

IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, :
 :
 Appellant/Cross-Appellee :
 :
 v. : Case Nos. 82-1229, et al.
 :
 U.S. DEPARTMENT OF JUSTICE, :
 :
 Appellee/Cross-Appellant :

APPELLANT/CROSS-APPELLEE'S MOTION FOR
PERMISSION TO FILE A SUPPLEMENTAL BRIEF

Comes now the Appellant/Cross-Appellee, Mr. Harold Weisberg, and moves the Court for permission to file a supplemental brief concerning the issue of whether the Freedom of Information Act, 5 U.S.C. § 552, requires the FBI to search for records of third parties who have not waived their rights under the Privacy Act, 5 U.S.C. 552a, absent a showing of public interest in the information sought by the requester. In support of his motion, Weisberg represents to the Court as follows:

1. At oral argument, held on May 8, 1984, the Court asked a number of questions concerning this issue. Subsequently, on May 18, 1984, the Department of Justice moved for permission to clarify its views in a supplemental brief, citing the Court's extensive questioning at oral argument and the fact that the only court of appeals decision on this subject, Antonelli v. Department of Justice, 721 F.2d 615 (7th Cir. 1983), was not issued until

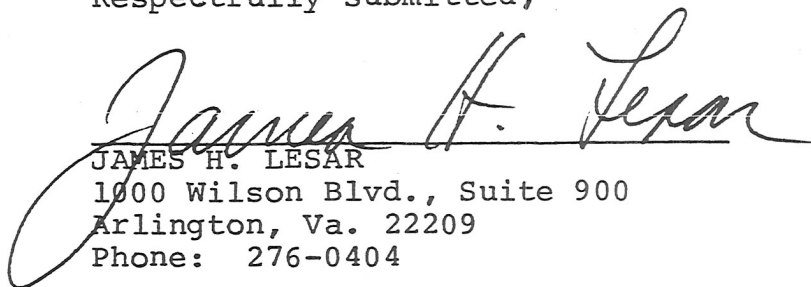
after the parties had filed their briefs on this point.

2. The Court granted the Department permission to file a supplemental brief on this question.

3. For the reasons cited by the Department, Weisberg should also be permitted to file a supplemental brief on this issue. Additionally, both in statements at oral argument and in its supplemental brief the Department has made errors and misrepresentations which require correction. (Weisberg sought and received permission to have a transcript of the oral argument made so he would be able to accurately cite it in his supplemental brief. He received that transcript on June 13, 1984.)

For the foregoing reasons, the Court should permit Weisberg to file a supplemental brief concerning the issue raised above. Copies of Weisberg's proposed supplemental brief are being lodged with the Clerk of the Court concurrently herewith.

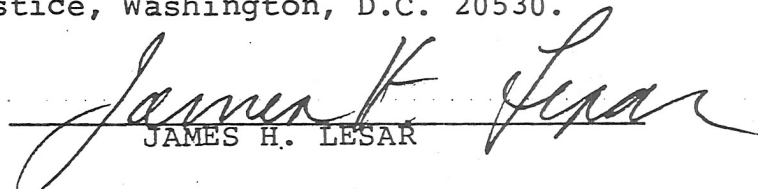
Respectfully submitted,


 JAMES H. LESAR
 1000 Wilson Blvd., Suite 900
 Arlington, Va. 22209
 Phone: 276-0404

Attorney for Weisberg

CERTIFICATE OF SERVICE

I hereby certify that I have this 19th day of June mailed a copy of the foregoing Appellant/Cross-Appellee's Motion for Permission to File a Supplemental Brief to Mr. John S. Koppel, Civil Division, Room 3633, U.S. Department of Justice, Washington, D.C. 20530.


 JAMES H. LESAR