



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

August 10, 1990

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

Dear Mr. Weisberg:

I am in receipt of your letters of February 15, February 23, and March 18, 1990, to Mr. Michael Shaheen, Office of Professional Responsibility, Department of Justice, along with the enclosures of Mr. Emil P. Moschella's letter to you of February 16, 1990, and Mr. Richard L. Huff's letter to you of March 14, 1990, which have been referred to me for reply.

I have reviewed your complaint alleging that the FBI has violated the criminal provisions of the Privacy Act by release of your name and documents relating to the Nathan Gregory Silvermaster (hereafter referred to as "Silvermaster") investigative files.

I can understand the basis for your complaint that your privacy had been violated by disclosure of your name and information which was contained in the "Silvermaster" files without the knowledge of the circumstances of how this occurred.

As a result of the litigation brought by the Meeropol brothers in 1975, which presently remains pending under the name Meeropol versus Meese, Civil Number 75-1121 (D.D.C.), former Deputy Attorney General Harold R. Tyler, Jr., in 1975, issued an order that the DOJ (FBI) was to release as much information on the Rosenberg case as possible, given its historical significance. As a result of this order, the FBI has only withheld the name of living third parties in these files when the information pertaining to them was derogatory. The court in the Meeropol case noted in its approval of the limited exemption 7 (c) withholdings by stating, "the FBI has been careful to withhold only that information which has nothing to do with the Rosenberg investigation and which is so personal or defamatory

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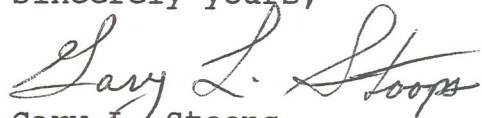
that its release would be acutely embarrassing to the persons involved The court noted that the FBI disclosed all of the information concerning 'third parties' that was publicly known or innocuous." Slip op. at 69-70.

The "Silvermaster" investigative files, which were a part of the Meeropol case, were processed under the same standards as the Rosenberg files. However, as pointed out to you in Mr. Huff's letter of March 14, 1990, the references to you which were released to other requesters and are presently available to the public in the FBI Freedom of Information/Privacy Acts Reading Room were located in the "Silvermaster" investigative files.

Although this processing is unique to these particular files, it was done pursuant to a specific order and through oversight and direction by the court and in no way were you singled out for special treatment. As the material released to you reflects, this procedure was uniformly implemented to all individuals mentioned in the "Silvermaster" files.

In view of the order and court oversight and direction provided to the FBI concerning this processing, I find no facts to support that the FBI violated the criminal provisions of the Privacy Act by the release of your name in the "Silvermaster" investigative files.

Sincerely yours,



Gary L. Stoops
Security Programs Manager
Information Security Branch
Information Management Division