

The National Security Archive

The George Washington University
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, D.C. 20037

Phone: 202/994-7000
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nsarchiv@gwu.edu
www.nsarchive.org

Via facsimile

28 January 2003

David M. Hardy
Chief, FOIPA Section
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Department of Justice
Washington, DC 20535-0001

RE: FOIA Request of September 3, 2002

Dear Mr. Hardy:

I am writing in reply to your letter of September 5, 2002, received by us September 9, 2002, which indicated my request did "not contain enough descriptive information to permit a search of records." Your letter requested additional information from me, including "name of individuals, organizations or events, and the approximate timeframe, if known." For your reference, I am enclosing a copy of your letter and a copy of my original request.

My request sought:

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

I am uncertain why FBI deems this request not "reasonably described", particularly as Attorney General Ashcroft is the statutory head of the Department of which the FBI is a component. Below, I have provided additional information to assist your search.

Names

For your information, US Attorney General Ashcroft issued this memorandum. Mr. Ashcroft is a Cabinet officer, confirmed by the US Senate, who heads the US Department of Justice, of which the Federal Bureau of Investigation is a component.

Organization or Events

Attorney General Ashcroft is head of the US Department of Justice, which has policy oversight (except for fee issues) over the US Freedom of Information Act. Mr. Ashcroft issued this guidance as a statement of the policy of the Bush Administration, which he serves. To my knowledge, this memorandum was primarily drafted by the Office of Information and Privacy within the US Department of Justice. It is available on the World Wide Web at <http://www.usdoj.gov/04foia/011012.htm>.

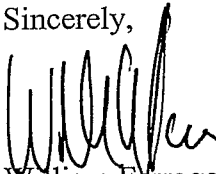
Timeframe

Mr. Ashcroft's memorandum was dated October 12, 2001, although I believe the memorandum may have been forwarded to departments and agencies on October 15, 2001. Consequently, I seek records dated from October 12, 2001 through the date of my September 3, 2002 request.

Finally, for clarification, my September 3, 2002 request sought FBI records concerning the Attorney General's memorandum on the FOIA, including supplementary guidance, regulations, or training materials developed in response to the memorandum.

I hope this clarifies my request. If you need additional information, please contact me directly at (202) 994-7045 or wferro@gwu.edu. I look forward to your prompt response to my FOIA request.

Sincerely,



William Ferroggiaro
Director, Freedom of Information Project

Enclosure

CC: Richard L. Huff
Co-Director
Office of Information and Privacy
US Department of Justice



U.S. Department of Justice

Federal Bureau of Investigation

2002 0492 FBI 001

Washington, D. C. 20535-0001

September 5, 2002

RECEIVED SEP 09 2002

Mr. William Ferroggiaro
Suite 701
Gelman Library
The George Washington University
2130 H Street, Northwest
Washington, DC 20037

Dear Requester:

This is in reference to your Freedom of Information-
Privacy Acts (FOIPA) request.

The FOIPA provides for access to Government records
where the records sought are "reasonably described" (Title 5,
United States Code, Section 552(a)(3)). Your letter does not
contain enough descriptive information to permit a search of
our records.

In accordance with Title 20, Code of Federal
Regulations, Part 16.3(b), we are requesting that you provide
more specific information to enable us to locate the records
with a reasonable amount of effort. This should include the
name of individuals, organizations or events, and the
approximate time frame, if known.

Sincerely yours,

David M. Hardy / wcf

Section Chief
Freedom of Information-
Privacy Acts Section
Records Management Division



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FAX COVER SHEET

Date: September 3, 2002

To: David M. Hardy, Chief, FOIPA Division

Organization: Federal Bureau of Investigation

From: William Ferroggiaro

Number of pages (including cover sheet) 2

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

Message:

New FOIA request (Archive no. 20020492FBI001)

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Via Facsimile

September 3, 2002

David M. Hardy
Chief, FOIPA Section
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
US Department of Justice
Washington DC 20535-0001

Re: Archive FOIA Request #20020492FBI001

Dear Mr. Hardy:

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 Federal Bureau of Investigation's implementation of US Attorney General John Ashcroft's October 12, 2001 memorandum on the US Freedom of Information Act.

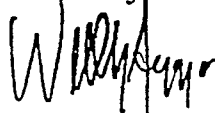
Please note a separate request on this topic has been sent to the US Department of Justice.

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 Ferroggiaro
Director, Freedom of Information Project

An Independent non-governmental research institute and library located at the George Washington University, the Archive collects and publishes declassified documents obtained through the Freedom of Information Act. Publication royalties and tax deductible contributions through The National Security Archive Fund, Inc. underwrite the Archive's Budget.

*** TX REPORT ***

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FAX COVER SHEET

Date: 28 January 2003

To: David M. Hardy, Chief, FOIPA Section

Organization: Federal Bureau of Investigation

From: William Ferroggiaro

Number of pages (including cover sheet) 6

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

Message:

Clarification of FOIA request of September 3, 2002