

EXHIBIT 3

Fax Transmission

To: U.S. Department of State, Office of Information P **From:** Reporters Committee for Freedom of the

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RE:

Pages: 4

Comments:

Please see attached request under the Freedom of Information Act, 5 U.S.C. 552, on behalf of the Reporters Committee for Freedom of the Press

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March 19, 2019

VIA FAX

RE: Freedom of Information Act Request

To Whom It May Concern:

This letter constitutes a request under the federal Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), and is submitted on behalf of the Reporters Committee for Freedom of the Press (“Reporters Committee” or “RCFP”) to the United States Department of State (“State Department”). The Reporters Committee is a nonprofit association dedicated to protecting First Amendment freedoms and the newsgathering rights of journalists.¹

I. Background

For your information, and in order to facilitate the location of responsive records, this request relates to a briefing call on or about March 18, 2019, in which Secretary of State Mike Pompeo participated.²

On March 18, 2018, CNN reported that Secretary Pompeo held a phone briefing to discuss “international religious freedom.” According to CNN:

One member of the State Department press corps was invited, only to be un-invited after RSVPing. That reporter was told that the call was for “faith-based media only.”

CNN also RSVP’d to organizers, asking to be included, but received no reply.

¹ See generally www.rcfp.org.

² Michelle Kosinki & Jennifer Hansler, *State Department bars press corps from Pompeo briefing, won't release list of attendees*, CNN (Mar. 18, 2019), archived at <https://perma.cc/8JVH-LWAH>.

Despite repeated inquires and complaints from members of the press corps who are based at the department, the State Department on Monday night said they would not be providing a transcript of the call, a list of faith-based media outlets who were allowed to participate, or the criteria to be invited.³

II. Requested Records

Pursuant to the FOIA, I, on behalf of the Reporters Committee, request access to and copies of the following records:

- (1) Any transcripts, readouts, audio recordings, or other records that capture the substance of the March 18, 2019 call on “international religious freedom,” in which Secretary Pompeo participated;
- (2) Any and all emails or other forms of communication inviting individuals or organizations to join or participate in the March 18, 2019 call on “international religious freedom,” in which Secretary Pompeo participated;
- (3) Any and all records setting forth the criteria or selection process for inviting individuals or organizations to join or participate in the March 18, 2019 call on “international religious freedom,” in which Secretary Pompeo participated.

Please provide all responsive records in electronic format.

II. Fees and Fee Categorization

As a representative of the news media, the Reporters Committee is only required to pay for the direct cost of duplication after the first 100 pages. 5 U.S.C. § 552(a)(4)(A)(ii)(II). This information is being sought on behalf of the Reporters Committee for, *inter alia*, analysis and free dissemination to the general public through multiple avenues, including RCFP’s website,⁴ social media accounts,⁵ and email newsletters.⁶ These records are not being sought for commercial purposes.

In the event that there are fees for responding to this request, I am willing to pay up to \$50. Please let me know in advance if fees for responding to this request will exceed that amount before proceeding.

III. Conclusion

If this request is denied in whole or part, please justify all such denials by reference to specific exemptions and explain why the State Department “reasonably foresees that disclosure would harm an interest” protected by that exemption or why “disclosure is prohibited by law[.]” 5 U.S.C. § 552(a)(8). Please also ensure that all segregable portions of otherwise exempt material are released.

³ *Id.*

⁴ <https://www.rcfp.org/>.

⁵ *See, e.g.*, <https://twitter.com/rcfp> (~15.2 thousand followers as of March 19, 2019);

<https://www.facebook.com/ReportersCommittee/> (7,913 “likes” as of March 19, 2019).

⁶ <https://rcfp.us15.list-manage.com/subscribe?u=682100887bbcff066b451132&id=8f701b284f>.

If you have any questions regarding this request, please feel free to contact me at amarshall@rcfp.org. Thank you in advance for your assistance.

Sincerely,

Adam A. Marshall
Knight Foundation Litigation Attorney
Reporters Committee for Freedom of the Press