

Folt

Mr. Allen D. McCreight, Chief
FOIA/PA Branch
FBI
Washington, D.C. 20535 FOIA APPEAL

Rt. 12, Frederick, Md. 21701
4/7/78

Dear Mr. McCreight,

As a courtesy I hope the FBI's behavior in my FOIA matters in time comes to deserve I am addressing this appeal to you. Expecting nothing of you I am filing a copy in the usual appeals channels.

Under date of April 4, 1978 you rejected my "request regarding Yuri Ivanovich Nosenko." (While my request did deal with Nosenko, yours is neither an accurate nor a justified description.) You did not refer to my request by its number and in your refusal you invoked the entire subsection b of the Privacy Act, "which prohibits the release of personal information concerning a living person without that individual's written consent." While I believe it is inapplicable to my request, which was not for personal information about Nosenko, I would like you to explain your release of "personal information concerning a living person," namely me, after I invoked the PA on several occasions prior to that release.

My request was of March 9, 1978. Under date of March 17, 1978 you assigned No. 62,749 and "advised" me "of our determination to comply with your request." Leaving no doubt about the apparent meaning you then stated "A search of our indices to our records will be made..."

To a large degree this request is covered by earlier FOIA requests I have made and with which the FBI is in determined non-compliance. To a large degree it is for information that has been made public by the government, including the FBI. It is for information the FBI has made available to another. Under these circumstances.

In fact it is for information that to a large degree was made available to more than one other by the FBI (as well as the CIA). One other is John Barron of Readers Digest, with which the FBI has long had a cozy relationship. This relationship was once described by Cartha DeLoach as one in which "We can do this without any attribution of the FBI." In that same memo Mr. DeLoach also stated that "we have in mind considering cooperating in the preparation of a book with . . . Readers Digest..." (There are other such records, indicating an on-going relationship, and not only with Readers Digest.)

You state your refusal or "decision is predicated upon a determination that there is insufficient public interest in the subject" to "require the release of personal records concerning Mr. Nosenko." I find this incredible with the amount of time, money and energy expended on a book, serialization in Readers Digest and coast-to-coast prime-time TV attention plus much other TV, radio and print-press attention. In addition the nature of the assault made in all these efforts against the FBI is in itself a matter of "great public interest." Can it be that the FBI regards as of no "public interest" the disclosure of its agent "Fedora" and the fate that might befall him? If this is the case how can you justify all the withholdings you have made in thousands of pages of records provided to me?

With regard to fees you state "we have determined that under reasonable standards the interests of the general public appear more likely to be served in the preservation of public funds." I would appreciate a copy of the provisions of any act or regulation in which this language or basis of determination appears.

But on the subject of the FBI's use of "public funds," which I find it difficult to believe you mean seriously with all the many thousands of pages of records I have read relating to how the FBI spends "public funds," there is a coincidence with the account just given to me by a college student who took her little brother on the usual FBI tour.

From every wall there beamed a photograph of the founding Director. ^{his}his, I take it, represents the FBI judgement on the best way to expend public funds, in photographs.

There is a special, good-sized room in which ^{his}his desk is preserved. It is all spoken of with awe by the tour guide. At a time when your records which I have disclose the lack of space for needed, ongoing functions are you telling me that "under reasonable standards the interests of the general public appears more likely to be served" with this use of space?

In the past the FBI has rewritten my requests (when it has not ignored them entirely). In this instances you appear to have again rewritten my request. However, because I made my request, not your revision of it, this appeal is from the actual rather than the mythical, your refusal of the request I did make.

Sincerely,

Harold Weisberg