



OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC

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

October 29, 2020

Re: ODNI Case DF-2020-00214

Mr. Evers:

This letter responds to your Freedom of Information Act ("FOIA") request dated 29 April 2020 (Enclosure 1) and received by the Information Management Office on 30 April 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. Russell Travers, former Acting Director of the National Counterterrorism Center*
- b. Peter Hall, former Acting Deputy Director of the National Counterterrorism Center."*

A search has been conducted and two records responsive to your request were located (Enclosure 2). The 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.

If you are not satisfied with my response to your request, you may administratively appeal by submitting a written request to the Chief FOIA Officer, c/o Director, Information Management Office, Office of the Director of National Intelligence, Washington, DC 20511 [or dni-foia@dni.gov](mailto:dni-foia@dni.gov). The request letter and envelope or subject line of the email should be marked "Freedom of Information Act Appeal." Your appeal must be postmarked or electronically transmitted within 90 days of the date of this letter.

Enclosure 1



APR 30 2020

April 29, 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 Ms. Gaviria:

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. In February, press reported that three senior career officials—Joseph Maguire, Jason Klitenic, and Andrew Hallman—would be stepping down from their leadership roles. Press reports indicated 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 Grenell reportedly brought 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 Grenell also dismissed two

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>.



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highly regarded career intelligence professionals at the National Counterterrorism Center, Russell Travers and Peter Hall.⁴

American Oversight seeks records to shed light on whether and to what extent the President is politicizing the intelligence community.

Requested Records

American Oversight requests that ODNI produce the following records within twenty business days:

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. Russell Travers, former Acting Director of the National Counterterrorism Center
- b. Peter Hall, former Acting Deputy Director of the National Counterterrorism Center

American Oversight believes this request for a small number of recent, readily-identifiable documents created by high-ranking officials should be assigned to the Simple processing track, and American Oversight expects that ODNI will be able to respond promptly.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight 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 will likely contribute to a better understanding of relevant government 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

⁴ Ellen Nakashima, *Acting Counterterrorism Center Head Fired, According to Former U.S. Officials*, WASH. POST (Mar. 19, 2020, 6:49 PM), https://www.washingtonpost.com/national-security/acting-counterterrorism-center-head-fired-according-to-former-us-officials/2020/03/19/fb33d516-6a02-11ea-b313-df458622c2cc_story.html.

⁵ 5 U.S.C. § 552(a)(4)(A)(iii).

posting records regarding potential self-dealing at the Department of Housing & Urban Development and related analysis;¹¹ posting records and analysis relating to the federal government's efforts to sell nuclear technology to Saudi Arabia;¹² and posting records and analysis regarding the Department of Justice's decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President's political opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.¹³

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks "communications," please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- 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

¹¹ *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>.

¹² *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>.

¹³ *Sessions' Letter Shows DOJ Acted on Trump's Authoritarian Demand to Investigate Clinton*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/sessions-letter>.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Hart Wood at foia@americanoversight.org or 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,



Austin R. Evers
Executive Director
American Oversight

Enclosure 2a

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

From: (b)(3), (b)(6)
Sent: Wednesday, September 23, 2020 12:19 PM
To: (b)(3), (b)(6)
Subject: [AIN] FW: U.S. Madrid Group Transition

CLASSIFICATION: UNCLASSIFIED

(b)(3)



From: Russell E Travers
Sent: Tuesday, June 2, 2020 11:24 AM
To: (b)(3), (b)(6)



Russ Travers

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

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

Enclosure 2b

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

From: Russell E. Travers-TT-
Sent: Thursday, July 2, 2020 11:03 AM
To: NCTC_ALL
Subject: Farewell... and Thank You
Signed By: (b)(3), (b)(6)

Classification: UNCLASSIFIED
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Colleagues and Friends:

I retire from the Civil Service this afternoon and sincerely regret that COVID has prevented me from properly thanking all of you for the support you've shown both the Center, and me, over these many years. Whether you've been with me since the TTIC days, or you are relatively recent arrivals to NCTC, you are a part of something special. After 9/11, the government determined – rightfully in my view, that we needed to operate differently. While individual Departments and Agencies would continue to have vital operational roles, the Intelligence Community Counterterrorism Enterprise would better serve the Country by breaking down stovepipes and coming together as an “interagency joint venture”. Bringing analysts and data together on behalf of the Country, and thinking through what it meant to use all elements of state power effectively, was “good government” then, and it remains “good government” now.

There will be challenging times ahead as the USG comes to grips with an extraordinarily complicated world and an evolving risk equation. But the lessons learned from NCTC will endure, and in my opinion, should be applied to all transnational threats. You and your predecessors have paved the way for that kind of thinking, and I hope you are exceptionally proud of what each and every one of you has done to keep the Country safe.

Thank you again for everything. I do hope to stay engaged with the Center and look forward to staying in touch.

Very best regards,

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

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Classification: UNCLASSIFIED