



United States Department of State

Washington, D.C. 20520

October 6, 2020

Case No: FL-2020-00004

American Oversight
Daniel McGrath
1030 15th Street NW, B255
Washington, DC 20005

Dear Mr. McGrath:

We refer to our letter dated March 10, 2020, regarding the release of certain Department of State material under the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552. The Department has reviewed over 450 pages across the requests pertaining to this litigation. The Department identified three pages responsive to your request. After reviewing these records, we have determined that all three pages may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made redactions, the applicable FOIA exemptions are marked on each document. In some cases, two or more exemptions may apply to the same document. All non-exempt material that is reasonably segregable from exempt material has been released in the enclosed pages.

The processing of your request remains ongoing. If you have any questions, your attorney may contact Trial Attorney, Josh Abbuhl at (202) 616-8366 or at Joshua.Abbuhl@usdoj.gov. Please refer to civil action number 19-cv-3058, and FOIA case number FL-2020-00004 in all correspondence regarding this case.

Sincerely,

Susan C. Weetman
Deputy Director
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

Released in Part

From:	Kurt Volker (b)(6)
To:	Ortagus, Morgan D (b)(6)
CC:	Martin, Kathryn (Katie) (b)(6) Volker, Kurt D (b)(6)
Subject:	Re: Request from Foreign Policy
Date:	Thu, 26 Sep 2019 14:41:53 -0400

Yes — read that before we spoke in fact. It is great. (b)(5)

(b)(5)

Let me know your thoughts on FP? Thanks!

On Thu, Sep 26, 2019 at 2:35 PM Ortagus, Morgan D (b)(6) wrote:
Kurt— Josh's WaPo piece was great last night. Did you read it? Not sure he can write much more beyond that. Looping in Katie too

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From: Kurt Volker (b)(6)
Sent: Thursday, September 26, 2019 2:22:31 PM
To: Volker, Kurt D (b)(6); Ortagus, Morgan D (b)(6)
Subject: Fwd: Request from Foreign Policy

Hi Morgan — in addition to Josh, this might be a good one to do. I know them both. What do you think? Kurt

----- Forwarded message -----

From: Amy Mackinnon (b)(6)
Date: Thu, Sep 26, 2019 at 1:05 PM
Subject: Request from Foreign Policy
To: Kurt Volker (b)(6)

Dear Ambassador Volker,

My colleague Robbie Gramer and I are working on a story about details in the whistleblower report of the State Department efforts to "contain the damage" of Rudy Giuliani's outreach to Ukraine, and I wanted to reach out to see if you wanted to offer a comment about details of your activities outlined in the report.

Everyone that we've spoken to thus far has characterized you as a consummate professional with Ukraine's interests firmly at heart, and we really want to ensure that your work is accurately characterized in our reporting. We'd be very keen to talk in whatever attribution capacity you feel most comfortable.

In addition, I just reviewed the transcript of our interview in June. I asked about whether you were concerned that Giuliani would make repeat trips to Ukraine to revisit the issue, and you said you were not concerned.

"I'm not concerned at all. I had nothing to do with anything going on in Ukraine in 2016. Zelenskyy had nothing to do with anything going on related to U.S. elections. If there's information about things that some people in Ukraine did, not the people that are in government now, but if there's information about what some Ukrainian citizens did, then it should be shared, should be investigated, should be transparent. I don't think there's any problem with that. Why not? I don't see any real issue."

Do stand by these comments? Would you like to offer an update? I can be reached on (b)(6) if you have any questions or comments.

Many thanks,
Amy

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Amy Mackinnon

Reporter | [Foreign Policy](#)

(b)(6)
WhatsApp/Viber/Signal/Telegram

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Amb. Kurt Volker

Executive Director

McCain Institute for International Leadership

Arizona State University

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Sender:	Kurt Volker (b)(6)
Recipient:	Ortagus, Morgan D (b)(6)
	Martin, Kathryn (Katie) (b)(6)
	Volker, Kurt D (b)(6)