



rec'd 2/21/01

U.S. Department of Justice

Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

Ms. Elena R. Sassower
Center for Judicial
Accountability, Inc.
Post Office Box 69
Gedney Station
White Plains, NY 10605-0069

Re: Appeal No. 00-4338
CRM200000926F
RLH:RK:KMF

Dear Ms. Sassower:

You appealed from the action of the Criminal Division on your request for access to records pertaining to "the specific jurisdiction of the Public Integrity Section of the Justice Department's Criminal Division and of the U.S. Attorneys to investigate and prosecute state governmental corruption which, because it involves high-ranking and powerful state officials and state agencies, is not investigated and prosecuted on the state level."

After carefully considering your appeal, I have decided to affirm the Criminal Division's action on your request. The Freedom of Information Act does not require federal agencies to answer inquiries or create records in response to a FOIA request, but rather is limited to requiring agencies to provide access to reasonably described, nonexempt records, NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 162 (1975); Zemansky v. EPA, 767 F.2d 569, 574 (9th Cir. 1985). Nevertheless, by letter dated August 30, 2000, the Criminal Division did inform you that there is no specific statutory authority for federal prosecutions of state officials. In this letter, the Criminal Division also explained that federal prosecutions of this kind are usually based upon one or more of the federal criminal laws that were cited for your reference. As a result of discussions between Criminal Division personnel and a member of my staff, I have learned that this response is correct. Furthermore, other than the federal criminal laws cited in the August 30 letter, I am unaware of any specific statutory authority that enables the Public Integrity Section of the Criminal Division to prosecute state officials.

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If you are dissatisfied with my action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard L. Huff". The signature is stylized with a large, looped "R" and "H".

Richard L. Huff
Co-Director

U.S. Department of Justice

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