

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

8/9/89

Dear Mr. Moschella,

#318280

Your use of your Form 4-744 results in confusion, as did your failure to include a covering letter when you sent me the two small batches of records about which I wrote you, & note without your response to what I said in them in addition to making this request. I include the pages that cover each for your convenience.

Each states that I am the subject. The typed sheet alone identifies those pages as coming from the Gregory Silvermaster investigation. It has an asterisk note which states "pages not counted in cover letter - previously processed," but there is no asterisk in the text to indicate what this refers to. It is also confusing in indicating that "material concerning" me "is classified in three of these serials," "serials" here referring to "copies as released to other requesters." Whatever you mean you do say that three classified serials concerning me has been released to others but is withheld from me.

Your printed form that has no number on it identifies me as the subject and makes no reference to the nature of the request or its subject matter. Whatever the fact may be it says that I am the subject of that request.

I note that without any explanation you have redacted almost half of the printed "note" on this printed sheet.

I will appreciate your clearing all of this up.

I remind you again that I informed you on reading those disclosed pages that they include information relating to me that you did not disclose to me in response to my FOIPA request for all records relating to me and that they include wiretap records that you informed Judge Green in C.A. 75-1996 the FBI does not have. (All surveillance records are within my FOIPA request and the numerous ignored appeals I filed relating to it and are a separate item of the request litigated before Judge Green.)

I have obtained from others still other FBI disclosed records that include wiretap information relating to me that the FBI withheld and continues to withhold from me, pages responsive to both requests and pages disclosed to others without copies being sent to me.

You also did not respond when I asked how the FBI could disclose defamatory records relating to me to others while it went to the Supreme Court in the Reporters case to be able to withhold public information relating to such public persons types as top Mafia figures, and argued that under its interpretation of this decision in the current Mark Allen case that it must withhold the names of FBI agents that are well and publicly known to protect their privacy.

I'm 76 years old now and as you may recall I was in poor health and limited in what I could do when we met years ago. Since then I've had five operations, three serious and the other two with considerable risks, so I am even more limited in what I can do. So perhaps all I can accomplish in this is to make a record for whatever uses it may have in the future of first, your nonresponsiveness about it, second that you are releasing defamatory information about me that the FBI's file of what I wrote it makes clear is distorted, fabricated and in other ways also made to misrepresent and defame, and third that it was withheld from me in and out of court and despite my requests for it and many appeals because it was withheld. My obvious purpose in seeking this information is to be able to make a record of its misrepresentations, exaggerations, factual errors and other defects. Copies of those records are due me as a matter of right under the laws. Whatever accounts for your nonresponsiveness and the FBI's purposes in this, it is apparent that one purpose served is to make it impossible for me to counter its unhidden new effort to defame me. It has made prior distributions of defamatory information about me, including total fabrications of which I did learn, in some instances from your own records. You characterize the FBI in this.

Sincerely, Harold Weisberg

Harold Weisberg