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2/9/78

Mr. Quinlan Shea, FOIA/PA Appeals  
Office of the Deputy Attorney General  
Department of Justice  
Washington, D.C. 20530

Dear Mr. Shea,

My wife and I thank you for your letter stamp dated yesterday. I note that consistent with my observation of other recent letters you do not include a date reference to mine or my wife's. If that date is close to the one on the enclosure, then you are now responding to correspondence of some 10 months ago.

But considering that I am awaiting compliance with FOIA requests of a decade ago, those compliance with which you preside over, perhaps I should count small blessings.

That you and others omit reference to even requests, as is true of recent letters from the FBI, does needlessly increase the amount of work for all parties. In turn this helps build false statistics to present to the Congress.

What you do not refer to is conferences Mr. Lesar and I have had with FBI FOIA personnel during which these PA requests were discussed and my own with SA John Hartingh. My letters to him on this matter are without response. As a result you have permitted public access to false and defamatory records relating to me. If as I was told there was an automatic review then your office is aware that the denial of records to me denied me my rights under PA, rights to correct, as I did to a degree with those false records I had received.

But I suppose that this also was intended.

You also do not refer to conversations with others in the Office of the DAG, conversations in which I did give indications of other places to search. Nor has there been any response to my letter written after what I had been led to believe would happen did not happen. I have received none of those records described to me as then being processed.

In your second paragraph you create another self-serving record by inviting my wife and me to the Department for a personal search of records I suppose are in the reading room. You also do not state this. You do say these records are not indexed. You do not indicate their magnitude, more than a hundred thousand pages. In addition, despite your bad personal behavior about my health, there now can be no reasonable doubt that the Department is well aware that it alone precludes my accepting your offer.

I regard this creation of another misleading and self-serving letter as still another indecency. You make an offer those within the Department will take as a good-faith gesture knowing all the time that it is impossible for us and under conditions that deny this knowledge to those above you in authority.

However, we do appreciate your offer to ask those who have gone over the Hiss and Rosenberg records to see if they recall any references to my wife or to me. We would like very much for you to do this as soon as you can. We would prefer that this not be limited to Professor Weinstein. There are others who have examined those records. Some do not have his expressed interests and position.

Some months ago Mr. Lesar showed me one or more records Mr. Berlin used as attachments to a document he filed in court. There are names in this or these records that are not strange to us. Although we were not close to those people we did know some of them. There is also reference to a recital by the late Paul Robeson in which it is indicated that there was coverage of even the vehicles of those who went to hear him sing. Because I met Mr. Robeson at the airport and drove him around I should be in those records on this basis also. I have no recollection of the names of his friends I get through him when driving him around but I do recall that one home was near Howard University.

In your first paragraph you make an unclear reference to "a consultation by the National Archives." It is my recollection that the National Archives provided me with three file numbers which I gave to the Department. If the consultation was with the Department then it also should have these file numbers. In the many months since then I have received

no record I can attribute to my having provided these file identifications or to any Archives consultation, regardless of by whom. It is my recollection that those were Criminal Division files.

There are a number of files of this Division in which I should figure. It is difficult for me to retrieve what I have written about this in the past so I may be repeating.

There are or should be files on and/or relating to me in the Offices of several United States Attorneys. Washington and Baltimore without doubt. Probably New Orleans and Memphis, if not also Dallas.

In Washington I was a government witness in the case of U.S. v Vreech when the Hon. David Fine was USA. This was in the late 1930s. Then there was the effort to frame me in connection with the Dies committee, a little later in time but the same general period. The grand jury refused to indict me, despite vigorous efforts, but it did indict David DuBois Wayne. In files relating to U.S. v. Wayne you should find records relating to me. (The FBI has totally ignored this despite my reminders and you have done nothing about a number of appeals.) When George McNulty was there I gave the Department through him, after having first made arrangements with him, certain records I obtained from Chile. These related to the plans for a "nazi putsch in Santiago. President Roosevelt made some use of these in a fireside chat. The CIA has found references to these records but no copies. If these records can be retrieved they are of historical value and I would like them to deposit in a university archive with all my records. (I have already transferred all or most of those of that period.)

Even if he responded other than I intended, and I'm not checking to see, there is no doubt that Mr. Buckley used my own words and I owe him an apology I make herewith through you so you will know that I have apologized.

That was the case of U.S. v Mary Helen et al, federal district court, London, Ky., about 1938. I was not paid a salary by the Department. I was then at the Senate. But I do believe the Department paid all or some of my expenses. Correspondence records that should exist include Brian McMahon's sending me to another for a job. I did not use that referral. I used the Department's teletype when there were no secretaries and might be recorded that way. The delicate missions to which I referred ranged from being the Department's rum-runner in its armored 1933 Buick (Laurel County was dry and the bootleggers ran their prices too high) to obtaining medical help for a secretary who as I now recall had her leg broken in an attempted rape at a wild party. The FBI and other official personnel did not want to be involved. There were also two escorts out of that hinterland where the police officials were defendants. One involved a male alcoholic, the other a woman whose problem was personal. I recall but do not put all these names in a record that might later be misused against any of these people who may still be alive.

Other records that should exist include those relating to borrowing me from the Senate, to my Senate credentials authorizing me to testify if needed and the payment of my hotel bills by the Department in Harlan Town and in London, Ky. And I think an official "thank you" letter for my services.

You refer to records systems, which mean nothing to those outside the Department. For that matter from my extensive experiences they also mean nothing to those inside it. The obligation to make a good-faith search with due diligence is that of the Department. Your office has reviewed enough FBI records on me to know that the FBI is stonewalling and to know from these records of the existence of records that are within my requests elsewhere in the Department. This includes the Office of which you are part and from which I do not recall receiving a single piece of paper. The most vicious kinds of fabrications and some notable contortions have been sent over the years to AGs and DAGs, to say nothing of the White House. In your review of the records that have been provided your people learned of these other places to which such records relating to me were sent. I have received not a one, despite my prior and repeated reminders of more than a half year, all long ago in terms of the Acts.

(On this there is your own office and whatever record you used as the basis for your sworn references to my health. Unless, of course, you swore to a federal court on no basis at all.)

In my view I have often provided various Department components, not just the Criminal

Division, with what you refer to as identifiers. Under these conditions I believe there is no justification for assessing search costs.

In your next paragraph you ask me to provide you with information regarding the Department's cashing of one check and sending me no records. Can it be that you have not yet searched your own office in response to my requests? I did discuss this with Ms. Robinson when she phoned months ago, too. But in those days the requests were made to the Office of the DAG, your own office.

You suggest that I might want to bring this matter to the attention of Michael Shaheen and what for some reason that is not clear to me is called the Office of Professional Responsibility. My prior experience is that in his office declining even to look into allegations of perjury is regarded as "professional responsibility." This also means that being a perjurer is regarded by him as "professional responsibility."

But these false swearings were in FOIA matters so I have no reason to doubt you will find yourself in agreement with his interpretation.

You suggest a meeting. I have had prior experiences with meetings, too. When the FBI proposed one I asked Mr. Cesar to ask that what was discussed be recorded. The FBI, as I suspected it would, refused. Thereafter it actually alleged to a federal court that I had gone to the meeting only to withdraw that with which I had amended a complaint. (More professional responsibility in FOIA matters.)

If the meeting were not limited to our PA request of Criminal but covered the PA requests for all components, if you would agree to record it and that there be copies for both of us, and if you will personally assure supervision of compliance with all the leads presented then I believe a meeting could be productive. However, as a beginning point you might see to it that the FBI provides the records it knows it is withholding and that the alleged search not be limited to whatever it keeps in HQ central files. Your own office has seen many records that refer to other records not yet provided. Perform on what you can first. Otherwise you'll be forcing this to court by leaving me no alternative. And without this demonstration of good faith there is no reason for me to do what such a meeting now involves.

However, I will inform Mr. Cesar of this with a copy of your letter and of this one. If he believes otherwise he will inform me, I'm sure.

Your concluding paragraph begins, so you won't have to check your own file, "The Attorney General specifically designated me to act on this appeal." If I am to believe those fine words the Attorney General uttered then I remind you that your next sentence begins "Judicial review of my action is available..." I am aware of that. I have sought to avoid it. I do not want the waste of the government's time any money any more than I do of my own. And unless you tell me otherwise I do assume that you are the ultimate authority with regard to all the other appeals on which there has been no action. This is especially but not exclusively true of the FBI. Its field offices lie with dedication and persistency while Headquarters is merely non-responsive. There are many records on me that they have not provided in response to my PA request now well over two years overdue. In this letter I have given you indication of some. I have informed the FBI in some detail and repeatedly. Whatever you believe of what I write I think you will agree that had I gone to court immediately the cost in time to me might have been less.

I have just been informed that the FBI is making the released records available for larger-scale commercial distribution. JFK records. There are false and defamatory records about me among them. I had raised this question myself and I asked Mr. Cesar to write the Attorney General about this. Nonetheless I was foreclosed from my rights under the Privacy Act and the records that passed through your office do contain the most vicious and deliberate official fabrications. You may elect to believe those records, those I have seen. If the FBI did not provide you with copies of the disproof of some that is not my fault. If you also did not include them then the violation of the Act is yours, not mine, little as I was able to do to rectify records I had been denied despite an ancient request. I have seen no record and I know of no record I would be unwilling to confront in court, reluctant as I will be to have to take this to court. So unless you are telling me that the AG is playing games and cares about the Criminal appeal only I would like to know when you will be able to assure me of full compliance with our PA requests. Sincerely, Harold Weisberg