



March 1, 2018

Office of Information Programs and Services (IPS)
A/GIS/IPS/RL
U.S. Department of State, State Annex 2 (SA-2)
515 22nd Street, NW
Washington, DC 20522-8100
Telephone: (202) 261-8484
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RE: FOIA Request to U.S. State Department and Relevant Components for Records Regarding Carter Center Support for Hamas and The Popular Front for the Liberation of Palestine (PFLP)

Dear Sir or Ma'am:

This letter is a request ("Request") in accordance with the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the corresponding department/agency implementing regulations.

The Request is made by the American Center for Law and Justice (ACLJ)¹ on behalf of itself and our members who have signed our Petition to stop funding terrorists at war with Israel. The ACLJ respectfully seeks expedited processing and a waiver of fees related to this Request as set forth in an accompanying memorandum.

To summarize, the numbered requests contained herein seek any and all records of State Department involvement with funds or grants to the Carter Center as well as State Department awareness of any support or funds the Carter Center provides to Hamas or the People's Front for the Liberation of Palestine (PFLP); both organizations having been designated as Foreign Terrorist Organizations (FTO) by the State Department.

¹The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity with respect to international affairs, and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring the ongoing viability of freedom and liberty in the United States and around the world.

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Background

Pursuant to State Department FOIA regulation 22 C.F.R. § 171.4(b), this Background addresses “the subject, timeframe, names of any individuals involved, a contract number (if applicable), and reasons why the requester believes the Department may have records on the subject of the request.” 22 C.F.R. § 171.4(b).

According to the Carter Center’s website:

President and Mrs. Carter and The Carter Center have worked to support a viable two-state solution to the Israeli-Palestinian conflict and to promote comprehensive peace in the region for decades. *The conflict between the major Palestinian political parties Fatah and Hamas has been a particular focus. Palestinian national unity is critical to the success of a two-state solution and the conflict has fractured Palestinian democratic institutions and fed a spiral of intra-Palestinian human rights abuses in the Occupied Territory.*²

Under a section entitled “The Carter Center’s Current Activities,” the Carter Center subtly indicates its view that Jerusalem, now recognized by the United States as the capital of the State of Israel, is within Palestine.³ The Carter Center also openly describes its regular contact with Fatah and Hamas:

The Carter Center works both with grassroots activists and with high-level decision makers in its efforts to further conflict resolution, human rights, and democratic development in Palestine. In 2005, The Carter Center opened a field office in Ramallah, expanding in 2008 to Jerusalem and Gaza. Building on this field presence and the continuous conflict monitoring conducted by Carter Center staff and interns in our Atlanta headquarters, senior Carter Center personnel travel regularly to the area to assess developments firsthand. *These visits include meetings with government officials, members of key political parties, diplomats, civil society activists, and political analysts. In particular, Center staff maintains regular contact with leaders of the two largest Palestinian political parties, Fatah and Hamas.*⁴

According to its FY 2016 report, “The Center received \$306 million in cash, pledges, and in-kind gifts in 2015–2016. The Center is a 501(c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies.”⁵ It listed the United States Agency for International Development (USAID) and the United States Department of State as a \$100,000 +” donors for 2016, its highest category, and also as donors with cumulative lifetime giving of \$1 million or more. This category also

²*Israel-Palestine Conflict Resolution*, THE CARTER CENTER, https://www.cartercenter.org/peace/conflict_resolution/israel-palestine/index.html (last visited Feb. 28, 2018) (emphasis added).

³*Id.* (emphasis added).

⁴*Id.*

⁵THE CARTER CENTER, ANNUAL REPORT 2015-2016 5 (2016), available at https://www.cartercenter.org/resources/pdfs/news/annual_reports/annual-report-16.pdf.

identifies the Open Society Foundations founded by George Soros,⁶ the U.S.-Middle East Partnership Initiative, and a number of Islamic government, individual and foundation donors.⁷ The report also lists such controversial figures as Agha Hasan Abedi as founders.⁸

Concerning its funding, in a statement posted on its website on July 18, 2016, the Carter Center asserted:

As of Aug. 31, 2015, of the total amount of contributions The Carter Center received since its founding in 1982, 2.5 percent have been from donors in Mideast Arab nations. Eighty-three percent of those funds have helped to support health programs in Africa, 9.8 percent have gone to our endowment, 2.7 percent were for original construction of buildings at our headquarters in Atlanta, Georgia, and 4.5 percent were for projects to directly promote peace, such as specific election observations.⁹

The Carter Center reported \$4,512,313 in accounts receivable from the federal government, and \$306,555,985 in total contributions and grants and \$418,887,712 in total revenue and support, and end of year net assets totaling \$715,497,064. It reported \$30,133,185 in salaries and benefits. It reported giving \$6,497,541 in 2016 grants, and \$8,249,006 in 2015 grants. It has a field office in what it calls “Israel and the Occupied Palestinian Territory.”

Upon information and belief, the Carter Center provides support to both Hamas and the People’s Front for the Liberation of Palestine (PFLP). Hamas was designated by the U.S. Department of State as a Foreign Terrorist Organization (FTO) in 1997.¹⁰ The PFLP-General Command was also designated as an FTO in 1997.¹¹ According to the State Department’s Bureau of

⁶*Id.* at 31. The Open Society Foundations promotes positions hostile to Israel and favorable to “Palestine” such as the theory of ICC investigation of possible war crimes by Israel, the theory that Israel’s immigration and entry rules are discriminatory toward Arabs, etc., and posts articles with titles such as “How Israel Bombs Gaza with Impunity” and “Amid Occupation, Life Goes on for Palestinians.”

⁷Examples include the Arab Fund for Economic and Social Development; Kuwait Fund for Arab Economic Development; The Sultanate of Oman; The OPEC Fund for International Development; His Majesty Sultan Qaboos bin Said Al Said; The Kingdom of Saudi Arabia; Bakr M. BinLadin for the Saudi BinLadin Group; The Saudi Fund for Development; Government of The United Arab Emirates; His Highness General Sheikh Mohamed bin Zayed Al Nahyan, Crown Prince of Abu Dhabi, in honor of His Highness Sheikh Khalifa bin Zayed, the President of the UAE; and, Government of the Republic of Sudan. Other 2015-2016 donors exceeding \$100,000 include the Khalaf Ahmad Al Habtoor Foundation; the Al Ansari Exchange, LLC; the Noor Dubai Foundation; Sudanese Federal Ministry of Health; and The OPEC Fund for International Development.

⁸ANNUAL REPORT 2015-2016, *supra* note 5 at 65.

⁹ *Background on The Carter Center’s Mideast Funding*, THE CARTER CENTER, https://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/cc_middleeastfunding.pdf (last visited Feb. 28, 2018). As was reported back in 2008, “the United States government itself has been providing millions of dollars to the Carter Center over the years. Representative Joe Knollenberg (R-Mich.) estimates that the center received \$19 million in federal funding since 2001 alone, and has called for passage of a bill that would immediately cut off all federal financing for the center.”⁹ Lloyd Greif, *To See Jimmy Carter’s True Allegiances, Just Follow the Money*, DAILY NEWS (Apr. 26, 2008, 7:39 PM), <http://www.nydailynews.com/opinion/jimmy-carter-true-allegiances-follow-money-article-1.281609>.

¹⁰*Foreign Terrorist Organizations*, U.S. DEP’T OF STATE, <https://www.state.gov/j/ct/rls/other/des/123085.htm> (last visited Feb. 28, 2018).

¹¹*Id.*

Counterterrorism, “FTO designations play a critical role in our fight against terrorism and are an effective means of curtailing support for terrorist activities and pressuring groups to get out of the terrorism business.”¹² For context, other organizations so designated include the Islamic State of Iraq and the Levant (ISIL or ISIS), al-Qa’ida, Boko Haram and al-Shabaab.

Records Requested

For purposes of this Request, the term “record” is “any information” that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete and unedited copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government *or private* account or server, consistent with the holdings of *Competitive Enterprise Institute v. Office of Science and Technology Policy*, No. 15-5128 (D.C. Cir. July 5, 2016)¹³ (rejecting agency argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

For purposes of this Request, the term “briefing” includes, but is not limited to, any in-person meeting, teleconference, electronic communication, or other means of gathering or communicating by which information was conveyed to one or more person(s).

For purposes of this Request, the term “DOS official” includes, but is not limited to, any person who is (1) employed by or on behalf of the DOS, any Mission of the United States, or any Delegation of the United States, in any capacity; (2) contracted for services by or on behalf of the DOS, any Mission of the United States, or any Delegation of the United States, in any capacity; (3) appointed by the President of the United States to serve in any capacity at or within the DOS, any Mission of the United States, or any Delegation of the United States; or (4) any such person’s staff, agent or employee; all without regard to the component, bureau, or office in which that person serves.

For purposes of this Request, the term the “Carter Center” includes, but is not limited to, any parent, subsidiary or affiliate organization of the Carter Center, any d/b/a or alias of the Carter Center or any of its parent, subsidiary or affiliate organizations, and any entity or person employed by, under contract with, representing, acting as an agent for the Carter Center or any of its parent, subsidiary or affiliate organizations.

¹²*Id.*

¹³*Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016).

For purposes of this Request, the term “ Hamas ” includes, but is not limited to, any person who is employed by, contracted by, acting as an agent for, or in any way associated with the organization Hamas, designated by the DOS as a FTO, or any affiliate organization thereof.

For purposes of this Request, the term the “ People’s Front for the Liberation of Palestine ” or “ PFLP ” includes, but is not limited to, any person who is employed by, contracted by, acting as an agent for, or in any way associated with the organization known as the People’s Front for the Liberation of Palestine or PFLP, designated by the DOS as a FTO, or any affiliate organization thereof.

For purposes of this Request, all sources, documents, letters, reports, briefings, articles and press releases cited in this Request are incorporated by reference as if fully set forth herein.

For purposes of this Request, the timeframe of records requested herein is January 20, 2008, to the date this Request is processed, unless otherwise indicated.

Pursuant to FOIA, 5 U.S.C. § 552, ACLJ hereby requests that the DOS respond to the following numbered requests and produce all responsive records:

1. Records Regarding Any U.S. Funding/Aid Provided to the Carter Center

All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any DOS official referencing or regarding in any way funding and humanitarian aid, USAID grants or funds, or any other type of funds, benefits, supplies or other valuable commodity or service, provided to the Carter Center, as identified and referenced in the Background section above. This request includes, *but is not limited to*, any grant or fund application papers submitted by the Carter Center or its subsidiaries or agents to the DOS, and any communication or record sent by the DOS to the Carter Center or from the Carter Center to the DOS. This request also includes but is not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS electronic mail or message accounts, non-DOS electronic mail or message accounts, personal electronic mail or message accounts, DOS servers, non-DOS servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

2. Records Regarding Carter Center Involvement, Interaction with, or Provision of Support to Hamas

All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any DOS official referencing, discussing or regarding in any way any Carter Center involvement, interaction or communication with Hamas or the People’s Front for the Liberation of Palestine (PFLP), or any provision of support, funds, money of any type, commodity, housing, discounted rents, materials, goods, training, service or any other benefit or thing of value to Hamas, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS electronic mail or message accounts, non-DOS electronic mail or message accounts, personal electronic

mail or message accounts, DOS servers, non-DOS servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

3. Records Regarding Carter Center Involvement, Interaction with, or Provision of Support to the People’s Front for the Liberation of Palestine (PFLP)

All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any DOS official referencing, discussing or regarding in any way any Carter Center involvement, interaction or communication with Hamas or the People’s Front for the Liberation of Palestine (PFLP), or any provision of support, funds, money of any type, commodity, housing, discounted rents, materials, goods, training, service or any other benefit or thing of value to the People’s Front for the Liberation of Palestine (PFLP), including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS electronic mail or message accounts, non-DOS electronic mail or message accounts, personal electronic mail or message accounts, DOS servers, non-DOS servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

CONCLUSION

If this Request is denied in whole or in part, ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any statutorily or judicially required explanatory information, including but not limited to a *Vaughn* Index.

Moreover, as explained in an accompanying memorandum, the ACLJ is entitled to expedited processing of this Request as well as a waiver of all fees associated with it. The ACLJ reserves the right to appeal a decision to withhold any information sought by this request and/or to deny the separate application for expedited processing and waiver of fees.

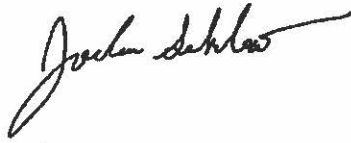
Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
Carly F. Gammill, Senior Litigation Counsel
Benjamin P. Sisney, Senior Litigation Counsel
American Center for Law and Justice

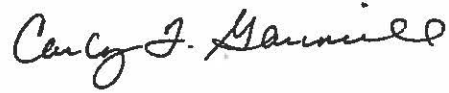


I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

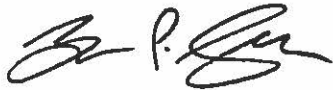
Respectfully submitted,



Jordan Sekulow
Executive Director



Carly F. Gammill
Senior Litigation Counsel



Benjamin P. Sisney
Senior Litigation Counsel