



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

March 10, 2021

BY EMAIL: foiarequest@state.gov

U.S. Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
2201 C Street N.W., Suite 12A40A
Washington, D.C. 20522-8100

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of State regulations.

Specifically, CREW requests:

1. All communications sent or received by former U.S. Ambassador to Germany Richard Grenell relating to Moldova or Vladimir Plahotniuc.
2. All communications sent or received by former Ambassador Grenell or any member of his staff relating to Alternative for Germany (AFD), Freedom Party of Austria (FPÖ), or Austrian People’s Party (ÖVP).
3. All communications between former Ambassador Grenell and any of the following individuals: Rudy Guiliani, Victoria Toensing, Lev Parnas, Donald Trump Jr., Arthur Schwartz, Andy Surabin, Vladimir Plahotniuc, Sebastian Kurz, or Jens Spahn.
4. All communications sent or received by former Ambassador Grenell mentioning the Trump International Hotel in Washington, D.C.
5. All calendar entries of former Ambassador Grenell reflecting any meetings or events held at the Trump International Hotel in Washington, D.C.

For purposes of this request, the term “communication” refers to any type of electronic or paper record, including without limitation emails, text messages, WhatsApp messages, and other records.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, the State Department should institute an agency-wide preservation hold on documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and Department of State regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

Late last month former Ambassador to Germany Richard Grenell met with President Donald Trump at his Mar-a-Lago club to discuss his potential run for Governor of California.¹ Grenell has strongly hinted in speeches that he plans to run against incumbent governor Gavin Newsom, and people close to Grenell have verified these plans.² Throughout his career in public service, as Ambassador to Germany and later as Director of National Intelligence, Grenell engaged in highly questionable conduct that should be made public.

Grenell’s legacy of corruption began even before he even took office as Ambassador, when he worked on behalf of a foreign oligarch. Grenell consulted for corrupt Moldovan politician Vladimir Plahotniuc, who is now a fugitive and was recently prohibited from

¹ Richard Grenell, “Dinner with POTUS 45 at @thamaralagoclub. #usa”, *Instagram*, February 28, 2021, available at <https://www.instagram.com/p/CL1hoKDAwT5/>

² Alex Isenstadt, *Grenell to discuss potential California governor run with Trump Saturday*, *Politico*, February 27, 2021, available at <https://www.politico.com/news/2021/02/27/richard-grenell-california-governor-trump-471827>

entering the United States.³ In 2016 Grenell wrote several articles defending Plahotniuc but did not disclose that he was being paid and did not register under the Foreign Agents Registration Act, which requires people disclose their work on behalf of foreign politicians.⁴

From the beginning of his tenure as Ambassador in 2018 Grenell acted with extreme bias towards far-right political movements and criticised the liberal German government in “an extraordinary intervention into domestic affairs.”⁵ Grenell attacked the country’s open border policies, and criticized its military spending and foreign policy in Iran and China.⁶ According to German news site Der Spiegel, Grenell completely isolated himself from left-wing officials in the country.⁷ In an interview with the far-right news site Breitbart, Grenell stated his desire to “empower other conservatives throughout Europe.” and praised Austrian Chancellor and leader of the Austrian People’s Party (ÖVP) Sebastian Kurz, which had recently formed a coalition with the populist Freedom Party (FPÖ).⁸ As Ambassador Grenell was also liked by the “right-wing populist” party Alternative for Germany, “populist-conservative” Christian Democrats (CDU) member Jens Spahn.⁹

While serving as Ambassador Grenell was implicated in the Ukraine Scandal. In an interview with the Daily Beast former Rudy Giuliani associate Lev Parnas said that Giuliani instructed lawyer Victoria Toensing to ask Grenell for notice if the Department of Justice were to extradite Ukrainian oligarch Dmytro Firtash, who Giuliani hoped to get compromising information on.¹⁰ According to Parnas, Grenell complied, agreeing to “to tip off a private citizen to a law-enforcement move.”¹¹

Throughout his career as an official Grenell has kept a posse of shady associates. Grenell is a member of Donald Trump Jr.’s inner circle along with Republican congressmen

³ Isaac Arnsdorf, Trump’s New Spy Chief Used to Work for a Foreign Politician the U.S. Accused of Corruption, *Propublica*, February 21, 2020, available at <https://www.propublica.org/article/trumps-new-spy-chief-used-to-work-for-a-foreign-politician-t-he-us-accused-of-corruption>

⁴ *Id.*

⁵ Julian E. Barnes and Maggie Haberman, Trump Names Richard Grenell as Acting Head of Intelligence, *New York Times*, February 19, 2020, available at <https://www.nytimes.com/2020/02/19/us/politics/dni-national-intelligence-director-grenell.html>

⁶ *Id.*

⁷ Konstantin von Hammerstein, Trump’s Ambassador Finds Few Friends in Germany, *Der Spiegel*, November 1, 2019, available at <https://www.spiegel.de/international/world/u-s-ambassador-richard-grenell-is-isolated-in-berlin-a-1247610.html>

⁸ Chris Tomlinson, BERLIN, Germany: Trumpian U.S. Ambassador to Germany Richard Grenell has expressed great excitement over the wave of conservatism in Europe, saying he wants to “empower” leaders of the movement., *Breitbart*, June 3, 2018, available at <https://www.breitbart.com/europe/2018/06/03/trumps-right-hand-man-in-europe-wants-to-empower-european-anti-establishment-conservatives/>

⁹ Konstantin von Hammerstein, *Der Spiegel*, November 1, 2019

¹⁰ Betsy Swan, Lev Parnas Dishes on Kushner, Maduro, and Soros, *The Daily Beast*, January 18, 2020, available at <https://www.thedailybeast.com/lev-parnas-dishes-on-kushner-maduro-and-soros>

¹¹ Heather Hurlburt, The Scariest Part of Richard Grenell’s Appointment, *New York Magazine*, February 20, 2020, available at <https://nymag.com/intelligencer/2020/02/richard-grenell-director-national-intelligence.html>

and political operatives.¹² Through phone calls and text chains, the group helps Trump Jr. plan his political moves and sends unsavory information about journalists they feel have smeared Trump.¹³ Grenell has met with members of his group at the Trump International Hotel in Washington, D.C., which has become a destination for Republican politicians and political operatives. According to tracking by CREW, Grenell has made 19 visits to Trump properties, not including his recent trip to Mar-a-Lago.

The requested records will shed further light on Grenell's activities as U.S. Ambassador to Germany--an issue of widespread public interest.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts documents it receives under the FOIA on its website, which has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at rjacobs@citizensforethics.org. Also, if

¹² Jason Zengerle, *Donald Trump Jr. Is Ready. But for What, Exactly?*, *New York Times*, August 24, 2020, available at <https://www.nytimes.com/2020/08/24/magazine/donald-trump-jr.html>

¹³ McKay Coppins, *The Billion-Dollar Disinformation Campaign to Reelect the President*, *The Atlantic*, February 10, 2020, available at <https://www.theatlantic.com/magazine/archive/2020/03/the-2020-disinformation-war/605530/>

March 10, 2021

Page 5

CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me at either rjacobs@citizensforethics.org or Rebecca Jacobs, Citizens for Responsibility and Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca Jacobs', written in a cursive style.

Rebecca Jacobs
Research Associate