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EMAIL ADDRESSES:

NIGHT EMERGENCY:

August 13, 2015

Via Certified Mail

Dennis J. Argall
FOIPA Public Liaison Officer
Federal Bureau of Investigation
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4483

RE: Request No 1203982-001 (Jeffrey Epstein)

Dear Mr. Argall:

On May 1, 2015, I sent a letter to you, which I have attached, to describe the history of my attempts to have the FBI provide FOIA mandated disclosures relating to the above-numbered request. To summarize, on April 25, 2013, following a finding that 5 U.S.C. § 552(b)(7)(A) was inapplicable as a basis to withhold all records of past investigations, the FBI reopened the above-numbered FOIA request and stated that it had started its processing and searching for responsive records. On June 24, 2013, on Mr. Epstein's behalf, the FBI was informed that we would pay the costs of copying. As of the date of my May 1 communication, despite the passage of two years, only one single batch of 372 pages (including redactions) had been received by Mr. Epstein. This letter is to supplement my prior communication. It has now been 27 ½ months since the FBI reopened the Epstein FOIA request and agreed it was required to search through the over 12,000 pages of FOIA-related materials. To date, Mr. Epstein has received just two "batches," the first the 372 page "batch" that was produced on December 16, 2014, and the second interim production numbering 336 pages 5 ½ months later on May 29, 2015.

When we spoke yesterday (August 12, 2015), I inquired as to when I could expect a third interim production. You informed me that the FBI reviewer assigned to the Epstein file had not commenced the processing of any additional materials in the 2 ½ months following the May 29 production and, further, that any such review was not currently scheduled and would not begin until, *at earliest*, October of 2015. Given the lengthy delay in commencing this review and

given the further foreseeable delay resulting from the past practice of sending the redacted documents for a second level FOIA review in Southern Florida by either the USAO or FBI, predictably it will take, *at the very minimum*, 5 ½ months from the prior production in May until a third “batch” would be provided (not the 60–90 days I had repeatedly been told was the ordinary delay between separate 500 page productions on large files such as Mr. Epstein’s). *At this pace – a production of 500 pages out of the still unprocessed 11,000 pages each 5 ½ months – the remaining 22 “batches” will not be produced for ten more years.* You also advised that the reviewer assigned to the request was processing other files and that, in essence, other than communicating with me (which you have done on a regular basis), you could not suggest a way to expedite the pace other than by my advising Mr. Epstein to relinquish his FOIA rights to the review of his entire file.

The FBI response to the above-numbered FOIA request has been utterly incompatible with the policy of President Obama who directed each agency to “act promptly” and make “timely disclosures of information.” The Attorney General in a memorandum for the heads of executive departments and agencies dated March 19, 2009 stressed that FOIA “professionals should be mindful of their obligation to work ‘in a spirit of cooperation’ with FOIA requesters,” that “unnecessary bureaucratic hurdles have no place in the ‘new era of open Government,’” and that “*timely disclosure of information is an essential component of transparency {and} long delays should not be viewed as an inevitable and insurmountable consequence of high demand.*” (emphasis added). The pace of disclosure where Mr. Epstein has received less than 1,000 of over 12,000 pages in 27 ½ months since the OIP required the FBI to process his FOIA request is in stark conflict with the mandates of the President and the Attorney General. More is required than for Mr. Epstein to simply wait, year after year, for the FBI to comply with its FOIA obligations.

I would request that the FBI agree to a procedure that expedites the production of the 12,000 page file. A citizen should not have to wait over a decade to have his FOIA rights vindicated. I would further request a conference with David Hardy, or if not him, with the specific individual who is responsible for discharging the FBI’s FOIA responsibilities.

Yours truly,

Martin G. Weinberg

cc: David Hardy, Section Chief