

May 4, 2015

Via Certified Mail

[REDACTED]
Office of Government Information Services (OGIS)
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

RE: Request No 1203982-001 (Jeffrey Epstein)

Dear [REDACTED]

In November 2012, I applied under the FOIA for relevant FBI files relating to my client, Jeffrey Epstein. The FBI declined to produce any such files. On April 25, 2013, following an administrative appeal, which found 5 U.S.C. § 552(b)(7)(A) 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. On August 8, 2014, I was informed that the FBI had sent the first batch of processed pages to its [REDACTED] field office to authorize their release, and on August 18, 2014, [REDACTED] informed me that the FBI had processed the first 500 pages, that 372 pages would be released, and that each successive 500 page batch would be processed on an average of every 60 days. On August 29, 2014, Mr. Argall informed me that he was in error on August 18, 2014, and that the [REDACTED] FBI had not approved the initial release. On September 16, 2014, [REDACTED] informed me that the [REDACTED] FBI had sent the first batch of processed documents to the United States Attorney's Office. We spoke again on October 16, 2014, when [REDACTED] informed me that the interim release had not yet cleared, and on October 21, 2014, [REDACTED] informed me that the delay was due to the FBI's decision to conduct a second review to determine the necessity of further redactions, a review that he predicted would take another 30 to 60 days. Finally, on December 16, 2014, the first batch of redacted reports were sent to my office with the expectation that every 60 (or maximum 90 days) there would be further productions i.e. we had a right to expect that no later than March 16, 2015, there would be a further production. When [REDACTED] and I spoke again, he

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said the production was schedule for April. We spoke again on May 1, 2015, when [REDACTED] [REDACTED] told me that the analysis was complete by FBI FOIA but it was in review in [REDACTED] and that he could not even promise that the review would result in the production in May. To date, I have received just 372 pages of the approximately 12,000 page file in the two year period after the FBI was directed to process the FOIA request (and 2 ½ years from the FOIA request in November 2012), and we are approaching the fifth month after the initial production without a second batch. At 500 pages each five months (rather than two or three), the 12,000 page production will, at the current pace, not be complete for 10 years (twenty-four 500 page productions taking five months for each production) i.e. until December 2024. These past and projected delays are not consistent at all with the purposes of the FOIA or the expectation of citizens seeking redacted productions of their FBI file.

I would request your assistance in generating a reliable and trustworthy schedule with the FBI where each successive batch of 500 pages is processed by FBI FOIA every 60 days and where the [REDACTED] FBI review of each such batch of documents take no longer than 30 days so that every 90 days a 500 page batch of documents, appropriately redacted, be produced to me on behalf of Mr. Epstein and where the FBI FOIA would begin to process the next batch on the 61st day rather than delaying until the Miami review of the prior batch concludes. This schedule should include an agency commitment that any production that takes more than 90 days would be followed by a production of the next batch in less than 90 days so the aggregate of any two batches would not exceed 180 days, or any four batches would not exceed 1 year.

Yours truly,

Martin G. Weinberg

Enclosures: FOIA request, FBI response, appeal, OIP Order