

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION  
*National Archives and Records Service*  
Washington, DC 20408



December 27, 1976

Mr. Harold Weisberg  
Route 12  
Frederick, MD 21701

Dear Mr. Weisberg:

This is in reply to your letter of December 9, 1976, in which you request a list of Warren Commission records released between 1970 and 1975 reviews of the records.

We recently furnished you copies of the lists of records released by the 1972-73 review and in the calendar years 1974 and 1975. These lists show the records released between 1970 and 1975 reviews. Copies of the records on those lists have already been furnished to you.

Sincerely,

A handwritten signature in cursive script that reads "Jane F. Smith".

(MISS) JANE F. SMITH  
Director  
Civil Archives Division

*Keep Freedom in Your Future With U.S. Savings Bonds*

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

Rt. 12, Frederick, Md. 21701  
12/28/76

Dear Miss Smith,

Your yesterday's letter rejects my request for a list of the Warren Commission and related records "released between 1970 and the 1975 reviews of the records."

Your sole basis for the refusal is that you have supplied me lists in the past. I believe this not to be an exemption under FOIA and I herewith appeal it. I file the appeal with you, as I do the request under FOIA and PA that follows, in the hope that you will decide to end this incredible stonewalling.

There did come a time, as a result of all this scholarly lawlessness, when I did make this request under FOIA. I recall quite clearly trying to reason with your people in terms of the de facto denial of the rights and benefits of the law and of its spirit and intent to those Americans without means or living at distant points, like Alaska and Hawaii. Or to the aged, ill and infirm, who have the same rights.

If my request, accompanied by my deposit, had been honored after I was taken ill this situation would not exist and there would not now have been all this enormous waste of time and emotion for both of us.

It simply is not possible that if you do not recall those who search correspondence and draft letters for you are not aware of the medical problem about which I have been so explicit and about which I have given detailed explanations, including as relevant to these lists. I did write that when you told me you had provided them I did not doubt your word. I did tell you that my situation denied me access for them. And for a decade I have maintained a non-interest bearing account with which to pay in advance any charges you may assess. Some have been extortionate but you have received no complaint from me about the charges not any for a refund. Not even for an accounting. And now when I have a hefty deposit you can charge with the cost of copying the lists, if you feel that cost should be charged, you refuse the same request all over again.

You leave me little choice but to make the kind of record you so often contrive, this one being honest, unlike the officials ones.

I was taken ill, with pneumonia and pleurisy, in April 1975. It kept me weak for a while. Thereafter I suffered an undetected but acute thrombophlebitis in both legs and thighs for which, ultimately and after the damage was permanent, hospitalized. By then I was weak all over again, hardly able to walk. When I was first released to travel the consequences were such I had to be single-loaded onto an airplane, the airline volunteering a wheelchair at both airports. From the time of this hospitalization until now and forever for me some of what I used to do is impossible. Other things are difficult, some are not in my interest, some are followed by adverse reactions.

I am not a man of means. I am past 63 and have been without regular income for all the more than a decade of my use of the Archives. There have been times when I could not pay for xeroxing or for file cabinets. As you must be aware, my files are extensive. For almost two years now my capability for income has been reduced and impaired by my health more than my age. I have no staff, no assistant to whom, like you, I can assign anything. One of the results is that I have had to reorganize my filing. I cannot use the bottom drawers of these cabinets except for the storage of supplies. I have had to have a device made for my use of the next to the bottom drawers of the file cabinets. That obviously, gave me a file problem of some magnitude for me, and expenses I had to be able to pay for.

Nature intruded. We had a local flood of some seriousness. It ruined several of my local suppliers and their stocks. I could not obtain file cabinets from them. They, in turn, had financial problems because their losses were not covered by insurance. I did place orders for file cabinets. They were delivered yesterday. Only yesterday.

In time, as I see, I will file what is stacked up all around here, what is stored in boxes of various kinds and sizes and places. You have these services supplied to you, for which I pay my share. I have no such services. You add needlessly to my need of them.

Now you may not like the way our system works, but it works by the Congress enacting laws. In its wisdom - and in my opinion great wisdom - Congress enacted the laws I seek to use in furtherance of my work. You may not like my work but those who established this country and its basic principles that to me represent so great an advance in any system of society assured me the uncontestable right to do precisely this work. I regard it as not a right but an obligation, as I grant your right to disagree with this. But I know of no provision of the Constitution or the Acts that requires me to be wealthy, to keep well-systematized files or to be able to, to be young and vigorous as I once was, to be in perfect health as I once was (how dearly I would love these!), even to be what you might regard as reasonable as long as I make requests that are within the Acts. This I have done. The Acts impose obligations on you. Believe me I expect you to meet them and understand me I am demanding that you meet them forthwith and without any more of this unconscionable stonewalling.

The request I add is for all records relating in any way to what has been supplied to me \* I think I'll add also denied to me - subsequent to the 1970 review.

To gild the lily I note that this is included in an overdue and unmet request.

The Act requires of me that I ask for identifiable records. I did ask for identifiable records. That you have and still, incredibly, refuse the list is more than ample proof of identifiability. It is only because you are lawless and determined to misuse the Acts to frustrate my work, of which in overt violation of the Constitution the government dares to object, that this proper request was not met and all this interminable correspondence has been required. I did not even ask you to eliminate duplications.

It is apparent that you people have no regard for the law of the Constitution.

Have you no self-respect, no capacity for shame?

Sincerely,

Harold Weisberg