

Rt. 12, Frederick, Md. 21701  
6/18/77

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

Dear Miss Smith,

I wrote you earlier this morning, in haste and with some dismay, about the incompleteness of the records supplied belatedly with your letter of the 8th.

In that letter I reported I had been compelled to make a special trip to Dallas because I have not been supplied with records I know exist as well as others that by any rational and reasonable standard should exist, particularly in an investigation of a crime of the nature and magnitude of the assassination of a President.

Whether or not partisanship by any official or any government agency can be acceptable in such a matter, the Archives is at least in theory impartial. It is supposedly the repository of our national treasure in records, an institution of scholarship. Yet once again it has been partisan.

You withheld pages 36-39 of CD1395 while providing the pages immediately preceding. There is no question about their relevance. They are among the records copies of which I obtained in Dallas.

In what you supplied of CB 1245, which was stapled out of sequence (which can of course be an accident) you omitted page 35. Is it not relevant?

The Archives is well aware that I have been charged by the appeals court in its No. 75-2021 to establish the existence or non-existence of the records sought. That court held this serves not only my interest but that of the nation. What it did not know is that I plan no further writing on this aspect of the subject after having been denied this information for what has been published in by far the largest work on the JFK assassination. I want these records to be able to meet the obligation that is entirely consistent with all my unpaid work on this subject. I will be giving them all away. I have already begun to deposit what will be a very large archive. It will include 100% of my records of all kinds.

I believe there is no basis for the Archives having any question about what I seek of it. If I do not recall the precise details it was subpoenaed in this litigation with all relevant records called for. Mr. Johnson and an associate sat through all the depositions. I therefore am dismayed at this continued stonewalling.

I have reread your letter. It does not specify a search of all possible files. You know very well that I want and have asked for and need every record relating to this "missed" shot that caused the minor wounding of Mr. Tague. Given the considerable problem this made for the Commission and the attention to it in the Report it should be fairly obvious that many more records must exist, including staff papers.

The records you supplied after I had obtained them from other sources report that the Dallas news photographers gave their film to the FBI. They do not report the return of this film. Tom Dillard does not have the negative of that picture for example. Mr. Underwood's film, movie, was given to the FBI in 7/64. Under the Executive Order of 10/31/66 these are required to be in your possession and available. You have never informed me that you have them. After Mr. Shaneyfelt's testimony about taking photographs other than you supplied I did inquire about this. If you have this film I do want clear photographs made, 8x10 glossys, duplicating those in the Shaneyfelt exhibits.

Sincerely, Harold Weisberg

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

Rt. 12, Frederick, Md. 21701  
# 7/1/77

Dear Dr. Rhoads,

Based on your long record with me of falsities, including under oath and to courts and your career of politicizing what should be a non-political function, I have no reason to believe you are any less impervious today than I have found you to be in the past.

Nonetheless I make another effort. I have what I regard as legitimate complaints and protests. I am asking you to make an inquiry and I am repeating an old and refused request for an inquiry. You should understand that this relates to a matter now before a federal court, a case certain to go up on appeal, and that it may be relevant in other litigation. I am seeking responses from you for use in these cases.

This morning's paper hold still another illustration of the contempt for the courts I have found common in the executive agencies, pre-eminently yours. Judge Gesell says he was imposed upon and toyed with. Unfortunately he did not begin to believe this was possible six years ago when I proved before him that you had sworn falsely to him.

Yesterday's mail holds a letter from your Miss Jane Smith that is in the spirit of Judge Gesell's complaint. It relates to still and deliberately withholding from me records for which I did make requests going back more years than I can remember, records I need as your people know to meet the mandate of the federal court of appeals for the District of Columbia, to establish the existence or non-existence of the information sought in my C.A. 75-226. As you know, this represents an effort now 11 years ago.

You are entitled to an explanation of why I am not searching my files to enclose copies of correspondence. It is also relevant to my complaints. You'll find your people are exploiting this.

Beginning in April 1975 there was ~~xxxx~~ an abrupt change in my health. This began with pneumonia and pleurisy. Severe thrombophlebitis in both legs and thighs followed. The circulatory damage was severe and permanent before I was hospitalized. This imposes severe limitations upon me. I must type and work with my legs elevated, for example, not sit continuously, not stand for any long period of time, not keep my legs pendant for very long. It is unwise for me to drive my car to Washington. Your people are well aware of all of this. One result is that for two years I have not been able to keep up with filing. Another is awkwardness, sometimes more, in gaining access to my own files.

I now never travel except in connection with the research I have undertaken. My last trip was required only by the continued government falsehoods and withholdings. While I do not allege a cause-effect relationship it is a fact that a recent trip to Dallas on which I obtained what you still withhold from me was followed immediately by new medical problems not as yet fully diagnosed. Until there is a change I am now limited to walking about 300 feet at a time and that not too many times a day.

With these the actualities not secret from your staff in yesterday's mail, in response to a specific request from me, your thoughtful, compassionate Miss Jane Smith, her heart torn by the situation of an aging man who has dedicated the last years of his life to an unpaid research he has already begun to give away to a university system, writes "We will be pleased to make records available to you in our research room for any additional searching you may wish to do."

How sweet a human spirit! What tender concern! How perfect a personification of all that is womanly! And, of course, scholarly.

As I have written you before there are Americans in places like Alaska and Hawaii. Others serve their country throughout the entire world. Would you have your Miss Smith reply to their repeated requests for four pieces of paper with a polite invitation to use your search rooms? Would you have her be this thoughtful with those many Americans who are physically incapacitated, this generous with potogonarian Americans? This solicitous of the thousands of young Americans who lack the means of travel were it safe for them? And do you suppose she would make the same response to the New York Times?

This was Miss Smith's response when I asked for clear copies of the few pages the Archives had not provided when I did ask and when I asked for an explanation of the omission. These immediately follow in numerical sequence some I was supplied. Miss Smith's further explanation is that they "were not in the name files we examined."

You know if I go to your search rooms I still can examine only what you permit me to examine. I am without any means of knowing how you have anything filed. All I can do is let you know what I want. You also knew that once you started taking months to reply after the enactment of a 10-day Freedom of Information Act and did not provide copies of what I examined in the search rooms ~~at~~ even before I was taken ill I found using your search rooms a futility. There was a great change once the fact that my writing was critical of the Warren Commission Report and the federal agencies <sup>was clear</sup>. I would let it be known in advance what files I wished to examine so that after a long trip I would not have to wait and waste time. When I was without regular income the costs of travel and parking became too heavy for me. It thus became necessary for me to inform you that each and every request I made was under the provisions of the Act. Not that I expected you to care about the requirements imposed upon you by the Act. Simply because I hoped this might give me more possibility of reasonable compliance if not at some point recourse.

You and your entire staff working on the Kennedy assassination archive know that from the first I have been engaged upon an extensive if not the most extensive inquiry centering on the tangible evidence of the crime and its investigation. Many years ago you and I had a personal dispute over the interpretation of some of my requests. ~~But~~ this ended with your promise to make each and every record on or relating to the ~~medical~~ <sup>radical</sup> evidence available to me when it was released. You have not kept this promise. I have written you about not keeping this promise. I recall no response. The medical evidence and the withholding of any relevant records are in my view relevant to what is currently before the courts.

I therefore make this FOIA/PA request: for your letter in which you promised to make such records available to me as they were made available to anyone and all other relevant record, whether of earlier or later date, including your refusal of the GSA-Kennedy estate letter agreement and the so-called memo of transfer and other related records. By this I mean to include all communications of whatever nature with other entities, like GSA and the Secret Service and the Department of Justice. In this I am particularly interested in how you could deny me a copy of the letter agreement on the ground this would lead to sensational or indecent use and then solicit a reporter who knew nothing about the case so you could give it to him for precisely such ~~misuse~~ <sup>misuse</sup>. And even then did not mail me a copy until longer after his sensational publication. All of this represents decisions making as does your interception of and denial to me of the so-called memo of transfer ~~when~~ when the Secret Service did release it to me. Exemptions were claimed. There have to be records relating to their applicability. I mean to include all such matters in this request.

It is in C.A. 2569-70 that I first swore to a federal court, it happens Judge Gesell, that you had sworn falsely in that case. It was resolved, without your disputing my affirmation, by your promise to take and make available to me certain pictures that were merely other versions of freely-available pictures of President Kennedy's clothing. They differed only in having evidentiary rather than shock value. One of these was of the most essential evidence, the knot of the tie. You and GSA assured Judge Gesell that you would make this photograph for me and permit me to study it. Only you could not because in some still unexplained way after its use by the Warren Commission the knot was undone. It is

the knot that had value as evidence. You not only deceived a federal court, you permitted the destruction of this ~~important~~ important evidence or you accepted its deposit with you and in inventing were silent about the prior destruction of this essential evidence in so horrible and subversive a crime. I asked for an immediate investigation. You made none. I would still like this to be done because I am charged with establishing the existence or non-existence of those records sought in C.A.75-226. Motive is obvious in this destruction of this evidence: the tie was not struck by a bullet. It was cut by a scalpel. This alone destroys the entire official account of the assassination, which I regard as the nullification of a system of society. This fact also provides an explanation of your refusal of copies of photographs of evidence to I may file them with the court. And also deposit copies with all of my records, to be available to all people. The relationship with the existence or non-existence of the records sought in the litigation is obvious.

You refused to permit the filing of these pictures in the Court records. I believe a request under the Act has been made for all relevant records. I believe you stated or had stated for you that Burke Marshall required this of you. Under the Act I request all relevant records, including Mr. Marshall's directives to you, your letters to him on this or any other such communications together with the legal interpretations that satisfied your and any other government agency involved that this was a proper legal interpretation.

Your representatives were present during the taking of depositions in ~~which~~ which former FBI S.A. Robert Frazier testified to having directed further relevant testing of fabric and knows that we have not ~~obtained~~ obtained the results of any such tests. The results of such tests are the central issue in the litigation. Until we obtained that admission during that deposition to the best of my knowledge it was not known that any fabric testing of the nature of Mr. Frazier's testimony had been performed. If you have any records bearing either way on this I request copies of them also. Aside from shock that there can be this extensive a so-called investigation of the assassination of a President and after all these years there be no prior record of the performing of any testing I believe this can be important in my recovery of my costs in this matter. For me, at my age, in my condition, without resources or any regular income, these are considerable costs and I will seek to recover them.

This leads me back to that cubbyhole and the existence or non-existence of the information I seek in court relating to it. Your people did deliver it to the deposition-taking each time it was required. They heard every word of testimony about it, all questions relating to it, and have had personal knowledge of my inquiries relating to it over about a decade. When I was still so weak from the April 1975 illness I had to sit during the taking of photographs of it, to supervise the taking of those photographs was my first effort after that illness. We have issued subpoenas in this matter, sought to exercise discovery. In short, in addition to all your people knew about my interest in this tangible evidence, with Marion Johnson going back to about May 1966 -we have done just about everything humanly possible to obtain and have available to the Court any and all relevant records within your possession or control. If there is any reason to doubt this I do solicit it from you because I believe it is relevant in the litigation and to establishing the existence or non-existence of the information sought.

Concerned and dedicated Miss Smith instead of sending me copies of pages 36-39 of CD 1395 and page 35 of CD 1245 invited me in and "explained" that you have them filed other than under Mr. Tague's name. I want there to be no doubt that all of my requests are intended to obtain all relevant records. If any request is for an identifiable record I believe the requirements of the Act are met. In this case it is my belief these requirements were greatly exceeded by my counsel and by me.

Another question currently before a court is whether or not the government has singled me out for special non-compliance attention, for ~~discrimination~~ discrimination because of the nature of my beliefs and the content of my writing. There is a sentence in Miss Smith's letter of the 29th that bears on this. It reads "The copies of 1975-76 released documents have been sent to you."

It is my recollection that quite some time ago I was informed they were available for me to pick up, something consistent with neither my medical situation or problems in travelling. I asked that they be ~~sent~~ mailed. I also asked that unlike the past, where records were merely inserted into an envelope that was too large, leading to unnecessary - one might suggest intended damage - a good package be made.

Coinciding with insufficient time to prepare for an appearance in another court yesterday on the 27th I did receive a package that was well prepared and, externally in perfect condition. My first opportunity to examine it was this morning.

It is a box just the right size for letter-size paper. Therefore it was used to send legal-sized records. Because some care was taken to stuff the empty space coming from using a box that was too high for the depth of the records the damage to the records was not at all great. But need there be any damage? Can it be that in all of GSA and the National Archives there is not a suitable container for the safe mailing of records for which people pay extortionate prices, this being the official concept of a proper attitude toward citizen interest in the assassination of a President and the official investigation of it?

Is this really the norm of your record-handling? Is it an accident only that when I persuaded you to use strapping tape on ~~a~~ a box to protect the box in transit that you use the wrong size of box to hold the records you finally send? Or is this really ~~some~~ a special vindictiveness?

I may never be able to read these records. My interest for some time has been in perfecting an archive for university deposit, which I have begun. After I was taken ill I ~~asked~~ asked that all records released on this subject be sent me on release. I offered to add to the deposit account I have had at the Archives for more than a decade to assure all costs. My request was refused. It is beyond my capability to contest this further. I remain convinced it is another special interference with my work. It would be much easier, much less costly, considerably less time-consuming to make an extra set when the records are handled than I have to do a whole operation all over again, beginning with a search and ending with a refiling.

I did request the 1976-76 release quite some time ago. The Act says 10 days. I assume that what I have just received is this release. However, there is nothing in it that so states. Therein your GSA Form 172. It is headed Material Requested, with a series of seven possibilities under it. The first is "1. ENCLOSED." One of your eminent scholars placed a fix in front of this. Without it I would not have known that I received material, I presume. Perhaps if you had a few less PhDs and a few more concerned kids it might have occurred to one of them that identifying what is enclosed could be used, how much time, with the form in the typewriter, would it have required to identify the enclosures with "1975-76 release" so I would know what I have received without an extensive check that now is simply beyond me?

I regard the delay, in addition, to be without any apparent need. I therefore ask under ~~the~~ FOIA/PA for all records relating to my request for the 1975-76 release up to and including shipment. If it is easier for you I will accept as a substitute a detailed, unequivocal letter. The Acts do not grant a right of investigation to me but I do ask you you investigate to ascertain the reasons for what I regard as both an exceptional and an unnecessary delay.

Sincerely,