

CREW

**citizens for responsibility
and ethics in washington**

March 23, 2018

By Facsimile: (703) 613-3007

Information Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Re: Freedom of Information Act Request

Dear Information Privacy Coordinator:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and Central Intelligence Agency ("CIA") regulations.

Specifically, CREW requests all email communications to and from Susan Pompeo, wife of CIA Director Mike Pompeo, from any email account Ms. Pompeo uses to communicate about the CIA. This request does not include communications between Ms. Pompeo and Director Pompeo on personal or other matters unrelated to the CIA.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as those who were cc'ed or bcc'ed on any emails.

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). If 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).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and CIA 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).

Recent news reports reveal that Ms. Pompeo “has taken an unusually active and prominent role at the [CIA].”¹ Reportedly she has used agency resources, including office space and assistance from CIA staff. *Id.* CNN has reported that Ms. Pompeo “regularly spend[s] her days at the agency, traveling with her husband, and attending agency social events[.]”² This appears to be a carryover from the role she played in her husband’s political campaigns serving “as one of his most-trusted adviser,” *id.*, and sharing a home office with her husband.³ The requested records may shed light on the precise role Ms. Pompeo has played at the CIA, the extent to which she has been involved in agency business as a non-paid, non-employee, and the extent to which that involvement has included directing CIA staff in the performance of their jobs.

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 any 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

¹ Shane Harris, [Susan Pompeo’s Role as ‘First Lady of the CIA’ Draws Critics and Defenders](https://www.washingtonpost.com/world/national-security/susan-pompeos-role-as-first-lady-of-the-cia-draws-critics-and-defenders/2018/03/19/d6e55646-2baf-11e8-911f-ca7f68bff0fc_story.html?utm_term=.037cde945697), *Washington Post*, Mar. 19, 2018, available at https://www.washingtonpost.com/world/national-security/susan-pompeos-role-as-first-lady-of-the-cia-draws-critics-and-defenders/2018/03/19/d6e55646-2baf-11e8-911f-ca7f68bff0fc_story.html?utm_term=.037cde945697.

² Jenna McLaughlin, [A Family Affair: Susan Pompeo’s Active Role Raising Debate Within the CIA](https://www.cnn.com/2018/03/19/politics/susan-pompeo-role-cia/index.html), *CNN*, Mar. 19, 2018, available at <https://www.cnn.com/2018/03/19/politics/susan-pompeo-role-cia/index.html>.

³ Harris, *Washington Post*, Mar. 19, 2018.

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educate the public about these issues. In addition, CREW posts all the documents it receives under the FOIA on its website, and those documents have been visited hundreds of thousands of times.

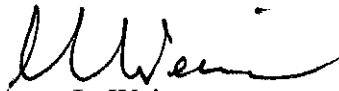
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or aweismann@citizensforethics.org. Also, if 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 either at aweismann@citizensforethics.org or at Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,



Anne L. Weismann
Chief FOIA Counsel