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Typed 5/31/77

JUN 3 1977

FOI/ORA 2003

Mr. Harold Weisberg  
Suite 12  
Baltimore, Maryland 21701

Dear Mr. Weisberg:

We are in receipt of a referral from the FBI dated April 19, 1977, directing our attention to paragraph three of your request to the FBI dated October 27, 1975, for copies of materials which you furnished to the FBI concerning the Silver Shirts and David DuBois Hayne.

The FBI informed you by letter dated April 14, 1977, that the materials you furnished were transmitted to the Department of Justice on February 17, 1940 in the case entitled "David DuBois Hayne: Forgery in the District of Columbia". We have been unable to locate the materials. A search in the name of David DuBois Hayne reflects five Criminal Division documents pertaining to the materials. Those documents indicate that the materials were returned to the FBI on March 6 and March 7, 1940. Copies of the five documents are enclosed. We have referred your request back to the FBI for further response to you.

We are also in receipt of your letter dated April 20, 1977, suggesting that in processing your request for records about yourself we should have located records concerning you in connection with the above matter, the case of U.S. v. Mary Helen, and several other matters. The Privacy Act, under which a request by a person for records about himself is processed, only requires search in the name of the requester. As we indicated in our letter dated April 15, 1977, search in your name did not reflect any records pertaining to you.

Records

Thomas - 1134 Main

FOI Unit - 312 FTB

Hold

Nevertheless, in accordance with your April 20, 1977, letter and the referral from the FBI, we have now searched, pursuant to the Freedom of Information Act, in the name of David DuBois Mayne. As indicated above, we have located the five abovementioned documents pertaining to you. In addition, in accordance with your letter of April 20, 1977, we have searched under U.S. v. Mary Helen. That search did not reflect any records. The other matters which you set forth in your letter do not reasonably describe the records sought, as required by the Freedom of Information Act, since your descriptions of the records fail to provide information sufficient for search.

Regarding your reference to interviews of you and your wife by the FBI in connection with the Alger Hiss case, you are further advised that we have already reviewed all Criminal Division documents which we have been able to locate, in processing another request. We recall no reference to you or your wife in those documents. The approximately 500 pages of such documents are, however, available to you at \$.10 per page, if you wish copies.

Finally, we note your question regarding the June 10, 1966, memorandum from the Deputy Archivist to Marion M. Johnson. Our records reflect that the National Archives and Records Service consulted with the Department of Justice regarding the releasability of the document. On November 19, 1976, we advised the Office of Legal Counsel-which was coordinating the consultation for the Justice Department-that the Criminal Division had no objection to the release of the document. You should direct any further inquiry regarding the matter to the National Archives and Records Service.

Very truly yours,

Benjamin R. Civiletti  
Assistant Attorney General  
Criminal Division

by:

E. Ross Buckley  
Attorney in Charge  
FOI/Privacy Act Unit