

7/9/76

Mr. Les Payne  
Newsday  
Garden City, N.Y. 11350

Dear Les,

I did not know what Kelley was talking about when you told me he had written you about the release of the Memphis F.O. files on the King assassination. Having read the letter I can give you an explanation and perhaps save you the time and cost of a trip to Washington. He is talking about no more - or other - than what I have already given you. Probably less.

He and those under him, all of whom learned their Orwellian usage of the language from Hoover, their lingua franca. I add emphasis for your translation:

"...data concerning evidence recovered in Memphis, Tennessee, and sent to the FBI Laboratory for examination have been released in response to requests...."

"In response to requests" is a lie. I filed a suit first. He makes no mention of any suit.

He could have said he'd released all the lab information. It would have been more meaningful. But it would also have been a lie and misuse of language is preferable to overt lying. Thus "concerning."

"Evidence" does not say all. In his limited usage it does not even indicate what.

"Recovered" is a deliberate ambiguity to hide the sources. What he is talking about, however, is limited to what he had handed over by the Memphis police, plus King's clothing. For example, no fingerprint lab work. None on the motel registrations, of which they admit one and there were at least two from my own investigation.

"Memphis" is a further limitation on what they have had to give me, little as it is. So you have the limitations to some lab work and one city. As an example of his deceiving you and offering you less than what he has given me, admit a fraction as that is of what the suit calls for, he gave me a pittance from Birmingham.

"Sent to the FBI" lab can be another. There is very much "evidence" that was "recovered in Memphis" that was not sent to anyone in Washington.

So what he has offered you with the promise that Moore will cooperate, "for you to review this material," my emphasis, is no more than and probably less than what I gave you. It is certainly less than he has given me and can't withhold from "any person."

I suggest you write Moore and ask him to provide you with a list of what Kelley is talking about before you take the time and spend Newsday's money for a trip to D.C.

His paragraph on the Invaders is, I think an outrage and a deliberate abuse of the Court. This is covered by my request and suit, both of last year. They have absolutely refused to say a word about this in Court even when asked to, if not also nudged by the judge, who has been very impartial, I think really too fair ~~to~~ to them in leaning over backward to be fair. If he is not lying in saying that what it is fair to say is the clear meaning of his language his lawyer did lie to the judge. "...stems from the ~~written~~ article you wrote for the February 1, 1976 issue of Newsday. At my instructions a thorough search was made of the pertinent files at our Headquarters, as well as ~~the~~ in our Memphis Field Office, immediately after that article was published." What follows is evasive and does not say that they had no Cointelpro operation in the Invaders. He can quibble with any number of the words he quotes incompletely from your one - note only one-piece and then links them all together so that in his interpretation all must be true.

Our first calendar or status call was February 11. Then and since his lawyer has refused to say a word about the Invaders/Cointelpro part of my Complaint. Why if this is not a false and deceptive letter? Why would Wiseman tell me he had nothing else to give

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as a result of their NFO search? I asked him, specifically, twice, in person, with Jim present. Maybe a third time but I'm sure of two. Why when Kelley had this done prior to 2/11 would he have written Jim last month that they have given me not only all I asked for but anything that might only interest me as a result of their NFO search?

Note his language and its limitations, "pertinent files at our Headquarters." They have referred to their FBIHQ files in this suit. A search of it has produced virtually nothing. I can give you six file numbers & not on a single record he has given us and this is but a minor example of their knowing withholding.

However, his statement nonetheless is false and we can prove it, as he perhaps does not know. The language of the courts is plain English, not his Meowese.

I don't know what the judge and Jim will want to do or agree to do or what I can do with my financial limitations. But this one instance is a provable case of deliberately wasting a court's time, of merely toying with an overworked federal judge. What I'd prefer is to be able to subpoena and question those I know have first-person knowledge. By the time they complete the FBI training and have a little field experience they are fools but I think we can demonstrate beyond any question that they have records called for in my complaint, know it and are withholding it deliberately. The most important ones, including the guy in direct charge, have retired. But I know where they are and their names. They do have Opintelpro records. If we file interrogatories or take depositions, regardless of how it ends they will have succeeded in what is their objective, to stall this to the degree possible and deter embarrassment as much as possible. Particularly when they have their own whitewash being applied right now.

The press release he sent you does not go into the unique qualifications of his supervising brush-wielder. He says only "headed by Michael Shabson." Here is a little he did not tell you about Shabson, who heads the Office of Professional Responsibility. His concept of "professional responsibility" is not to comply with the law ~~professionally~~. As this release of 4/29/76, OPR was to "review all records," including of the FBI's investigation and any "new evidence" (which I thereafter offered the FBI without acceptance).

Shabson is a good ol' Memphis boy. He was born and raised near Memphis and before his present post was clerk to the judge who sat on the evidentiary hearing. On this basis alone I think he should have disqualified himself. Shabson has let it be known that he is going to leave the Department soon and practice in Memphis, including, naturally, before this judge on whom he'll in effect have to sit in judgement now. And all the other local officials whose records in this case are for all practical purposes now on trial or being judged. Two of the prosecutors immediately became judges. At least two other judges are directly involved in the case now. So is the entire police department, the sheriff's department and the local FBI office. Can a man do anything any of these powerful people, important in law practice would not like and expect to practice law with success and fairness to his clients? I don't know the bar's standards but by mine his conflict of interest cannot be shed. Not if he is going to practice in Memphis.

Kelley said he is "cooperating fully" in the newest of the at least fourth "review." We have yet to received a scrap of paper as a result.

Each of these known reviews, it may interest you to know, coincides in time with some step I have taken in this case, all but once with Jim.

These people are uptight about the work I do and about me. They will be enormously embarrassed if they give me what I seek. They will not be able to lay it all on the ghost of their founding saint. They may not know it, much as they know about me, but I do know their back-channel system and I have documentary proofs. I have it with the JFK assassination and the deliberateness of deception that the Ghyron committee did not begin to approach.

They know me in many ways. As a Senate liaison with them in the 1970s; from having lived and worked with them at their request while I worked for the Senate; from having

part of a Martin Dies attempt to frame me when I was researching a book on Dies; from my work with the Criminal and Anti-Trust Divisions; and from more than my more recent work on political assassinations.

I'll explain a few of these a bit.

The Dies adventure ended with the indictment and conviction of his agent. A long story of which I'll tell you only part, more if you want. Two FBI agents actually looked me in an office in an effort to get me to sign a false and incriminating statement. I simply refused and sat. "Cover and Dies were in the same bed at the same time. Dies did not dare print my testimony, even though it was in executive session. In the course of this work I developed evidence of an actual plot to overthrow the government and gave it to the FBI before the above incident. One of the FOIA requests to which they have not responded (and these go back to 1970 that I can recall) is for that evidence. And most of my files disappeared when the Hollywood Ten asked for them. The one to whom I loaned them was Baytryk, who turned out to be the flak in their midst. (I'm trying to locate him now so I can demand their return. They are historic records. They include a copy of every penny the Un-Americans spent and a complete set of clippings on what they did.)

One of my cooperations with the Criminal Division in the World War II period had to do with Nazi plots in South America. FDR used it in a famous fireside chat of that period. CIA has given me proof of this under FOIA but claims (and I think of their recent record in Chile, whence my proofs came) not to be able to locate the actual records. What they did give me includes even the name of my landlord of that time and proof that a famous ambassador now in his ultimate seniority was a World War II spook. They traced the files I gave them to his office. (No disapproval of his war-time work but curiosity about his subsequent diplomatic career.)

What I did with Anti-Trust, under Thurmond Arnold, was before Pearl Harbor. It led to the vesting of Nazi corporations, the assessing of large fines in some cases - I recall Schering and Rohm and Haas, the Plexiglas people - and widespread praise. This included the White House, several cabinet officers and even St. Edgar. In fact, DJ asked me to work with British intelligence without registering and I did.

My recollections of some of what I took to DJ and was too hot for them or for any publication are quite clear and relevant to today's energy crisis. The British never returned the photostats. If you know anyone willing to tackle Standard Oil I can tell how to duplicate this work in the Patent Office files, my source. If an FOIA request were to be made of DJ - and I'd waive any rights - they'd probably say they can't find the records or that they were destroyed because they did not prosecute either Standard Oil or I.G. Farben. Actually, I blundered into this while working on the Rohm & Haas story. You are too young to recall the dependence on synthetic fuels of the Hitler war machine.

So these people know me. They know me from more recent years, too. Especially of my JFK work my looking into Oswald and then in New Orleans. I was quite independent of Garrison and had no interest in Shaw. Despite his later and irresponsible course of which I refused to be part they were so worried about him in the earlier days of his game they actually held gatherings in the FBI offices with Ferris present! One reporter's stomach turned. I have his notes on it and their laughter about spinning Garrison's wheels. I'll guarantee you that Kelley would assure you he finds none of this in "PSIR" files. Hoover never responded to my complaint via the AG about reports of their intrusion into my life and work then. I called in in 1959. Kelley at first pretended I had not filed for all their files on me last October. I had to trick him into an admission of having received it. Silence since. What I was working on then is one of the two books I really yearn to get back to. It is partly written.

These people actually fear one who wants the institutions of society to work as they are supposed to work. This and their dirty-work throw them. For years the CIA

pretended I had not filed for the files on me in 1971. As recently as a year ago last January when I asked Jim Lassar to set up an appointment with their general counsel (who was in OHS when I was) he stonewalled. Then he wrote in a letter assuring that they ~~have~~ have no files on me. They when I kept pushing they came up with some. I can show you what was written internally for him when they decided they had to give me some of the records and then decided not to make him witting because they later decided to withhold. They did not destroy what they withheld from him! I have what they wrote for him and did not give him and it says they did not give it to him. I have other of their records on me they did not provide. They also used non-Agency people the opinion of one on whom is that I held "the all-time trust-record" in their improper interest in the field in which I work. I'll eventually - and I'd prefer in court - establish an unexposed operation they had, whether or not they still do, for spying on what Americans think and say about purely domestic things. I have copies of this stuff. Where I have less solid evidence I expect to expose their interference with my publishing. I'm confident of this and I'll get to it as soon as I can. Their time to respond to my appeal expired in January. After a number on unexposed inquiries the end of last week they told me they are still considering the appeal!

I've taken this time in the hope it might inform you in your dealings with these people. Kelley is stonewalling you, as Moore will. You are welcome to anything I may in the end get on Invaders/Saints/ps. If and when it happens I'll let you know. If it interferes with the book I've had to lay aside because of their stonewalling that will not bother me because you can reach more people than a successful book can. In another suit I plan to give away whatever I may get. It is for those Warren Commission sensitive consciences I have not yet forced out. Fortunately that case is before another very good judge. I know some of what it should yield. I do not sue frivolously. In that case they'll die hard because it will expose Ford's McCarthyism and the KGB's belief that Oswald was an American " sleeper agent." I have the proof on both.

I've made a carbon for Lassar because Kelley disclosed an immediate investigation after your 2/1/76 story, which was ten days before the first of the many status calls in this case and they have not yet let the judge in on that secret. If you have no objections I'll give him Kelley's letter to you, too. I think the judge should know. In my perhaps old-fashioned view playing games with a federal judge is worse than mere personal abuse. It is real subversion.

Best regards,

Harold Weisberg