

WBJ:plm
Typed: 5/12/81

CRM #1991

13 MAY 1981

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

Dear Mr. Weisberg:

This is in reply to your letter of March 25, 1981 to E. Ross Buckley, Chief, Freedom of Information/Privacy Act Unit, Criminal Division, concerning your Privacy Act request for Criminal Division records concerning yourself.

Your Privacy Act processing file has been examined and reflects that your original request dated December 15, 1976, was responded to by this Unit April 15, 1977. Thereafter you did appeal the Unit's processing of your request. The Office of Information and Appeals, after its examination of our file, responded to you February 8, 1978. Your letter of June 5, 1977 was treated as a second request. You were advised by letter dated July 7, 1977 that this second request would involve searching 2,816 pages of records not indexed in your name; that there would be a search fee of \$368.00 for this line-by-line search for your name; that an advance payment of \$92.00 would be required to initiate the search; that there would be a charge of \$.10 per page should any page be found containing your name; and finally because of the volume of records involved it would be necessary to place this second request on the Unit's list of requests requiring examination of records. This particular list is processed on a first-in, first-out basis in order to be fair to all requesters.

WJ
5-12-81

You filed an appeal to the Office of Information and Appeals of this Criminal Division processing and advisement to you. Thereafter, on February 8, 1978 a decision by the Appeals Unit was forwarded to you and to this Unit deciding your appeal. (This Unit received no response from you regarding the fee advisement after your denial appeal.)

In your latest letter you ask that searches be conducted of CRM-001, 002, and 004. These searches have been made of the appropriate Division components and no record responsive to your request found. You also asked in your March 25 letter for records in CRM-024. Before burdening

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Records File

you with unnecessary reproduction costs at \$.10 per page, you are advised that CRM-024 contains only records generated by your original and subsequent requests, our responses, searches made and responses from components, appeal advisements and any administrative "paper" attendant to your request processing. This system is current, not historical paper. This material will be made available at \$.10 per page. A self-addressed stamped envelope is enclosed for your convenience to advise the Unit of your understanding and willingness to pay the fee.

You have made reference to participation as a government employee in two cases, U.S. v. Mary Helen, et al. and U.S. v. Mayne (David DuBois Mayne). Since you were not the subject of prosecution in those cases your name would not be indexed in Criminal Division indices. A complete page-by-page search of the cases' records, such as exist, would be necessary to determine whether your name appears on any page in any respect. Such a search would require the time of an analyst which would be chargeable to you at the rate of \$8.00 per hour. Should your name appear on any page the page would be reproduced at a charge of \$.10 per page. The search fee would be charged to you whether any record was found. It has been our experience that such files are normally voluminous but more importantly the focus of Criminal Division records is on the prosecutive subject and not on the varied and sundry attorney and other personnel involved in the case.

From your description of events forty years ago it would appear that some records might be in existence in some component. Of course Federal Bureau of Investigation and United States Attorney records are not necessarily a part of Criminal Division records. Those records are maintained by those respective components. Since your name, and Mrs. Weisberg's, are not indexed in our central indices, then if your name does appear anywhere it is incidental or corollary to another subject or matter and not subject to retrieval by indices.

To determine whether or not your name does exist on any page of countless records will require the page-by-page search at \$8.00 per hour previously described in this letter. Also that search fee problem was described to you in the Unit's July 7, 1977 letter to you regarding the Pelley-Mayne-Silver Shirts matter. If you do desire this Unit to undertake such searches please advise. It will also be necessary for you to provide sufficient identifying data to permit indices searches. The indices are not maintained in case name but in full names of defendants. It has been our unfortunate experience with indices that very few, if any, names are so unique that somewhere there is not an identical name or an otherwise indexing problem that prevents precise identification of the particular defendant or other name of interest.

This Unit consists of two attorneys, eight analysts and four clerk-stenographers. We do the best we can to process a relatively constant monthly influx of 115 requests for records. Criminal Division

records are not computerized nor fully centralized. We are trying to do the best we can do, under all circumstances, to diligently and faithfully perform the duties we do perform. The Unit originally, and now, has been understaffed, but even with more staff the problems of attempting to locate unindexed records, such as in your case, would pose the same problems we currently encounter.

It is not our intention to try your patience or withhold any record from you. Our problem, given indices and systems of records maintenance, is that your name just plain hasn't been retrievable from the indices.

Sincerely,

WILLIAM B. JONES
Senior Attorney-Advisor
Freedom of Information/Privacy Act Unit
Criminal Division