

EXHIBIT A



February 21, 2020

VIA ELECTRONIC MAIL

Duncan Walker, Designated Federal Officer
Policy Planning Staff
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Dear Mr. Walker:

As you are aware, on May 30, 2019, the State Department announced its “intent to establish the Department of State Commission on Unalienable Rights ... in accordance with the Federal Advisory Committee Act,” 5 U.S.C. app. 2 (“FACA”).¹ The Commission has thus far held public meetings on October 23, 2019, November 1, 2019, December 11, 2019, and January 10, 2020. It is scheduled to hold another one today, February 21, 2020. It has also reportedly held intermittent subcommittee or working group meetings.

Advisory committees, like the Commission, must meet certain obligations imposed by the FACA. Among these, is the requirement that all “records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda [and] other documents ... made available to or prepared for or by” the advisory committee be made publicly available.² To date, however, the Commission has made publicly available only the following items: Secretary Pompeo’s prepared remarks for the October 23 Commission meeting; minutes from the October and November public meetings; agendas from the October, November, December, and January public meetings; and a list of citations to some of the papers and documents purportedly being used by the Commission in the course of its work, but not the actual papers or documents.³ Furthermore,

¹ See *Department of State Commission on Unalienable Rights*, 84 Fed. Reg. 25109, 25109 (May 30, 2019).

² 5 U.S.C. § 10(b).

³ *Commission Home: Commission on Unalienable Rights*, U.S. Dep’t of State (accessed Jan. 30, 2020), <https://www.state.gov/commission-on-unalienable-rights>; *Citations: Commission on Unalienable Rights*, U.S. Dep’t of State (accessed Jan. 30, 2020), <https://www.state.gov/commission-on-unalienable-rights-citations>; see also *Federal Advisory Committee Act Database, Department of State Commission on Unalienable Rights Committee Members, Meetings, and Advisory Reports* (accessed on Jan. 27, 2020), <https://www.facadatabase.gov/FACA/apex/FACAPublicCommittee?id=a10t0000003eF4JAAU> (showing that there is “[n]o data available” in tab labeled “Committee Meetings”).

though it is clear that the Commission has been provided with detailed papers produced by invited speakers, these have not been released to the public.⁴

Thus, among other issues with its formation and operation, it does not appear that the Commission is in compliance with its obligation to make all material “made available to or prepared for or by” the Commission “available for public inspection and copying,”⁵ including any materials prepared for or by the Commission’s subcommittees or working groups.

* * *

For the reasons set forth above, CHANGE, Council for Global Equality, Global Justice Center, and Robert F. Kennedy Human Rights respectfully request that the State Department and Commission make available all documents thus far prepared for or by the Commission and ensure that Commission records are made publicly available in a timely manner moving forward.

Sincerely,

Karianne Jones
Benjamin Seel
Democracy Forward Foundation

On behalf of

*CHANGE
The Council for Global Equality
The Global Justice Center
Robert F. Kennedy Human Rights*

Cc:

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⁴ In some cases, prepared remarks are listed among the “citations” on the Commission’s website, but access to the content is not provided. For remarks that are not otherwise publicly available, a citation alone is plainly insufficient.

⁵ 5 U.S.C. § 10(b).