Mr. John Hartingh
FOIA/PA Unit, FBI
J. Edgar Hoover Bldg.
Washington, D.C.

Rt. 12, Frederick, Md. 21701
5/9/77

Dear Mr. Hartingh,

Jim Lesar told me of your conversation with him about my Silvershirt FOIA request. I appreciate your interest in this and offer to be helpful. Informality may well be helpful to both of us and save much time.

With regard to this particular request it was not very helpful to me. I began that way early in 1975. Jim and I were invited to meet with SAs Bresson, Gilty and Frazier. As we left I told SA Bresson of my interest in this subject and in retrieving what it still retained of my property from the FBI. His answer that there is no such thing as a verbal request under the Act was quite short. It is also contrary to the testimony of SA Smith in C.A. 75-1996.

This is one of the reasons I had trouble with the use of "inadvertent."

The FBI did return most of those records to me. I did expect the return of those it kept. With the passing of time I forgot about it. You may not be aware of it but those records related to a plot to overthrow the government. I am quite surprised to hear that the FBI would destroy such records while preserving much trivia. Especially because this was not FBI property.

I do want all the existing records, including those that relate to me. There was a considerable effort made to indict me on utterly false charges. Although the grand jury did indict David duBois Mayne and he copped a plea to two charges thereafter an FBI agent from the southwest asked me to make a statement as to Mayne's loyalty. I believe it was in connection with defense employment, in the atomic field.

So I look forward to receiving reports on the contents of my garbage. It was collected and examined, part of that particular adventure. One might say this has been determined and not inadvertently.

I would appreciate it if there were less unnecessary obliteration in the serials. There seems to be a new agent working on them. This can, I realize, create a problem where the agent is without background on the case or in what has been provided. Names not at all secret are still masked, like those of James C. Hardin and Blackie Austin. Serial 4394 illustrates what I believe is an improper masking. Aside from this that was all over the Memphis papers, as you should be able to imagine, complete with photographs of that cell-block being converted into a vault.

The continued obliteration of the names of special agents when they are notsecret is creating extra work for you and a problem we should want to avoid. The judge has already ruled against this, there are other and binding decisions on it and Director Kelley has written that this is improper in historical cases. I believe that letter is in the record. We have been patient on this, hoping there would be a change. Aside from the historical importance I have other interests in some cases, in no case to hassle them. This also is true of Hardin and some of the other inmates whose names are both public and masked.

Illustrative of another type of withholding about which I do have doubts is Serial 4306, the Judge Casey paragraph on page 2.

There are fairly frequent references to attachments that are not provided. In last weeks Sections there were references to memoranda and the memoranda were not included. While I have not complained, hoping these records would show up as later serials, what astounds me in last week's Sections impels me to call this to you attention. With records as much as five days after Ray's arrest the records relating to his arrest and to the

notification of Hq and the AG and the statement that was issued on his arrest and what relates to all of this are all missing.

Jim tells me that you may have discussed the field office searches. My prime interest is Memphis. Promises relating to Memphis have been made to us in court and in letters signed by the Director. I believe these are at best semantical but aside from the fact that my requests cover them there were these promises.

I will be writing about this. (No, not that you effed 'ing, as you've probably heard another says.) I also am consulted by reporters with some regularity. I would like to be as informative with them as possible and would like to keep the falsities to as close to a minimum as possible. While my belief that this is not opposed to the Bureau's interest is irrelevant, this is my belief.

So I do hope you can find time to pay closer attention to the withholdings, especially from the coming field office files. I would much prefer not to feel compelled to raise these kinds of questions in court.

With the Cointelpro files analysts who are not familiar with the facts of this particular case and what is not secret may make mistakes and withhold what ordinarily they would feel compelled to withhold, the names of informers. Some are public. Some figure in Memphis prosecutions, court records. There is one the Invaders decided to kill but none would do it. He figures in several prosecutions. Jensen and Sentor are not the only retirees. However, I believe that if you can persuade the MFO to inform you fully and truthfully there should be no problem here. I will not contest your right to withhold what is secret in this area but I do expect that there will not be any withholding of what is not secret. I know enough about this aspect of this subject to suggest that any other course may create still other problems.

If you want to discuss any of this I have a medical appointment in Washington at 10 a.m. this coming Friday. I should be able to get a good walk in and still be at your building at 11. Either way Jim can let me know. The time should coincide with the availability of added Sections.

Sincerely,

Harold Weisberg