



# ADVANCING AMERICAN FREEDOM

October 11, 2023

## VIA E-MAIL AND U.S. MAIL

The Honorable Antony Blinken  
Secretary of State  
U.S. Department of State  
2201 C St., NW  
Washington, DC 20451

**Re: Freedom of Information Act Request:  
Communications Pertaining to Robert Malley's firing for talks with Hamas**

Dear Mr. Secretary:

Advancing American Freedom (AAF)<sup>1</sup> submits this Freedom of Information Act ("FOIA") request (the "Request"), pursuant to 5 U.S.C. § 552(a), for records pertaining to the U.S. Department of State ("State")'s communications with non-State personnel about Robert Malley's fitness to serve as the Biden Administration's US Special Envoy on Iran, specifically any documents concerning Mr. Malley's firing from the Obama campaign over talks with Hamas.<sup>2</sup>

On June 29, 2023, Malley was placed on unpaid leave as Special Envoy on Iran, and his security clearance was suspended amid an investigation into possible mishandling of classified material.<sup>3</sup>

### **Requested Records**

Pursuant to 5 U.S.C. § 552, AAF seeks the release of the following records with the timeframe for the Request from November 1, 2020 through February 1, 2021:

1. Any and all records relating to or concerning communications to or from any organization, association, corporation, or other entity, or to or from any person not employed by the federal government, regarding Mr. Malley's contacts with Hamas, including but not limited to any outreach, public education, listening session, or

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<sup>1</sup> Advancing American Freedom, Inc. is a 501(c)(4) non-profit organization. AAF advocates for conservative values and policies by developing innovative policy solutions, strategies, coalitions, and messaging that builds upon the accomplishments of the last administration and expands freedom for all Americans.

<sup>2</sup> Tom Baldwin, "Barack Obama sacks adviser over talks with Hamas". The Times. London. (May 10, 2008).

<sup>3</sup> CNN. June 29, 2023.

communications, including those communications where the State is copied or blind copied.

2. Any other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request.

### **Application for Waiver or Limitation of Fees**

AAF requests the waiver of any fees associated with responding to its FOIA request, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 22 C.F.R. § 171.16. AAF requests the waiver of document search, review, and duplication fees on the grounds that “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)(iii). Additionally, AAF qualifies as a “representative of the news media” and does not seek the Records for commercial use. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II).

#### **A. 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.**

As a nonprofit organization, Advancing American Freedom does not have a commercial purpose and any release of information requested is not primarily in AAF’s financial interest. One of the primary purposes of Advancing American Freedom is to inform and educate the public about the activities of the federal government, and whether those activities may chill Constitutional rights to the freedom of speech, association, and to petition the government for redress. Therefore, any information disclosed to AAF because of this Request will be made readily available to the public at no cost.

#### **B. Advancing American Freedom qualifies as a “representative of the news media” which is not seeking records for commercial use.**

Advancing American Freedom qualifies as a “representative of the news media” because it “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii); *see Nat’l Sec. Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Although AAF is a new organization, it intends to regularly collect, publish, and disseminate information it receives to the general public via its website, social media accounts, and through public appearances by its principal figures. Further, AAF would exercise editorial discretion with respect to all information that it obtains from the Request.

AAF distributes its work widely. It routinely issues press releases that highlight various newsworthy events and amicus legal briefs that it files; its principal figures make regular appearances in the news media and at conferences and other large events. Indeed, obtaining and distributing information about government activity is a key part of AAF’s purpose and work.

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If the Request is denied in whole or in part, AAF requests justifications for all deletions by reference to specific FOIA exemptions. AAF expects the release of all segregable portions of

otherwise exempt material. AAF reserves the right to appeal a decision relating to any portion of this request.

Thank you for your prompt attention to this Request. Please provide the requested records to:

Paul Teller, Executive Director  
Advancing American Freedom  
801 Pennsylvania Avenue, N.W., Suite 930  
Washington, D.C. 20004  
(202) 780-4848