

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

1/4/90

Dear Mr. Moschella,

The records you sent under date of December 15, 1989, your No. 277,836, came when I was hospitalized, recovering from heart surgery. I remain weak from it, under medical restrictions limiting what I can do and am more limited in what I can do. However, I was able to skim them, I've made copies and provided them to Jim Lesar and I've asked him to look into the entire matter.

It is apparent and in fact, invited to deny it, you have failed to deny that you are now making available to others records relating to me that you and others in the FBI have consistently denied me for about 15 years - and this despite my many appeals to both the FBI and the stooges it has in what is euphemistically referred to as an appeals office.

The records just disclosed to someone else, copies to me, are selected by the FBI and are not by any means all such records in its files. This suggests what I've believed since first writing you about this more than six months ago, that the FBI is and has been contriving further defamation of me ~~by~~ misuse of the laws. To even the casual examination I made it is clear that these disclosed records refer to others that are not properly subject to withholding and are not provided to me.

As soon as I learned that I am the "subject" of the disclosures, which seems to be contrary to the position the FBI has taken in innumerable of my own FOIA suits and to the position the FBI has more recently taken in other such litigation, I wrote you and made a simple request relating to the nature and makers of these requests. That request was made last June. You've not responded since. I am confident that your backlog of such simple requests is not more than six months old. You sent me a form dated July 31, 1989 stating that you then were searching to comply with this request. It simply cannot have taken all that time to learn the simple answer and to comply with so simple a request.

It is not possible for me to now provide all the relevant correspondence but I do enclose for your convenience, with copies to Mr. Lesar for his, some of the relevant correspondence you and the FBI have ignored. I think it is enough to indicate that the FBI is not within the law, does not intend to be and in fact is quite dishonest in this matter, the dishonesty extending to those who act for the FBI. I remind you still again that neither you nor anyone acting for you has denied these allegations.

The FBI's referral to the Army that is the subject of my enclosed letter to it invokes my rights under the Privacy Act, to correct false statements. I was never a Communist and never told anyone I was. From the coverages it had the FBI should be well aware of this. I ask, under PA, that in any disclosure of this false and defamatory record the FBI makes my statement that it is false also be made. I understand this is the requirement of PA.

You also sent me a copy of 77-14177-27, of which the subject is the late ~~Charles~~ Charles Flato. He died several years ago after a respected career as a medical writer. This is to say that the b7C claims have no basis. I include this because I do not recall receiving any such record from the Washington office in response to my requests of it and all other field offices for records relating to me. This and innumerable other illustrations like it that I have provided the FBI, including you, personally over the years, makes a gross and deliberate lie of the penultimate sentence in your 12/15/89 mailing: "This release concludes the processing of all retrievable, identifiable information indexed in your name." This came to me over your name so I have absolutely no reluctance in saying that you lie and you know you lie. More, I don't have to make a search, which is not possible, to be able to remember quite a number of records the existence of which you have disclosed to me that are within my requests and remain withheld. Sincerely, Harold Weisberg