

Route 8, Frederick, Md. 21701
1/5/73

Mr. Robert G. Vawter
Director of Information
General Services Administration
Washington, D.C.

Dear Mr. Vawter,

This is my appeal from the refusals of public information in the letter of Acting Archivist James E. O'Neill dated November 27, 1972.

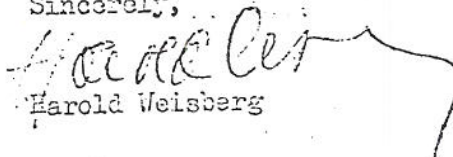
In the past you have asked me to eliminate lengthy explanations. In my request, I asked that the response be sufficiently detailed so a lengthy explanation would not be required of me and contain an accurate and detailed summary so you would know the full history of these requests, their basis and the alleged basis of denials. This has not been done and the letter of refusal is not consistent with this history. I therefore leave it for you to learn the truth, assuming that you do not regard your function in those matters to be to rubber-stamp refusals of my requests for public information.

Mr. O'Neill's letter seems to confuse two copies of this memorandum of transfer. The Secret Service gave the Archives its copy for delivery to me. It so informed me. The Archives, in my view exceeding its authority when the agency of paramount interest under the law declassified what was not subject to classification to begin with, in refusing to give this copy to me. It says that the Kennedy family's copy was not seen by any non-government people. Which copy was seen is immaterial to the request. It has been reported that one such person saw a copy. In addition, any use under the law is a waiver of any right to withhold. There was such use and thus this waiver.

Ordinarily the Secret Service letter of transmittal might be exempt. However, this also has been waived in that previous such letters of transmittal have been voluntarily given to me, without my request, as well as pursuant to it. In this case, I believe the only reason for withholding such letters of transmittal from me for the first time is because it would make clear that the public information I want was in then being transmitted to me and the Archives cast itself in the role of censor, which is illegal and entirely improper.

My request is for the government's copy of this memorandum. That is what was given to me by the Secret Service and intercepted by the Archives, and that is what is not addressed in this letter of refusal. It refuses me the Kennedy family's copy. The government's copy cannot be withheld under the law, this letter of refusal doesn't even say that it can be, and I herewith renew my request for it. If you reject it, I presume you will forward the refusals as required by regulations to the assistant administrator for administration.

Sincerely,


Harold Weisberg

NOV 27 1972

Mr. Harold Weisberg
Coq d'Or Press
Route 8
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in reply to your letter of October 12, 1972.

We have an electrostatic copy and the original of the Government copy of the "memorandum of transfer" of the material relating to the autopsy of President Kennedy. The Secret Service transmittal letters relating to these documents are withheld from research under the terms of 5 U.S.C. 552, subsection (b) (5), as inter-agency letters which would not be available by law to a private party in litigation with the agency. As you know, the Kennedy family's copy of the "memorandum of transfer" is held for safe-keeping by the National Archives and Records Service, but it is still the property of the Kennedy family. It was used by the panel of doctors who reviewed the material relating to the autopsy of President Kennedy for Attorney General Ramsey Clark. No copy of the memorandum has been used by any other researcher.

Sincerely,

James E. O'Neill

JAMES E. O'NEILL
Acting Archivist
of the United States

CC: Official file - NNFC
Reading file - NNF
Day file - N
L
LC
LR (3)

MJohnson/cjh x36497 11/27/72

NNF CH NN EP