Mr. Steven D. Tilley, chief
Access and FOIA Staff
National Archives at College Park
8601 Adelphi Road
College Park, MD 20740-6001

Harold Weisberg
7627 Old Receiver Rd.
Frederick, MD 21702
4/22/97

Dear Mr. Tilley,

Thanks for your yesterday's letter and the FBI records with it. They had all been disclosed to me in response to my FOIA lawsuits against the FBI and the Department. They are in fact a minor fraction of what was disclosed and that was disclosed is quite incomplete. The many appeals I filed under FOIA and PA were ignored.

With very few exceptions none of which now come to mind the FBI's records relating to me range from deliberately deceptive and misleading to outright lies. I did, many years ago, try to invoke the Privacy Act to get corrections filed. It was my understanding that when this is done the agencies are required under the law to also provide a copy of the denial or denials. Because it was not done there is immunity for all the defamations you will be distributing in response to requests as there was immunity for agency disclosures of them.

The FBI was well aware of the fact that I was never a Communist. It knew who was. It was also well aware of the fact that its references to me as fired by the State Department because I was some kind of a Communist was worse that merely false. The State official responsible was fired for it. State issued a public apology. The lawyers who represented me and others were a former Justice official who knew me then and was later a judge on the federal court of appeals, Thurman Arnold; a former FCC commissioner who also knew me, Paul Porter; and a man later a justice of the Supreme Court, Abe Fortas, until then a stranger to me. They all three wrote me praising me for my integrity and principle and stating that they were factors in my "exoneration." Moreover, that matter was written about with the truth being told by Bert Andrews, the Washington correspondent of the conservative Republican paper, the respected New York Herald Tribune. When Andrews put the series of articles he did in book form, he won the Pulitzer Prize. This illsutrates what I mean by the FBI's deliberate, its vicious distortions and lies. It is both.

Yet you are required to make its evil, its intended evil, available to all.

It is not possible to address, even to get all these dirty FBI records or the copies they distributed that can also be disclosed with immunity. However, I would like to invoke the rights I believe I have under the Privacy Act to have this statement of denial disclosed with any of those defamations that vary in their dishonesty but mostly are intendedly dishonest and defamatory. Then

those getting the lies and distortions will at least know that I deny them.

What you sent me also includes some of the records created when Lab Agent Lyndal Shaneyfelt proposed that the FBI sue me in his name for alleged libel. When I learned about that it was after the statute of limitations had run. Because that was a lie, I did not libel him but wrote accurately about his Commission testimony, I wrote him not only waiving the statue of limitations but also telling him I would pay his filing costs if he would sue me for libel. He did not respond and he did not, of course, file. He got his Brownie points and then decided not to sue based on what he and the FBI knew to begin with, that the suit would attract attention to my books. (That was after the FBI approved his proposal.)

The fact is that I put myself under oath and made myself subject to the penalties of perjury to state that the FBI had provided the court in my CA 75-226 with perjury. I did not do that with lawyer's pleadings, which were immune. The FBI's response, through its Department of Justice lawyers, was not a response at all. It was an admission that I told the truth, understated it! These are its exact words:

"In a sense, plaintiff (I was the plaintiff) could make such claims (sic) ad infinitim since he is perhaps more familiar with events surrounding the investigation of the ~~assassination~~ President Kennedy's assassination than anyone now employed by the FBI."

Not only does this admit that I could, as I later did, attribute further perjury to the FBI, without being charged myself—without refutation even attempted, this states that I knew more about the assassination and its investigation than anyone working for the FBI.

As those familiar with my writing knoew, it is severely critical of the FBI, among others, and it based entirely on the official evidence.

What Shaneyefelt did he did in secret, not to me. It is more than 30 years since my first book appeared and nobody about whom I was critical in it or in any of may subsequent books has written or phoned to complain that I was either unfair or inaccurate in what I wrote about him. Instead the FBI defamed me in secret and now does with immune disclosures.

If my reference to the Privacy Act is correct, I ask that you provide with each of those offically-contrived defamations this denial ~~of this~~ and this illustration of their deliberate dishonesty.

Sorry my typing cannot be any better. I'm 84 now and have many serious illnesses.

Sincerely,

Harold Weisberg