Office of Inspector General
United States Department of State

August 17, 2020

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

SUBJECT: OIG Freedom of Information Act Request No. 2019-109
OIG Freedom of Information Act Request No. 2019-110
OIG Freedom of Information Act Request No. 2019-111

Dear Ms. Sloan:

This responds to your three separate Freedom of Information Act (FOIA) requests all dated September 30. 2019 and all addressed to the Department of State (DOS) Office of Inspector General (OIG). You have requested:

(1) "all whistleblower complaints submitted to the State Inspector General containing allegations that concern the conduct of Secretary Mike Pompeo."

(2) "records sufficient to identify how many whistleblower complaints were submitted to the State Inspector General containing allegations that concern the conduct of Mike Pompeo."

(3) "all email communications (email messages, email attachments, calendar invitations, and attachments thereto) sent or received by Inspector General Steve Linick regarding any potential or submitted whistleblower complaints involving allegations that concern the conduct of Secretary Mike Pompeo."

Your requests were received in this office on October 3, 2019. Your requests were given the FOIA Case numbers of 2019-109, 2019-110, and 2019-111, respectively.

FOIA 2019-109:

Please find attached the responsive record released to you previously as our final response to this request. We have exercised our discretion to remove the redaction from any direct reference to the Secretary per your correspondence with DOJ counsel.

Further, while reviewing the potentially responsive records for Case Number 2019-111, we determined it would be appropriate to supplement our search by also searching, Office of Investigations, Hotline Complaints. During this supplemental search, we identified 3 additional records (8 pages) responsive to your request. We have reviewed 2 of these responsive records under FOIA to determine whether they may be disclosed to you. Based on that review, this office is providing the following supplemental final response:

2 page(s) are released in full;

AMERICAN OVERSIGHT

__2__ page(s) are released in part.

We are currently reviewing the final responsive record under FOIA to determine whether it may be disclosed to you and will provide you a response as expediently as possible.

OIG redacted from the enclosed documents, names and identifying information of third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to (b)(6) of the FOIA further discussed below.

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of "personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6) (emphasis added). DOS-OIG is invoking Exemption 6 to the names of lower level investigative staff, third parties, subjects and any information that could reasonably be expected to identify such individuals.

FOIA 2019-110:

As per your previous discussion with DOJ counsel, we consider this request to be subsumed in our FOIA Case 2019-109. Thus, the supplement to our response to FOIA 2019-109 is applicable to this request as well.

FOIA 2019-111:

In response to your request (FOIA Case 2019-111), we conducted a search/searches of the OIG's Office(s) Front Office (which DOJ counsel has previously explained to you includes the classified email system). The search identified 236 potentially responsive records. We completed processing all of these records and identified no records responsive to your request.

Additionally, in response to this request we conducted a search/searches of the OIG's Office(s) of Investigations, Evaluation and Special Projects Office of Investigations, Office of General Counsel, and the Front Office (which DOJ counsel has previously explained to you is an unclassified email account). We processed approximately 1,800 potentially responsive records and identified 2 records (5 pages) responsive to your request. We reviewed the responsive records under the FOIA to determine whether they may be disclosed to you. Based on that review, this office is providing the following interim response:

__4__ page(s) are released in part.

AMERICAN OVERSIGHT

__1____page(s) are withheld in full.

OIG redacted from the enclosed documents, names and identifying information of third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemption b(3), (b)(5), (b)(6), and b(7) of the FOIA.

Exemption 3, 5 U.S.C. § 552(b)(6)

Exemption 3 of the FOIA protects information exempted from release by statute.

Exemption 5, 5 U.S.C. § 552(b)(5)

Exemption 5 of the FOIA protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5). DOS-OIG is invoking the deliberative process privilege of Exemption 5 to protect information that falls within that privilege's domain.

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of "personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6) (emphasis added). DOS-OIG is invoking Exemption 6 to the names of lower level investigative staff, third parties, subjects and any information that could reasonably be expected to identify such individuals.

Exemption 7(A), 5 U.S.C. § 552(b)(7)(A)

Exemption 7(A) authorizes the withholding of "records or information compiled for law enforcement purposes . . . to the extent that production of such law enforcement records or information . . . could reasonably be expected to interfere with enforcement proceedings." 5 U.S.C. § 552 (b)(7)(A). DOS-OIG is invoking Exemption 7(A) to protect information pertaining to ongoing investigations including ongoing proceedings.

DOS-OIG may also assert other to be determined Exemptions for this information. Although other exemptions may be applicable to this information, DOS-OIG is not in a position to assert other exemptions at this time since these matters are still pending. An enclosure to this letter provides a brief explanation for additional exemptions that may be present.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)

AMERICAN OVERSIGHT

Exemption 7(C) protects from public disclosure "records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(7)(C). DOS-OIG is invoking Exemption 7(C) to protect the names of lower level investigative staff, third parties, subjects and any information contained in these investigative records that could reasonably be expected to identify those individuals.

Appeal

FOR REQUESTS IN LITIGATION:
Although I am aware that your request is the subject of ongoing litigation and appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal.[1] If you choose to file an administrative appeal it must be received within 90 days of the date of this response. Please address any appeal to:

Appeals Officer
Appeals Review Panel
Office of Information Programs and Services
U.S. Department of State
State Annex 2 (SA-2)
515 22nd Street, NW
Washington, DC 20522-8100
Facsimile: 202-261-8571

Both the envelope and letter of appeal should be clearly marked, "Freedom of Information Act/Privacy Act Appeal." Your appeal letter should also clearly identify the DOS-OIG's response. Additional information on submitting an appeal is set forth in the DOS regulations at 22 C.F.R. § 171.13.

Assistance and Dispute Resolution Services

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland

[1] For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

AMERICAN OVERSIGHT

20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

For further assistance and to discuss any aspect of your request you may contact Rebecca Cutri-Kohart, US Department of Justice, at rebecca.cutri-kohart@usdoj.gov and 202-514-0265.

Sincerely,

/s/

William Baron
Government Information Specialist

Enclosure(s)
2019-111 8.17 interim response.pdf
2019-109 8.17 supplemental response.pdf

AMERICAN OVERSIGHT

OIG Hotline Submission Form

--------- CONFIDENTIALITY ---------

Submit as anonymous: no

Willing to waive confidentiality: yes

--------- YOUR INFORMATION ---------

--------- COMPLAINT INFORMATION ---------

Location of incident: the White House

Dates of incident: since Trump has been elected

Types of waste/fraud/abuse: false statements claims; contract procurement fraud; embezzlement theft; conflict of interest ethics violations; employee misconduct

Summarize incident: Just what everybody knows, Trump is a liar, but Pompeo today cursing out Mary Louise Kelly crosses another line.

Name of company or individual responsible for incident: The US government

Title of person responsible: Secretary of State

Address of responsible party: Washington DC

Phone number of responsible party: you probably have it

How do you know this incident occurred: it's on public record

Do you have further evidence: no

--------- DOES ANYONE ELSE KNOW ABOUT THIS INCIDENT? ---------

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

OIG Hotline Submission Form

--------- CONFIDENTIALITY ---------

Submit as anonymous: no

Willing to waive confidentiality: yes

--------- YOUR INFORMATION ---------

Name: (b) (6)

E-mail: (b) (6)

Address: (b) (6)

City/State/Zip: (b) (6)

Phone number: (b) (6)

--------- COMPLAINT INFORMATION ---------

Location of incident: Sec Pompeo

Dates of incident: 10/14/19

Types of waste/fraud/abuse: conflict of interest ethics violations; employee misconduct; other

Summarize incident: The state.gov website has an article about Sec Pompeo speaking about being a Christian leader. I DEMAND this article be taken off the .gov domain immediately. This shows shockingly poor judgment, and is absolutely unconstitutional. What the Secretary does in his own time is his business. But the separation of church and state is inviolable, and in this case, government resources are being used (the .gov website and whatever staffer posted this) to promote one religion over another. I want a response.

Name of company or individual responsible for incident: Mike Pompeo

Title of person responsible: Secretary of State

How do you know this incident occurred: Your stupid website

AMERICAN OVERSIGHT

Do you have further evidence: select

--------- DOES ANYONE ELSE KNOW ABOUT THIS INCIDENT? ---------

AMERICAN OVERSIGHT

OFFICE OF INSPECTOR GENERAL
U.S. Department of State

Hotline Intake
H20191838

OIG Hotline Submission Form

--------- **CONFIDENTIALITY** ---------

Submit as anonymous: no

Willing to waive confidentiality: no

--------- **YOUR INFORMATION** ---------

Name: (b) (7)(D)

E-mail: (b) (7)(D)

Phone number: (b) (7)(D)

--------- **COMPLAINT INFORMATION** ---------

Location of incident: Washington, DC, other locations in the U.S. including New York and Florida, and overseas (b) (7)(D)

Dates of incident: (b) (7)(D)

Types of waste/fraud/abuse: (b) (5)
(b) (5)

Summarize incident: I am a (b) (7)(D) and most recently served as a (b) (7)(D) the (b) (6), (b) (7)(C) (b) (7)(D) I directly witnessed and/or heard numerous firsthand accounts from those I (b) (7)(D) of the

WARNING

This document contains sensitive information and should be treated accordingly. It is the property of the OIG and is loaned to you for official purposes only. This document and its contents are not to be distributed without permission of the AIGI.

AMERICAN OVERSIGHT

following behavior by the Secretary of State (b) (6), (b) (7)(C)

--(b) (5)
(b) (5)
State (b) (6), (b) (7)(C)
(b) (5)

(b) (6), (b) (7)(C) Secretary of
(b) (5)

-- False or misleading statements, (b) (5)
(b) (5) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

-- (b) (5), (b) (7)(A)
(b) (5), (b) (7)(A) the Secretary of State that (b) (5), (b) (7)(A)
(b) (5), (b) (7)(A)

-- Direction by (b) (7)(A)
(b) (7)(A) (b) (5)
(b) (5)

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

Secretary (b) (6), (b) (7)(C) b) (5)

WARNING

This document contains sensitive information and should be treated accordingly. It is the property of the OIG and is loaned to you for official purposes only. This document and its contents are not to be distributed without permission of the AIGI.

AMERICAN OVERSIGHT

OFFICE OF INSPECTOR GENERAL
U.S. Department of State

Hotline Intake
H20191838

Name of company or individual responsible for incident: Secretary Pompeo (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Title of person responsible: Office of the Secretary

How do you know this incident occurred: See above; I directly witnessed much of the behavior described above (b) (7)(A) I did not directly witness behavior by the Secretary (b) (6), (b) (7)(C) b) (5) but I was (b) (7)(D) to several (b) (6) other (b) (7)(D) (b) (6), (b) (7)(C) tried on several occasions to obtain clarifications and guidance from senior leadership in S/ES and from the Office of the Legal Advisors, but were blocked from doing so (b) (7)(A)

Do you have further evidence: yes

--------- DOES ANYONE ELSE KNOW ABOUT THIS INCIDENT? ---------

Does anyone else know about this incident: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Title of other person: (b) (6), (b) (7)(C)

How other person knows of incident: (b) (5) Secretary and
witnessed these issues firsthand. (b) (5) (b) (6), (b) (7)(C)

--------- ADDITIONAL INFORMATION ---------

Any other details: (b) (7)(A)
(b) (7)(A) were made aware of these concerns on repeated occasions between (b) (5) To my knowledge, none of them ever took action to resolve the issues, and several of them specifically directed subordinate staff to continue

WARNING

This document contains sensitive information and should be treated accordingly. It is the property of the OIG and is loaned to you for official purposes only. This document and its contents are not to be distributed without permission of the AIGI.

AMERICAN OVERSIGHT

facilitating questionable activities after the concerns were raised. (b) (6)
(b) (6) were also made aware of the issues; they expressed (b) (5)
(b) (5) I am unaware that any
resolution was reached, potentially because (b) (7)(A)
(b) (7)(A) seek clarification or guidance from L despite requests from subordinates to do so.

WARNING

This document contains sensitive information and should be treated accordingly. It is the property of the OIG and is loaned to you for official purposes only. This document and its contents are not to be distributed without permission of the AIGI.

AMERICAN OVERSIGHT