

# **Exhibit F**

# The Washington Post

One Franklin Square – 1301 K Street, N.W.  
WASHINGTON, D.C. 20071

JAMES A. MCLAUGHLIN  
DEPUTY GENERAL COUNSEL &  
DIRECTOR OF GOVERNMENT AFFAIRS  
TEL: (202) 334-7988  
E-MAIL: [james.mclaughlin@washpost.com](mailto:james.mclaughlin@washpost.com)

April 17, 2018

**BY EMAIL ([john.g.arlington.civ@mail.mil](mailto:john.g.arlington.civ@mail.mil))**

John G. Arlington  
General Counsel  
Special Inspector General for Afghanistan Reconstruction  
2530 Crystal Drive  
Arlington, VA 22202

**Re: SIGAR Lessons Learned Program – FOIA Request No. 2017-F-014**

Dear Mr. Arlington:

This letter follows up on your office's communications with Washington Post reporter Craig Whitlock concerning the above-referenced Freedom of Information Act request ("the Request"), in which the Post seeks records of interviews conducted by SIGAR as part of the Lessons Learned program. To date, SIGAR has produced records of 35 of the 410 interviews that we understand are encompassed in that program.

All of us at the Post appreciate the time and attention you and your colleagues have devoted to the Request, and your general willingness to keep Mr. Whitlock apprised of its status. I am writing, however, to raise two concerns: (1) the agency's interpretation of the Inspector General Act as precluding it from identifying the interviewees in most cases, which we believe is misplaced; and (2) the pace of production of the interviews so far, and SIGAR's refusal to provide even an estimated timetable for releasing the rest of the records.

## **1. Inspector General Act Issue**

You confirmed to Mr. Whitlock in a February 28, 2018 email that SIGAR is willing to provide the *Post* with notes from most of those interviews, as you represented that the majority of them were not recorded or transcribed. However, you wrote that SIGAR must first "review these interview notes to remove the names and identifying information for people who do not want their names revealed" because SIGAR contends it is "prohibited by law from revealing those sources without their permission" and that "SIGAR is prohibited by law from disclosing the identity of a source who wishes to remain anonymous."

In support of SIGAR's position, in a February 23 email to Mr. Whitlock, you quoted "Section 8L(b)(2)(B) of the Inspector General Act of 1978" as providing that "[t]he Inspector General of each Agency shall not disclose the identity of any individual making a report

FOIA Request No. 2017-F-014

April 17, 2018

Page 2

under this paragraph without the consent of the individual unless the Inspector General determines that such a disclosure is unavoidable during the course of an investigation.” However, you only quoted a part of the Inspector General Act.

The provision you referred to, which has been renumbered to Section 8M, concerns “[i]nformation on websites of offices of Inspectors General.” In context, and in its current form, the subsection you reference provides:

(b) Requirements for Inspectors General websites.--

\* \* \*

(2) Reporting of fraud, waste, and abuse.--

(A) In general.--The Inspector General of each Federal agency and designated Federal entity shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report fraud, waste, and abuse. Individuals reporting fraud, waste, or abuse using the direct link established under this paragraph shall not be required to provide personally identifying information relating to that individual.

(B) Anonymity.--The Inspector General of each Federal agency and designated Federal entity shall not disclose the identity of any individual making a report under this paragraph without the consent of the individual unless the Inspector General determines that such a disclosure is unavoidable during the course of the investigation.

5 U.S.C. App. 3 § 8M(b)(2).

This provision plainly applies to information provided through the “direct link on the homepage of the website” of the OIGs. It therefore does not shield SIGAR interviewees’ identities from disclosure, because the Lessons Learned interviews were not derived from reports of fraud, waste, or abuse made through the SIGAR website. The Post therefore expects SIGAR to comply with its obligations under FOIA with respect to identifying the Lessons Learned interviewees.

**2. Estimated Timetable for Production of the Records**

I understand from Mr. Whitlock that SIGAR has produced records of 35 of the interviews, and that a SIGAR representative, Mr. LaVelle, has advised that the agency expects to be able to provide another 12 interviews – representing the remainder of the 47 “on-the-record” interviews – by June 2018. Since this first set of 47 on-the-record interviews has been described to Mr. Whitlock as the proverbial “low-hanging fruit,” and yet will still not be fully produced until more than a year after the Request was submitted (and nearly five months from when the scope of the Request was clarified in the February 2018

FOIA Request No. 2017-F-014

April 17, 2018

Page 3

emails), we are concerned about what this pace implies for the timetable of the remaining 363 interviews. We realize of course that SIGAR must review the records before it can release them. Our request is simply that the agency provide a concrete, even if estimated, timetable for producing the remaining batches of interviews, as Mr. Whitlock has repeatedly sought.

I would be glad to discuss any of these matters at your convenience.

Respectfully,

A handwritten signature in black ink, appearing to read "JAMcLaughlin". The signature is written in a cursive, somewhat stylized font.

James A. McLaughlin

cc: Craig Whitlock