

May 26, 2020

**BY EMAIL:** [foiarequest@state.gov](mailto:foiarequest@state.gov)

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

**Re: Freedom of Information Act Request**

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits 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 the following:

1. All records from January 1, 2020 to the date this request is processed concerning any inquiry by the State Department’s Office of Inspector General (“OIG”) into Secretary of State Mike Pompeo’s May 2019 “emergency” declaration authorizing arms sales to Saudi Arabia and the United Arab Emirates, including without limitation any responsive communications within the Office of the Secretary or between the Office of the Secretary and the OIG.
2. All communications from January 1, 2020 to the date this request is processed between the Office of the Secretary or the Office of the Chief of Protocol and the OIG concerning Secretary Pompeo’s “Madison Dinner” series.
3. All records from January 1, 2020 to the date this request is processed concerning any inquiry by the OIG regarding any official employed in the Office of the Chief of Protocol, including without limitation any responsive communications between the Office of the Chief of Protocol or the Office of the Secretary and the OIG.

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). 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).

Please be advised that CREW intends to pursue all legal remedies to enforce its right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, the State Department should institute an agency-wide preservation hold on documents potentially responsive to this request.

### **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).

On May 15, 2020, President Trump notified Congress of his intent to remove State Department Inspector General Steve Linick.<sup>1</sup> Secretary Pompeo has since confirmed that he personally recommended Linick's removal.<sup>2</sup> This decision came amid reports that the OIG was investigating several matters directly implicating the Secretary and other high-level State Department officials, calling into question whether those investigations played a role in Linick's removal.<sup>3</sup>

The requested records would shed light on whether the OIG was in fact investigating potential misconduct by Secretary Pompeo and other high-level State Department officials. Insofar as these records may reveal improper retaliatory motives for Linick's removal, the public has a compelling interest in their disclosure.

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

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<sup>1</sup> Meridith McGraw and Nahal Toosi, *Trump ousts State Department watchdog*, *Politico*, May 15, 2020, available at <https://www.politico.com/news/2020/05/15/state-department-inspector-general-fired-261536>.

<sup>2</sup> Carol Morello, *Pompeo says he didn't know fired inspector general was investigating him*, *Wash. Post*, May 18, 2020, available at <https://www.washingtonpost.com/national-security/pompeo-says-he-didnt-know-fired-inspector-general-was-investigating-him/>.

<sup>3</sup> *Id.*; Nahal Toosi, *Fired State Department watchdog was probing protocol office*, *Politico*, May 20, 2020, available at <https://www.politico.com/news/2020/05/20/fired-state-department-watchdog-was-probing-protocol-office>.

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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 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 on its website, which has been visited hundreds of thousands of times.

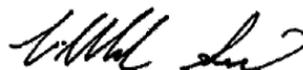
Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (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  
Senior Counsel