

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC



Austin R. Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005

September 18, 2020

Re: ODNI Case DF-2020-00139

Mr. Evers:

This letter responds to your Freedom of Information Act (“FOIA”) request dated 21 February 2020 (Enclosure 1) and received by the Information Management Office on 23 February 2020, in which you requested *“Any resignation letter, farewell email message, or formal memorandum or email message announcing or regarding the following individuals’ departure from the Office of the Director of National Intelligence:*

- a. Joseph Maguire, Acting Director of National Intelligence*
- b. Jason Klitenic, General Counsel*
- c. Andrew Hallman, Principal Deputy Director of National Intelligence*
- d. Dan Coats, former Director of National Intelligence*
- e. Sue Gordon, former Principal Deputy Director of National Intelligence.”*

A search has been conducted and nine records responsive to your request were located (Enclosure 2). Six records are being released to you in full. Three records are being released to you in part with the following exemptions:

- (b)(3), which applies to information exempt from disclosure by statute. The relevant statutes are: the National Security Act of 1947, as amended, 50 U.S.C. § 3024(m)(1), which protects, among other things, the names and identifying information of ODNI personnel; and 50 U.S.C. § 3024(i)(1), which protects information pertaining to intelligence sources and methods.
- (b)(6), which applies to information, the release of which would constitute a clearly unwarranted invasion of the personal privacy of individuals.

All reasonably segregable, non-exempt information has been released to you.

You may contact me, the FOIA Public Liaison, at dni-foia-liaison@dni.gov or (301) 243-2025 for any further assistance or to discuss any aspect of your request. You may also contact the Office of Government Information Services (“OGIS”) of the National Archives and Records Administration to inquire about the mediation services they provide. OGIS can be reached by mail at 8601 Adelphi Road, Room 2510, College Park, MD 20740-6001; telephone (202) 741-5770; facsimile (202) 741-5769; Toll-free (877) 684-6448; or email at ogis@nara.gov.

Enclosure 1



February 21, 2020

VIA EMAIL

Patricia Gaviria
Office of the Director of National Intelligence
Information Management Division
ATTN: FOIA/PA
Washington, DC 20511
dni-foia@dni.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

The Office of the Director of National Intelligence (ODNI) has recently undergone significant turmoil. This week, press reported that three senior career officials—Joseph Maguire, Jason Klitenic, and Andrew Hallman—would be stepping down from their leadership roles. Notably, press reports indicate that President Trump decided to remove Joseph Maguire, Acting DNI, from his position after Trump learned that the Intelligence Community had briefed Congress on Russian interference on his behalf in the 2020 elections.¹ In his place, President Trump named Ambassador to Germany Richard “Ric” Grenell—a highly political ally of the president, with minimal experience in foreign policy or national security²—and reporting also indicates Grenell will take on Kash Patel, a former staffer of Representative Devin Nunes who worked to discredit the investigation into Russian interference during the 2016 election, as a senior advisor.³ This leadership

¹ Ellen Nakashima, et al., *Senior Intelligence Official Told Lawmakers that Russia Wants to See Trump Reelected*, WASH. POST (Feb. 21, 2020, 6:53 AM), https://www.washingtonpost.com/national-security/after-a-congressional-briefing-on-election-threats-trump-soured-on-acting-spy-chief/2020/02/20/1ed2b4ec-53f1-11ea-b119-4faabac6674f_story.html.

² Julian Barnes & Maggie Haberman, *Trump Names Richard Grenell as Acting Head of Intelligence*, N.Y. TIMES, Feb. 19, 2020, <https://www.nytimes.com/2020/02/19/us/politics/dni-national-intelligence-director-grenell.html>.

³ Daniel Lippman, *NSC Aide Who Worked to Discredit Russia Probe Moves to Senior ODNI Post*, POLITICO (Feb. 20, 2020, 8:00 PM) <https://www.politico.com/news/2020/02/20/kash-patel-odni-post-116546>.



procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government.”⁵ The public has a significant interest in ensuring that the Intelligence Community does not become politicized but rather is able to continue providing objective, unbiased assessments to national security decisionmakers. Records with the potential to shed light on recent leadership transitions would contribute significantly to public understanding of operations of the federal government, including whether and to what extent decisions about DNI leadership are being made for political reasons. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public’s understanding of the government’s activities would be enhanced through American Oversight’s analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.⁶ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. American Oversight’s mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁷

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.⁸ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers;⁹ posting records received as part of American Oversight’s “Audit the Wall” project

⁵ 5 U.S.C. § 552(a)(4)(A)(iii).

⁶ See 5 U.S.C. § 552(a)(4)(A)(iii).

⁷ American Oversight currently has approximately 15,500 page likes on Facebook and 101,500 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Feb. 7, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Feb. 7, 2020).

⁸ News, AMERICAN OVERSIGHT, <https://www.americanoversight.org/blog>.

⁹ DOJ Records Relating to Solicitor General Noel Francisco’s Recusal, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN

- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.¹⁴ It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.¹⁵
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,¹⁶ and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools may capture that email under Capstone. At the same

¹⁴ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

¹⁵ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

¹⁶ Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

202.873.1743. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers
Executive Director
American Oversight

Enclosure 2a



OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE FROM THE DIRECTOR

From the Acting DNI and PE: Jason Klitenic's Resignation as the ODNI General Counsel

Jason Klitenic, General Counsel for the Office of the Director of National Intelligence (ODNI), has informed us, and the White House, that he is stepping down from his position to return to private practice. We want to personally thank Jason for his sage counsel and friendship. He has brought his deep legal expertise and vast experience to every legal challenge and question. He has served our community with distinction.

Throughout our time working together, Jason has repeatedly told us that serving with the women and men of the Intelligence Community has been the highlight of his career. We know that the friendships he has made here at ODNI and throughout the IC will endure for many years to come. Please join us and the entire ODNI leadership team in wishing Jason well as he starts this new chapter.

Brad Brooker will be the Acting General Counsel once Jason departs on March 2.

Joe and Andrew

Enclosure 2b



OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Colleagues,

Last night President Trump announced that Ambassador Richard Grenell will serve as the next Acting Director of National Intelligence, effective this morning. I would like to share with you the statement that I released.

"I want to thank President Trump for the opportunity to serve as the Acting Director of National Intelligence for the last six months. It has been an honor to work alongside the men and women of the intelligence community who have an unwavering dedication to our mission and the Nation.

"I have sworn an oath to the Constitution 11 times in 36 years and believe in a life of service. When I was asked to return to public service as the Director of the National Counterterrorism Center, I never imagined what would follow. This has been the opportunity of a lifetime, and I am grateful for the tireless efforts of our intelligence professionals. I am committed to leading the community until Ambassador Grenell assumes the role, and look forward to the next challenge."

I specifically want to thank each of you for your support and guidance these last six months. I am confident that you will provide Ambassador Grenell with the same support as he takes on this role. I have been honored to work for you and humbled to represent your work and this community.

Sincerely,
Joe

Enclosure 2c



OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Colleagues—

Today I will step down as the ODNI's Principal Executive. When I assumed the duties and responsibilities of the Principal Deputy Director of National Intelligence last September, I did so with enormous respect and admiration for the women and men of the Intelligence Community (IC). I was humbled to work alongside Joe Maguire, a lifelong patriot and public servant, and serving you in this role has been the honor of my career.

As I prepare to depart, I have complete confidence in you and the enduring qualities of our community—stability, integrity, and relentless dedication to serving our nation. These qualities will guide you through this next chapter and the uncertainties that come with change. The vital intelligence you provide to our nation's leaders will continue to protect Americans and defend the values for which so many have paid the ultimate sacrifice. The excellence that is the keystone of this community—the hallmarks of your work—will continue to thrive.

There is important work ahead. Keep your eyes focused forward, give your best to the new team, and stay true to our mission. I hope our paths cross again and, until then, Godspeed.

—Andrew

Enclosure 2d



OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE FROM THE DIRECTOR

Next Steps

As you saw from Sue's recent message, she has submitted her resignation, effective Aug. 15. It has been a privilege serving with Sue to lead the ODNI and the Intelligence Community over these past two years. She is a visionary leader who has made an enormous impact on the IC over the more than three decades she has served. I could not have done this job without her tireless efforts and I hope you all will join me in offering her our sincerest thanks and appreciation.

Last night, the President announced that NCTC Director Joseph Maguire will serve as acting Director of National Intelligence once Sue and I depart. I have had the pleasure of working with Joe as part of my leadership team at ODNI, and I know you will be in good hands. Joe has had a long, distinguished career serving the nation and will lead the men and women in the IC with distinction. As Joe moves into the role of acting DNI, Russ Travers will again assume the duties of leading NCTC during this interim period.

Leadership transitions such as these, and the unknowns that can come with them, are never easy, but I know from working with you all the last two years that you are consummate professionals. As I said before, I believe that the IC is stronger than ever and I am confident that you will press forward in the important work that is at hand in the silent support of our nation's security.

Enclosure 2e



OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE FROM THE DIRECTOR

Saying Farewell

Saying farewell is never easy, especially to a group of dedicated intelligence professionals of which I had the privilege to lead for the past year and a half.

As I depart my post as Director of National Intelligence, I leave with immense pride knowing that we worked together on the most sensitive and important national security challenges a public servant can undertake in their lifetime.

I will miss many things about the Intelligence Community, most notably witnessing first-hand your exemplary work and professionalism behind the call of duty.

As John F. Kennedy said, "Change is the law of life. And those who look only to the past or present are certain to miss the future." Let's keep looking forward to the promises and challenges that each new day brings.

I thank all of you for your service and camaraderie, it was an honor to serve with you each day.

A handwritten signature in black ink, appearing to read "Dan", is located below the text.

Enclosure 2f



OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
FROM THE PRINCIPAL DEPUTY DIRECTOR

Colleagues,

One of my dear friends reminded me yesterday of what I said during my confirmation hearing almost exactly two years ago:

“Simply put, I love America. I love being here today as we do the nation’s work as our founders envisioned.”

And that about says it all.

Since the fall of 1980, I have pursued the craft of intelligence joyfully because what we do is fundamentally an act of love...love of country, love of ideals, love of possibilities, and love of our fellow citizens. We have a particular role to play in keeping America safe, and it has been my experience that we take our responsibility seriously, execute it with urgency and integrity, and deliver results relentlessly—albeit silently. More, it has been my experience that the best part—the very best part—has been the women and men who have toiled alongside me. YOU are what makes this all work, what makes us great, and what gives me confidence and hope.

Being the Principal Deputy Director of National Intelligence has been the honor of a lifetime, and grateful that President Trump appointed me to the position. The opportunity to sit a perch over our phenomenal Community and to lead the gem of an organization that is the Office of the Director of National Intelligence has been a gift. I have seen, first hand, the impact we have had on policy and operational decision-making. What we do makes a difference.

I am filled with a whole bunch of emotions today, but nowhere among them is concern. The Community is strong because each of you serve your turn and impel us to be what we must be for the nation. Keep the forward press, remember why we work so tirelessly, and all will be well.

I can’t wait to see where you take us; and as you deliver, know that I will be wearing my proudest face.

As one, as always,

Enclosure 2g

(b)(3), (b)(6)

From: From the DNI on behalf of From the DNI (b)(3), (b)(6)
Sent: Monday, July 29, 2019 11:33 AM
Subject: Proud to Have Served With You

***** This message has been archived. Double-Click the message to view the contents. *****

Classification: UNCLASSIFIED

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(b)(3)

Proud to Have Served With You

Yesterday I announced my resignation as Director of National Intelligence, effective August 15. After 37 years of public service, I believe it is now time for me to begin the next, hopefully calmer, chapter of my life. However, I take this step secure in the knowledge that the Intelligence Community is stronger than ever and well prepared to address the ongoing challenges facing our nation.

First and foremost, I want to thank each and every member of the Intelligence Community for the work that you do every single day to protect our nation. Your work is absolutely critical to this effort – you support our warfighters in harm’s way, protect our citizens from terrorist attacks, and provide information that gives decisional advantage to our policymakers.

I am especially proud of the work we have done over the past several years to build upon the solid foundation laid by my predecessors. The accomplishments I listed in my resignation letter to the President are our accomplishments. Together we ensured we have the capabilities necessary to protect us from those who would do us harm, we strengthened and solidified our support to election security, we laid out a more strategic, responsive, and accountable ODNI, and much, much more. And I believe the current leadership of each part of the IC is uniquely poised to expand on this work.

At the same time, we must never be satisfied with where we are. We face an ever-increasing array of threats, and the pace of technological change requires us to continually press forward. Furthermore, while we are seeing increasing swirl in political situations at home and abroad, the IC must remain committed to maintaining our focus and continuing our work without being distracted or influenced. As a result, I encourage you all to rededicate your commitment to your mission, so we can continue to provide policymakers with the best, unbiased and most timely intelligence possible. As you have heard me say before, we seek the truth to speak the truth. Never is that more important than now, and I know you will uphold that sentiment.

This is especially true of ODNI. The work performed here to integrate and coordinate the work of the Community is of vital importance and cannot be understated. The role we play is often mischaracterized or just plain misunderstood. But I know how valuable the work of the ODNI is – in setting forth a shared vision that leverages the whole of the IC, in bringing together the Community’s best to realize that vision, and in challenging the IC to continually advance. You will have my steadfast support and gratitude for all that you do.

This has been one of the most challenging and rewarding positions of my life. In my final weeks as DNI, I will continue to work tirelessly on behalf of this terrific Community, and in support of our nation’s security.

Thank you for giving me the privilege of serving alongside you these past two-and-a-half years. It has truly been an honor to represent you and the unbiased intelligence you provide to our policymakers day in and day out. May God bless each one of you and our beloved country.

With deep respect and sincere thanks to each and every one of you,

(b)(3) /DNI_signature.png]

Enclosure 2h

(b)(3), (b)(6)

From: From the DNI on behalf of From the DNI <(b)(3), (b)(6)>
Sent: Friday, August 9, 2019 3:08 PM
Subject: Next Steps

***** This message has been archived. Double-Click the message to view the contents. *****

Classification: UNCLASSIFIED
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(b)(3)

Next Steps

As you saw from Sue’s recent message, she has submitted her resignation, effective Aug. 15. It has been a privilege serving with Sue to lead the ODNI and the Intelligence Community over these past two years. She is a visionary leader who has made an enormous impact on the IC over the more than three decades she has served. I could not have done this job without her tireless efforts and I hope you all will join me in offering her our sincerest thanks and appreciation.

Last night, the President announced that NCTC Director Joseph Maguire will serve as acting Director of National Intelligence once Sue and I depart. I have had the pleasure of working with Joe as part of my leadership team at ODNI, and I know you will be in good hands. Joe has had a long, distinguished career serving the nation and will lead the men and women in the IC with distinction. As Joe moves into the role of acting DNI, Russ Travers will again assume the duties of leading NCTC during this interim period.

Leadership transitions such as these, and the unknowns that can come with them, are never easy, but I know from working with you all the last two years that you are consummate professionals. As I said before, I believe that the IC is stronger than ever and I am confident that you will press forward in the important work that is at hand in the silent support of our nation’s security.

(b)(3) [DNI_signature.png]

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Classification: UNCLASSIFIED

Enclosure 2i

servants of the public's trust and must be worthy every day.

I will always be your biggest fan, knowing that you are exactly what the moment demands. As I start my own new adventure, I will rest easy knowing that you are standing the Nation's watch.

Now—as always—go forth, do good, and be kind to one another.

(b)(3) [REDACTED] PDDNI_Sue_Gordon_signature.png]

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Classification: UNCLASSIFIED

(b)(3), (b)(6)

From: From the PDDNI on behalf of From the PDDNI (b)(3), (b)(6)
Sent: Friday, August 9, 2019 8:45 AM
Subject: Message to the IC Workforce

***** This message has been archived. Double-Click the message to view the contents. *****

Classification: UNCLASSIFIED

(b)(3)

Colleagues,

I have submitted my resignation to President Trump effective August 15, and I will retire from the Intelligence Community (IC).

What a GREAT ride it's been! I've been graced with a career that has allowed me to be part of America's greatest silent successes, to see us overcome daunting challenges, and to work with the Nation's greatest patriots. I leave humbled by the opportunities I've had over my almost four decades, and am more confident than ever in our Community's ability to deliver the clarity, wisdom, and insight that these complex, dynamic times demand. I've said often that every story needs a hero, and I believe that we—intelligence officers—have the opportunity to be the heroes of the story being written today.

We have accomplished so much, and we are poised to do even more.

My confidence in our future comes from you—from agency leaders to student interns. Time and again, you have tackled every challenge, every obstacle, and every threat from our adversaries. You have done so with courage. With conviction. With selflessness. With the belief that nothing is beyond our grasp. And with an absolute commitment to the truth. I am profoundly grateful for the honor of having served with you.

And still, there is work to do. You must be guided by our mission, not hold on to the way we've always done things if it's no longer apt. You need to embrace data, and technology, and partnership in ways that heretofore seemed impossible. You need to remember that we are in the national security business, not the secrecy business, and you must figure out how to share in a digitally connected world, while still protecting the information and relationships that give us advantage. You must constantly revisit risk, for it is neither an absolute nor something that can be ignored. And, you must embrace diversity and inclusion for real—it is who we are and the only way we will find our way is if we do so as one.

As we begin a new chapter in our Community's story and as you welcome new leaders to the IC, I know that you will be their strength as you have been mine, Dan's, and our predecessors'. Use the Constitution as your guide, demonstrate the principles of integrity and excellence that are our hallmarks, and remember that you are