



citizens for responsibility  
and ethics in washington

June 17, 2020

Sent via email: [foia@usagm.gov](mailto:foia@usagm.gov).  
USAGM FOIA OFFICE  
Room 3349  
330 Independence Ave. SW  
Washington, D.C. 20237  
ATTN: FOIA/Privacy Act Officer

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 regulations of the U.S. Agency for Global Media (“USAGM”) at 22 C.F.R. pt. 503. Please note that this request is separate and distinct from the FOIA request CREW filed on June 16, 2020.

**First, CREW request all visitor logs for USAGM headquarters during the period beginning June 4 through the date on which the agency conducts its search for responsive records, inclusive of the beginning and ending dates.**

**Second, CREW request all visitor logs for VOA headquarters for the period June 4 through the date on which USAGM conducts its search for responsive records, inclusive of the beginning and ending dates.**

**Third, CREW requests copies of all calendars, schedules and other records of appointment for Michael Pack for the period June 4 through the date on which USAGM conducts its search for responsive records, inclusive of the beginning and ending dates.**

**Fourth, CREW requests a printout of the subject lines of all emails sent “to” or “from” Michael Pack, as well as the subject lines of all emails that copied Mr. Pack in the “cc” or “bcc” for the period June 4 through the date on which USAGM conducts its search for responsive records, inclusive of the beginning and ending dates.**

**Fifth, CREW requests copies of all USAGM or VOA emails containing either the term “Gorka” or the term “Gong” during the period beginning June 4 though the date on which the agency conducts its search for responsive records, inclusive of the beginning and ending dates. USAGM may limit its search to email accounts of personnel stationed in Washington, D.C. The search for responsive emails containing the term “Gorka” or the term “Gong” should be conducted by agency information technology personnel and not by the individual email account holders, and the search should not be made case sensitive.**

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.

If it is your position that 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 agency 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 June 14, 2020, news broke that CDC had blacklisted VOA reporters shortly after President Trump criticized VOA for what he perceived as unfavorable news coverage of his administration's pandemic response.<sup>1</sup> Two days later, VOA's Director and Deputy Director resigned.<sup>2</sup> The *New York Times* reported that these resignations were the "result" of the Senate's confirmation of a known associate of Stephen Bannon, Michael Pack, to lead USAGM eleven days earlier.<sup>3</sup> Mr. Bannon, who previously ran *Breitbart News Network*, is a controversial figure who in 2018 told a far-right French organization to wear the label "racist" as a "badge of honor."<sup>4</sup> The Southern Poverty Law Center has said that "Bannon provided a platform, through Breitbart News, for a new breed of white supremacists," and other news reporting has revealed links between Breitbart and white nationalists.<sup>5</sup> Mr. Pack was, according to *Breitbart News Network*, "a guest of Breitbart News Daily's American Revolution Special" in 2016.<sup>6</sup> Rep. Eliot

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<sup>1</sup> Jessica Jerreat, [CDC Media Guidance Blacklists VOA Interview Requests](https://bit.ly/2Yx5mXS), *VOA*, June 14, 2020, <https://bit.ly/2Yx5mXS>; Colbert King, [Trump's attack on the VOA reeks of McCarthyism](https://www.washingtonpost.com/news/energy-environment/wp/2020/04/18/trump-attack-on-the-voa-reeks-of-mccarthyism/), *Washington Post*, Apr. 18, 2020, <https://www.washingtonpost.com/news/energy-environment/wp/2020/04/18/trump-attack-on-the-voa-reeks-of-mccarthyism/>.

<sup>2</sup> Edward Wong, [Top V.O.A. Directors Resign After Bannon Ally Takes Charge of U.S. Media Agency](https://www.nytimes.com/2020/06/15/us/politics/voa-directors-resign-bannon.html), *New York Times*, June 15, 2020, <https://www.nytimes.com/2020/06/15/us/politics/voa-directors-resign-bannon.html>.

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

<sup>4</sup> Eli Watkins and James Gray, [Bannon: 'Let them call you racists'](https://www.cnn.com/2018/03/11/politics/bannon-racist/index.html), *CNN*, March 11, 2018, <https://www.cnn.com/2018/03/11/politics/bannon-racist/index.html>.

<sup>5</sup> Richard Cohen, [SPLC statement on Stephen Bannon's removal from the National Security Council](https://www.splc.org/press-releases/splc-statement-on-stephen-bannon-removal-from-the-national-security-council), *Southern Poverty Law Center*, Apr. 5, 2017, <https://www.splc.org/press-releases/splc-statement-on-stephen-bannon-removal-from-the-national-security-council>; Sara Sidner and Rachel Clarke, [Former Breitbart Editor: Stephen Miller is a white supremacist. I know. I was one too.](https://www.cnn.com/2019/12/16/politics/stephen-miller-white-supremacist/index.html), *CNN*, Dec. 16, 2019, <https://www.cnn.com/2019/12/16/politics/stephen-miller-white-supremacist/index.html>.

<sup>6</sup> John Hayward, [Michael Pack on Legendary George Washington and Timeless Alexander Hamilton](https://www.breitbart.com/news/2016/07/04/michael-pack-on-legendary-george-washington-and-timeless-alexander-hamilton/), *Breitbart News Network*, Jul. 4, 2016, <https://www.breitbart.com/news/2016/07/04/michael-pack-on-legendary-george-washington-and-timeless-alexander-hamilton/>.

Engel, Chairman of the House of Representatives Committee on Foreign Relations, expressed concern about Mr. Pack's confirmation: "I'm troubled that the Senate has confirmed not an experienced manager of a news organization, but someone with long ties to right-wing individuals, organizations, and media."<sup>7</sup> Chairman Engel specifically articulated a concern about Mr. Pack respecting the statutorily mandated firewall between political appointees and VOA's content.<sup>8</sup> Along these lines, the *New York Times* described Mr. Pack as "a conservative filmmaker who President Trump has said he hopes will dictate more favorable news coverage of his administration."<sup>9</sup>

There are now signs that Mr. Pack may be taking steps that will compromise VOA's objectivity. On June 16, 2020, CNN reported news of a possible shakeup at VOA:

A well-placed VOA employee said there are internal discussions about a sizable shakeup coming to the agency that may include former White House official and conservative radio host Sebastian Gorka taking on a leadership position. Given Gorka's partisan background, such an appointment would send a major message about VOA shifting to become a mouthpiece for the administration.

A source close to the White House said there is some discussion among the president's advisers about making Gorka a USAGM board member.<sup>10</sup>

It is unclear if Mr. Pack will also consider reinstating a former VOA employee who was fired by VOA's leadership during the Trump administration, Sasha Gong.<sup>11</sup> Therefore, the public needs information about any communications between USAGM and either Mr. Gorka or Ms. Gong.

The requested records are likely to contribute significantly to the public's understanding of the operations and activities of USAGM and VOA. The public needs this information to understand what role Mr. Pack or the White House may have played in prompting the resignations of VOA's former Director and Deputy Director. The requested records are also likely to shed light on the administration's effort to pressure the former Director and Deputy Director by taking the extraordinary measure of blacklisting federal officials working for an executive branch news agency. The public further has an interest in understanding whether Mr. Pack, the White House, or far-right influencers with ties to the administration are attempting to, as the *New York Times* put it, "dictate" the content of VOA's news reporting despite its statutory mandate to remain an objective source for news and information.<sup>12</sup>

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<sup>7</sup> Rep. Eliot Engel, [Engel Statement on the Confirmation of Michael Pack as USAGM CEO](https://bit.ly/2YBVImS), U.S. House of Representatives Committee on Foreign Affairs, June 5, 2020, <https://bit.ly/2YBVImS>.

<sup>8</sup> *Id.*

<sup>9</sup> Catie Edmondson, [Senate Confirms Conservative Filmmaker to Lead U.S. Media Agency](https://nyti.ms/3d4MJzN), *New York Times*, June 4, 2020, <https://nyti.ms/3d4MJzN>.

<sup>10</sup> Brian Stelter and Jim Acosta, [Voice of America top officials resign as Trump-appointed CEO takes over international network](https://cnn.it/2UTTpuD), *CNN*, June 16, 2020, <https://cnn.it/2UTTpuD>.

<sup>11</sup> Erik Wemple, [VOA fires journalist over interview with Chinese exile](https://wapo.st/2USCqsi), *CNN*, Dec. 3, 2018, <https://wapo.st/2USCqsi>.

<sup>12</sup> Voice of America, [VOA Firewall](https://bit.ly/3e5nCl5), Aug. 17, 2018, <https://bit.ly/3e5nCl5>; International Broadcasting Act of 1994, Public Law 103-236, Apr. 29, 1994, <https://bit.ly/2YErGPq>.

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 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 educate the public about these issues. In addition, CREW posts documents it receives under the FOIA its website, which 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 [wshaub@citizensforethics.org](mailto:wshaub@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 [wshaub@citizensforethics.org](mailto:wshaub@citizensforethics.org). Thank you for your assistance in this matter.

Sincerely,



Walter M. Shaub, Jr.  
Senior Advisor