

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

Rt. 12, Frederick, Md. 21701  
4/28/70

Dear Dr. Rhoads,

When I was in Washington yesterday I picked up the box of records of which Mr. Johnson had informed Mr. Lesar by phone last week. Mr. Leahy was very helpful in tying the box securely so I could carry it without difficulty and without damage to the contents. I do appreciate this.

Because there was no covering letter I repeat the words of Mr. Johnson's handwritten note that was on top so you will have your own record of it: "Copies of records provided to Mr. Harold Weisberg in response to his FOIA requests of September 28, October 19 and 21 and December 28, 1976."

The first of the three groups of records, each separate by a rubberband and identified by a note from Mr. Johnson, is identified as records relating to my C.A. 2069-70 against Archives and GSA.

I have gone through this batch this morning. While it is without doubt true that they do relate to that case it also is without possibility of doubt that they are not all such records. From from it. The fact is that once by error I was sent an unintended copy, which enables me to specify records not provided, aside from what I know by other means. I think it is obvious that if I am willing to pay you 20¢ a page for copies of such records as my complaint and its attachments when you know I have them I do want all of these records.

Of course I appeal, on all counts.

But I am writing you in the hope you will see fit to end all this unbecoming stonewalling and avoid unnecessary litigation. If you are not willing then please just forward this to your rubber-stampers and we'll go to court.

As a matter of fact I had discussed this with Mr. Lesar a week ago, after the totally unnecessary problem you gave us in the depositions, with precisely what was at issue in that case of seven years ago. If you are not aware of it you have refused my repeated request for those pictures as well as my request for a copy of your regulations covering the taking of such pictures applicable as of the time of that suit. I was provided with the revision you made during the litigation and have not been provided with the one that then was in effect. This latter and entirely unjustified refusal is putting me to great expense. I have been compelled to ask Mr. Lesar to purchase a transcript of that hearing, at a cost of \$1.50 a page. I read the then-applicable regulations into the record.

Motive for this withholding is apparent: you swore falsely to the material.

You would not even permit a xerox of the pictures to be incorporated into the court records during depositions in C.A. 75-226. I believe it is unappeakably arrogant of you to deny this evidence to a court of law particularly when all you have pretended about those pictures is false and indecent. There is nothing in the pictures you took for me that is not in the others you have made available for years except that the pictures taken for me are clear and the FBI's are deliberately unclear. Those I asked for are of evidentiary value only. Those you make available show gore only - little or no evidence.

At some point you are going to have to <sup>stop</sup> ~~stop~~ this indecent bathing of federal misconduct in Kennedy blood. You know very well that indecent use was not possible with the pictures I asked for, that both the letter agreement and your regulations required that copies be provided me, and more recently that my writing and publishing on this aspect was passed. My request was clearly in connection with C.A. 75-226 and the mandate imposed upon me by the appeals court.

More recently other withheld records have been made available. They were not made available to me at the time they were made available to others despite the priority of my request, dating to about 1968. Examination of these withheld records discloses no legitimate basis for every withholding them. You should, in fact, have made them available to the court in C.A. 2069-70 because they are clear on intent of the letter agreement. They are explicit on the providing of pictures under that letter agreement.

So were your own regulations.

This has been hurtful and costly to me.

Prior to receiving what I received yesterday I had turned this entire matter over to Mr. Lesar.

I do hope you will reconsider and eliminate the need for litigating what should never have had to be litigated and should not have to be litigated now.

There has been no response from GSA. I enclose a carbon for GSA for your convenience.

Sincerely,

Harold Weisberg

P.S. With this long delay in non-compliance, seven months, I also ask for an explanation of this delay. You know the requirements of the Act. You have claimed no backlog. And those records I have examined required no search time.