

GENERAL SERVICES ADMINISTRATION ROUTING SLIP												
TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	
NAME/TITLE						CORRESPONDENCE SYMBOL						
1.	<i>NNF</i>											
2.												
3.												
4.												
5.												
<input type="checkbox"/> ALLOTMENT SYMBOL <input type="checkbox"/> HANDLE DIRECT <input type="checkbox"/> READ AND DESTROY <input type="checkbox"/> APPROVAL <input type="checkbox"/> IMMEDIATE ACTION <input type="checkbox"/> RECOMMENDATION <input type="checkbox"/> AS REQUESTED <input type="checkbox"/> INITIALS <input type="checkbox"/> SEE ME <input type="checkbox"/> CONCURRENCE <input type="checkbox"/> NECESSARY ACTION <input type="checkbox"/> SIGNATURE <input type="checkbox"/> CORRECTION <input type="checkbox"/> NOTE AND RETURN <input type="checkbox"/> YOUR COMMENT <input type="checkbox"/> FILING <input type="checkbox"/> PER OUR CONVERSATION <input type="checkbox"/> YOUR INFORMATION <input type="checkbox"/> FULL REPORT <input type="checkbox"/> PER TELEPHONE CONVERSATION <input type="checkbox"/> <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____												
REMARKS <p style="font-size: 1.2em; margin: 0;"><i>Do you have any misgivings about the last phrase of the last sentence in the Harpibal memo?</i></p> <p style="text-align: right; font-size: 1.5em; margin: 0;"><i>JBP</i></p>												
FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	
<i>N</i>						CORR. SYMBOL			BUILDING, ROOM, ETC.			
						TELEPHONE			DATE			

GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICES

PAGE

INTRASERVICE MEMORANDUM AND ENDORSEMENT

OF PAGES

SUBJECT OR TRANSACTION

Correspondence with Mr. Harold Weisberg

DATE AND MESSAGE

FROM

TO

NNF

NN
N

3-6-73. I did have misgivings about the last phrase of the last sentence in the Garfinkel memo, particularly in light of his statement in the second paragraph that "several complex legal questions," including the question of whether working papers or drafts etc. are in fact records for the purposes of the Act, "need not be examined until such time as there is an administrative appeal from their denial." This seems to contradict the last sentence in which he goes beyond our initial draft and deliberately injects this issue by including the reference to "working papers which are not records for the purposes of the Freedom of Information Act."

I informed Mark Eckhoff and Marion Johnson of my misgivings when I sent the file down for their comments. Mr. Johnson, as a lawyer, then discussed the matter with Mr. Garfinkel and their conversation is summarized on the attached routing slip. Mr. Garfinkel apparently feels that it is better legal procedure to give all possible reasons for withholding documents in the beginning, even if you withdraw one or more arguments on appeal, than to be in the position of having to produce an additional reason on appeal. Perhaps it would be desirable to get a policy decision from the Justice Department through its Freedom of Information Committee as to whether such "working papers" should be released and this can be done if Mr. Weisberg appeals the denial.

It is my understanding that certain working papers among the Warren Commission records have been made available to Weisberg, presumably as "records." The material currently at issue appears to

(Over)

FROM	TO	DATE AND MESSAGE (Continuation)
		comprise NARS administrative records.
		<i>Jane F. Smith</i>
		JANE F. SMITH
		Director
		Civil Archives Division
		Attachment
<i>NN N</i>		<i>3/6/73 Recommend appeal of previous letter</i>
		<i>draft - JFS</i>
		3
		<i>3-7-73</i>
		<i>Okay</i>
		<i>JFS</i>

INSTRUCTIONS FOR FURTHER CONTINUATION - If a series of messages on one subject requires more than one page, front and back, continue it on additional sheets, consecutively numbered. Arrange all such sheets with page one on top and staple them together. Begin a new series for messages written after a different type of document is added to the dossier.

INTRASERVICE MEMORANDUM AND ENDORSEMENT

SUBJECT OR TRANSACTION

Regulations for Reference Service on Warren Commission Items of Evidence.

FROM

TO

DATE AND MESSAGE

NNF

NN

1-31-72. I think it is interesting to note that Mr. Fisher's position regarding publication of these regulations in the Federal Register is the exact opposite of that taken by Mr. Robert A. Prince, Assistant General Counsel, in his memorandum of June 16, 1971 to the Archivist. In his memo Mr. Prince stated that "we do not feel publication of them [the regulations] in the Federal Register is either necessary or desirable at this time." I presume, however, that we must now be guided by Mr. Fisher's determination in this matter.

Jane F. Smith
JANE F. SMITH
Director

Civil Archives Division

(Over)