

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

7/3/89

Dear Mr. Moschella,

I wrote you a week ago making a new FOIPA request after receiving from you two batches of records you said you had disclosed to others in response to requests in which, your form substituted for a letter states, I am the subject. I also filed a copy of that letter as an appeal renewing countless appeals that have been ignored for more than a decade from the withholding of records relating to me. In this letter I add to the new request, which was for the identification of those making such requests about me, and to the appeal. I am filing a copy of this letter as an amended appeal.

In today's mail I received a copy of the FBI's Response, undated in the copy sent me by the plaintiff in Stone et al v FBI, C.A. 87-1346 CRR, in which the FBI interprets, among other things, the Supreme Court's decision in U.S. Department of Justice v. Reporters Committee. According to your own representations to that court you did wrong, made a serious error, in disclosing those records relating to me to anyone else.

I add to the above-cited request a request for all information relating to the requests of which I am the subject, including all information relating to any and all such disclosures of information relating to me to anyone other than me and to me.

While violating my rights, as you have for so many years, your response in Stone lays great emphasis on the right to privacy and its meaning. You state that the Supreme Court took the "Reporters case" out of concern for 'values of personal privacy' that are threatened is FOIA is sued to force the wholesale disclosure of information about individuals from government files." You also state that the Supreme Court "held that 'privacy' under FOIA 'encompasses the individual's control of information concerning his or her person.'" This you say that court said, is at the very heart of the legal concept of privacy.

You also say that it is not the responsibility under FOIA for the government to collect old information for those engaged in research.

^{1/84} You state that there is to be disclosure under FOIA "only if it aids 'the citizens' right to be informed about 'what their government is up to.'" (Which seems to me to be an obvious consideration in your violation of your own interpretations of the Acts, what are you up to in disclosing a prejudicial selection of ancient records relating to me, some quite false?) It is at this point that you argue in Stone that the information he seeks "would not add to the public interest side of the balance, because it reveals little or nothing about an agency's own conduct," citing the Reporters decision.

This language certainly applies to what you have just disclosed to others, or at least just informed me about disclosing to others, much of which does not even relate to the FBI at all.

For most if not all of its existence the FBI had operated a massive vacuum cleaner with which it sucked up all kinds of information having nothing to do with any law enforcement purpose and selectively used and misused it, not uncommonly by leaking it to hurt others, those who for various reasons it did not like or approve of. My understanding of this Reporters decision is that you may not continue to do this and when you did it you violated the law and citizens' rights. Including mine.

I do not know how you can retrieve records disclosed improperly and be sure that no copies are retained but (and I include all such disclosures in my appeal) I think that your own interpretation of the Reporters decision is that you should not have made these disclosures and that you ought try to obtain the return of all copies, which I do ask. My appeal is also against any additional disclosures, even of duplicates.

P.S. Sorry about my typing but as you may recall, there is nothing I can do about it.

Sincerely, Harold Weisberg

