

EXHIBIT A



October 16, 2019

VIA Mail

U.S. Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
State Annex 2 (SA-2)
515 22nd Street, N.W.
Washington, D.C. 20522-8100

Re: Freedom of Information Act Records Request

Dear FOIA Officer,

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Department of State regulations at 22 C.F.R. Part 171, Democracy Forward Foundation makes the following request for records.

Background

In August 2019, a whistleblower complaint sent to the Intelligence Community Inspector General by an anonymous U.S. government official detailed a July 25, 2019 call between President Trump and Ukrainian President Zelensky, during which Trump requested the Ukrainian government work with Rudy Giuliani to investigate the Biden family.¹ The complaint cited to “a series of articles” authored by John Solomon, then an investigative reporter for *The Hill*, as part of the circumstances leading to the July call.² The articles detailed, among other things, allegations made by several Ukrainian officials against current and former U.S. officials.³ The accuracy of some claims made in these articles have been widely scrutinized, and in a few cases refuted.⁴ The credibility and transparency of Solomon’s sources have also come into question.⁵ And Solomon’s communications with President Trump’s lawyer and political allies regarding the

¹ *Whistleblower Complaint*, available at <https://www.usatoday.com/documents/6430388-20190812-Whistleblower-Complaint-Unclass/>.

² *Id.*

³ *Id.*

⁴ Amy Mackinnon & Reid Standish, *How a D.C. News Site Amplified Dubious Ukraine Claims*, Foreign Policy (Sept. 26, 2019), <https://foreignpolicy.com/2019/09/26/how-a-dc-news-site-amplified-dubious-ukraine-claims/>; Erik Wemple, *John Solomon foisted a bogus story on Fox News viewers. His punishment? A contract.*, Wash. Post (Oct. 8, 2019) [hereinafter Wemple I], <https://www.washingtonpost.com/opinions/2019/10/08/john-solomon-foisted-bogus-story-fox-news-viewers-his-punishment-contract/>.

⁵ *See, e.g.*, Mackinnon & Standish, *supra* n.4.

Ukraine-Biden story were, in part, the subject of an “urgent briefing” to relevant congressional committees by the State Department’s Inspector General.⁶

Solomon, who recently signed a contract to join Fox News as a contributor and has made frequent guest appearances on the network’s “Hannity,”⁷ has previously come under fire for biased content and questionable reporting tactics. Many of his former *Hill* colleagues saw his stories as “overtly ideological, convoluted, and often lacking in crucial context.”⁸ And recent reporting has revealed Solomon sent an email to Trump allies Lev Parnas, Joe diGenova and Victoria Toensing--who have all emerged as key players in the lead up to the July 25 call--in advance of publishing at least one of the articles referenced in the whistleblower complaint.⁹ This email, compounded with Solomon’s reputation for bias, raises questions regarding the ties between Solomon and Trump allies, and more broadly presents concerns regarding the degree to which pro-Trump figures are working directly with sympathetic journalists to influence public opinion. Moreover, to the extent that Administration officials are directing the content of Solomon’s reporting, it raises serious concerns regarding the Administration’s compliance with laws barring covert propaganda.¹⁰

Records Requested

In an effort to better understand, and explain to the public, communications between Department of State officials and Solomon, Democracy Forward requests the Department of State (“the Department”) produce the following within twenty (20) days:

1. All records and correspondence, including emails, text messages, messages sent via secure messaging apps such as WhatsApp and Signal, phone logs, visitor logs, or other records containing, discussing or revealing communications or meetings between John Solomon and any of the following individuals, whether or not transmitted using a government server or device:
 - a. Secretary of State Mike Pompeo
 - b. William “Bill” Taylor, U.S. chargé d’affaires in Ukraine
 - c. Kurt Volker, former special U.S. envoy to Ukraine
 - d. George Sondland, U.S. Ambassador to the European Union
 - e. Marie Yovanovitch, former U.S. Ambassador to Ukraine

⁶ Erin Banco, *Biden dirt file has private email between John Solomon and Rudy allies*, Daily Beast (Oct. 3, 2019), <https://www.thedailybeast.com/biden-ukraine-dirt-file-has-private-email-between-john-solomon-and-rudy-allies>

⁷ See, e.g., Maxwell Tani, *Leaked Memo: Colleagues Unload on John Solomon, the Journalist Who Kicked Off Trump’s Ukraine Conspiracy*, Daily Beast (Sept. 28, 2019), <https://www.thedailybeast.com/leaked-memo-colleagues-unload-on-john-solomon-the-reporter-who-kicked-off-trumps-ukraine-conspiracy>; Erik Wemple, *Staffers at The Hill press management about the work of John Solomon*, Wash. Post (Jan. 17, 2018) [hereinafter Wemple II], <https://www.washingtonpost.com/blogs/erik-wemple/wp/2018/01/17/staffers-at-the-hill-press-management-about-the-work-of-john-solomon/>; Wemple I, supra n.4.

⁸ See, e.g., Tani, supra n.7; Mackinnon & Standish, supra n.4.

⁹ Banco, supra n.6.

¹⁰ See Financial Services and General Government Appropriations Act, 2018, Pub. L. No. 115-141, div. E, title VII, § 718, 132 Stat. 348, 591 (Mar. 23, 2018).

- f. George Kent, Deputy Assistant Secretary, U.S. Bureau of European & Eurasian Affairs
- g. Philip Reeker, Acting Assistant Secretary, U.S. Bureau of European & Eurasian Affairs
- h. David Hale, Under Secretary of State for Political Affairs
- i. T. Ulrich Brechbuhl, Counselor of the Department of State
- j. Lisa Kenna, Executive Secretary to Secretary Pompeo
- k. Heather Nauert, State Department Spokesperson
- l. Kuros Ghaffari, Office of Press Relations
- m. Lloyd Matthew, Senior Adviser, Public Affairs
- n. Robert Palladino, Deputy Spokesperson
- o. Ambrose Sayles, Office of Press Relations
- p. Michelle Giuda, Assistant Secretary for Public Diplomacy and Public Affairs

The date range for this request is January 1, 2019 until the date the search is performed.

Scope of Search

For responsive records, please search for records regardless of format, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical materials. This request includes, without limitation, all correspondence, letters, emails, text messages, calendar entries, facsimiles, telephone messages, voice mail messages, and transcripts, notes, minutes, or audio or video recordings of any meetings, telephone conversations, or discussions. In searching for responsive records, however, please exclude publicly available materials such as news clips that mention otherwise responsive search terms.

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See id.* § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

Please respond to this request in writing within 20 working days as required under 5 U.S.C. § 552(a)(6)(A)(i). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are

available within that time period. If all relevant records are not produced within that time period, we are entitled to a waiver of fees for searching and duplicating records under 5 U.S.C. § 552(a)(4)(A)(viii)(I).

Request for Fee Waiver

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 22 C.F.R. Part 171, Democracy Forward Foundation requests a waiver of all fees associated with processing records for this request. FOIA requires documents to be furnished to requesters at no fee or reduced fees when “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)

The disclosure of records sought by this Request is likely to contribute significantly to the public understanding of the operations or activities of the government.

As described above, better understanding the nature of the correspondence between State Department officials and John Solomon is an issue of significant and ongoing public attention--indeed, the State Department Inspector General has deemed it a matter of “urgent concern”--and the records requested will contribute to the public’s understanding of the operation and activities of the government. In particular, these records could reveal the extent to which the State Department may have coordinated with Solomon in relation to his reporting on matters concerning Ukraine.

Democracy Forward Foundation is able to, and regularly does, disseminate Records obtained through FOIA requests to a broad audience of persons interested in the subject matter.

In determining whether a fee waiver is appropriate, courts consider whether a requester has a “demonstrated . . . ability to disseminate the requested information,” *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1116-17 (D.C. Cir. 2015), and whether the requester regularly disseminates records obtained through FOIA to “a reasonably broad audience of persons interested in the subject” of its work. *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). FOIA does not require a requester to describe exactly how it intends to disseminate the information requested, as that would require “pointless specificity”; all that is necessary is for a requester to adequately demonstrate its “ability to publicize disclosed information.” *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003). In evaluating a fee waiver request, courts consider how a requester actually communicates information collected through FOIA to the public, including press releases or a website where documents received are made available, see *id.*, or whether the requester has a history of “contacts with any major news[] companies” that suggest an ability to disseminate materials of interest through the press. *Larson v. C.I.A.*, 843 F.2d 1481, 1483 (D.C. Cir. 1988) (upholding a denial of a fee waiver to a requester who had failed to identify his relationships with newspaper companies that could disseminate documents).

DFF has a demonstrated ability to disseminate information of public interest requested through FOIA, and intends to publicize records DFF receives that contribute significantly to the public’s understanding of correspondence between State Department officials and Solomon.

DFF operates a dedicated communications staff with deep relations with a wide variety of national publications. When DFF obtains materials through FOIA requests that are of significant public interest, DFF's communications staff regularly works to ensure that these materials and their contents are featured in press articles educating the public about the operation of government; many articles feature additional commentary and analysis from DFF staff about those materials and their relevance to policy issues of public interest.¹¹

Additionally, DFF regularly sends press releases and other materials to over 6,000 members of the press and the over 7,000 members on our organization's email list, discussing ongoing legal developments related to executive branch policymaking. These materials often include descriptions and analysis of information obtained by DFF through its FOIA requests.¹² In

¹¹ See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, *"Happy to Do It": Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy*, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>;

Hamid Aleaziz, *Emails Show US Border Officials Didn't Receive "Zero Tolerance" Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, Huffpost (Dec. 17, 2018), https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba; Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *'Just answer the question and kill this story': In internal emails, Heather Nauert criticized Rex Tillerson's refusal to deny reports that he called Trump a 'moron.'* Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9; Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback—she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees' war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

¹² See, e.g., *BREAKING: At Congressional Hearing, Sec. DeVos Confronted With Records Revealing Trump Administration's Unlawful Decision to Permit Federal Funds to Arm Teachers* (Apr. 10, 2019), <https://democracyforward.org/press/breaking-at-congressional-hearing-sec-devos-confronted-with-records-revealing-trump-administrations-unlawful-decision-to-permit-federal-funds-to-arm-teachers/>; *BREAKING: New Evidence Reinforces Claim Trump's Title IX Policy Was Based on Sexist Stereotypes, Rendering it Unconstitutional* (Nov. 1, 2018),

addition, DFF operates a verified Twitter account with over 6,000 followers, and frequently uses the account to circulate significant documents received through FOIA requests.¹³

DFF's website also houses a great deal of information obtained through its FOIA requests, accessible to the public at no cost. DFF's website logged over 187,000 pageviews in 2018 alone.

Finally, DFF frequently incorporates documents received through FOIA into related legal actions brought by DFF on behalf of its clients, and in doing so further publicizes documents received by explaining their legal significance.¹⁴

Democracy Forward Foundation is a purely noncommercial requester.

Democracy Forward Foundation is not filing this Request to further its commercial interest, and any information disclosed by DFF as a result of this FOIA request will be disclosed at no cost. A fee waiver would fulfill Congress's legislative intent in amending FOIA. *See Judicial Watch*, 326 F.3d at 1312 ("Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters." (quotation marks omitted)).

Democracy Forward is a representative of the news media

<https://democracyforward.org/press/breaking-new-evidence-reinforces-claim-trumps-title-ix-policy-was-based-on-sexist-stereotypes-rendering-it-unconstitutional/>; *On 1-Year Anniversary of Equal Pay Roll Back, New Documents Reveal Ivanka Trump's Role in Trump Administration Decision to Roll Back Protections for Women and Working Families* (Aug. 29, 2018), <https://democracyforward.org/press/on-1-year-anniversary-of-equal-pay-roll-back-new-documents-reveal-ivanka-trumps-role-in-trump-administration-decision-to-roll-back-protections-for-women-and-working-families/>; *Democracy Forward Demands Ethics Investigation into White House Official's Role in Developing Special Drug Pricing Project With Novartis* (July 11, 2018), <https://democracyforward.org/press/democracy-forward-demands-ethics-investigation-into-white-house-officials-role-in-developing-special-drug-pricing-project-with-novartis/>; *BREAKING: New Records Reveal DeVos Senior Advisor And Former For-Profit College Executive Directed Rollback of Protections Against Predatory Student Loans* (May 15, 2018), <https://democracyforward.org/press/breaking-new-records-reveal-devos-senior-advisor-former-profit-college-executive-directed-rollback-protections-predatory-student-loans/>; *BREAKING: New Records Suggest Trump-Appointed Political Officials Drove HHS Decision To End Program Grants That Have Helped Reduce Teen Pregnancy Rates To All-Time Low* (Mar. 20, 2018), <https://democracyforward.org/press/breaking-new-records-suggest-trump-appointed-political-officials-drove-hhs-decision-end-program-grants-helped-reduce-teen-pregnancy-rates-time-low/>.

¹³ See, e.g., the following tweets and tweet threads from @DemocracyFwd: <https://twitter.com/DemocracyFwd/status/910123899035226112> (Sep. 19, 2017); <https://twitter.com/DemocracyFwd/status/976991060680462336> (Mar. 22, 2018); <https://twitter.com/DemocracyFwd/status/996480908877271042> (May 15, 2018); <https://twitter.com/DemocracyFwd/status/998986714105483264> (May 22, 2018); <https://twitter.com/DemocracyFwd/status/1022870550769754112> (July 27, 2018); <https://twitter.com/DemocracyFwd/status/1035144352345903105> (Aug. 30, 2018); <https://twitter.com/DemocracyFwd/status/1053294640382779392> (Oct. 19, 2018); <https://twitter.com/DemocracyFwd/status/1071105652867690496> (Dec. 7, 2018).

¹⁴ See, e.g., Second Amended Complaint for Injunctive Relief at 31, *SurvJustice, Inc., et al. v. DeVos et al.*, No. 3:18-cv-00535-JSC (N.D. Cal. Oct. 31, 2018), ECF No. 86, reported on in Klein, *supra* n.11; Memorandum of Law in Support of Plaintiffs' Motion for Preliminary and Permanent Injunction at 14-15, *Healthy Teen Network and Mayor and City Council of Baltimore v. Azar and U.S. Dep't of Health and Human Services*, No. 1:18-cv-00468-CCB (D. Md. Mar. 27, 2018), ECF No. 18-1, reported on in Przybyla, *supra* n.11.

A representative of the news media is one that “publishes or otherwise disseminates information to the public,” and in particular one that “gathers information from a variety of sources; exercises a significant degree of editorial discretion in deciding what documents to use and how to organize them; devises indices and finding aids; and distributes the resulting work to the public.” *Nat’l Sec. Archive v. US Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Representatives of the news media qualify for a waiver of all fees except “reasonable standard charges for document duplication” as a representative of the news media pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II).

As documented above, DFF extensively disseminates information gathered through FOIA requests to the public, via sharing that information with other news outlets, publishing and sending press releases and other updates to our website and email list, and alerting our followers on social media to new developments in our work, including highlights from documents obtained through FOIA. This process entails a great degree of editorial discretion in deciding which documents to highlight and how to organize them for the public, as our team of lawyers and policy experts carefully examine and build a thorough understanding of the documents we receive from FOIA and their relationship to policies of interest to the public.

Beyond disseminating information to reporters for them to publish, and sharing press releases and updates, Democracy Forward has also sought to disseminate information directly to the public through reports and opinion pieces written by our staff.¹⁵

For all the foregoing reasons, Democracy Forward Foundation qualifies for a fee waiver.

If the request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$100. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

Request for Expedited Processing

¹⁵ See, e.g., *A Blueprint for Cronyism: President Trump’s Illegal Infrastructure Plan to Enrich His Friends*, Democracy Forward Foundation (Jan. 30, 2018), <https://democracyforward.org/wp-content/uploads/2018/01/Infrastructure-Report.pdf>; Elana Schor, *Trump critics seize on developer ties to infrastructure plan*, Politico (Jan. 30, 2018), <https://www.politico.com/story/2018/01/30/trump-infrastructure-developers-state-of-union-376326> (press coverage of DFF’s report on White House infrastructure policy); *Airlines and the Trump Administration*, Democracy Forward Foundation (Jan. 11, 2018), <https://democracyforward.org/updates/airlines-and-the-trump-administration/>; Bart Jansen, *Lost bags, airline fees: Protections for travelers rights stall under Trump*, USA Today (Jan. 19, 2018), <https://www.usatoday.com/story/news/2018/01/19/lost-bags-airline-fees-protections-travelers-rights-stall-under-trump/1043879001/> (press coverage utilizing the information DFF organized regarding regulatory changes); *What Has Trump Done on Guns? A Lot.*, Democracy Forward Foundation (Feb. 21, 2018), <https://democracyforward.org/updates/trump-done-guns-lot/>; Christi Parsons, *Trump ‘supportive’ of tougher gun law, but his record suggests that may not mean much*, LA Times (Feb. 20, 2018) (press coverage utilizing the information DFF organized regarding regulatory changes); Anne Harkavy and Farhana Khera, *When the Trump administration lies, it might literally be illegal: Learn about the Information Quality Act*, NY Daily News (Feb. 14, 2019), <https://www.nydailynews.com/opinion/ny-oped-when-the-trump-administration-lies-it-might-literally-be-illegal-20190213-story.html> (piece co-authored by DFF executive director); Meg Uzzell and Rachael Klarman, *Why These Women Are Suing Trump to Help End the Gender Pay Gap*, Teen Vogue (Nov. 28, 2017), <https://www.teenvogue.com/story/women-sue-trump-gender-pay-gap> (piece authored by two members of DFF’s staff).

Democracy Forward is entitled to expedited processing of the request because there is a “compelling need” for the information,” specifically “with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity,” 5 U.S.C. §§ 552(E)(i)(I), 552(E)(v)(II); *see also* 22 C.F.R. § 171.11(f)(2). This request for expedited processing hereby incorporates by reference the above paragraphs as if they were fully set forth within this section.

There is “a particular urgency to inform the public about the government activity involved in the request” demonstrated by the tremendous public scrutiny that has been given to the origins of the Ukraine-Biden story that was first reported by John Solomon, and in particular the role that Administration officials may have played in the creation of this story. Accordingly, the State Department’s Inspector General has deemed the matter a subject of “urgent concern,”¹⁶ and the House of Representatives has opened an impeachment inquiry into directly related matters. In short, the urgency to inform the public could not be greater.

As discussed in the fee waiver section above, Democracy Forward is a “person primarily engaged in disseminating information” for purposes of 5 U.S.C. § 552(E)(v)(II). Democracy Forward’s primary mission is to “help expose ... corruption in the Executive Branch,” carried out with “a commitment to educating the public [and] bring[ing] together a team of experienced litigators, analysts, and communicators to ensure that when the government acts unlawfully, the public know about it.”¹⁷ Documents that Democracy Forward has obtained via FOIA and, when necessary, fought for in court have been the subject of numerous news stories of significant public interest.¹⁸ As part of its core mission to educate the public about improper government activity, Democracy Forward intends to use the materials gathered pursuant to this FOIA to educate the public through its website, press releases, and social media outlets. The second factor for expedited processing is thus satisfied as well. *See* 5 C.F.R. § 1303.10(d)(3) (noting that “information dissemination ... need not be [the requester’s] sole occupation”).

Conclusion

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles in meeting the request within 20 working days, please contact foia@democracyforward.org.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

¹⁶ *See* Jeremy Herb, Lauren Fox, et al., State Department Inspector General Gives Congress Documents That Giuliani Provided, CNN (Oct. 2, 2019), <https://www.cnn.com/2019/10/02/politics/state-department-inspector-general-briefing-congress/index.html>.

¹⁷ Democracy Forward, Who We Are, <https://democracyforward.org/about/> (last visited Oct. 10, 2019).

¹⁸ *See, e.g.* Vera Bergengruen, New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emailsshow-what-happens-when-the-white-house-keeps> (citing to emails obtained through a request for documents made by Democracy Forward under the FOIA); *see also* Democracy Forward (@DemocracyFwd), Twitter (July 27, 2018, 8:45 AM), <https://twitter.com/DemocracyFwd/status/1022870550769754112>.

/s/ Nitin Shah

Democracy Forward Foundation