March 4, 2015

VIA CERTIFIED MAIL & FACSIMILE

Office of Information Programs and Services
A/GIS/IPS/RL
U. S. Department of State
Washington, D. C. 20522-8100
FAX (202) 261-8579

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Judicial Watch, Inc. hereby requests that the U.S. Department of State produce the following within twenty (20) business days:

The 55,000 pages of emails received by the Department of State from former Secretary of State Hillary Rodham Clinton.¹

The timeframe for this request is October 1, 2014 to the present.

We call your attention to President Obama’s January 21, 2009 Memorandum concerning the Freedom of Information Act, in which he states:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA...The presumption of disclosure should be applied to all decisions involving FOIA.²

The memo further provides that “The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails.”

Nevertheless, if any responsive record or portion thereof is claimed to be exempt from production under FOIA, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5 U.S.C. § 552(b).

For purposes of this request, the term “record” shall mean: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, facsimiles, papers, forms, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail; (3) any audio, aural, visual, or video records, recordings, or representations of any kind; (4) any graphic materials and data compilations from which information can be obtained; and (5) any materials using other means of preserving thought or expression.


Judicial Watch also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records:
shall be furnished without any charge or at a charge
reduced below the fees established under clause (ii) if
disclosure of the information is in the public interest
because it is likely to contribute significantly to public
understanding of the operations or activities of government
and is not primarily in the commercial interest of the
requester.


In addition, if records are not produced within twenty (20) business days, Judicial
Watch is entitled to a complete waiver of search and duplication fees under Section 6(b)

Judicial Watch is a 501(c)(3), not-for-profit, educational organization, and, by
definition, it has no commercial purpose. Judicial Watch exists to educate the public
about the operations and activities of government, as well as to increase public
understanding about the importance of ethics and the rule of law in government. The
particular records requested herein are sought as part of Judicial Watch’s ongoing efforts
to document the operations and activities of the federal government and to educate the
public about these operations and activities. Once Judicial Watch obtains the requested
records, it intends to analyze them and disseminate the results of its analysis, as well as
the records themselves, as a special written report. Judicial Watch will also educate the
public via radio programs, Judicial Watch’s website, and/or newsletter, among other
outlets. It also will make the records available to other members of the media or
researchers upon request. Judicial Watch has a proven ability to disseminate information
obtained through FOIA to the public, as demonstrated by its long-standing and
continuing public outreach efforts.

Given these circumstances, Judicial Watch is entitled to a public interest fee
waiver of both search costs and duplication costs. Nonetheless, in the event our request
for a waiver of search and/or duplication costs is denied, Judicial Watch is willing to pay
up to $350.00 in search and/or duplication costs. Judicial Watch requests that it be
contacted before any such costs are incurred, in order to prioritize search and duplication
efforts.

In an effort to facilitate record production within the statutory time limit, Judicial
Watch is willing to accept documents in electronic format (e.g. e-mail, .pdfs). When
necessary, Judicial Watch will also accept the “rolling production” of documents.

If you do not understand this request or any portion thereof, or if you feel you
require clarification of this request or any portion thereof, please contact us immediately
at 202-646-5172 or kbailey@judicialwatch.org. We look forward to receiving the
requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Sincerely,

Kate Bailey
Judicial Watch