

Mr. Quinlan J. Shea, Jr.
Director, FOIA/PA Appeals
Department of Justice
Washington, D.C. 20530

3/3/78

Dear Mr. Shea,

The promptness with which your letter of yesterday reached me will not make Lynne Zusman or Bill Schaffer happy. I had finally gotten to where I could begin the dictating I've been supposed to do and have really been struggling to get to be able to do.

However, when you quote Joe Borkin I have to drop everything and give your letter prompt response. In fact, I guess I have to coin a phrase for the occasion: if he knows Joe Borkin maybe he can be judged by that rather than what he does and says - if he is an official.

Were you weeping on his shoulder or reviewing some of the supposedly non-existent records that I'm finally going to get?

(You might get some Brownie points and I think could do the country some good if you could sate out of some dusty files some of the records I gave DJ through Joe of his associate Hodges, particularly the patents registered to Jasco. They do relate to the present energy situation/crisis.)

I don't know how much Joe remembers. I have less trouble with four decades ago than with last week. But if he did not tell you he made an unregistered British agent out of me before the Nazi attack on the USSR then he did not confess all.

The timing above has a special point: I know the FBI is convinced I was and probably am some kind of dangerous red subversive but Joe knows what I was doing during the period of the Nazi-Soviet pact and the two are incompatible. Besides, I was researching a book on the Dixs UnAmerican Committee and was a friend of a guy Hoover had fired, now I hear a criminalist, Mike Fooner. (Ear specialist, I think, identification by some kind of ear-print.)

In those days I did do a fair amount of original work on Nazi cartels. I gave all of it to DJ. Only some of it duplicated what they had done. Where we were both onto the same things, as with Rohm & Haas, I got what they didn't have because I got a director to talk.

I'm anxious to get those kinds of records for other than personal reasons. I think they are of historical importance and can be of value to collegiate minds. I want to make them available. I have no other interest in them, not now. No time to do anything with them.

Rohm and Haas had a connection. He had been district attorney and has recently retired as Senator Hugh Scott. He was then a Congressman and on the Patents committee. They held a "hearing," in secret as it turned out. Fortunately, by then I'd had some experience with Martin Dies et al/ and with the FBI so I was able to take a few precautions. I knew one member of the committee and he was there. At the hearing I became friendly with another, one of my unknown fans. He read and liked my exposes. In the end the Nazi-befriending did not dare print the transcript. But they made it available to Rohm & Haas. The corporation excerpted it out of context and distributed it to key accounts. On the latter Joe was my source, so I know there were records and that they should still exist.

I believe that I mentioned the name of Walter Gallagher in connection with searches in old Criminal Division files. The last time I saw Walter was at that hearing. He was then in Brien McMahon's law firm and it represented Rohm & Haas.

In the end I prevailed. The corporation and its subsidiary "vesinous" products and Chemicals Corp., were vested as enemy property. This was the history of several other Nazi fronts I exposed.

Your mention of Joe and of the "New Deal" opens memory's floodgates. I did have much to ~~do~~ do with the Department in that era, in various capacities, including no formal one, and I would like very much to have the records to deposit with my more recent work.

One of the FOIA requests to which the FBI has never responded is for the records it withheld when it returned my Silver Shirt file to me.

The Dies gang set me up with the Washington representative of the Silver Shirts, David D. Mayne. He did forge a couple of pages out of an entire large carton of records. What was not forged related to a plot to overthrow FDR. It included an extremist Congressman named Thorkelson and the then chief of Staff, General Malin Craig. Not long after I gave the FBI these records the general retired.

The FBI also never returned the affidavit attesting to the authenticity of all the records I obtained from Mayne.

I have not been able to obtain any kind of record relating in any way to this, not from it and not from Criminal. Under considerable pressure from the Dies gang Criminal did try to indict me.

Shake them up and you can avoid an unnecessary lawsuit. I will sue if I do not get these records. They will have to include the false statement the FBI tried to get to me sign, a fake confession.

It is to avoid needless litigation, for which there may yet be an accounting I would not want to have to face were I in DJ, that I have spent as much time as I have in writing letters. It is not to bypass Jim Dezar. He stays much too busy and I cannot pay him. But he did tell me I should not be writing about what is before a court.

In the spirit of your letter and because he is right now in Mexico City and I can't consult him I call a factual error in your letter to your attention.

Your office did review the King records C.A.75-1996. It will give me no particular joy to clobber you over it. But the unthinking attitude I face and what I presume is a still permeating fear of the FBI is going to give me no choice. If the FBI flashed some of its fabrications and distortions relating to me I suppose that also had some influence.

I don't know how much internal communication there is in your bureaucracy but what follows is what you would have known if you had not been unavailable the first time Jim took me to Lynne Zusman's office.

Such of what your office approved to be withheld is public domain. It remains withheld despite my providing copies of the proofs. From newspaper stories to books, including my book on the King assassination. Even the contents of the phone book for New Orleans. Among the proofs I provided were copies of those pages from my book and the phone book. But to date only one page has been replaced - the withholding of the name of an FBI agent from a ~~news~~ news story. If Jim had not ridiculed John Dugan over this in court I doubt that even it would be the exception. These are not exaggerated illustrations, believe me.

This kind of thing is not limited to FBI records, either.

If your concern is about complaints from Jim over your writing directly, don't worry about that. But I do suggest that you worry about what you may be led to say that may not be accurate. Jim will get your letter when he returns. If I'm not snowed in, as I am right now, I'll be with him on the 7th, when we have a status call in C.A.75-1996. Whatever he agrees to assume that I also do. I do suggest, however, that even at this very late hour some informality and some official ear open to my words will save much time and

money if not also official embarrassment.

Jim and I are aware of problems on internal communication. We have even used some in court. As FOIA requests may get lost, as you say happened, so also do lawyers merely sit on records and not forward them. But neither gets around the formal decision not to comply with my requests. If you have not been informed, this also is in court records. If Hoover did not order it we have his written approval of it. Thus more than two dozen remain without compliance. I testified to this in September 1976 - without subsequent compliance. It is the list from which I testified that I told Ms. Robinson I would do what I could to help her. The list may well be incomplete.

While I readily admit that there are some requests, including some of my requests, that cannot be complied with in 10 days I disagree entirely and very strongly with your statement that it is impossible. What makes it impossible is a mind set against disclosure. Some of my requests were for a single record. Retrieving from files to meet such a request is no big deal.

As long as this attitude exists compliance will be a problem and a great cost. In my experience, which by now is pretty extensive, the attitude dominates all.

If the attitude ever changes I think that from my experience and Jim's we can be of help. Speaking for myself, I'm willing to take that time. As you say, any improvement is an improvement.

I won't be able to get to the celebration of the New Deal tomorrow. Nor to the smaller one of those of us who survive my Senate investigating experience on Sunday. I'd like to see how many retain that previous feeling of urgency in serving the nation's need so many of us felt during the Great Depression and the war years. And I'd like also to see some who were friends.

Our letters crossed or you'd know I thanked you for your Hiss-Rosenberg files initiative.

If any of this is not comprehensible I hope my wife will have time to read and correct it. We have a fresh 8 inches of snow and I can attack it for only brief periods. They have interrupted this response.

I do appreciate the time you took for explanation, even if the practice was not as well known to you as the policy that was not always followed. We'd both be better off if we could have begun this way.

Sincerely,

Harold Weisberg