



November 30, 2023

**Via Web Portal Only**

Office of Information Programs and Services (IPS)

A/GIS/IPS/RL

U.S. Department of State, State Annex 2 (SA-2)

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**RE: FOIA Request Regarding the removal of the Houthis from the list of designated terrorists organizations by the Department of State.**

Dear FOIA Officer:

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”)<sup>1</sup> on behalf of its members.

To summarize, this Request seeks records pertaining to the removal of the Houthis from the list of designated terrorists organizations by the Department of State.

**Background**

Pursuant to U.S. Department of State (DOS) 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).

The U.S. Government has a powerful tool in Executive Order 13224, which provides a means to halt and slow terrorist funding, a necessary tool in the goal to bring a halt to terrorist activity.

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<sup>1</sup>The 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 and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

President Bush issued Executive Order 13224 on September 23, 2001, under the statutory authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c)(UNPA), and section 301 of title 3, United States Code.

Terrorism was defined as acts that are (1) violent or dangerous to human life, property, or infrastructure; and (2) intended to intimidate or coerce a civilian population; to influence governmental policy; or to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

Yemen is involved in a civil war between the Yemen government supported by Saudi Arabia and the United Arab Emirates against the Iran-backed rebels, a Zaydi Shiite political and military organization from north Yemen called Houthis or Ansar Allah (hereinafter Houthis). The conflict has caused a humanitarian crisis.

On February 12, 2021, Secretary Antony J. Blinken revoked the designation of the Houthis as a Foreign Terrorist Organization saying:

Effective February 16, I am revoking the designations of Ansarallah, [sic] sometimes referred to as the Houthis, as a Foreign Terrorist Organization (FTO) under the Immigration and Nationality Act and as a Specially Designated Global Terrorist (SDGT) pursuant to Executive Order (E.O.) 13224, as amended.

This decision is a recognition of the dire humanitarian situation in Yemen. We have listened to warnings from the United Nations, humanitarian groups, and bipartisan members of Congress, among others, that the designations could have a devastating impact on Yemenis' access to basic commodities like food and fuel. The revocations are intended to ensure that relevant U.S. policies do not impede assistance to those already suffering what has been called the world's worst humanitarian crisis. By focusing on alleviating the humanitarian situation in Yemen, we hope the Yemeni parties can also focus on engaging in dialogue.

Ansarallah leaders Abdul Malik al-Houthi, Abd al-Khaliq Badr al-Din al-Houthi, and Abdullah Yahya al-Hakim remain sanctioned under E.O. 13611 related to acts that threaten the peace, security, or stability of Yemen. We will continue to closely monitor the activities of Ansarallah and its leaders and are actively identifying additional targets for designation, especially those responsible for explosive boat attacks against commercial shipping in the Red Sea and UAV and missile attacks into Saudi Arabia. The United States will also continue to support the implementation of UN sanctions imposed on members of Ansarallah and will continue to call attention to the group's destabilizing activity and pressure the group to change its behavior.<sup>2</sup>

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<sup>2</sup>Press Release, Antony J. Blinken, Secretary of State, United States Department of State, Revocation of the Terrorist Designations of Ansarallah (Feb. 12, 2021), <https://www.state.gov/revocation-of-the-terrorist-designations-of-ansarallah/>

This Request seeks information about the decision to revoke the designation.

### **Records Requested**

For purposes of this Request, the term “record” means “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 Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016) (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.”).

All requests seek records which include, but are 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.

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 assistant; all without regard to the component, bureau, or office in which that person serves.

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, any individual or entity's name includes any alias or pseudonym.**

**For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is January 20, 2021, to the date this request is processed.**

Pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, ACLJ hereby requests that the DOS produce the following:

- 1. All records received from the Houthis since January 20, 2021.**
- 2. All records of State communications to the Senate Foreign Relations Committee and the House of Representatives Foreign Relations Committee about the Houthis or the FTO designation.**
- 3. All records about the revocation of the designation of the Houthis in the custody of Antony J. Blinken or his personal assistants.**
- 4. All records about the Houthis in the custody of Tamara Cofman Wittes, Director of the Office of Foreign Assistance, and any other official of the U.S. Office of Foreign Assistance of a GS-14 (or equivalent) or higher, or who is an appointee.**
- 5. All records about the Houthis in the custody of Barbara A. Leaf, Assistant Secretary, Bureau of Near Eastern Affairs, and any other official of the U.S. Bureau of Near Eastern Affairs of a GS-14 (or equivalent) or higher, or who is an appointee.**

### **CONCLUSION**

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

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

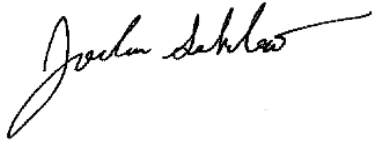
Jordan Sekulow, Executive Director  
Benjamin P. Sisney, Senior Litigation Counsel  
John A. Monaghan, Senior Litigation Counsel  
American Center for Law and Justice

[REDACTED]

[REDACTED]

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jordan Sekulow". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jordan Sekulow  
Executive Director

A handwritten signature in black ink, appearing to read "Ben P. Sisney". The signature is cursive, with a large, stylized "B" and "S".

Benjamin P. Sisney  
Senior Litigation Counsel

A handwritten signature in blue ink, appearing to read "John A. Monaghan". The signature is cursive, with a large, stylized "J" and "M".

John A Monaghan  
Senior Litigation Counsel