

March 19, 2019

**BY FIRST-CLASS MAIL**

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 U.S. Department of State regulations.

Specifically, CREW requests all documents referencing, concerning, or relating to the briefing call on international religious freedom held by Secretary of State Mike Pompeo on March 18, 2019. This request includes without limitation any (1) transcript of the call; (2) list of participants in the call; (3) invitations from the State Department to outside entities or individuals to participate in the call; (4) requests from outside entities or individuals to the State Department to participate in the call; (5) communications reflecting decisions by State Department officials as to whether specific individuals or entities could participate in the call; and (6) documents reflecting any criteria used by State Department officials to determine who could participate in the call.

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.

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 CFPB 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).

On March 18, 2019, Secretary of State Pompeo held a briefing call on international religious freedom ahead of his planned trip to the Middle East. According to press reports, the State Department allowed only “faith-based media” to participate in the call and blocked other news outlets from joining.<sup>1</sup> The Department has reportedly refused media requests to provide a transcript of the call, a list of faith-based media outlets allowed to participate, or the criteria to be invited to join the call.<sup>2</sup> The Department has also refused to answer questions about whether a range of faiths were represented by the call participants.<sup>3</sup> This FOIA request seeks documents shedding light on details of the briefing call that the State Department has tried to keep secret.

There is a significant public interest in the requested documents. The public generally has an interest in meetings between cabinet-level officials and outside entities. That interest is particularly strong here, where it appears that the State Department excluded certain entities from participating in a briefing call with the Secretary of State based solely on their religious affiliation (or lack thereof), and has refused to reveal key details about the call.

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](http://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

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<sup>1</sup> Michelle Kosinski and Jennifer Hansler, [State Department bars press corps from Pompeo briefing, won’t release list of attendees](https://www.cnn.com/2019/03/18/politics/pompeo-briefing-won-t-release-list-of-attendees/index.html), *CNN*, March 19, 2019, available at <https://cnn.it/2WfsMOR>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

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 a blog that reports 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 the documents it receives under the FOIA on its website, and that site has been visited hundreds of thousands of times.

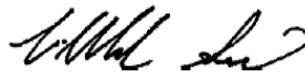
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or [nsus@citizensforethics.org](mailto:nsus@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 at either [nsus@citizensforethics.org](mailto:nsus@citizensforethics.org) or Nikhel Sus, Citizens for Responsibility and Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance.

Sincerely,



Nikhel Sus  
Staff Counsel