



March 19, 2015

Kate Bailey
Judicial Watch
425 Third Street, SW, Suite 800
Washington, DC 20024

Dear Ms. Bailey,

This is in response to your Freedom of Information Act request of March 17, 2015 for records in the custody of the National Archives and Records Administration. Your request was received in this office on March 17, 2015 and assigned FOIA case number 46068. You requested Independent Counsel Kenneth Starr records related to several versions of indictments of Hillary Clinton.

We have examined the folders from Hickman Ewing's attorney files that you requested. From box 2250 the folder "Draft Indictment" (38 pages) is denied in full under Exemption (b)(7)(C). From box 2256 the folder "Hillary Rodham Clinton/Webster L. Hubbell Draft Indictment" (approximately 200 pages) is denied in full under Exemption (b)(7)(C).

You requested a waiver for reproduction fees ordinarily charged to researchers, however, records transferred to the custody of the National Archives are exempted from the fee and fee waiver provisions of the Freedom of Information Act because there was a fee schedule in place prior to enactment of the FOIA. The applicable section states that "nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records" (5 U.S.C. 552 (a)(4)(A)(vi)). The relevant fee statute authorizes the National Archives "to charge a fee for making or authenticating copies or reproductions of materials transferred to the Archivist's custody." (44 U.S.C. 2116(c)).

The inability to grant the requested fee waiver does not constitute a denial under the terms of the Freedom of Information Act. However, if you consider this response to be a denial of your request, or if you wish to appeal the document denials, you may appeal my decision within 60 calendar days from the date of this letter. Appeals must be submitted in writing and addressed to the Deputy Archivist of the United States, National Archives and Records Administration, 8601 Adelphi Road, Room 4200, College Park, MD 20740. In your letter, please cite your case number and clearly label both the letter and envelope as a FOIA Appeal. As an alternative, you may e-mail your appeal to foia@nara.gov. If you choose this option, please use the words "FOIA appeal" in the subject line and also cite your case number.

This concludes the processing of your request. If you have any question about the way we handled your request, or about our FOIA regulations or procedures, please contact David Paynter at david.paynter@nara.gov or (301) 837-2041.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martha Wagner Murphy".

MARTHA WAGNER MURPHY
Chief
Special Access and FOIA Staff