

Archives records re my requests with Rhoads' 10/28/77, poorly packaged, damaged and delayed in mail until 11/4/77. Released to Howard Roffman.

Because these had previously been denied me and "Because we have determined that there is no compelling reason to deny you access to any of these materials..." I find myself wondering what made them change their position. That Howard resides in a different District? Is the clerk of a federal appeals judge? The realize that we are getting closer to being able to file suit? But it is clear that a(I was denied and be there was "no compelling reason"for y that denial. Request date given as 10/19/76.

Tab C 4/3/70: Reflects factual inaccuracy and a policy of not complying while pretending compliance. It is necessary to understand that the records are nat in a reading room, are not available, have to be asked for, and there is no index or even a meaningful list to be used as a basis for asking. his withholding rather than releasing attitude is carried forward by the factual errors in graf 2:

They did in fact inform the press of the withheld, Ferrie records. A news story was my source. I beoieve I quote it in O in N.O. In truth they had more. In the end I got them.

They erred on the Nichols photograph. It took an enormous amount of effort to obtain the truth: the picture was taken for me. In the end they wrote a letter of apology, whether or not it here follows. Without records what else he refers to is not now clear.

Their deliberate decision is to violate the 10-day law. It appears not to have occurred to them that compliance was easier and much less work.

Page 2 reflects that as of mbre than a year after my request for the memo of transfer and when they were to continue to withhhold if for years more, "Bob Tock...walled to say that he thinks the 'memorandum of transfer' will probably have to be made available for research and is transmitting his view to Mr. Harding."

JL- do you expect a clearer confession? Or a more lucid statement that to obtain the public information I sought I had to persevere

4/7/70, Eckhoff's endorsement begains with a complaint about the amount of work required by my requests. Aside from whether or not they compelled this length letter writing, they have the obligation to make public information available.

But bearing on this is other information, all recorded in writing.

There came a time when there were long delays in meetin any kind of request. I'd stop while driving into Washington to give them ample notice of my coming (sometimes I also wrote earlier) and to request specific files. Obtaining these files was no big deal for them. It would require no more than removing a few clearly labelled boxes from the shelves and having them in the reaading room, the normal practise in any event. I'd then get the Archives and find the records not in the reading room. I'm sure that even after I got there and called there were times when I'd spend hours awaiting them.

As a result of this and about the disappearance of records not since replaced and since confessed to (including with falsehood before the Absug committee about two years ago) I complained in the epilogue to WWII about understaffing: two part-time people in the archive of the Warren Commission. Rhoads told me in the Halleck courtroom that there was no manpower shortage, no denial of necessary manpower. If true, and it was not true, then what is true in any event from this first record alone is more true: they were deliberately not only denying me public information but were going out of their way to make my work more difficult if not impossible.

JL: before the classic confession that follows, please note that I still have a separate file of the Ferrie records when I ultimately got them. They are not in a single instance subject to withholding under any law or regulation and from the applicable guideline clearly could never be withheld.

Next they say "we can t completely ignore his requests the way other agencies do."
(Which also means there was internal communication between the agencies on this.)

Next is the confession that aside from handling the reproduction for all of those records and an so important a national question Johnson, who had other duties, was the only one who could search and he was told to break another in t"to assist him" on other than merely handling "reproduction." (Simmons was very nice but not very bright.)

With Eckhoff's approval "Because our correspondence has become so extensive and confusing...we should restrict our replies as much as possible." This meant that in practise it required months to get an answer that generally was no answer, leading to continued withholdings.

3/19/70 Angel acknowledges that the autopsy materials I have been seeking have been provided by the secret service in this letter to Yock. (Is he in the legal dept? It says L.)
* The copies said to be enclosed there are not attached.

The last sentence of the first graf actually says there had also been a waiver by use, by the Clark panel whose report by this time had been public well over a year.

* The Van Cleve correspondence said to be enclosed is not here.

Next they admit that the copy I asked for was the "overnment's and could not be withheld as the property of the Kennedy family.

!!!!!! This is followed by still another explanation: there have been dirtyworks I'll spot! Angel even had a draft of a letter to cover what they'd send me. And didn't. It is here. Johnson drafted it.

7/31/70 Johnson drafts a memo from Rhoads to Yock in which they are not even going to give a reason for denying me the record they've already acknowledged they can't withhold and I can just go ahead and sue.

7/28/70, this attached draft is one in which they would have claimed (b)(6)

It discloses by what was removed that they have other undescribed Kennedy papers.

The delibertae evasion and I think the FOIA violation becomes even more clear when there is all of this paper on what I am asking for when they respond only in terms of "the entire Burkley name file." They knew they had elected to file the clearly described records other than in this name file. As I recall I ultimately located some where they could not possibly belong - in the files of what was sent to the Government Printing Office.

They admit records are missing. Rhoads swore to the House committee that it has been his practise to seek replacements from original sources. here they are explicit in saying they will not because it takes time! Other records we now have make it clear they even knew who among the staff and members had stolen such records"

They admit they were wrong, not I, in the matter of the Nichols picture. They labelled their negatives with the name of the requestor. I have seen many. I asked for this kind of picture early, before others. Nichols, who is a plagiarist, later sought to duplicate it so he could claim the work as his own. The idea was not.

On page 3 their statements relating to Ferrie are false. Those pages were not withheld under the guidelines. I have them not. They do not qualify for any withholding.

On the 1/15/64 memo, they never have explained how I could have known about it if in fact I had not examined it, as I did, when I asked for a copy.

I wonder how they could apply the last sentence on this page to an American who lives in Alaska or Hawaii or is bedridden, as I'm sure I asked: come here or you can't have what you want.

They begin page 4 by saying they will not even send me copies of records if it takes them time to locate their own records!

Here also is where they promised to let me know when they released what I had been denied. They violated this

Johnson had the good grace to remove his deliberate lie about the delay in responding. Their earlier letters make clear this is to discourage my quest for public information.

The first of two attached drafts relates to the improper withholding of covering letters with which what had been given to me by the Secret Service was sent to the Archives. They fear I will ask for more they withheld improperly and it requested drafts more to break loose. These two drafts are a jump to 10/27/72, the date on the second. With the second they were to send the SS covering letters but not the memo of transfer. Still a third version of the same date denies the covering letters under (b)(5), claiming it refers to "confidential data." This is literally false.

11/22/72- UGH! They are determined to withhold improperly on Johnson's advice, to "avoid requests Weisberg is sure to ask for when he sees reference to them. The bottom line, in

handwriting, concurs, "Mr. Weisberg would probably demand access to every document mentioned in the transmittal letters."

11/15/72 The general counsel will defend either decision. He also fears my requests certain to follow and to be "stickier." Recommends direct quotation of the Act, done.
~~xxxxxxxxxxxxxx~~

2/7/73 Rhoads takes his worries about the releases in response to another related request up. What he fears letting me have has been made available and the world did not then crumble. Only I was denied it for years, past the point where I could use it/

3/21/75 refers to Lesar's request for the memo of transfer for me. With Robert Kennedy safely dead it refers to Evelyn Lincoln as mentioned in the memo as his agent. False. HR should read graf 2 with care. It refers to the slides and "a box 'containing certain gross material'" and other things as being in the Archives then.

Graf 3 says there remain autopsy materials still in the possession of the Kennedy family."

6/6/76⁶⁶ Johnson's memo on conference with Charles Simms, Legal Counsel, DJ.

On ~~xxxxxxx~~ transcripts, JL read 1. with great care. (Still a Commission to DJ!) Does this date my first requests to before FOIA?

2. They approve making the "original" guidelines available, and even in shortened form.

4. Refers to Manchester but doesn't say so. Does in parens on p. 2, quoting me. But refers to Manchester as JFK's biographer. Not then.

They did not take his advice, ~~xxxx~~ "kill him with kindness." They knew they could not.

6/2/66, a letter to me with a line diagonally through it. Apparently one Simms did not favor.

Undated draft referring to my 11/4 and 24 and 12 1,4 and 12 1969. ^Iask/ that they consider all my requests under FOIA and as appeals under it. They say it is difficult. Because of the volume. It says the burden is on me of deciding what I want, for all the world as though there is reason to believe I, ask because I don't want.

Separate draft of response to my 11/4/69. Forwarded to Director of Information. This is on memo of transfer.

Separate draft of reply to my 11/18/69/

9/17/70⁷⁰ draft of affidavit, apparently by Johnson for Rhoads. Refers to Howard as my acquaintance. Wonder how they knew. This may be the origin of the false swearing that I had not made a request. It in fact had been rejected after appeal.

3/22/74 on 1/27/64 ex sess transcript. Next is draft of letter to Colby about it. Next to Colby. Although earlier they had declined security reviews once I file suit they take it as demand for a review, review and decide to release.

4/12/72 says they are showing JFK clothing to "researchers." Goes into revisions of regulations. Attached is the change they made after 2569-70. The first page here is second. The difference in typing is quite visible. They have refused to provide me with a copy of the regulations that were applicable at the time of the suit.

3/8/72 It has been their practise to provide copies of copyrighted pictures with a restriction stamp on the back. They had denied me this but here they state it.

4/2/75 in this they unwittingly supply the names deleted from the 12/5/63 executive session transcript and in so doing disclose no genuine privacy issue. I think it gives away the content of the 5/19 transcript, too, and we were right and the judge wrong. Does JL want to amend on the ground that the same defendant withheld this from me and has now released it once the case was out of district court? JL- go over all of this with care. Incidentally, the did release the rs. JFK page because Paul had appealed, even though I had requested earlier. But they say^m they have no defense on it.

3/6/73 refers to attachment not attached, a Garfinkel memo on my requests. But it may be next, 2/29/73.

Tab A

2pp undated, unaddressed memo by GSA general counsel says Robert Kennedy asked that "autopsy documents be listed and turned over to the private custody of the Kennedy family. This was accomplished..." Says only some given back to government.

Memo transfer not covered by agreement! Last sentence first page confirms me on the Secret Service copy being a government record and not immune. (S~~h~~ they continue to withhold.)

6/19/69 Angel memo with my 6/2/69 letter to AG, says with routing slip but it is not here. In it I broaden earlier King requests.

Tab B My letter of 2/15/72 is here as is Vawter's 3/6/response. What is missing is all the records leading to this response and the drafts of the response made for him by those whose determinations were under appeal. That this is the case is established by the note at the bottom of the second page, typed "see attached material for concurrences by L." with an appended hand note "2/29/72 concurred in draft."

3/28/75 release of memo transfer and other papers to me via Jim Mesar but with total absence of all relevant records leading to this change. Some still withheld. Those records bearing on this continued to be withheld. The 3/21/75 memo does not cover this.

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Dear Paul,

11/6/77

Before the mail came yesterday and after I took my outgoing mail out to the box for pickup I wrote you and Bud indicating my belief that there has been a change in JFK/FOIA policy. That letter is enclosed.

In the mail yesterday I received copies of records I've been after for years. They are far from complete but they are very helpful. They relate to my requests over the years for autopsy records, particularly the memo of transfer.

As you know in several cases you later duplicated some of my early requests.

In one case, as you suspected, while I had not pressed my appeal you did. It does appear that although I had asked for it earlier they released that one page of Jackie's testimony in response to your appeal.

We both asked for the Naval review records on the autopsy. I've just checked and see that while I have a file Autopsy-Navy, I have none for this review and I have no copy of it in that file. I have the impression I did receive it, however. If you have a copy I'd appreciate it together with any other relevant records. I suggest copies to Jim and Howard could be very helpful. Howard has pressed with diligence and success for the internal records relating to my efforts to obtain the memo of transfer. Jim will be pressing through legal channels.

These records should be of great help to him, meaning here not those I ask from you, of which it may well be true, but those I have received. It is an incredible record of deliberate violation of the law, deliberate denial of what it is recognized cannot be withheld, and on the other hand a very flattering reflection of my accuracy in analysis and on matters of fact. I correctly understood what they were up to and my letters, insofar as they have provided copies, reflect that I even told them.

When she has time today Lil will be making copies of those records I've received that I think can be of interest to Jim on the one hand and to you on the other. If the copies are not as clear as they could be, and my recollection after reading so many poor ones over a two-day period is not clear, believe me it is not because Lil is not a master of our new machine or because it is not a good machine. Assume that poor copies are more legible than my originals because Lil has learned how to do this with the new machine.

By another remarkable coincidence Bud phoned last evening for the first time in a long time. He is coming to discuss unspecified matters with me this afternoon or evening. Perhaps he also perceives what I had. He may also have other matters in mind.

My review of this new material that in fact goes back to 1968 fortifies my belief that Jim can make a stalwart case of giving me all the withheld JFK records without cost based in part on what officials have done to me over the years with regard to them. The odd thing about the law as he has reported it to me is that they can't be sued for a deliberate tort. (My attitude is let them claim it was a deliberate tort.)

I'm sending Jim and Howard copies of this so they'll be able to understand whatever you may write or send.

There are no other references to you or your requests in this large file I've received. I have spotted many omissions so I'll be going back to Rhoads. If I later receive any I'll send them. Meanwhile, I urge you to make a similar request, for all records relating to you under both PA and FOIA. They can't ask you for search fees under PA and they can't release to others under PA where your PA rights are involved. Particularly because of his able and successful efforts do I suggest that you keep Howard fully informed. Without his efforts and a release I gave him to bypass their right to withhold what relates to me personally these records would not now have been sent to him and to me (only).

You should also be aware that if we had alleged an internal government conspiracy to withhold and to protect the official mythology and to by-pass the Act we would have been absolutely correct, so include in your request language that includes all communications between the Archives, GSA and all other agencies. What I have just gone over indicates this was not only extensive - they even knew things not reflected about my associations of 1969. Not reflected in the records and without any basis in any official records save as they could have been the result of surveillance, mail intercepts or both.... Because I am too deeply immersed in other matters it would probably help if when you respond you include a copy of this. In haste,

Dear Howard,

11/6/77

When you respond please include a copy of the notes I've made on the records we both received from Rhoads in response to your memo of Transfer efforts. My language in writing Paul about this is not accidental. I don't want you to have any problems from his judgement or those he still trusts and deals with, like Lifton. The potential for good from all this evil is too great.

Do not regard my notes as definitive. Please try to find more time than I've taken for a careful examination of these records. While I'll be going back to Rhoads on this in a way other than you will, I strongly urge you to make your own independent demand for the still-withheld records. They are referred to in those provided. I think these should include all the Marshall-GSA contact.

In the Kennedy family part I'm still not persuaded that it had personal possession of the withheld materials. I am persuaded that the possession when not overtly in the regular agencies, like SS, was by the Kennedy library, which is Archives. As these records show, to the time of transfer I was correct in saying that it was not Burkley but SS that had possession. This makes the Burkley signature something to consider because in fact he did not have possession yet signed the papers, etc.

There is a record of your and my association as of 1969. I'll be addressing this to Rhoads one way. I think you should in your own way. No such record is included, it is relevant to your request and it certainly is within my PA request.

It will not be lost on you that all these records are within my earlier, including PA requests. From this a) why were they withheld and b) why are they now released?

Be extremely careful in reading. This is a treasure of evil. Note the self-disclosures by and about Johnson, who I learn for the first time is a lawyer rather than a professional archivist as I'd assumed. In particular such things as what he said about Ford, the 1/27 transcript and the real reasons for withholding it. (I may make use of this now but if I do it will be with a call to you prerequisite. I have Lee Whitten in mind.)

I must hasten to get onto 1996 matters as soon as possible. But let me also call to your attention their actual practice on pictures that were copyrighted prior to their desire to withhold JFK pictures.

There is much of this significant nature in these records.

Jim has a problem from the immunity to a deliberate-tort defense. Have you any suggestions?

You've done great in this!

Loy on!