



**United States Department of State**

***Washington, D.C. 20520***

June 9, 2022

Case No. FL-2022-00037

Nikhel Sus  
Citizens for Responsibility and Ethics in Washington  
1331 F Street NW, Suite 900  
Washington DC, 20004

Dear Mr. Sus:

As we noted in our letter dated April 28, 2022, we are processing your request for material under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. The Department of State has identified an additional three responsive records subject to the FOIA. We have determined all three records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made redactions, the applicable FOIA exemptions are marked on each record. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

We will keep you informed as your case progresses. If you have any questions, your attorney may contact Michael Gerardi, Trial Attorney for the District of Columbia at [michael.j.gerardi@usdoj.gov](mailto:michael.j.gerardi@usdoj.gov) and (202) 616-0680. Please refer to the case number, FL-2022-00037 and the civil action number, 22-cv-00074-APM, in all correspondence about this case.

Sincerely,

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

Diamonece Hickson  
Acting Chief, Litigation and Appeals Branch  
Office of Information Programs and Services

Enclosures: As stated.

## The Freedom of Information Act (5 USC 552)

### FOIA Exemptions

- (b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:
- 1.4(a) Military plans, systems, or operations
  - 1.4(b) Foreign government information
  - 1.4(c) Intelligence activities, sources or methods, or cryptology
  - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
  - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
  - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
  - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
  - 1.4(h) Weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- |                |   |
|----------------|---|
| ARMSEXP        | Arms Export Control Act, 50a USC 2411(c)                    |
| CIA PERS/ORG   | Central Intelligence Agency Act of 1949, 50 USC 403(g)      |
| EXPORT CONTROL | Export Administration Act of 1979, 50 USC App. Sec. 2411(c) |
| FS ACT         | Foreign Service Act of 1980, 22 USC 4004                    |
| INA            | Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f) |
| IRAN           | Iran Claims Settlement Act, Public Law 99-99, Sec. 505      |
- (b)(4) Trade secrets and confidential commercial or financial information
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Personal privacy information
- (b)(7) Law enforcement information whose disclosure would:
- (A) interfere with enforcement proceedings
  - (B) deprive a person of a fair trial
  - (C) constitute an unwarranted invasion of personal privacy
  - (D) disclose confidential sources
  - (E) disclose investigation techniques
  - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

### Other Grounds for Withholding

- NR Material not responsive to a FOIA request excised with the agreement of the requester

<b>From:</b>	"Lord, Ellen M HON OSD OUSD A-S (USA)" (b)(6)
<b>To:</b>	Krach, Keith J (b)(6) @state.gov>; S (b)(6) @state.gov>
<b>CC:</b>	Logsdon, Kent D (b)(6) @state.gov>; Kenna, Lisa D (b)(6) @state.gov>
<b>Subject:</b>	Re: Talking points for Principals meeting on EO 13959.
<b>Date:</b>	Tue, 12 Jan 2021 00:30:39 +0000

Got it, thank you

**From:** "Krach, Keith J" (b)(6) @state.gov>  
**Date:** Monday, January 11, 2021 at 6:58:06 PM  
**To:** "S (b)(6) @state.gov>  
**Cc:** "Lord, Ellen M HON OSD OUSD A-S (USA)" (b)(6) "Logsdon, Kent D" (b)(6) @state.gov>, "Kenna, Lisa D" (b)(6) @state.gov>  
**Subject:** [Non-DoD Source] Talking points for Principals meeting on EO 13959.

S,  
 Attached are unclassified points on big 3 for call with Sec Mnuchin at 9:00am.  
 you will get the SECRET points from DoD no later than 8:00 am tomorrow.  
 Ellen,  
 Check out our additiional points  
 With thanks,

*Keith*  
**Keith Krach**  
**Under Secretary of State**

<b>Sender:</b>	"Lord, Ellen M HON OSD OUSD A-S (USA)" (b)(6)
<b>Recipient:</b>	Krach, Keith J (b)(6) @state.gov>; S (b)(6) @state.gov>; Logsdon, Kent D (b)(6) @state.gov>; Kenna, Lisa D (b)(6) @state.gov>

**From:** "Berkowitz, Peter" (b)(6)@state.gov>  
**To:** S(b)(6)@state.gov>  
**CC:** Kenna, Lisa D (b)(6)@state.gov>  
**Subject:** Dissent Channel message  
**Date:** Fri, 8 Jan 2021 15:53:53 +0000

**Sensitive but Unclassified**

Sir,

S//P just received a delicate Dissent Channel message signed by approximately 200 Department civil servants revolving around the attack on the US Capitol.

This is their recommendation:

“SBU) **Recommendations:**

(b)(5)

(b)(5)

As we prepare to draft a response, we seek your guidance.

Peter

Sent from my iPhone

**Sender:** "Berkowitz, Peter" (b)(6)@state.gov>  
**Recipient:** S(b)(6)@state.gov>;  
Kenna, Lisa D (b)(6)@state.gov>

**From:** (b)(6)@state.gov>  
**To:** S (b)(6)@state.gov>  
**Subject:** Call Request: U/S Krach, Today  
**Date:** Wed, 13 Jan 2021 12:59:03 +0000

Good morning Sir,

- U/S Krach has requested to speak with you today.
- Subject: Your call w/SEC Mnuchin. U/S Krach said it will take only a moment.
- Let me know if and when you are available.

Thanks.

(b)(6)  
Office of the Secretary  
U.S. Department of State  
HST 7226 | 2201 C Street, NW | Washington, DC 20520

(b)(6)  
Email: (b)(6)@state.gov

(b)(6)  
**Sender:** (b)(6)@state.gov>  
**Recipient:** S (b)(6)@state.gov>