.A.226-75 I came to realize the extent and the possible consequences of the newest Archives stonewalling and the potential of the FBI's whipsawing us on this.

It now is a practical impossibility for me to execute as complete an affidavit as I believe is required because of transparent withholding by the Archives. It is completely impossible that the only communication or document of any kind from, to or about the AEC can't be the one letter, Ebersold's of 12/11/63.

Aside from this, I do not believe that the Hoover documents we have permit the kinds of statements Rankin made in the executive sessions about NAA.

In this connection, please understand that my other work as it relates to this is absolutely and completely definitive: Exhibit 399 cannot have hit the President in the back and left traces on the jacket and shirt; and it did not and could not have exited the front of his neck. If you had read the last part of Post Mortem you'd know this. However, if you recall the pictures I showed you when I got them from Kleindienst while he was still reeling from the summary judgement in C.A.718-70, you should recall enough.

Thus Kelley's 4/10/75 letter makes no reference to NAA on the clothing. But they dared not omit this and the NAA of the curbstone in the Kilty affidavit. (Sorry I missed the curbstone NAA for the first affidavit. The terrible haste!)

They can't produce authentic and complete tests without ending the whole monstrous affair, which gives us serious problems because they have serious ones. This is part of the reasoning behind my belief that we must do all we can prior to the coming calendar hearing, when Pratt may just ignore the law and try to moot us. And with vigor.

While for the purposes set forth in it my letter of today to Rhoads was necessary, I think it also provides a legitimate basis for asking for a postponement, aside from the AEO's non-compliance which they can rectify by again handing us a non-responsive affidavit in court. Unless you find compelling reasons not to, please use this as a basis for asking for the kind of postponement I've suggested in the past, until we have 10 days after the delivery of the last paper asked for. I have copies of what the Archives should have given us and didn't. They didn't give us any of the Shaneyfelt exhibits, for example, and they are relevant. Nor the Hoover letter I have in Post Mortem which says in his own special way that the NAA's do not say what they want said.

Added to the long and consistent record, I think this puts us in a position to use the new provision of the law for the recovery of damages. If we can find it possible, always a question.

Until I can read the Rockefeller Report (and the morning paper has not yet come) I can't be sure, but I believe that it will have to say more than has been reported of Cotter's testimony on CIA mail intercepts. I'd expect the Senate committee to add to this. What I'm getting at is an explanation of the CIA's stonewalling when I told Warner quite openly that I have copies of their domestic surveillance on me. I have known all along that there was interference with my mail abroad having to do with publishing. My London agent reported it by cable and phone. I was represented for a while by Dilia, the Czech agency. When all else failed I tried East Germany. And in West Germany the stuff just disappeared, both way. This cost me publication by Fischer A.G. and their letters never reached me. In fact, the manuscript disappeared, as did xeroxes of the limited edition at Der Spiegel. How did they know? By accident.

Through an old friend a fabulous woman was my first agent in England, the Baroness Maura Budberg. She introduced Whitewash to Gellins in 1965. They gave it initial editorial approval. But of all people they then gave it to John Sparrow for a reading. He nixed it. When I later learned about him, which is to say when he figured publicly in the controversy on the subject, I checked with a British reporter, who told me that Sparrow has been a longtime spook, specializing in recruiting.

When his book appeared I engaged in correspondence with him. He was then unwilling to make even pro forma denials, saying I would not believe him anyway.

You know about the non-delivery of the manuscript of Gerald in New Orleans and what happened with a second copy, another interception. Well, earlier there was something similar. I sent parts of Whitewash II to my London agent as I wrote them. It is my recollection that not a single first-class mailing reached him. Only when I sent them insured did he get any parts.

Were it not for this way of learning about me and my work, there is always the Wilkinson angle.

So, if any appreciable part of this encapsulation is the case, the CIA could easily and I think wisely have opted stonewalling, taking the chance that my limited capabilities would be safer for them than any admission.

There is more of which you know.

This newest business of the Archives and BJ makes me think again of seeking co-counsel and filing a damage suit. Can you find time to think about this? Have you discussed it with Phil?

It would be best to do this as early as possible in the Church investigation, in part because it will be helpful to them.

If we can't do this soon I'll probably have to give ^{them} the work I've done on the CIA domestic proprietary used for this special intelligence operation. At least one, that is. The one I have documented. I'm to hear from Ford Rowan. I may raise it with him if his interest continues.

Best,