



# 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  
nsarchiv@gwu.edu  
<http://www.nsarchive.org>

## FAX COVER SHEET

Date: March 3, 2003

To: **ATTN: Katherine Beidleman**

Organization: Department of Veterans Affairs

From: The National Security Archive

Number of pages (including cover sheet) 5

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 and FOIA Appeal Acknowledgement Attached.  
Copy of 2/7/03 FOIA Appeal Attached and initial FOIA letter 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.**

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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.

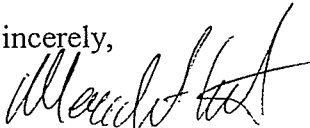
This request sought:

**“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 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

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.



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.
- 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,

FOIA/PA Decision Team

# The National Security Archive

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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:

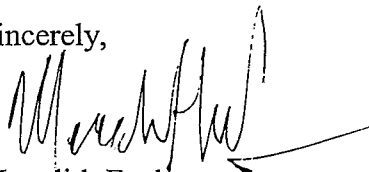
This letter constitutes an administrative appeal under the US Freedom of Information Act. On January 8, 2002, William Ferroggiaro, on behalf of the National Security Archive, filed a FOIA request via fax to your office. This request sought:

**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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DEPARTMENT OF VETERANS AFFAIRS  
Washington DC 20420

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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

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 \*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO 3958  
 CONNECTION TEL 92739297  
 SUBADDRESS  
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