

NARA-NGC-2019-000414 has been processed with the following final disposition: Full Denial Based on Exemptions.

April 30, 2019

Mr. Ed Martin
Phyllis Schlafly Center
Eagle Forum Education & Legal Defense Fund
7800 Bonhomme Ave.
St. Louis, MO 63105

Re: Freedom of Information Act Request: NGC19-277

Dear Mr. Martin:

This is in response to your Freedom of Information Act (FOIA) request dated April 8, 2019 and received in our office on the same day. Your request has been assigned the above internal tracking number in addition to your FOIAonline tracking number NARA-NGC-2018-000414. In your request, you stated:

This is to request any documents relating to actions taken by the legislature of Illinois and Nevada voting to "ratify" the Equal Rights Amendment originally proposed by the Congress to the several states on March 22, 1972. I am not looking for copies of the official resolution sent to your office by the legislatures, but other communications, including emails, which could have led the Archivist of the United States to declare those supposed ratifications to be valid. Additionally, I request any acknowledgement of receipt of such transmissions from Illinois and Nevada by your office or the office of the National Archives as well as any responses sent either by your office or the National Archives to Illinois or Nevada to representatives of those respective legislature concerning the legality and constitutional validity of legislative actions.

After conducting a search, we have identified email communications between the National Archives and Records Administration's General Counsel and the Department of Justice consisting of 43 pages that are responsive to your request. We are withholding the records in full pursuant to 5 U.S.C. §552(b)(5), under both the deliberative process privilege, which protects the decision making processes of government agencies, and the attorney-client privilege, which protects the confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional advice.

We were unable to locate an acknowledgement of receipt or any other communications from NARA to the states of Illinois and Nevada concerning the Equal Rights Amendment.

This completes the processing of your FOIA request.

If you are not satisfied with our action on this request, you have the right to file an administrative appeal within ninety (90) calendar days from the date of this letter via regular U.S. mail or email. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. If you submit your appeal in writing, please address it to the Deputy Archivist of the United States (ND), National Archives and Records Administration, 8601 Adelphi Road, College Park, Maryland 20740. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." If you submit your appeal by e-mail please send it to FOIA@nara.gov, also addressed to the Deputy Archivist of the United States. Please be sure to explain why you believe this response does not meet the requirements of the FOIA. All correspondence should reference your case tracking number NGC19-277 and your FOIAonline tracking number.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison Gary M. Stern for assistance at:

National Archives and Records Administration
8601 Adelphi Road, Room 3110
College Park, MD 20740-6001
301-837-1750
garym.stern@nara.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road—OGIS
College Park, MD 20740-6001
ogis@nara.gov
ogis.archives.gov
202-741-5770
1-877-684-6448

Thank you for contacting the National Archives and Records Administration.

Sincerely,

Jodi L. Foor
Deputy FOIA Officer
Office of General Counsel
National Archives and Records Administration
301-837-2099
Jodi.foor@nara.gov