



The National Security Archive

The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

Phone: 202/994-7000
Fax: 202/994-7005
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<http://www.nsarchive.org>

FAX COVER SHEET

Date: March 5, 2003

To: **ATTN: Katherine Beidleman**

Organization: Department of Veterans Affairs

From: The National Security Archive

Number of pages (including cover sheet) 7

If there is a problem with this transmission, please call us at 202-994-7000 as soon as possible.

**Message: Copy of 1/28/03 FOIA Appeal, FOIA Appeal Acknowledgement and original FOIA Request Attached.
Copy of 2/7/03 FOIA Appeal, original FOIA request and acknowledgment attached.**

Please Call Barbara Elias @ (202) 994-7219 to clarify these appeals. The initial request for the appeal dated 1-28-03 (Information regarding the implementation of the Attorney General's Memo), a FOIA faxed on 9-4-02 was never received by the Records Management Service. But the appeal has been accepted and acknowledged.

There is a second FOIA, (for information regarding the implementation of the Andrew Card White House Memo) appeal faxed on 2-7-03. Initial request (faxed 1-8-03) was acknowledged on 1-9-03, but the appeal was never acknowledged.

I think that because the initial FOIA request for information relating to the Attorney General's Memo was never processed that the two requests, because they are similar, have been confused for being a single request and a single appeal, when in fact they are separate and independent requests and appeals.

NOTE: Our General Counsel appealed, not due to a denial of records, but the lack of response within the 20 statutory days.

An independent non-governmental research institute and library located at the George Washington University.

Publication royalties and tax-deductible contributions through The National Security Archive Fund, Inc. underwrite the Archive's budget.

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Via Facsimile

September 4, 2002

Ernesto Castro
Director, Records Management Service (005E3)
US Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Re: Archive FOIA Request #20020534VET001

Dear Mr. Castro:

Pursuant to the Freedom of Information Act (FOIA), I hereby request disclosure of the following documents for inspection and possible copying:

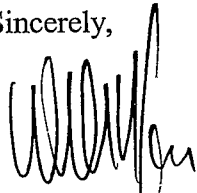
All records, including but not limited to guidance or directives, memoranda, training materials, or legal analyses, concerning the US Department of Veterans Affairs' implementation of US Attorney General John Ashcroft's October 12, 2001 memorandum on the US Freedom of Information Act.

If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable nonexempt portions of documents. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

As you know, the National Security Archive qualifies for waiver of search and review fees as a representative of the news media. This request is made as part of a scholarly and news research project and not for commercial use. For details on the Archive's research and publication activities, please see our Web site at the address above. Please notify me before incurring photocopying costs over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please contact me directly at (202) 994-7045 or wferro@gwu.edu. I look forward to receiving your response within the twenty-day statutory time period.

Sincerely,



William Ferrogiario
Director, Freedom of Information Project

The National Security Archive

The George Washington University
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Washington, D.C. 20037

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Via Facsimile

January 28, 2003

Department of Veterans Affairs
Office of the General Counsel (024)
810 Vermont Avenue, NW
Washington, DC 20420

Ernesto Castro
Director, Records Management Service (005E3)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

RE: FOIA Request # 20020534VET001

To the Office of the General Counsel:

This letter constitutes an administrative appeal under the US Freedom of Information Act.

On September 4, 2002, William Ferroggiaro, on behalf of the National Security Archive, filed a FOIA request via fax to your office.

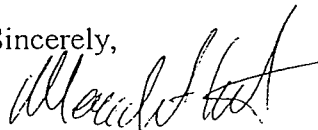
This request sought:

“All records, including but not limited to guidance or directives, memoranda, training materials, or legal analyses, concerning the US Department of Justice's implementation of US Attorney General John Ashcroft's October 12, 2001 memorandum on the US Freedom of Information Act.”

We have not yet received a reply or acknowledgement of the above referenced request. This request is a simple request concerning a specific topic, i.e., the Attorney General's October 12, 2001 memo on FOIA, which likely generated a finite amount of material. As encouraged in the Electronic FOIA Amendments of 1996, this request ought to be processed in a 'simple' queue. The records requested should primarily be maintained within the FOIA office of your agency and, thus, only a minimal amount of time should be necessary to identify responsive materials. Furthermore, there is nothing in the material sought that could be considered sensitive according to the Attorney General's directive. Therefore, as your agency has had more than the 20 statutory days—indeed, more than 90 days—to process this request, we appeal your lack of response.

As you know, the statute mandates a decision on this appeal within 20 days.

Sincerely,



Meredith Fuchs
General Counsel

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DEPARTMENT OF VETERANS AFFAIRS
Office of the General Counsel
Washington DC 20420

20020534 VET001

JAN 31 2003

In Reply Refer To: 024A

Mr. William Ferroggiaro
The George Washington University
Gelman Library, Ste. 701
2130 H Street, N.W.
Washington, D.C. 20037

Dear Mr. Ferroggiaro:

This is in reference to your fax date January 28, 2003. We are **obtaining**/have obtained relevant records and information regarding this matter that we are considering as a Freedom of Information Act or Privacy Act appeal (**FOIA/PA**) as indicated:

- ___ Privacy Act Access Appeal: We estimate three months from the above date for a final decision.
- ___ Privacy Act Amendment Appeal: We estimate five months from the above date for a final decision.
- X Freedom of Information Act Appeal: Once we receive the information at issue, we will advise you as to when we expect to issue our appeal.
- ___ Freedom of Information Act Appeal: We have received the information at issue and classified the complexity of your appeal as follows:
 - ___ Slight: We estimate four months from the above date for a final decision.
 - ___ Moderate: We estimate seven months from the above date for a final decision.
 - ___ High: We estimate ten months from the above date for a final decision.

If you have any further questions about this matter, please call Katherine Beidleman at (202) 273-6381.

Sincerely yours,

Katherine Beidleman

FOIA/PA Decision Team

The National Security Archive

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Washington, D.C. 20037

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January 8, 2003

Ernesto Castro
Director, Records Management Service (005E3)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Re: Request under the FOIA, in reply please refer to Archive # 20030039VET001

To Mr. Castro:

Pursuant to the Freedom of Information Act (FOIA), I hereby request disclosure of the following images for inspection and possible copying:

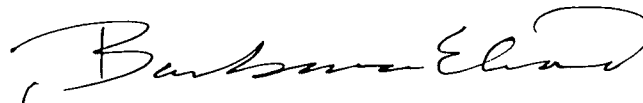
All records, including but not limited to guidance or directives, memoranda, training materials, or legal analyses, concerning the March 19, 2002 memorandum issued by White House Chief of Staff Andrew Card to the heads of all federal departments and agencies regarding records containing information about Weapons of Mass Destruction (WMD). Attached with this memo was a supporting memorandum by the US Justice Department and Information Security Oversight Office.

If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable nonexempt portions of documents. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

As you know, the National Security Archive qualifies for waiver of search and review fees as a representative of the news media. This request is made as part of a scholarly and news research project and not for commercial use. For details on the Archive's research and publication activities, please see our Web site at the address above. Please notify me before incurring photocopying costs over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 994-7045 or e-mail me at wferro@gwu.edu. I look forward to receiving your response within the twenty-day statutory time period.

Sincerely,


for Will Ferroggiaro
Director, Freedom of Information Project



DEPARTMENT OF VETERANS AFFAIRS
Washington DC 20420

20030039VET001

JAN 09 2003

RECEIVED JAN 13 2003

Mr. Will Ferroggiaro
Director, Freedom of Information Project
The National Security Archive
The George Washington University
Gelman Library, Suite 701
2130 H Street, NW
Washington, DC 20037

Dear Mr. Ferroggiaro:

As the Freedom of Information Act (FOIA) Officer for the Department of Veterans Affairs (VA), I received your January 8, 2003, FOIA request in this office on January 8, 2003.

Your request has been forwarded to the Office of White House Liaison for action. You will be receiving a response from that office. In the meantime, if you have any questions or require further assistance, please call Bobby Wright at (202) 273-8068.

Sincerely,

Barbara Epps
Ernesto Castro, Director
for Records Management Service

The National Security Archive

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Washington, D.C. 20037

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Via Facsimile

February 7, 2003

Bobby Wright
Records Management Service (005E3)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

**RE: FOIA Appeal
Request # 20030039VET001**

To Mr. Wright:

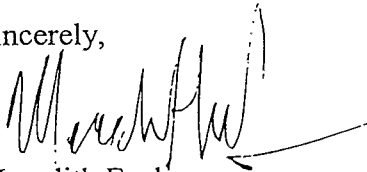
This letter constitutes an administrative appeal under the US Freedom of Information Act. On January 8, 2002, William Ferroggiaro, on behalf of the National Security Archive, filed a FOIA request via fax to your office. This request sought:

All records, including but not limited to guidance or directives, memoranda, training materials, or legal analyses, concerning the March 19, 2002 memorandum issued by White House Chief of Staff Andrew Card to the heads of all federal departments and agencies regarding records containing information about Weapons of Mass Destruction (WMD). Attached with this memo was a supporting memorandum by the US Justice Department and Information Security Oversight Office.

As of this writing, we have not received a substantive reply to our request. This request is a simple request concerning a specific topic, i.e., the White House Chief of Staff's March 19, 2002 memo on FOIA, which likely generated a finite amount of material. As encouraged in the Electronic FOIA Amendments of 1996, this request ought be processed in a 'simple' queue. The records requested should primarily be maintained within the FOIA office of your agency and, thus, only a minimal amount of time should be necessary to identify responsive materials. Furthermore, there is nothing in the material sought that could be considered sensitive according to the Chief of Staff's directive. Therefore, as your agency has had more than the 20 statutory days to process this request, we appeal your lack of response.

As you know, the statute mandates a decision on this appeal within 20 days.

Sincerely,



Meredith Fuchs
General Counsel

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SUBADDRESS
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ST. TIME 03/05 13:55
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Organization: Department of Veterans Affairs

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