



U. S. Department of Justice

Washington, DC 20530

MAR 14 1990

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, MD 21701

Re: Appeals No. 89-1077 & 1123
RLH:TJM

Dear Mr. Weisberg:

I am responding to your letters dated January 30 and February 23, 1990 regarding a release of documents pertaining to you by the FBI in June 1989.

After further investigation I have determined both why the documents were released to you at that time, as well as why disclosure of the information was made to other requesters and placed in the FBI reading room. As noted in your letter of February 23, your initial request for records pertaining to yourself was made to the FBI in 1975. As you know, at that time FOIA processing was in its infancy at the Bureau, law enforcement records having been exempt from the FOIA in their entireties prior to 1975.

Consequently, at the time of your original request, as far as can be determined now, some fifteen years later, the FBI was only processing main files, i.e., those files in which the subject of the FOIA request was carried as a named subject of the file. As a result of your letter dated September 23, 1988, to Emil Moschella, the Bureau determined that, over the years, it may not have located and processed all cross references, i.e. instances in which your name is indexed to a file of which you are not a subject. I have been assured by the FBI that it has now processed all references to you.

The references to you which were released to other requesters and are presently available to the public in the FBI FOIA reading room, were located in the files of the Nathan Gregory Silvermaster investigation, as the Bureau has previously informed you. These files were processed as a result of litigation brought by the Meeropol brothers in 1975, which presently remains pending under the name of Meeropol v. Meese, Civil No. 75-1121 (D.D.C.). As a result of a directive issued by then Deputy Attorney General Harold R. Tyler, Jr., recognizing the unparalleled historic interest in the trials of Julius and Ethel Rosenberg and associated espionage cases, the FBI has only withheld information pertaining to living third parties in these

files when the information is itself of a derogatory character. While this processing is unique to these particular files, in no way were you singled out for special treatment. As the material released to you should reflect, this procedure was uniformly implemented as to all individuals mentioned in the files.

Under the circumstances, I am reopening Appeal No. 89-1123 as an appeal of the information which was withheld from your cross references by the FBI. I do not however, find sufficient cause for reopening your past appeals for information pertaining to yourself. Finally, as I advised you previously, this Office can be of no assistance to you with regard to your complaint about the FBI's litigation-related disclosure to third parties of certain information pertaining to you.

Sincerely,



Richard L. Huff, Co-Director
Office of Information and Privacy