



ADVANCING AMERICAN FREEDOM

May 13, 2022

VIA ONLINE PORTAL

U.S. Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
2201 C Street N.W., Suite B266
Washington, D.C. 20520-0000

**Re: Freedom of Information Act Request:
Establishment of Jewish Communities in Judea and Samaria**

Dear FOIA Officer:

Advancing American Freedom (AAF)¹ submits this Freedom of Information Act (“FOIA”) request (the “Request”), pursuant to 5 U.S.C. § 552(a), for records pertaining to the establishment of Jewish communities in Judea and Samaria.

Background

On October 26, 2021, State Department spokesperson Ned Price informed the public that the State Department “strong[ly] oppose[d]” “the Israeli government’s plan to advance thousands of settlement units ... in the West Bank.”² Price explained that in the Biden administration’s view, such expansion was “completely inconsistent with efforts to lower tensions and to ensure calm, and it damages the prospects for a two-state solution.”³

Since President Biden’s inauguration, his administration has stressed that they “oppose further expansion of Jewish settlements on occupied land the Palestinians want for a future state.”⁴ It has also been reported that in October 2021 “a senior Biden administration official said ... that Israel was aware of the administration’s view of the need to refrain from actions that could be seen as

¹ Advancing American Freedom, Inc. is a 501(c)(4) non-profit organization. AAF serves the Conservative Movement by developing innovative policy solutions, strategies, coalitions, and messaging that builds upon the accomplishments of the last administration and expands freedom for all Americans.

² Biden administration issues sharpest rebuke yet to Israel over settlements, Reuters, Publication Date: 10/27/21, <https://www.reuters.com/world/middle-east/us-voices-opposition-israels-plans-new-west-bank-settlement-homes-2021-10-26/>, Last Visited: 5/2/22

³ *Id.*

⁴ *Id.*

‘provocative’ and undermine efforts to achieve a long-elusive two-state solution between Israel and the Palestinians.”⁵

According to Peace Now, a 501(c)(3) non-profit organization that monitors activity in Judea and Samaria, Israel’s Central Bureau of Statistics reports that there are over 451,000 Israelis living in the area’s 273 Jewish communities.⁶

AAF’s mission includes promoting and defending the successful policies of previous years that yielded unprecedented prosperity at home and restored America’s strength abroad, while elevating traditional American values. In the Freedom Agenda, AAF calls for American leaders to “stand with Israel... help[ing] achieve peace, prosperity, and a brighter future for Israel and the Palestinian people.”⁷ This requires holding the government accountable to these goals by obtaining and disseminating information to the public and media pertaining to the Biden administration’s relationship with America’s most cherished ally, the State of Israel.

Therefore, AAF initiates this FOIA request in order to provide the American public with information about Judea and Samaria, as well as the Jewish communities within them, to provide the American public with the information necessary to understand the basis for the Biden administration’s “strong opposition” to further establishment of Jewish communities in Judea and Samaria.

Requested Records

Pursuant to 5 U.S.C. § 552, AAF seeks the release of the following records with the timeframe for the Request from January 20, 2021, to the date of the Request’s processing:

- (1) Any and all records of policy or procedure directives, guidance documents, memoranda, or similar records created by the U.S. Department of State, the White House, Executive Office of the President, or any other Executive Department or Agency, relating to or concerning Judea, Samaria, and Jewish communities established therein,⁸ including records of communications between the State Department and other Executive Departments or Agencies, the White House, or the Executive Office of the President.
- (2) Any and all records of policy or procedure directives, guidance documents, memoranda, or similar records, relating to, concerning, governing, or informing the State Department’s or Biden administration’s “strong opposition” to Israel’s establishment of Jewish communities in Judea and Samaria.

⁵ *Id.*

⁶ Peace Now Settlement Watch Data, Peace Now, <https://peacenow.org.il/en/settlements-watch/settlements-data/population>, Last Visited: 5/2/22

⁷ The Freedom Agenda, Advancing American Freedom, <https://advancingamericanfreedom.com/wp-content/uploads/2022/03/Freedom-Agenda-English.pdf>, Last Visited: 5/2/22

⁸ Here, and everywhere else in this FOIA request, the terms “Judea and Samaria” and “Jewish communities” should be understood to also encompass any other designations in use by the State Department for these entities, such as “the West Bank” and “Israeli settlements” (respectively).

- (3) Any and all records relating to or concerning communications between the State Department (including those communications where the State Department is copied or blind copied) and any other entity concerning Israel's establishment of new Jewish communities in Judea and Samaria, including any records demonstrating that Israel was aware of the State Department's view that Israel "need[ed] to refrain from actions that could be seen as 'provocative'" or that would "undermine efforts to achieve a long-elusive two-state solution between Israel and the Palestinians."
- (4) Any and all records relating to, concerning, governing, clarifying, or informing the State Department's definition of those Israeli actions which would be deemed "provocative," as understood within the context of the FOIA request (3).
- (5) Any and all records relating to, concerning, governing, clarifying, or informing the State Department's definition of those Israeli actions which were "inconsistent with efforts to lower tensions and to ensure calm," including those that would "damag[e] the prospects for a two-state solution."

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.

Because the State Department has taken a public position on new Jewish communities in Judea and Samaria, specifically, that it "strongly opposes" their establishment, the records requested would likely contribute significantly to public understanding of the operations or activities of the government. Furthermore, because the State Department indicated that it held a policy that Israel "need[ed] to refrain from actions that could be seen as 'provocative'" or that would "undermine efforts to achieve a long-elusive two-state solution between Israel and the Palestinians," and that Israel was aware of the State Department's position, the records requested are likely to contribute significantly to public understanding of the operations or activities of the government. Namely, the government activity at issue is the State Department's establishment of a geopolitical policy position, and the consequent conveyance of said policy to Israel, a highly relevant and highly important geopolitical ally. Disclosure of the requested records is in the public interest because it is likely to contribute significantly to public understanding of the government activity at issue.

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. 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 filed; 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.

* * *

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