

Robert Hammond

January 30, 2024

Gary M. Stern
NARA's General Counsel
8601 Adelphi Road
College Park, MD 20740-6001
301-837-1750 (phone)
301-837-0293 (fax)
garym.stern@nara.gov;
ngc.foia.liaison@nara.gov;
FOIA@nara.gov

Subject: FOIA Public Liaison (FPL) Dispute Resolution - **NGC24-148**

Gary Stern (NARA FOIA Public Liaison)

I am seeking immediate, written FOIA Public Liaison Dispute Resolution of NARA's expedited processing denial for the above FOIA request. Records are located at <https://www.muckrock.com/foi/united-states-of-america-10/request-nara-24-aemuck-appeal-of-denial-of-fee-waiver-for-rf-519-65006-william-fernandes-157542/>

FPL dispute resolution is not optional – it is mandatory per the FOIA statute- as a non-exclusive alternative to other redress. NARA must engage in the disputes that I identify and not defer to previous determinations as definitive.

I am seeking that NARA address every element and sub-element of my request for expedited processing. NARA must address all elements and to deny expedited processing NARA must reject every element/sub-element.

NARA's generalized statement, "After carefully reviewing your request, we do not believe expedition is warranted, as you have not demonstrated that your request meets the above-referenced criteria" does not comport with law.

NARA Unlawful Expedited Processing Pattern or Practice. NARA has the worst FOIA statistics in the federal government. NARA did not PROCESS any requests for expedited processing in FY 2022 despite claiming to have granted 58 and denied 329. NARA does not show any pending expedited processing requests in queue for FY 2022. nara-fy22.pdf (archives.gov) <https://www.archives.gov/files/foia/nara-fy22.pdf>

VII.A.
VII.B.
VII.C.
VII.D.
VIII.A.

- a. There is both internal inconsistency in NARA's FY 2022 data and inconsistency with its FY 2021 Annual FOIA report.
<https://www.archives.gov/files/foia/reports/nara-fy21-final.pdf>
- b. NARA failed miserably in its last FOIA audit in 2017, including submitting massively false/unreliable FOIA reports. Things have gotten much worse.
<https://www.archives.gov/files/oig/reports/audit-report-17-AUD-16.pdf>
- c. NARA's quarterly and Annual FOIA Reports are massively false based on written public comments that I have posted.
- d. NARA cannot again submit for FY 2023 a materially false Annual FOIA report, nor can DOJ OIP accept such a knowingly false annual FOIA report based on written public comments alone. (See public comments list attached.).
- e. A NARA OIG audit of FOIA funding and compliance is needed.

With my respect,

Robert Hammond
Private Citizen FOIA Advocate