

Route 8, Frederick, Md. 21701  
5/16/73

Mr. John Shattuck  
American Civil Liberties Union  
22 E 40 St.,  
New York, N.Y. 10016

Dear Mr. Shattuck,

It was kind of you to take the time from a busy day to see me last week when I was in New York. This is the letter for which you then asked.

Federal interest in me, which I regard as improper, and interference with my right to privacy and my First Amendment rights go back to 1939-40 and seem in each case to be related to my writing. Some of what follows will be for background only. I will try to separate what I can now prove from suspicion, and I will try to indicate the proof that should be available where I do not have it in hand.

I do have proof of surveillance on my public appearances as a writer by the CIA.

My files for the period before World War II are boxed and are incomplete. I put them in storage when I entered the Army. Thereafter they were decimated when representatives of The Hollywood Ten, if you remember that case, came to me for help when they were before the old Dies Committee. What they borrowed and never returned included most of the research for a book on the Dies Committee. Edward Dmytryk is the one of the Ten who came to my home. With him was a man who had been on the Senate committee for which I had been an investigator and editor, the so-called Civil Liberties Committee.

When my work for this committee ended, as a result of my association with the late Gardner Jackson, Jackson and I were working on a project for one of the Marshall Foundations, one of Bob Marshall's, a study of the Dies Committee. I planned a book on it. Our work was quite open. My investigations could not have been less clandestine. I had three typists copying the Dies Committee's expense records in the office of the Clerk of the House of Representatives. This, in fact, seems to have been what saved Jackson and me from the entrapment that followed.

During this period, which began toward the end of 1939, the Dies group got a law passed that was aimed at us. I believe it is still on the law books. It is styled as something about interfering with the processes of a Congressional committee. An effort was made to indict Jackson and me under this law. This was the entrapment. One David Dubois Mayne had been fed to Jackson, who turned him over to me. Mayne gave me his files. He had actually been the Washington representative of one of the early native fascist outfits, the Silver Shirts. Included in these files were several things of interest. One part allegedly related to an association between Dies and the Silver Shirts. About these documents I had doubts, so I got Mayne to execute an affidavit certifying to their authenticity. Another part referred to a conspiracy to overthrow the government. This involved a fascist-minded Congressman, Thorkelson, the Silver Shirts and the man I think was then chairman of the Joint Chiefs of Staff or a similar position, General Malin Craig.

This was before the days of xeroxes. Before giving these files to the FBI, which I did, and fearing that the FBI would not return them all (it didn't), I let another writer, a specialist in such matters, John L. Spivack, make copies of the conspiracy pages. I think he used them in writing for some small, probably left-wing, magazine. He used to live in Buck's County, Pa., if these things interest you. I still have what the committee and the FBI didn't keep.

Despite my apprehensions, Congressman Frank Hook used the parts relating to Dies in a speech against the committee. Jackson and I were hauled before a grand jury. I was then a brash kid. When I saw the way things were going I fought with the prosecutors and took the grand jury away from them. At that is, the grand jury, refused to indict Jackson and me. I was able to force an indictment of Mayne, and I had the proof from the records of the

Clerk of the House that he was in Dies' pay when he executed what it later turned out were forgeries. Because he was in Dies pay and because I had gotten him to swear to the authenticity of the forgeries, Dies had to come to his rescue. He arranged a deal for a two year suspended sentence for his own agent. I believe this is the only conviction of such an agent.

Before skipping to the present, let me note several things, in the event they interest you or others. I have much more in my files on that entire affair and on the committee. One of the prosecutors wound up with so much respect for me that on the q.t. he gave me some of the grand jury minutes he said I could later use for my protection. I believe the committee has never published my testimony. The conditions under which they took it would not be credited in a navel. It was still too destructive of the committee.

Although I regard it as irrelevant to my rights, I have never been a Communist and Jackson was almost psychopathologically anti-Communist. He was a friend of Roger Baldwin and other, then in the ACLU.

After this I returned to writing. Having had no subsidy and gone into debt to do the work, I had to lay the Dies book aside for immediate income. Fear of this "past" limited the markets open to me. However, I was able to do what I think was the definitive work on Nazi cartels and all they entailed, including espionage. I worked closely with the anti-trust division of the Department of Justice, giving it the results of my work. The late Thurman Arnold was then its head. A Washington lawyer, Joe Borkin, may still remember part of this. This was before we were in World War II. Borkin was then an assistant to Arnold. I was also during this period what today would be called an unregistered agent of British intelligence. I gave it also what I developed about Nazi activities. My exposures of powerful corporations resulted in another secret House hearing where again my testimony was never published. This time it was the Patents committee. Although following my work some of these corporations were vested by the government, before that happened they were powerful enough to bring pressures to bear on the owner of the magazine for which I did most of this writing, Walter Annenberg, now Nixon's ambassador to England, and I was again unemployed. I then free-lanced, doing similar, anti-fascist writing until I became a soldier.

With this background, I wound up in O.S.S., which rehired me as a civilian after medical discharge from the Army. I was in the part of O.S.S. that was transferred to the State Department. And there, eventually, I was one of the ten who were the first fired under the McCarran rider, which required that no hearing be given, no reasons for firing being needed. This was, actually, a pogrom. All the others were ivory tower types. I organized us to fight back and arranged for the Arnold law firm to represent us, without fee. All three senior partners (the other two were Paul Porter and Abe Fortas) ~~initially~~ helped, but most of the work was done by Milton Freedman. We were rehired and allowed to resign, for those days a considerable victory. To this day, however, I have not received my back pay. We were never told our rights, I did not know they included back pay, and when I learned of it recently and started correspondence with the State Department about this, they became unresponsive. My letter of March 19, 1973, is unanswered.

Because our names were leaked to the old Washington Times-Herald, which made a big deal of it, employment was not easy. Finally I went to work as news and special-events director of Washington's good-music station, then managed by the man who had been the Annenberg editor for whom I had worked. Although my work there, as earlier everywhere, was more than satisfactory, it ended, abruptly, with the visit of an agent of the House UnAmerican committee. This man remembered his painful Annenberg experience, knew where his license came from, and became a Republican, later heading Eggheds for Eisenhower!

These experiences led me to become a farmer. Our poultry operation, which became world famous, was ruined by low-flying military helicopters, incredible as it may seem. This led to successful (and precedent) litigation against the military and my return to writing. I have just learned that the Air Force has some kind of secret file on me, not connected with this litigation. I have the code identification of this file and am seeking

it by orthodox means. If all of this seems a bit paranoid, it is all recorded in the regular and poultry press and court records. My wife and I, actually, were poultry celebrities. We won every prize in poultry, from raising to cooking.

Because of my investigative and intelligence experiences, although I was engaged in other writing when President Kennedy was assassinated, I turned to it. I wrote and finally had to publish myself the first book critical of the Warren Commission. There is wide misunderstanding of this and all my work on that assassination. I alone focus on the FBI and to a lesser degree, the CIA. I consider that I am the closest thing Earl Warren has to a defender and believe those unthinking friends of his with their three-monkeys approach may make him a villain in history. Neither my writing nor I seek to make right of wrong, fact of error. The Commission's Report is tragically wrong. But it belongs in a context that in my opinion no other writer has given it. The FBI and the CIA seem to be alone in understanding this. They have no trouble distinguishing between irresponsible speculation and chatter and solid investigation and analysis and writing that has stood the test of time. Moreover, it is my first book that says of Oswald's career that it can be explained only by casting him in an intelligence role. My subsequent writing and investigations, none secret to federal agencies, carries this forward. My second book lays a deliberate cover-up to federal agencies, explicitly in the title. My third says that a case can be made for an Oswald-CIA relationship, again explicitly in the title. My fourth takes one aspect of how the FBI in particular withheld essential evidence from the Commission (photographs) and by means of extensive facsimile reproduction of suppressed FBI reports documents this beyond question. My book on the King assassination, which again focuses on the FBI, includes the results of my first Freedom of Information suit against the Department of Justice. In it I prove perjury about the most essential evidence and its subornation and show how the evidence was manufactured and deliberately misrepresented, all by the FBI. You are aware of the case in which I recently prevailed before the court of appeals. It has the spooks climbing the walls. And as I told you, I am Ray's investigator and my investigations are the basis for his appeals, which have been written by Jim Lezar, a young lawyer working with Bud Fensterwald.

When Charles "Doc" Mathias, then a Congressman, read the manuscript of my first book in 1965 he tried to help me in various ways, in the Congress and with publication, and could not. I then did not credit his belief that when I walked out of a publisher's office a federal agent walked in. If I still do not believe this happened, there is less reason to consider it impossible and events soon showed that something like it was afoot. When nobody knew I was away or when I was in distant parts of the country, my wife would get thinly-disguised threats by phone. I also got them. I taped one, a 2:30 a.m. call in which the sound-track of the movie Shane was played to me. This required a bit of preparation. Not everyone has such a sound-track, such an appropriate one. On numerous occasions unidentified men were spotted in my audiences, taping what I said clandestinely when there was no apparent reason for not doing it openly. One of these occasions was a speech I made at the University of Minnesota at Minneapolis, in mid-May 1968. My topic was the integrity of our society. I dealt with such things as the interference with my mail and the subject of the assassinations. When I took a plane that night my baggage was intercepted. It wound up in a city to which that airline does not go. By the time I finally got it back, every piece of paper, even folders of matches, was missing. A brand new typewriter, so new it had the original ribbon in it, was fixed so it would not work. The case was unscratched but internal destruction was such it could not be an accident. Every major part of the frame was broken. Much the same happened to an also new tape recorder, which was fixed so that it did not record. These were two indispensable tools for the investigations I planned in New Orleans after that speech. A similar event occurred when I left Dallas later that year. In both cases the airline agents who returned my intercepted luggage told me they did not believe the accounts given them. I have no evidence bearing on who did these things, of course. Those who could have had an interest seem to be limited to federal agents. There are witnesses to the facts only.

Before I get to the cases where I do have evidence, let me explain some of this business with my mail. When we produced my second book, to save time when we got orders for both we addressed one, putting both in strong envelopes of the correct size, tied both together securely, and mailed them together. This was much less of a burden than making cardboard packages. In almost every case we got complaints that the unaddressed second package was not attached. I complained to the post office, was visited by an inspector named Cheesem, and he made an investigation. He reported finding not a single copy of the second book and no record of any one that had been separated or found. He also said that regulations require the saving and selling as scrap paper of all such unaddressed parcels of paper. However this was accomplished, and I think it would have been impossible except close to the mailing point or in Washington, it was a very successful harassment and for us a considerable cost and waste of time.

In early 1967, during the winter months, in January or February, when I was represented by an agent, he made a handshake deal with Dell for my OSWALD IN NEW ORLEANS, then almost completed. The time coincided with the first public attention to Jim Garrison. There was to have been a \$35,000 advance and the only grounds for rejection was libel. My work then published was best-selling. Dell thereafter reprinted my second book and at least a fourth, possibly and third and a fourth, reprint of my first book. The fourth was in April of that year. In early April I mailed the ribbon copy of the manuscript, some 600 bond pages, to the agent. About 10 days later he phoned to ask where the hell it was and to complain that we had \$35,000 riding on it. I gave him the number on the receipt for insurance. He phoned back to say that a check of all the New York area post offices disclosed it was not at any. He asked for a carbon and I was forced to send him the one I had for my Italian publisher, Feltrinelli. I mailed it registered and from a Washington post office to which I had never before been. After he got it and it became known that he got it, the ribbon copy was delivered to him. Ian McDonald, still in Washington and then correspondent for The Times of London, wanted to read the manuscript. From his office phone we phoned the agent and asked that he send the ribbon copy to Ian. When it failed to reach him in three weeks, Ian asked the post office in Washington for a check and I asked the agent to have one made in New York. The agent then told me that because of this history, when he mailed it he dropped it in a box he had never used before. He also mailed about eight other manuscripts at the same time and to that date none had been delivered. Three weeks later I received a package from the postmaster in Washington. It contained the ribbon copy, each page in perfect condition. There was a note explaining that it had been received in Washington without a wrapper and was being sent to an address discovered inside. Now it had been wrapped in strong kraft paper and then put inside a strong manila envelope. It is difficult to imagine that there could be such normal handling as to remove both wrappings and yet not damage a single one of the 600 sheets of paper. And the address to which it was sent included what was not inside. Or, the inside address was not the one used. I have pictures of this, the package and the note. If the agent is still an agent, I doubt he would testify. He'd never place another book, at least not with Dell. Ian would, I am sure. It is probably irrelevant, but disclosures since we met show that the correspondent of his companion paper, the Sunday Times, was wiretapped by the government. And Ian's then superior, now American editor in London, was apparently working on a book critical of United States policies.

Publishing can be so crooked what I will now report may also not be relevant. Dell did more than back out on the deal for OSWALD IN NEW ORLEANS. They cheated me out of what for me are large sums of money. I believe they crossed into mail fraud in some of it. That nothing happened in the four or five years a New York lawyer was supposed to be doing something about this is, I am sure, only coincidence. He was disbarred and was ashamed to tell me. Another lawyer is now making the effort. I did not learn of this until the week I saw you. One of the areas of crookedness is in the fighting of a completely spurious suit filed by a revanchist, fascist (take this literally) Cuban, the associate of the Watergaters. In writing Dell agreed to assume a third of the cost, a magazine that reprinted a chapter another third, and they were to charge a third to me. Dell took all the costs from royalties due me. Another has

to do with sales and the count on which royalties are based. In an affidavit filed to get this suit thrown out of court Dell swore to a sale greater than they ever accounted for in paying royalties. I also have a copy of the fourth reprint. To this day, and it is now more than five years later, Dell has never accounted for this printing.

The chapter that led to this spurious suit was reprinted by Saga. It is the one that says Oswald had intelligence functions. It deals with his Cuban connections. I carried this further in subsequent writings, two books published and another on which I am working.

In May of 1965, before I could get the first book printed, I had what I thought was a deal with The Saturday Evening Post. The editor wanted to deal with me through an agent. I then had none. He sent me first to Sterling Lord, who would not touch the subject, and then to Max Wilkinson. Wilkinson expressed excitement over this book and its possibilities and another, one on which I had been working that I'd laid aside to do this one. He said the second would make a movie. After Wilkinson read the manuscript, he phoned me to say he liked it and ask for a letter authorizing him to represent it. Within a short time he wrote to <sup>me</sup> there no longer was a deal with the Post. I enclose a copy. The reason given is fictitious. Not only was chapter use in mind when I put the book together - and several could stand entirely alone - but one was reprinted by Saga, without the change of a word. Shortly thereafter he returned the manuscript and lost his interest in the book with the movie potential. I enclose this letter also. He was a magazine editor, as was his late partner. And the book became a best-seller. At the time I figured this was merely another of the strange judgements I had gotten or of the odd experiences I had had. Not until E. Howard Hunt surfaced in what is called The Watergate did this make sense. Hunt had several cover addresses while he was still officially with the CIA. One of these is that of this agency. I have this from Who's Who and Contemporary Authors. He also gave as a Washington address a non-existent Washington office of this agency. I have traced that out and know it was another CIA cover address. He had a home, of course, and could have given that address. The CIA also has post office boxes, but he used none of these. I have all the relevant pages of Who's Who and of Contemporary Authors and a tracing of the Washington address. It also is part of the Watergate story, if it has not yet been published. As I told you, I plan to write about this and want no public use made unless and until necessary. I have no reluctance in telling you about it if you'd like to know. I think it relates to what may be more scandalous and more criminal than what has been published. What little investigation this requires can be accomplished, I think, by depositions or interrogatories. I know the names and enough of the pasts. One of the characters, aside from Hunt, has already been deposed in a current civil suit. He appears to be a pal of Nixon's, too.

About early 1968, I began to hear from a young man then a stranger who reported surveillance on my public appearances by him and for the CIA. His name is Russ Trunzo. He and his wife were here this past Saturday. He then reminded me that I have what I had forgotten when you and I spoke of this, more details in letters from him and tape recordings of our phone conversations. Russ has been and is now again a reporter. He was then working for Radio & TV Reports. Their surveillance for me was done for an as-yet unexposed CIA front calling itself Public Affairs Staff. When Russ began to get a belly full of this kind of thing he tape recorded a conversation between himself in Chicago and the national manager, Paul Ingersoll, in Washington. Russ transcribed this for me and I have the transcript. The conversation was on January 24, 1968. Russ said, "the C.I.A.'s old nemesis, Mr. Harold Weisberg, is coming to Chicago next Friday." Paul's response was, "Oh, what fun!" There was other conversation about me and my books, during which Paul said when asked if the CIA would be interested in surveillance, "I will tell them about it. It is quite likely that they will be. He seems to be bothering them." He amplified this to say that my fourth book, which I had been discussing to his knowledge, which is to say he knew by surveillance, "has all kinds of stuff in it." Russ said, "so I will keep an eye on Mr. Weisberg here" and Paul said, "Okay, and I will let them know." Russ then disclosed evidence of earlier surveillance on me, in an accurate account of what "he usually does."

So, Russ taped my public appearances, sent transcripts to the CIA through its Public Affairs Staff, and kept copies for me. He also has given me bills and checks in payment plus other transcripts on which the sums due are noted. I thus have the names of three people at Public Affairs Staff, the location of their bank account, samples of handwritings, and the post office box used as a return address. One envelope is an original. Public Affairs Staff has no phone listing.

With the appearance of my book on the King assassination, I phoned Ingersoll and taped that conversation, my end in the presence of Lesar. Ingersoll then said of me and the CIA what may be an exaggerated as the "old nerzsis" phrase, that I hold "the all-time track record" for their interest.

It may be no more than another coincidence, but going back to the Littauer & Wilkinson agency, there is a Littauer Foundation that was part of the National Student Association scandal. To the degree I can, I am trying to follow this through public sources.

In the earlier period of Radio & TV Reports work for CIA all transcripts were forwarded from the regional office to Ingersoll's predecessor in Washington. They were then picked up in person by an Ivy League type who had an attache case chained or handcuffed to his wrist!

There are other evidences of surveillance on me. I have no proof of tapping of my phone or bugging, but I do know my home has been entered in my absence, things have been moved from where they had been, and one of these involves the changing of the setting of the tape recorder I have kept attached to my phone (with the knowledge of the phone company and the local police) since that Shane threat. I can't think of paying for an electronic sweep. Among the tangible evidences of surveillance is an unguarded remark made by an Assistant United States Attorney in Washington to Fensterwald, whose name appears in my FOI suits and who made court appearances in two. This man quite accurately told Fensterwald when I had been to see him. The error was in saying that I had seen Fensterwald in person. I had not and had not gone to his office to see him. I went to see Lesar and did. My recollection is that it was to give him copies of FBI reports on two of the Cuban Watergate figures. If there was a tap on Fensterwald's phone or a bug in his office, it would not have disclosed my presence in the suite of offices. The most likely but not the only possible explanation is surveillance. I am aware that an accidental observation is possible.

Any of the activities mentioned above can be and I think were damaging to me and were illegal violations of my rights. My inquiries of the Justice Department and the CIA never got meaningful response. Attorney General Mitchell referred my reporting of unconfirmed FBI activities against me to Hooper, who to his death did not make even pro forma denial. It is more than two years since my FOI request of the CIA was made. It is unanswered. There is no CIA surveillance of any kind that is immune under 5 U.S.C. 552. My request was dated 4/12/71. I didn't even get the copy of Helms' speech for which I asked. My letter of 6/27/71, sent to Helms at Langley, was returned marked "addressee unknown", which seems improbable. When I took this into our local post office and asked why, the response, in writing to it, says very clearly that the post office has several addresses for the CIA and lists them. So, I demanded delivery of that letter, it was delivered, and under postmark of July 15, in an unidentified envelope, I received a copy of Mr. Helms speech. My FOI request remains unanswered. I believe this enables a filing under FOI to accompany a suit and I know of no proper basis for denial. If it is claimed that there was no surveillance, I have proof there was.

In an effort to do something to deter this kind of abuse, I filed or rather took to postal inspectors what they themselves described as clear cases of mail fraud. They selected the first, telling me that to avoid a charge of mail fraud certain dated evidence would have to be produced. I have heard nothing from the postal authorities since. This includes not responding to a number of letters. When my Senator made inquiries, he was lied to. On my own I have now obtained proof that this evidence did not exist. This was by mail and after you and I talked.

Here I am not alleging that the Post Office Department has had me under surveillance and thus denied me my rights, although such a case can be made out. Rather do I believe that it has denied me the protections of the law, done this in the interest of other federal agencies, and thereby has denied me of other rights. You can decide for yourself whether there is mail fraud. In Lesar's opinion there was. If the evidence was deficient, the post office never asked if I have any other and when I voluntarily supplied new evidence, they made neither comment nor response. This was in my book on the King assassination, which really zooms in on the FBI, Kleindienst and Ruckelshaus. The court of appeals decision does not go into it, but these parts on Kleindienst and Ruckelshaus were at least very embarrassing to the government. You may find an added context in a careful reading of Footnote 5 of that decision, along with the Williams affidavit, which is quoted. It amounts to an order to the judge below, who happens to be Sirica, to give me a full opportunity to develop perjury and its subornation on the hearing which is ordered. The perjury would be by the FBI, the subornation by the Department of Justice, when Ruckelshaus was chief of that division and Pat Gray was Deputy Attorney General. His name is on the court papers. If it is not perjury, it is the grossest and most deliberate misrepresentation to the court.

Leszar, by the way, has copies of everything. His address is 1231 4th St., SW, Washington 20024. You may want the various pleadings in this case for your FOI files. J. Edgar Hoover himself is part of my proof of perjury, on the central point of law-enforcement purpose.

As you know and as the postal inspector told me, it is the Department of Justice that decides whether to take a mail-fraud case to court. With regard to that department, there is no possible law-enforcement or even national-security interest in me.

I have taken the time to go somewhat over the five pages you asked for in an effort to be as informative as possible. My apologies for the extra time it takes.

Let me add one other thing: in 1966 I sought help of the Washington ACLU in my quest for what the law describes as "public information". It did not provide this help. But on its own, apparently fearing that I might be the object of untoward federal interest, it did arrange for a member to represent me in anything of this sort that might eventuate. He was a Mr. Rockefeller, whose address was on about 20th St., NW

I do hope your project will find it possible to help me with this matter. Much has recently come to light to show that it is distressingly commonplace with writers and first-amendment rights. And I think there are several aspects for which I have not taken your time in which it would be unique and have better prospects on appeal. I do assume that if we prevailed in the courts below, the government would appeal.

Sincerely,

Harold Weisberg