

Miss Jane Smith, Director
Civil Archives Division
National Archives
Washington, D.C. 20408

Rt. 12, Frederick, Md. 21701
10/19/76

Dear Miss Smith,

In my letter of October 4 I asked you to cease larding what you sign with the self serving. Your organizational whether or not personal compulsion to attempt to create a totally false record at a time when I have been suing the Archives for a year and a half Requires a pointed response to your letter of the 18th.

I leave the self-service to those who deal with the mind, there now being a more than adequate record on it. However, I will and do address the lack of fidelity to fact and what I regard as not accidental untruths and puerile self-justifications.

First the matter of lists and what they are, with your bad joke about my not asking for CD 1269.

I have checked my records recently when I was able to have a student ~~mk~~ do what is beyond my present and recent physical capacity. My complaints about the utter meaningless of these lists goes back to the earliest days of the Nixon administration, when it appeared that these lists were made even more meaningless. My records show that when I was unable to obtain any meaningful list from the Archives I filed an FOIA request with the Department of Justice. To this day it remains unmet. If my recollection is correct, the Attorney General actually told me that giving me a copy of the meaningful existing lists was outside the Act.

Assuming as I am willing to assume that you did send me a list of what was released in 1975 and that the list I have just received is an exact copy of it it tells me absolutely nothing about CD 1269. Counting the parens and the period and the abbreviation for pages there are seven units of typing in your list, reading in full "1269 (13pp.)" As I am certain even your partisan mind can grasp there is nothing in this list to tell me that the subject matter is one on which I have had a standing and acknowledge request for about 8 years.

There is no relevance in your claim that I waived my long-standing request simply because I "did not order copies of any of the documents released by the 1975 review." This is also a false statement, as my correspondence with Mr. Angel makes perfectly clear.

If you will check your files you will find that when I first discovered that there was withheld medical/autopsy material I entered a request for all of it. Thereafter, when some of the executive session transcripts that do include this kind of material were given to Mr. Wise on what amounts to an improper and exclusive basis there was considerable contention between the Archives, especially Dr. Rhoads and me on this. It was resolved with Dr. Rhoads' assurance that when anything of this nature was released it would be sent to me. With the Archives' agreement to provide me anything and everything relating to the medical/autopsy records I have had a clearly recognized agreement to provide me with what you in fact withheld from me. You now seek to create a false record on it.

The record of this correspondence also shows that I asked Dr. Angel for everything released and that after several exchanges, the last of which from me is without response, his refusal is unchanged. I do believe that even archival concepts include part of everything within everything. As always I offered to make a deposit in whatever sum was required. (Despite this you have stonewalled me for a month of so now on the contrivance that I did not have an adequate deposit while also wasting time by not telling me.) So it just is not true that I did not want or did not ask for the pages included in the 1975 release.

Moreover, I have had a standing request for "papers relating to the transfer of the autopsy x-rays and photographs..." There was considerable correspondence on this. It took Dr. Rhoads about 100 days to hoke up the first evasion. I believe my initial request was of about 1/20/69. You are aware that I finally invoked FOIA after you ~~intertax~~

intercepted those of these records the Secret Service released to me. You are aware that thereafter I was stonewalled until it was certain that those who are irrational on this subject, bitter political partisans, would have equal access to these records and would make the predictable political misuse of them. You should be aware that this injudicious withhold^{ing} was costly to me in ~~an~~ many ways, the most obvious being that you made it impossible for me to use or incorporate these records in a very large book on the subject. Were this not enough the Archives deceived me into believing it had given me all the relevant records. It did not tell me it continued to withhold and I have both the standing general request the Archives agreed to meet and the specific request for these records made separately.

If you dispute any of my representations - and I do invite this - I will then search my own records and establish the fact with copies. It happens that a student who was interested in that part of my work indexed this correspondence. I believe I can locate and cite each relevant letter, as of up to two or three years ago anyway, when that student indexed that correspondence.

I believe it by now should be apparent to you that nothing in your letter of the 18th is truthful. If this does not reflect your personal intention then I suggest you ask the obvious questions of the person who may have drafted this letter for your signature. Perfection is not a human state but the infidelity to fact in your letter is extraordinary in its totality.

I have skimmed the records you have, after all these years, finally provided. I do not see that they qualify for any exemption or for any withholding from me. Moreover, as I am confident I wrote Dr. Rhoads, I do see a complete waiver in the use you made of some of these records in the case of Louisiana V. Shaw beginning in 1968. I am likewise ~~that~~ certain that if I cited no other case I did cite American Fossil Mines on this waiver. I am confident there was other precedent and that it was known to the Archives at the time it first decided to withhold all these records from me. Were this not enough a skimming of these records indicates the policy of the Kennedy family that is reflected in quite contrary to the Archives' representation of it. Herein I can see another motive for this withholding and the false representations about it. You forced me to file C.A. 2569-70 and then in it entirely misrepresented the position of the Kennedy family.

I now, therefore, make these requests under FOIA.

First I repeat that in C.A.2569-70, for copies of all those pictures for which I asked and over which that Court was deceived by the Archives and the Department of Justice. If you, personally, are not aware of it the charge of perjury I laid against Dr. Rhoads in that case remains undenied. I believe these records now establish the deliberateness of the false swearing and the misrepresentations to me and to the Court. After I was denied copies of these pictures by these impositions upon the Court the Archives altered its regulations which in themselves required that I be given these pictures. The amount of totally wasted work extorted from me in that case in which I had to be pro se was enormous. I believe some form of restitution is in order. Not merely what I am asking for, copies of each of those pictures, with the existing negative in each case, and all relevant records. I am asking for the original negative then made for me, not a copy if it. You can make a copy for yourself if you want one.

My earliest recollection of the withholding from me of medical/autopsy records is of 1966 or ten years ago. I therefore ask for any and all records of any nature or source in any way relating to any and all withholdings from me or anyone else or all records of this nature or in any way relevant to them, including all records having anything at all to do with the claim to exemptions and any and all consultations with any and all persons consulted with regard to any aspect of this request. I believe that my requests of 1966 relating to the scientific tests are properly included in this. You should be aware that this is before federal district court right now on remand. I am aware of correspondence on this going back to the earliest days of the investigation that have not been provided to me in

response to my earlier requests. In this effort I have had to file two suits, C.A. 2301-70 and 75-226. In this I have been to the Supreme Court, to the Congress and to the appeals court three times. The continued withholding of these records is, I therefore believe, exceptionally improper. By this request I mean everything in any way relevant.

After my request and prior to the taking of the pictures the evidentiary value of some of the evidence, particularly the knotted tie, was destroyed. I ask separately for any and all records having to do with the destruction of any and all evidence, whether or not by accident. I mean this to include any inquiry into or investigation of how the tie came to be unknotted after it was officially entered into evidence and any and all records of any and all complaints about the disappearances of records and evidence, including those made by me and any effort thereafter or at any time made to replace what could be replaced from other sources. I mean this also to be inclusive and to include in particular those records that were not provided me beginning with my first request for their replacement in 1966. Dr. Rhoads had since given sworn testimony on this to the Congress.

I do not believe that these lists are all you can provide by ~~what~~ way of identifying the records released on all reviews and occasions. I therefore ask for all records relating in any way to the release or withholding of all records in this particular archive or relating in any way to it, however, classified or filed and of any and all origins.

I must be candid with you. I regard this whole business as obscene and I abominate even the thought of having to sue the government for such records having to do with the assassination of a President, the investigation of those most monstrous of crimes and the subsequent and improper and unjustified withholding of records that did not qualify for withholding under the guidelines, regulations or FOIA. I would prefer that there be prompt and voluntary compliance with these requests. I invoke the Act in the event this will not now be voluntary, as I hope after all this time and abuse of me and interference with and damage to my work the Archives would prefer if only as a belated gesture toward common decency.

Sincerely,

Harold Weisberg