

Senator Charles McC. Mathias  
U.S. Senate  
Washington, D.C.

Rt. 12, Frederick, Md. 21701  
1/7/78

Dear Mac,

I've spent some time going over years of accumulation in the caller today. Among the items she found during the cleanup are the enclosed clippings and the letter I'd forgotten from the law firm then Arnold Fortas and Porter. I think these are relevant to the statement you were kind enough to have incorporated in the Intelligence committee's files pending the time I am able to exercise my rights under the Privacy Act.

In those days I had not known Fortas. I had known Porter slightly from the late 1930 and Arnold from when he was anti-trust chief and I gave them all my work on Nazi cartels. (This did include what neither DJ nor FBI developed and did lead to official actions, like vesting some prominent corporations.) The firm took the case without fee, asking full statements from all of us and assuring each that a single lie would cause them to drop representation. Also in the best tradition of the law each of the senior partners was active in the case, then the first of its kind. It was known as the case of The State Department Ten.

After all these years and particularly when all federal agencies continue to stonewall my FOIA and PA requests what is particularly gratifying to me is that when there was no need for a letter at all each of the senior partners plus the lawyer who then did most of the work signed this letter to me. And what I would like the committee's records to show until the time I am able to obtain all the records, that they refer to "vindication," as well as to what they term my calm and dignity.

State, NSA, CIA, DJ, FBI, Secret Service and FEI, to my knowledge, are in deliberate non-compliance. I mean by this that I have records establishing that they have and continue to withhold records. These successors to the pre-McCarthy authoritarians make Shylock into a compassionate surgeon, healing rather than taking flesh. Add Civil Service to this list.

One of the clippings refers to the writing of the late Bert Andrews in the then New York Herald Tribune. He was assigned to the story by Mrs. Reid. The story quoted even Hoover in exculpation. Naturally the records provided by State and other agencies do not include this story. I am not clear on whether Andrews became a Pulitzer over this story or one he wrote the year before, but he did win the prize. If your staff can get a copy from the Library of Congress I would appreciate it. I do not have the exact date but it is close to those of these clippings.

With all my experiences the people of today are incredible. I hope you will not regard it as extreme but I do believe they represent a greater threat to any concept of free and representative society than any foreign nation today. They are all above the law. They violate the law. They are immune and anticipate immunity in perpetuity. They give Presidents fabrications (I have the proof as it relates to me) and they twist and distort into evil what is innocent. They lie to each other as they have to me. Within the agencies they practise deception to contrive violation of the law, as the CIA records I have illustrate. It lied to its general counsel so he would write me a false letter and I happened to get their internal record on this. Since then they have fallen silent, responding to nothing and providing nothing. They withheld records they had started to deliver and have given to others. The FBI did not like my writing. It actually schemed to "stop" me, their work. Their plan was to have an agent file a civil suit against me. But for all their power they did not dare. (This was during your House career, at a time I would not believe your suspicions along these lines.)

If I thought for a moment that these self-perpetuating authoritarians had any more respect for a Senator than they do for law I'd ask you to intercede, to ask them to comply with my FOIA/PA requests. All have failed to act on my appeals. I do mean all. Until I can sue there is nothing else I can do. If you have either interest or doubt my lawyer is Jim Meszar. He has an office in his home, where he usually spends mornings, 484-6023, and in the Christian Science Building, 223-5587. (His father is an eminence of the law - author of texts, former dean of law at Washington University, St. Louis, and more recently established the law school at the University of Illinois at Urbana-Champaign for those of that state of less means and living in that area.)

Of course until I have all the records I have no real rights under the Privacy Act. You and your colleagues can enact until the ink runs dry on the government's presses - the authoritarians can nullify your enactments, as they have by these means. And those who do are not about to prosecute themselves.

As best I can read the official mind there are two major reasons for singling me out for worse than the usual bad treatment. One is that my record is good, not bad, and what dirty things they did are embarrassing to them even today. The other is that they are trying to run the clock on me in an effort to undermine my work. There is no other way they can do it. My work stacks - even my very earliest, what you read in manuscript in ~~1965~~ 1965. They cannot abide this. Nor can they either my determination to make our institutions work or my dedication to them. These really are the corrupters of our institutions. Of course they conceive high purpose in what I regard as authentic subversion of the most dangerous kind.

They can run the clock on me, too. I do not know how much time I have. In addition to the permanent damage from thrombophlebitis for which I was hospitalized in 1975 this year arterial obstruction and hardening of the arteries has been diagnosed, with angina uncertain and the risks of the tests to determine whether or not there is more and the extent of these not justified in the opinion of the doctors.

They have so tied me up in my FOIA cases that I cannot get to writing. And they continue to get away with such practices because neither the judges nor the Congressional committees is willing to confront the realities of the contempt of both the Congress and the courts by the executive agencies.

I can drive my car safely but in several years I have not driven much farther than the Greyhound station, no farther than Herman Brust's. It is unwise to keep my legs pendant any longer. So I go to Washington only when I must and then by bus if there is no one with whom I can go by car and not keep my legs down. The bus schedule is poor and I must return on the one at 2 p.m. to be certain of a seat. I may not stand long. However, my work on the King assassination has greatly exceeded my expectations. It is a story of which I would like to make you aware if and when you have time, particularly if you are around here. I can do it enough to let you know the actualities in a few minutes. It comes from a greater volume of records than was just released in the JFK case.

On JFK, the Post's story on my request for a temporary injunction, the word the Post omitted, is not accurate and I am not seeking to prevent any releases. At least half of the admitted requests are mine going back to 1968. The Star story of the Xmas weekend used quotes out of context, with omissions not indicated, and in some cases inaccurately.

Hope you all have a good year.

Sincerely,

Harold Weisberg

ARNOLD, FORTAS & PORTER  
1200 EIGHTEENTH STREET, N. W.  
WASHINGTON 6, D. C.

November 28, 1947

TELEPHONE  
DISTRICT 3281

THURMAN ARNOLD  
ABE FORTAS  
PAUL A. PORTER  
WALTON HAMILTON  
MILTON V. FREEMAN  
NORMAN DIAMOND  
REED MILLER  
J. NIKOLIC

Dear Mr. Weisberg:

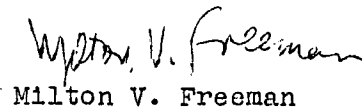
We want you to know how deeply we appreciate your kind and generous gesture in sending us a gift and the warm sentiments which accompanied it. You know it was a pleasure to be of service to you and your own calmness and dignity under the most adverse circumstances were in no small measure responsible for your ultimate vindication.

Sincerely,

  
Thurman Arnold

  
Abe Fortas

  
Paul A. Porter

  
Milton V. Freeman

Mr. Harold Weisberg  
2322 N. Nottingham  
Arlington, Virginia

# Matter Of Fact

By Joseph And Stewart Alsop

## The Case Of The Ten

THE SPOTLIGHT of attention may soon shift to one of the most complex and dangerous issues facing the American Government today—the issue of total security as against the civil rights of the individual. This will happen if, as now seems possible, a number of the 10 employes of the State Department, dismissed on grounds of “disloyalty” a few weeks ago, decide publicly to challenge the department on the issue.

These 10 people, none of them of top policy-making rank, and most of them well down the bureaucratic ladder, all received on the afternoon of June 26 the same mimeographed communication. They were curtly notified that, pursuant to the McCarran amendment to the State Department appropriation, which provided for the summary dismissal of any employes suspected of disloyalty, their services were terminated “with prejudice” as of that afternoon. Their names were not published. But a State Department press release announced their dismissals, and accused them of “indirect association with representatives of a foreign power.” In the public mind, they were identified, however anonymously, as something close to traitors.

Most of the 10 immediately inquired of their superiors as to the cause of their dismissal, asking for the evidence on which it was based. This was not forthcoming. It was at first made apparent that there could be no appeal from the decision. Since then, in response to pressure both from inside and outside the department, a three-man loyalty board to review these and subsequent cases has been established.

TWO OR THREE of the 10 no doubt had very clear ideas of why they were dismissed. But unless some singularly masterful deception is under way, most of the others are sincerely mystified by the whole affair. One man, for example, can explain why the ax fell on him only in terms of the fact that he attended a few left-wing meetings in college days, out of curiosity. Another was the friend of a friend of a man who had fought with the Loyalists in the Spanish Civil War. Another somehow got on the mailing list of a left-wing bookstore. One man had once served as a technician on the staff of a professor known to be well to the left of center. And so on.

The suspicion inevitably arises that certain subordinate officials of the State Department, harking to congressional cries for Communist blood, decided that a respectable number of heads must be served up on a platter. This theory gains plausibility from the fact that at least two of the purgees were already on terminal leave from the department, and were recalled only for the purpose of dismissing them.

Since these two individuals were not expected to return to work in the department under any circumstances, it is certainly possible that they were dismissed only to add to the department's box score.

No doubt it was assumed that the fact that no names were published would protect those dismissed. However, it has not worked out that way. In the first place, their fellow employes of course knew why they left the department so suddenly, and Washington is more addicted to gossip than Hog Corners. In the second place, employers have a habit of asking for references, and for reasons for leaving former employment. This fact has already stood between at least one of the 10 and a desirable position. Even those who have found new jobs live in constant fear of losing them if their employers discover why they left the State Department. A number of the 10 have been unable to find jobs, and are reported living on the charity of friends and sympathizers.

SOME OF THE ten purgees are doing what they can to get themselves reinstated, so that they may resign honorably. Failing that, there is at least a fair chance that one or two may decide to become the Dreyfuses in the case, and appeal directly to public opinion through the Civil Liberties Union. Such a public airing of the whole matter might indeed serve a useful purpose. For the issue involved is one of the gravest with which the American Government is faced.

After the Canadian espionage case, which proved beyond any doubt that the Soviet Union used members of the Communist Party as espionage agents against their native country, the State Department would be plain fatuous not to exclude rigorously any person believed to be pro-Communist. But an ideological attitude is something virtually impossible to prove by any known rules of evidence.

Therefore the Government must have some means of ridding itself of those who may only be suspected on reasonably solid grounds of pro-communism. Yet, as the case of the 10 seems clearly to indicate, this may work the harshest kind of injustice on individual Government employes. It is a kind of injustice, moreover, which strikes very close to the heart of American civil liberties. One proposal is that those against whom some valid grounds for suspicion exist should merely be allowed honorably to resign from Government service. At any rate, some reasonable solution must be found. If every independent-minded man in the Government is to be haunted by fears of J. Edgar Hoover's eager hawkshaws lurking under his desk, the already too evident trend toward Government-by-drones is sure to be vastly accelerated.

## Robinson Quits As State Dept. Controls Chief

By the United Press

Hamilton Robinson, storm center of criticism for his part in the State Department's loyalty program, has resigned as director of the department's Office of Controls, it was disclosed last night.

Robinson cleaned out his desk late yesterday as director of the office which frames regulations for security in Government departments and hears the appeals of persons who were dropped by the State Department as “poor security risks.”

State Department sources said Robinson's resignation, first submitted last November, was entirely voluntary. It was believed he would enter private law practice in Washington, where he now makes his home. He is a native New Yorker.

Sources close to Robinson said his resignation was prompted by the fact that his activities were under constant fire by congressional committees.

### Set Up Wartime Rules

They said the fact that Pulitzer prizes had been awarded recently to two Washington reporters for their revelations of the activities of the Office of Controls was not a factor in Robinson's resignation.

These sources said the 38-year-old executive wanted to resume private law practice in the Capital and would do so after a vacation in northern New York.

Robinson first came under fire as the chairman of the four-man security advisory board of the State-War-Navy Air Force Coordinating Committee. It wrote the minimum regulations—under a White House directive—to set up classified categories for information emanating from all executive departments and agencies.

These proposed regulations would give any executive agency the right to classify information as “top secret,” “secret,” “confidential” or “restricted.”

### Reviewed Loyalty Cases

During the war, these classifications were given only to such sensitive departments as State, War and Navy.

Robinson also has been criticized for his role in passing upon 10 State Department employes who were fired last year as bad security risks. He was a member of the review group which looked over their cases.

That review was the basis for a series of stories by Bert Andrews of the New York Herald Tribune, which won a Pulitzer prize this year.

Nat S. Finney of the Minneapolis Tribune also was awarded a Pulitzer prize for his part in publicizing a proposal to set up minimum security regulations throughout the Executive Department.