

Subject: RE: FOIA Request (USTR-19-1349)
Date: Friday, December 6, 2019 at 2:05:57 PM Eastern Standard Time
From: Ricker, Monique T. EOP/USTR
To: FOIA, FN-USTR-FOIA
Attachments: USTR_FY20-011_Partial Release_1_Redacted.pdf

Mr. McGrath,

This email is a partial response from the Office of the United States Trade Representative (USTR) to the Freedom of Information Act (FOIA) request FY20-11 submitted on October 24, 2019 requesting emails sent from various USTR employees containing one of the following terms: Rudy, Rudolph, Giuliani, Giuiliani, Guliani, Guiliani, Toensing, diGenova, Kislin, Burisma, Parnas, Fruman, Firtash, Kolomoisky, Klitschko, Burisma, Shokin, Lutsenko, Zelensky, Zelenskyy, Zelenskiy, Yermak, Bakanov, Bohdan, Hunter, Biden, Rybolovlev, Bannon, Schweizer, "Secret Empires," Gaffney, Pillsbury, Bohai, BHR, Rosemont, Seneca, Heinz, Archer, Thornton, or Warren. The timeframe for the search was between March 1, 2019 and October 24, 2019, the date the search was conducted.

Attached please find seven pages of responsive documents. We redacted one non-public cell phone number because we reasonably foresee that disclosure would harm an interest protected by FOIA Exemption 6.

Personal circumstances kept me away from the office this week, but I anticipate we will wrap up your request next week. If you have any questions or would like help refining your search, please contact me or my colleague Janice Kaye at FOIA@ustr.eop.gov or 202-395-3419.

Thank you,
Monique

Monique T. Ricker
FOIA Program Manager/Attorney

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON DC 20508

From: American Oversight FOIA <foia@americanoversight.org>
Sent: Thursday, October 24, 2019 2:05 PM
To: FN-USTR-FOIA <FN-USTR-FOIA@ustr.eop.gov>
Subject: [EXTERNAL] FOIA Request (USTR-19-1349)

Dear FOIA Officer:

Please find attached and see below for a request for records under the Freedom of Information Act.

Sincerely,

Vibha
Paralegal

American Oversight
foia@americanoversight.org
>www.americanoversight.org< | @weareoversight

FOIA: USTR-19-1349:

VIA EMAIL

USTR FOIA Office, GSD/RDF
Attn: Chief FOIA Officer Janice Kaye
Office of the U.S. Trade Representative
Anacostia Naval Annex, Building 410/Door 123,
250 Murray Lane SW
Washington, DC 20509
FOIA@ustr.eop.gov

Re: Expedited Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

On May 9, 2019, President Trump's personal lawyer, Rudolph Giuliani, announced that he would travel to Ukraine to meet with the country's president-elect to urge the Ukrainian government to pursue an investigation related to the son of former Vice President Biden—a potential electoral opponent of the president.^[1] Mr. Giuliani, reportedly aided by the president's former attorneys Victoria Toensing and Joseph E. diGenova, defended his planned trip by stating that "[w]e're not meddling in an election, we're meddling in an investigation."^[2] Subsequent reports indicate that Mr. Giuliani engaged a State Department official—U.S. Special Representative for Ukraine Negotiations Kurt D. Volker—in his efforts.^[3] The State Department has acknowledged that Mr. Volker helped arrange talks between Mr. Giuliani and a Ukrainian official.^[4] Additionally, the U.S. Ambassador to the European Union, Gordon Sondland, has reportedly been included in calls with Giuliani regarding Ukraine, and recently released text messages show that Ambassador Sondland regularly corresponded via text message on the WhatsApp messaging platform with Special Representative Volker and others regarding official State business related to Ukraine.^[5]

Material provided by the State Department Inspector General to Congress suggest that State Department officials—including those in the Office of the Legal Advisor—were involved in following up on Giuliani's requests to investigate certain matters related to Ukraine as early as March 2019.^[6] Reports also indicate that Giuliani's meeting with a Ukrainian official occurred shortly after the President Trump's July 25, 2019, call with Ukraine's president, in which President Trump reportedly asked Ukraine's government to prioritize "corruption" investigations.^[7] Reports now indicate that the administration acted to withhold vital aid to Ukraine days before President Trump's July phone call with Ukraine's President Zelensky.^[8] President Trump has also now acknowledged—following reports of a whistleblower complaint that the administration has refused to provide to Congress—that he discussed his potential political opponent, Joe Biden, with Ukraine's president in the July call.^[9] A transcript or summary of the call released by the White House shows, further, that the president stated that he would direct Attorney General Barr to call the president of Ukraine with the president's personal attorney, Mr. Giuliani, regarding his request that Ukraine investigate his political opponent.^[10]

On October 3, 2019, President Trump publicly stated that China should investigate former Vice President Biden and

his son.^[11] Press reporting also indicates that Trump previously discussed Biden's and Senator Elizabeth Warren's political prospects on a phone call with Chinese President Xi on June 18, 2019, and that conservative allies of the President, including Giuliani, have discussed allegations regarding Biden's involvement in China since spring 2019.^[12] On October 10, 2019, one of Trump's China advisors, Michael Pillsbury, who visited China last month, wrote to a journalist claiming "Actually I got a quite a bit of background on Hunter Biden from the Chinese."^[13]

American Oversight seeks records with the potential to shed light on whether and to what extent the political interests of the president have influenced the administration's policies overseas, including actions related to the efforts of the president's personal attorney to persuade foreign governments to conduct an investigation connected to a political opponent of the president.

Requested Records

American Oversight seeks expedited review of this request for the reasons identified below and requests that the U.S. Trade Representative (USTR) produce the following records as soon as practicable, and at least within twenty business days:

All email communications (including email messages, calendar invitations, and attachments thereto, and including complete email chains) sent by the USTR officials specified below containing any of the following key terms:^[14]

- i. Rudy
- ii. Rudolph
- iii. Giuliani
- iv. Giuiliani
- v. Guliani
- vi. Guiliani
- vii. Toensing
- viii. diGenova
- ix. Kislin
- x. Burisma
- xi. Parnas
- xii. Fruman
- xiii. Firtash
- xiv. Kolomoisky
- xv. Klitschko
- xvi. Burisma

- xvii. Shokin
- xviii. Lutsenko
- xix. Zelensky
- xx. Zelenskyy
- xxi. Zelenskiy
- xxii. Yermak
- xxiii. Bakanov
- xxiv. Bohdan
- xxv. Hunter
- xxvi. Biden
- xxvii. Rybolovlev
- xxviii. Bannon
- xxix. Schweizer
- xxx. “Secret Empires”
- xxxi. Gaffney
- xxxii. Pillsbury
- xxxiii. Bohai
- xxxiv. BHR
- xxxv. Rosemont
- xxxvi. Seneca
- xxxvii. Heinz
- xxxviii. Archer
- xxxix. Thornton
- xl. Warren

Specified Officials:

- i. USTR Robert Lighthizer
- ii. Deputy USTRs Jeff Gerrish and C.J. Mahoney

- iii. Chief of Staff Jamieson Greer
- iv. Deputy Chiefs of Staff Pamela Marcus and Stewart Ackerly
- v. Chief Scheduler Abigail Bacak
- vi. Anyone serving in the capacity of White House Liaison
- vii. General Counsel Joseph Barloon, and former General Counsel Stephen Vaughn
- viii. Assistant U.S. Trade Representative for Congressional Affairs Christopher Jackson
- ix. Acting USTR for China Affairs Terrence McCartin

American Oversight has limited its request to sent messages of each official to reduce the volume of potentially responsive records. American Oversight still requests complete email chains. So, for example, if the specified official sent a response to an incoming message containing a key term listed above, the email chain containing the initially received message and the response is responsive to this request.

Please provide all responsive records from March 1, 2019, through the date the search is conducted.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government."^[15] The subject matter of the requested records specifically relates to the operations or activities of the government, including communications surrounding an effort by the personal attorney to the president to persuade the foreign government to investigate a family member of one of the president's potential political opponents,^[16] and actions reportedly taken by the U.S. Government to aid those efforts. There is significant public interest in understanding whether and to what extent the perceived political interests of the president are influencing U.S. foreign policy, including whether administration officials are involved in an effort to use the president's private attorney to lobby foreign government officials,^[17] or whether other U.S. Government actions are being undertaken to pressure a foreign government to investigate the president's political opponent for President Trump's electoral advantage. The subject of this request is a matter of public interest, and the public's understanding of the government's activities and use of resources would be enhanced through American Oversight's analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.^[18] As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.^[19]

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.^[20] Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;^[21] posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;^[22] posting records regarding potential self-dealing at the Department of Housing & Urban Development and related analysis;^[23] posting records and analysis relating to the federal government's efforts to sell nuclear technology to Saudi Arabia;^[24] posting records and analysis regarding the Department of Justice's decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President's political opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.^[25]

Accordingly, American Oversight qualifies for a fee waiver.

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and the implementing regulations of your agency, American Oversight requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief that there is a compelling need for expedited processing of the above request because the information requested is urgently needed in order to inform the public concerning actual or alleged government activity, and American Oversight is primarily engaged in disseminating the information it received from public records requests to the public.

Recent reporting demonstrates that there is clearly an urgent need to inform the public regarding the matters that are the subject of American Oversight's FOIA request. First, American Oversight has requested records with the potential to shed light on whether the current administration has, potentially at the behest of President Trump, undertaken inappropriate actions to pressure a foreign government to conduct an investigation of one of the president's political opponents in order to give the president an electoral advantage. Because voting in the presidential primary elections—in which both President Trump and candidate Joe Biden will be candidates—is scheduled to commence in less than five months, on February 3, 2020, and voting in the general election will start in just over a year, there is plainly an urgent need to inform the public about the administration's actions that would be revealed by the records requested here.^[26] Second, factual developments in the last month have demonstrated that there are immense public concerns that the president, his administration, and his private attorney, Mr. Giuliani, may be continuing or intensifying their efforts to use the authority and resources of the federal government to pressure foreign governments to undertake an investigation of presidential candidate Joe Biden and his family. There is also widespread public concern that a whistleblower complaint within the intelligence community relates to the president's efforts to pressure the Ukrainian government to conduct an investigation of a political opponent for the president's electoral benefit.^[27] Mr. Giuliani, the president's personal lawyer, has again confirmed that he has endeavored to pressure Ukrainian authorities to begin an investigation.^[28] As a result, the House of Representatives has undertaken a fast-moving impeachment inquiry focused on the president, and the public has a right to have the requested information within a timeframe that will meaningfully allow citizens to petition their representatives on the merits of impeachment.

American Oversight's request seeks information that can shed light on whether and to what extent the Trump administration is attempting to use government resources to pressure a foreign nation to undertake actions designed to threaten, weaken, or otherwise target the president's political opponent for the purpose of giving him an electoral advantage. The public urgently needs the information American Oversight has requested before voting in the 2020

presidential election, including before voting in the primaries of that election. The public has a right to know if the president's administration has inappropriately used government power to gain electoral advantage against an opponent through pressure on a foreign nation.

I further certify that American Oversight is primarily engaged in disseminating information to the public. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,^[29] American Oversight "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience."^[30] American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.^[31] As discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.^[32]

Accordingly, American Oversight's request satisfies the criteria for expedition.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.^[33] It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.^[34]
- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide requirements to manage agency information electronically,^[35] and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the

agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Dan McGrath at foia@americanoversight.org or 202.897.4213. Also, if American Oversight's request for expedition is not granted or its request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

Austin R. Evers
Executive Director
American Oversight

[1] Kenneth P. Vogel, *Rudy Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump*, N.Y. Times, May 9, 2019, ><https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html><.

[2] *Id.*

[3] Kenneth P. Vogel & Andrew E. Kramer, *Giuliani Renews Push for Ukraine to Investigate Trump's Political Opponents*, N.Y. Times, Aug. 21, 2019, ><https://www.nytimes.com/2019/08/21/us/politics/giuliani-ukraine.html?smid=nytcore-ios-share><.

[4] Kenneth P. Vogel (@kenvogel), Twitter (Aug. 22, 2019, 6:30 PM), ><https://twitter.com/kenvogel/status/1164666081501470727?s=20><.

[5] Meagan Flynn, *How Gordon Sondland, a Wealthy Hotelier Turned Ambassador, Became the Latest Key Player in the Ukraine Inquiry*, Wash. Post (Oct. 4, 2019, 7:27 AM), ><https://www.washingtonpost.com/nation/2019/10/04/gordon-sondland-ukraine-texts-ambassador/><; Erin Banco, et al., *U.S. Ambassador Roped Into Rudy's Quest to Smear Biden*, The Daily Beast (Sept. 25, 2019, 7:26 AM), ><https://www.thedailybeast.com/impeachment-inquiry-us-ambassador-ropped-into-rudy-giulianis-quest-to-smear-biden><.

[6] Leigh Ann Caldwell, et al., *Giuliani Says State Dept. Vowed to Investigate After He Gave Ukraine Docs to Pompeo*, NBC News (Oct. 4, 2019, 8:09 AM), ><https://www.nbcnews.com/politics/trump-impeachment-inquiry/giuliani-says-state-dept-vowed-investigate-after-he-gave-ukraine-n1061931><.

- [7] Letter from Chairs Rep. Engel, Rep. Schiff, & Rep. Cummings, U.S. House of Representatives Committees on Foreign Affairs, Intelligence, and Oversight and Reform, to Michael Pompeo, Secretary, U.S. Dep't of State, Sept. 9, 2019, ><https://www.politico.com/f/?id=0000016d-16fe-d466-a36d-d6ff7a9c0000><.
- [8] Karoun Demirjian, et al., *Trump Ordered Hold on Military Aid Days Before Calling Ukraine President*, Wash. Post (Sept. 23, 2019, 10:40 PM), >https://www.washingtonpost.com/national-security/trump-ordered-hold-on-military-aid-days-before-calling-ukrainian-president-officials-say/2019/09/23/df93a6ca-de38-11e9-8dc8-498eabc129a0_story.html<.
- [9] Devan Cole, *Trump Says He Discussed Biden with Ukrainian President and Democrats Threaten 'New Stage of Investigation'*, CNN (Sept. 22, 2019, 6:41 PM), ><https://www.cnn.com/2019/09/22/politics/adam-schiff-donald-trump-ukraine-whistleblower-investigation-impeachment/index.html><.
- [10] The White House, Memorandum of Telephone Conversation with President Zelenskyy of Ukraine, July 25, 2019, ><https://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf><.
- [11] Zachary Basu, *Trump Says China Should Investigate Bidens*, Axios, Oct. 3, 2019, ><https://www.axios.com/trump-china-investigate-joe-biden-f7d034bf-91ea-4ede-a879-6b86c36e719a.html><.
- [12] Kylie Atwood, et al., *Trump Raised Biden with Xi in June Call Housed in Highly Secure Server*, CNN (Oct. 3, 2019, 10:30 PM), ><https://www.cnn.com/2019/10/03/politics/trump-biden-call-xi-secure-server/index.html><; Lachlan Markey and Asawin Suebsaeng, *Not Just Ukraine: Rudy and Bannon Try a Whole New Way to Slime Biden*, The Daily Beast (Sept. 24, 2019, 12:22 PM), ><https://www.thedailybeast.com/rudy-giuliani-and-steve-bannon-are-going-after-hunter-biden-not-just-on-ukraine-but-on-china-too><.
- [13] David Lynch & Josh Dawsey, *Trump Adviser Gives Conflict Accounts on Whether Chinese Offered Information About Hunter Biden*, Wash. Post (Oct. 10, 2019, 2:27 PM), >https://www.washingtonpost.com/business/economy/trump-advisor-gives-conflicting-accounts-on-whether-chinese-offered-information-about-hunter-biden/2019/10/10/35f32a14-eb80-11e9-9306-47cb0324fd44_story.html<.
- [14] To be clear, American Oversight requests all emails sent by the specified officials containing the key terms listed here without subject matter limitation. American Oversight has provided significant contextual background information concerning the reasons for its request, and the key terms listed are those likely to be used in communications concerning vitally important matters related to the matters discussed in this letter, but the contextual information American Oversight provided should not be used to exclude, or treat as non-responsive, any email communications sent by specified officials containing these key terms.
- [15] 5 U.S.C. § 552(a)(4)(A)(iii).
- [16] See Vogel *supra* note 1.
- [17] See Vogel *supra* note 3.
- [18] See 5 U.S.C. § 552(a)(4)(A)(iii).
- [19] American Oversight currently has approximately 12,300 page likes on Facebook and 54,500 followers on Twitter. American Oversight, Facebook, ><https://www.facebook.com/weareoversight/>< (last visited Sept. 20, 2019); American Oversight (@weareoversight), Twitter, ><https://twitter.com/weareoversight>< (last visited Sept. 20, 2019).
- [20] News, American Oversight, ><https://www.americanoversight.org/blog><.
- [21] *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, ><https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance><; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, ><https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents><.
- [22] See generally *Audit the Wall*, American Oversight, ><https://www.americanoversight.org/investigation/audit-the-wall><; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, ><https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall><.
- [23] *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, ><https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business><.

- [24] *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>.
- [25] *Sessions' Letter Shows DOJ Acted On Trump's Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.
- [26] Catherine Kim, *The 2020 Election Calendar*, Vox (Sept. 12, 2019, 11:56 PM), <https://www.vox.com/2019/6/26/18693259/2020-presidential-election-calendar-primaries>.
- [27] See, e.g., John Wagner, *Trump Declines to Say Whether He Discussed Joe Biden in Call with Ukrainian President*, Wash. Post (Sept. 20, 2019, 12:27 PM), https://www.washingtonpost.com/politics/trump-issues-fresh-denial-of-a-dicey-conversation-with-a-foreign-leader/2019/09/20/00da79dc-dba3-11e9-a688-303693fb4b0b_story.html; Phil Helsel, *Whistleblower Complaint About Trump Involves Ukraine, Report Says*, NBC News (Sept. 19, 2019, 9:54 PM), <https://www.nbcnews.com/politics/white-house/whistleblower-complaint-about-trump-involves-ukraine-report-says-n1056751>.
- [28] Robert Legare, *Rudy Giuliani Says He Didn't Ask Ukraine to Investigate Biden—And Then Says He Did*, CBS News (Sept. 20, 2019, 10:31 AM) <https://www.cbsnews.com/news/rudy-giuliani-chris-cuomo-interview-did-not-ask-ukraine-to-investigate-biden-and-then-says-he-did-cnn-appearance/>.
- [29] See *ACLU v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep't of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).
- [30] *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).
- [31] American Oversight currently has approximately 12,300 page likes on Facebook and 54,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight> (last visited Sept. 20, 2019); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Sept. 20, 2019).
- [32] See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; see, e.g., *DOJ Civil Division Response Noel Francisco Compliance*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>; *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>; *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>; *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>; *Sessions' Letter Shows DOJ Acted On Trump's Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.
- [33] See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).
- [34] See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).
- [35] Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

Re: Pillsbury on China

From: jamieson.l.greer@ustr.eop.gov
To: "White, Christopher M. EOP/USTR" <christopher.m.white@ustr.eop.gov>
Date: Tue, 02 Apr 2019 20:43:13 -0400

Thanks

Sent from my iPhone

On Apr 2, 2019, at 7:34 PM, White, Christopher M. EOP/USTR <Christopher.M.White@ustr.eop.gov> wrote:



Talking about how China is closing in on us with Panama deal. China building 1.4bil bridge over Panama canal, direct flights from Shanghai to Panama City. Also talking about how Italy embraced one belt one road. Says POTUS needs more people with him who think like him on China. Cited that General Mattis made his first trip to China ever during his time as Sec. Of Defense and said we need more people at top of government who aren't so clueless about China. Says we need all intelligence committees to come out and say we got China for a long time. Also said Germany has gone too far with embracing Huawei. Closed with saying there's good news on the trade talks

Christopher M. White
Confidential Assistant to Ambassador Lighthizer
Executive Office of the President
Office of the United States Trade Representative
C. (b) (6) | O. 202.395.9477

Fwd: Letter from Senator Warren and members of the MA Congressional Delegation

From: christopher.l.jackson@ustr.eop.gov
To: "Brennan, Bridget A. EOP/USTR" <bridget.a.brennan@ustr.eop.gov>
Cc: "Ekmark, Kimberly K. EOP/USTR" <kimberly.k.ekmark@ustr.eop.gov>, "Carr, Kerrie L. EOP/USTR" <kerrie.l.carr@ustr.eop.gov>, "Givens, Shelia R. EOP/USTR" <shelia_givens@ustr.eop.gov>, "Bishop, Cameron M. EOP/USTR" <cameron.m.bishop@ustr.eop.gov>
Date: Mon, 16 Sep 2019 17:55:25 -0400
Attachments: 9.16.19 - MA delegation letter to USTR Lighthizer re MA lobster industry - WARREN.pdf (2.45 MB)

Incoming letter

Sent from my iPhone

Begin forwarded message:

From: "Coulombe, Ashley (Warren)" <Ashley.Coulombe@warren.senate.gov>
To: "Jackson, Christopher L. EOP/USTR" <Christopher.L.Jackson@ustr.eop.gov>
Cc: "Siegel, Julie (Warren)" <Julie.Siegel@warren.senate.gov>, "Freitas, Bruno (Warren)" <Bruno.Freitas@warren.senate.gov>, "Gabriel, Nairobi (Warren)" <Nairobi.Gabriel@warren.senate.gov>
Subject: Letter from Senator Warren and members of the MA Congressional Delegation

Hi Christopher –

Please find attached letter to Ambassador Lighthizer from Senator Warren and members of the Massachusetts congressional delegation, including Senator Markey and U.S. Representatives Lynch, Keating, Kennedy, and Moulton. Please acknowledge receipt, and let me know if you have any questions.

Best-
Ashley

Ashley Coulombe
State Policy Director
Senator Elizabeth Warren
(617)565-3170

Congress of the United States
Washington, DC 20510

September 16, 2019

The Honorable Robert Lighthizer
United States Trade Representative
600 17th Street NW
Washington, DC 20508

Dear Ambassador Lighthizer,

We write urging you to explore new markets for American lobster exports to compensate for the impact of China's 25 percent tariffs on imported American lobsters.¹ As indicated in a June 29, 2018 letter by Senator Warren, these tariffs continue to have material impacts on the Massachusetts lobster industry.^{2,3}

U.S. lobster exports to China are down more than 80 percent since June 2018, which is reflected in the losses reported by local Massachusetts lobster companies.⁴ At least two businesses have been forced to cease operations, leaving more than 250 employees out of work, and the U.S. lobster industry more vulnerable to long-term decline and competition from Canada.⁵

While Massachusetts state legislators are exploring solutions for economic relief at the state level, it is imperative that there be federal resolve to assist the Massachusetts lobstermen whose livelihoods heavily relied on exports to China.

In your written response letter to Senator Warren's letter, you acknowledged concerns about the impacts the Chinese tariffs would have on Massachusetts families that work in the lobster industry.⁶ In that same response, you indicated that the trade agreements with countries in Africa

¹ New York Times, "Lobsters, Small-Batch Whiskey, and Trump's Trade War," Alan Rappeport, June 22, 2018, <https://www.nytimes.com/2018/06/22/us/politics/donald-trump-tariffs-trade-war.html>

² Letter from Senator Elizabeth Warren to U.S. Trade Representative Robert Lighthizer, June 29, 2018, [on file with Senator Warren's office]

³ WGBH, "Gloucester Lobster Industry Feeling The Pinch From China Trade War," Stephanie Leydon, July 10, 2019, <https://www.wgbh.org/news/local-news/2019/07/10/gloucester-lobster-industry-feeling-the-pinch-from-china-trade-war>.

⁴ AP News, "US exports to lobster-loving China go off cliff amid tariffs," Patrick Whittle, August 26, 2019, <https://www.apnews.com/6482bb8522ef427c8dba0d117327f1b2>.

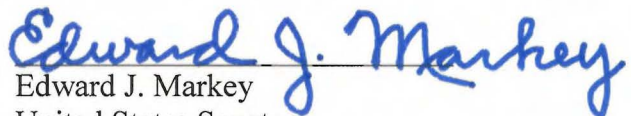
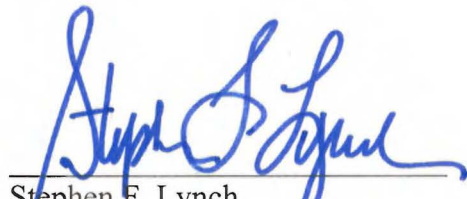
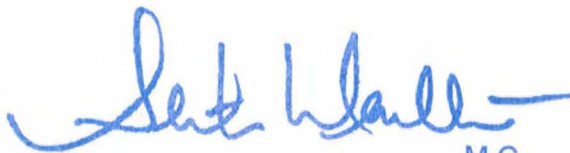
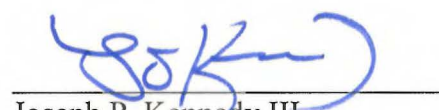
⁵ State House News Service, "State House hearing on tariffs, lobster industry will wait 'til September," July 8, 2019, <https://gloucester.wickedlocal.com/news/20190708/state-house-hearing-on-tariffs-lobster-industry-will-wait-til-september>

⁶ Letter from United States Trade Representative Robert Lighthizer to Senator Elizabeth Warren, July 3, 2018, [on file with Senator Warren's office]

and South East Asia and the U.S. Department of Commerce's Foreign Commercial Service could be avenues of mitigation to replace the loss of the Chinese market.⁷ We would like to highlight that the Canadian-European Union Comprehensive Economic and Trade Agreement provides tariff-free access for Canadian lobster products being sold in the European Union,⁸ putting American lobster products at a serious disadvantage.

We urge you to work with the Massachusetts lobster industry to provide specific solutions and resources to end the dire losses to the Massachusetts economy. We thank you for your prompt attention to this issue and request a response by September 30, 2019.

Sincerely,


Elizabeth Warren
United States Senator
Edward J. Markey
United States Senator
Stephen F. Lynch
Member of Congress
William R. Keating
Member of Congress
Seth Moulton
Member of Congress
Joseph P. Kennedy III
Member of Congress

⁷ Letter from United States Trade Representative Robert Lighthizer to Senator Elizabeth Warren, July 3, 2018, [on file with Senator Warren's office]

⁸ Lobster Council Canada. "Canada-European Union Comprehensive Economic and Trade Agreement (CETA)." <http://lobstercouncilcanada.ca/market-access/canada-european-union-comprehensive-economic-and-trade-agreement-ceta/>

Fwd: [EXTERNAL] China trade talks and Biden

From: jamieson.l.greer@ustr.eop.gov
To: "Lighthizer, Robert E. EOP/USTR" <robert.e.lighthizer@ustr.eop.gov>
Date: Thu, 03 Oct 2019 13:12:42 -0400

This a crazy question. Let's talk to see if/how you want to respond.

Sent from my iPhone

Begin forwarded message:

From: "Emerson, Jeffrey W. EOP/USTR" <Jeffrey.W.Emerson@ustr.eop.gov>
Date: October 3, 2019 at 11:26:17 AM EDT
To: "Greer, Jamieson L. EOP/USTR" <Jamieson.L.Greer@ustr.eop.gov>, "Gerrish, Jeffrey D. EOP/USTR" <Jeffrey.D.Gerrish@ustr.eop.gov>, "Ackerly, Stewart H. EOP/USTR" <Stewart.H.Ackerly@ustr.eop.gov>, "Morris, Rachel M. EOP/USTR" <Rachel.M.Morris@ustr.eop.gov>, "Davis, Emily K. EOP/USTR" <Emily.K.Davis@ustr.eop.gov>
Subject: FW: [EXTERNAL] China trade talks and Biden

FYI -

From: James Politi <james.politi@ft.com>
Sent: Thursday, October 3, 2019 11:22 AM
To: Emerson, Jeffrey W. EOP/USTR <Jeffrey.W.Emerson@ustr.eop.gov>; Davis, Emily K. EOP/USTR <Emily.K.Davis@ustr.eop.gov>
Subject: [EXTERNAL] China trade talks and Biden

Hi there

In light of president Trump's remarks this morning calling on China to investigate Joe Biden and his son, can you say whether administration officials discussed this demand in the trade negotiations, either on phone or video-calls, or in face-to-face negotiations ?

Thanks James

Fwd: [EXTERNAL] China

From: jamieson.l.greer@ustr.eop.gov
To: "Lighthizer, Robert E. EOP/USTR" <robert.e.lighthizer@ustr.eop.gov>
Date: Thu, 03 Oct 2019 22:07:05 -0400

From: "Davis, Emily K. EOP/USTR" <Emily.K.Davis@ustr.eop.gov>
Date: October 3, 2019 at 9:51:36 PM EDT
To: "Greer, Jamieson L. EOP/USTR" <Jamieson.L.Greer@ustr.eop.gov>, "Ackerly, Stewart H. EOP/USTR" <Stewart.H.Ackerly@ustr.eop.gov>, "Emerson, Jeffrey W. EOP/USTR" <Jeffrey.W.Emerson@ustr.eop.gov>
Subject: Fwd: [EXTERNAL] China

Absurd.

Sent from my iPhone

Begin forwarded message:

From: "Farhi, Arden" <FarhiA@cbsnews.com>
Date: October 3, 2019 at 8:58:07 PM EDT
To: "emily.k.davis@ustr.eop.gov" <emily.k.davis@ustr.eop.gov>
Cc: "@Wash Booth" <WashBooth@cbsnews.com>
Subject: [EXTERNAL] China

Emily -

Has Joe Biden or his son ever played a role in US trade talks with China?

Have the Bidens been brought up in talks at any level?

If so, in what context?

Does Ambassador Lighthizer wish to set the record straight on whether a trade deal with China is contingent on anything involving Joe or Hunter Biden?

Is he comfortable with the CNN report that President Trump invoked Joe Biden's name in a call about trade with Xi in June? If so, can you provide the context of that conversation?

Was there any deal made between the US and China regarding a trade deal and the protests in Hong Kong.

Thank you.

646.761.1168

Arden Farhi
White House producer

CBS News
646.761.1168