

OCMO Directorate for Oversight and Compliance
4800 Mark Center Drive,
ATTN: DPCLTD, FOIA Appeals
Mailbox #24
Alexandria, VA 22350-1700

June 8, 2018

Via email

RE: FOIA Request – 18-F-0903

Dear Appeal Officer,

This is an appeal to the letter dated May 2, 2018, closing our April 16, 2018 FOIA request, Case Number **18-F-0903**, on the ground that you are “unable to identify a nexus between OSD/JS and the information [we] are requesting.”

We requested “information on all Defense emails, internal memos, contracts, grants and awards since November 8, 2016 that discuss or mention the Helms Amendment, Protecting Life in Global Health Assistance (PLGHA) policy (formerly known as the Global Gag Rule and/or the Mexico city Policy), or other US abortion restrictions on foreign assistance.” Per the State Department’s own six-month review of implementation of the policy, the PLGHA standard provision is set to be included in “all active DoD grants for global health assistance” by the end of FY2018.¹ These Global Health Engagement programs are administered by the office of the Deputy Assistant Secretary of Defense for Health Readiness Policy and Oversight, which falls under the umbrella of the Office of the Secretary of Defense (OSD), the records of which your office has access.

Especially given that this is the first time in history that provisions such as those in the PLGHA policy have been applied to the Department of Defense², it stands to reason that your office has records of OSD communications about PLGHA among departmental employees, with other executive departments including State and USAID, and to DoD global health grantees.

As a human rights nonprofit organization, the Global Justice Center (GJC) is primarily engaged in disseminating information. The public has an urgent need for information pertaining to the Helms Amendment, the “Protecting Life in Global Health Assistance” Policy, and United States abortion policy as indicated in the requested materials—particularly in light of the fact that such policies may place the U.S. in violation of several international laws, norms and regimes including the Geneva Conventions, the Convention against Torture, and the Convention on Civil and Political Rights. GJC is a reliable source of information and legal analysis concerning U.S. foreign policy positions

¹ State Department, “Protecting Life in Global Health Assistance Six-Month Review,” report, Feb. 6, 2018, <https://www.state.gov/f/releases/other/278012.htm>.

² *Mexico City Policy: An Explainer*, Kaiser Family Foundation. (June 1, 2017), <https://www.kff.org/global-health-policy/fact-sheet/mexico-city-policy-explainer>

regarding reproductive health, especially with regard to humanitarian aid in crises. The requested materials will enhance GJC's ability to inform the public about U.S. government actions that now affect up to \$10 billion in global health funding. Moreover, the issue of the application of the abortion restrictions is one under active consideration by the U.S. government and materially affects countless Americans, humanitarian service providers and victims of war and other crises.

GJC, as thought-leaders and advocacy lawyers, intends to use the requested information to evaluate new changes to U.S. policy, inform the public of these changes, and determine how international law resolves potential issues accompanying the shift. Since 2010 GJC has been a reliable source of information and legal analysis concerning the U.S.'s foreign policy positions concerning reproductive health. With the information gathered as part of this request, we will issue press releases, analyses, explanatory memos and other media that will contribute significantly to public understanding of government operations and activities and utilize this information in our advocacy efforts around this issue.

If you have any questions, please call me at (212) 725-6530 ext. 203. The documents should be sent to Akila Radhakrishnan at the Global Justice Center, 11, Hanover Square, 6th Floor, New York, NY 10005.

Sincerely,

A handwritten signature in cursive script that reads "Akila Radhakrishnan".

Akila Radhakrishnan
President (Acting)
Global Justice Center