United States Department of State

Washington, D.C. 20520

April 12, 2023

Case No. FL-2020-00006

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

Dear Mr. McGrath:

As we noted in our letter dated June 28, 2022, we are processing your request for material under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The Department of State ("Department") has identified an additional five responsive records subject to the FOIA. We have determined all five records 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 record. Where applicable, the Department has considered the foreseeable harm standard when reviewing these records and applying FOIA exemptions. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

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We will keep you informed as your case progresses. If you have any questions, your attorney may contact Josh Abbuhl, Trial Attorney, at (202) 616-8366, or at Joshua.Abbuhl@usdoj.gov. Please refer to the case number, FL-2020-00006, and the civil action number, 19-cv-3058, in all correspondence about this case.

Sincerely,



Diamonece Hickson
Chief, Litigation and Appeals Branch
Office of Information Programs and Services

Enclosures: As stated.

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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

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From:	Brechbuhl, Thomas U (b)(7)(E) (b)(7)(E) (b)(7) (b)(6)
To:	Isakowitz, Mark (Portman) <Mark_Isakowitz@portman.senate.gov>; Taylor, Mary Elizabeth (b)(7)(E) (b)(7)(E) (b)(6)
Subject:	RE: Update and Vignette
Date:	2019/07/30 14:40:24
Type:	Note

Thanks Mark for the follow-up.

Great seeing you as well. Thanks for the time. Mary Elizabeth has the Ethos cards I mentioned to you and Sen. Portman yesterday. She will drop them by your office.

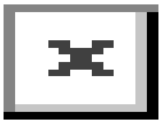
TUB

T. Ulrich Brechbühl

The Counselor

United States Department of State

(b)(6) 202-647-8038



230AnnivLogo_Updated-286 (1)

Official

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From: Isakowitz, Mark (Portman) <Mark_Isakowitz@portman.senate.gov>
Sent: Tuesday, July 30, 2019 9:40 AM
To: Brechbuhl, Thomas U (b)(6) ; Taylor, Mary Elizabeth (b)(6)
Subject: Fwd: Update and Vignette

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Ulrich and Mary Elizabeth- great to see you yesterday. As discussed, here is the note General Dayton sent Rob last week (we asked him if we could share it with you). As I said, the substance is encouraging and you get a good sense of his deep commitment and enthusiasm.

Thanks for all you are doing.

Sent from my iPhone

Begin forwarded message:

From: "Dayton, Keith LTG (Ret) CIV" (b)(6) @marshallcenter.org>
Date: July 26, 2019 at 2:09:57 AM EDT
To: (b)(6)@robportman.com" <(b)(6)@robportman.com>
Cc: "Isakowitz, Mark (Portman)" <Mark_Isakowitz@portman.senate.gov>
Subject: Update and Vignette

Rob

You offered me the opportunity to contact you directly from time to time, and while I will not do that often, I just wanted to share with you a couple of things that you may not be getting through other channels concerning your deep interest in Ukraine.

Obviously the elections for the Verkhovna Rada were beyond expectations. I wrote earlier this month that it was time to get excited. Now it is REALLY time to get excited. We need to be sober minded about the risks (very high expectations, need for quick wins, and uneven capacity across the Ukrainian spectrum for reform), but the opportunities are huge if we are smart enough to take advantage of them. In my humble opinion, the lack of serious Russian interference in the election indicates Putin thinks that the Zelenskyy effort will fail, and the best way to discredit Ukrainian reform is to let the reformers self-destruct and Russia picks up the pieces from a disillusioned public. Maybe. But it certainly doesn't have to be that way, and US assistance of all kinds is now more important than ever. We won't get another chance like this, but I know you understand that.

The additional good news is that the Zelenskyy team knows what it wants, and there are many in its ranks who have lots of experience, the Western type of experience. I hear that there is now a plan for a one "boot camp" for new Rada members of Sluga Naroda to be delivered by the Kyiv Business School (you should visit them if you haven't already – real forward thinkers), and in September the Marshall Center (with the assistance of your staff) will be holding a seminar in Kyiv on legislation required for reform, how to organize for it, etc. Meanwhile, in my area of defense reform, the international Defense Reform Advisory Board (DRAB) that I am chairing is already working with the Ukrainian National Security and Defense Council on "quick wins" that show the public that they wisely voted as they did. This can be done, and it can be done with a Ukrainian face. But they cannot do it alone. They know all that, and I am very optimistic.

The real reason I am writing to you, however, is the vignette I refer to in the subject line. The Marshall Center hold a course on Countering Transnational Organized Crime (CTOC) twice a year. We have a course in session now (103 students from 52 countries) and Ukraine has sent

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10, 9 of whom are from NABU (National Anti-Corruption Bureau of Ukraine). I had lunch with them yesterday and left truly inspired. These are ten young men and women with excellent English language and investigatory skills who have committed their young careers to rooting out corruption. I asked them why they joined this organization when, given their skills, they could make a lot more money doing something else, and they all said "to save my country and build a future for my children". I have rarely been more inspired. If you get the chance on your next trip to Kyiv, you might consider visiting this place. They are swimming against the current, and their investigations tend to fail in the courts due to "influence", not because their cases are not well developed. But they are committed and have no intention of giving up. These are the young people that will be a new Ukraine, and we a pleased to be working with them. For them, failure and quitting are not options.

Enough for now. Your advocacy truly matters. Thanks for that.

Best wishes

Keith

Sender:	Brechbuhl, Thomas U /(b)(7)(E) (b)(7)(E) (b)(7)(b)(6)
Recipient:	Isakowitz, Mark (Portman) <Mark_Isakowitz@portman.senate.gov>; Taylor, Mary Elizabeth (b)(7)(E) (b)(7)(E) (b)(6)
Sent Date:	2019/07/30 14:40:24

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From:	(b)(6) (b)(7)(E) (b)(7)(E) (b)(6)
To:	Kenna, Lisa D (b)(7)(E) (b)(7)(E) (b)(6)
Subject:	RE: UNGA
Date:	2019/08/08 11:19:40
Type:	Note

Got it, and noted re: tentative schedule – thank you.

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From: Kenna, Lisa D (b)(6)
Sent: Thursday, August 8, 2019 11:19 AM
To: (b)(6)
Subject: UNGA

The list below is tentative because we don't yet have the POTUS sched. He will not do all of them, of course, because Sun-Wed or Thurs he will be dedicated to POTUS.

Multilats

1. (b)(5)
2.
3.
4.
5.
6.

Bilats

1. (b)(5)
2.
3.
4.
5.
6.
7.

Official - SBU

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Sender:	(b)(6) (b)(7)(E) (b)(7)(E) (b)(6)
Recipient:	Kenna, Lisa D (b)(7)(E) (b)(7)(E) (b)(6)
Sent Date:	2019/08/08 11:19:40

AMERICAN OVERSIGHT

From:	(b)(6) (b)(7)(E) (b)(7)(E) (b)(6)
To:	(b)(6) (b)(7)(E) (b)(7)(E) (b)(6)
CC:	Kenna, Lisa D (b)(7)(E) (b)(7)(E) (b)(6) (b)(6) (b)(7)(E) (b)(7)(E) (b)(6)
Subject:	(b)(5)
Date:	2019/07/25 06:47:55
Type:	Note

I want to join call.

Sent from my iPhone

On Jul 25, 2019, at 6:42 AM, (b)(6) wrote:

Sir,

(b)(5)

Thank you! (b)(6)

(b)(6)

Office Manager to the Secretary of State

U.S. Department of State | 2201 C Street NW, Washington, D.C. 20520

(b)(6) | S_Scheduling@state.gov

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From: Operations Center <OperationsCenter@state.gov>
Sent: Thursday, July 25, 2019 3:47 AM

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To: SES-O_S-Calls <SES-O_S-Calls@state.gov>
Subject: (b)(5)
(b)(5)

Colleagues,

(b)(5)

Regards,

(b)(6) | **Watch Officer**
State Department Operations Center
(b)(6)

Official - SBU

UNCLASSIFIED

Sender:	Sent (b)(6) (b)(7)(E) (b)(7)(E) (b)(6)
Recipient:	(b)(6) (b)(7)(E) (b)(7)(E) (b)(6) Kenna, Lisa D (b)(7)(E) (b)(7)(E) (b)(6) (b)(6) (b)(7)(E) (b)(6)
Sent Date:	2019/07/25 06:47:55

AMERICAN OVERSIGHT

From:	(b)(6) (b)(7)(E) (b)(7)(E) (b)(6)
To:	Yaakov Menken (b)(6) @cjvalues.org>
CC:	Cliff May (b)(6) @fdd.org>; (b)(6) (b)(7)(E) (b)(7)(E) (b)(6)
Subject:	Re: Thank you for your article!
Date:	2019/07/31 22:55:53
Type:	Note

Great. I'm back in the office on Wednesday. Let's aim Wed or Thurs.
Haven't seen the letter. Please forward; I'd like to read it.

Sent from my iPhone

On Aug 1, 2019, at 9:43 AM, Yaakov Menken <(b)(6) @cjvalues.org> wrote:

That would be great. (b)(6) it should be easy to schedule next week; I'm in all week.
Have you seen the coalition letter spearheaded by Concerned Women for America? FRC has signed and they are circulating it now. So if that accomplishes as much as our own letter that might be the best approach. I would be happy to discuss all options.
Yours,

Yaakov Menken

On Wed, Jul 31, 2019 at 10:23 PM (b)(6) wrote:
Cliff, many thanks for the kind introduction.
Yaakov, nice to meet you. I'm traveling with the Secretary this week in Asia. Perhaps we can catch up via phone next week? Looping in my assistant (b)(6) for scheduling.

Sent from my iPhone

On Jul 31, 2019, at 9:45 PM, Cliff May (b)(6) @fdd.org> wrote:

Re Secretary Pompeo:

I'd suggest you be in touch with his senior advisor, (b)(6)

(b)(6)

From: Yaakov Menken [mailto:(b)(6) @cjvalues.org]
Sent: Wednesday, July 31, 2019 10:24 AM

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To: Cliff May (b)(6) @fdd.org>
Subject: Re: Thank you for your article!

Excellent - I've been very interested in Mr. Zelensky, especially given all the talk of Antisemitism in Ukraine!

We traded business cards *somewhere*. Ah well!

Yours,

Yaakov Menken

On Wed, Jul 31, 2019 at 10:16 AM Cliff May (b)(6) @fdd.org> wrote:

I think a letter followed by a press release. More is more.

I don't think we met at CPAC. It's been a few years since I've attended.

FYI, I have a column out today about the only country in the world (other than Israel) with a Jewish president:

<image001.jpg>

Life imitates art in Ukraine

An actor turned politician now leads the fight for democracy and sovereignty

By Clifford D. May

7/31/19

<image002.jpg>

How art imitates life in Ukraine more >

"The West Wing," a television show that ran from 1999 to 2006, featured Martin Sheen playing an idealized American president. Imagine if Mr. Sheen had then actually run for president – and won. Implausible, you say? In Ukraine, life has imitated art just as I've described.

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Just over a year ago, Volodymyr Zelensky was a comic actor. His popularity soared thanks to a TV show called "Servant of the People" in which he played a history teacher who lives with his parents and rides his bike to work. One day, his rant against Ukrainian politics and politicians, surreptitiously recorded, goes viral on social media. The result: He's elected president of the Ukraine with 67 percent of the vote.

In real life, Mr. Zelensky went on to organize a political party which he named, naturally, "Servant of the People." The result: Earlier this year, he was elected president of the Ukraine with 73 percent of the vote.

Inaugurated in May, he knew he had no time to waste, and that he couldn't initiate serious reforms without strong support from the *Verkhova Rada*, the country's unicameral parliament. So he called early elections and, on July 21, his party won an absolute majority, the first time that's happened since Ukraine gained its independence in 1991.

As a volunteer election observer for the International Republican Institute (IRI), I spent a week in Ukraine, talking to people of various political persuasions, drinking vodka infused with honey and pepper, and traipsing from one polling station to another in Dnipro, a large city in the country's southeast that, in the Soviet era, had been a military/industrial center closed to foreigners.

Was there Russian meddling in the election, for example disinformation campaigns? Absolutely, but the impact was minimal. The pro-Russian party, Opposition Platform -- For Life, received 13.5 percent of the ballots, about what polls had predicted. Why would voters in Ukraine be pro-Russian? Some because they identify as Russians. Some are nostalgic for the Soviet Union. Others believe that the Russian bear must be appeased.

The challenges President Zelensky now faces are formidable.

In 2014, Russian President Vladimir Putin annexed Crimea, previously Ukrainian territory. I don't see him giving it back.

In the Donbas region in the east of the country, not far from Dnipro, Mr. Putin is supporting Russian separatists in a war that has taken at least 10,000 lives so far, and displaced many more. Inducing him to withdraw his "little green men" -- masked soldiers in uniforms that carry no insignias – will not be easy.

Corruption -- entrenched and widespread -- has long been a drag on Ukraine's promising but underachieving economy.

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And then there are the oligarchs.

When the Soviet Union collapsed, there were no plans to transition from socialism to capitalism. Who expected history to go in that direction? Do chefs come up with recipes for making eggs out of omelets?

A number of tough, savvy and not necessarily principled individuals managed to take control of what had been state resources, thereby becoming fabulously wealthy. In Russia, Mr. Putin eliminated – one way or another -- all oligarchs not unswervingly loyal to him.

In Ukraine today there are probably fewer than a dozen oligarchs. They compete for power, and control media outlets. For such outlets, objectivity is not a priority.

Among Ukraine's most popular television channels is 1+1, on which Mr. Zelensky's show was broadcast. The oligarch who owns it is Ihor Kolomoisky. That has raised questions.

Among the answers: "I'm more his puppet than he is mine," Mr. Kolomoisky said last year. Mr. Zelensky told a news website in December: "It is impossible to influence me. Neither Kolomoisky, nor any other oligarch, no one will influence me."

The new president and his parliamentary allies are political novices. For what it's worth, the 41-year-old Mr. Zelensky does have a law degree and some business background. Advice and assistance will be forthcoming from the International Monetary Fund, as well as European and American experts. Their track record in other countries: mixed.

This, too, thickens the plot: Mr. Zelensky is Jewish -- the only Jewish head of state in the world today (outside of Israeli, of course) and his election comes at a time of rising anti-Semitism almost everywhere.

Ukraine has hardly been immune to this ancient pathology. During World War II there were Ukrainians who helped the Nazi invaders mass murder their Jewish neighbors. Following the collapse of the Soviet Union, tens of thousands of Ukrainian Jews emigrated. Nevertheless, the country's Jewish community, at less than 400,000, remains the fifth largest in Europe.

Does that suggest that anti-Semitism has been eradicated in Ukraine? I think not. I think Mr. Zelensky has inspired hope, and that has caused many Ukrainians to put

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their prejudices aside -- not the same as discarding them. Should Mr. Zelensky fail, you can imagine what will be said about him.

But if his administration makes significant progress, the impact will extend far beyond the borders of this Texas-sized country of 45 million people.

Of course, Mr. Putin understands that, too – and opposes it. He considers Ukraine not just part of the Russian empire but part of Russia itself.

One cannot say there are no historical arguments in support of that view. However, one can say that Ukrainians, like other peoples, have a right to declare themselves a separate nation.

Should that not imply that they have a right to self-determination as well? Perhaps it should but it doesn't. What Ukrainians do have is a chance to fight for their freedom, independence and sovereignty. Implausible as it may seem, they have chosen a former leading man to lead them.

Clifford D. May is founder and president of the Foundation for Defense of Democracies (FDD) and a columnist for the Washington Times.

The Washington Times: https://www.washingtontimes.com/news/2019/jul/30/how-art-imitates-life-ukraine/

Pundicity: http://www.pundicity.com/

FDD: www.defenddemocracy.org

From: Yaakov Menken [mailto(b)(6)@cjvalues.org]
Sent: Wednesday, July 31, 2019 10:09 AM
To: Cliff May (b)(6)@fdd.org>
Subject: Re: Thank you for your article!

I'm already getting positive feedback from our board, and I'm delighted that you responded so enthusiastically and so rapidly.

Of course, that means I'm going to ask for advice!

What do you believe would be the most effective method for us to do so -- a letter to Mike Pompeo and/or others, or a press release, or perhaps a letter followed by a press release detailing that we sent a letter?

I'm trying to remember -- did (Rabbi) Chezky Moskowitz introduce us at CPAC?

Yours,

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Yaakov Menken

On Wed, Jul 31, 2019 at 9:57 AM Cliff May (b)(6) @fdd.org> wrote:

Dear Rabbi Menkov –

I would encourage you to do so.

And very glad I could be helpful.

Just as war is too important to be left to the generals, human rights is too important to be left to the small elite that now occupies and controls this space.

Allbest,

Cliff

From: Yaakov Menken [mailto(b)(6) @cjvalues.org]
Sent: Wednesday, July 31, 2019 9:52 AM
To: Cliff May (b)(6) @fdd.org>
Subject: Thank you for your article!

Mr. May (Cliff),

I just read your article on the new Commission on Unalienable Rights. I heard about it when a member rabbi suggested we make a statement, but I felt I knew too little about the commission to properly defend it or even take a stance.

Your concise and cogent explanation of the need for the commission and why there has been pushback is thus incredibly valuable. I'm going to share this with our board and suggest we at least consider stating our support.

Yours Sincerely,

Yaakov Menken

--

Rabbi Yaakov Menken

Managing Director
Coalition for Jewish Values

http://coalitionforjewishvalues.org
(b)(6)

(b)(6) direct

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(b)(6)
(b)(6) @cjvalues.org

--

Rabbi Yaakov Menken

Managing Director
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(b)(6)

(b)(6) @cjvalues.org

Sender:	(b)(6) (b)(7)(E) (b)(7)(E) (b)(6)
Recipient:	Yaakov Menken (b)(6) @cjvalues.org>; Cliff May (b)(6) @fdd.org>; (b)(6) (b)(7)(E) (b)(7)(E) (b)(6)
Sent Date:	2019/07/31 22:55:53

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From:	Porter, Toni (b)(7)(E) (b)(7)(E) (b)(6) (b)(6)
To:	Madeleine Westerhout (b)(7)(E) (b)(7)(E) (b)(6) (b)(6)
Subject:	RE: Addresses
Date:	2019/08/19 16:31:44
Type:	Note

You are the BEST! Many, many thanks.
Toni Porter
Office of the Secretary
UNITED STATES DEPARTMENT OF STATE
(b)(6)

cid:image001.png@01D556AB.8B0FC300
Official - SBU
UNCLASSIFIED

From: Westerhout, Madeleine E. EOP/WHO (b)(6)
Sent: Monday, August 19, 2019 3:21 PM
To: Porter, Toni C (b)(6)
Subject: Addresses
Kellyanne Conway
(b)(6)
Dan Scavino (please send to my address and I will give to Dan)
(b)(6)
Washington, DC 20005
Rudy Giuliani
(b)(6)
Madeleine Westerhout
Special Assistant to the President
Director of Oval Office Operations
Desk: (b)(6)
Cell:

Sender:	Porter, Toni (b)(7)(E) (b)(7)(E) (b)(6) (b)(6)
Recipient:	Madeleine Westerhout (b)(7)(E) (b)(7)(E) (b)(6) (b)(6)
Sent Date:	2019/08/19 16:31:44

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