



United States Department of State

Washington, D.C. 20520

March 05, 2021

Case No. FL-2020-00018

Melanie Sloan
American Oversight
1030 15th Street NW, B255
Washington, DC 20005

Dear Ms. Sloan:

As noted in our letter dated December 11, 2020, we are processing your request for material under the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552. The Department of State has identified one additional responsive record subject to the FOIA. We have determined that the record may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made excisions, the applicable FOIA exemptions are marked on each document. All non-exempt material that is reasonably segregable from the exempt material has been released, and is enclosed

We will keep you informed as your case progresses. If you have any questions, you may contact Trial Attorney, Joshua C. Abbuhl at Joshua.Abbuhl@usdoj.gov; (202) 616-2531. Please refer to the case number, F-2019-06332/FL-2020-00018, and the civil action number, 19-cv-02934, in all correspondence about this case.

Sincerely,

Jeanne Miller
Chief, Programs and Policies Division
Office of Information Programs and Services

Enclosures: As stated.

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

- 1.4(a) Military plans, systems, or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
- 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMSEXP	Arms Export Control Act, 50a USC 2411(c)
CIA PERS/ORG	Central Intelligence Agency Act of 1949, 50 USC 403(g)
EXPORT CONTROL	Export Administration Act of 1979, 50 USC App. Sec. 2411(c)
FS ACT	Foreign Service Act of 1980, 22 USC 4004
INA	Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)
IRAN	Iran Claims Settlement Act, Public Law 99-99, Sec. 505

(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:

- (A) interfere with enforcement proceedings
- (B) deprive a person of a fair trial
- (C) constitute an unwarranted invasion of personal privacy
- (D) disclose confidential sources
- (E) disclose investigation techniques
- (F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

NR Material not responsive to a FOIA request excised with the agreement of the requester

From:	Reeker, Philip T (b)(6)
To:	Brechbuhl, Thomas U (b)(6)
Subject:	Fw: flagging these Ukraine (+1 on North Macedonia) focused WaPo questions
Date:	2019/06/18 21:56:14
Type:	Note

Sent from my BlackBerry 10 smartphone.

From: (b)(6)
Sent: Tuesday, June 18, 2019 5:36 PM
To: Kent, George P; Murphy, Michael J; Reeker, Philip T; (b)(6)
Cc: EUR-Press; (b)(6) (b)(6)
Subject: flagging these Ukraine (+1 on North Macedonia) focused WaPo questions

Deadline is tomorrow afternoon. (b)(5)

(b)(5)

(b)(5) (b)(5)

(b)(6) **Director**

*Press & Policy Outreach Office--Bureau of European and Eurasian Affairs
 Department of State*

Office: (b)(6)

Cell: (b)(6)

From: Palladino, Robert J (b)(6)
Sent: Tuesday, June 18, 2019 5:18 PM
To: EUR-Press <EUR-Press-DL@state.gov>
Cc: (b)(6); PA Press Duty <PAPressDuty@state.gov>
Subject: RE: Questions

EUR, thanks for your help in working this one. We'll need to flag proposed responses for Morgan prior to getting back to him.

Official

UNCLASSIFIED

From: Hudson, John (b)(6)
Sent: Tuesday, June 18, 2019 4:44 PM
To: (b)(6)
Cc: PA Press Duty <PAPressDuty@state.gov>
Subject: Questions

Hi (b)(6) Hope the job is getting off to a good start.

Rudy Giuliani gave an on-record interview to one of our White House reporters in which he took partial credit for the early departure of the top U.S. diplomat in Ukraine, Marie Yovanovitch. He said he obtained written statements from Ukrainians saying the ambassador had badmouthed the president and told Ukrainian officials they shouldn't listen to Trump because he would be impeached.

“I reported it to him [Trump], Giuliani said. He also gave the White House a "written statement, a video statement, several witnesses” attesting to Yovanovitch’s behavior.

Primary question:

1) Does the State Department agree that the accusations of these Ukrainian officials, relayed by Giuliani and others, is what caused Yovanovitch to be recalled before her scheduled departure?

Other questions:

2) Did Yovanovitch have a falling out with Lutsenko, the Ukrainian general prosecutor, because his agents were going after the National Anti Corruption Bureau instead of pursuing anti corruption investigations of former and current top officials?

3) Was Lutsenko placed on a US visa ban as a result?

4) The State Department defended Yovanovitch against Lutsenko’s claim that she gave him a ‘do not prosecute’ list? But then Donald Trump Jr. retweeted the story, as did Donald Trump. Did the White House pressure the State Department to have her leave early?

5) Did Jess Baily, the US Ambassador to North Macedonia, leave his post early? Was the State Department pressured by conservative lawmakers and press to remove him?

It would be good to get a response by 5 PM on Wednesday.

Thanks,

John

John Hudson

National Security Reporter

The Washington Post

Cell/Signal/WhatsApp (b)(6)

@John_Hudson

Sender:	Reeker, Philip T (b)(6)
Recipient:	Brechtbuhl, Thomas U (b)(6)
Sent Date:	2019/06/18 21:56:14