To Quin Shea from Harold Weisberg Re: Appeal No. 8-0240 3/5/79

Subsequent to your letter of 1/24/79 I received from Mr. Bresson what the letter refers to.

The main file referred to is 197-22. Only two of the pages provided bear Serial Numbers. There is no page bearing Serial 1. Perhaps it was omitted by accident.

The record from which there are withholdings is of 1946. If in this case I do not contest the privacy claim for the name of the special agent I also do not agree that it is a proper claim or that discretionary release is inappropriate.

This record refers to a "Dies list" without providing a copy of the page or pages referred to. Particularly because the record represents no effort by the FBI to determine whether I was or could have been the H. Weisberg listed as a Communist by the Daily Worker I believe it would be appropriate for WFO to provide copies.

It ought be apparent that I am not and could not have been that person from the rest of this record alone. In view of this I find myself wondering whether the atypical (I certainly hope!) ambiguity that amounts to a virtually deliberate libel is in any way connected with the withholdings. I also find it unusual that the FBI has this record and no records of the underlying investigation. In this connection, Mr. Bresson's letter does not represent that providing the enclosures constituted full compliance.

If you consult the information I have provided to the FBI it is well aware that I am aware that this is not full compliance. I have specified some of the WFO records still withheld. I also gave the FBI leads in the event it did not easily find the withheld records. I have received no communication from anyone reporting the results of any searches.

Recently, as an affidavit filed in my C.A.78-0249 illustrates, there was certification that certain withheld information was of a "national security" nature and was required to be withheld. When I did the checking the FBI did not do I discovered that what appeared to be properly classifiable was in fact within the public domain and had been placed there by the FBI. This was not an exceptional situation. In fact it is fairly common. This is only the most recent - and as yet undisputed - proof.

I therefore ask that an adequate inquiry be made to determine whether the withheld information is within the public domain. While I do not pretend that I have any basis for certainty and recognize that there may have been a number of different reasons for the investigation as I think back over that period all that come to mind are public.

It is not impossible for the FBI to provide this information if I am correct. I say this on the basis of all I can recollect of that period with which either directly or indirectly, paranoidally or reasonably, anyone might have associated me. As long as those who regard this as properly classified do so I cannot ask that I be provided with what would not disclose what is withheld while permitting me to suggest what might show that in fact the material is within the public domain. However, I would like this and I do say that I would welcome it.

But I do not expect the FBI to want this any more than I would expect it to like having it be known that it withholds under security claim what its own redords show is public knowledge.

I have received a number of FBI records referring to my, in its words, "subversive background." In support of this I have found no record with any proof, for none exists, and much fabrication and special distortions to convey this false impression.

The manner of reference to another "[redacted] Weisberg" in this record as well as the association with a matter that the FBI claims must be withheld for "national security" is the kind of thing that over the years has contributed to the creation and wide distribution of such false paper among so many important people within the Government, whether or not elsewhere. It has been hurtful and I regard it as an authentic rather than a paranoidal subversive activity.

In this connection I remind you of what the Department's and the FBI's files establish, that I corrected false information about me as soon as I received it, asked repeatedly that I be provided with all records within my request on which compliance was long overdue and said I wanted to use my rights under PA. When this did not happen my counsel wrote both the Director and the Attorney General WITHOUT RESPONSE prior to the general JFK releases. And false and defamatory material was released by these means.

With this history I hope you do not regard suspicion as without any basis. I also hope you and the FBI, to which I am sending a copy, can understand my desire to be able to face and file any necessary responses to such records.

Records such as this are an advancement over McCarthyism. They are of guilt by non-association.

From its own not inconsiderable interests the FBI had no need to cite Dies committee references to the Daily Worker. That it made this kind of reference is not by any means indicative of no invisible purpose.

If there is any way in which you believe I can help eliminate the question of whether the withheld information is within the public domain please let me know.

Harold Weisberg

Copy to Mr. Bresson