

Harold Weisberg
Rt. 8, Frederick, Md. 21701
3/30/73

Dear Mr. Hirschkop,

Enclosed is a copy of the Court of Appeals Opinion in my suit against the FBI for withholding "public information." I will have the Government's Motion for reconsideration sent to you. I do not have a copy.

In the intensity of your life you have gotten confused about the purpose of my writing you. It was not about this suit, which I am glad interest you, for several reasons. It was to see if you would handle a suit for damages against the CIA. The CIA has conducted surveillance on me. I have pretty complete proof of it and can in addition produce witnesses, I think two, at least one of whom was part of this surveillance. One of these witnesses is available for certain. We now have a friendly relationship. He will be visiting me within the month. A third and unfriendly witness whose unfriendliness might be an asset is available in Washington. (I taped a phone conversation I initiated with him. In it he says I hold "the all-time track record" for CIA interest in my field.)

Despite the prohibition of the law and the assurances of Mr. Helms, I do have this proof that the CIA does spy on Americans inside the United States. They have a special subsidiary they have set up for this purpose. I have copies of bills to it, of the checks in payment, even an original envelope with the fake return address. And a couple of names, those on checks, bills, etc.

In addition, there is what I hope you will regard as a prima facie case of other CIA interference in my life and writing, but not unequivocal proof. Were this to be litigated in the near future, it could have the most sensational results. It involves Nixon's secret agent, E. Howard Hunt, who was then with the CIA. It goes back to 1965, when a deal I had set with the Saturday Evening Post was somehow killed by the literary agent to which the Post sent me. Some of this is in correspondence I still have. Hunt then had two "cover" addresses in the United States, both those of this literary agency. One was that of the agency itself, in New York. The other was one it didn't have, in Washington. In actuality, this fake Washington address was one used by the Mullen public-relations agency, which was simultaneously engaged in work for the CIA. My proofs on the addresses are irrefutable. So is the proof that the "reason" given for ending the deal was spurious. It was proven wrong within months and that proof also I have. This cost me an immediate \$10,000. There was other resultant damage, including what good would have been done to my first book by use in the Saturday Evening Post. What I do not have is proof that Hunt was the cause of this. However, addressing this and without taking depositions or filing interrogatories, his use of that address coincides with my being sent to it by the Saturday Evening Post. He then had, in addition to his home address, the CIA post office boxes that were available, so he had no need for these fake addresses except for proscribed CIA activity. And the content of that book was not pleasing to the CIA. In addition, that book was an exposure of the revanchist Cubans with whom Hunt had been and remains intimately friendly. The Mullen agency also served those kinds of Cubans for the CIA. I believe that Hunt really was the mysterious "Frank Bender" of the Bay of Pigs and that his assistant was Bernard Barker, who figures in the Watergate case with him. (Barker was also working for the FBI.) What might amuse you and might be useful, whether or not legal proof, is what Bill Buckley suppressed from his TV show with Hunt and then altered the printed transcript to hide. Hunt actually said on that show - and we have the unedited tape as well as the edited one - that his first recommendation was that we kill Castro, to coincide with the invasion.

I have no proof of any Hunt or CIA interference with my other books, including the fourth, which would have been the third if there had not been some kind of interference with it. Whatever happened cost me \$30,000. I did have a publishing agreement for that book, it carries the exposure of the CIA forward, including with exposure of its camps for training Cubans, and strange things happened to it. The manuscript was twice intercepted. I have some proofs on these interceptions. (I doubt the literary agent I then had would dare testify.)

My first book became a best seller, first as an "underground" book then in reprint. However, I have never been able to collect most of the money due me on it. Assuming that commercial dishonesty is common, for it to account for what happened it would have to be the rule, not the exception. It involves the reprinting publisher, Dell, and every major wholesaler who sold the book. Here I have urgent need for a New York lawyer, if you can refer me to one you can trust or if you would work with one. My proofs against Dell are substantial if not total. I got a lawyer in New York some years ago but he has done nothing despite saying that the case was beyond dispute. It includes contracts, copies of editions never accounted for, even affidavits by top Dell executives accounting for twice the sales on which royalties were paid and that as of a matter of but a couple of months after reprinting. Provable damages against Dell are at least \$25,000. Greater damage can reasonable be conjectured.

Mail fraud seems to be common with me and these books, paranoid as it may seem. The Post Office inspectors took one of several cases they said seem clear enough with regard to my fifth book and then fell silent. Mac Mathias has just asked them why they have not responded to my inquiries. When Mac was a Congressman and read my first book in manuscript he could not understand why no publisher would touch it. He made his own efforts, also unsuccessful. He then told me what I did not then believe and certainly can't prove, that as soon as I left whatever publishing house I approached, a federal agent entered. I must have approached a record-holding number of publishers. In no case was there an editorial rejection. I have extensive files on this, and there is no single rejection which contains any editorial criticism of any kind. I have a number of "raves", several including predictions of best-seller, yet these houses would not publish the book. A few of these letters are on the inside back cover of the first book. Crazy Dell didn't even edit reference to this non-publishing history out of their reprint.

What I am trying to say with the foregoing is that if it is not in and of itself proof of federal interference, it is a history of exceptional abnormality that may have meaning when added to the proof of improper CIA interest in me that I do have and the strange business of E. Howard Hunt and that literary agency. He maintained that connection throughout the entire period of my active writing on the Kennedy assassination. My source on this is Hunt himself - his own biographies in *Who's Who* and *Contemporary Authors*!

With regard to the Court of Appeals Opinion, if you want copies of the briefs and things like that, I can supply them. Jim Lesar drafted them. The full meaning of footnote 5 may be unclear without them. It amounts to a direction to Sirica to give me the opportunity to prove that the Department of Justice suborned the perjury of an FBI agent. L. Patrick Gray is the most recent proof of this perjury. Prior to that J. Edgar Hoover proved it. I also invite your attention to the end of Danaher's dissent, where he says I should be "Sorfended" from "further inquiry" and concludes, the caps his, *REQUIESCAT IN PACE*. Is not prior restraint by comparison a blessing?

By the way, I did make a request of the CIA under this same law, 5 U.S.C. 552, for copies of the CIA's spying on me. This is not exempt under the law. They have not responded to that inquiry, but I have proof that it was received. Only investigatory files compiled for a specific law-enforcement purpose are exempt and the CIA has no law-enforcement duties.

Sincerely,

Harold Weisberg

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March 26, 1973

Mr. Harold Weisberg
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Dear Mr. Weisberg:

I have just returned from the Orient and am about to depart for Texas on a rather serious felony case which may take some time. At any rate, I would appreciate it if you would send me the Court of Appeals Opinion and any motions filed by the Government for reconsideration. If you would like me to do something with regard to the Government's motion for reconsideration, please contact my secretary to effect an appointment as soon as possible.

If not, I would suggest that you send me the documents and we await any further action until the Court has decided on the Government's petition for reconsideration.

Very truly yours,



PHILIP J. HIRSCHKOP

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