

11/3/77

Mr. John Dagan
Assistant United States Attorney
U.S. Courthouse
Washington, D.C. 20530

and John Hartingh

Dear John,

I write in what I would like to be the spirit of yesterday's meeting, in an effort to settle the case or at least arrange that a satisfactory settlement be assured prior to Judge Green's deadline. As a practical matter there is not time for me to write through Jim, who sometimes doesn't have time to read a letter for a day or two. Nor can I afford the phone calls.

As soon as we left the meeting I phoned the student friend of mine who has been helping Jim. She has a bad cold, has her last final on Sunday, is coming to see me on Tuesday and thereafter will attempt to do with my notes what we discussed yesterday. However, you should understand that in those notes I was restricting myself to calling to Jim's attention some of the more flagrant omissions and injurious use of exemptions. I'll ask her if she can be at the meeting on the 11th, if this meets with your approval. I think the more she knows about what she is looking for the more alert she can be to it.

I doubt I'll be able to get to your office, if that is where we'll meet, before 10 on the 11th. The trip to Washington now is not easy for me and I must be measured for a new set of the contraptions I must wear. I have written and asked for the first appointment that day. This should enable me to be at the meeting by 10 at the latest.

While Jim and I had some time to talk after the meeting yesterday it was not enough time. I did some thinking about this on the trip home. He'll know what I'm writing by a carbon, which also will go out in this morning's mail with this. Little for John, for whom some is relevant.

Jim gave me a copy of Quin Shea's letter to him of the 3ist. It says they have decided to give him certain appealed CSD and OPR records. I consider them within my request and ask that a set be sent me. I do it now to save them trouble in redacting. They can do both at once if they have not processed Jim's. But Quin Shea, who is as long on slurs and insults and short on compliance would prefer that I not write him. I think you will recall the CSD and OPR applicability of my requests from their affidavits you filed a year ago July.

We spoke briefly of the surveillance item of the requests yesterday. If we can abandon the pretenses and semantics and the persisting effort to rewrite my requests we'll proceed more smoothly on this. I have written "in at some length on it but was not able to give him the letter until yesterday. I did not say all I could in that letter so that, if he so decided, he could give it to you or Igene Mullan. But so this can go forward and things can start getting done I'll take a little time for you and him on this now. If there had been earlier mention of the need to provide serials //// I'd have noted them where relevant.

One such Murkin file case involving me is in one of the several J.B.Stoner records, one that I think Ralph Harp may recall. It may not be necessary to retrieve it. It relates to a Stoner TV appearance on a St. Louis TV show I think in May 1972. I was on it with him, Lane, Jerry Ray and Gerald Frank. There is little doubt that was covered by the FBI. Lane when you consider that Rev. Revel was announced as being on that show. He didn't show up.

The 8/8/77 letter as it relates to this item, page 2, paragraph 2, is simply unreal. There is no way of limiting this item as this attorney to do. I'll give you and him a few illustrations. A search of the Electronic Surveillance Indices is not the only search required. It is the means of avoiding a good-faith search. Limitation to "the subject" is unreal, as I think I said yesterday, because it eliminates surveillance incidental to other surveillances. The item is not limited to "conducted by this Bureau." There is much not done by the Bureau but in its files.

Because I felt that yesterday's meeting might well result in something constructive and because I believed a general understanding was necessary as a beginning point if this were to result I did not take more time with this item. However, I am confident that this item is not limited to Hurkin.

With regard to me there has not been compliance with my DA request now more than two years overdue simply because it is embarrassing to the Bureau. I know my "past." Your office has files on me. They go back to "eve" Mac's days as D.A. One case is U.S. v David Dubois Hayes. I was writing a book on the Dies committee. It, with the Bureau's help, tried to frame me. I took the grand jury away from I think it was Ed Fidell. There was much opposition inside the Department to the political pressures from the political leaders-thals and native Nazis to that dirty business. This is what led to my knowledge of having been picked up on surveillance of another, way back then. My source was an Assistant A.G. in charge of a Division. I knew a number, some pretty well. I also helped a number.

There is no way a good-faith search would avoid the files on me under such paramilitary as Treason and Espionage as well as Internal Security. Long after I was not a government employee there was a file under security of government employees.

Through happenstance I know someone peripherally in what was known as the "Gregory" case, considered to be a "national security" matter. I have records stating this, if not from the FBI. I have no involvement in it. I was never any kind of agent, never any kind of Communist or "communist." I was an unregistered British agent before I went into the Army. I was because DJ asked me to be, because before Pearl Harbor it could not use the kind of data I was developing, only some of which I published. Much of my work in that era - the era of the Nazi-Soviet pact - was followed by official actions. Even J. Edgar Hoover praised it, in writing, a record the Bureau has managed not to find. (He also once sent my wife and her dinner companion when I was in the Army, another of his pet hates, a bottle of Cherry Heering. He and Glyde Tolson were at another table in Harvey's restaurant when he made that gesture.)

Anyway, whether or not it seems rational to you in now, the FBI really did believe I am some dangerous subversive and it really did have the files I've indicated. This view persists and is reflected in Hurkin files. Recently and not in sequence I received a copy of Serial 5839. It was not provided when I was given the FBI's fabrications based on it. These had no seeking an interview with a "spouse attorney, which is false; and conspiring with J.B. Stoner, which is worse than merely false. Rather than engaging in the defamation of the Bureau I told GBD of what I had been told about what several of its informants allegedly had done, relevant in this case now. Now Stoner has been indicted and he has made exactly the allegation in his own defense that I told Morris of GBD in 1969 he had told me. For an understanding of this persisting attitude one need only read Serial 5839 and compare it with the FBI's revision of it from which it was originally withheld when I was given it. This was provided after I sent him records from my own files establishing their fabrication.

(In passing I note that the Serial 5839 evaluation is with regard to certain mercenary activities of soldier-of-fortune types that "The information he furnished regarding these activities was of no value." The FBI underscored "was of no value." If you consult the Indians you will find one of those people has been indicted for those activities in the Southern District of Florida, Miami Division, No. 76-371 Cr. His name is Gerald [redacted] Patrick Manning. He then lived on Hoyt Avenue, El Monte, Ca., the same address as when he is in the Hurkin files. Among the information of no value I then offered GBD at the request of Criminal, which asked it of me, was a tape-recorded confession made voluntarily to me. I guess it was of "no value" when it took the government seven more years to get to where I was in 1969.)

I'm going into these things so you can know, from your own experiences, what the probabilities are other than I can specify. You both know that the language of the records will indicate whether or not there was surveillance even if they do not say it.

It was not uncommon in Memphis. I have been given records indicating that the FBI was the beneficiary of some of it, whether or not it engaged in its own. This included James Earl Ray, listed in that item. There is no reasonable doubt that it extended to my motel room, whether or not Jim's and Fensterwald's. There is no reasonable way of explaining some in-court developments without there having been a bug. Percy Foreman was bugged at least in the Peabody Hotel. I had good sources in Memphis. They extended to the higher echelons of the police and into the prosecution. One of my sources was fired after I left town, after the evidentiary hearing was over. The physical surveillance was then laid out to him.

I reported some reports that reached me from New Orleans to John Mitchell in 1969. The reply over his name was that he had referred it to "bover". Aside from this I was the guest of an informer, an intellectual type. I needed a pad and had no money. He was two-timing on his wife. He had a hide-away separate from the family home, and he let me use the hide-away. He also knew I had a young woman as a source and would be spending some time with her. Naturally he also had a tape recorder with a seven-inch reel of half-inch mylar in the closet.

As we broke up yesterday and a notion of this started returning more to my mind I reminded John that Minneapolis should be checked. The reason is that less than a month after I gave the FBI the picture and the sketch through the local DA, which was in the last part of April 1968, I spoke at the University of Minnesota. It arranged a press conference in advance and some radio and TV appearances. At the press conference, which was covered by other than known members of the working press, I did display those photos and ask questions about them. While it is not of Martin relevance at the same time I did pick up a print of an amateur movie of Lee Harvey Oswald being arrested three months before that assassination. I obtained it from the student who had given it to the FBI which managed never to tell the Warren Commission about it, leave alone give it a print. This is one of those several dozen FOIA requests that have been ignored since 1968 to which I testified last

September a year ago. What happened to my luggage when I left "Minneapolis" tape never happens to yours. It may, of course, all be coincidence. But I saw my luggage go down the right chute yet I was the only passenger without luggage at the plane's first stop. It all turned up later at an airport to which that line did not fly, with a brand new typewriter and a brand new tape recorder both ruined while their cases were intact and with every bit of paper, including folders of matches gone.

Coincidence or not the same thing happened at Dallas that November. On a flight to New Orleans. Those same pictures, known as the "tramp" pictures, were part of my work at that time. I cannot now give John the Serial because I gave my sources to Jim yesterday. He can find it easily, though. They are the case file he gave the Bureau and are included in what was just sent me after Doug Mitchell said to send them. Last mailing. While it may not be here relevant I think you and John may be interested in knowing in connection with the "inc., Inc." aspect that Tine, Inc., which had an option on those pictures, as the FBI records do not indicate, got Percy Foreman to try to get Jimmy "ay to make the same phoney identification that is involved in the FBI's sketch from Mexico City. What is relevant is that the FBI issued a statement once the sketch was printed and has not now provided it.

I think that John should ask those field offices for a genuine search in response to the surveillance item of the request: Baltimore, Washington, New York, Chicago, St. Louis, Kansas City, New Orleans, San Francisco, Los Angeles and San Diego. Probably Philadelphia. Maybe Baton Rouge because I met with an informer there. I think you should know that in each case I have reason to believe that there is relevance in connection with either the surveillance or these pictures or both and that I do have transcripts of some of my appearances that were made for the government. Oh, yes, as this comes back in New Orleans I also associated with the man the government had bug Jim Garrison, Pershing Gervais.

There is a CIA Item with which there has not been compliance because what I was given is restricted to FBIQ files. My request is not so limited and you both know that from it alone full compliance is not possible. Unwittingly I have been given proof of this. I've forgotten which F.O. or I'd tell you. Jim and Penstervold are both involved in this and Jim has filed Penstervold's waiver. A search of the field offices is required. Si von Penstervold's activity it may well involve most field offices if the 24 indices are as abhorrent as you all represent. In my view the request is for reasonably identifiable records. I believe there is further significance from the extent of Penstervold's relations with the Department in this matter and from his having been Ray's chief counsel. I'll add what may or may not be helpful.

Whatever its justification, and it was not the protection of intelligence installations, the CIA investigated the CIA. In the course of what it calls an investigation it duly recorded that I was the CIA's investigator and had other relations with it. I do not recall all the other details. Some of this error appears in the Eq files provided.

In fact I never had any connection of any kind with the CIA. I refused to join it. I tried to talk Penstervold out of organizing it. I had had slight earlier association with some of its people, including Garrison of New Orleans and soon later. One of the later ones is in the Hukin files as a suspect, Buck Perrell, then of Dallas, originally of Memphis. His wife is named Mary.

In late October 1973 the CIA held a meeting at Georgetown University. I refused several requests to address it and then agreed when I was permitted to try to address that opposite extreme of paranoia. I do not know that the FBI covered it but I do know that at least one federal agency did. I therefore believe it is reasonable to expect that some FBI files somewhere, the whereabouts not being difficult for the FBI to determine, hold other records relevant to this item.

Here comes back to mind. One of the members of the CIA board of directors is the former FBI agent William Turner. He lives in the San Francisco area. He figures in the Hukin files. We are not exactly the best of friends. At the time of the King assassination he was on the staff of Sports magazine. Harry Reason of that magazine started to organize some kind of committee on the King assassination about April 1968. He wanted the pictures in question. I sent them to him. Not long thereafter Turner used them in an article in a San Francisco paper. It attracted wider press attention. This was not provided from Eq files. It is one of the reasons I suggest a San Francisco search. Another board member was Richard Sprague. Again we are not the best of friends. He participated in a public use of the same combination of picture and sketch in New York City and elsewhere. This was with a man named Treat Gough and it extended to the New York Times.

There is no time before the mail is due, so I'm sorry I can't correct the types and clarify what may be unclear. I have taken this time to enable searches to be made on these items within our time limitations. Ask if either of you has any questions.

Miscarably,

Harold Weisberg