

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

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*Elena Ruth Sassower, Coordinator*

CERTIFIED MAIL/RRR:  
7099-3400-0001-2733-3685

September 11, 2000

Claudia J. Tweed, FOIA Specialist  
Office of Information and Privacy  
Flag Building, Suite 570  
Department of Justice  
Washington, D.C. 20530-0001

RE: Freedom of Information Act Appeals  
(1) Appeal # 00-3511 [OIP/00-R0558  
MAP:CLM:BB]  
(2) CRM-20000926F

Dear Ms. Tweed:

This acknowledges receipt of your August 3, 2000 letter, apprising CJA that the Office of Information and Privacy "has a substantial backlog of pending appeals", among them our July 13<sup>th</sup> appeal from Ms. Pustay's May 26<sup>th</sup> letter [OIP/00-R0558 MAP:CLM:BB], partially denying our May 1st FOIA request. Your August 3<sup>rd</sup> letter was NOT received by us until September 9<sup>th</sup> – having been mailed in an envelope with a postage meter date of "SEP 05 '00" – which, moreover, was on the envelope's reverse side. For your convenience, a copy of the letter and envelope is enclosed.

Your belatedly-arriving August 3<sup>rd</sup> letter "crossed" our September 8<sup>th</sup> letter to the Office of Information and Privacy. While the first half of CJA's September 8<sup>th</sup> letter inquired as to the status of CJA's July 13<sup>th</sup> appeal – to which we had received no response -- the second half constitutes a further appeal. This is an appeal from the August 30<sup>th</sup> letter of Thomas McIntyre, Chief of the Freedom of Information/Privacy Act Unit for the Criminal Division of the Office of Enforcement Operations, relating to Ms. Pustay's referral of a portion of CJA's May 1<sup>st</sup> FOIA letter for direct disposition by "the Criminal Division and the

Executive Office for United States Attorneys”.

Since Mr. McIntyre’s August 30<sup>th</sup> letter [CRM-20000926F] disposes of Ms. Pustay’s referral – which was by her same May 26<sup>th</sup> letter as partially denied CJA’s May 1<sup>st</sup> FOIA request and which is the subject of our July 13<sup>th</sup> appeal -- we believe it appropriate that you consolidate our latter appeal with our earlier one. This would also make up for some of the time lost by the belatedness of Mr. McIntyre’s August 30<sup>th</sup> letter. Although Mr. McIntyre’s August 30<sup>th</sup> letter itself admits the “delay”, it does not identify its length. Depending upon the date of the Criminal Division’s receipt of Ms. Pustay’s May 26<sup>th</sup> referral of CJA’s May 1<sup>st</sup> FOIA request, and excluding “twenty business days”<sup>1</sup>, the Criminal Division’s delay was as long as two months<sup>2</sup>.

In any event, CJA requests that our CJA’s September 8<sup>th</sup> letter be deemed a supplement to our earlier appeal of Ms. Pustay’s partial denial of our May 1<sup>st</sup> FOIA request since, as our September 8<sup>th</sup> letter points out (at p. 3), Mr. McIntyre’s August 30 letter “underscores the bad-faith nature of Ms. Pustay’s excuse” for her denial.

Yours for a quality judiciary  
and government integrity,



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc. (CJA)

Enclosures

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<sup>1</sup> See the Justice Department’s Freedom of Information Act Reference Guide, as posted on its website. In pertinent part, Section VI, “Response Times”, states:

“Under the statute, all federal agencies are required to respond to a FOIA request within twenty business days, excluding Saturdays, Sundays, and legal holidays. This period does not begin until the request is actually received by the FOIA office of the component that maintains the records sought...”

<sup>2</sup> It would appear from Ms. Pustay’s May 26<sup>th</sup> letter that she referred CJA’s May 1<sup>st</sup> FOIA request to BOTH “the Criminal Division and the Executive Office for United States Attorneys”. If so, the Criminal Division would have received the May 1<sup>st</sup> FOIA request on or about the same date as the Executive Office for the United States Attorneys. By letter dated June 15<sup>th</sup>, the Executive Office for the United States Attorneys identified May 31<sup>st</sup> as the date of its receipt of CJA’s May 1<sup>st</sup> FOIA request, while additionally identifying that CJA’s May 1<sup>st</sup> FOIA request “had been “forwarded to Criminal Division for a direct response”.



rec'd 9/9/00

**U.S. Department of Justice**

**Office of Information and Privacy**

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Telephone: (202) 514-3642

Washington, D.C. 20530

August 3, 2000

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

Re: Request No. OIP/00-R0558

Dear Ms. Sassower:

This is to advise you that your administrative appeal from the action of Office of Information and Privacy Deputy Director Melanie Ann Pustay on your request for information from the files of the Department of Justice was received by this Office on July 17, 2000.

The Office of Information and Privacy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **00-3511**. Please mention this number in any future correspondence with this Office concerning this specific appeal.

We will notify you of the decision on your appeal as soon as we can. The necessity of this delay is regretted and your continuing courtesy is appreciated.

Sincerely,

  
Claudia J. Tweed  
FOIA Specialist

U.S. Department of Justice

**OIP/570 FLAG**

Washington, D.C. 20530

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*Claudia Tweed, FOIA Specialist*

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*Office of Information + Privacy Dept  
Fly Buldy, Suite 570 Justice  
Washington, DC 20530-0001*

PS Form 3800, July 1999

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*Claudia Tweed  
FOIA specialist  
Office of Information +  
Privacy  
Fly Buldy, Suite 570  
Dept of Justice  
Washington, DC 20530-  
0001*

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PS Form 3811, July 1999

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