Mr. Emil Moschella, chief
FOIPA Branch
FBIHQ
Washington, D.C. 20535

6/25/89

Dear Mr. Moschella,

Yesterday I received from you a file of about 1/2 inch of FBI records bound with a printed FOIA form identifying me as the subject of this compilation of releases to another person, with part of the printed form redacted (no claim to exemption noted) and a few additional pages bound with a typed page also identifying me as the subject, again of releass to another person or perhaps persons. This is the first time I can remember getting anything without an explanatory covering letter.

It is apparent, however, that these releases are of personal and defamatory information relating (me/to) and in overt violation of my rights under the Privacy Act. This action by the FBI is made more offensive, indeed, more indecent, by two obvious facts, among others: I have repeatedly invoked my rights under the Privacy Act and been denied them by both the FBI and the Department of Justice; and these records, previously withheld from me, without exception under my own requests beginning in 1975 under both FOIA and PA, have been the subject of repeated and persisting FBI lying, including under oath and to a federal judge.

It goes without saying that all my appeals were rebuffed when not, as was common, entirely ignored by that component euphemistically described as the "appeals" function but in reality is your combination rubber-stamp and whitewasher.

Nonetheless, if only to observe the form and preserve the few rights you permit to exist, by a copy of this letter I am also going through the to now meaningless motion of appealing both the disclosure to others of defamatory information contrived by the FBI to be more defamatory by what it discloses and what it withholds from these other persons and I presume to others if asked and the denial of this information to me for about a decade and a half, even when in fact I identified it to the FBI and on appeal.

My requests were first to FBIHQ and then to each and every field office. All the field offices whose records are included in these disclosures lied in saying they had no such records. If they did not provide copies to you, I can and will! But with all the lying by your component about these identical records, I presume you could not care less.

In the recent past I've reminded you often that you have more relevant CLICK magazine records not disclosed to me. You include one (61-7566-2497) that makes a liar also of the New York field office.

When I pointed out that I had lived and worked with the FBI and DJ in the Harlan conspiracy case, US v Mary Helen et al, neither agency complied and now, via 44-175 (which I take to be the main case file)-348 it is apparent that the Louisville field office also lied.

I told you I had reason to believe that information or misinformation relating to me

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was included in the "Gregory" or Silvermaster case and you denied it. Only to disclose some of it now, after all these years.

There are other such instances but I do not now address all of them. I state this to indicate to you that your branch and your agency has been thoroughly dishonest in this matter and to encourage you, after a decade and a half, to at least make an effort to comply with the laws and your obligations under them and to make at least a gesture at belated honesty.

Because I recall quite clearly that when they were not disclosed I asked for them, I cite as proof of this now obviously intended illegality and dishonesty, 121-10845-27. This states, indicating still additional deliberate lying by the Washington Field office, that I appeared there in what was only later known as the Mayne case and provided information. (Another pages retypes one of my statements.) This and the statements I signed as well as the one prepared for me to sign that I refused to sign remain withheld by both FBIHQ and the field office. I'm confident that there is a record relating what I refused to sign, why I refused to sign it, and why those SAs finally let me leave, which they had refused to do when I refused to sign a false statement. (One ststement is quoted directly on 121-1364-10.)

On the prejudice designed and intended in what you are now disclosing to others and for all these years withheld from me and what you withheld, you have disclosed false and self-serving stories attributed to the House UnAmericans and Robert Stripling but you continue to withhold the entirely opposite statements by J. Edgar Hoover that I have repeatedly requested on me and the State Department, when you disclose (while withholding what was previously disclosed within a record) a one-sided selection of records. The Hoover ststement to which I refer was made to the New York Herald-Tribune, then a major paper clipped religiously by the FBI, and was reprinted through syndication throughout the country, including by the Washington Post, which the Bureau also clipped religiously, particularly when the Director was mentioned. Not to mention that it waa Bureau practise to have someone like Cartha DeLoach present to prepare a memo on what the Director said, also not disclosed to me.

I clarify the preceding paragraph. You release the self-serving misrepresentation by Stripling and the UnAmericans while withholding what the FBI also has and was also published and it has in that form, the fact that the UnAmericans paid Mayne to execute those forgeries and thus, obviously, knew they were forged. (This is also in the grand jury transcripts because it was the result of my own investigating and I testified to it.) You also withhold what you certainly also clipped from the papers, that the No 1 UnAmerican, Martin Dies, copped a plea for Mayne, in open court. This is hardly what you want the other sequesters to know but it certainly is what normal concepts of honesty require.

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The Hoover statement to which I refer was made to Bert Andrews, who got a Pulitser, and it says the opposite of what the FBI seeks to lead these other persons to believe about the State Department firings. Likewise is it prejudicial to release those McCarthyite statements attributed to the Senate Appropriations Committee, saying it was going to hold a hearing, without disdosing the fact that there was nothing on which it could hold a hearing hence there was none. Ever. By any committee. (Maybe you did not file the decision on the McCarran Rider, but if you did, not dislosing it also is prejudicial because it was held to be unConstitutional. And should have been included in this filing.)

You say you now classify file numbers and seemingly have extended this to also include the published and well-known file classifications numbers (which I also appeal). Yet you now disclose records identifying me as involved in espionage, when that was and is false and as additionally defamatory.

You now disclose wiretap information relating to me whereas in CA 76-1996 you told Judge June Green the exact opposite, I believe under oath, that the FBI has no such information on me. The request was not for me as the subject of the wiretapping and I have received from others additional such intercepts relating to me and you denied having. Obviously, all such information ie within my all-component FOIPA requests and was and remains withheld under them.

Because this information relates to me, with my FOIPA rights violated, because it is a selective and intendedly prejudicial and defamatory disclosure, I herewith also request copies of the requests to which these disclosures relate, including the names of the requesters. (I do not anticipate that you would claim they have a right to privacy I do not have but maybe this is optimistic in light of the foregoing but I intend this as a new request. I think I should have a right to know who you are preparing to defame me.)

Now before you out this on the bottom of the stack, as you always have in the past, I want to make it a point I have on record that what we are dealing with is requests that began and were first appealed 15 years ago. I do not believe you have a backlog going back to 1975.

Sorry about my typing but it can't be any better, as you may remember from how I'm required to sit.

Sincerely,

Harold Weisberg

Although I have no reason to believe that the FBI is now any less impervious to fact or reason once a political/policy decision was made, I note the inconsistency between this the newest manifestation of its longtime effort to portray me as some kind of dangerous Communist when it knows I wrote all those articles -during the shibboleth period, as it was called - in opposition to the official communist position and when, in Mary Helen, I gave the Department, which paid me nothing for it, four months of diligent work, quite the opposite of my being anything like anti-government. And about Cong. Vito Marcantonio, for whom I never worked as a staffer, most of what the FBI disliked him for came to be national policy, sometimes law. But fact and reason are immaterial in the face of official predeterminations.

Office of FOIAPA Appeals
Department of Justice
Washington, D. C. 20530

6/25/89

FOIPA appeal

I intend the enclosed copy of my today's letter to the FBI to also be an appeal from withholdings going back 15 years in requests that old, all appealed and just about all ignored on appeal.

As I tell the FBI, this ought not, as is your usual practise, be given a new number and put on the bottom of your stack.

It has been the subject of repeated appeals going back some 15 years, as some of your staff ought recall because we even discussed these matters in person as well as in correspondence.

Sincerely,

Harold Weisberg