



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

James H. Lesar, Esquire
1231 Fourth Street, S. W.
Washington, D. C. 20024

JUL 1 1976

Dear Mr. Lesar:

Your recent letter pertaining to the processing of the request of your client, Harold Weisberg, under the Freedom of Information Act for access to certain records in the files of the Federal Bureau of Investigation was received by this Office on December 29, 1975.

I have notified Director Kelley of your client's communication. Although the Act authorizes your client to treat the failure of the Bureau to act on his request within the specified time limit as a denial thereof, this Office, because it lacks the personnel resources to conduct the comprehensive record reviews that are necessary to make the initial access determinations on requests for F.B.I. records, cannot act until there has been an initial determination by Director Kelley. Our function is limited to the review of those records to which access is in fact denied. We then advise the Deputy Attorney General whether he should reverse, modify or affirm the initial action of Director Kelley. This Office will, however, monitor the processing of your client's request by the Federal Bureau of Investigation. In addition, if the final response to you by the Bureau is other than a substantial grant of his request, we will then process his letter as an appeal on the merits.

Your client, may if he chooses, treat this letter as a denial of his appeal and bring an action in an appropriate Federal Court. In making a decision in this regard, we hope that he will give sympathetic consideration to the fact that the F.B.I. has thousands of requests pending at this time and is making every possible, reasonable effort to process them.

Very truly yours,

Richard M. Rogers, Deputy Chief
Freedom of Information and Privacy Unit

