

# EXHIBIT A

**KNIGHT  
FIRST AMENDMENT  
INSTITUTE**

at Columbia University

**RAMYA KRISHNAN**  
Staff Attorney

October 19, 2018

Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, DC 20505

**Re: Freedom of Information Act Request  
Expedited Processing Requested**

To whom it may concern,

The Knight First Amendment Institute at Columbia University (“Knight Institute” or “Institute”)<sup>1</sup> submits this request pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, for records relating to the journalist Jamal Khashoggi.

**I. Background**

When an Intelligence Community (“IC”) element acquires information indicating an impending threat of intentional killing, serious bodily injury, or kidnapping directed at a person, Intelligence Community Directive 191 (“Directive 191”) requires the element to “warn the intended victim or those responsible for protecting the intended victim, as appropriate.”<sup>2</sup> Directive 191 further obligates IC elements to “document and maintain records” on any actions taken pursuant to that duty. Directive 191, § 13.

Jamal Khashoggi, a columnist for the *Washington Post*, is believed to have been killed after entering a Saudi consulate in Istanbul on October 2, 2018.<sup>3</sup> The *Washington Post* reports that, before his disappearance, U.S. intelligence agencies intercepted communications of Saudi officials discussing a plan to

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capture Khashoggi.<sup>4</sup> It is not publicly known, however, whether the U.S. government warned Khashoggi of that threat. The Knight Institute seeks to inform the public about the U.S. government's compliance, or failure to comply, with its duty to warn Khashoggi of any known and impending threats to his safety.

## II. Records requested

The Knight Institute seeks the following records:

1. All procedures or guidance for determining whether to warn, or for delivering a warning to, an intended victim or those responsible for protecting the intended victim, pursuant to Directive 191;
2. All records concerning the duty to warn under Directive 191 as it relates to Jamal Khashoggi, including any records relating to duty to warn actions taken with respect to him;<sup>5</sup>
3. All records concerning any “issue aris[ing] among IC elements” regarding a determination to warn Jamal Khashoggi or waive the duty to warn requirement, or regarding the method for communicating threat information to him. *See* Directive 191, § G.1.

Where a document contains information that falls into one or more of the categories described above, we seek the entirety of that document. If processing the entirety of a given document would be unusually burdensome, we ask that you give us an opportunity to narrow our request. Please disclose all segregable portions of otherwise exempt records. *See* 5 U.S.C. § 552(b).

## III. Application for Expedited Processing

The Knight Institute requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E). Obtaining, analyzing, and publicly disseminating information

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about government activity are among the Institute's core activities.<sup>6</sup> Furthermore, the requested records are urgently needed to inform the public about actual or alleged government activity. The disappearance of Jamal Khashoggi is the subject of national attention. Last week, a bipartisan group of 22 senators sent a letter to President Donald Trump expressing concern about the incident and requesting that the President make a determination on the imposition of sanctions on the responsible party within 120 days.<sup>7</sup>

#### **IV. Application for Waiver or Limitation of Fees**

The Knight Institute requests a waiver of document search, review, and duplication fees on three grounds. First, the disclosure of the requested records is in the public interest and that disclosure is "likely to contribute significantly to the 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). Second, the Institute is a "representative of the news media" within the meaning of FOIA and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II). Third, the Institute qualifies as an "educational . . . institution" whose purposes include "scholarly . . . research" and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II).

\* \* \*

Thank you for your attention to our request.

Sincerely,

/s/ Ramya Krishnan  
Ramya Krishnan  
Adi Kamdar  
Knight First Amendment Institute at  
Columbia University  
475 Riverside Drive, Suite 302  
New York, NY 10115  
ramya.krishnan@knightcolumbia.org  
(646) 745-8500

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<sup>6</sup> About the Knight Institute, <https://perma.cc/S9PN-J4ZY>.

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David M. Hardy, Chief  
Record/Information Dissemination Section  
Records Management Division  
Federal Bureau of Investigation  
Department of Justice  
170 Marcel Drive  
Winchester, VA 22602-4483

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FOIA Officer  
National Security Agency  
Attn: FOIA/PA Office  
9800 Savage Road, Suite 6932  
Ft. George G. Meade, MD 20755-6932

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October 19, 2018

Patricia Gaviria, Director  
Information Management Division  
ATTN: FOIA/PA  
Office of the Director of National  
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Washington, D.C. 20511

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4. All records relating to any dispute referred to the DNI regarding a determination to warn Jamal Khashoggi or waive the duty to warn requirement, or regarding the method for communicating threat information to him. *See* Directive 191, § G.2.

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FOIA Officer  
U.S. Department of State  
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Services  
A/GIS/IPS/RL  
SA-2, Suite 8100  
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<sup>6</sup> About the Knight Institute, <https://perma.cc/S9PN-J4ZY>.

<sup>7</sup> Press Release, Sen. Bob Corker, *Corker, Menendez, Graham, Leahy Letter Triggers Global Magnitsky Investigation into Disappearance of Jamal Khashoggi* (Oct. 10, 2018).