

D/Crime/PH

Mr. E. Ross Buckley  
FOIPA officer  
Criminal Division  
Department of Justice  
Washington, D.C. 20530

3/25/81

Dear Mr. Buckley,

Beginning in 1975 I filed a series of PA requests. These include the FBI and all the other components. I have also filed a number of appeals. To the best of my recollection these appeals remain without response. I recall no records provided by the Criminal Division. While I have no clear recollection of having provided leads to your Division I am clear in my recollection that I provided Mr. Shea with elaborate details, including of matters certainly within the interest and activity of your Division.

Regardless of what causes this totality of non-compliance, I want you to know that while there is this extensive withholding there also has been the most widespread ~~dis~~ distribution of defamatory records that range from outright fabrications to deliberate distortions. Recipients ranged from the press to Attorney's General to the President.

When it became apparent that some of this defamatory misinformation was going to be released I asked Jim Lesar to write both the FBI Director and the Attorney General to make use of the PA possible for me in advance of these disclosures. Neither responded.

While I hate the idea of having to sue, it appears that no practical alternative is going to remain. Just yesterday I asked Mr. Lesar when it might be possible for him to file suit for me.

He then gave me a list of Criminal Division files, with brief descriptions.

Of these it appears that wherever else records may be filed, searches should include 001, 002 and 004.

I also make a new request for all records on or about me in FOIA matters, 024. This updates the ignored requests as they pertain to FOIA matters.

I have known some AAGs in charge over the years, three rather well. I do not know that records, if any, they left, but I had a working relationship with at least two. With Brian Malloch this pertained to the case of U.S. v Mary Helen et al, the Harlan County coal conspiracy case of the late 1930s. I was borrowed from the Senate to be

a working member of the prosecution staff and I did work, from running the teletype machine when there was nobody else to do that to assisting with the preparation of duces tecum subpoenas and participating in plea bargaining. With George McNulty, I believe, this included getting valuable intelligence information into the country, from Chile. I then gave this information to Jimmy Roosevelt and FDR used it in a fireside chat dealing with the Nazi menace in Latin America. The arrangement was that the Department would make and keep copies. I would like to have copies now, for their historical value.

There was a prosecution in Washington of a Harlan County coal operator, Ted Sroech. I was a Government witness in that case and there must be some records.

That I was so helpful to the Government is, of course, quite opposite the false image created by the FBI and other components. It provides motive for the present withholdings and it reflects the fact that when information about me was requested, by Congressional committees and the White House, selective and misleading responses were provided.

There came a time when there was a neutrality act prosecution pertaining to which I might have had some information. I phoned Criminal Division, was called back and was asked to go to the then Internal Security Division. While I do not know what records were made I do have some copies of what was provided to the FBI and I have the letter that was written to me, with its enclosure. There has, however, been no compliance with my PA request and those files are now your files. This effort to be of assistance to the Government was corrupted into an alleged conspiracy with a notorious anti-Semite who had given me information I gave to the FBI IIB at that time.

When I was researching a book on the UnAmerican (Dies) Committee it contrived a case of my interfering with it. It persuaded the Department to try to charge me. A grand jury was used, extensively. The grand jury refused to indict me but it did indict the agent of the Un-Americans, one David DuBois Mayne. There is, obviously, a record of U.S. v Mayne, with some of the records those of your Division and some those of the U.S. Attorney.

Aside from transcripts, these records include the false and incriminating statement the FBI tried to get me to sign and I refused to sign, the statement I did sign, and the decision, which includes the plea-bargaining in which the late Congressman Dies was involved. He arranged a suspended sentence for the man who perjured himself and ~~engaged~~ engaged in other criminal activities for Dies and his associates.

I have knowledge of these matters because I had been helpful to the CIA and because the effort to frame me and an associate was so raw. Because of this and the considerable political pressure applied on the then USA, the prosecution, while vigorous in its efforts to get me indicted, also was outraged. One of the prosecution staff saw to it that after the case was over I would have information with which to protect myself from any similar effort to frame me. The political pressure was holding up the appointment of David Pine to the district court until he tried to get me indicted for Dies. (Edward Curran, also later a federal district judge and chief judge, was then <sup>Pine's</sup> Number Two man.)

I have been informed that G. John Rogge died recently. When he was AAG he informed me that I had been picked up on electronic surveillance of another in whose home I happened to be a guest. I also was responsible for some important intelligence information reaching Rogge in that period. There have to be records.

When one tries to recall events of as much as 45 years ago recollection can't be complete. However, I believe I have given you enough information for belated compliance with a request and appeals of five years ago, a time greater than any claimed backlog of which I have ever heard. I know of other Criminal records, like those pertaining to the James Earl Ray case and my getting some of those records and there are embarrassing Criminal records of its refusing to respond to my FOIA requests. I do want them all.

Sincerely,

Harold Weisberg