

UNCLASSIFIED

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC

Mr. Austin Evers
Executive Director
American Oversight
1030 15th Street, Suite B255
Washington, DC 20005

March 5, 2021

Subject: ODNI Case DF-2020-00215; Civil Case 1:20-cv-01797 (American Oversight v. ODNI)

Mr. Evers,

This responds to your Freedom of Information Act (FOIA) request dated 29 April 2020 (Enclosure 1), in which you requested *"All email communications (email messages, email attachments, complete email chains, and calendar invitations) sent by Acting Director of National Intelligence Richard Grenell or Senior Advisor Kash Patel regarding former Acting Director of the National Counterterrorism Center (NCTC) Russell Travers or his acting deputy Peter Hall, including but not limited to circumstances surrounding their dismissals or reassignments."*

Your request was processed in accordance with the FOIA, 5 U.S.C. § 552, as amended, and a thorough search was conducted. Eight responsive documents were located. Upon review, we have determined that portions of the documents must be withheld pursuant to the following FOIA exemptions:

- (b)(3), which applies to information exempt by statute. The relevant statutes are the National Security Act of 1947, as amended, 50 U.S.C. § 3024(i) and 50 U.S.C. § 3024(m), which protect intelligence sources and methods and identifying information of ODNI personnel;
- (b)(4), which applies to proprietary information obtained from a company, which if released, would result in competitive harm to the company;
- (b)(6), which applies to information, the release of which would constitute a clearly unwarranted invasion of personal privacy.

A copy of the responsive pages with redactions has been included (Enclosure 3).

Please note that a news article that is available only with a Bloomberg subscription was withheld pursuant to exemption (b)(4). The article is titled, "Lora Shiao to Be Acting Head of U.S. Counterterrorism Agency" and is dated March 21, 2020.

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If you have any questions, please contact DOJ attorney, Michael Drezner, at Michael.L.Drezner@usdoj.gov or by phone at (202) 514-4505.

Sincerely,



Sally A. Nicholson
Chief, Information Review
& Release Group
FOIA Public Liaison
Information Management Office

Enclosures

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Enclosure 1

APR 30 2020

From: FOIA <foia@americanoversight.org>
Sent: Wednesday, April 29, 2020 4:18 PM
To: DNI-FOIA
Subject: FOIA Request (ODNI-20-1116)
Attachments: ODNI-20-1116.pdf

Dear FOIA Officer:

Please find attached a request for records under the Freedom of Information Act.

Sincerely,

Vibha Kannan
Paralegal
American Oversight
foia@americanoversight.org
www.americanoversight.org | @weareoversight

FOIA: ODNI-20-1116



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:

All email communications (email messages, email attachments, complete email chains, and calendar invitations) sent by Acting Director of National Intelligence Richard Grenell or Senior Advisor Kash Patel regarding former Acting Director of the National Counterterrorism Center (NCTC) Russell Travers or his acting deputy Peter Hall, including but not limited to circumstances surrounding their dismissals or reassignments.

American Oversight has limited its request to sent messages of only two custodians to reduce the volume of potentially responsive records. American Oversight still requests complete email chains. So, for example, if Acting DNI Grenell sent a response to an incoming message regarding the subject matter above, the email chain containing the initially received message and the response is responsive to this request.

Please produce all responsive records from February 21, 2020, through March 21, 2020.

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

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.

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 ODNI 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 to gather and analyze information related to the administration’s proposed construction of

⁵ 5 U.S.C. § 552(a)(4)(A)(iii).

⁶ See *id.*

⁷ American Oversight currently has approximately 15,500 page likes on Facebook and 102,300 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Apr. 23, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Apr. 23, 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 OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

a barrier along the U.S.-Mexico border, and analyses of what those records reveal;¹⁰ 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

¹⁰ See generally *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

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>.

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 time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

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>.

- 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. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- 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 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN OVERSIGHT,
1030 15th Street NW, B255
Washington, DC 20005

Plaintiff,

v.

Case No. 20-cv-1797

OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE
Washington, DC 20511

Defendant.

FIRST AMENDED COMPLAINT

1. Plaintiff American Oversight brings this action against the Office of the Director of National Intelligence under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA), and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201, and 2202.

3. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

4. Because Defendant has failed to comply with the applicable time-limit provisions of FOIA, American Oversight is deemed to have exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i) and is now entitled to judicial action enjoining the agency from

continuing to withhold agency records and ordering the production of agency records improperly withheld.

PARTIES

5. Plaintiff American Oversight is a nonpartisan, non-profit section 501(c)(3) organization primarily engaged in disseminating information to the public. American Oversight is committed to the promotion of transparency in government, the education of the public about government activities, and ensuring the accountability of government officials. Through research and FOIA requests, American Oversight uses the information gathered, and its analysis of it, to educate the public about the activities and operations of the federal government through reports, published analyses, press releases, and other media. The organization is incorporated under the laws of the District of Columbia.

6. Defendant Office of the Director of National Intelligence (ODNI) is an office of the executive branch of the U.S. government headquartered in Washington, DC, and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). ODNI has possession, custody, and control of the records that American Oversight seeks.

STATEMENT OF FACTS

7. Between February and May 2020, American Oversight filed five FOIA requests with ODNI that sought, broadly speaking, records relating to former Acting Director Ric Grenell and his associates, as well as the firing of former Intelligence Community Inspector General Michael Atkinson.

Decision Memoranda FOIA

8. On February 21, 2020 American Oversight submitted a FOIA request to ODNI seeking the following:

All decision memoranda, directives, or policy interpretations or guidance signed, approved, or otherwise adopted by Acting DNI Grenell. This request includes any document establishing, modifying, clarifying, or rescinding any DNI or other Intelligence Community policy, legal or policy interpretation, or practice, whether presented as a memorandum, letter, guidance document, or in any other form.

Please provide all responsive records from February 19, 2020, through the date the search is conducted.

9. ODNI acknowledged this request on March 16, 2020 and assigned the request tracking number DF-2020-00143.

10. American Oversight has not received any further communications from ODNI regarding the Decision Memoranda FOIA.

Atkinson Emails FOIA

11. On May 1, 2020, American Oversight submitted a FOIA request to ODNI seeking the following:

All email communications (email messages, email attachments, complete email chains, and calendar invitations) sent by Acting Director of National Intelligence Richard Grenell or senior advisor Kash Patel containing any of the following key terms:

- i. Atkinson
- ii. ICIG
- iii. "IC IG"
- iv. "Inspector General"
- v. "Ukraine whistleblower"
- vi. "whistleblower complaint"
- vii. "administrative leave"
- viii. "admin leave"

American Oversight has limited its request to sent messages of only two custodians to reduce the volume of potentially responsive

records. American Oversight still requests complete email chains. So, for example, if Acting DNI Grenell sent a response to an incoming message regarding the subject matter above, the email chain containing the initially received message and the response is responsive to this request.

Please produce all responsive records from February 21, 2020, through April 7, 2020.

12. ODNI acknowledged this request on May 6, 2020 and assigned the request tracking number DF-2020-00217.

13. American Oversight has not received any further communications from ODNI regarding the Atkinson Emails FOIA.

Kash Patel FOIA

14. On May 20, 2020, American Oversight submitted a FOIA request to ODNI seeking the following:

1. All email communications (including messages, attachments, and complete email chains) sent by ODNI Senior Advisor Kash Patel to anyone with an email address ending in .com / .org / .mail / .net / .edu / .us.

American Oversight has limited its request to sent messages to reduce the volume of potentially responsive records. American Oversight still requests complete email chains. So, for example, if Mr. Patel sent a response to an incoming message received from an email address ending in “.com,” the email chain containing the initially received message and the response is responsive to this request.

2. All calendars or calendar entries for ODNI Senior Advisor Kash Patel, including any calendars maintained on behalf of Mr. Patel.

American Oversight requests that the calendars be produced in a format that includes all invitees, any notes, and all attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar—paper or electronic, whether on government-issued or personal devices—used to track or coordinate how Mr. Patel allocates his time on agency business.

3. Any itineraries (or records reflecting itineraries) for ODNI Senior Advisor Kash Patel's official government travel, including records reflecting the substance of the trips—such as email messages, cables, trip agendas, line-by-line schedules, or other records reflecting meetings.
4. All records reflecting actual or projected costs of ODNI Senior Advisor Kash Patel's government travel, including air travel, lodging, and security expenses for Mr. Patel. All electronic travel vouchers, invoices, expense reports, government credit card bills, reimbursements related to the trips—including but not limited to hotel bills, meals, and other reimbursements related to the trip—are responsive to this request.

For all parts of this request, please produce all responsive records from February 20, 2020, through the date the search is conducted.

For parts 2–4 of this request, we request that calendars and travel records maintained on both classified and unclassified systems be produced, as we believe there is likely segregable non-exempt material maintained on the classified system.

15. ODNI acknowledged this request on June 11, 2020 and assigned the request tracking number DF-2020-00241.

16. American Oversight has not received any further communications from ODNI regarding the Kash Patel FOIA.

House Communications FOIA

17. Also on May 20, 2020, American Oversight submitted a FOIA request to ODNI seeking the following:

All email communications (including messages, attachments, and complete email chains) between (a) ODNI Senior Advisor Kash Patel or Deputy to the COO Nick Ciarlante and (b) any of the following individuals (including *but not limited to* at the email addresses provided):

- i. Rep. Devin Nunes
- ii. Jilian Plank (jilian.plank@mail.house.gov)
- iii. Derek Harvey (derek.harvey@mail.house.gov)
- iv. Jennifer Morrow (Jennifer.morrow@mail.house.gov)

- v. Jack Langer (jack.langer@mail.house.gov)
- vi. Ian Foley (ian.foley@mail.house.gov)
- vii. Anyone else communicating on behalf of Rep. Devin Nunes, including on both his personal staff and his staff for the House Permanent Select Committee on Intelligence (HPSCI), and staff for his campaign
- viii. Anyone communicating from an email address ending in @mail.house.gov
- ix. Sen. Chuck Grassley
- x. Aaron Cummings (aaron_cummings@grassley.senate.gov)
- xi. Jennifer Heins (jennifer_heins@grassley.senate.gov)
- xii. James Rice (james_rice@grassley.senate.gov)
- xiii. George Hartmann (george_hartmann@grassley.senate.gov)
- xiv. Michael Zona (michael_zona@grassley.senate.gov)
- xv. Anyone else communicating on behalf of Sen. Grassley, including anyone with an email address ending in @grassley.senate.gov, his staff for the Senate Finance Committee, and campaign staff
- xvi. Sen. Ron Johnson
- xvii. Tony Blando (tony_blando@ronjohnson.senate.gov)
- xviii. Chloe Pickle (chloe_pickle@ronjohnson.senate.gov)
- xix. Courtney Allen Rutland
(Courtney_rutland@ronjohnson.senate.gov,
Courtney_rutland@hsgac.senate.gov)
- xx. Ben Voelkel (ben_voelkel@ronjohnson.senate.gov)
- xxi. Anyone else communicating on behalf of Sen. Johnson, including anyone with an email address ending in @ronjohnson.senate.gov, and his staff for the Homeland Security Committee
- xxii. Anyone serving on the Senate Homeland Security and Governmental Affairs Committee (HSGAC), including anyone with an email address ending in hsgac.senate.gov
- xxiii. Rep. Jim Jordan
- xxiv. Kevin Eichinger (kevin.eichinger@mail.house.gov)
- xxv. Emma Summers (emma.summers@mail.house.gov)
- xxvi. Jared Dilley (jared.dilley@mail.house.gov)
- xxvii. Ian Fury (ian.fury@mail.house.gov)
- xxviii. Anyone else communicating on behalf of Rep. Jordan, including anyone on his personal staff and his staff for the Judiciary Committee
- xxix. Former Rep. Mark Meadows
(mark.meadows@mail.house.gov)
- xxx. Ben Williamson (ben.williamson@mail.house.gov)
- xxxi. Kate Morgan (kate.morgan@mail.house.gov)
- xxxii. Eric Heigis (eric.heigis@mail.house.gov)

Please produce all responsive records from February 20, 2020, through the date the search is conducted.

18. ODNI acknowledged this request on June 11, 2020 and assigned the request tracking number DF-2020-00242.

19. American Oversight has not received any further communications from ODNI regarding the House Communications FOIA.

Key Term Emails FOIA

20. Also on May 20, 2020, American Oversight submitted a FOIA request to ODNI seeking the following:

All email communications (email messages, email attachments, complete email chains, and calendar invitations) sent by Acting Director of National Intelligence Richard Grenell or Senior Advisor Kash Patel containing any of the following key terms:

- i. Unmasking
- ii. Flynn
- iii. Kislyak
- iv. "Obama people"
- v. Obamagate
- vi. "Ezra Cohen"
- vii. Cohen-Watnick
- viii. Biden
- ix. Burisma
- x. Hunter
- xi. Zelensky
- xii. Giuliani
- xiii. "Blue Star"
- xiv. Telizhenko.
- xv. "declassification review"
- xvi. "Russia investigation"
- xvii. "Russian active measures"
- xviii. "Volume 5"
- xix. Mueller
- xx. "election security"

American Oversight has limited its request to sent messages of only two custodians to reduce the volume of potentially responsive records. American Oversight still requests complete email chains.

So, for example, if Acting DNI Grenell sent a response to an incoming message containing one of the key terms above, the email chain containing the initially received message and the response is responsive to this request.

We request responsive records maintained on both classified and unclassified systems be produced, as we believe there is likely segregable non-exempt material maintained on the classified system. For example, according to public reporting, Acting Director Grenell this month declassified information related to unmasking requests regarding former National Security Advisor Michael Flynn. Therefore we anticipate significant non-exempt materials in response to multiple search terms above.

Please produce all responsive records from February 20, 2020, through the date the search is conducted.

21. ODNI acknowledged this request on June 11, 2020 and assigned the request tracking number DF-2020-00244.

22. American Oversight has not received any further communications from ODNI regarding the Key Terms Emails FOIA.

Travers Communications FOIA

23. On April 29, 2020, American Oversight submitted a FOIA request to ODNI seeking the following:

All email communications (email messages, email attachments, complete email chains, and calendar invitations) sent by Acting Director of National Intelligence Richard Grenell or Senior Advisor Kash Patel regarding former Acting Director of the National Counterterrorism Center (NCTC) Russell Travers or his acting deputy Peter Hall, including but not limited to circumstances surrounding their dismissals or reassignments.

American Oversight has limited its request to sent messages of only two custodians to reduce the volume of potentially responsive records. American Oversight still requests complete email chains. So, for example, if Acting DNI Grenell sent a response to an incoming message regarding the subject matter above, the email chain containing the initially received message and the response is responsive to this request.

Please produce all responsive records from February 21, 2020, through March 21, 2020.

24. ODNI acknowledged this request on May 6, 2020 and assigned the request tracking number DF-2020-00215.

25. American Oversight has not received any further communications from ODNI regarding the Travers Communications FOIA.

Exhaustion of Administrative Remedies

26. As of the date of this complaint, ODNI has failed to (a) notify American Oversight of any determination regarding its FOIA requests, including the scope of any responsive records ODNI intends to produce or withhold and the reasons for any withholdings; or (b) produce the requested records or demonstrate that the requested records are lawfully exempt from production.

27. Through ODNI's failure to respond to American Oversight's FOIA requests within the time period required by law, American Oversight has constructively exhausted its administrative remedies and seeks immediate judicial review.

COUNT I

Violation of FOIA, 5 U.S.C. § 552

Failure to Conduct Adequate Searches for Responsive Records

28. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

29. American Oversight properly requested records within the possession, custody, and control of ODNI.

30. ODNI is an agency subject to FOIA, and it must therefore make reasonable efforts to search for requested records.

31. ODNI has failed to promptly review agency records for the purpose of locating those records that are responsive to American Oversight's FOIA requests.

32. ODNI's failure to conduct an adequate search for responsive records violates FOIA and ODNI regulations.

33. Plaintiff American Oversight is therefore entitled to injunctive and declaratory relief requiring Defendant to promptly make reasonable efforts to search for records responsive to American Oversight's FOIA requests.

COUNT II
Violation of FOIA, 5 U.S.C. § 552
Wrongful Withholding of Non-Exempt Responsive Records

34. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

35. American Oversight properly requested records within the possession, custody, and control of ODNI.

36. ODNI is an agency subject to FOIA, and it must therefore release in response to a FOIA request any non-exempt records and provide a lawful reason for withholding any materials.

37. ODNI is wrongfully withholding non-exempt agency records requested by American Oversight by failing to produce non-exempt records responsive to its FOIA requests.

38. ODNI is wrongfully withholding non-exempt agency records requested by American Oversight by failing to segregate exempt information in otherwise non-exempt records responsive to American Oversight's FOIA requests.

39. ODNI's failure to provide all non-exempt responsive records violates FOIA and ODNI regulations.

40. Plaintiff American Oversight is therefore entitled to declaratory and injunctive relief requiring Defendant to promptly produce all non-exempt records responsive to its FOIA requests and provide indexes justifying the withholding of any responsive records withheld under claim of exemption.

REQUESTED RELIEF

WHEREFORE, American Oversight respectfully requests the Court to:

- (1) Order Defendant to conduct a search or searches reasonably calculated to uncover all records responsive to American Oversight's FOIA requests;
- (2) Order Defendant to produce, within twenty days of the Court's order, or by such other date as the Court deems appropriate, any and all non-exempt records responsive to American Oversight's FOIA requests and indexes justifying the withholding of any responsive records withheld under claim of exemption;
- (3) Enjoin Defendant from continuing to withhold any and all non-exempt records responsive to American Oversight's FOIA requests;
- (4) Award American Oversight the costs of this proceeding, including reasonable attorneys' fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (5) Grant American Oversight such other relief as the Court deems just and proper.

Dated: August 31, 2020

Respectfully submitted,

/s/ Hart W. Wood

Hart W. Wood

D.C. Bar No. 1034361

AMERICAN OVERSIGHT

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Washington, DC 20005

(202) 873-1743

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Counsel for Plaintiff

Enclosure 3(a)

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

From: (b)(3), (b)(6)
Sent: Wednesday, March 18, 2020 6:56 PM
To: (b)(3), (b)(6)
Subject: Fwd: Another Ignatius piece

This is why two weeks is too long... this didn't take two hours

From: (b)(3), (b)(6)
Date: Wednesday, March 18, 2020 at 18:40:18
To: (b)(3), (b)(6); (b)(3), (b)(6)
(b)(3), (b)(6)
Cc: "Amanda J Schoch" (b)(3), (b)(6)
Subject: Another Ignatius piece

Sir -

Ignatius just posted another piece on NCTC. He reached out today and asked to talk to Russ Travers, but NCTC did not make him available or engage with Ignatius for this piece. Ignatius gave our team the impression he would be writing tomorrow, but his timeline appears to have moved up. We'll continue to pursue a WSJ story and Amanda will have an on the record comment for WSJ to share with you in the morning.

The Trump administration makes another disruptive shake-up in the intelligence community

By
David Ignatius
Columnist

March 18, 2020 at 5:52 p.m. EDT

The Trump administration is continuing its shake-up of the intelligence community with a potentially disruptive change of leadership at the National Counterterrorism Center, the agency that coordinates government efforts to guard the homeland.

The White House [announced its plan](#) to nominate as NCTC director Christopher Miller, a former Army Special Forces officer who had overseen counterterrorism efforts in the Trump White House before moving to a similar position at the Pentagon.

Miller gets solid marks from former colleagues, but the move has increased fears within the intelligence community that the administration has embarked on a politically motivated campaign against career professionals.

The move came hours after [I reported](#) that Richard Grenell, the acting director of national intelligence, had begun a "review" of the NCTC and was weighing staff cuts there and in other parts of

the Office of the Director of National Intelligence. Congress created both in 2003 as part of its effort to coordinate intelligence activities after the failure to “connect the dots” that allowed the terrorist attacks on Sept. 11, 2001.

Miller, if confirmed, would take over from Russell Travers, who has been acting director since the departure of Joseph Maguire last August to become acting DNI. Travers, a widely respected career intelligence officer, was told that he could remain as Miller’s deputy, according to a Senate source who had been briefed by the ODNI leadership.

The timing of the proposed change was surprising, since it came as President Trump and most of the country were [focused on the coronavirus threat](#) that has preoccupied the world. But Grenell and the new team overseeing intelligence apparently couldn’t wait. An intelligence source told me that Miller received a call about 10 p.m. Tuesday from the White House, asking if he would take the job.

Travers didn’t learn about the move until Wednesday morning, when he was briefed by an aide, the intelligence source said. Despite Travers’s long record of service, Grenell apparently didn’t notify him personally in advance that the White House had selected someone else for the top job. This treatment of a career officer will grate among his colleagues.

The move will add to concerns within the U.S. intelligence community, and among its partners abroad, that Trump is continuing a purge of what he views as disloyal subordinates at the ODNI, FBI and other spy agencies. This housecleaning began last July with the departure of DNI Daniel Coats; that was followed by the [resignation in August](#) of his deputy, Sue Gordon, after she was passed over for the top job. Then came the ouster last month of Maguire and his senior deputy, Andrew Hallman. “People in the intelligence community are very nervous because of the uncertainty,” said the intelligence source. The political churn is especially upsetting because it comes at a time when there are so many serious global economic and public health issues that require attention. It’s no time, in other words, for political vendettas.

Enclosure 3(b)

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

From: (b)(3), (b)(6)
Sent: Tuesday, March 17, 2020 8:23 PM
To: (b)(3), (b)(6)
Cc: Amanda J Schoch
Subject: Re: Ignatius column

Rgr, thanks for the readout. Appreciate your efforts

From: (b)(3), (b)(6)
Date: Tuesday, March 17, 2020 at 20:21:29
To: (b)(3), (b)(6)
Cc: "Amanda J Schoch" (b)(3), (b)(6)
Subject: Re: Ignatius column

Sorry, I have your other email autopopulating in my phone.

We did know it was coming, though we didn't know it would mention you. Per the A/DNI's direction, last Thursday we gave Ignatius the same statement we gave NYT, and Maura provided a few off the record steers about previous hiring pauses and the studies we mention in the statement. We know he talked to NCTC formers for the piece.

From: "Patel, Kash P. EOP/NSC" (b)(3), (b)(6)
Date: Tuesday, March 17, 2020 at 8:08:03 PM
To: (b)(3), (b)(6)
Cc: "Amanda J Schoch" (b)(3), (b)(6)
Subject: Re: Ignatius column

Thanks, adding my dni email, please use that. Also, did we know this was coming ?

On Mar 17, 2020, at 20:05, (b)(3), (b)(6) wrote:

Kash - Just an FYI, you are mentioned in a Wash Post column that came out tonight:

Trump loyalists take command of the intelligence community

By
David Ignatius
Columnist

March 17, 2020 at 6:06 p.m. EDT

At a moment when Americans have new appreciation for the government professionals who protect against global threats, the Trump administration is weighing cuts in funding and staff for the National Counterterrorism Center, [created](#) after Sept. 11, 2001, to shield the homeland from attack.

The debate about trimming the NCTC, as it is known, is part of a broader examination of intelligence coordination by Richard Grenell, a Trump loyalist who was [named acting director of national intelligence](#) last month. Grenell replaced Joseph Maguire, a 36-year Navy SEAL who had headed the NCTC before he became [acting director of national intelligence last August](#).

A statement from the DNI's office said Grenell and his staff had begun a "careful review" of past studies that "have identified opportunities to refocus or transfer activities at ODNI to eliminate duplication of work with other agencies." While this review is underway, the statement said, Grenell has imposed a "short-term pause in external hiring" at the Office of the Director of National Intelligence and its components, such as the NCTC.

This "review" of intelligence-coordinating activities has created concern among intelligence professionals that a campaign is beginning against what President Trump and his loyalists view as a "deep state" in the national security community. Foreign intelligence partners share this worry about a Trump-led campaign to control intelligence.

Fear of a purge increased last July, when Daniel Coats was [pushed out](#) as director of national intelligence. His widely respected deputy, Sue Gordon, [resigned in August](#) after she wasn't tapped to replace Coats. Then came the [departures](#) of Maguire and his chief deputy, Andrew Hallman, last month. All four had angered the White House, in part because they supported the intelligence community's findings that [Russia has been meddling](#) in U.S. politics to benefit Trump.

The debate about trimming the NCTC dates back two years, to a "summer study" launched by Coats. Officials say it has accelerated as a more political team has taken over intelligence policy. This group includes [Michael Ellis](#), named this month to a National Security Council post overseeing intelligence, and [Kashyap Patel](#), Grenell's senior adviser at ODNI. Both formerly worked for Devin Nunes (Calif.), the top Republican on the House Intelligence Committee and a passionate Trump supporter. The management issue is complicated. Some critics have long argued that the NCTC duplicates some functions of the CIA's Counterterrorism Center. Similar complaints have been made about the larger ODNI structure, which duplicates some of the legal, communications and management functions of the [17 agencies](#) it supervises.

The NCTC's biggest problem right now, officials say, is that it is understaffed. Of its roughly 1,000 employees, about 700 are full-time government workers and 300 are contractors. About 30 percent of the government workers are supposed to be loaned by the CIA and other agencies. But a significant number of these interagency transfer positions are vacant, an NCTC veteran said, weakening the cross-government mission. With Grenell's hiring freeze, and the reluctance of the CIA and other agencies to send transfers, the personnel shortage is becoming more severe.

The lack of adequate staff is felt especially at the NCTC's Directorate of Strategic Operational Planning, which coordinates counterterrorism policy across government agencies. This directorate was mandated by law when the NCTC was created in 2004 to "connect the dots" within government and avoid the catastrophic intelligence-sharing failure that allowed the terrorist attacks of 9/11.

Another key NCTC function that could be affected by the current squeeze is the modernization of its data collection. The current database, the Terrorist Identities Datamart Environment, or **TIDE**, collects names, passport numbers and other biographical information. The agency is building a broader registry that would include biometric and biographical data. But that work has slowed because of lack of resources, potentially leaving the nation vulnerable.

Russell Travers, a widely respected career intelligence officer, has been acting director of the NCTC since Maguire left to become acting DNI last year. Travers formerly served as chief data officer for both the NCTC and ODNI, and he's an expert in the data-management techniques that are part of the NCTC's core mission. A half-dozen intelligence veterans told me it is crucial that Travers remain in his job.

The stakes here are immense. The NCTC receives about 8,000 threat-related messages each day. Officials fear there aren't enough people now to input all that information efficiently or to modernize the system.

"This review is not an effort to purge," said the statement from Grenell's office about his plans. Members of Congress and the administration who care about the nation's security should make sure that promise is kept.

https://www.washingtonpost.com/opinions/trump-loyalists-take-command-of-the-intelligence-community/2020/03/17/72518e3e-6884-11ea-9923-57073adce27c_story.html

Enclosure 3(c)

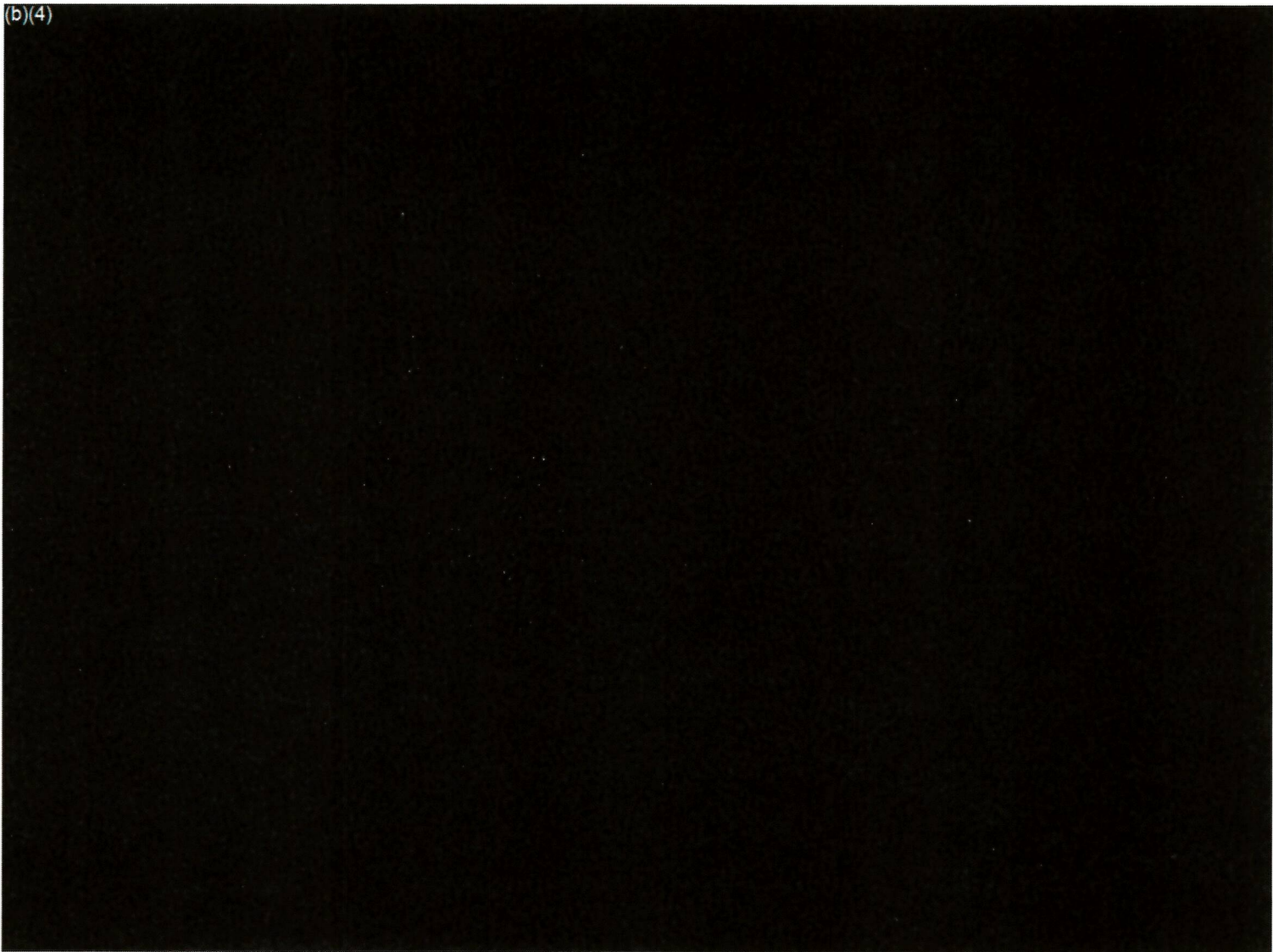
(b)(3), (b)(6)

From: (b)(3), (b)(6)
Sent: Saturday, March 21, 2020 1:46 PM
To: (b)(3), (b)(6)
Cc: (b)(3), (b)(6) Amanda J Schoch
Subject: Re: Bloomberg

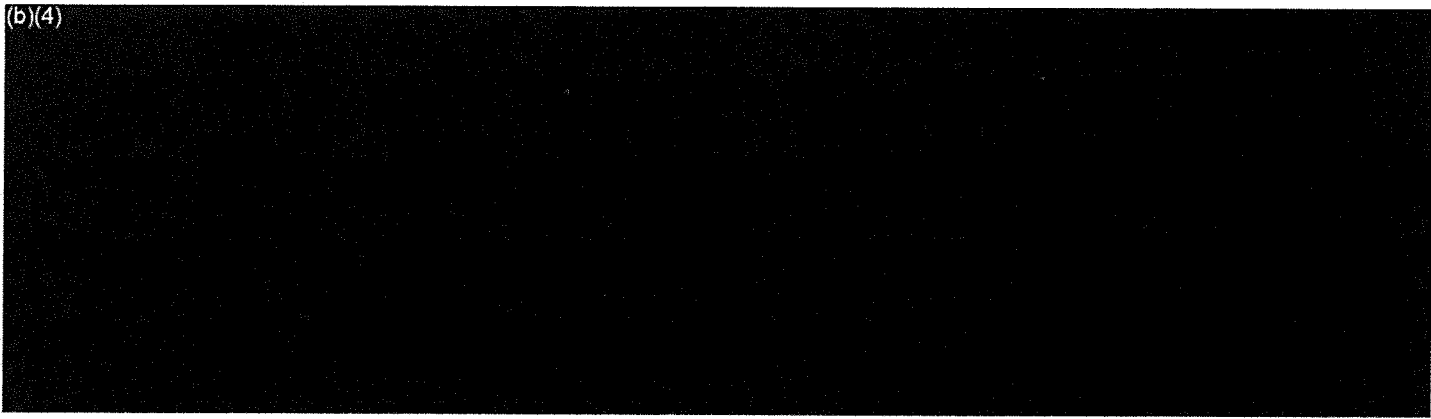
Good work.

From: (b)(3), (b)(6)
Date: Saturday, 21 March 2020 at 10:43:16 AM
To: (b)(3), (b)(6) (b)(3), (b)(6) (b)(3), (b)(6)
(b)(3), (b)(6)
Cc: (b)(3), (b)(6) "Amanda J Schoch" (b)(3), (b)(6)
Subject: Bloomberg

(b)(4)



(b)(4)



Enclosure 3(d)

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

From: (b)(3), (b)(6)
Sent: Tuesday, March 17, 2020 8:04 PM
To: (b)(3), (b)(6)
Cc: Amanda J Schoch
Subject: Re: Ignatius column

Thanks.

From: (b)(3), (b)(6)
Date: Tuesday, 17. March 2020 at 8:01:03 PM
To: (b)(3), (b)(6)
Cc: "Amanda J Schoch" (b)(3), (b)(6)
Subject: Ignatius column

Trump loyalists take command of the intelligence community

By

David Ignatius

Columnist

March 17, 2020 at 6:06 p.m. EDT

At a moment when Americans have new appreciation for the government professionals who protect against global threats, the Trump administration is weighing cuts in funding and staff for the National Counterterrorism Center, [created](#) after Sept. 11, 2001, to shield the homeland from attack. The debate about trimming the NCTC, as it is known, is part of a broader examination of intelligence coordination by Richard Grenell, a Trump loyalist who was [named acting director of national intelligence](#) last month. Grenell replaced Joseph Maguire, a 36-year Navy SEAL who had headed the NCTC before he became [acting director of national intelligence last August](#). A statement from the DNI's office said Grenell and his staff had begun a "careful review" of past studies that "have identified opportunities to refocus or transfer activities at ODNI to eliminate duplication of work with other agencies." While this review is underway, the statement said, Grenell has imposed a "short-term pause in external hiring" at the Office of the Director of National Intelligence and its components, such as the NCTC. This "review" of intelligence-coordinating activities has created concern among intelligence professionals that a campaign is beginning against what President Trump and his loyalists view as a "deep state" in the national security community. Foreign intelligence partners share this worry about a Trump-led campaign to control intelligence.

Fear of a purge increased last July, when Daniel Coats was **pushed out** as director of national intelligence. His widely respected deputy, Sue Gordon, **resigned in August** after she wasn't tapped to replace Coats. Then came the **departures** of Maguire and his chief deputy, Andrew Hallman, last month. All four had angered the White House, in part because they supported the intelligence community's findings that **Russia has been meddling** in U.S. politics to benefit Trump.

The debate about trimming the NCTC dates back two years, to a "summer study" launched by Coats. Officials say it has accelerated as a more political team has taken over intelligence policy. This group includes **Michael Ellis**, named this month to a National Security Council post overseeing intelligence, and **Kashyap Patel**, Grenell's senior adviser at ODNI. Both formerly worked for Devin Nunes (Calif.), the top Republican on the House Intelligence Committee and a passionate Trump supporter.

The management issue is complicated. Some critics have long argued that the NCTC duplicates some functions of the CIA's Counterterrorism Center. Similar complaints have been made about the larger ODNI structure, which duplicates some of the legal, communications and management functions of the **17 agencies** it supervises.

The NCTC's biggest problem right now, officials say, is that it is understaffed. Of its roughly 1,000 employees, about 700 are full-time government workers and 300 are contractors. About 30 percent of the government workers are supposed to be loaned by the CIA and other agencies. But a significant number of these interagency transfer positions are vacant, an NCTC veteran said, weakening the cross-government mission. With Grenell's hiring freeze, and the reluctance of the CIA and other agencies to send transfers, the personnel shortage is becoming more severe.

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"This review is not an effort to purge," said the statement from Grenell's office about his plans. Members of Congress and the administration who care about the nation's security should make sure that promise is kept.

https://www.washingtonpost.com/opinions/trump-loyalists-take-command-of-the-intelligence-community/2020/03/17/72518e3e-6884-11ea-9923-57073adce27c_story.html

Enclosure 3(e)

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

From: (b)(3), (b)(6)
Sent: Thursday, March 19, 2020 7:29 PM
To: Amanda J Schoch
Subject: Re: Travers story

Send this reporter Russ' email to staff. Then push back to say that's not what he put in writing to his colleagues.

From: "Amanda J Schoch" (b)(3), (b)(6)
Date: Thursday, 19. March 2020 at 6:59:26 PM
To: (b)(3), (b)(6)
Subject: Fwd: Travers story

Amanda J. Schoch
Assistant DNI for Strategic Communications
Office of the Director of National Intelligence
(b)(3), (b)(6)

From: "Barr, Cameron" <cameron.barr@washpost.com>
Date: Thursday, March 19, 2020 at 6:42:01 PM
To: "Amanda J Schoch" (b)(3), (b)(6)
Subject: Travers story

Ms. Schoch,

I understand that Amb. Grenell has asked to hear from a Washington Post senior editor regarding our story today on the removal of Russell Travers. My colleagues have said that he takes issue with our use of the word "fired" to describe the dismissal.

We're noting in the piece that Travers has described the interaction that way to colleagues. We're also including your statement disputing that characterization – thank you for providing that.

Cameron Barr

Cameron Barr
Managing Editor
The Washington Post
@cameronbarr

Enclosure 3(f)

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

From: (b)(3), (b)(6)
Sent: Friday, March 20, 2020 8:30 PM
To: (b)(3), (b)(6)
Subject: Re: Wash Post op-ed

Agree. Lol.

From: (b)(3), (b)(6)
Date: Friday, 20. March 2020 at 8:19:51 PM
To: "RICHARDG" (b)(3), (b)(6)
Subject: Re: Wash Post op-ed

FWIW, (b)(3), (b)(6) would tell me to remind you to never tweet in anger... ☺

From: (b)(3), (b)(6)
Date: Friday, March 20, 2020 at 8:02:08 PM
To: (b)(3), (b)(6)
Subject: Re: Wash Post op-ed

What are the last names of the women we are appointing? Laura and Clare?

From: (b)(3), (b)(6)
Date: Friday, 20. March 2020 at 7:58:31 PM
To: (b)(3), (b)(6) (b)(3), (b)(6)
(b)(3), (b)(6)
Cc: "Amanda J Schoch" (b)(3), (b)(6)
Subject: Re: Wash Post op-ed

Former intelligence chiefs: Trump's removal of experts is deeply destructive to our nation's safety

Joseph Maguire, John Brennan (interim), Michael Leiter, Matthew G. Olsen, Nicholas Rasmussen, Andrew Liepman (acting and deputy) and Geoffrey O'Connell (principal deputy) are former directors of the National Counterterrorism Center. Michael V. Hayden is former director of the CIA and former principal deputy director of national intelligence. James Clapper was director of national intelligence.

The United States — and the world — faces a historic **threat** to its health, well-being and economy. The global **covid-19 pandemic** challenges all of us: the public, cities, states and, of course, the federal

government. But as we collectively fight this deadly disease, the intelligence institutions that help protect us all from current and future threats are also under attack from an insidious enemy: domestic politics. We cannot let the covid-19 pandemic be a cover for the deeply destructive path being pursued by the Trump administration.

The most recent illustration of this unprecedented attack is the continuing dismissal of career intelligence professionals — officers who have ably served both Republican and Democratic administrations regardless of their personal political stripe. Specifically, the unceremonious [removal](#) this week of the leadership of the National Counterterrorism Center. The NCTC, though not as recognized an entity as its intelligence community counterparts such as the CIA, FBI and NSA, is one of the crown-jewel creations of the United States' post-9/11 reforms.

AD

Keep Reading

Created to “connect the dots” and coordinate U.S. counterterrorism operational planning, the NCTC brings together representatives from across the federal government to maintain critical watchlists, monitor threats in real time and make sure that the disparate elements of the massive federal bureaucracy respond in a coordinated fashion. In short: Since 9/11, the NCTC has helped do for counterterrorism what the U.S. government is now trying to piece together against its new viral threat.

Although we were heartened to see President Trump nominate an [experienced Special Operations officer](#) to serve as the next Senate-confirmed director of the NCTC, we are deeply dismayed — and perplexed — as to why he would simultaneously gut the center's leadership of critical institutional knowledge. The NCTC's just-dismissed acting director, Russell Travers, began his career as an Army intelligence officer more than 40 years ago. He stood up the NCTC's predecessor organization while the embers of Ground Zero still smoldered. He built the terrorism watch list from a set of index cards into the envy of countries around the world (and, it should be noted, as the model for the president's own aspirational watch list to screen travelers to the United States for threats other than terrorism). Travers and his deputy, a career National Security Agency officer, were the epitome of what we strive for in national security: nonpartisan experts who serve the president and the American people with no regard to personal politics.

Now both are gone, to be replaced by as-yet-unnamed acting heads who will undoubtedly know less and who will be more beholden to the intelligence community's politicized leadership. The next acting heads might or might not be gone themselves in a matter of months if the president's nominee is ultimately confirmed. In the meantime, who manages the critical security tasks, including watch-listing and ensuring that the government-wide counterterrorism structure remains well integrated?

AD

Even amid public health concerns, we cannot be distracted from how deeply destructive these removals are to our nation's safety. To be clear: This is not just about protecting a few senior officers. These unceremonious removals send a damaging message across the intelligence community. Every current officer sees that speaking truth to power in this administration is an immediate career-killer. Every young recruit will conclude that joining the intelligence community is little different from signing up for any other politicized element of the federal bureaucracy. Countless more talented young Americans will decide that federal service, indeed public service, is not a worthy calling. We do not suggest that post-9/11 reforms should be etched in stone. All healthy institutions should evolve with changing circumstances, and the NCTC as well as the rest of government must adapt as circumstances change. But the gutting of the intelligence community's experienced professionals is not reform. It is politicization, pure and simple. It is destructive of our nation's ideals, and it puts us all at risk.

Congress must reinvigorate the strictest of oversight to preserve what is left of the country's prized, apolitical intelligence community. Post-9/11 reforms happened for a critical reason: The U.S. bureaucracy wasn't prepared for a new era of threats. Indeed, the NCTC is a model of how the government should work in close coordination and with unity of effort in response to a crisis. It

provides critical lessons for today's challenge. The administration's continued politicization of intelligence pulls the nation further from this goal, making us more vulnerable to the next national security threat regardless from where it emanates.

From: (b)(3), (b)(6)
Date: Friday, March 20, 2020 at 7:53:35 PM
To: (b)(3), (b)(6)
(b)(3), (b)(6)
Cc: "Amanda J Schoch" (b)(3), (b)(6)
Subject: Re: Wash Post op-ed

Can you send me the piece? I don't subscribe to the Post.

From: (b)(3), (b)(6)
Date: Friday, 20 March 2020 at 7:40:45 PM
To: (b)(3), (b)(6) (b)(3), (b)(6)
(b)(3), (b)(6)
Cc: "Amanda J Schoch" (b)(3), (b)(6)
Subject: Wash Post op-ed

Sir -

Just wanted to flag that a group of formers has published an op-ed on NCTC
- https://www.washingtonpost.com/opinions/former-intelligence-chiefs-trumps-removals-of-experts-are-deeply-destructive-to-our-nations-safety/2020/03/20/b16e7e06-6ac3-11ea-abef-020f086a3fab_story.html

We weren't aware this was coming out and it hasn't received a ton of traction on social media as of now.

Enclosure 3(g)

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

From: (b)(3), (b)(6)
Sent: Friday, March 20, 2020 9:34 PM
To: (b)(3), (b)(6)
Subject: Re: Wash Post op-ed

Thanks!

From: (b)(3), (b)(6)
Date: Friday, 20. March 2020 at 8:39:07 PM
To: (b)(3), (b)(6); (b)(3), (b)(6); (b)(3), (b)(6)
(b)(3), (b)(6)
Cc: "Amanda J Schoch" (b)(3), (b)(6)
Subject: Re: Wash Post op-ed

Sorry for not sending text earlier. Looks like The Hill has aggregated the op-ed into a story as well (see below). This piece will look off tune when the new NCTC leaders are announced.

March 20, 2020

Former intelligence chiefs slam Trump for removing officials



BY TAL

AXELROD [TWEET](#) [SHARE](#) [MORE](#)

A slate of former intelligence chiefs penned an op-ed in [The Washington Post](#) on Friday panning [President Trump](#) for removing several officials from his administration, saying the development is being overshadowed by the coronavirus outbreak.

The piece, written by nine top former intelligence officials, sought to underscore the threat the removals pose to institutions that are designed to protect the country from foreign and domestic attacks, warning that the country is being put at risk as it dedicates its efforts to battle COVID-19.

"[A]s we collectively fight this deadly disease, the intelligence institutions that help protect us all from current and future threats are also under attack from an insidious enemy: domestic politics. We cannot let the covid-19 pandemic be a cover for the deeply destructive path being pursued by the Trump administration," the former officials wrote.

"Even amid public health concerns, we cannot be distracted from how deeply destructive these removals are to our nation's safety."

Among the more prominent authors are former Directors of National Intelligence [Joseph Maguire](#), who left his post last month, [John Brennan](#) and [James Clapper](#) as well as former CIA Director Michael Hayden.

Several of the authors had public or reportedly private clashes with Trump, largely over his governing style and foreign policies.

The former officials criticized the firing of Russell Travers, a longtime intelligence professional who was dismissed from his position as acting director of the National Counterterrorism Center (NCTC) on Wednesday night. The authors praised Travers as "the epitome of what we strive for in national security."

The authors warned that the departed officials will be replaced by those "who will undoubtedly know less and who will be more beholden to the intelligence community's politicized leadership," a move they said could undermine the nonpartisan advice the president is supposed to receive from the intelligence community.

"These unceremonious removals send a damaging message across the intelligence community. Every current officer sees that speaking truth to power in this administration is an immediate career-killer. Every young recruit will conclude that joining the intelligence community is little different from signing up for any other politicized element of the federal bureaucracy," they wrote.

The authors called on Congress to beef up its oversight of the White House to protect the intelligence community from "destructive" removals.

"[T]he gutting of the intelligence community's experienced professionals is not reform. It is politicization, pure and simple. It is destructive of our nation's ideals, and it puts us all at risk," they wrote. "Congress must reinvigorate the strictest of oversight to preserve what is left of the country's prized, apolitical intelligence community."

From: (b)(3), (b)(6)
Date: Friday, March 20, 2020 at 7:58:29 PM
To: (b)(3), (b)(6) (b)(3), (b)(6)
(b)(3), (b)(6)
Cc: "Amanda J Schoch" (b)(3), (b)(6)
Subject: Re: Wash Post op-ed

Former intelligence chiefs: Trump's removal of experts is deeply destructive to our nation's safety

Joseph Maguire, John Brennan (interim), Michael Leiter, Matthew G. Olsen, Nicholas Rasmussen, Andrew Liepman (acting and deputy) and Geoffrey O'Connell (principal deputy) are former directors of the National Counterterrorism Center. Michael V. Hayden is former director of the CIA and former principal deputy director of national intelligence. James Clapper was director of national intelligence.

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The most recent illustration of this unprecedented attack is the continuing dismissal of career intelligence professionals — officers who have ably served both Republican and Democratic administrations regardless of their personal political stripe. Specifically, the unceremonious [removal](#) this week of the leadership of the National Counterterrorism Center. The NCTC, though not as recognized an entity as its intelligence community counterparts such as the CIA, FBI and NSA, is one of the crown-jewel creations of the United States' post-9/11 reforms.

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Now both are gone, to be replaced by as-yet-unnamed acting heads who will undoubtedly know less and who will be more beholden to the intelligence community's politicized leadership. The next acting heads might or might not be gone themselves in a matter of months if the president's nominee is ultimately confirmed. In the meantime, who manages the critical security tasks, including watch-listing and ensuring that the government-wide counterterrorism structure remains well integrated?

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Even amid public health concerns, we cannot be distracted from how deeply destructive these removals are to our nation's safety. To be clear: This is not just about protecting a few senior officers. These unceremonious removals send a damaging message across the intelligence community. Every current officer sees that speaking truth to power in this administration is an immediate career-killer. Every young recruit will conclude that joining the intelligence community is little different from signing up for any other politicized element of the federal bureaucracy. Countless more talented young Americans will decide that federal service, indeed public service, is not a worthy calling. We do not suggest that post-9/11 reforms should be etched in stone. All healthy institutions should evolve with changing circumstances, and the NCTC as well as the rest of government must adapt as circumstances change. But the gutting of the intelligence community's experienced professionals is not reform. It is politicization, pure and simple. It is destructive of our nation's ideals, and it puts us all at risk.

Congress must reinvigorate the strictest of oversight to preserve what is left of the country's prized, apolitical intelligence community. Post-9/11 reforms happened for a critical reason: The U.S. bureaucracy wasn't prepared for a new era of threats. Indeed, the NCTC is a model of how the government should work in close coordination and with unity of effort in response to a crisis. It provides critical lessons for today's challenge. The administration's continued politicization of intelligence pulls the nation further from this goal, making us more vulnerable to the next national security threat regardless from where it emanates.

From: (b)(3), (b)(6)

Date: Friday, March 20, 2020 at 7:53:35 PM

To: (b)(3), (b)(6)

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

Cc: "Amanda J Schoch" (b)(3), (b)(6)

Subject: Re: Wash Post op-ed

Can you send me the piece? I don't subscribe to the Post.

From: (b)(3), (b)(6)

Date: Friday, 20. March 2020 at 7:40:45 PM

To: (b)(3), (b)(6)

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

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

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Subject: Wash Post op-ed

Sir -

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- https://www.washingtonpost.com/opinions/former-intelligence-chiefs-trumps-removals-of-experts-are-deeply-destructive-to-our-nations-safety/2020/03/20/b16e7e06-6ac3-11ea-abef-020f086a3fab_story.html

We weren't aware this was coming out and it hasn't received a ton of traction on social media as of now.

Enclosure 3(h)

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

From: (b)(3), (b)(6)
Sent: Friday, March 20, 2020 8:30 PM
To: (b)(3), (b)(6)
Subject: Re: Wash Post op-ed

Thanks

From: (b)(3), (b)(6)
Date: Friday, 20. March 2020 at 8:18:28 PM
To: (b)(3), (b)(6)
Subject: Re: Wash Post op-ed

Lora Shiao
Clare Linkins

From: (b)(3), (b)(6)
Date: Friday, March 20, 2020 at 8:02:08 PM
To: (b)(3), (b)(6)
Subject: Re: Wash Post op-ed

What are the last names of the women we are appointing? Laura and Clare?

From: (b)(3), (b)(6)
Date: Friday, 20. March 2020 at 7:58:31 PM
To: (b)(3), (b)(6) (b)(3), (b)(6)
(b)(3), (b)(6)
Cc: "Amanda J Schoch" (b)(3), (b)(6)
Subject: Re: Wash Post op-ed

Former intelligence chiefs: Trump's removal of experts is deeply destructive to our nation's safety

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