





**Judicial  
Watch™**  
*Because no one  
is above the law!*

February 1, 2005

**BY FEDEX**

Mr. Richard C. Devine  
Requester Communications Branch  
Office of Information Programs & Services  
U.S. State Department, SA-2  
2201 C Street NW  
Washington, DC 20520

**Re: FOIA Request No. 200404729**

Dear Mr. Devine:

On December 14, 2004 and January 13, 2005 I wrote to you with specific questions concerning how the subject Freedom of Information Act ("FOIA") request was being processed by your office. To date, I have yet to receive the courtesy of a reply or even an acknowledgment from your office. This letter is our third written request for an explanation concerning the processing of our lawful request under the provisions of 5 U.S.C. § 552. Time is of the essence. The subject of our FOIA request (the UN Oil-for-Food scandal and audits, generally) is a breaking news story, with new developments coming to light every few days.

In your letter of December 6, 2004, in response to our November 22, 2004 FOIA request (No. 200404719), you state:

"Also, items 1 and 2 of your request are clearly UN documents . . . The State Department would send any such records/documents contained in its files to the UN for concurrence in release which would add to the time needed to complete the processing of your request."

Please answer the following questions:

1. What law, statute or regulation compels the State Department to seek the concurrence of a non-US entity in fulfilling the lawful request of records, currently in the

Mr. Richard C. Devine  
U.S. State Department  
Re: FOIA Request No. 200404729  
February 1, 2005  
Page 2 of 2

possession of the State Department, under the provisions of the FOIA by a US public interest corporation?

2. How does the concurrence or non-concurrence of a non-US entity concerning the release of documents in the possession of the State Department trump US law?

3. What procedures, standards of review, exemption criteria or other mechanisms for record(s) review does the UN use in compliance with US law? What agreements does the State Department have with the UN concerning these record(s) reviews?

It is unfortunate that your office has elected to ignore our two previous letters (and one e-mail) on these matters. We wish to avoid litigation, however, should your office continue to both "stonewall" our request, and fail to answer fundamental questions concerning the processing and treatment our request is receiving, we will be forced to pursue the remedies provided for under the law.

Thank you for your prompt reply to these important questions.

Sincerely,

JUDICIAL WATCH, INC.

A handwritten signature in black ink, appearing to read "Chris Farrell", written in a cursive style.

Christopher J. Farrell  
Director of Investigations & Research

Encl 1: Judicial Watch letter of December 14, 2004, FOIA No. 200404729  
Encl 2: Judicial Watch Letter of January 13, 2005, FOIA No. 200404729

# Enclosure 1

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\*\*\* TX REPORT \*\*\*  
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PGS. SENT	3
RESULT	OK

501 School Street, SW  
Washington, DC 20024  
Phone: 202-646-5172  
Fax: 202-646-5199

**Judicial Watch**

# Fax

<b>To:</b> Richard Divine	<b>From:</b> Chris Farrell
<b>Fax:</b> 202-261-8579	<b>Date:</b> December 14, 2004
<b>Phone:</b>	<b>Pages:</b> 3
<b>Re:</b> FOIA Request No. 200404729	<b>CC:</b>

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

•Comments:



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December 14, 2004

**BY E-MAIL & FAX (202-261-8579)**

Mr. Richard C. Devine  
Requester Communications Branch  
Office of Information Programs & Services  
U.S. State Department, SA-2  
Washington, DC 20522-8100

**Re: FOIA Request No. 200404729**

Dear Mr. Devine:

Thank you for your letter of December 6, 2004, in response to our FOIA request concerning audits of the UN Oil-for-Food Program (generally), dated November 22, 2004 (Reference: Request No. 200404719).

I note with interest your statement in the first paragraph of the second page of your letter: "Also, items 1 and 2 of your request are clearly UN documents . . . The State Department would send any such records/documents contained in its files to the UN for concurrence in release which would add to the time needed to complete the processing of your request."

What law, statute or regulation compels the State Department to seek the concurrence of a non-US entity in fulfilling the lawful request of records, currently in the possession of the State Department, under the provisions of the FOIA by a US public interest corporation?

How does the concurrence or non-concurrence of a non-US entity concerning the release of documents in the possession of the State Department trump US law?

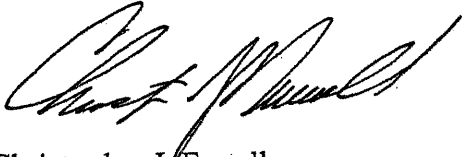
What procedures, standards of review, exemption criteria or other mechanisms for record(s) review does the UN use in compliance with US law? What agreements does the State Department have with the UN concerning these record(s) reviews?

Thank you for your prompt reply to these important questions.

Mr. Richard C. Devine  
U.S. State Department  
Re: FOIA Request No. 200404729  
December 14, 2004  
Page 2 of 2

Sincerely,

JUDICIAL WATCH, INC.

A handwritten signature in black ink, appearing to read "Chris J. Farrell". The signature is fluid and cursive, with the first name "Chris" and last name "Farrell" clearly distinguishable.

Christopher J. Farrell  
Director of Investigations & Research

Enclosure 2



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

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PGS. SENT	3
RESULT	OK

501 School Street, SW  
Washington, DC 20024  
Phone: 202-646-5172  
Fax: 202-646-5199

**Judicial Watch**

# Fax

**To:** Richard Devine

**From:** Chris Farrell

**Fax:** 202-261-8579

**Date:** January 13, 2005

**Phone:**

**Pages:** 3

**Re:** FOIA 200404729

**CC:**

☒ **Urgent**

☐ **For Review**

☐ **Please Comment**

☒ **Please Reply**

☐ **Please Recycle**

**•Comments:**



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January 13, 2005

**BY FAX (202-261-8579)**

Mr. Richard C. Devine  
Requester Communications Branch  
Office of Information Programs & Services  
U.S. State Department, SA-2  
Washington, DC 20522-8100

**Re: FOIA Request No. 200404729**

Dear Mr. Devine:

This letter is follow-up reminder to my letter and e-mail of December 14, 2004. I have no record of you responding to my very specific questions concerning the subject FOIA request.

In your letter of December 6, 2004, in response to our FOIA request concerning audits of the UN Oil-for-Food Program (generally), dated November 22, 2004 (Reference: Request No. 200404719), you state:

“Also, items 1 and 2 of your request are clearly UN documents . . . The State Department would send any such records/documents contained in its files to the UN for concurrence in release which would add to the time needed to complete the processing of your request.”

Please answer the following questions:

1. What law, statute or regulation compels the State Department to seek the concurrence of a non-US entity in fulfilling the lawful request of records, currently in the possession of the State Department, under the provisions of the FOIA by a US public interest corporation?

Mr. Richard C. Devine  
U.S. State Department  
Re: FOIA Request No. 200404729  
January 13, 2005  
Page 2 of 2

2. How does the concurrence or non-concurrence of a non-US entity concerning the release of documents in the possession of the State Department trump US law?

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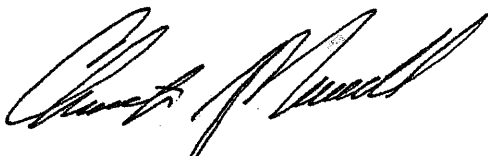
It has been a month since I first posed the questions concerning the State Department's policies touching on the fundamental principles of FOIA.

We wish to avoid litigation, if possible.

Thank you for your prompt reply to these important questions.

Sincerely,

JUDICIAL WATCH, INC.

A handwritten signature in black ink, appearing to read "Christopher J. Farrell". The signature is fluid and cursive, with the first name "Christopher" and last name "Farrell" clearly distinguishable.

Christopher J. Farrell  
Director of Investigations & Research