

File with business reply

Senator Charles Mathias
U.S. Senate
Washington, D.C. 20510

8/10/79

Dear Mac,

In the strange way in which the supposedly reformed FBI works and files I have just obtained the enclosures from it in response to a subpoena limited to what is not mentioned in my letter to you, non-compliance with my FOIA requests relating to the investigation of the assassination of Dr. King. We are deposing FBI agents in C.A. 75-1996.

This FBI letter to you is misleading and deceptive in ways that cannot be accidental without total irresponsibility. In pretending that I had not appealed the denials of information the letter is also untruthful.

My first request was about this time of the year in 1975. When I received no response I did appeal, again without response. Since then I have renewed these appeals with some regularity and with copies of withheld records I obtain by other means as the FBI discloses its libels.

This FBI letter to you represents otherwise. By the time of that letter to you I had also addressed the FBI itself directly and with some vigor - again without any response and I assure you not even a verbal denial.

So you can have assurance of my truthfulness I am sending a copy of this letter to Quin Sims, who heads the Department's FOIA/PA appeals. As of my most recent information he now intends to try to do something about this particular appeal and had not been able to get from the FBI its copies of my FOIA requests to which I testified in C.A. 75-1996 almost three years ago. Some of the worst FOIA requests date to 1/1/68.

Until recently the FBI filed my FOIA requests under subversion of security classification, in a 100 file, which provides its own view of the reformed FBI mind.

There has been no further compliance since before I wrote you.

Since then Jim Sear wrote both Director Kelley and Attorney General Levi. Those appeals also were ignored, despite your letter and interest. So much for the FBI's regard for you as a Senator and on its oversight committee, if not also for the committee. As my lawyer in the FOIA cases Lear sought to enable me to exercise my rights under the Privacy Act prior to the FBI's wholesale distribution of its prefabrications, prevarications and assorted other deflections.

It now appears that the limited compliance I did obtain prior to writing you coincided with the FBI's preparations for making that stuff public in its general JFK releases, which were being processed prior to my receiving any copies in response to my PA request. Or, what I did get was only enough to cover the FBI in what it was pulling off, PA or no PA.

Best wishes to all,

Harold Weisberg

September 20, 1977

1 - Mr. Mintz
Office of
Congressional Affairs

Honorable Charles McC. Mathias, Jr.
United States Senate
Washington, D. C. 20510

FEDERAL GOVERNMENT

Dear Senator Mathias:

This is to acknowledge receipt by the FBI of your communication dated August 29, 1977, concerning the Freedom of Information-Privacy Acts (FOIPA) request of Mr. Harold Weisberg.

Please be advised, we have previously released documents to Mr. Weisberg pursuant to the provisions of the Freedom of Information-Privacy Acts.

No other determination can be made in the documents either released or withheld concerning Mr. Weisberg's FOIPA request prior to an administrative appeal.

Should Mr. Weisberg wish to file an administrative appeal, it will be incumbent upon him to contact the Deputy Attorney General, United States Department of Justice, Washington, D. C. 20530, (Attention: Privacy Appeal-Denial of Access).

As you requested, your enclosure is being returned herewith.

Your interest in this matter is appreciated.

ST-105 REC-79
Sincerely yours, 190-709-40

MAILED 10
SEP 21 1977
FBI

C. M. Kelley
Clarence M. Kelley
Director

23 SEP 29 1977

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Serv. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

Enclosure

SLW:slf
(6)
259
4 1977
9/27/77

20 OCT 1977

MAIL ROOM TELETYPE UNIT

new
W. J. ...
16958

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	
Adm. Serv.	_____
Crim. Inv.	_____
Fin. & Pers.	_____
Ident.	_____
Intell.	_____
Laboratory	_____
Legal Coun.	_____
Plan. & Insp.	_____
Rec. Mgmt.	_____
Spec. Inv.	_____
Tech. Serv.	_____
Training	_____
Public Affs. Off.	_____
Telephone Rm.	_____
Director's Sec'y	_____

United States Senate

in reply please refer to Report #

Respectfully referred to:
 Congressional Liaison Office,
 Federal Bureau of Investigation

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by

Please address reply to:
 Senate Select Committee on Intelligence
 Attn: Mr. Dean Evans
 Dirksen Senate Office Bldg.

Charles W. B. Arthur, Jr.
 U.S.S.

ENCLOSURE
 Form #2

31

EXP. PROC.
 32 AUG 30 1977

ST-105

C-29
 113-151-39

17 AUG 28 1977

[Handwritten signature]

299
 70 OCT 4 1977

Needle
 6956

R9486

JE

Rt. 12, Frederick, Md. 21701
8/15/77

Senator Charles Mathias
U.S. Senate
Washington, D.C. 20510

Dear Mac,

After very long effort I've finally obtained an instalment of the FBI's records on me. If you read my last letter you may recall I asked you if you had taken at face value what you and others on the Church committee had been spoon fed about those of us called "critics" of the Warren Commission. I have now read part of what you were given.

I am distressed that you would even appear to accept such vile stuff without even asking me about it. If it were not so Orwellian, so totally authoritarian and the practise of our own government I'd call it garbage. I knew the FBI would do this kind of thing and if I did not ask you for copies of what related to me, so that there could be a response in the committee's files, I know I asked Schweiker and Hart, neither of whom responded.

What I've gone through thus far is obviously incomplete for the period supposedly covered. Whether it is included, out of order, in what I am told is yet to be sent I have no way of knowing. I have passed the 11/8/66 memo to Marvin Watson for LBJ that your committee printed without names and the attached memo on me. If you have retained a copy, the bottom half of the first page and the first paragraph of the second are obliterated on the copy provided to me. No reason has been given me. No claim to exemption is specified here or elsewhere. This has become the standard FBI device to frustrate successful appeal. If I get a claim to all the exemptions involved it will be a major job just to go through all of this again. In itself that impedes my other work. They intend to stop it, as another memo you may not have says: "The danger seems considerable if he is not stopped now."

This was in connection with a scheme they had for having an agent sue me. I've recently deposed that authoritarian in an FOIA suit. When he made a reference to these records of which I then had no knowledge after the deposition was over, not to interfere with it, I told the AUSA and representative of the FBI Office of Legal Counsel that if he would sue I'd waive the statute of limitations. I later wrote this man the same thing, daring him to sue and put his reputation and his work on the line. He has not responded. I did not libel him. My work about him is accurate and faithful.

For all their power and their willingness to use it, witness scheming to break me with a spurious suit in the name of an agent, these people are like night-sneaks. They can do this kind of dirty work only in secrecy. I'll come to their actual fear of daylight in responding to the specifics not hidden in the 11/8/66 attachment.

The opening paragraph is factually inaccurate. This, too, is typical of the FBI I've come to know. The purpose of the inaccuracy is put-down. I'm only a chicken farmer. By then I had not been for years and their files also show this.

Next they have my Senate employment, again with the wrong dates, and my firing. This is attributed to "permitting certain information to leak to the press. Senator LaFollette stated that Weisberg had been dismissed for a breach of trust involving the release of confidential information to a newspaper and the Senator was quite certain the newspaper involved was the 'Daily Worker,' a former east coast communist newspaper."

Except that I was fired, which is not literally true, every word of this is false. I was not on the Senate payroll. I elected not to go back to the job from which I was detailed. I was the administrative assistant to the Administrator of the Farm Security Administration. I was then the committee's editor, custodian of the public record and nothing else. The committee held no secret hearings and I possessed no secrets to leak.

There also was no leak. The material was printed. You can get it from the Library

ENCLOSURE

of Congress. Henry Berger came across relevant records in the Mine Workers' records in which he was working last summer. It was a letter to John Lewis from Gardner "Pat" Jackson, a Lewis lobbyist and a close friend of mine. It reminded me of what I had forgotten, that a superior had told me to give proofs to a reporter. However, the record was public, the volume was being printed and it was not a secret hearing. One of my jobs was to make the galley proofs available to the press instead of transcripts because the corporate officials from whom we took testimony were permitted to correct their testimony.

(Henry said he had never seen so glowing endorsement of a young man ever. This included something else I'd forgotten, that I prepared testimony for the saving of the Wagner Act and it was solid testimony that was not rebutted. It was delivered by one of Lewis' top assistants. Remember, this is the 1930s.)

The reporter was not a Communist. He was an anti-Communist. It was not the Daily Worker. It was a labor news service. The man was the late Henry Lon, if you knew him when he and Henry Fleischer had the public-relations agency Henry now has.

The real reason LaFollete wanted to get rid of me ^{is} ~~is~~ that Jackson and I lobbied another appropriation for the subcommittee he wanted to die. He got along well enough on his father's reputation. He did not like to work and on the committee he did none. I prepared his first questioning at the first hearing, having to work around the clock for days to do it while he was living it up, not even showing up at the office. The most work he ever did was to read a briefing in advance of the hearing.

That investigation was of the migratory worker situation in California. Remember Steinbeck's Grapes of Wrath? Without me and that lobbying, which had to get around FDR and did, there never would have been that investigation. Should I be ashamed now? Or then? Was it wrong then? So the first time he had a complaint, however false it was, LaFollete got his vengeance in a way he could defend with his labor support.

Part of the next paragraph is obliterated in my copy. I'm certain it is as prejudicial and unfaithful as what remains, that I was one of 10 fired by the State Department, "because of suspicion of being a communist or having communist sympathies." As this does say, "He was later allowed to resign without prejudice," my emphasis. In fact I led the defense of the 10 of us and arranged for it. In later withdrawing its action, much to the chagrin of Hoover and the FBI, State apologized for it. The headline of the day, which should have been in the files your committee had, was "backed down." It was a ploy by the Neanderthals who had moved in and taken control over more than "security" under the McCarran Act, since held unconstitutional.

I think I wrote you after obtaining part of the State files only. When State asked the FBI for a name-check on me the FBI lied and said it had no files on me. The reason is apparent: these records cannot stand examination and they were not about to let them be examined in a loyalty hearing. That the FBI did lie is in the records I've just obtained from it, together with the high-level contortions to contrive a semantical by-pass. The deal they finally cooked up is a typical non sequitur - State had not asked them to investigate me.

My defense was pro bono by the law firm then headed by the late Judge Thurman Arnold. I had helped him when he was in charge of DJ anti-trust, with all my investigative reporting on Nazi cartels and the like. He or one of the other partners interested Mrs. Ogden Reid of the New York Herald Tribune, who assigned Bert Andrews to do a story. It is one of the many missing from the State file and the one I've just received. It included an interview with Hoover in which Hoover told him that there really was nothing against any of us and that if a couple had been his employees he'd have told us that we knew people we should be careful about. State was forced to "back down." We were virtually all Jews. Two were proteges of Margaret Head.

It has been many months since I wrote State about correcting the files it did let me have, far from all, under the Privacy Act. I still await a response and the rest of the files.

Next there is the real gem, "It is alleged that Weisberg held an annual celebration of the Russian "revolution. ...a picnic at his residence and was attended by 25 to 30 unknown people..."

The only times that many people were at the farm, not the home, was on the annual outing of the Jewish Welfare Board for Washington-area service personnel and their families. And it was not at the time of the Russian revolution, which was in November, but in September, after the high holy days. It was arranged by a rabbi we knew. You should remember the delight of kids in seeing eggs hatch, baby chicks, ducks and geese and other farm creatures. That is what it was. They had a picnic at our farm, no more.

In the FBI's own records rather than those they passed along the "alleged" is missing.

The actuality is that in those days, at the request of USIA, I had challenged the USSR to peaceful competition in poultry. Later State asked me to go there and show them how to raise better chickens. You may not recall it but I won first prize for the whole United States in the only dressed poultry competition ever held. You should remember my promotional work for the poultry industry.

I do not know what was masked in the copies provided me. I have FBI records that are less than full and much less than truthful about some, like their ganging up with the Dies committee in an attempt to frame me. To survive that monstrous business I had to take a grand jury away from the AUSA and then persuade it to indict the Dies agent. I think that has not happened since and I know of no earlier case. After he got ~~pesta~~ the crap the FBI had fed him as by my persistence alone he did, that AUSA, then third man in the Office of the U.S. Attorney in Washington and later chief war crimes prosecutor in Tokyo, had so much respect and so much concern for me that he gave me a transcript of the grand jury testimony. He told me the time might come when I might need it for my defense, given what he had seen. If he were not dead I would not be telling you this. While the transcript is not in my office I can locate it if you have any doubts. You know he risked his entire career in an effort to atone for what he had almost done to a kid, which is what I then was. The FBI had had two agents confine me, illegally, to pressure me into signing a false confession. I merely sat and refused. When they blinked they let me call my lawyer, partner in the law firm Drew Pearson arranged for Jackson's defense and mine. Jackson's friends, like Jean Acheson and others of that firm, who I met through Jackson, ran like hell when he asked them to be counsel. The union did not dare provide counsel because the whole frameup had as its added purpose getting the union movement.

The FBI has not given me the copy of the false confession it tried to pressure me and intimidate me into signing. However, it slipped up and gave me a record showing they had actually distributed it to FBI offices. I have a record referring to it. And so Dies had to cop a plea for his wretched minion.

The same man was also in on a real plot to throw Roosevelt out. I made the mistake of trusting the FBI with those records, believing they'd be returned. It was a shuddering thing. It involved the highest military personage. Now that I'm getting my records together for an archive for some years I've been trying to recapture these records for deposit, for students today and for the future. The Department of Justice has provided contemporaneous proof that the FBI lied to me over the disposition of them. The FBI claims to have destroyed them, meaning a copy they made. The Criminal Division returned them to the FBI after the alleged date of destruction. I await the next lie.

In the FBI records there is an allegation that I was a co-worker, put in a warmer way, with one suspected of involvement in the "Gregory" case. If my recollection is correct that was the case of a liberal ~~new~~ deal economist, Gregory Silvermaster. The masked reference seems to be that my boss when I worked for the government had been at a party with him. I knew my boss because the government put me to work under him. I do not know what he

politics were. I know he was a liberal. I know he praised me for a large research job I had done, to identify the prominent Communist labor leaders in one of the four Latin American areas into which the Division was divided. (So did the man with whom I was fired for whom I did it and another with whom I was fired who wanted me to do it for his area. Obviously this kind of information was essential for our diplomats.) The alleged "Gregory" man was driven out of the country as he was hounded from job to job. Last I heard of him he was in Canada, teaching past the age of retirement to make it. He had just published the first of a two-volume anti-Castro study.

I can only wonder what else was fabricated, what was obliterated from the poison sent to the White House, what exists in the records still withheld. I have never been a Communist. That I was a New Dealer appears like an epithet in the spooks' former secrets - when I was part of the New Deal government. That I am not even a party-line Democrat you should know very well. I doubt I have known a dozen Communists in my 64 years. I have known many more who could be called fascists.

Two aspects of this trouble me much. One is that you appear to have let yourself be influenced unilaterally well as you know me and my beliefs. That you would credit such stuff without even asking me and not respond when I raised the question with you. The other is that this reflects to me the capability of the FBI and others like it to intimidate the Congress while the Congress is actually investigating it and then. They show you what they can do to you and the Congress trembles. And it is a fact, these kinds of authoritarians have the means and the disposition to hurt those who oppose authoritarianism, which they represent. A political figure who has to run for re-election has something to think about.

In the records I have received there is a theme of reporting, critical of my faith in the Congress to clean up the mess the executive agencies and the Commission made in the JFK assassination. I do not have that faith today. As you may have seen I've been exposing the dishonesties of the House committee, which is updated McCarthyism to me in unjustified criticisms of the agencies. I guess the middle is a lonely place and that Wordsworth was correct about being in the forefront in an era of change. My first book, you may recall, asked for Congress to investigate. You spoke to Manny Celler about it in 1965. The FBI does not like that. These records show it.

In the records I have gone over I do not think there is a single page that is truthful and fair. Some of the contrivances, especially about the perfection of the Director when he made terrible mistakes, are sickening. They differ in degree only from what I have seen in captured files of enemy authoritarianism. What I am saying is that there is involved much more than the hurt to me. This represents a clear and present danger to the country and to a free system of society.

That hurt to me was the design is explicit. Prior to obtaining these records I had obtained others in an FOIA suit. They spell it out. This is now in a court record in a case in which the FBI is a defendant. They have not challenged it in any way. They cannot. It is their own record, their own words, the diktat of their dictator.

Perfection is not a human state, Mac. Now that my health is again impaired I am more inclined, especially when I go over records like these, to consider my own record. My record for accuracy is entirely untouched. I have no reason to be ashamed of my record for integrity. I do find, thanks to the FBI's entirely improper spying, that I was much too conservative at the beginning, much too generous in seeking justifications for wrongdoing.

When we last met I was recovering from pneumonia and pleurisy. Shortly thereafter I was hospitalized for acute thrombophlebitis. By then there had been permanent damage. I fear it has increased since. There now is an incompletely diagnosed arterial complication. I have undertaken an enormous job. I will do as much of it as I can as well as I can for whatever good it can do, whatever value it can have. I have arranged for a permanent archive of all my records. This includes the poison I am seeking from the government. I have waived all personal privacy rights in the archive. But I will rise to defend my reputation if it

is challenged. To date it has never been to my face. Only the kind of venom to which you and your colleagues have been subjected. To the degree it is possible for me to do it on paper I will correct this evil propaganda.

Widespread as non-compliance is I have obtained enough to provide a basis. This is a sample. In time perhaps there will be more. The CIA has not yet complied with my requests for the records on me, from 1971 they have not complied. They have given me a few pages, less than I had obtained elsewhere, and have been sitting on an appeal for years. I hope to be able to sue all these authoritarians.

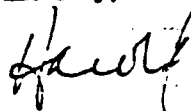
In one of the FOIA suits I took the witness stand last year to tick off cases of FBI perjury. I was not cross examined on this. No agent came to testify in his own defense. FBI counsel as well as the AUSA had a crack at cross-examining me and daring to try to pull some of the stuff you've been subjected to. The AUSA pooped out on the cross examination and the FBI lawyer remained silent.

I will not accept official perjury if I can do nothing about the willingness of the courts to tolerate it. I also will not be intimidated by these people. The wrong they do must be ended or the country is not safe. I fear the permanent harm to the nation from the wrong that has taken most of my recent years.

In the authentic sense of the abused word, not that given it by the Hoovers, the McCarthys, the Dieses and their kind, I consider myself a patriot and my work a patriotic endeavor. My work is not and never has been the pursuit of a whodunit. It addresses the functioning of the basic institutions of our society. When they malfunction we are all in danger and so, in my view, is representative society and any meaningful concept of freedom.

Whether or not you respond I do ask that if you have such stuff as I have cited in your files you keep a copy of this with it. If this can still be done with the records of the Church committee I would appreciate that.

Sincerely,



Harold Weisberg