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February 14, 2003

Federal Bureau of Investigation
Co-Director
Office of Information and Privacy
Flag Building, Suite 570
United States Department of Justice
Washington, D.C. 20530Re: Notice of Administrative Appeal Regarding FOIA and Privacy Act Request by
Rebecca Allison Gordon
Your File Reference Number: 190-0

To Whom it May Concern:

This law firm is co-counsel with Jayashri Srikantiah of the ACLU Foundation of Northern California. We represent Rebecca Allison Gordon, who, by a letter of December 19, 2002, signed by John A. Lohse, notified Ms. Gordon that it has discovered "no record" responsive to her request. On behalf of our client, Ms. Gordon hereby appeals this denial.

The Department's denial is not well founded. It appears to ignore the full scope of Ms. Gordon's request which included specific and detailed requests for information beyond any specific records identifying Ms. Gordon. Other documents sought by our client included any records regarding the existence of any "no fly" list or "any watchlist" as well as "policy directives, procedures and guidances" concerning how individuals who are placed may be removed from the "no fly" list or any watchlist", among other documents. Nor has the Department timely asserted any statutory exemption for withholding such documents. Accordingly, the assertion of any such exemptions has now been waived. Ms. Gordon expressly reserves her rights concerning her request.

Please direct all future correspondence concerning this appeal to this office as well as to Ms. Srikantiah's office at the ACLU in San Francisco.



We appreciate your immediate attention to this matter.

Very truly yours,

Davis Wright Tremaine LLP

A handwritten signature in cursive script, appearing to read 'Thomas R. Burke'.

Thomas R. Burke

cc: Jayashri Srikantiah, Esq.
ACLU Foundation of Northern California
1663 Mission St., Suite 460
San Francisco, CA 94103