

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

OFFICE OF MANAGEMENT AND BUDGET,
et al.,

Defendants.

Case No. 19-cv-3488 (TFH)

PLAINTIFF’S SUPPLEMENTAL STATUS REPORT

Pursuant to this Court’s order the parties in this case filed a Joint Status Report on July 31, 2020 (ECF 15) (“July 31 JSR”). As part of that report, CREW noted that the State Department effectively was seeking an open-ended stay of its court-ordered processing obligations, but had failed to demonstrate an inability to process any records on its classified system. July 31 JSR ¶¶ 17, 18. CREW further noted that while State has claimed an inability to process the classified documents at issue here, it has found the necessary personnel to provide Republican members of Congress with thousands of pages of documents, including classified information. *Id.* ¶ 19.

On August 6, 2020, the Court entered a minute order scheduling a telephonic status conference for August 26, 2020. The Court’s Order noted that “[t]he State Department should be prepared to address its timeline for processing of classified documents.”

Recent reporting has brought to light an internal State Department memorandum dated August 17, 2020, concerning a congressional request for documents from the Chairs of the Senate Committee on Homeland Security and Governmental Affairs and the Senate Committee

on Finance. *See* Natasha Bertrand, Andrew Desiderio and Kyle Cheney, Pompeo aid orders State Department to provide Biden, Russia probe documents, *Politico*, Aug. 18, 2020, <https://www.politico.com/news/2020/08/18/pompeo-aide-biden-russia-documents-397895>.¹ A copy of this memo is attached as Exhibit A. Pertinent here, the memo directs that the multiple recipient State Department offices and bureaus conduct a search of all responsive records. It further notes that “[c]lassified and unclassified materials should be sent as separate files via ClassNet and OpenNet, respectively.” Plaintiff submits this report to supplement the information provided in the Joint Status Report on the ability of the State Department to marshal resources to comply with document requests from Republican members of Congress.

Dated: August 24, 2020

Respectfully submitted,

/s/ Anne L. Weismann
Anne L. Weismann
(D.C. Bar No. 298190)
Citizens for Responsibility and Ethics
in Washington
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Counsel for Plaintiff

¹ The memo is available at <https://www.politico.com/f/?id=00000174-02bb-d271-adf7-77fbcba20000>.

EXHIBIT A



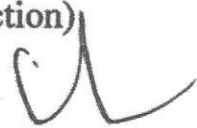
United States Department of State

Washington, D.C. 20520

August 17, 2020

SENSITIVE BUT UNCLASSIFIED

MEMORANDUM TO: Office of the Secretary (action)
Office of the Deputy Secretary (action)
Office of the Under Secretary for Political Affairs (action)
Office of the Under Secretary for Management (action)
Office of the Under Secretary Economic Growth, Energy, and
the Environment (action)
Office of the Under Secretary for Arms Control and
International Security (action)
Office of the Under Secretary for Civilian Security, Democracy,
and Human Rights (action)
All Assistant Secretaries and Bureau Directors (action)
All posts (action)
A – Ms. Cabelka (action)
H – Mr. Kaldahl (action)
L – Mr. String (action)
S/ES-S – Mr. Schnier (action)

FROM: S/ES – Lisa D. Kenna 

SUBJECT: Congressional Request for Documents on variety of
investigatory subjects on HSGAC/SFC investigation
(STATE-2020-06)

H Coordinator: Bill Killion, H/FO, x7-7595

L Coordinator: Ken Thomas, L/M, x7-3602

A Coordinator: Susan Weetman, A/GIS/IPS, x5-2091

S/ES Coordinator: Saadia Sarkis, S/ES-S, x7-6590

DUE DATE: FRIDAY, AUGUST 28, 2020

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SBU - DELIBERATIVE PROCESS

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SUMMARY AND BACKGROUND

The Senate Finance Committee (SFC) and Senate Homeland Security and Government Affairs Committee (HSGAC) have written a request for records as follow up to their investigatory letters of November 6, 2019 and April 30, 2020. Some items in the attached letter have already been tasked and this tasker will encompass items numbered 3 and 4. **The timeframe for this collection is January 1, 2016 and December 31, 2017.**

Action bureaus, please provide:

- All records from 2016 through 2017 related to communications between former Deputy Secretary of State Strobe Talbott or any other employee of the Brookings Institution and any then-current State Department official about Christopher Steele or the Trump campaign.
 - Suggested terms are combinations of the above individuals' names as well as searching with the Brookings Institute's email domain: "@brookings.edu"
- All records from 2016 through 2017 related to communications between Sidney Blumenthal or Cody Shearer and any then-current State Department official about Russia, Christopher Steele, or the Trump campaign.
 - Searches conducted should include keyword searches of the above three individuals' names as well as "Trump."
- Please also refer to at the attached letter when considering searches.

Please ensure that all records in the custody of your office or bureau that may be responsive are searched and provided. As some of these records may be retired, action bureaus should work with the A bureau to identify retired records of the named individuals.

Info bureau(s), please notify Bill Killion in H and Ken Thomas in L/M if you are aware of responsive documents with your bureau that would not be duplicative of those in the action bureau(s). Please be advised that your bureau may be tasked in the future for documents responsive to this request.

INSTRUCTIONS

Please review this memorandum to ensure all records in the custody of your office or bureau containing potentially relevant materials are searched.

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The bureaus and offices receiving this memorandum are potential repositories of responsive records and must immediately search their files for any electronic or paper records responsive to this request, to include emails, documents, spreadsheets, databases, and electronic media, etc.

Electronic records are the preferred method of delivery and should be provided in native format. Emails should not be combined into one larger document and sent in .pdf or another document format; rather, each email should be sent as a separate document in native format.

Classified and unclassified materials should be sent as separate files via ClassNet and OpenNet, respectively. Please do not combine classified and unclassified materials.

Bureaus and offices must retrieve all responsive records, even if you believe that some records should be withheld because they are classified or otherwise privileged. This includes captioned messages, such as NODIS and EXDIS. Responsive records retrieved and submitted for review in connection with this collection process should include, but not be limited to, memoranda, correspondence, transmittal slips, handwritten documents, faxes, emails, and information notes of any kind, regardless of format, media, or classification. Bureaus and offices should provide all responsive documents that are currently in their custody in their original form. Accordingly, bureaus and offices should produce only existing documents and not create any new documents as part of their response to this tasker. Documents are to be provided without redactions.

Questions concerning whether specific documents are responsive to the requests should be directed to Bill Killion in H and Ken Thomas in L/M.

Electronic Submissions

Bureaus and offices should provide electronic copies of any responsive records located pursuant to this request by attaching them to an email and sending that email to IPS-CDPBRI@state.gov.

Any electronic submissions containing classified information should be sent via email to IPS-CDPBRI@state.gov.

Alternatively, bureaus and offices may also submit discs by hand delivery to the Congressional Document Production (CDP) branch in the Office of Information Programs and Services (A/GIS/IPS/PP/CDP) in HST (Room 5425). For questions about

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All bureau and office responses must include a memorandum from the head of each bureau or office that explains what is being provided in response to the tasking as well as the classification of what is being provided.

Paper/Hard Copy Submissions

Paper submissions of responsive documents are not encouraged; however, if responsive material to this request is identified in paper format, please scan the documents and provide them in a PDF or TIFF format (see electronic submission instructions above).

If scanning is not an option, please submit two identical copies of the paper/hard copy records to HST (Room 5425). **Please ensure that CDP Control No. STATE-2020-06 is always included in the subject line of any communication regarding this request.**

Again, all bureau and office responses must include a memorandum from the head of each bureau or office to A/GIS/IPS/PP/CDP that explains what is being provided in response to the tasking.

NOTE: Please provide a response to A/GIS/IPS/PP/CDP, even if your bureau or office has no records responsive to this request.

After bureaus and offices have provided A/GIS/IPS/PP/CDP with potentially responsive records, A/GIS/IPS/PP/CDP will conduct an initial review, and then prepare them for final review, in consultation with L, H, and other concerned offices, bureaus, or agencies.

Attachment:

July 28, 2020 letter to Secretary Pompeo from Chairmen Grassley and Johnson

Drafted: H/FO:WKillion x7-7595 and mobile 202-294-2605

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Drafted: H/FO:WKillion x7-7595 and mobile 202-294-2605

Cleared: A/GIS/IPS: S Sweetman (ok)
A/GIS/IPS/PP/CDP: MScholl (ok)
L/M: KThomas (ok)
M: AFlashberg (ok)
S/ES: CErickson (ok)
S/ES: SSarkis (ok)

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United States Senate

WASHINGTON, DC 20510

July 28, 2020

The Honorable Michael R. Pompeo
Secretary of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Pompeo:

The Committee on Homeland Security and Governmental Affairs (HSGAC) and the Committee on Finance are investigating matters related to the Federal Bureau of Investigation's (FBI) Crossfire Hurricane investigation, and potential conflicts of interest relating to the Obama administration's policy decisions with respect to Ukraine and Burisma Holdings. On June 4, 2020, HSGAC authorized the issuance of a subpoena for all records relevant to our investigation of Crossfire Hurricane. We have a number of outstanding requests for records and information to the Department that have not yet been fully answered, as well as additional follow-up requests based on information that we have already received from the Department and other agencies. For your reference, a list of these requests is enclosed. We write to request your assistance in ensuring that the Department provides timely and complete responses.

If you have any questions about this request, please ask your staff to contact Brian Downey and Scott Wittmann of Chairman Johnson's staff at (202) 224-4751, and Joshua Flynn-Brown of Chairman Grassley's staff at (202) 224-4515. Thank you for your attention to this matter.

Sincerely,



Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs



Charles E. Grassley
Chairman
Committee on Finance

Encl: State Oversight Request List

Outstanding and Follow-up Oversight Requests from Chairmen Johnson & Grassley

State

1. All records related to Christopher Steele's contact with State Department officials, including, but not limited to:
 - a. Victoria Nuland;
 - b. Kathleen Kavalec; and
 - c. Jonathan Winer.
2. All records related to meetings or communications between Glenn Simpson and any State Department official, including but not limited to Victoria Nuland and Jonathan Winer.
3. All records from 2016 through 2017 related to communications between former Deputy Secretary of State Strobe Talbott or any other employee of the Brookings Institution and any then-current State Department official about Christopher Steele or the Trump campaign.
4. All records from 2016 through 2017 related to communications between Sidney Blumenthal or Cody Shearer and any then-current State Department official about Russia, Christopher Steele, or the Trump campaign.
5. All records related to State Department requests of the National Anti-Corruption Bureau (NABU) of Ukraine for information about the Ukrainian Prosecutor General's Office.
6. All records related to concerns by State Department officials about how anti-corruption funding or support to Ukraine might have been misused.
7. All records related to meetings by Department officials with Ukrainian prosecutors that occurred in January 2016, including information about the purpose, attendees, and subject matter of the meetings.
8. All records related to information provided by a friendly foreign government to Department officials between May and July 2016.
9. Any correspondence to or from the U.S. Embassy in London about the FBI sending any official or affiliated person to the United Kingdom to gather information about the anyone affiliated with the Trump campaign.