

Appeals

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January 24, 1978

FREEDOM OF INFORMATION APPEAL

Mr. Benjamin Civiletti
Deputy Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Mr. Civiletti:

As you know, I represent Mr. Harold Weisberg. The FBI's Baltimore and Washington, D.C. Field Offices have made a very limited response to Mr. Weisberg's Freedom of Information and Privacy Act request for all information in their records on or pertaining to him. Both offices are withholding records on Mr. Weisberg and the documents which they have thus far provided contain unjustifiable excisions. Mr. Weisberg hereby appeals both the excisions and the withholdings.

The January 13, 1978 letter from Nick Stames, Special Agent in Charge, Washington, D.C. Field Office, cites exemptions 1, 2, and 7 to the Freedom of Information Act. I ask that you inform me what law enforcement purpose was involved in the compilation of the withheld records and when any investigation for that purpose began and ended.

Mr. Stames also cites exemption 1, claiming that materials being withheld from Mr. Weisberg are currently and properly classified pursuant to Executive Order 11652. I ask that you inform me when these materials were classified, and by whom.

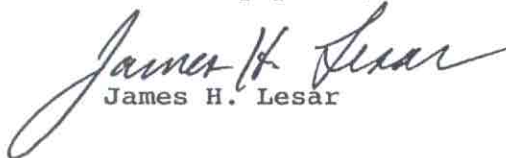
Mr. Stames' letter also asserts that materials are being withheld under the authority of 28 U.S.C. §552a (d) (5), as information compiled in reasonable anticipation of a civil action or proceeding. I ask that you identify the civil action or proceeding for which this information was compiled.

The letter from the Baltimore Field Office also cites exemption 7. I again ask that you inform me what law enforcement purpose was involved in the compilation of the withheld materials and when any investigation for that purpose began and ended.

Finally, I note that the Baltimore Field Office makes it explicit that it has provided only records which it believes were not

sent to FBI Headquarters in Washington and therefore not released to Mr. Weisberg by Headquarters. Mr. Weisberg's request is for all records on or pertaining to him, regardless of whether they may have been furnished to FBI Headquarters or another Field Office. All records in the Baltimore and Washington Field Offices should be furnished Mr. Weisberg even if Headquarters has them and has already given them to him.

Sincerely yours, .


James H. Lesar



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to
File No.*

Washington Field Office
Washington, D. C. 20535
January 13, 1978

James H. Lesar
Attorney at Law
910 Sixteenth Street, N. W.
Suite 600
Washington, D. C. 20006

Dear Mr. Lesar:

This is in response to your letter to this office, dated December 27, 1977, requesting records pertaining to Mr. Harold Weisberg.

Enclosed is a copy of a document from our files. Excisions have been made from this document and entire documents withheld in order to protect materials which are exempted from disclosure by the following subsections of Title 5, United States Code, Section 552 and Section 552a:

- 552 (b) (1) information which is currently and properly classified pursuant to Executive Order 11652 in the interest of the national defense or foreign policy
- 552 (b) (2) materials related solely to the internal rules and practices of the FBI
- 552 (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would:

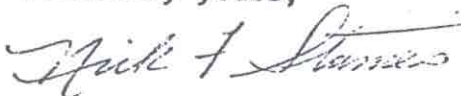
(c) constitute an unwarranted invasion of the personal privacy of another person

552a(d) (5) information compiled in reasonable anticipation of a civil action or proceeding.

Based on the information provided by Mr. Weisberg enclosed with your letter, there is no additional information in our files identifiable with him.

You have thirty days from receipt of this letter to appeal to the Attorney General from any denial contained herein. Appeals should be directed in writing to the Deputy Attorney General (Attention: Privacy Appeals Unit), Washington, D. C. 20530.

Sincerely yours,



Nick F. Stames
Special Agent in Charge



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

7142 Ambassador Road
Baltimore, Maryland 21207

January 16, 1978

In Reply, Please Refer to
File No. 190-18

Mr. James H. Lesar
Attorney At Law
910 Sixteenth Street
North West, Suite 600
Washington, D.C. 20006

RE: HAROLD WEISBERG
FREEDOM OF INFORMATION/
PRIVACY ACT REQUEST

Dear Mr. Lesar:

Enclosed herewith are documents from the files of the Baltimore Office which we believe were not sent to our headquarters in Washington and, therefore, not forwarded to you in the release from our headquarters. Excisions have been made from these documents and/or entire documents withheld in order to protect materials which are exempted from enclosure by the following sub sections of Title five, United States Code, Section 552;

(b) (2) materials related solely to the internal rules and practices of the Federal Bureau of Investigation, (FBI).

(b) (7) investigatory records compiled for law enforcement purposes, disclosure of which would; (C) constitute an unwarranted invasion of the personal property of another person; (D) reveal the identity of an individual who has furnished information to the FBI under confidential circumstances or reveal information furnished only by such a person and not apparently known to the public or otherwise accessible to the FBI by overt means and (F) endanger the life and physical safety of law enforcement personnel.

Enclosure (1)

BA 190-18

You have 30 days from receipt of this letter to appeal to the Deputy Attorney General from any denial contained therein. Appeals should be directed in writing to the Deputy Attorney General, (Attention: Office of Privacy and Information Appeals), Washington, D.C., 20530. The envelope and letter should be clearly marked, "Freedom of Information Appeal."

Very truly yours,

George T. Quinn
Special Agent in Charge

By: *G. Curtis Scarborough*
G. Curtis Scarborough
Supervisory Special Agent