



Department of Justice
Washington, D.C. 20530

ASSISTANT ATTORNEY GENERAL
CIVIL DIVISION

MAY 1 1980

Mr. Harold Weisberg
Route 12
Old Receiver Road
Frederick, Maryland 21701

Dear Mr. Weisberg:

In your letter of February 9, 1980, you seek clarification of certain aspects of our February 7, 1980, response to your Freedom of Information Act (FOIA)/Privacy Act (PA) request of June 6, 1977.

As reflected in our February 7, 1980, letter to you, we have completed the processing of your request. That letter lists the cases pertinent to your request, advises you that the Civil Division is not withholding any records from you, and states that these documents will be forwarded to you upon your payment of duplication costs. We have considered the fact that you have reiterated your request for a waiver of fees based upon your statement of "age, health and financial condition," and intended "public uses" of these materials. However, these considerations do not support a waiver of fees under 28 U.S.C. §16.9 because you have not shown that the "service to be performed will be of benefit primarily to the public" as opposed to the requester, or that you are "an indigent individual."

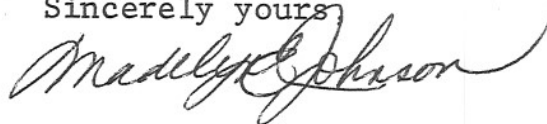
The February 7 letter also indicated that you would receive additional responses from the Federal Bureau of Investigation, the Office of the Deputy Attorney General, the Civil Rights Division, the Central Intelligence Agency, the General Services Administration, and the Executive Office of the President. Our records reflect that you should have received copies of documents from at least one Departmental component. We trust that the other responses soon will be forthcoming.

For records that presumably are located in the several United States Attorneys' offices, you should address all questions to the Executive Office for United States Attorneys of the Department of Justice. We are forwarding that office a copy of your letter.

As we stated in our February 7, 1980, letter, records pertaining to your "Helicopter" suits against the Army (Harold and Lillian Weisberg v. U.S., Civil Nos. 11036 and 16392, D. Md.) were processed in connection with Mrs. Weisberg's request. Documents from the other cases pertaining to you have not been included in our response because the cases were filed after the date of your document request.

I hope that this letter clarifies your questions. Please do not hesitate to contact us again in this regard.

Sincerely yours



MADELYN E. JOHNSON
Attorney In Charge
Freedom of Information and Privacy Unit
Civil Division