

Harold Weisberg Rt. 8., Frederick, Md.
2/10/73

Dear Mr. Shattuck,

The mailing of this letter will have to await my getting your address. It is prompted by, based on and limited by, what news stories I have read of your current suit involving New York Police Department Intelligence Unit operations.

If Mr. Murphy's alleged destruction of a million files is a good gesture, it is also undoubtedly a fraudulent representation, unless the NYPD is unique. There is and for years has been a clearing-house arrangement on political intelligence. The destruction of the New York copies, for example, does not disturb the existence of any copies given for example, to the FBI.

It is not new. When I was in intelligence in World War II I regularly saw such FBI reporting, often defamatory and inaccurate beyond rational description. I recall one case of a graduate student writing a thesis on the Spanish Falange. He was promptly labelled by the FBI as a Falangist himself. God knows how many files that got into or how many times it hurt that fellow. I rather imagine pretty much the same is true of me now because my current work, basically an investigation of the FBI, is so unwelcome.

Nor are these files limited to federal usage. A case in which I was able to arrange access to some for a friend involved in litigation is one of which I have first-hand knowledge but, ~~must~~ without the unlikely release from that friend, can't divulge. Another similar case, where federal files on me were made available to a large corporation, is recent and transgresses first-amendment rights. I gave another the research for a book. He told his employer about it and his employer's Washington man for such delicacies went to work and reported back, promptly. Here the rights of two writers were interfered with.

The Army's domestic-intelligence improprieties have been partly exposed. Those of the CIA seem to remain a secret. The disclosures of CIA police training by the New York Times recently led to a description of them so partial as to be largely without sense. They include only that in which CIA help was not needed. I have two cases of the CIA's intrusion into my writing life and would welcome ACLU help in doing something about it if any of your associates would be willing to undertake the case(s).

In one I have carbon copies, not xeroxes, of surveillance on my public appearances. It was done under contract by a commercial agency, one of the employees of which was revolted and provided me the proofs. For this purpose the CIA set up a front. I have more than enough to identify the operating employees, their cover and names, their bank account, their bar address, etc., plus the transcript of a conversation of the regional manager, my source, and the national manager of the commercial agency. Later, I engaged the national manager in a phone conversation I taped. The regional manager described me as "that old nerdish of the CIA", which is false; and the national manager told me I hold the "all-time track record" for interest in my field by the CIA. Both has an additional interest-business and money. Thus they kept the CIA informed about my coming appearances.

The second case has less complete proofs, but there is a prima facie case of a man now well known as a CIA agent interfering with my first book. He was at a literary agency to which I had been sent by a major publication which said it wanted to use that book and wanted to deal with me through an agent. In a couple of weeks the deal was dead. This man was then and for more than five years thereafter with the CIA. He continued to use the agency's address as his own and to claim to represent it, in writing, which I have.

This kind of thing can permeate to the point where mention of it sound paranoid. Let me give you a recent example, one that may, perhaps, interest the Maryland ACLU because of its reported opposition to the state gun-control law. For some time, on the advice of the local barracks of the State Police, I carried a pistol when I took the daily walks prescribed by my doctor. I am 60, denied most exercises by orthopaedic conditions, and the doctor

wanted the exercise to be continuous and vigorous enough to have value to the cardio-vascular system. I was set upon by vicious dogs and their owners sometimes of ~~like~~ like character, which led to the advice that I carry a pistol, something I hate, especially when walking to relax and think while exercising. However, the pistol did make the walk possible. With the passing of the gun law, I applied for a permit. I was refused, although there really can't be any question about my qualifying. I was told I could appeal, but I was not told what to appeal. To this day the authorities have not disclosed the basis for rejection as, indeed, they can't without exposing themselves. My appeal was rejected in the same manner. I have no way of knowing the basis. One of the odd things is that if there were the most casual enforcement of another law, against loose-running dogs, or any effort to eliminate the killing packs of wild dogs that roam this mountainside, I'd have no need to protect myself. However, I point out what I think is a deliberate denial of due process. My written efforts to do something, involving the governor himself, have been fobbed off. I am a pacific man, with no history of violence, am well-respected locally, in my fields of endeavor of the present and past have enjoyed a good international reputation, and do meet the requirements of the law, something as undenied as it is obvious from the State Police files alone. I conclude the only basis for refusing me the permit my health and safety do require and which the law entitles me to is adverse political information from federal sources, which in its existence alone is improper, and which is adverse not by its nature but by the special interpretation put on it by the police mind and the FBI have have so thoroughly exposed, in my writing and in court. Aside from these things, I deal with convicted felons regularly; have exposed the most extreme of the militant right (and to the police); have received threats to my life, so interpreted by the same police, which have dubs of one threat that I taped; am regularly the victim of vandals and crooks, at least three or four times while the application was supposedly being considered and to the knowledge of the police doing the considering; and to their knowledge am currently engaged in a murder-case investigation that jeopardizes any who are not jailed and were involved in that murder.

So you can understand what I mean by "in court", I cite one current example. I have pending before the U.S. Court of Appeals for the District of Columbia right now an appeal ~~for~~ ^{from} an incredible district court decision which will be precedent in the "investigatory files" exemption of the Freedom of Information Law, 5 U.S.C. 552. The Department of Justice is and for months has been so interpreting this in refusing the applications of others. I selected, of the many cases I have of spurious FBI invocation of this exemption, one of which there can be no reasonable doubt. The case has escaped notice in the press, which suits me because I'd prefer no pressure on the judges. It is one that will hurt the FBI very much if it persists in its own law violation, as I anticipate.

I would, of course, welcome it if any ACLU lawyers would be willing to attempt to do something about the improper CIA intrusion into my life, which I can prove, and which I believe, as best a non-lawyer may hold an opinion in such matters, involve damages, as I would also be happy if the Maryland ACLU would be willing to use the refusal of a pistol permit to me when my life and well-being are endangered by the lack of it and when I do meet the statutory requirements. In any event, congratulations on your current endeavor, and my thanks for resisting this newest manifestation of the creeping authoritarianism.

Sincerely,

Harold Weisberg

He is NYC ACLU lawyer