



U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Washington, D.C. 20535

Subject of Request: Harold Weisberg

FOIPA No. 277,836 /190-

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, MD 21701

DEC 15 1989

Dear Mr. Weisberg:

Enclosed are copies of documents from FBI records. Excisions have been made to protect information exempt from disclosure pursuant to Title 5, United States Code, Section 552 and/or Section 552a. In addition, where excisions were made, the appropriate exempting subsections have been cited opposite the deletions. Where pages have been withheld in their entirety, a deleted page information sheet has been substituted showing the reason or basis for the deletion. The subsections cited for withholding information from the enclosed documents are marked below.

Section 552

Section 552a

(b) (1)

(b) (2)

(b) (3)

Rule 6(e) Federal Rules of
Criminal Procedure

(b) (4)

(b) (5)

(b) (6)

(b) (7) (A)

(b) (7) (B)

(b) (7) (C)

(b) (7) (D)

(b) (7) (E)

(b) (7) (F)

(b) (8)

(b) (9)

(d) (5)

(j) (2)

(k) (1)

(k) (2)

(k) (3)

(k) (4)

(k) (5)

(k) (6)

(k) (7)

(See Form 4-694a, enclosed, for an explanation of these exemptions.)

Pursuant to your request, 256 pages(s) were reviewed and 167 page(s) are being released.

During the review of material pertinent to the subject of your request, documents were located which

originated with another Government agency(ies).

These documents were referred to that agency(ies) for review and direct response to you.

contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

If you desire, you may appeal any denials contained herein. Appeals should be directed in writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D. C. 20530, within thirty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

See additional information which follows.

Sincerely yours,

Emil P. Moschella

Chief
Freedom of Information-
Privacy Acts Section
Records Management Division

Enclosures (3)

Harold Weisberg

Reference is made to our letter to you dated June 22, 1989, in which we informed you that another Government agency was reviewing their information contained in FBI documents. The Office of Personnel Management (OPM) has completed their review and returned the material to us for response.

OPM has requested that portions of their information be deleted pursuant to Title 5, United States Code, Section 552a, subsection (K)(5). See enclosed Form 4-694a for an explanation of the exemption. Two documents consisting of 8 pages are enclosed.

Some of the information withheld from disclosure because of other exemption claims may also be classified. In this regard, we have not claimed the classification exemption at this time. This procedure was utilized to avoid additional delay in responding to your request and did not result in any less information being made available to you. At our discretion, we may assert the classification exemption at a later date.

This release concludes the processing of all retrievable, identifiable information indexed to your name. Of course, we will be in contact with you concerning the other Government agencies consultations.

EXPLANATION OF EXEMPTIONS**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (b) (1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b) (2) related solely to the internal personnel rules and practices of an agency;
- (b) (3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b) (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b) (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b) (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life of physical safety of any individual;
- (b) (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b) (9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d) (5) information compiled in reasonable anticipation of a civil action proceeding;
- (j) (2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest;
- (k) (1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k) (2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k) (4) required by statute to be maintained and used solely as statistical records;
- (k) (5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence;
- (k) (6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.