

June 5, 2018

BY FACSIMILE: (202) 261-8579

Office of Information Programs and Services
A/GIS/IPS/RL
Department of State
SA-2, Suite 8100
Washington, D.C. 20522-0208

Re: Freedom of Information Act Request

Dear FOIA Officer:

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 State Department regulations.

Specifically, CREW requests copies of all communications from January 20, 2017 to the present sent to or from Chief of Staff Margaret Peterlin; Deputy Chief of Staff Christine Ciccone; Chief of Staff and Chief Policy Officer Matthew Mowers; Director of the Policy Planning Staff Brian Hook; Deputy Director of the Policy Planning Staff Edward Lacey; and White House Liaison Julia Haller

- (1) With former Speaker of the House Newt Gingrich or any party representing him (to include the terms “Gingrich”, “Newt Gingrich”, or any known communication addresses that he has used).

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 (to include cc or bcc), 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.

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).

Fee Waiver Request

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

As the ranking members of the House Committees on Oversight and Government Reform and Foreign Affairs detailed in their March 15, 2018 letter to General John F. Kelly and Deputy Secretary of State John J. Sullivan, information shared with them from a whistleblower “indicat[ed] that high-level officials at the White House and State Department worked with a network of conservative activists to conduct a ‘cleaning’ of employees they believed were not sufficiently ‘supportive’ of President Trump’s agenda.”¹ Additionally, it appears that a career employee’s name and country of origin were scrutinized in making staffing and assignment decisions at the Department of State, and that certain political appointees are thus not beyond taking discriminatory measures against, or making discriminatory assessments on, protected classes.²

The requested records would shed light on the extent, if any, that the White House and high-level State Department officials have or were expected to disrupt the careers of civil service employees for their perceived political loyalties or intangible human backgrounds. As the 2017 removal of Sahar Nowrouzadeh from her detail, and the legal actions allegedly undertaken by various State Department employees charging “political retribution” make clear, high-level White House and State Department officials are able and willing to target federal employees who they believe do not fit their social or political mold.³

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

¹ "Request for Documents and Transcribed Interviews," Ranking Member Elijah E. Cummings and Ranking Member Eliot L. Engel, U.S. Congress, to General John F. Kelly; The Honorable John J. Sullivan, March 15, 2018.

² *Id.*, “Request for Documents and Transcribed Interviews”

³ Nahal Toosi, "State Dept. Official Reassigned amid Conservative Media Attacks," POLITICO, April 21, 2017, , accessed April 10, 2018, <https://www.politico.com/story/2017/04/21/sahar-nowrouzadeh-reassigned-state-department-237466>; Elise Labott, "Frustrated State Department Employees Hire Attorneys, Charging Political Retribution," CNN, January 28, 2018, , accessed April 10, 2018, <https://www.cnn.com/2018/01/26/politics/state-department-employees-hire-attorneys-political-retribution/index.html>; Elise Labott, "Lawmakers Want Answers to Charges of Political Retribution of State Dept. Employees," CNN, January 27, 2018, , accessed April 10, 2018, <https://www.cnn.com/2018/01/27/politics/lawmakers-question-state-department-political-retribution-charges/index.html>.

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 analyzes 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 all of 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) 897-1844 or dmarkham@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 dmarkham@citizensforethics.org or at Damien C. Markham, 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,

Damien C. Markham
Research Associate