

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

7627 Old Receiver Road
Frederick, Md. 21701
2/16/90

Dear Mr. Moschella,

In the recent past I have raised questions about the FBI's integrity and of yours with regard to records relating to me that you have released, without my assent, to a third party whose identity you persist in withholding from me despite my request for it of last June. I also referred to what I understand to be my rights under the Privacy Act. I also raised questions of specific withholdings from me of records within my requests the existence of which is disclosed in FBI records that have been provided to me. Your sole response was that you were making my letters a matter of record. Whatever that may mean to the FBI and to you.

I now write to state my belief that in this undenied impropriety you have crossed the line and engaged in criminal activity under the Privacy Act. If I err in this I do solicit from you and the FBI a statement of wherein I err.

Jim Lesar, who is aware of my interest in Yuri Nosenko and of my repeated requests of the FBI and of you in particular has sent me a few Nosenko pages you disclosed to his client, Mark Allen, with your letter of February 5, 1990. In your letter you state that under both FOIA and the Privacy Act you may not disclose "information on the activities of a living individual" or "concerning an individual except upon the request by or with the written consent of the individual" except where the FBI's investigative interest is already a matter of public record. You also say that you may not even disclose or deny or confirm the existence of such FBI investigatory files.

It is my understanding that for you and the FBI to have done what I allege you have and you have not denied is a criminal Act under the Privacy Act and I cite your own words in support of my belief that you have done what that Act says is a crime.

Although I do not limit myself to your disclosure of records relating to me in the Gregory Silvermaster case, in which I was not a subject of FBI investigative interest, to this third person, with regard to my request relating to him you appear to also be in violation of FOIA. Not that violating FOIA is new to the FBI or, in my experience, to you.

When FOIA was amended in 1974 and the amendments became effective I filed a series of information requests of the FBI, including for all records relating to me. I got no response. When it appeared likely that the FBI would be making general disclosure of records relating to the investigation of the JFK assassination and could in it be disclosing records relating to me I had reason to believe would be defamatory, I asked Jim Lesar, who then represented me, to ask the FBI director to put me in a position to enjoy my rights under the Privacy Act. There was no response. He made the same request of the Attorney General, who also did not respond. For years I have been trying to get the FBI to disclose to me records I knew it had that are within these requests, proof of which I did provide with copies of the FBI's own records identifying the improperly withheld records. The FBI did not respond, did not comply, and this is your record when you assumed your present position. You just refuse to live within the laws, as an agency and personally.

What you disclosed to this third person from the Silvermaster records you have for all these many years refused to disclose to me. I refer to those pages relating to me. You have just disclosed your own and an incomplete selection of Mayne case records that were denied me, which I called to the FBI's attention several times and which I appealed on a number of occasions, with those numerous appeals also ignored. Including recently. The records you have disclosed make a lie of your statement to me that you have disclosed to me all records indexed to me. (I also have such records that you disclosed to others and have not yet disclosed to me. I believe this also is criminal under the Privacy Act.)

The fact is that when I saw some Silvermaster records the FBI disclosed years ago and from them had reason to believe that I would be included in them I made a specific request for those portions relating to me and the FBI lied and told me there are none. You have recently given me copies of the FBI's record establishing beyond question that the FBI did lie to me about it.

In C.A. 75-1996 my requests included any and all electronic surveillance records relating to me and the FBI lied to the appeals office, to the judge and to me in stating that I am not included within them. I am in the Silvermaster records and I am in others you have not provided but did disclose to those who have provided me with copies.

You have personal knowledge of my Nosenko information requests, about which I have written you many times and at some length. I do not remember now whether or not you assured me that you had provided me with all that may be disclosed but it is my best recollection that if you did not you did give that impression. Now I see in these few pages you disclosed to Mark Allen that you did have Nosenko records that are not immune and you withheld from me. Your cited letter is not clear to me in its reference to records previously disclosed to Allen but it can be taken to mean that you did disclose other Nosenko records to him. And not to me.

You and the FBI write ^{your} their own histories in these abuses and because what is involved relates to the assassination of a President it is a history that will live, the history in which you characterize the agency and its personnel.

Ask you once again, will you please comply with the laws - promptly- given the age of my violated requests.

Shame on you all, sir!

Harold Weisberg
Harold Weisberg

Although its records with me is that it is your official whitewasher, I am filing a copy as an appeal with OIP.