



October 24, 2023

Via email at FOIA@stateoig.gov

Office of Inspector General
U.S. Department of State
1700 North Moore Street
Suite 1400
Arlington, VA 22209

Freedom of Information Act Request: Communications regarding Robert Malley

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 180,000 followers, and the X page of our Founder and President has over 530,000 followers.

I. Requested Records

- A. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of communications containing the terms "Malley," "clearance," "Tabatabai," "Esfandiary," "Iran Experts Initiative," or "IEI." The time frame for this request is limited to April 1, 2023, through April 30, 2023, and August 25, 2023, through October 20, 2023.
- B. All records (including but not limited to emails, text messages, and messages sent through encrypted messaging applications) of

611 Pennsylvania Ave SE #231
Washington, DC 20003

320 South Madison Avenue
Monroe, Georgia 30655

communications regarding the suspension of Robert Malley's security clearance on April 21, 2023.

II. Fee Waiver and Production

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's fee waiver regulations, AFL requests a waiver of all search and duplication fees. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public, and it has been granted fee waivers by the Departments of State, Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. As a non-profit organization, AFL has no commercial interest in this request, which is made entirely to serve the public interest. Finally, 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 of government operations. *See* 22 CFR § 171.17. We are, of course, available to provide additional information in writing or offline to support this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately.

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.¹ If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please get in touch with me at FOIA@aflegal.org.

IV. Expedited Processing

AFL requests expedited processing of this request. In support thereof, AFL certifies its compelling need for expedited processing.

AFL is "principally engaged in disseminating information in order to inform the public concerning actual or alleged Federal government activity" under 22 C.F.R. § 171.11(f)(2). As explained below, this request is "urgent" because it seeks information regarding the operations of an alleged Iranian influence network within the United States Government and the relationship (if any) of this network on past and current government operations related to the ongoing war against Israel and U.S. interests in the Middle East that commenced on October 7, 2023, with the terror attack by Iran's proxy, Hamas.

¹ U.S. DEP'T OF JUST. (Mar. 15, 2022), <https://bit.ly/3zvpxb6>.

Iran is an implacable enemy of the United States.² Also, Iran has been working to annihilate Israel and her people for decades.³ Now, Israel is fending off a surprise invasion from the Iranian proxy, Hamas. Within a matter of days, Israel is also likely to be at war with another Iranian proxy, Hezbollah. Thousands of Israeli civilians have been killed and wounded by Iranian-funded weapons, including rockets fired indiscriminately into residential areas, and by Iranian-trained terrorists,⁴ who have raped, mutilated, and butchered men, women, and children.⁵

Current reporting suggests that Robert Malley, Special Envoy for Iran, had his security clearance revoked over “mishandling of classified information.”⁶ Mr. Malley has been closely linked to agents of the Islamic Republic of Iran, including his former employees at the International Crisis Group, whom he placed in highly sensitive U.S. government positions.⁷ It is uncertain whether the American intelligence community, including relevant components of the Department of State, entirely failed to predict the Hamas attack, or predicted it but failed to notify the Israeli government.⁸ However, there is evidence suggesting that these Iranian agents or sympathizers associated with Mr. Malley may have affected U.S. intelligence processes and products.⁹ In fact, the House Oversight Committee has subpoenaed Mr. Malley suggesting that the facts “hint at what could be the worst State Department scandal since Alger Hiss.”¹⁰

Accordingly, AFL is seeking information about Mr. Malley and his relationships with the alleged Iranian assets. Prompt disclosure of this information will inform the citizens about the operation of the government, and provide Congress, the media, and voters with critical insight into potentially serious national security risks. Furthermore, this information will likely play an important role in the formulation

² Margaret Brennan, *U.S. Intelligence Shows Iran Threats on U.S. Soil, but Blinken and Schiff Say This Shouldn't Derail New Nuclear Deal*, CBS NEWS (Mar. 22, 2022), <https://cbsn.ws/3tMetHg>.

³ Reza Kahlili, *Iran Committed to “Full Annihilation of Israel,” Says Top Iranian Military Commander*, THE DAILY CALLER (May 20, 2012), <https://bit.ly/40679SW>.

⁴ Peter Grantiz, *Fighting with Israel Signals Coordination Between Hamas and Hezbollah, Analysts Say*, NPR (Oct. 10, 2023), <https://n.pr/46xAqZh>; Joby Warrick et al., *Hamas Received Weapons and Training From Iran, Officials Say*, WASHINGTON POST (Oct. 9, 2023), <https://bit.ly/48PPqmK>.

⁵ Matt Gutman, *The Horror as Israeli Authorities Show Footage of Hamas Atrocities: Reporter's Notebook*, ABC NEWS (Oct. 16, 2023), <https://abcn.ws/3S8J3VQ>.

⁶ Kylie Atwood et al., *Biden's Iran Envoy Placed on Leave After Security Clearance Suspended Amid Investigation into Possible Mishandling of Classified Material, Sources Say*, CNN (Jun. 29, 2023), <https://cnn.it/46NpDtO>.

⁷ Lee Smith, *High-Level Iranian Spy Ring Busted in Washington*, TABLET (Oct. 1, 2023), <https://bit.ly/3PPH5XL>.

⁸ Dan De Luce et al., *How Did Israel and the U.S. Miss What Hamas Was Planning?*, NBC NEWS (Oct. 7, 2023), <https://nbcnews.to/46poRn5>.

⁹ Lee Smith, *The Biden Administration Tries to Hide What It Knew About an Impending Massacre, While Leaving U.S. Backing for Iran Untouched*, TABLET (Oct. 16, 2023), <https://bit.ly/403GSoo>.

¹⁰ Josh Christenson, *House Republicans to Subpoena Suspended Iran Envoy Robert Malley*, NEW YORK POST (Oct. 16, 2023), <https://bit.ly/3S88yGN>.

of a meaningful response to the imminent threat to the life or physical safety of Americans, Israelis, and others presented by Iranian and Palestinian terrorism and serve substantial humanitarian interests by ensuring public support for effective counterterrorism measures that will prevent or mitigate mass rocket attacks from Iran and its proxies on Israeli towns and cities, and on U.S. military and civilian personnel in the Near East. *See* 22 C.F.R. § 171.11(f)(1), (3).

V. Conclusion

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. Please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein
America First Legal Foundation