



United States Department of State

Washington, D.C. 20520

April 29, 2022

Case No. F-2021-07622/FL-2022-00036

Mr. Benjamin Davidson
The Electronic Frontier Foundation
815 Eddy Street
San Francisco, California 94109

Dear Mr. Davidson:

This letter is in response to your request dated June 21, 2021, under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. Thus far, the Department of State has located eight responsive records subject to the FOIA. Upon review, we have determined that the eight records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made redactions, the applicable FOIA exemptions are marked on each document. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. To the extent another agency asserts that it can neither confirm nor deny the existence of certain records, the Department of State will similarly take the position that it neither confirms nor denies the existence of those records.

We will keep you informed as your case progresses. If you have any questions, your attorney may contact Sapna Mehta, Assistant U.S. Attorney, at (415) 436-6925 or sapna.mehta@usdoj.gov. Please refer to the case number, F-2021-07622/FL-2022-00036, and the civil action number, 22-cv-00383, in all correspondence about this case.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeanne Miller for', written in a cursive style.

Jeanne Miller
Chief, Programs and Policies Division
Office of Information Programs and Services

Enclosures: As stated.

EXPLANATION OF GROUNDS FOR WITHHOLDING

The Freedom of Information Act (FOIA) Exemptions (5 USC 552)

(b)(1) Withholding specifically authorized under an Executive Order in the interest of national defense or foreign policy, and properly classified.

Executive Order 12958, as amended, Classification Categories:

- 1.4(a) Military plans, systems or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US including confidential sources
- 1.4(e) Scientific, technological or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) USG programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Information on weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency.

(b)(3) Specifically exempted from disclosure by statute (other than section 552b of Title 5), e.g.:

- INA Immigration and Nationality Act, Title 8 USC Section 1202(f)
- CIA Central Intelligence Agency Act of 1949, Title 50 USC Section 403(g)
- ARMEX Arms Export Control Act, Title 22 USC 2778(e)
- EXPORT Export Administration Act of 1979, 50 App. USC 2411(c)(1)

(b)(4) Privileged/confidential trade secrets, commercial or financial information from a person.

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney client privilege. or attorney work product.

(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy.

(b)(7) Information compiled for law enforcement purposes that would:

- (A) Interfere with enforcement proceedings.
- (B) Deprive a person of a fair trial.
- (C) Constitute an unwarranted invasion of personal privacy.
- (D) Disclose confidential sources.
- (E) Disclose investigation techniques.
- (F) Endanger life or physical safety of any individual.

NR Material not responsive to your FOIA request, excised in accordance with our agreement.

Privacy Act Grounds for Withholding (5 USC 552a)

(d)(5) Information compiled in reasonable anticipation of a civil action proceeding.

(j)(1) CIA records.

(j)(2) Enforcement of criminal law, including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest.

(k)(1) Classified pursuant to E.O. 12958 in the interest of national defense or foreign policy such as intelligence sources and methods.

(k)(2) Investigatory material compiled for law enforcement purposes.

(k)(3) Regarding protective services to the President of the US or other individual pursuant to Title 18, USC, Section 3056.

(k)(4) Required by statute to be maintained and used solely as statistical records.

(k)(5) Investigatory material compiled solely for the purpose of determining suitability eligibility or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence.

(k)(6) Testing or exam material used to determine individual qualifications for appointment or promotion in Federal service, the release of which would compromise the testing or exam process.

(k)(7) Material used to determine potential for promotion in the armed services.

PP Information about another person or persons which does not constitute a record about the requester as defined in the access provision of the Privacy Act (section (d) (1)) and which may not be released except pursuant to a written request or with the prior written consent of the person or persons concerned (section (b)).

NR Material not responsive to your Privacy Act request.

From:	"Testa, Aaron M" <(b)(6)@state.gov>
To:	Ortagus, Morgan D <(b)(6)@state.gov>; SPOX2 <SPOX2@state.gov>
Subject:	Re: SPOX PLS CLR: (dl: 10:30am today) SaraACarter.com RTQ re speaker at San Francisco State University
Date:	Thu, 17 Sep 2020 20:35:36 +0000

Got it, will do. Thanks very much!

Best,

Aaron

Aaron M. Testa

Press Officer | Office of Press Relations

U.S. Department of State

(b)(6)@state.gov

From: Ortagus, Morgan D <(b)(6)@state.gov>

Sent: Thursday, September 17, 2020 4:34 PM

To: Testa, Aaron M <(b)(6)@state.gov>; SPOX2 <SPOX2@state.gov>

Subject: RE: SPOX PLS CLR: (dl: 10:30am today) SaraACarter.com RTQ re speaker at San Francisco State University

Thanks! Why don't we send the amended below

Morgan D. Ortagus

Spokesperson

U.S. Dept of State

SENSITIVE BUT UNCLASSIFIED

From: Testa, Aaron M <(b)(6)@state.gov>

Sent: Thursday, September 17, 2020 4:32 PM

To: SPOX2 <SPOX2@state.gov>

Subject: SPOX PLS CLR: (dl: 10:30am today) SaraACarter.com RTQ re speaker at San Francisco State University

Hi SPOX: We seek your clearance on the following. The original deadline was 10:30 this morning but I've been in touch with the reporter throughout the day to negotiate time for our teams to look into this.

QUESTION: (JENNIE TAER / SARAACARTER.COM) San Francisco State University is inviting Palestinian terrorist Leila Khaled to speak at an upcoming event. She is a member of the Palestinian Front for the Liberation of Palestine, which the U.S. State Department has designated a Foreign Terrorist Organization. Is State Department aware of this and are you taking any action against SFSU?

RESPONSE: Off the record: This is a virtual event so does not involve travel/no visas, thus no State Dept equities.

CLEARANCES:

CT: CLEAR

NEA: CLEAR

CA: INFO ONLY

Best,
Aaron

Aaron M. Testa

Press Officer | Office of Press Relations

U.S. Department of State

(b)(6)@state.gov

From: Jennie Taer (b)(6)
Sent: Thursday, September 17, 2020 9:06 AM
To: PA Press Duty <PAPressDuty@state.gov>
Subject: Request for Comment

To Whom It May Concern,

I'm writing for SaraACarter.com about San Francisco State University inviting Palestinian terrorist Leila Khaled to speak at an upcoming event.

She is a member of the Palestinian Front for the Liberation of Palestine, which the U.S. State Department has designated a Foreign Terrorist Organization.

Is State Department aware of this and are you taking any action against SFSU?

I will be posting the story in the next hour and would appreciate your comment, thank you!

Jennie Taer

--

Jennie Taer, Writer and Executive Research Assistant to Sara Carter

p: (b)(6)
e: (b)(6)
t: @JennieSTaer

SaraACarter.com

Sender:	"Testa, Aaron M" (b)(6)@state.gov>
Recipient:	Ortagus, Morgan D (b)(6)@state.gov>;

SPOX2 <SPOX2@state.gov>

From:	"Testa, Aaron M" (b)(6)@state.gov>
To:	Jennie Taer (b)(6)
Subject:	Re: Request for Comment
Date:	Thu, 17 Sep 2020 14:29:28 +0000

Hi Jennie,

Off the record, please, I will definitely keep you updated but for your awareness, I think this is going to take some more time than 30 minutes. I think 12 or 1pm eastern is more likely but even that could be a best case scenario.

I will keep you updated.

Best,

Aaron

Aaron M. Testa

Press Officer | Office of Press Relations

U.S. Department of State

(b)(6)@state.gov

From: Jennie Taer (b)(6)
Sent: Thursday, September 17, 2020 10:24 AM
To: Testa, Aaron M <(b)(6)@state.gov>
Subject: Re: Request for Comment

Thank you, Aaron. I have a 30 minute extension on this. Thank you again and please update me!

On Thu, Sep 17, 2020 at 10:23 AM Testa, Aaron M (b)(6)@state.gov> wrote:

Hi Jennie,

We have received your query and are working on a response. It is not likely we'll be able to get this to you in the next hour but we will get you something as soon as possible.

Best,

Aaron

Aaron M. Testa

Press Officer | Office of Press Relations

U.S. Department of State

(b)(6)@state.gov

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Jennie Taer, Writer and Executive Research Assistant to Sara Carter

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Recipient:	Jennie Taer <(b)(6)>

From:	"Testa, Aaron M" (b)(6)@state.gov>
To:	PA Press Duty <PAPressDuty@state.gov>
Subject:	Re: Request for Comment
Date:	Thu, 17 Sep 2020 13:49:25 +0000

Got it.

Aaron M. Testa

Press Officer | Office of Press Relations

U.S. Department of State

(b)(6)@state.gov

From: Jennie Taer (b)(6)
Sent: Thursday, September 17, 2020 9:06 AM
To: PA Press Duty <PAPressDuty@state.gov>
Subject: Request for Comment

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Jennie Taer

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Jennie Taer, Writer and Executive Research Assistant to Sara Carter

p: (b)(6)

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SaraACarter.com

Sender:	"Testa, Aaron M" (b)(6)@state.gov>
Recipient:	PA Press Duty <PAPressDuty@state.gov>

From:	Jennie Taer <(b)(6)>
To:	Testa, Aaron M <(b)(6)@state.gov>
Subject:	Re: Request for Comment
Date:	Thu, 17 Sep 2020 12:44:51 -0400

Thank you for your honesty! I will proceed with publishing, update the story when I receive that, and then write a separate story about how State is responding to it?

On Thu, Sep 17, 2020 at 10:29 AM Testa, Aaron M <(b)(6)@state.gov> wrote:

Hi Jennie,

Off the record, please, I will definitely keep you updated but for your awareness, I think this is going to take some more time than 30 minutes. I think 12 or 1pm eastern is more likely but even that could be a best case scenario.

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Aaron

Aaron M. Testa

Press Officer | Office of Press Relations

U.S. Department of State

(b)(6)@state.gov

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Press Officer | Office of Press Relations

U.S. Department of State

(b)(6)@state.gov

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To: PA Press Duty <PAPressDuty@state.gov>

Subject: Request for Comment

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Jennie Taer

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Jennie Taer, Writer and Executive Research Assistant to Sara Carter

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e: (b)(6)

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SaraACarter.com

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--

Jennie Taer, Writer and Executive Research Assistant to Sara Carter

p: (b)(6)

e: (b)(6)

t: @JennieSTaer

SaraACarter.com

Sender:	Jennie Taer <(b)(6)>
Recipient:	Testa, Aaron M (b)(6)@state.gov>

From:	"Harnisch, Christopher K"
To:	(b)(6)@state.gov; Batjer Johnson, Hillary <(b)(6)@state.gov>
CC:	(b)(6)@state.gov>
Subject:	Re: Request for Comment
Date:	Wed, 30 Sep 2020 20:48:28 +0000

(b)(5) Not sure what the journalist means by “are you going to take action” against a US university...

Get Outlook for iOS

From: (b)(6) <(b)(6)@state.gov>
Sent: Wednesday, September 30, 2020 4:40 PM
To: Batjer Johnson, Hillary
Cc: Harnisch, Christopher K; (b)(6)
Subject: Fw: Request for Comment

Here's the GPA email on the no comment recommendation CT and NEA cleared:

QUESTION: (JENNIE TAER / SARAACARTER.COM) San Francisco State University is inviting Palestinian terrorist Leila Khaled to speak at an upcoming event. She is a member of the Palestinian Front for the Liberation of Palestine, which the U.S. State Department has designated a Foreign Terrorist Organization. Is State Department aware of this and are you taking any action against SFSU?

RESPONSE: (b)(5)

BACKGROUND: (b)(5)
 (b)(5)

Sender:	"Harnisch, Christopher K"
Recipient:	(b)(6)@state.gov; Batjer Johnson, Hillary <(b)(6)@state.gov>; (b)(6)@state.gov>

From:	"Testa, Aaron M" (b)(6) @state.gov>
To:	(b)(6) @state.gov>; (b)(6) @state.gov>; CT_PublicAffairs <CTPublicAffairs@state.gov>; NEA-Press <NEA-Press@state.gov>
Subject:	Re: Request for Comment
Date:	Thu, 17 Sep 2020 20:18:25 +0000

Thank you, (b)(6) NEA: Any issues?

Best,

Aaron

Aaron M. Testa

Press Officer | Office of Press Relations
U.S. Department of State

(b)(6) @state.gov

From: (b)(6) @state.gov>

Sent: Thursday, September 17, 2020 4:16 PM

To: Testa, Aaron M (b)(6) @state.gov>; (b)(6) @state.gov>; CT_PublicAffairs <CTPublicAffairs@state.gov>; NEA-Press <NEA-Press@state.gov>

Subject: RE: Request for Comment

I clear on this...thanks!

From: Testa, Aaron M (b)(6) @state.gov>

Sent: Thursday, September 17, 2020 4:15 PM

To: (b)(6) @state.gov>; (b)(6) @state.gov>;
CT_PublicAffairs <CTPublicAffairs@state.gov>; NEA-Press <NEA-Press@state.gov>

Subject: RE: Request for Comment

Thank you, (b)(6) I have to send something to SPOX to clear before I can go back to the reporter. Please let me know if this is your recommendation and whether you and NEA clear the following:

QUESTION: (JENNIE TAER / SARAACARTER.COM) San Francisco State University is inviting Palestinian terrorist Leila Khaled to speak at an upcoming event. She is a member of the Palestinian Front for the Liberation of Palestine, which the U.S. State Department has designated a Foreign Terrorist Organization. Is State Department aware of this and are you taking any action against SFSU?

RESPONSE: (b)(5)

BACKGROUND: (b)(5)

(b)(5)

CLEARANCES:

CT:

NEA:

CA: INFO ONLY

Best,
Aaron

Aaron M. Testa

Press Officer | Office of Press Relations

U.S. Department of State

(b)(6)@state.gov

From: (b)(6)@state.gov

Sent: Thursday, September 17, 2020 4:09 PM

To: Testa, Aaron M (b)(6)@state.gov; (b)(6)@state.gov; CT_PublicAffairs <CTPublicAffairs@state.gov>; NEA-Press <NEA-Press@state.gov>

Subject: RE: Request for Comment

Hi Aaron,

Sorry – busy today. I've dropped CA as we've confirmed this is a virtual event.

(b)(5)

I'm happy to discuss further if others disagree.

(b)(6)

From: Testa, Aaron M (b)(6)@state.gov

Sent: Thursday, September 17, 2020 3:52 PM

To: (b)(6)@state.gov; (b)(6)@state.gov;

CT_PublicAffairs <CTPublicAffairs@state.gov>; NEA-Press <NEA-Press@state.gov>; CAPRESSREQUESTS <CAPRESSREQUESTS@state.gov>

Subject: Re: Request for Comment

Hello colleagues:

Just checking back on this so I can give the reporter an update. She just followed up.

Best,

Aaron

Aaron M. Testa

Press Officer | Office of Press Relations
U.S. Department of State

(b)(6)@state.gov

From: (b)(6)@state.gov

Sent: Thursday, September 17, 2020 10:44 AM

To: Testa, Aaron M <(b)(6)@state.gov>; (b)(6)@state.gov; CT_PublicAffairs <CTPublicAffairs@state.gov>; NEA-Press <NEA-Press@state.gov>; CAPRESSREQUESTS <CAPRESSREQUESTS@state.gov>

Subject: Re: Request for Comment

Hi all,

News reporting indicates this is a virtual event (<https://www.dailymail.co.uk/news/article-8740871/San-Francisco-State-University-defends-hosting-talk-militant-Leila-Khaled.html>), so likely involves no travel/no visas/therefore no CA. We're happy to be info'd on whatever goes out. Thanks!

(b)(6)

CA/Press

From: Testa, Aaron M (b)(6)@state.gov

Sent: Thursday, September 17, 2020 10:20 AM

To: (b)(6)@state.gov; CT_PublicAffairs <CTPublicAffairs@state.gov>; NEA-Press <NEA-Press@state.gov>; CAPRESSREQUESTS <CAPRESSREQUESTS@state.gov>

Subject: Re: Request for Comment

Thank you, (b)(6) will let her know this is going to take some more time.

Best,
Aaron

Aaron M. Testa

Press Officer | Office of Press Relations
U.S. Department of State

(b)(6)@state.gov

From: (b)(6)@state.gov

Sent: Thursday, September 17, 2020 10:16 AM

To: Testa, Aaron M <(b)(6)@state.gov>; CT_PublicAffairs <CTPublicAffairs@state.gov>; NEA-Press <NEA-Press@state.gov>; CAPRESSREQUESTS <CAPRESSREQUESTS@state.gov>
Subject: RE: Request for Comment

Hi Aaron,

I'll start looking into this, but we won't have a response in the next hour. I'm not sure what "action against SFSU" this writer envisions the State Department has the authority to take.

Adding CA as it's unlikely a member of an FTO would qualify for a visa.

(b)(6)

From: Testa, Aaron M <(b)(6)@state.gov>
Sent: Thursday, September 17, 2020 10:02 AM
To: CT_PublicAffairs <CTPublicAffairs@state.gov>; NEA-Press <NEA-Press@state.gov>
Subject: Fw: Request for Comment

Hello CT, Could you please assist with this one? Looping in NEA for awareness.

Best,
Aaron

Aaron M. Testa
Press Officer | Office of Press Relations
U.S. Department of State
(b)(6)@state.gov

From: Jennie Taer <(b)(6)>
Sent: Thursday, September 17, 2020 9:06 AM
To: PA Press Duty <PAPressDuty@state.gov>
Subject: Request for Comment

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Jennie Taer

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p: (b)(6)

e: (b)(6)

t: @JennieSTaer

SaraACarter.com

Sender:	"Testa, Aaron M" (b)(6)@state.gov>
Recipient:	(b)(6)@state.gov>; (b)(6)@state.gov>; CT_PublicAffairs <CTPublicAffairs@state.gov>; NEA-Press <NEA-Press@state.gov>

From:	(b)(6)@state.gov>
To:	(b)(6)@state.gov>; CT_CTFD <CT_CTFD@state.gov>; CT_SCAN_NEA <CT_SCAN_NEA@state.gov>; CT_SPI <CT_SPI@state.gov>
Subject:	RE: Request for Comment
Date:	Thu, 17 Sep 2020 14:21:16 +0000

Seems like more a matter for FBI/DOJ. But weird that she would get a visa if that's accurate.

From: (b)(6)@state.gov>
Sent: Thursday, September 17, 2020 10:18 AM
To: CT_CTFD <CT_CTFD@state.gov>; CT_SCAN_NEA <CT_SCAN_NEA@state.gov>; CT_SPI <CT_SPI@state.gov>
Subject: FW: Request for Comment

Thoughts on this? Seems a little fishy to me.

From: Testa, Aaron M (b)(6)@state.gov>
Sent: Thursday, September 17, 2020 10:02 AM
To: CT_PublicAffairs <CTPublicAffairs@state.gov>; NEA-Press <NEA-Press@state.gov>
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Press Officer | Office of Press Relations

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SaraACarter.com

Sender:	(b)(6)@state.gov>
Recipient:	(b)(6)@state.gov>; CT_CTFD <CT_CTFD@state.gov>; CT_SCAN_NEA <CT_SCAN_NEA@state.gov>; CT_SPI <CT_SPI@state.gov>

From:	(b)(6) A@state.gov>
To:	(b)(6)@state.gov>; (b)(6)@state.gov>; (b)(6)@state.gov>; (b)(6)@state.gov>
Subject:	Fw: Request for Comment
Date:	Thu, 17 Sep 2020 15:37:21 +0000

7/10 sass. Light sass, but still good sass.

From: (b)(6)@state.gov>

Sent: Thursday, September 17, 2020 10:44 AM

To: Testa, Aaron M (b)(6)@state.gov>; (b)(6)@state.gov>; CT_PublicAffairs <CTPublicAffairs@state.gov>; NEA-Press <NEA-Press@state.gov>; CAPRESSREQUESTS <CAPRESSREQUESTS@state.gov>

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I'm writing for SaraACarter.com about San Francisco State University inviting Palestinian terrorist Leila Khaled to speak at an upcoming event.

She is a member of the Palestinian Front for the Liberation of Palestine, which the U.S. State Department has designated a Foreign Terrorist Organization.

Is State Department aware of this and are you taking any action against SFSU?

I will be posting the story in the next hour and would appreciate your comment, thank you!

Jennie Taer

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Jennie Taer, Writer and Executive Research Assistant to Sara Carter

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