



United States Department of State

Washington, D.C. 20520

February 4, 2022

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 17, 2021, 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 two additional responsive record subject to the FOIA. We have determined that both records 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 or (202) 616-2531. Please refer to the case number, 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:	Brechbuhl, Thomas U (b)(6)
To:	Hale, David (b)(6)
CC:	Reeker, Philip T (b)(6)
Subject:	Re: Ukraine
Date:	2019/03/24 19:26:27
Type:	Note

David, I just tried to call you and will try you again in a bit.
TUB

Sent from my iPhone

On Mar 24, 2019, at 3:13 PM, Hale, David (b)(6) wrote:

Sent from my iPhone

Begin forwarded message:

From: (b)(6)
Date: March 24, 2019 at 3:11:38 PM EDT
To: "Hale, David" (b)(6)
Cc: (b)(6)
Subject: Ukraine

EUR reports

Mainstream Ukrainian media are now reporting (in Ukrainian) that President Trump's son is calling for Amb Y's dismissal (based on the tweet I flagged earlier today, with additional details from Daily Wire). At a minimum UNIAN news wire and 1+1 have the story, and I expect others will follow shortly. I'll be on the lookout for Ukrainian social media commentary, too.

Sebastian Gorka retweeted the Daily Wire article with a message: This woman typifies the people @realDonaldTrump inherited at the State Department.

Daily wire article - <https://www.dailywire.com/news/45035/calls-grow-remove-obamas-us-ambassador-ukraine-ryan-saavedra>

A petition has been created on the White House website calling for Amb Y's removal. Text is below. So far it has 2 of the required 10,000 signatures required for White House review of the petition. It was created by a user listed simply as "Q.B."

This is a call to action to remove former President Barack Obama's U.S. Ambassador to Ukraine Marie Yovanovitch due to her bad mouthing the President of the United States to Ukrainian officials and she has even spoken to Ukraine not to listen or worry about Trump policy because he's going to be impeached.

She has repeatedly undermined the Trump administration in Ukraine. This is NOT good for foreign policy. She clearly demonstrates anti-Trump bias and needs to be removed.

<https://petitions.whitehouse.gov/petition/remove-former-president-barack-obamas-us-ambassador-ukraine-marie-yovanovitch>

Sent from my iPhone

Sender:	Brechbuhl, Thomas U (b)(6)
	(b)(6)
Recipient:	Hale, David (b)(6)
	(b)(6)
	Reeker, Philip T (b)(6)
Sent Date:	2019/03/24 19:26:26
Delivered Date:	2019/03/24 19:26:27

From:	Reeker, Philip T (b)(6)
	(b)(6)
	Brechbuhl, Thomas U (b)(6)
	(b)(6)
To:	Hale, David (b)(6)
	(b)(6)
	Reeker, Philip T (b)(6)
	(b)(6)
Subject:	Re: Ukraine
Date:	2019/03/25 11:39:42
Type:	Note

TUB,
Many thanks.

(b)(5)

PTR

Sent from my BlackBerry 10 smartphone.

Original Message

From: Brechbuhl, Thomas U

Sent: Monday, March 25, 2019 7:20 AM

To: Hale, David; Reeker, Philip T

Subject: Ukraine

Gentlemen,

(b)(5)

TUB

T. Ulrich Brechbühl

Counselor, U.S. Department of State

Sender:	Reeker, Philip T (b)(6)
	(b)(6)
	Brechbuhl, Thomas U (b)(6)
	(b)(6)
Recipient:	Hale, David (b)(6)
	(b)(6)
	Reeker, Philip T (b)(6)
	(b)(6)
Sent Date:	2019/03/25 11:39:41
Delivered Date:	2019/03/25 11:39:42