

EXHIBIT 1

FOIA Request 869196

The following list contains the entire submission submitted September 20, 2023 01:45:03pm ET, and is formatted for ease of viewing and printing.

Contact information

First name	Michelle
Last name	Smith
Country	United States
Phone	REDACTED
Company/Organization	The Associated Press
Email	mrsmith@ap.org

Request

Request ID	869196
Confirmation ID	868616

Request description

I am a reporter for The Associated Press. I am requesting the following records under FOIA: 1) All records related to the visit of Robert F. Kennedy, Jr., to Samoa on or about June 1, 2019, including emails, letters, messages, memos sent to, from or among, or produced by staff at the US embassy in Samoa 2) For the time period from July 1, 2018, through Dec 31, 2019, all communications involving US embassy in Samoa embassy staffer Benjamin ("Benj") Harding on all platforms including emails, text messages, Facebook, Instagram, Telegram and all other platforms, in which the following were discussed: --Measles --Vaccine --Vaccination --Immunization --Shot --MMR --Kennedy --RFK Jr. --Children's Health Defense --CHD --Edwin Tamasese --childrenshealthdefense.org --Cheryl Hines --Taylor Winterstein --Tays Way The AP is seeking only information releasable under FOIA. I ask that you provide these records in an electronic, searchable format, and by email if possible. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis. Please do not hesitate to contact me if you have any questions regarding my request, or clarification or additional information about the records I am seeking. I look forward to working with you to ensure this request can be fulfilled in an efficient manner.

Supporting documentation

Fees

Request category ID

media

Fee waiver

yes

Explanation

I ask that you waive all fees associated with this request, because I am making this request as a member of the media for the purpose of informing the public about important workings of government, and this request is primarily made for non-commercial purposes. If the fees associated with this request are to exceed \$50, please notify me in advance.

Willing to pay

50

Expedited processing

Expedited Processing

yes

Explanation

In making this request, I ask for expedited treatment because it involves matters of urgent public concern involving the actions of a current candidate for U.S. president ahead of a measles outbreak in Samoa that killed 83 people, a U.S. government employee's response to the low MMR vaccination rates and resulting public health emergency and the continuing scourge of measles, which has broken out in various places in the world in 2023. As a current candidate for president, Robert F. Kennedy Jr's visit to Samoa ahead of a deadly measles outbreak is of urgent concern to members of the public, who will soon decide whether to vote for him in the presidential election. Information about Kennedy's trip, during which he met with the prime minister, is urgently needed to inform the public about Mr. Kennedy's work overseas, shedding light on his foreign policy credentials and priorities. There have been contradictory details released by Mr. Kennedy on the purpose of this trip and how it came about, and a review of these records could clarify these conflicts before people go to the voting booth in January. In addition, 2023 measles outbreaks have been reported in places including American Samoa, Australia, and the U.S. state of Ohio.

<https://abcnews.go.com/Health/measles-outbreak-american-samoa-declared-public-health-emergency/story?id=98826831>

<https://www.health.wa.gov.au/Media-releases/2023/September/State-wide-measles-alert-for-Western-Australians>

<https://www.cnn.com/2023/02/05/health/measles-outbreak-ohio-over/index.html>

<https://emergency.cdc.gov/han/2023/han00493.asp>

Therefore, it is of urgent concern to the public how staffers for a US embassies abroad have behaved in the past relative to previous measles outbreaks, and whether their ties to anti-vaccine activists such as Mr. Kennedy and Mr. Tamasese have influenced US policy in foreign nations relative to vaccines and public health in general.

EXHIBIT 2

Smith, Michelle R.

From: greentl@state.gov
Sent: Wednesday, July 31, 2024 10:14 AM
To: Smith, Michelle R.
Subject: REF: F-2023-14979 FOIA Clarification
Attachments: RFK Jr FOIA.msg

You don't often get email from greentl@state.gov. [Learn why this is important](#)

[EXTERNAL]

"Dear Michelle Smith,

Regarding your Freedom of Information Act (FOIA) request stating your interest in "1) All records related to the visit of Robert F. Kennedy, Jr., to Samoa on or about June 1, 2019, including emails, letters, messages, memos sent to, from or among, or produced by staff at the US embassy in Samoa 2) For the time period from July 1, 2018, through Dec 31, 2019, all communications involving US embassy in Samoa embassy staffer Benjamin ("Benj") Harding on all platforms including emails, text messages, Facebook, Instagram, Telegram and all other platforms, in which the following were discussed: --Measles --Vaccine --Vaccination --Immunization --Shot --MMR --Kennedy --RFK Jr. --Children's Health Defense --CHD --Edwin Tamasese --childrenshealthdefense.org --Cheryl Hines --Taylor Winterstein --Tays Way"

We have located over 1000 potentially responsive records. Could narrow the scope of this request? Any information you provide will better enable us in providing you a response in a timelier manner. Could you provide a particular subject for the emails, letters, messages, and memos that you seek?

By clarifying, this could help us narrow down the results and find the most relevant information for you.

For your reference, we have attached a copy of your initial FOIA request.

We kindly ask that you provide a response within 10 business days of the date of this email. If we do not hear from you by August 14th, 2024, we will assume you are no longer interested in this information, and we will administratively close your request.

-Tyesha Green"

EXHIBIT 3

Smith, Michelle R.

From: Smith, Michelle R.
Sent: Friday, August 2, 2024 7:14 AM
To: greentl@state.gov
Subject: Re: REF: F-2023-14979 Clarification

Let's proceed that way, narrowing that part of the request to only look for things sent/posted by Mr. Harding.

Please do not modify any part of the first part of my request about Mr. Kennedys visit.

Thank you!

Michelle R. Smith
The Associated Press
mrsmith@ap.org

REDACTED cell

On Aug 2, 2024, at 7:02 AM, greentl@state.gov wrote:

You don't often get email from greentl@state.gov. [Learn why this is important](#)

[EXTERNAL]

Good morning, Ms. Smith

In regard to your question, it may help to narrow portion 2 of your request by seeking records only produced by Mr. Harding. It may also be helpful to exclude certain keywords from your request.

If you would like to proceed with records only produced by Mr. Harding, I can search for those records and reach out to you once completed and let you know where we stand. We can proceed from there by narrowing further or accepting the records as is.

Thank you,
Tyesha Green

EXHIBIT 4

Smith, Michelle R.

From: greentl@state.gov
Sent: Friday, August 2, 2024 7:25 AM
To: Smith, Michelle R.
Subject: REF: F-2023-14979

[EXTERNAL]

Thank you,

I will proceed with your request and reach out to you once I have completed the search.

Have a good day,

Tyeesha Green

EXHIBIT 5

Smith, Michelle R.

From: Smith, Michelle R.
Sent: Monday, August 26, 2024 11:52 AM
To: 'greentl@state.gov'
Subject: RE: REF: F-2023-14979 FOIA Clarification

Hello,

I am checking in on the status of this request. Did it help to narrow it down to what I requested below? What is the eta for these materials?

Michelle R. Smith
The Associated Press
REDACTED
mrsmith@ap.org

From: Smith, Michelle R.
Sent: Thursday, August 1, 2024 12:42 PM
To: 'greentl@state.gov' <greentl@state.gov>
Subject: RE: REF: F-2023-14979 FOIA Clarification

Thank you for your response.

To clarify, and so that I can expedite getting these records as soon as possible, could you please let me know if it would significantly help if kept my request in #1 the same, but made some modifications to #2? For example, by requesting only records produced by Mr. Harding, rather than all records in which he was involved.

If it would help, you can call me at the number below. I am on east coast time.

Thank you.
Michelle Smith

Michelle R. Smith
The Associated Press
REDACTED
mrsmith@ap.org

From: greentl@state.gov <greentl@state.gov>
Sent: Wednesday, July 31, 2024 10:14 AM
To: Smith, Michelle R. <MRSmith@ap.org>
Subject: REF: F-2023-14979 FOIA Clarification

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[EXTERNAL]

"Dear Michelle Smith,

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-Tyeesha Green"

EXHIBIT 6

Smith, Michelle R.

From: greentl@state.gov
Sent: Tuesday, December 3, 2024 1:58 PM
To: Smith, Michelle R.
Subject: REF: FOIA Case F-2023-14979

[EXTERNAL]

Good afternoon,

My apologies, the search has been completed but I am no longer the analyst assigned to your FOIA case, and your case is waiting to be assigned to an analyst for review of the 1,000+ pages of material. At this time your estimated completion date is still February 2026.

I will leave a note for the next analyst to reach out to you once they begin processing your request.

Thank you,
Tyeesha Green

EXHIBIT 7



Outlook

RE: REF: FOIA Case F-2023-14979

From Barrett, Brian <BBarrett@ap.org>**Date** Fri 12/6/2024 6:14 PM**To** greentl@state.gov <greentl@state.gov>**Cc** Berman, Tom <TBerman@ap.org>; Wilber, Del <DWilber@ap.org>; Smith, Michelle R. <MRSmith@ap.org>; McKinney, Anise <AMcKinney@ap.org>

Dear Ms. Green,

I am a lawyer for The Associated Press and I write on behalf of AP reporter Michelle Smith in response to your email below.

We are deeply concerned with the State Department's handling of this request and the estimated completion date of February 2026.

Under the law, the State Department had twenty working days to provide a substantive determination. *See* 5 U.S.C. § 552(a)(6)(A)(i). Ms. Smith filed her initial request on September 20, 2023. She was not provided with any response until July 31, 2024, over ten months later. Despite reaching out several times regarding her request and promptly responding to and complying with your email asking her to narrow the scope of her request, she has received very little communication and has yet to receive a substantive determination. It has now been over a year since Ms. Smith filed her initial request, and the estimated completion date is now February 2026, more than two years after her initial request was filed. There is no good faith basis for such a delay.

The reassignment of this matter has no bearing on what constitutes a legally acceptable response time. Further, your response below does not acknowledge the fact that the request was narrowed and instead cites the same issue raised several months ago, that the search yielded "1,000+" records.

The records remain of great public interest. At the time of the initial request, the public interest related to a presidential candidate's actions ahead of a measles outbreak and related public health issues. That same individual is now the nominee for Secretary of Health and Human Services, making this request as timely today as it was over a year ago when the request was initially filed. We therefore respectfully request that you provide an immediate substantive determination.

If there is to be any delay in providing such a response, we would like to discuss this matter further over the phone and would appreciate your assistance in connecting us to the new analyst assigned to this request.

Thank you for your prompt attention to this matter.

Brian Barrett

VP, Associate General Counsel

The Associated Press

REDACTEDbbarrett@ap.org

Begin forwarded message: