

HILLARY RODHAM CLINTON
NEW YORK



United States Senate
WASHINGTON, D. C. 20510-3204

RELEASE IN FULL

January 5, 2009

REVIEW AUTHORITY: Barbara
Nielsen, Senior Reviewer

VIA HAND DELIVERY

Mr. James H. Thessin
Deputy Legal Adviser and
Designated Agency Ethics Official
U.S. Department of State
Washington, D.C. 20520-6310

Subject: Ethics Undertakings

Dear Mr. Thessin:

I am committed to the highest standards of ethical conduct for government officials. If confirmed as Secretary of State, as required by 18 U.S.C. §208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I currently hold and will continue to hold my position with The Clinton Family Foundation, which maintains all of its assets in cash. If confirmed as Secretary of State, I will not participate personally and substantially in any particular matter that has a direct and predictable effect upon this foundation, unless I first obtain a written waiver or qualify for a regulatory exemption.

My husband founded The William J. Clinton Foundation. Although neither my husband nor I has any financial interest in or fiduciary role with The William J. Clinton Foundation (or The Clinton Global Initiative), my husband has been active with this not-for-profit organization since its inception. For the duration of my appointment as Secretary if I am confirmed, I will not participate personally and substantially in any particular matter involving specific parties in which The William J. Clinton Foundation (or The Clinton Global Initiative) is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

My spouse speaks, writes and consults for compensation. If confirmed, as required by 18 U.S.C. §208(a), I will not participate personally and substantially in any particular matter that has a

direct and predictable effect upon his compensation from persons or entities that pay him, unless I first obtain a written waiver pursuant to 18 U.S.C. §208(b)(1) or qualify for a regulatory exemption pursuant to 18 U.S.C. §208(b)(2). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which a client of my spouse is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). I understand that, for purposes of this commitment, a "client" of my spouse is anyone with whom he has a contract for his consulting services and anyone with whom he is negotiating for such a contract.

To avoid even the appearance of a conflict, my husband and I are also voluntarily taking steps that go above and beyond the requirements of the law and ethics regulations with respect to his personal income earned from speeches and consulting as well as with respect to the William J. Clinton Foundation and its initiatives. As these steps go beyond the requirements of the law and the ethics regulations, these additional steps are outlined separately in the attached MOU between the Clinton Foundation and the Office of the President-Elect and the attached letter from my husband's counsel, David Kendall. I understand that you intend to assess the facts and circumstances of the additional voluntary measures outlined in the MOU and attached letter – specifically reviewing potential speech hosts, business entities, and certain country contributions to the Foundation – in the context of the standards and the procedures of 5 C.F.R. § 2635.502 to determine whether an appearance of a conflict may exist, in consultation with the White House as appropriate. I ask that you advise me on applicable steps that may avoid any actual or apparent conflicts of interest.

I currently am associated with three federal political organizations, HillPAC, a multicandidate political committee of which I am Honorary Chair, and my two principal campaign committees, Friends of Hillary, which was formed to support my Senate elections, and Hillary Clinton for President, which was formed to support my presidential campaign. All three committees are registered with and report to the Federal Election Commission ("FEC"). If confirmed as Secretary of State, HillPAC will cease to be active and will terminate, by filing the appropriate termination report with the FEC, as soon as practicable. If confirmed, Friends of Hillary will become dormant; any funds associated with this entity will only be used during my service as Secretary of State for expenditures related to maintaining it and meeting any FEC requirements, including ongoing reporting requirements. Hillary Clinton for President will continue to exist to engage in activities necessary to retire any outstanding debt. To the extent required for these purposes, it will make expenditures to maintain it, retire its debt, and meet any FEC requirements, including ongoing reporting requirements. During my tenure as Secretary of State, I will not participate in the operation or decision-making of these three entities, and I personally will not solicit, accept or receive funds for them and will not use their funds to engage in any partisan political activities.

Finally, I will recuse myself from participation on a case by case basis in any particular matter in which, in my judgment, I determine that a reasonable person with knowledge of the relevant facts would question my impartiality, unless I have been authorized to participate under 5 CFR,

Part 2635, Subpart E. I ask that you also bring to my attention any matters that in your judgment could give rise to a conflict of interest or an appearance of a conflict of interest and that you advise me on applicable steps that may be appropriate to avoid such conflicts.

Sincerely,

Hillary Rodham Clinton
Hillary Rodham Clinton

LAW OFFICES

WILLIAMS & CONNOLLY LLP

725 TWELFTH STREET, N.W.

WASHINGTON, D. C. 20005-5901

(202) 434-5000

FAX (202) 434-5029

DAVID E. KENDALL

(202) 434-5145

dkendall@wc.com

EDWARD BENNETT WILLIAMS (1920-1988)
PAUL R. CONNOLLY (1923-1978)

RELEASE IN FULL

REVIEW AUTHORITY: Barbara Nielsen,
Senior Reviewer.

January 5, 2009

VIA HAND DELIVERY

James H. Thessin, Esq.
Deputy Legal Advisor and
Designated Agency Ethics Official
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Subject: Voluntary Agreements

Dear Mr. Thessin:

I am writing to describe the voluntary steps, above and beyond the requirements of law and ethics regulations, that President Clinton intends to take to assist Senator Clinton to avoid even the appearance of a conflict of interest with her duties as Secretary of State should she be confirmed. This letter sets forth these voluntary steps and confirms the protocols that we understand that the State Department intends to follow to address them.

President Clinton's Earned Income

Since leaving office, President Clinton has earned income giving speeches in the United States and around the world, writing books, and engaging in two business relationships—a consultancy with InfoUSA and a partnership and consultancy with certain Yucaipa entities, both of which ended in 2007. All of President Clinton's post-presidency sources of income, including from paid speeches and business relationships, have been publicly reported on Senator Clinton's annual public financial disclosure form. Over the course of their collective years in public service, the Clintons also have publicly released 30 years of tax returns.

Speech Income

Should Senator Clinton be confirmed as Secretary of State, President Clinton will provide to you or the agency ethics official you designate ("you") the identities of

WILLIAMS & CONNOLLY LLP
 James H. Thessin, Esq.
 January 5, 2009
 Page 2

host(s) (the entity that pay the speaker's fee) of proposed paid speeches, so that the Department of State ("Department"), in consultation with the White House as appropriate, may conduct a review for any real or apparent conflicts of interest with the duties of the Secretary of State.

To ensure timely consideration of any conflict of interest regarding proposed speech hosts, President Clinton's Office will seek to provide the names of proposed hosts no later than 14 days before a proposed speech. I understand that the Department will seek to conduct its review within five (5) days of any submission.

Consulting Income

Should Senator Clinton be confirmed as Secretary of State, President Clinton also will identify to you the entities with which he proposes to enter into consulting arrangements, so that the Department, in consultation with the White House as appropriate, may conduct a review for any real or apparent conflicts of interest with the duties of the Secretary.

The William J. Clinton Foundation

President Clinton founded The William J. Clinton Foundation (the Foundation). Neither he nor Senator Clinton has any financial interest in or fiduciary role with the Foundation. To help ensure, however, that the Foundation's activities do not create the appearance of a conflict of interest with the duties of the Secretary, the Foundation has entered into the attached Memorandum of Understanding (MOU) with the Office of the President-elect. It is my understanding that, pursuant to the terms of the MOU, you will review the contributions of countries that elect to increase materially their commitments to the Foundation, or are new contributing countries, to the Clinton HIV/AIDS Initiative, the Clinton Climate Initiative, the Clinton Giustra Sustainable Growth Initiative, and the Clinton Hunter Development Initiative.

Department Review

I understand that you intend to assess the facts and circumstances of the voluntary measures outlined in this letter and in the MOU—specifically, reviewing potential speech hosts, business entities, and certain country contributions to the Foundation—in the context of the standards and the procedures of 5 C.F.R. 2635.502, which addresses impartiality in performing official duties and specifically appearances of conflicts of interest. I understand you may consult, as appropriate, with the White House Counsel's Office in the event a proposed action raises conflicts concerns, and that you will advise the Secretary, President Clinton's office, and the Foundation as warranted, on applicable steps that may be taken to avoid conflicts of interest.

RELEASE IN PART
B5

Walker, Denise

From: Botet, Violanda
Sent: Thursday, March 03, 2011 10:07 AM
To: Thessin, James H
Cc: Youel Page, Kathryn
Subject: FW: Clinton Foundation Request -- [REDACTED]

Categories: Working

B5

Jim - I am resending two emails regarding the Clinton request to approve [REDACTED] in case you need them. [REDACTED]

B5

This email is UNCLASSIFIED.

REVIEW AUTHORITY: Barbara
Nielsen, Senior Reviewer

From: Botet, Violanda
Sent: Monday, January 31, 2011 9:30 AM
To: Thessin, James H
Subject: RE: Clinton Foundation Request -- [REDACTED]

B5

Let me know if you need more. Violanda

From: Thessin, James H
Sent: Friday, January 28, 2011 7:37 PM
To: Botet, Violanda
Subject: RE: Clinton Foundation Request -- [REDACTED]

B5

Same question as previous email: [REDACTED]

B5

Best,
Jim

Deputy Legal Adviser
Office of the Legal Adviser
U.S. Department of State
Washington, DC 20520-6421
202-647-8460

SBU

This email is UNCLASSIFIED.

From: Botet, Violanda
Sent: Friday, January 28, 2011 11:57 AM
To: Thessin, James H
Cc: Hata, Marianne J
Subject: FW: Clinton Foundation Request -- [REDACTED]

B5

Jim -- The Clinton Foundation folks are pressing for an answer on this. Have you received any feedback? Thanks. Violanda

From: Botet, Violanda
Sent: Tuesday, January 25, 2011 3:03 PM
To: Thessin, James H
Subject: Clinton Foundation Request -- [REDACTED]

B5

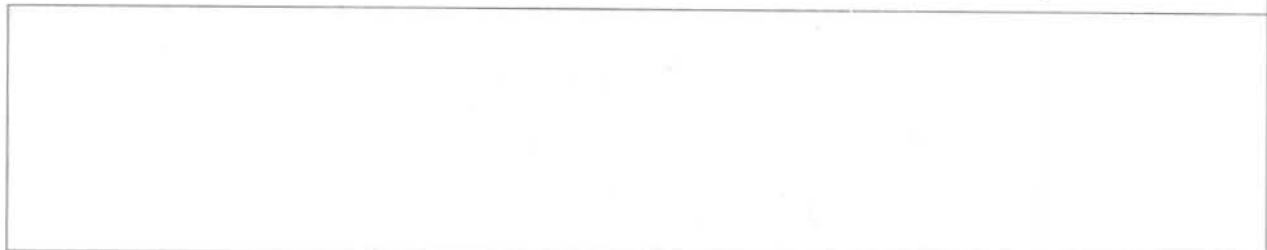
Jim --

The Clinton Foundation recently requested approval of two sponsors: [REDACTED]

B5

B5

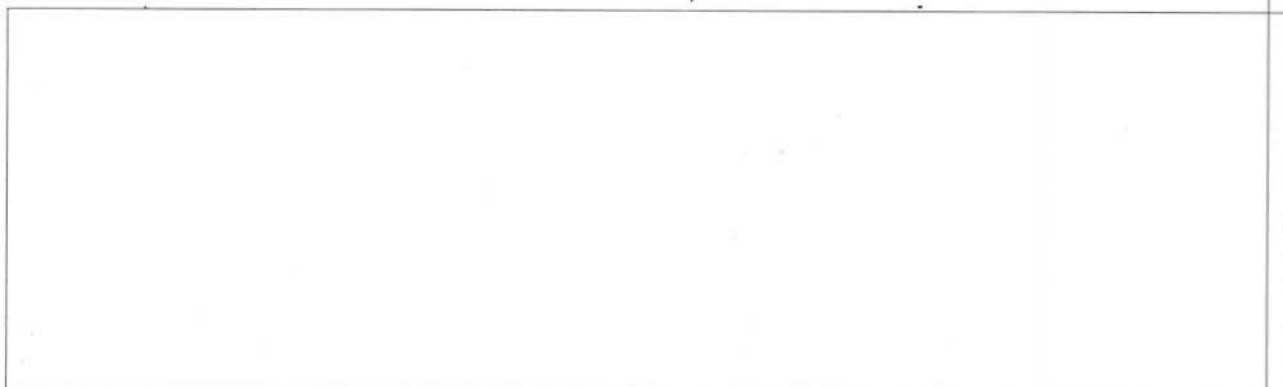
B5



B5

[Redacted] The Clinton Foundation needs an answer as quickly as possible, given the timing of the event

B5



Violanda Botet
Attorney Adviser
U.S. Department of State
202-663-3097 (phone)
202-663-3339 (fax)

Walker, Denise

From: Brooks, Waldo W (Chip)
Sent: Tuesday, September 07, 2010 11:04 AM
To: Botet, Virolanda
Subject: FW: [REDACTED]

RELEASE IN PART
 B5

B5

REVIEW AUTHORITY: Barbara
 Nielsen, Senior Reviewer

From: Thessin, James H
Sent: Friday, September 03, 2010 12:45 PM
To: Brooks, Waldo W (Chip)
Subject: [REDACTED]

B5

B5

[REDACTED]
 Jim

From: Brooks, Waldo W (Chip)
To: Thessin, James H
Sent: Thu Sep 02 15:57:28 2010
Subject: [REDACTED]

B5

Jim,

President Clinton's folks are reaching out to us. Please see below. [REDACTED]

B5

From: Botet, Virolanda
Sent: Monday, August 30, 2010 10:27 AM
To: Thessin, James H
Cc: Brooks, Waldo W (Chip)
Subject: [REDACTED]

B5

Jim – I just wanted to confirm that you are ok with sending a response back to the Clinton Foundation approving the event below. If so, Chip can send a memo out to the Foundation. [REDACTED]

B5

Thanks. Virolanda

From: Thessin, James H
Sent: Friday, August 27, 2010 4:01 PM
To: Botet, Virolanda
Subject: FW: Clinton Foundation Request [REDACTED]

B5

See below

Deputy Legal Adviser

Office of the Legal Adviser
U.S. Department of State
Washington, DC 20520-6421
202-647-8460

From: Mills, Cheryl D
Sent: Friday, August 27, 2010 4:00 PM
To: Thessin, James H
Subject: Re: Clinton Foundation Request [REDACTED]

[REDACTED]

B5
B5

From: Thessin, James H
To: Mills, Cheryl D
Sent: Fri Aug 27 15:10:23 2010
Subject: FW: Clinton Foundation Request [REDACTED]

B5
B5

Best,
Jim

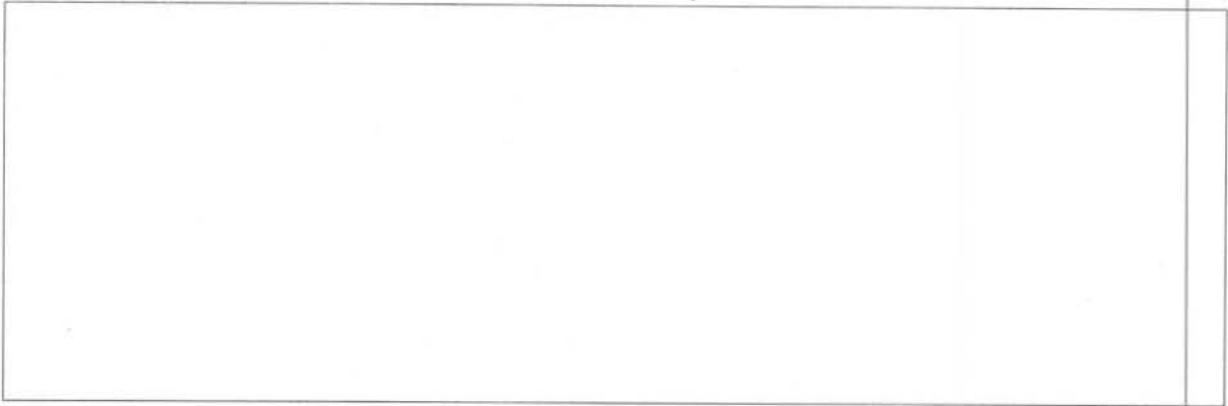
Deputy Legal Adviser
Office of the Legal Adviser
U.S. Department of State
Washington, DC 20520-6421
202-647-8460

From: Botet, Violanda
Sent: Friday, August 27, 2010 11:49 AM
To: Thessin, James H
Cc: Brooks, Waldo W (Chip)
Subject: Clinton Foundation Request [REDACTED]

B5

Jim – Here is a request from the Clinton Foundation [REDACTED]

B5



B5

USOGE

Fax:2024829237

Jan 29 2009 14:40

P.05

RELEASE IN FULL

REVIEW AUTHORITY: Barbara Nielsen, Senior
Reviewer

TAB B

USOGE

Fax: 2024829237

Jan 29 2009 14:40 P.06



United States Department of State

Washington, D.C. 20520

www.state.gov

JAN - 5 2009

MEMORANDUM

TO: Mr. Richard Cusick
Director
Office of Government Ethics

FROM: L - James H. Thessin *J.T.*
Designated Agency Ethics Official

SUBJECT: Financial Disclosure Report for Senator Hillary Rodham Clinton

In accordance with Section 103c of the Ethics in Government Act, enclosed is a copy of the Standard Form 278 Financial Disclosure Report filed by Senator Hillary Rodham Clinton, who has been nominated as Secretary of the United States Department of State.

In our review, we examined her financial interests in light of the issues that she may be asked to address in this position and have concluded that only a small likelihood exists that she would need to recuse herself on matters involving the interests she will retain. Based upon our review of this report and Senator Clinton's commitment to recuse herself as appropriate, we have determined that the report discloses no conflict of interest under applicable laws and regulations.

Enclosure

cc: Senator Clinton

USUGT

Fax: 2024829237

Jan 29 2009 14:43

P.10

RELEASE IN FULL

REVIEW AUTHORITY: Barbara Nielsen, Senior
Reviewer

TAB C

USUJL

Fax: 202 482 9237

Jan 29 2009 14:43 P.11

LAW OFFICES
WILLIAMS & CONNOLLY LLP

725 TWELFTH STREET, N.W.

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FAX (202) 434-5029

DAVID E. KENDALL

(202) 434-5145

dkendall@wc.com

EDWARD BENNETT WILLIAMS (202) 434-5000
PAUL R. CONNOLLY (202) 434-5000

January 5, 2009

VIA HAND DELIVERY

James H. Thessin, Esq.
Deputy Legal Advisor and
Designated Agency Ethics Official
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Subject: Voluntary Agreements

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Speech Income

Should Senator Clinton be confirmed as Secretary of State, President Clinton will provide to you or the agency ethics official you designate ("you") the identities of

USJCE

Fax: 202 482 9237

Jan 29 2009 14:44

P.12

WILLIAMS & CONNOLLY LLP
James H. Thessin, Esq.
January 5, 2009
Page 2

host(s) (the entity that pay the speaker's fee) of proposed paid speeches, so that the Department of State ("Department"), in consultation with the White House as appropriate, may conduct a review for any real or apparent conflicts of interest with the duties of the Secretary of State.

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Fax: 2024829251

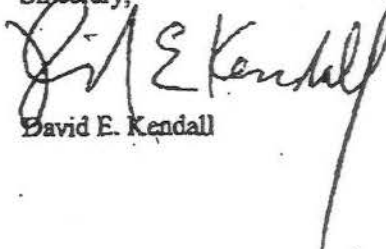
Jan 29 2009 14:45

P. 13

WILLIAMS & CONNOLLY LLP
James H. Thessin, Esq.
January 5, 2009
Page 3

We appreciate your attention and guidance in these matters.

Sincerely,

A handwritten signature in dark ink, appearing to read "David E. Kendall", is written over the typed name. The signature is fluid and cursive.

David E. Kendall

Attachment

Name of Entities/Sponsors: Liberty Science Center
Name of Other Event Sponsors: n/a
Location of Entities: Jersey City, NJ
Scheduled Date: December 1, 2009
Location of Speech: Jersey City, NJ
Response Time (from State): 5 days

RELEASE IN FULL**Nature of Event:**

This event is the Liberty Science Center Chairman's Advisory Council Distinguished Speaker Series. The event will be titled "A Conversation with President William Jefferson Clinton."

**REVIEW
AUTHORITY:**
Barbara
Nielsen,
Senior
Reviewer

Sponsor description:

The Liberty Science Center (the Science Center) is a learning and teaching resource to explore science-and-society matters of contemporary and future importance. Each year, the Science Center serves about 8 million visitors, including 375,000 school-aged children.

Itinerary: Photoline, speech and moderated Q&A

Attendees: Approximately 350-450 attendees are expected to attend, including Liberty Science Center Board of Trustees, donors, corporate and foundation executives and other friends of the Science Center. This event is closed to the public. The event will be advertised and tickets will be sold.

Past Speakers or Attendees: n/a

Press: Closed



United States Department of State

Washington, D.C. 20520

August 2, 2011

MEMORANDUM

RELEASE IN FULL

TO: Terry Krinvic
Director of Scheduling and Advance
Office of William Jefferson Clinton

REVIEW AUTHORITY: Barbara Nielsen, Senior
Reviewer

FROM: Kathryn Youel Page, Alternate Designated Agency Ethics Official *KYP*
U.S. Department of State

COPY: Laura Graham
COO and Chief of Staff to President Clinton

Cheryl Mills
Counselor and Chief of Staff
U.S. Department of State

SUBJECT: Request for Conflict of Interest Review of WJC Donor

In response to your memorandum dated July 28, 2011, we have reviewed the following proposed donor:

(1) Accion Social for a donation to the Foundation

We have no objection to this proposed donor making a donation to the Foundation.

Please do not hesitate to contact me if you have questions on this matter.

From: Mills, Cheryl D
Sent: Friday, June 17, 2011 2:26 PM
To: Vissek, Richard C
Cc: Toiv, Nora F; Thessin, James H; Youel Page, Kathryn
Subject: RE: [REDACTED]

RELEASE IN PART
B5, B6

Thank you

From: Vissek, Richard C
Sent: Friday, June 17, 2011 2:19 PM
To: Mills, Cheryl D
Cc: Toiv, Nora F; Thessin, James H; Youel Page, Kathryn
Subject: RE: [REDACTED]

[REDACTED]

SBU
This email is UNCLASSIFIED.

From: Vissek, Richard C
Sent: Friday, June 17, 2011 12:47 PM
To: Thessin, James H
Cc: Toiv, Nora F; Mills, Cheryl D
Subject: RE: [REDACTED]

Jim [REDACTED]
[REDACTED]

SBU
This email is UNCLASSIFIED.

From: Mills, Cheryl D
Sent: Friday, June 17, 2011 12:20 PM
To: Vissek, Richard C
Cc: Toiv, Nora F; Thessin, James H
Subject: Re: [REDACTED]

Re sending

From: Mills, Cheryl D
Sent: Friday, June 17, 2011 06:05 AM
To: Vissek, Richard C

Cc: Toiv, Nora F; Thessin, James H

Subject: Re: [REDACTED]

B5

Rich:

[REDACTED]

B5

Jim/Rich: [REDACTED]

B5

Cdm

From: Visek, Richard C

Sent: Thursday, June 16, 2011 08:20 PM

To: Mills, Cheryl D

Cc: Toiv, Nora F; Thessin, James H

Subject: RE: [REDACTED]

B5

Cheryl –

[REDACTED]

B5

Regards,

Rich

SBU

This email is UNCLASSIFIED.

From: Mills, Cheryl D
Sent: Thursday, June 16, 2011 9:06 AM
To: Thessin, James H; Visek, Richard C
Cc: Toiv, Nora F
Subject: FW: [REDACTED]

Jim/Rich:

B5

B5

Many thanks.
cdm

----- Forwarded message -----

From: Doug Band [REDACTED] presidentclinton.com>
Date: Wed, 15 Jun 2011 12:47:31 -0400
Subject:
To: Cheryl Mills [REDACTED]

B6

B6

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Sent from my mobile device

**Questions for the Record for Senator Hillary Clinton
Submitted by Senator Feingold
January 12, 2009**

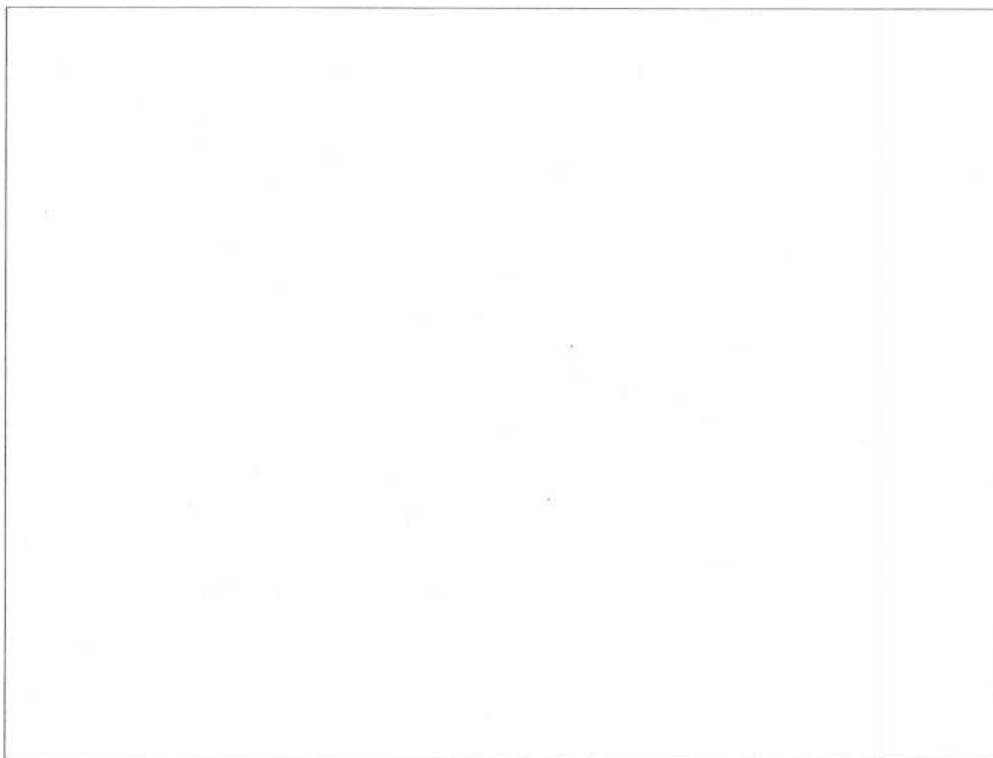
RELEASE IN PART
B5

1. **Iraq.** Our top national security concern must be the global fight against al Qaeda and its affiliates, as well as the related struggle to prevent the expansion of safe havens or recruiting opportunities for our enemies around the globe. How we allocate our resources – the tools used in this struggle – are key to winning this fight and without a more global and comprehensive approach, we will be unable to make our country, or the world, a safer place. The current administration's decision to focus resources on Iraq has been a tragic mistake. Accordingly, please share your vision of how will you follow up on President-elect Obama's pledge to redeploy the bulk of our troops from Iraq in 16 months? What steps do you expect the State Department will take to help ensure that transition occurs as safely and as smoothly as possible?

REVIEW
AUTHORITY:
Barbara Nielsen,
Senior Reviewer

B5

2. **Chief of Mission Authority.** Over the past eight years we have seen our military take on a broader role in counterterrorism operations around the world. Vital to the State Department's ability to maintain the helm of our foreign policy agenda, however, is a commitment from all US departments and agencies to uphold Chief of Mission authority. Unfortunately, I have come across instances in which that authority has been challenged, or even compromised. What steps would you take, as Secretary of State, to ensure this authority is upheld and enforced, with regard to the military as well as to the Intelligence Community?



3. **Great Lakes.** The situation in the Great Lakes region of Africa continues to be very dire – with already troublesome humanitarian crises exacerbated by renewed fighting in eastern Congo and the recent massacres by Lord's Resistance Army in Congo and Sudan. As Secretary of State, what will be your strategy to bring lasting peace and stability to this region of the continent? What further steps can be taken by the United States, key regional actors, and the international community to help address illegal armed groups in this region and end these ongoing crises?

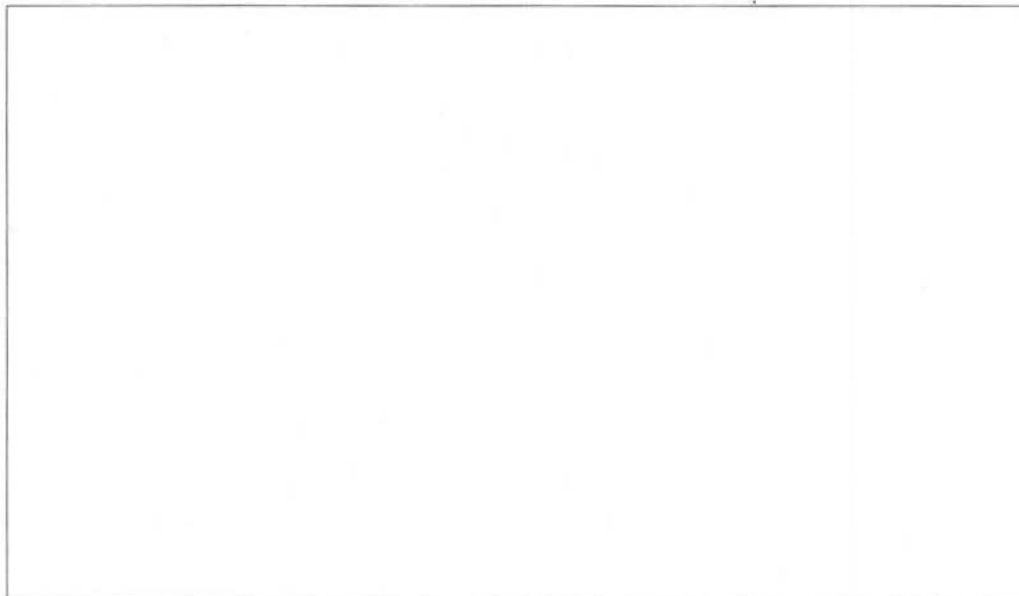
B5

B5

4. **Middle East Peace Process.** Many experts believe that in order to have real progress on a Middle East Peace Process the United States must play a leading role, but it is essential to have greater participation and the support of Arab countries in the region. Do you believe this is an accurate reflection of what needs to happen and if so, in light of the recent conflict in Gaza, what steps will the State Department take to make this possible?

B5

5. **LGBT:** There is widespread recognition of the need to build a more robust and effective diplomatic and development corps. As part of that effort, it makes sense to consider ways to address challenges faced by lesbian, gay, bisexual and transgender (LGBT) employees, particularly relating to domestic partner benefits and State Department policies that make it difficult for the partners of foreign service officers to travel and live at overseas posts. What would you do as Secretary of State to address these concerns? Will you support changes to existing personnel policies in order to ensure that LGBT staff at State and USAID receive equal benefits and support? What steps will you take to ensure that LGBT issues are taken into consideration in both organizational and policy decision-making?



B5

6. **Local health systems.** Despite the massive investment the United States has made in global health over the years, many health systems in the developing world remain unable to meet local and national needs. How can the State Department do more to ensure that our global health assistance programs are strengthening local health care delivery systems and infrastructure, as well as increasing the numbers and capacity of local health care workers?



B5

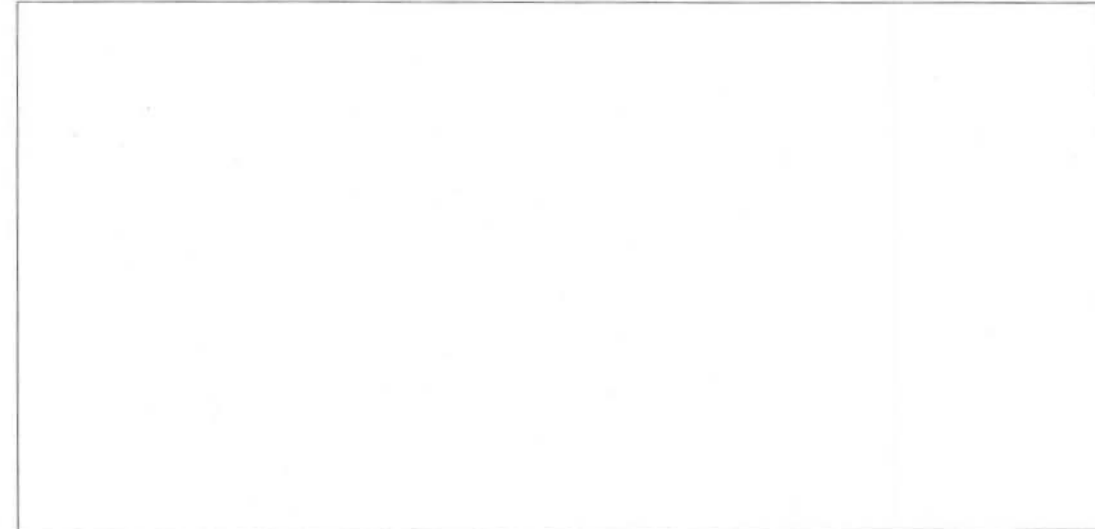
B5

7. **Nuclear Weapons.** You have endorsed the view of Henry Kissinger, Sam Nunn, and other prominent nuclear and global experts -- including Secretary General Ki-Moon -- that we must reinvigorate our commitment to the Nuclear Nonproliferation Treaty (NPT) in order to prevent the spread of nuclear weapons and the potential for nuclear terrorism, including in countries like Iran. They have argued that one of the key barriers to countering those threats is that non-nuclear weapons states have "grown increasingly skeptical of the sincerity of the nuclear powers'" efforts to divest themselves of nuclear weapons, as required by that treaty. While I concur that for the time being we must maintain a reliable deterrent, please share your view on whether reductions are needed to rebuild faith in the NPT. If so, what steps would you pursue to make this a reality? What impact would the pursuit of new nuclear weapons by the United States have on our ability to realize these objectives?

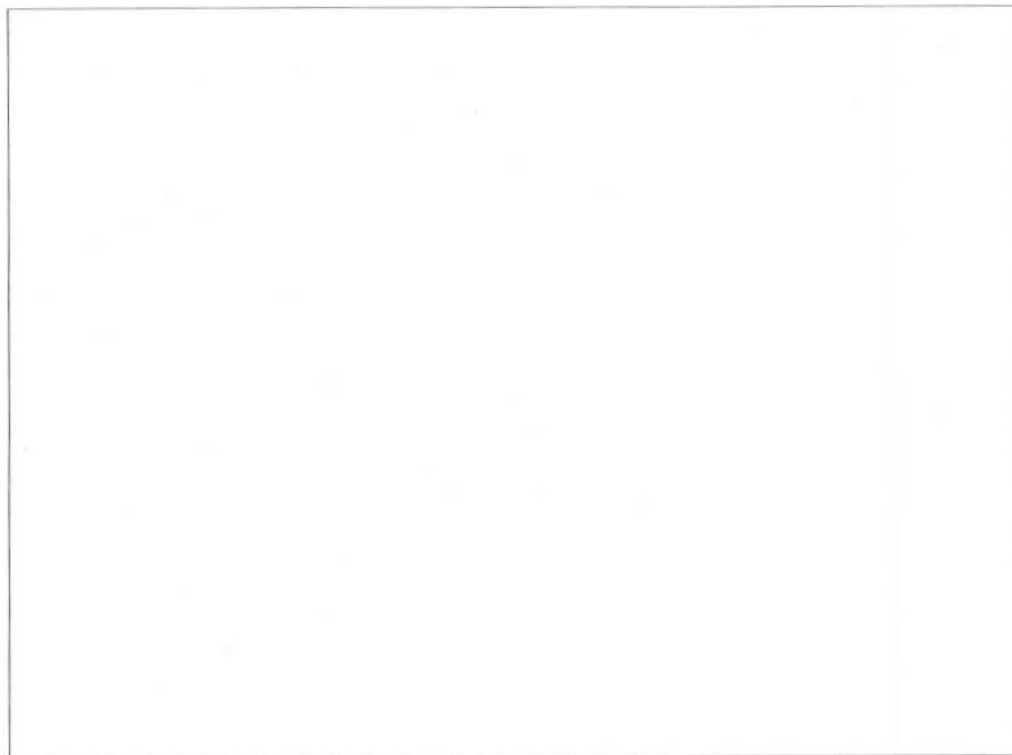
B5

B5

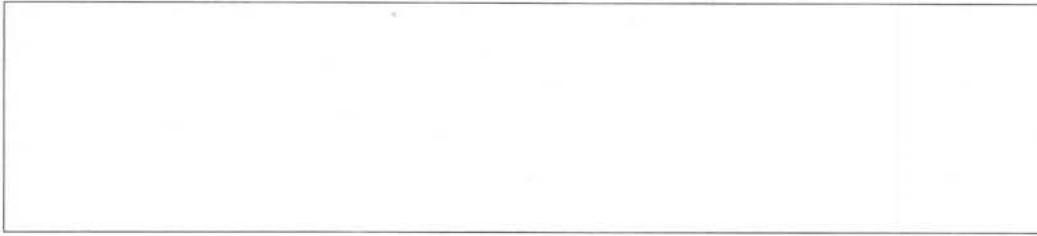
B5



8. Will pledges for future contributions to the Clinton Foundation from domestic donors be subject to the same review process as those from foreign governments? If not, please provide an explanation as to why such pledges for domestic contributions would not raise the same issues, and should not trigger the same review process applied to foreign contributions under the Memorandum of Understanding.



B5

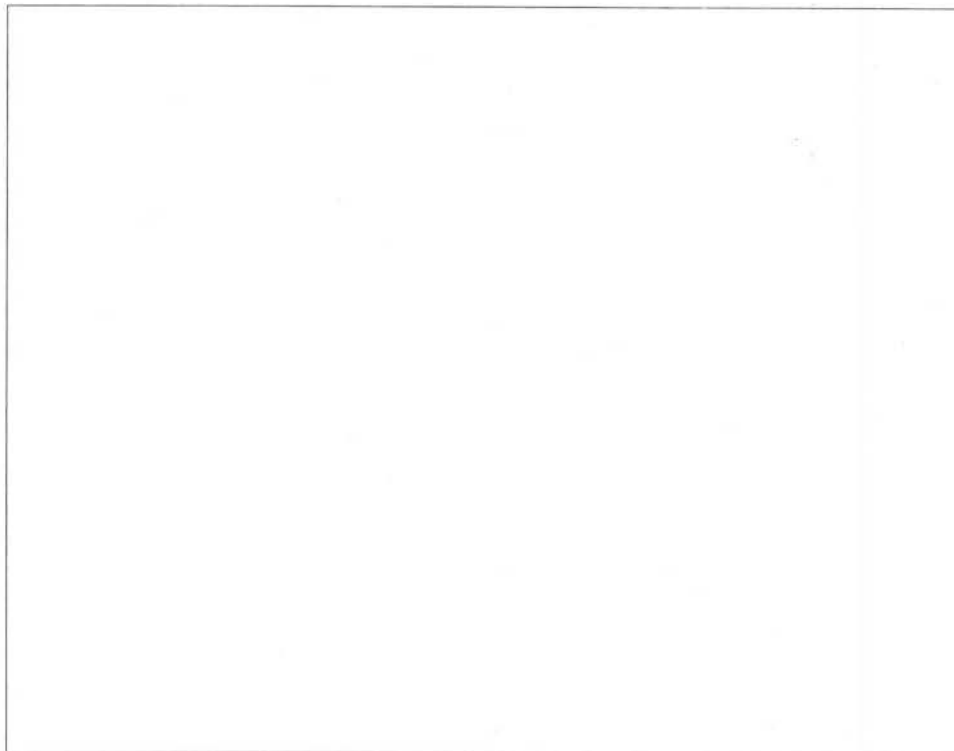


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9. While the Clinton Global Initiative will no longer accept contributions from foreign governments, the other initiatives that comprise the Clinton Foundation will continue to accept contributions from foreign governments. Please provide an explanation as to why these initiatives will still receive such contributions. In addition, while the Memorandum of Understanding does seek to address this issue, it notes that "appropriate action" will be taken if there is a concern about a proposed contribution. Please describe, under these circumstances, what you think "appropriate action" might entail.



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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#1)**

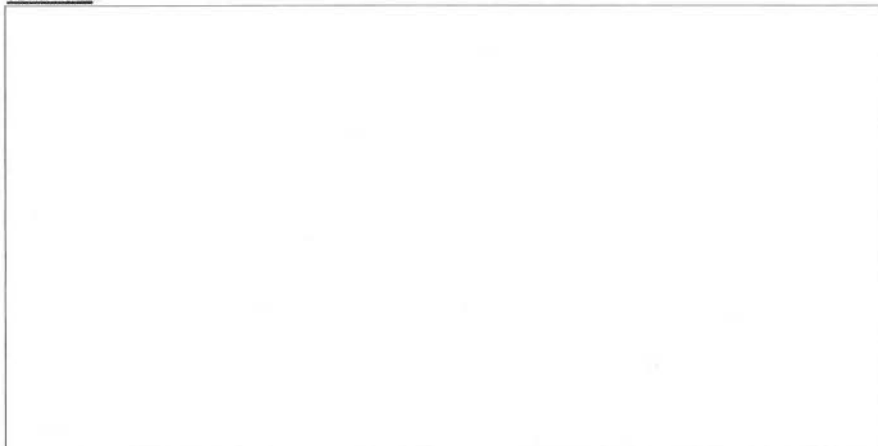
**RELEASE IN PART
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Question:

**REVIEW AUTHORITY: Barbara Nielsen, Senior
Reviewer**

The United States has historically taken the position that the International Covenant on Civil and Political Rights does not apply to U.S. actions outside the territory of the United States, including extraterritorial actions undertaken during the course of armed conflict. If confirmed as Legal Adviser, do you intend to recommend any change in this position? If so, please explain the changes you intend to propose and the reasons for them.

Answer:



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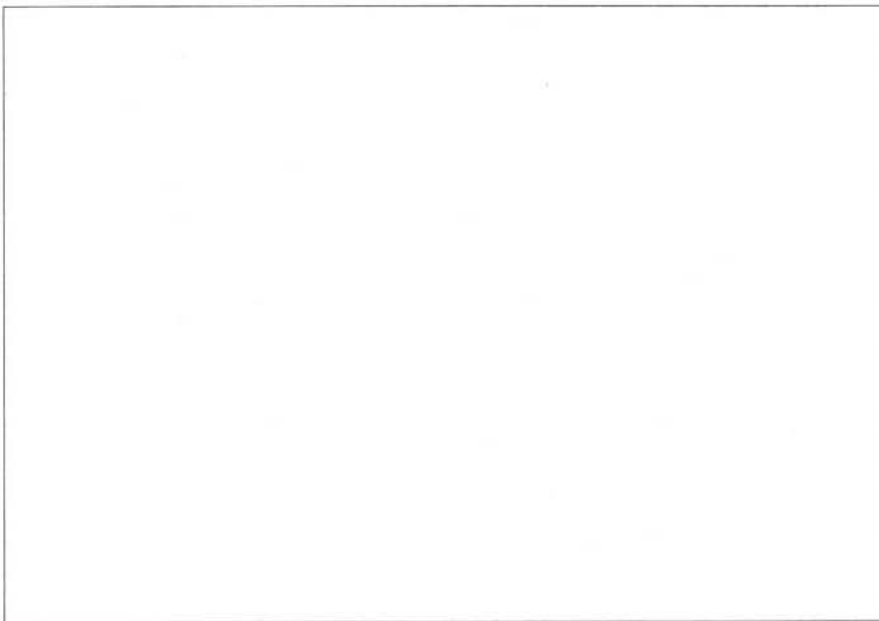
**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#2)**

Question:

In a 2007 article in the Journal of International Economic Law, you criticized positions taken by the Bush Administration in litigation under the Alien Tort Statute and stated, inter alia, that "there has been no change in the wording of either the Alien Tort Statute (ATS) or the Torture Victim Protection Act (TVPA), and thus, no apparent legal reason why the United States should suddenly depart from the positions of the Carter and Clinton Administrations supporting the use of US courts for Filartiga-type recovery under these two statutes."

Under what circumstances do you believe the Executive Branch may appropriately change its interpretation of treaties or statutes from those taken under prior Administrations?

Answer:



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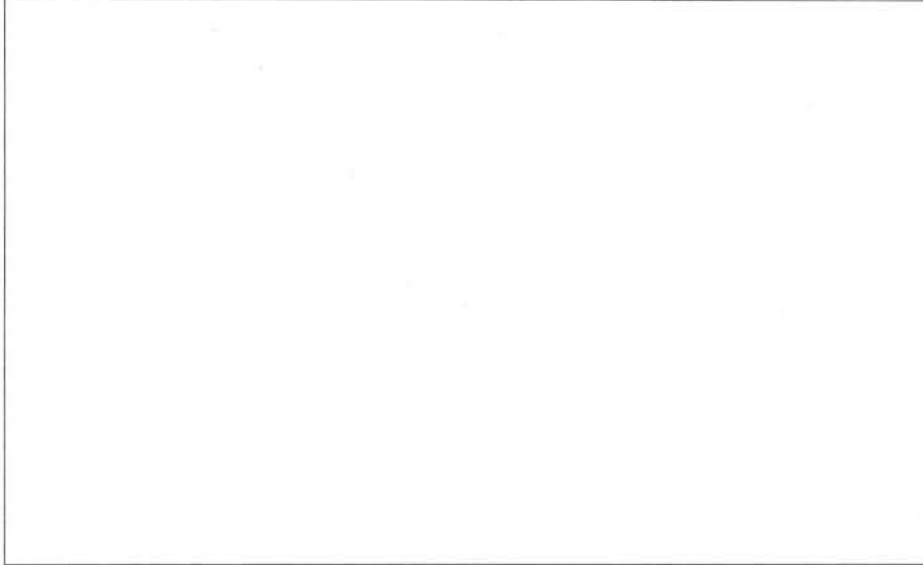


**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#3)**

Question:

If confirmed as Legal Adviser, to what extent will you consider yourself bound in providing advice to the Department of State on questions of statutory or treaty interpretation by prior Executive Branch interpretations of the statute or treaty in question?

Answer:



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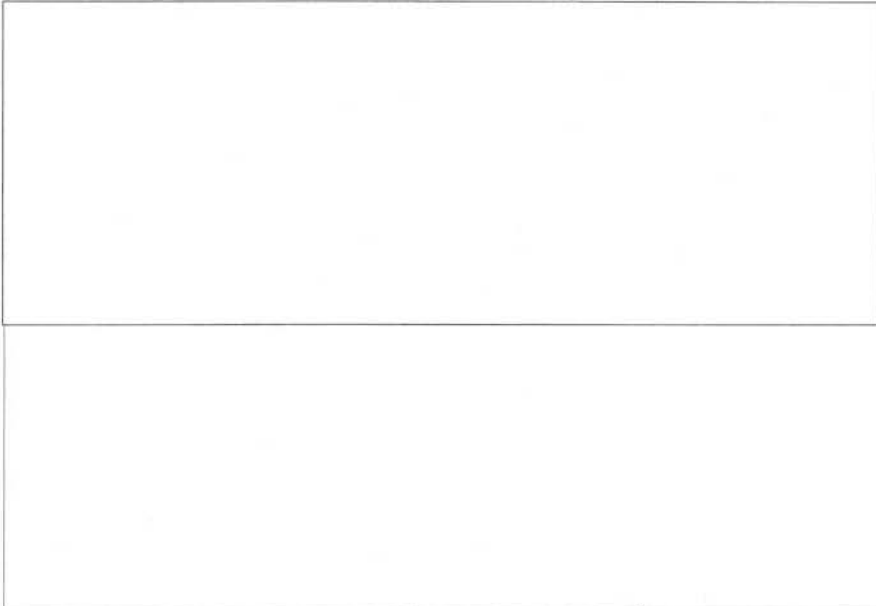
**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#4)**

Question:

In a 1994 article in the Yale Law Journal discussing the U.S. Supreme Court's decision in *Sale v. Haitian Centers Council* you wrote that "Haitian Centers Council takes its place atop a line of recent Supreme Court precedent misconstruing international treaties. In the past few years, the Court has sanctioned the emasculation of a range of treaties governing service of process, taking of evidence, bilateral extradition, and now nonrefoulement."

Under what circumstances, if any, do you believe the Executive Branch may adopt a different interpretation of the legal effect of a treaty than that adopted by the U.S. Supreme Court in a case interpreting the treaty?

Answer:



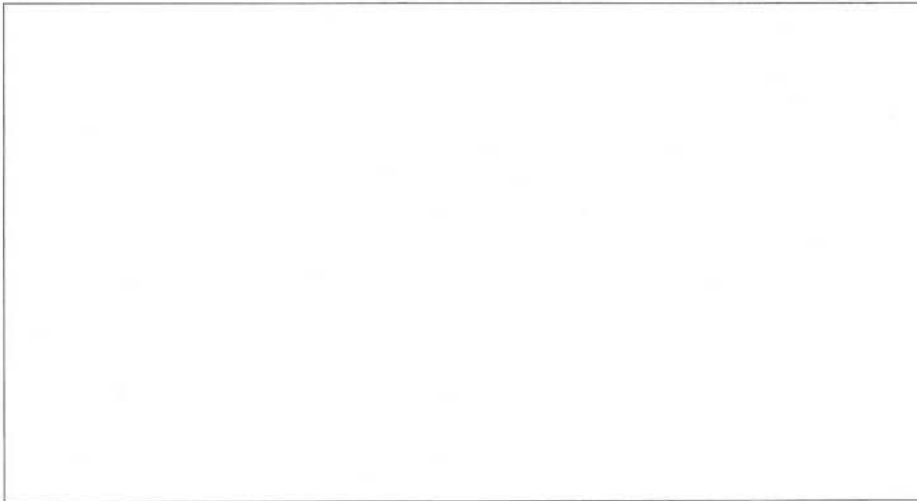
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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#5)**

Question:

If confirmed as Legal Adviser, to what extent will you consider yourself bound in providing advice to the Department of State on questions of treaty interpretation by interpretations of the treaty in question adopted by the U.S. Supreme Court?

Answer:



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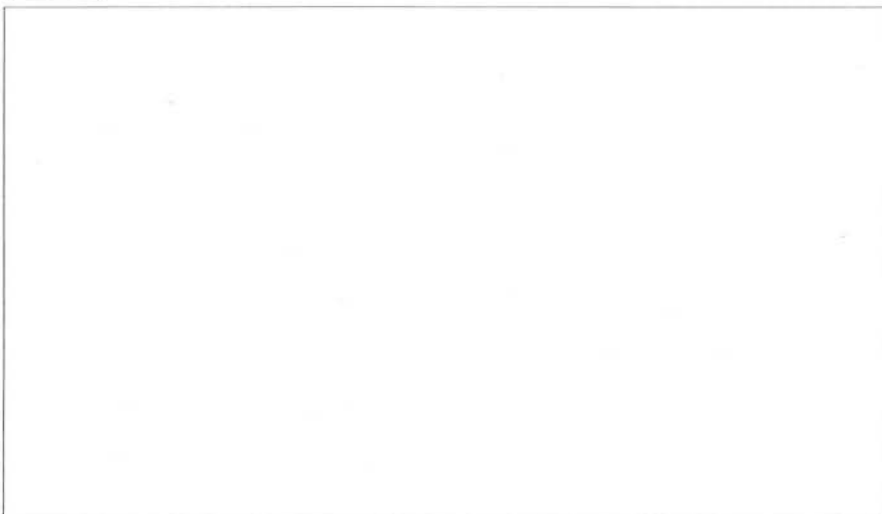
**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#6)**

Question:

In testimony before this Committee in 2002 on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) you stated that "The United States can and should accept virtually all of CEDAW's obligations and undertakings without qualification... Although past Administrations have proposed that ratification be accompanied by certain reservations, declarations, and understandings, only one of those understandings, relating to limitations of free speech, expression and association, seems to me advisable to protect the integrity of our national law."

Under what circumstances, if any, do you believe the Executive Branch may adopt a different interpretation or application of a treaty's provisions than those reflected in reservations, understandings, and declarations accompanying the Senate's advice and consent to the treaty?

Answer:



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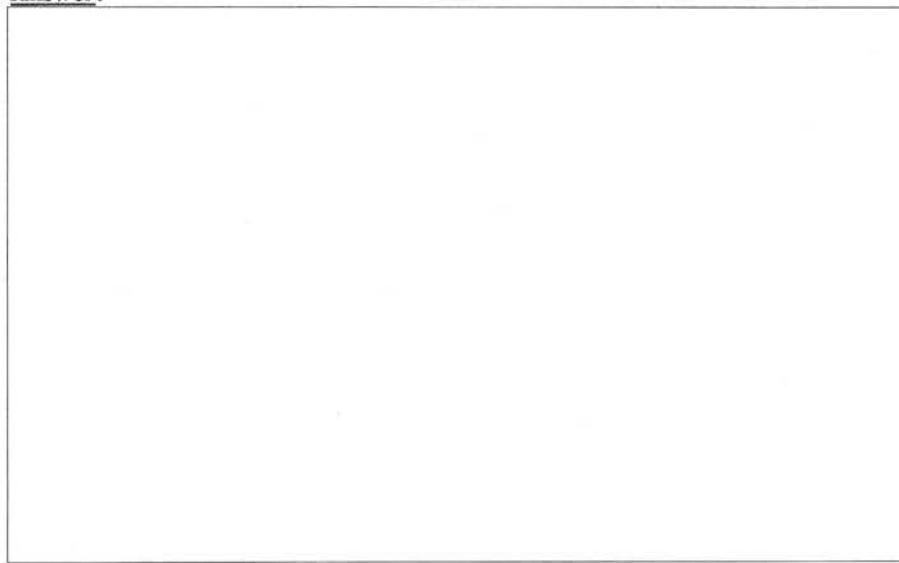
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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#7)**

Question:

If confirmed as Legal Adviser, to what extent will you consider yourself bound in providing advice to the Department of State on questions of treaty interpretation and application by reservations, understandings, and declarations accompanying the Senate's advice and consent to the treaty in question?

Answer:



B5

**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#8)**

Question:

You have been Counsel of Record in amicus briefs filed in the U.S. Supreme Court urging the Court to consider the law and practice of foreign jurisdictions when interpreting rights-bearing provisions of the U.S. Constitution. If confirmed as Legal Adviser, what role, if any, do you expect to have in the Obama Administration's decisions on the interpretation of rights-bearing provisions of the U.S. Constitution, and on positions the Obama Administration takes on such issues in litigation?

Answer:



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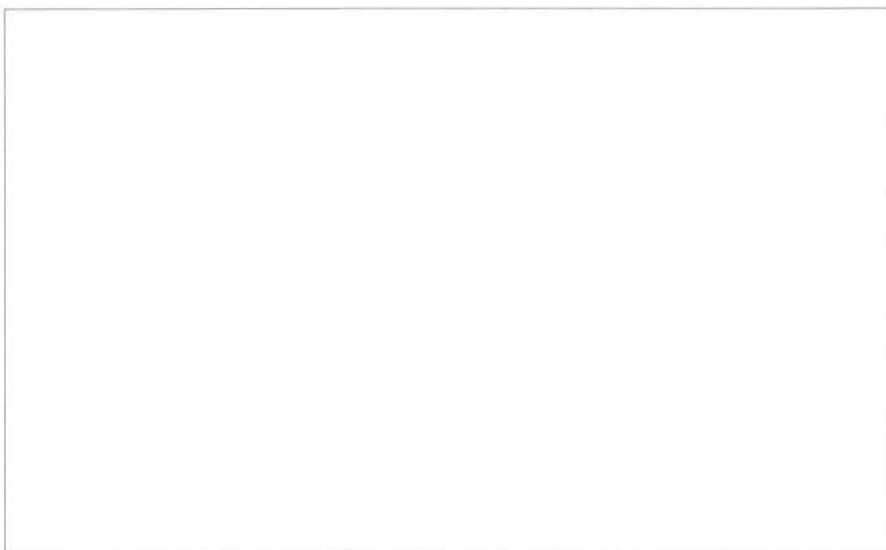
**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#9)**

Question:

A December 12, 2008 Memorandum of Understanding between the William J. Clinton Foundation and the Obama Presidential Transition Foundation governs certain fundraising activities of the Clinton Foundation during the period of Hillary Clinton's service as Secretary of State. The Memorandum of Understanding provides, *inter alia*, for the State Department's designated agency ethics official to review and advise on ethics issues potentially raised by certain proposed contributions to the Clinton Foundation.

The State Department's designated agency ethics official is employed within the Department's Bureau of Legal Affairs, over which you will have management responsibility if confirmed as Legal Adviser. If confirmed, what role, if any, do you expect to play with respect to the functions performed and the advice provided by the designated ethics official on issues addressed by the Memorandum of Understanding?

Answer:



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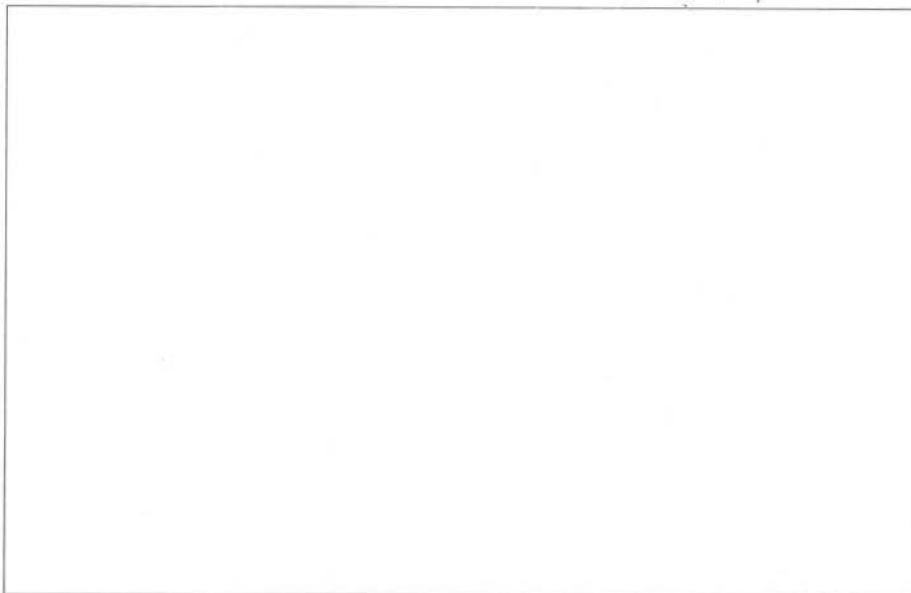
**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#10)**

Question:

In a number of law review articles, you have developed a theory of "transnational legal process" in which you seek to explain ways in which states comply with rules of international law through the internalization of such rules into domestic law and processes. In a 2004 law article in the Berkeley Journal of International Law addressing this theory you wrote: "Some have asked me, 'Is your notion of transnational legal process an academic theory? Is it an activist strategy? Or is it a blueprint for policy makers?' Over time, my answer has become, 'It is all three.'"

In what sense do you consider your theory of transnational legal process a blueprint for policy makers?

Answer:



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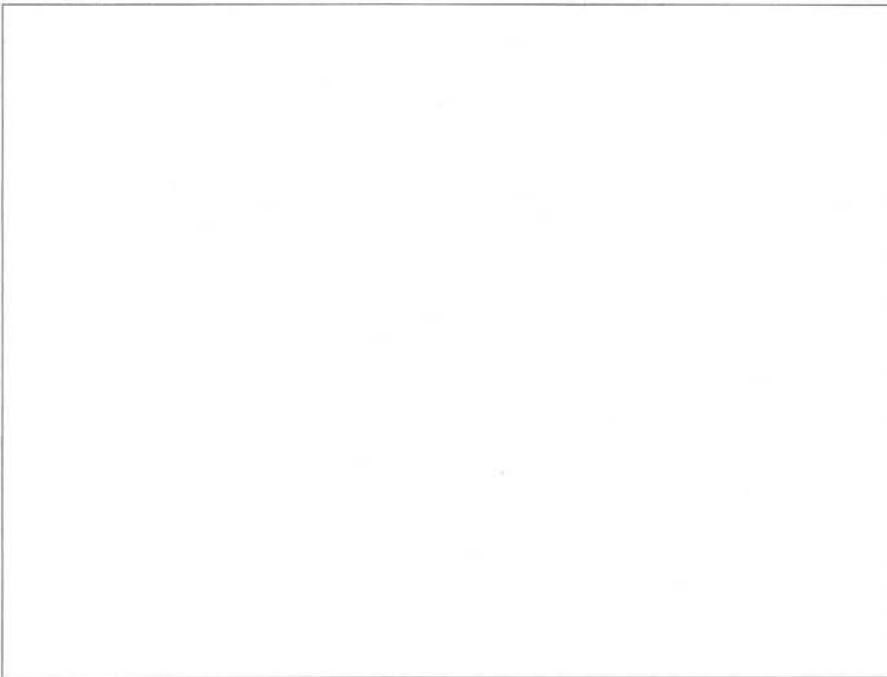
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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#11)**

Question:

What aspects of your theory of transnational legal process do you believe are relevant to the role of the Legal Adviser to the Department of State and, if confirmed, what guidance do you expect to draw from this theory in performing the functions of the Legal Adviser?

Answer:



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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#12)**

Question:

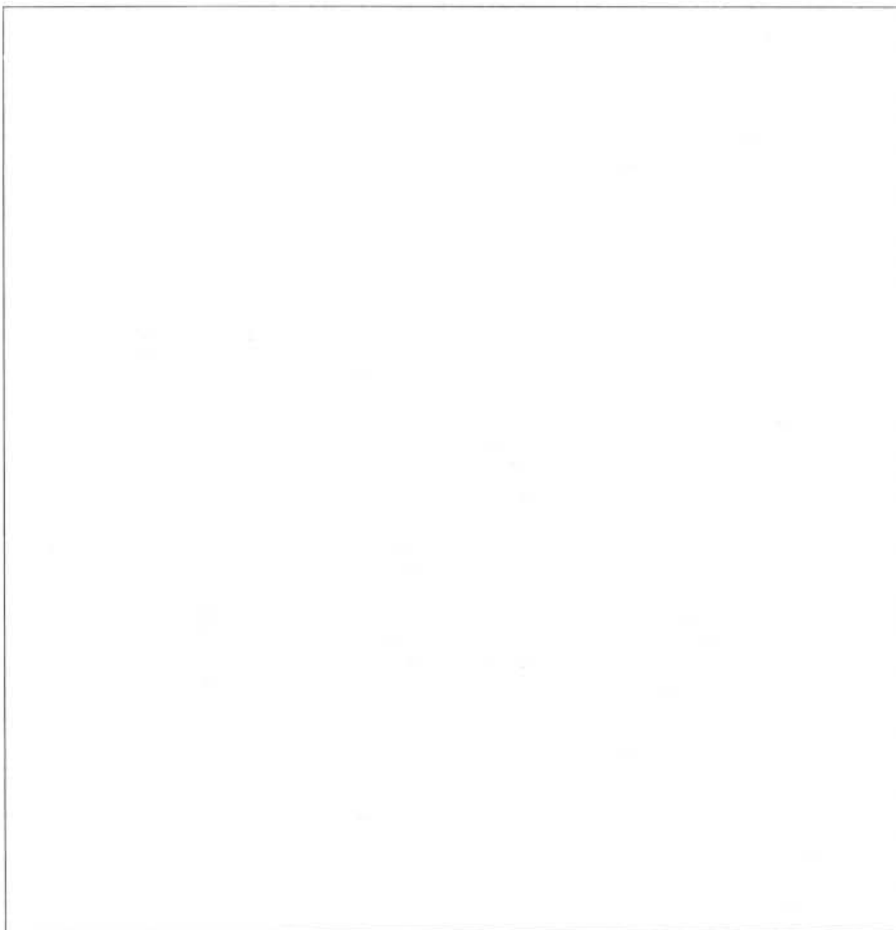
In a 2007 Comment in Michael Doyle's book *Striking First*, you wrote "[I]f you look at some of the yielding lawyers with whom the current president has surrounded himself, at the White House counsel's office, as attorney general, and as general counsel of the Defense Department, you quickly conclude that, sadly, these are not the kind of strong-willed, independent-minded attorneys who, in a unilateral situation, are likely to impose restraints upon the president's will, based on the rule of law."

In the context of these comments, please discuss the general approach you would intend to take, if confirmed, in providing legal advice to the Secretary of State and other Department officials, and the role you believe the Legal Adviser should play in assisting policymakers to achieve desired policy objectives.

Answer:

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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#13)**

Question:

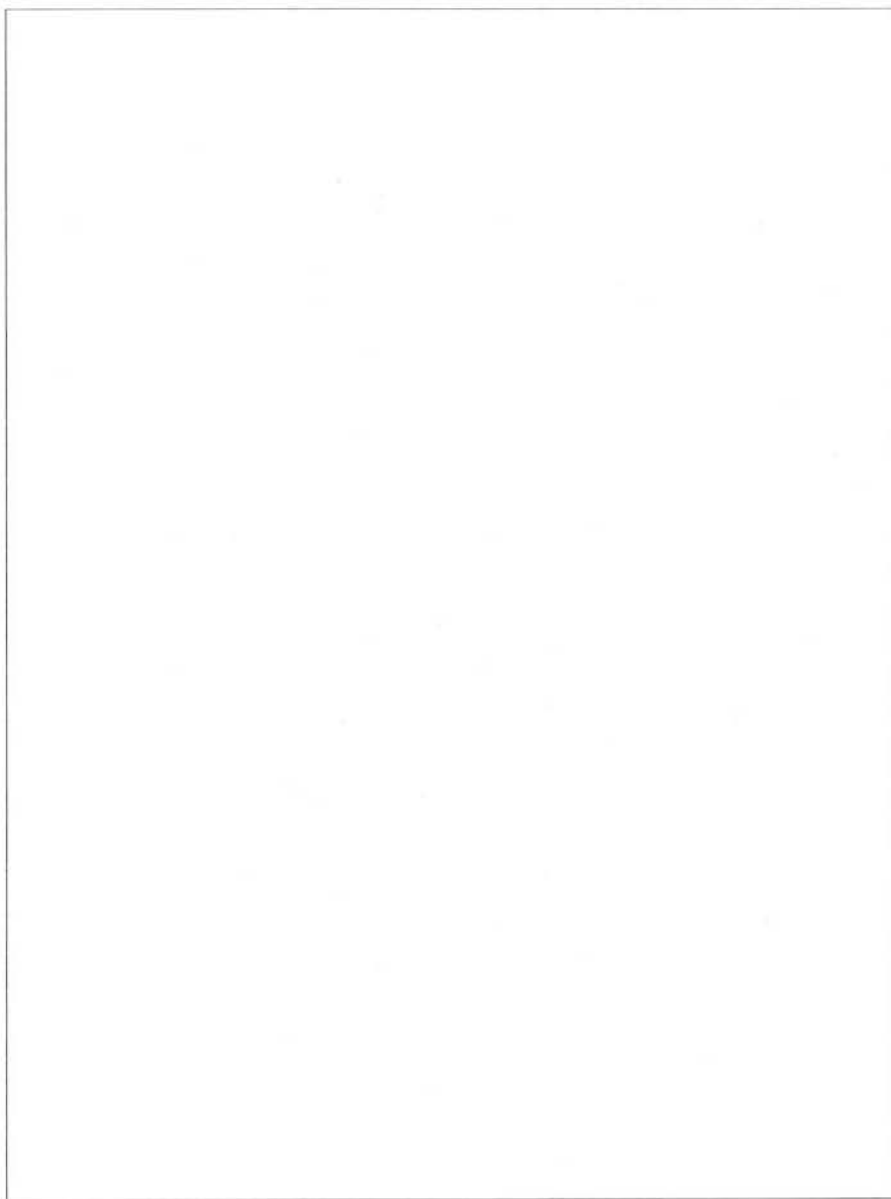
In a 2004 law article in the Berkeley Journal of International Law you wrote the following:

"Turning to the United States, the final member of the 'axis of disobedience,' our greatest surprise should be how quickly after September 11th we turned the story from the non-compliance of others with international law, to our own non-compliance. Examples abound: first and most obviously, the U.S. unsigning of the International Criminal Court Treaty; second, the U.S. attitude towards the Geneva Conventions - including its actions in Abu Ghraib, its decision to create zones in Guantanamo in which people are being held without Geneva Convention rights as well as to designate certain U.S. citizens within the United States as enemy combatants; and third, the death penalty, which has become a growing irritant in the relationship between the United States and the European Union, even in the war against terrorism."

Please explain in what sense you believe the so-called "unsigning" of the Rome Statute of the International Criminal Court amounts to non-compliance with international law. Do you believe that international law requires states to become parties to particular treaties or precludes states from expressing an intention not to become parties to treaties they have previously signed but not ratified?

Answer:

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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#14)**

Question:

In a 2004 law article in the Berkeley Journal of International Law you wrote the following:

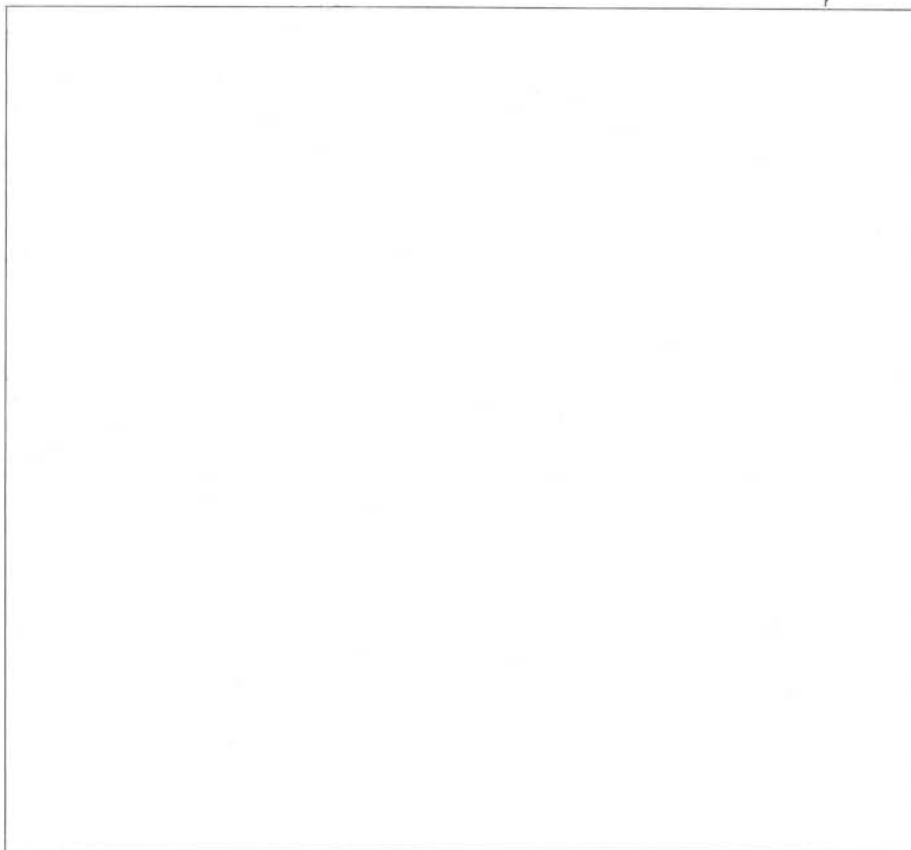
"Turning to the United States, the final member of the 'axis of disobedience,' our greatest surprise should be how quickly after September 11th we turned the story from the non-compliance of others with international law, to our own non-compliance. Examples abound: first and most obviously, the U.S. unsigning of the International Criminal Court Treaty; second, the U.S. attitude towards the Geneva Conventions - including its actions in Abu Ghraib, its decision to create zones in Guantanamo in which people are being held without Geneva Convention rights as well as to designate certain U.S. citizens within the United States as enemy combatants; and third, the death penalty, which has become a growing irritant in the relationship between the United States and the European Union, even in the war against terrorism."

Please explain in what sense you believe that U.S. practice with respect to the death penalty amounts to non-compliance with international law.

Answer:

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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#15)**

Question:

In November 2001 you delivered the Edward L. Barrett, Jr. Lecture on Constitutional Law at the University of California, Davis School of Law. In that lecture, you discussed your tenure as Assistant Secretary of State for Democracy, Labor and Human Rights between 1998 and 2001, and stated "While I recognized that the United States stood increasingly among the minority of nations in its adherence to the practice [of capital punishment], I did not believe that a customary norm of international law had yet formed condemning the practice."

Do you believe that a customary norm of international law currently exists condemning the practice of capital punishment? If so, what consequences do you believe flow from the existence of such a norm? If confirmed as Legal Adviser, what steps would you recommend that the United States take in light of any such norm?

Answer:



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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#16)**

Question:

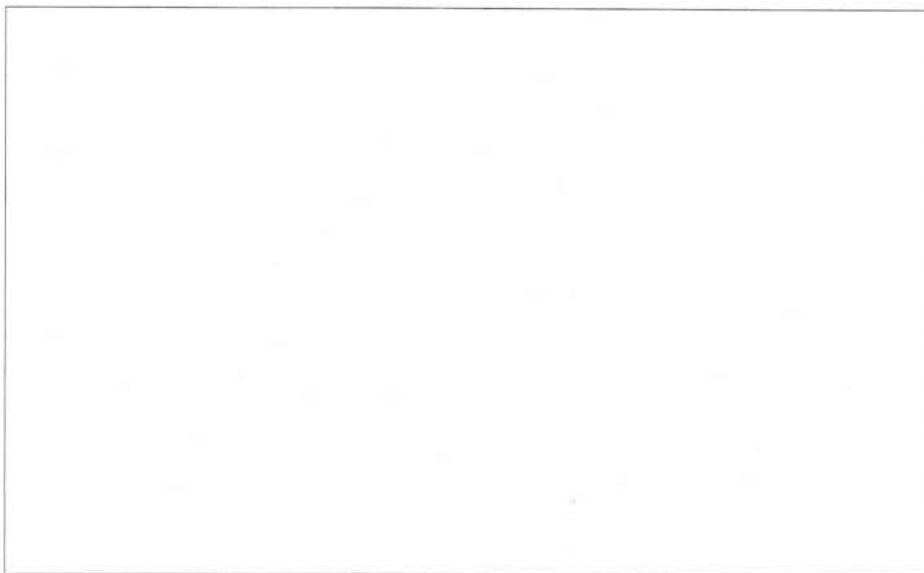
In the same lecture, you stated that prior to accepting the position as Assistant Secretary for Democracy, Labor, and Human Rights "I wondered whether I could publicly defend the legality of the death penalty. My initial view was that, whatever my moral beliefs, as an official sworn to uphold the Constitution and laws of the United States, I could defend the legality of the death penalty, so long as it was in fact administered as Gregg and Furman required according to exacting constitutional procedures." Later in the same lecture, you stated that "One day during my time in government, while being challenged on the death penalty, I could no longer find it in my heart to defend the practice. I found myself morally convinced that its continuing use is not only utterly wrong, but also unconstitutional."

In recent years, Legal Advisers to the State Department have been called upon to address and defend aspects of U.S. practice with respect to the death penalty, including in litigation before the International Court of Justice and in connection with periodic reports of the United States to human rights treaty bodies monitoring the implementation of the International Covenant on Civil and Political Rights and the Convention on the Elimination of Racial Discrimination.

In light of the development you have described in your views on capital punishment as practiced in the United States, do you believe you will be able to represent the United States on issues related to capital punishment if you are confirmed as Legal Adviser? Please explain the approach you would intend to take on such issues.

Answer:

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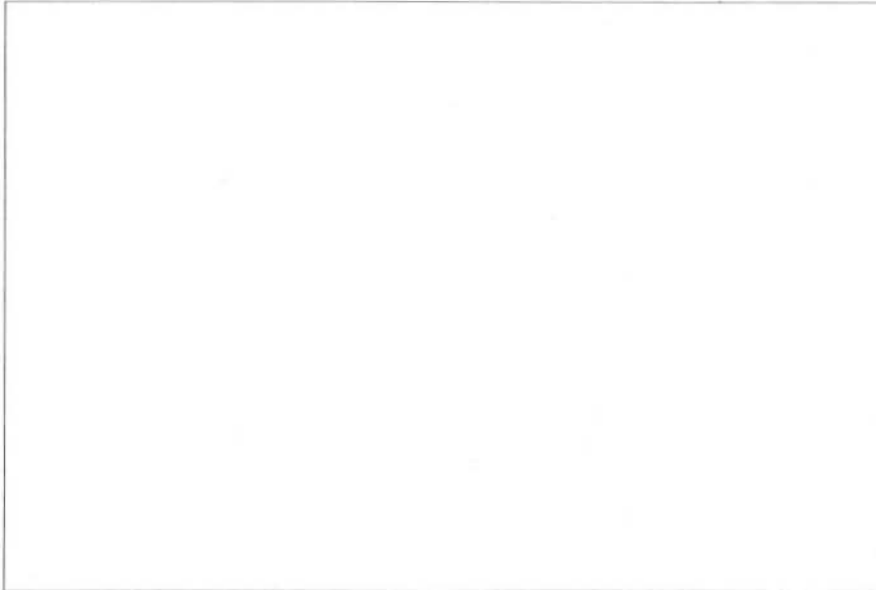
**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#17)**

Question:

In testimony before the Senate Judiciary Committee in September 2008, you stated that the next U.S. Administration "should reengage diplomatically with the Contracting Parties to the International Criminal Court to seek resolution of outstanding U.S. concerns and pave the way for eventual U.S. ratification of the Rome Treaty."

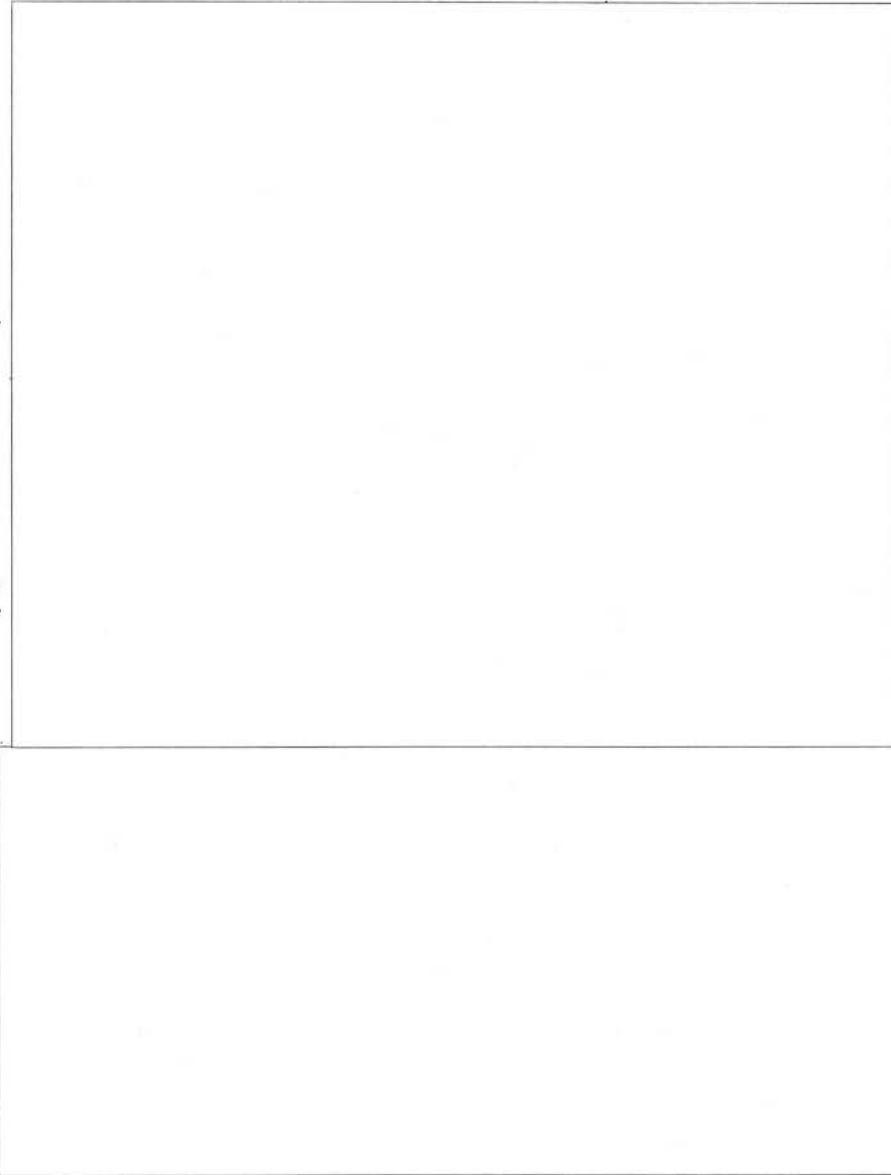
Please indicate what specific concerns you believe would need to be addressed before it would be advisable for the United States to consider becoming a party to the Rome Statute.

Answer:



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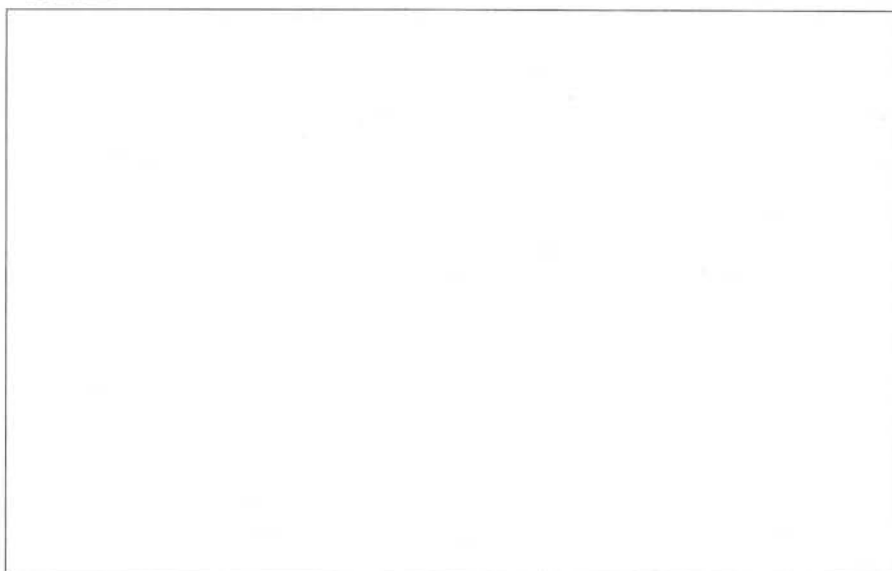
**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#18)**

Question:

In the same testimony, you urged that "at the earliest opportunity, the new Secretary of State should withdraw the Bush Administration's May 2002 letter to the United Nations 'unsigned' the U.S. signature on the Rome Treaty creating the ICC, restoring the status quo ante that existed at the end of the Clinton Administration."

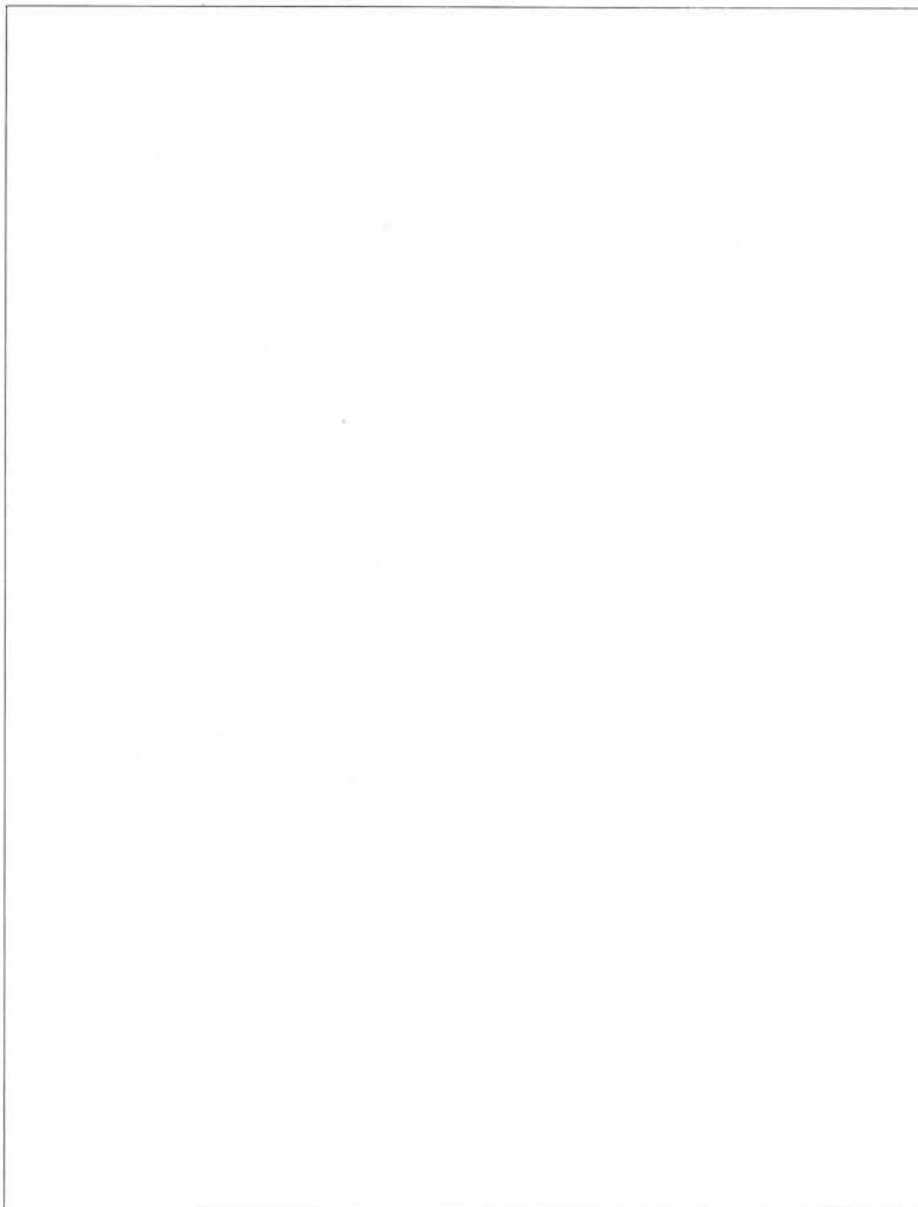
What do you believe the legal effect of such an action would be? What obligations, if any, would the United States incur in relation to the Rome Statute if it took this step?

Answer:



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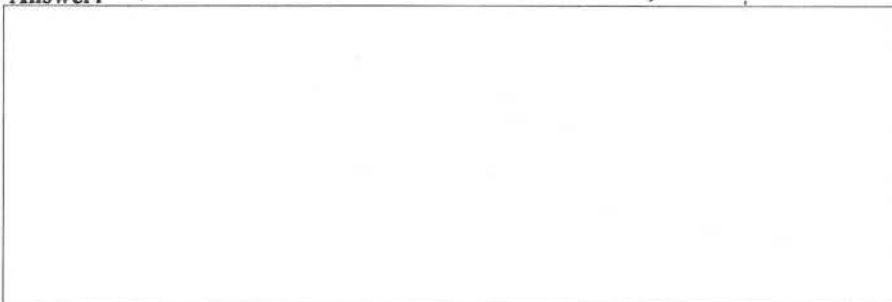
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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#19)**

Question:

The Bush Administration's May 2002 letter stated, in pertinent part, that "the United States does not intend to become a party" to the Rome Statute. Is it the position of the Obama Administration that the United States does intend to become a party to the Rome Statute?

Answer:



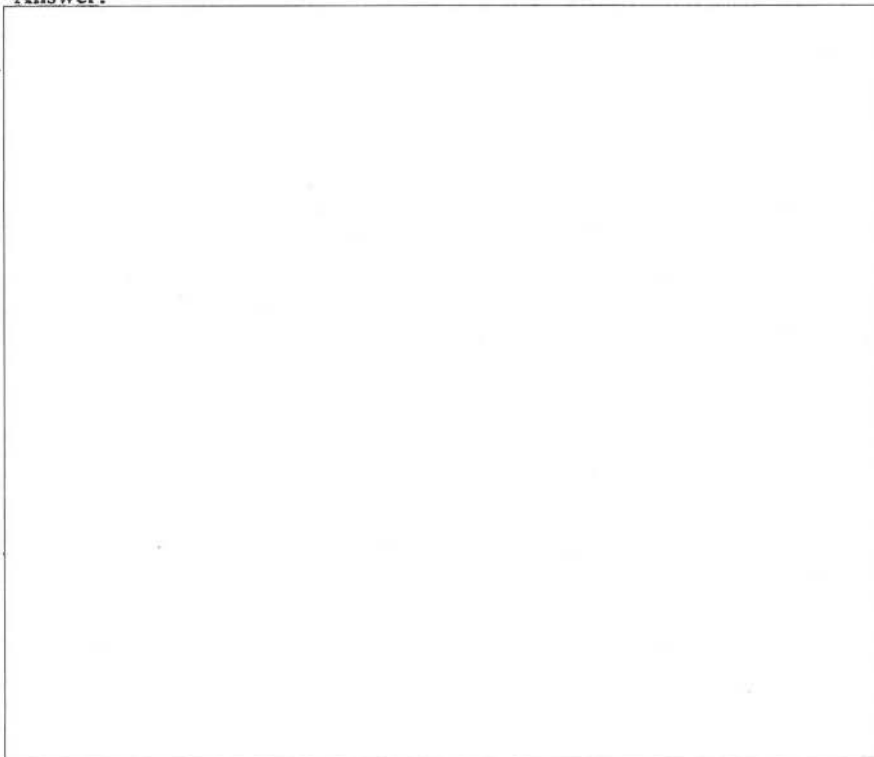
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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#20)**

Question:

The Assembly of States Parties to the Rome Statute is in the process of considering whether to adopt a definition of a crime of aggression over which the International Criminal Court would exercise jurisdiction. What interests do you believe the United States has with respect to whether, and in what form, the Assembly of States Parties adopts a crime of aggression? What steps do you believe the United States should take to advance and protect its interests in connection with this process?

Answer:



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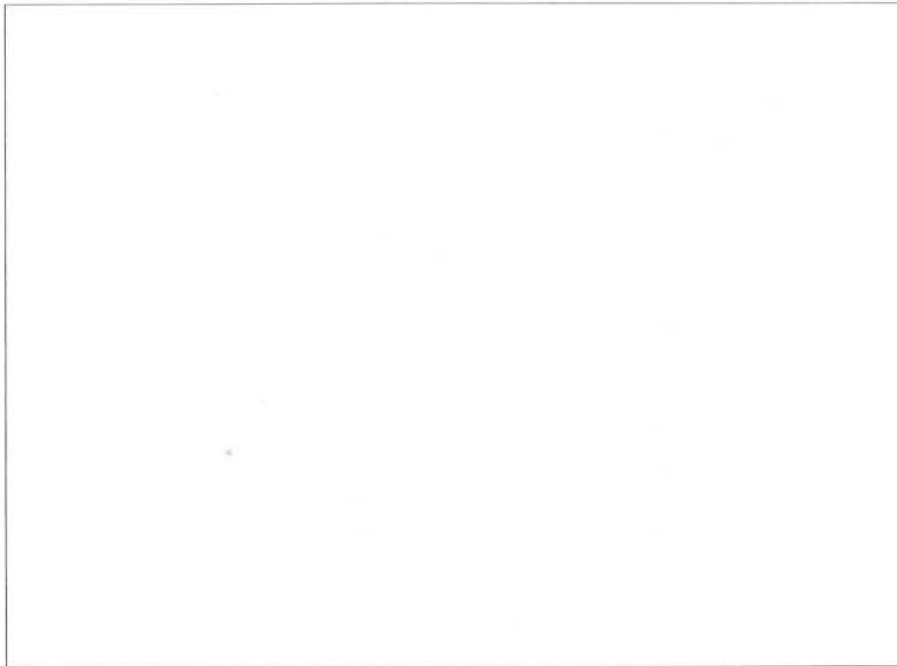
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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#21)**

Question:

On March 29, the *New York Times* reported that a Spanish court was considering opening a criminal investigation into actions of former U.S. officials involved in decisions about detention and interrogation policy during the Bush Administration. What U.S. interests do you believe are implicated by efforts of foreign courts to assert criminal jurisdiction over sitting or former U.S. officials for acts undertaken in the course of their official duties? What do you believe is the appropriate role of the U.S. Government in responding to such cases?

Answer:



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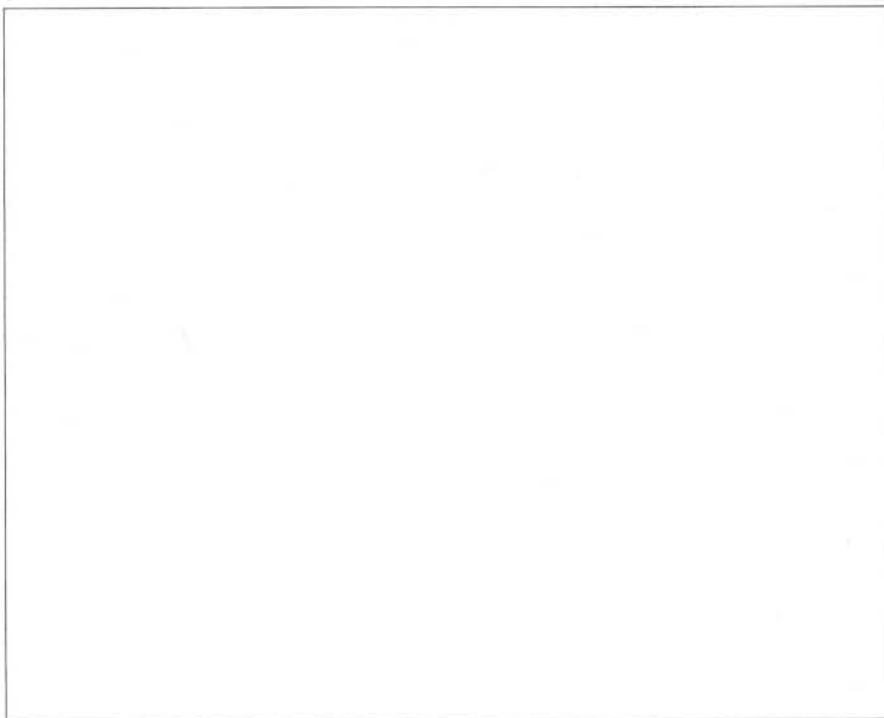


**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#22)**

Question:

Successive U.S. Administrations have from time to time filed briefs in cases in U.S. courts under the Alien Tort Statute in which the United States itself was not a party. Under what circumstances do you believe it is appropriate for the United States to submit views in such cases? What principles do you believe should govern any positions to be taken by the United States in such cases?

Answer:



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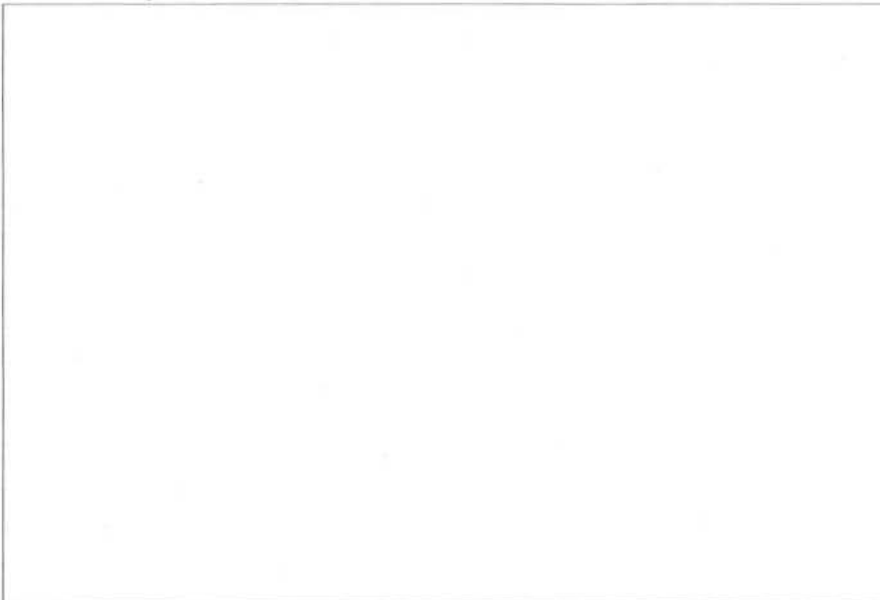
**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#23)**

Question:

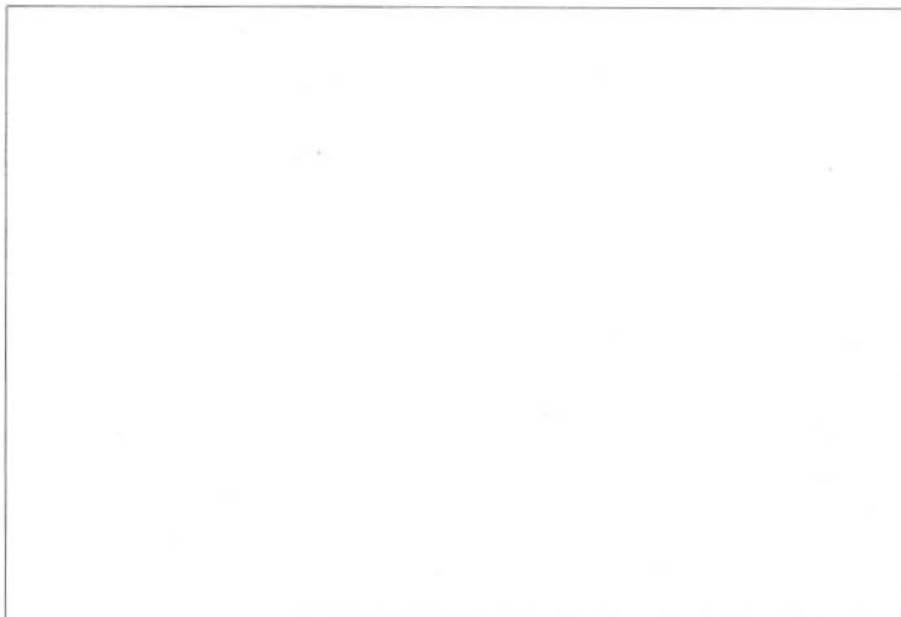
In a 2005 article in the *Indiana Law Journal*, discussing the Alien Tort Statute, you wrote that "Under U.S. law, the President may not, on his own, violate a *jus cogens* norm such [as] those against torture or slavery or genocide. In the event that the President does, he as well as his subordinates may be sued under the [Alien Tort Claims Act]."

Is it the position of the Obama Administration that the Alien Tort Statute provides for civil damage remedies against individual U.S. officials, including the President, in connection with actions taken in the course of their official duties?

Answer:



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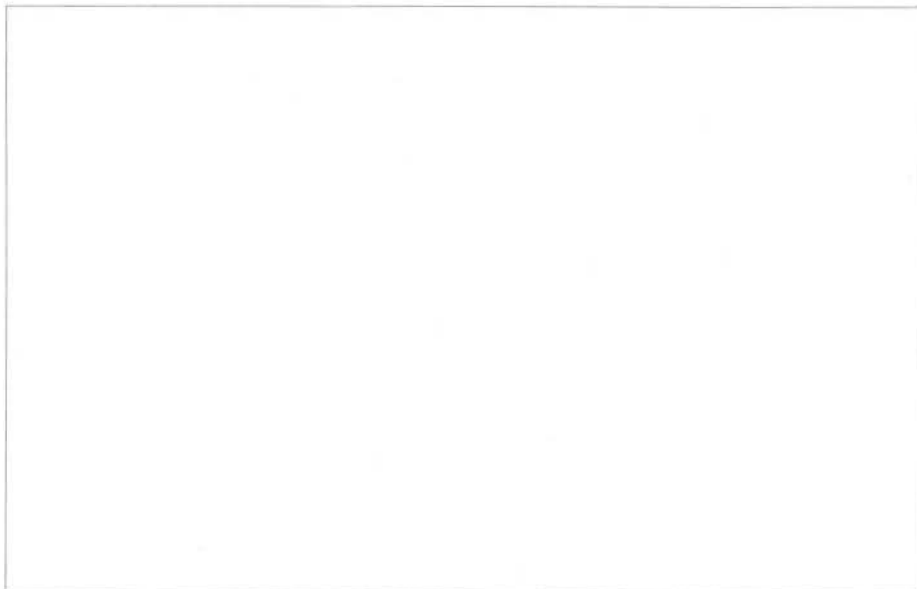
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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#24)**

Question:

What further actions, if any, do you believe the federal and/or state governments should take to give effect to the ICJ's *Avena* judgment? If confirmed as Legal Adviser, what steps would you recommend that the United States take with respect to this issue?

Answer:



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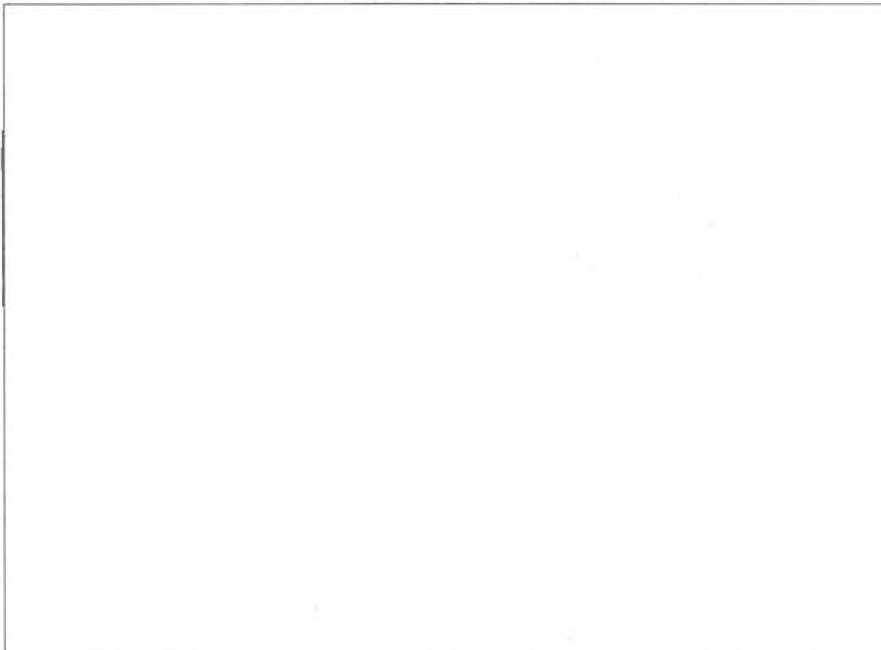
**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#25)**

Question:

Last term in *Medellin v. Texas*, the Supreme Court held that the President could not direct state officials to give effect to treaty obligations of the United States at issue in the case because the relevant treaties were not self-executing and the President did not have other sources of authority on which he could rely to direct such actions.

In light of this decision, what further steps, if any, do you believe the Executive Branch and Congress should take in order to ensure that the United States will be able to fulfill its obligations under treaties to which it is currently party?

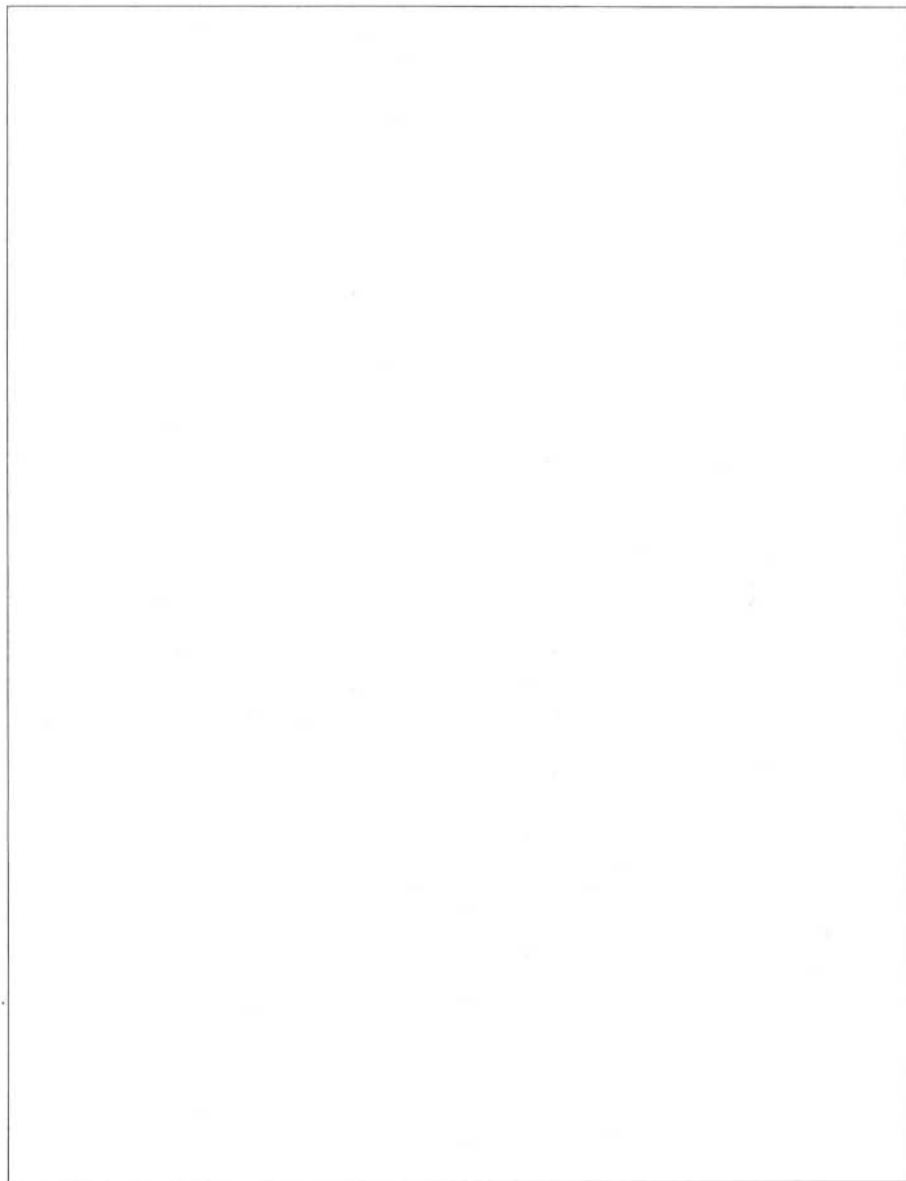
Answer:

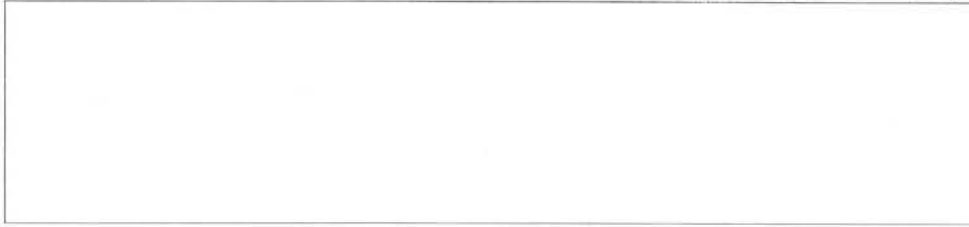


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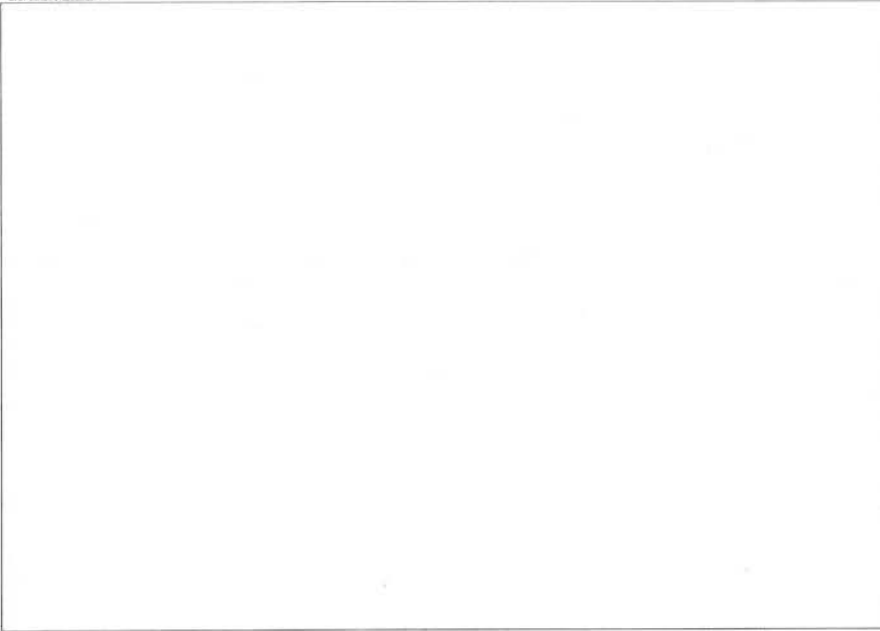
**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#26)**

Question:

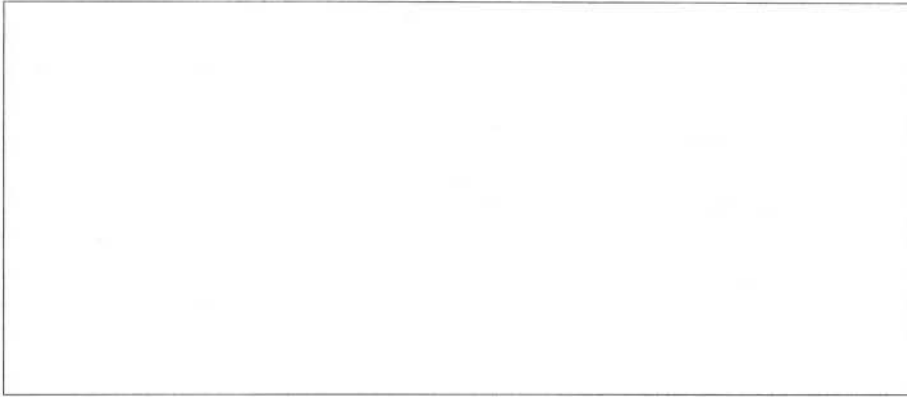
Last term in *Medellin v. Texas*, the Supreme Court held that the President could not direct state officials to give effect to treaty obligations of the United States at issue in the case because the relevant treaties were not self-executing and the President did not have other sources of authority on which he could rely to direct such actions.

What steps do you believe the Executive Branch and Congress should take during the process of considering future treaties to which the United States may become party to ensure that the United States will be able to fulfill obligations it would undertake under such treaties?

Answer:



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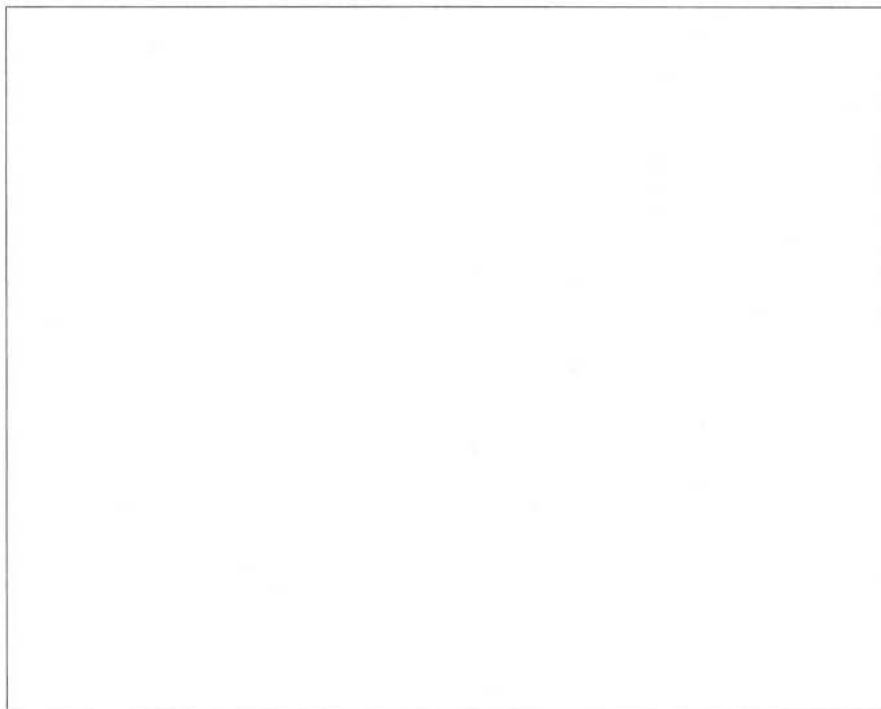
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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#27)**

Question:

Do you believe the Senate has a co-equal role with the Executive Branch in deciding whether treaties to which the United States may become party will be treated as self-executing for the purposes of U.S. law?

Answer:



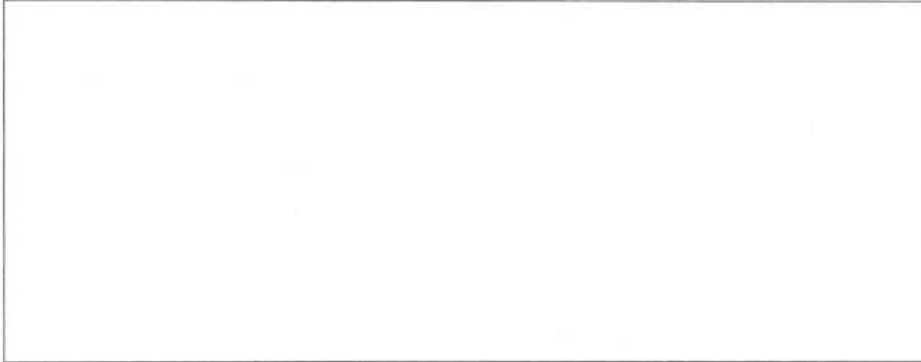
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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#28)**

Question:

If confirmed, will you consult with the Senate on arrangements for implementing obligations the United States would assume under treaties submitted to the Senate for its advice and consent?

Answer:



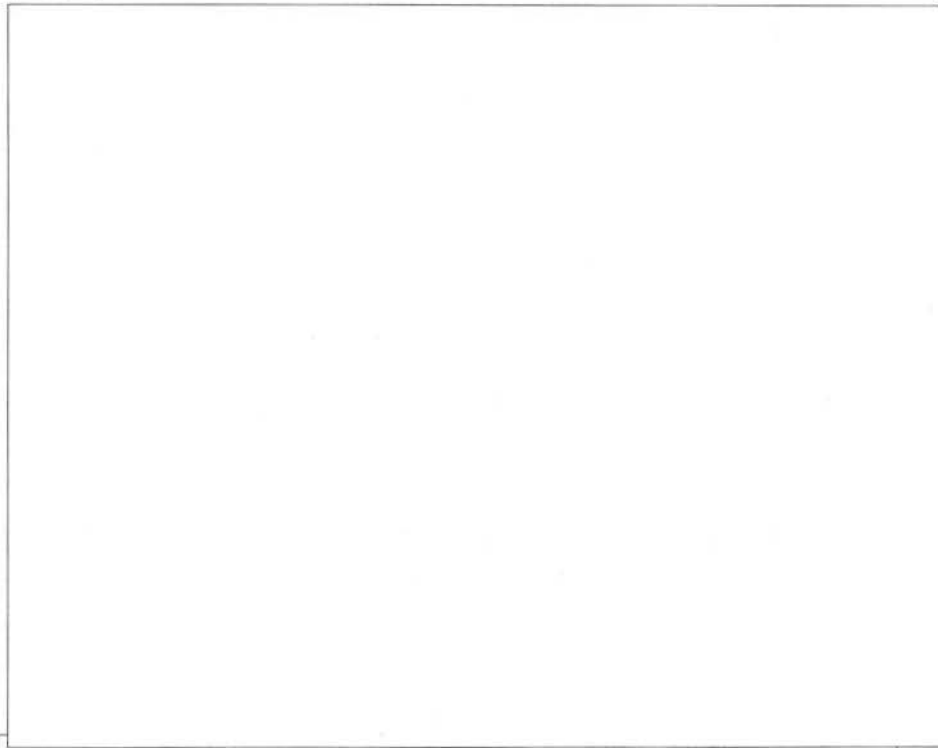
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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#29)**

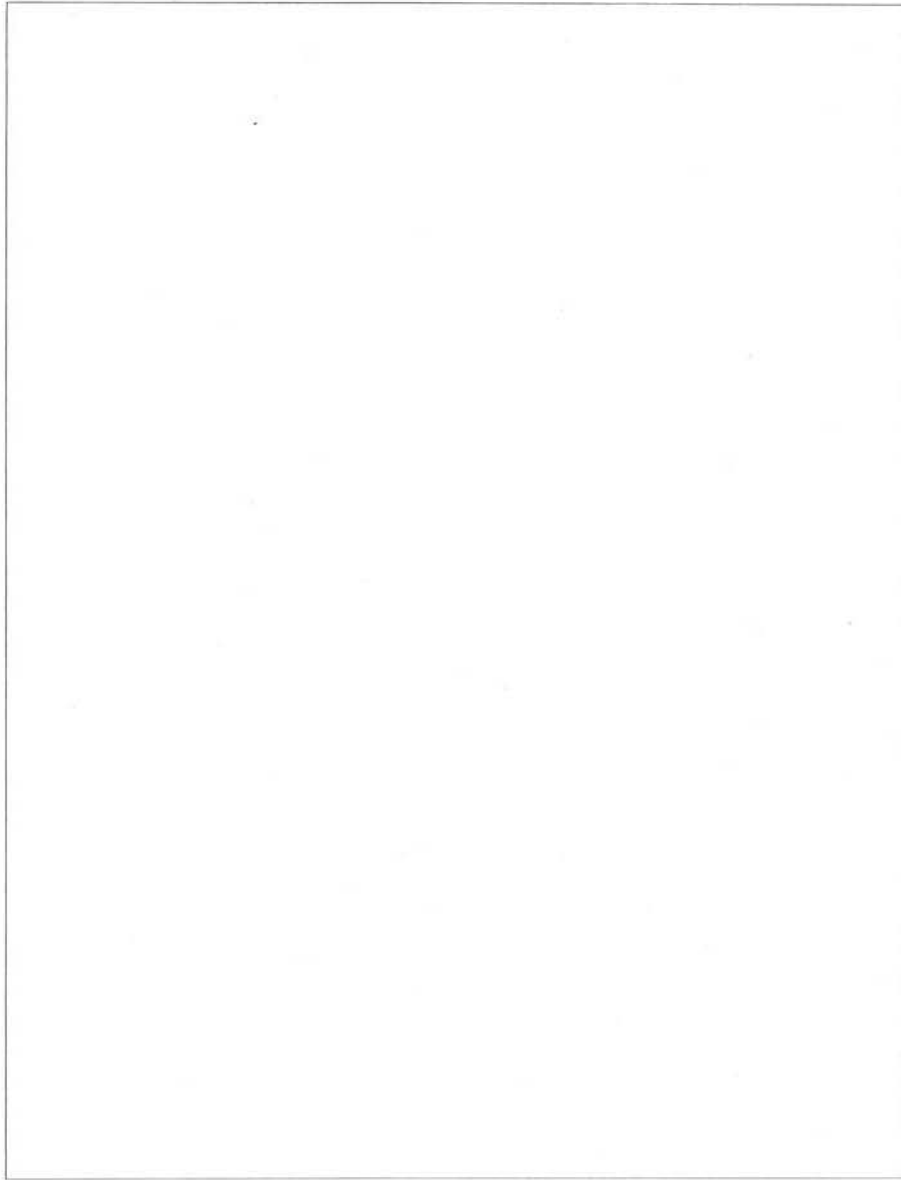
Question:

What legal instruments and rules do you believe govern the detention of individuals captured in connection with U.S. military operations in Iraq and Afghanistan?

Answer:



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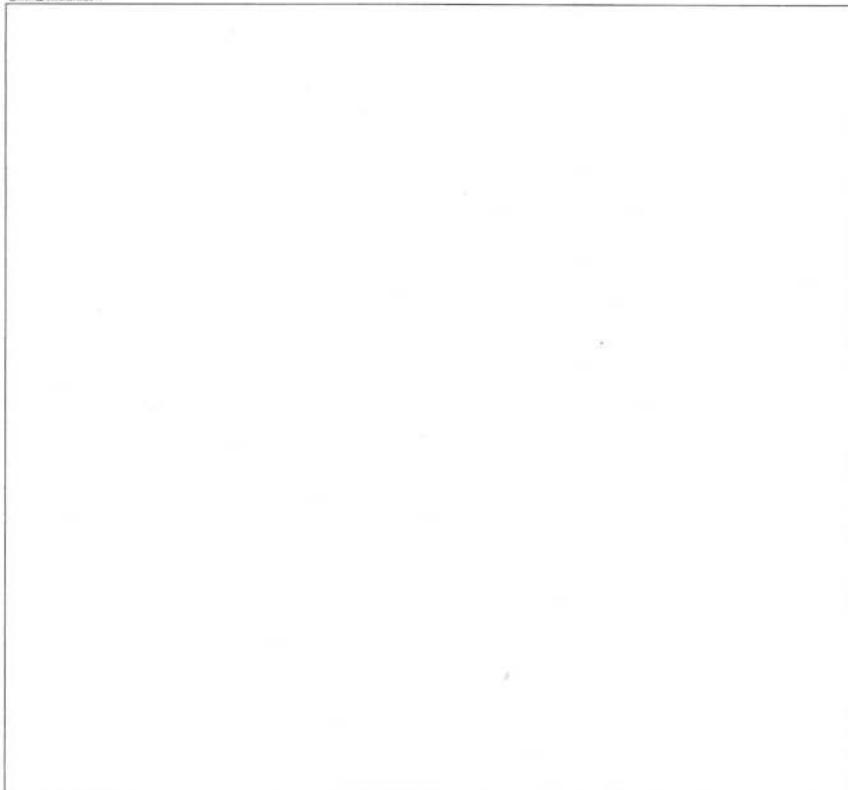
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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#30)**

Question:

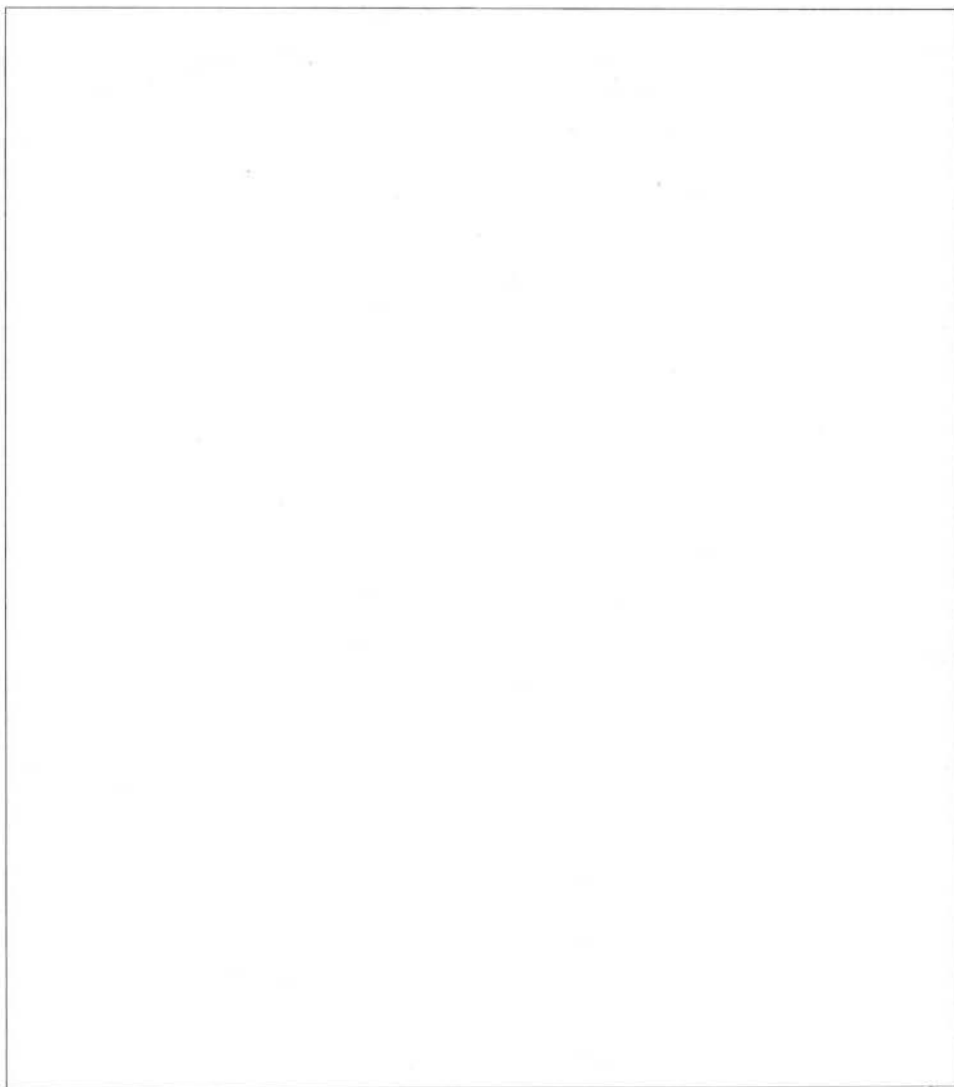
What legal instruments and rules do you believe govern the detention of members of al Qaida captured by the United States outside Iraq and Afghanistan in operations undertaken pursuant to authorization for the use of military force contained in S.J. Res. 23 of September 18, 2001?

Answer:



B5

B5

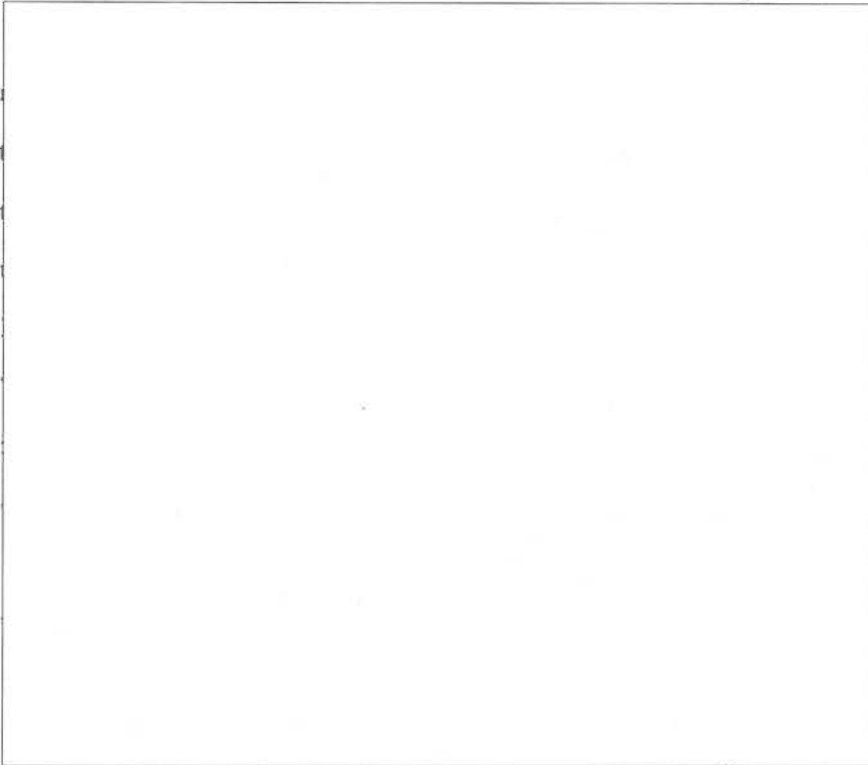


**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#31)**

Question:

In a 2007 article in the Cornell International Law Journal, you urged the United States to renounce the practice of extraordinary rendition. Under what circumstances, if any, do you believe the United States has the authority to transfer an individual to the custody of foreign law enforcement authorities in the absence of an extradition treaty?

Answer:



B5

B5

UNCLASSIFIED U.S. Department of State Case No. F-2015-05559 Doc No. C05892237 Date: 10/23/2015

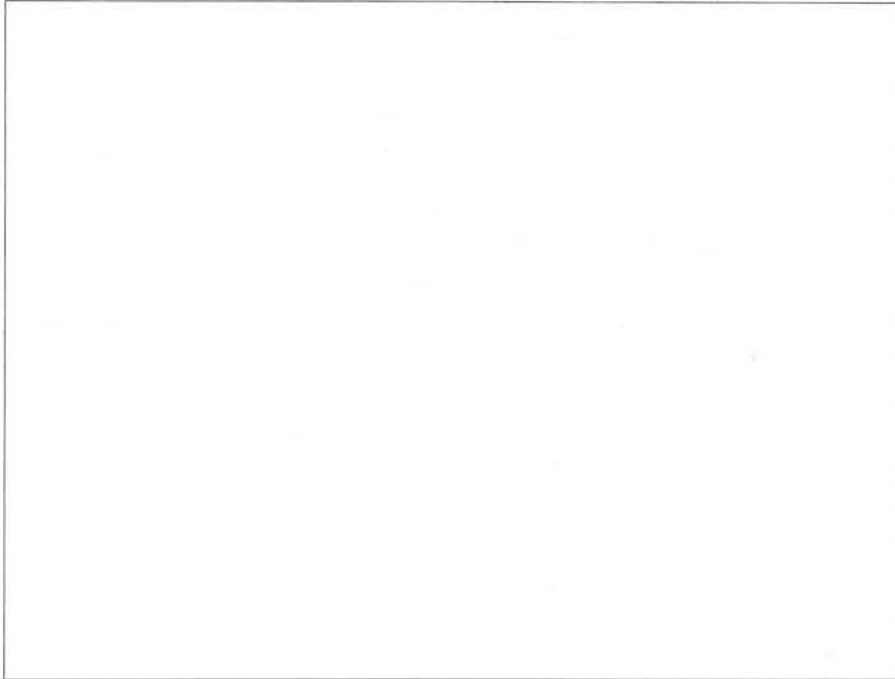
**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#32)**

Question:

In a 2007 Comment in Michael Doyle's book *Striking First*, you discuss international law rules governing the use of force. You propose "that we move to a *per se* ban on unilateral anticipatory war making, with any post hoc justification of such anticipatory actions being asserted as a defense and not in the form of prior permission."

Under what circumstances, if any, do you believe a state may legitimately use force in response to threats that have not resulted in an attack on the state?

Answer:



B5



B5

**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#33)**

Question:

A 2004 report by a high level panel convened by then-UN Secretary General Kofi Annan stated that "a threatened State, according to long established international law, can take military action as long as the threatened attack is imminent, no other means would deflect it and the action is proportionate." Do you agree with this statement?

Answer:

B5

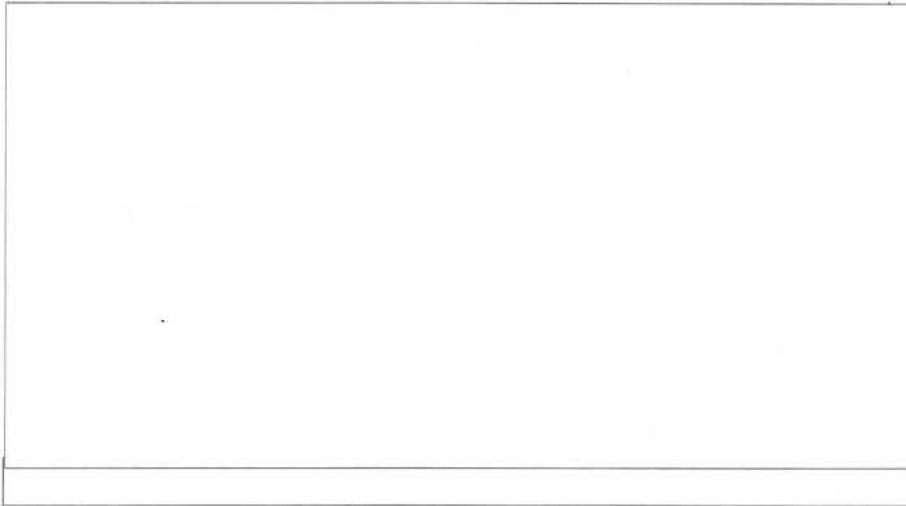
**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#34)**

Question:

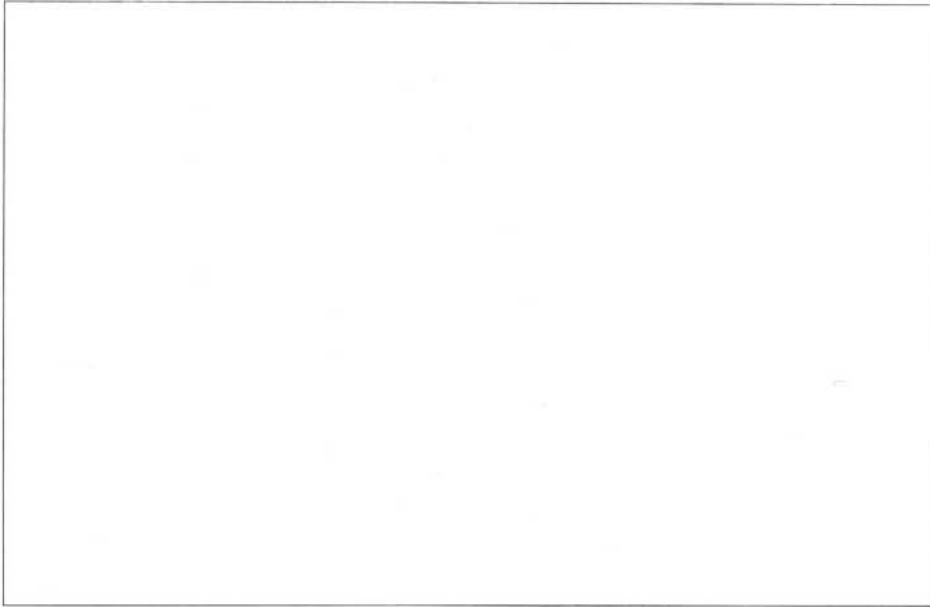
In 2005, the United Nations World Summit endorsed the concept of a responsibility of states to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. The concept as endorsed by the United Nations provides that where states manifestly fail to protect their populations from such atrocities, the international community, acting through the UN Security Council, is prepared to take collective action in a timely and effective manner to provide such protection. Some commentators have asserted that this doctrine provides a basis on which states, individually or collectively, may use force to protect populations in other states from atrocities.

Do you believe that international law recognizes a right of individual states to use force without UN Security Council authorization to protect populations from atrocities?

Answer:



B5



**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#35)**

Question:

If you believe in such a right, what principles govern such interventions? What impact would such a doctrine have on the general prohibition in international law against the use of force between states except in cases of self-defense?

Answer:

B5

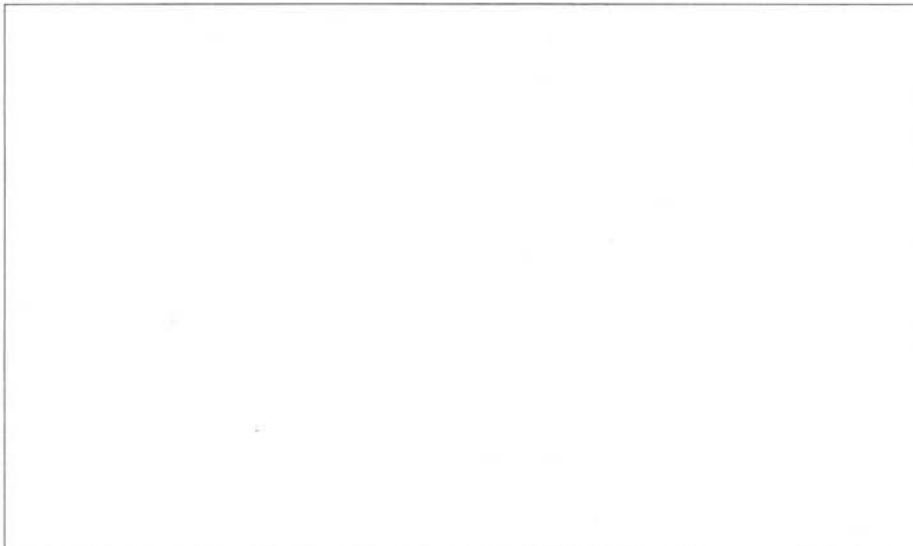
**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (## 36 and 37)**

Questions:

36. Do you believe that events currently taking place in Darfur meet the legal definition of genocide contained in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide? Please indicate the reasons for your conclusion.

37. When then-Secretary of State Colin Powell announced the Bush Administration's position in September 2004 that events then occurring in Darfur met the legal definition of genocide, he based his conclusion on a contemporaneous study conducted by the State Department documenting atrocities in Darfur, including field interviews with over 1,100 Darfur refugees. Has the Obama Administration conducted a similar study of events currently taking place in Darfur? If not, does the Administration intend to conduct such a study to inform future judgments it may make about the legal character of events in Darfur?

Answer:



B5



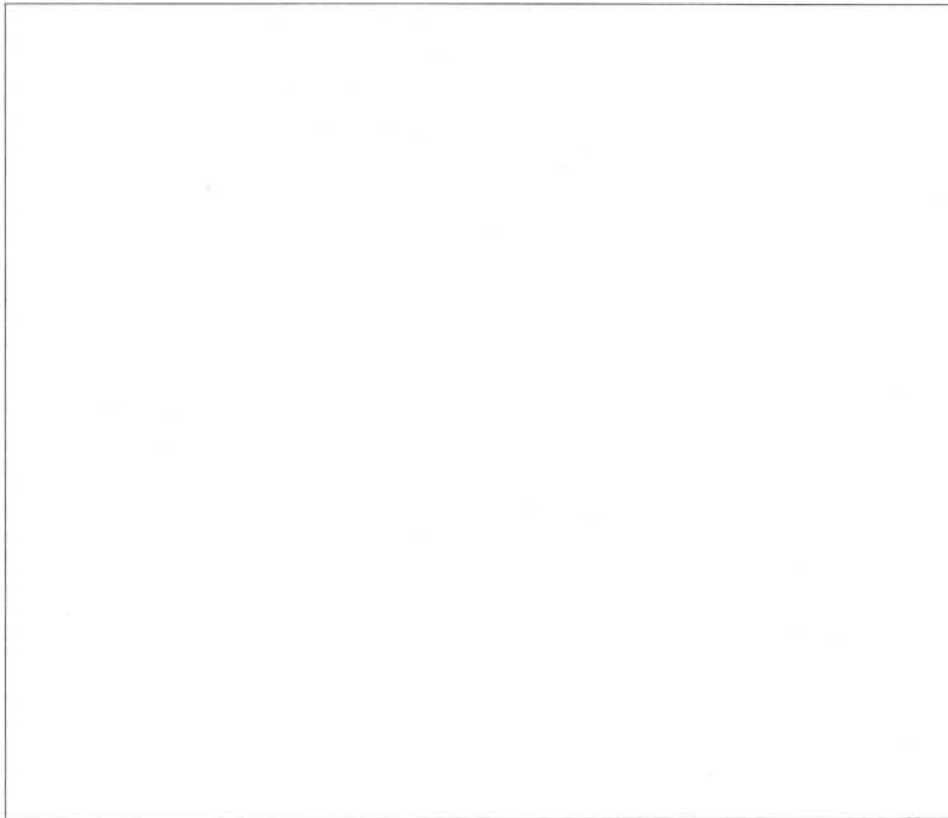
B5

**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#38)**

Question:

Do you believe the UN Security Council's existing sanctions regimes fail to provide adequate protections for the due process rights of targeted individuals?

Answer:



B5



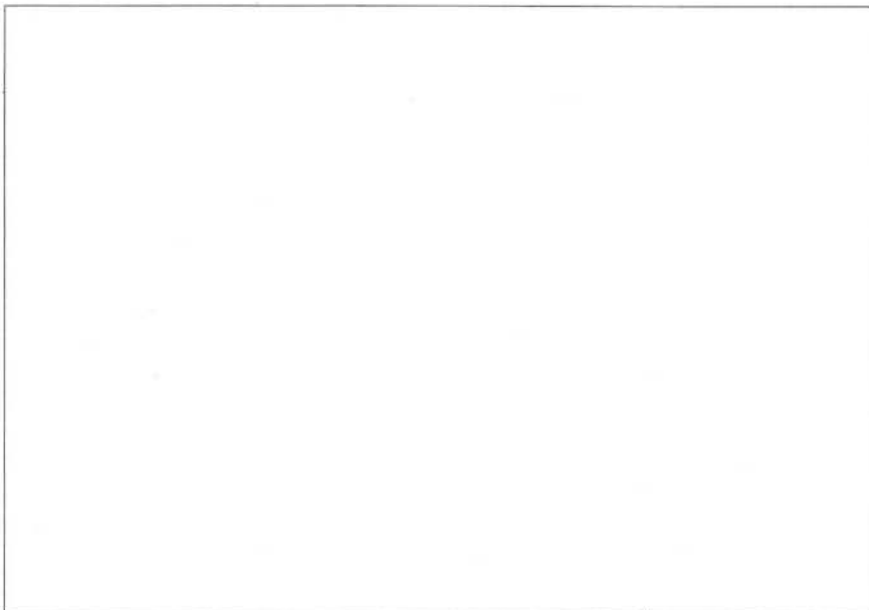
B5

**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#39)**

Question:

If confirmed as Legal Adviser, what steps would you recommend the United States take to respond to such challenges and to ensure that the Security Council retains the authority to implement effective targeted sanctions regimes?

Answer:



B5
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**Pre-hearing Questions Submitted to
Legal Adviser-Designate Harold Hongju Koh by
Senator Richard Lugar (#40)**

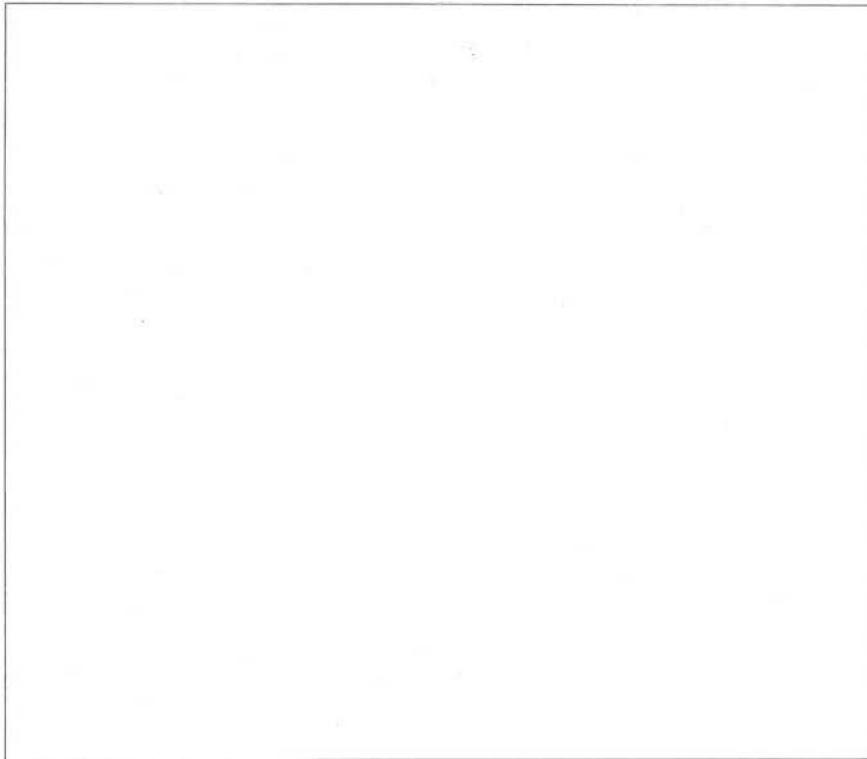
Question:

In 2007, the UN General Assembly failed to elect a U.S. national to the International Law Commission for the first time since the ILC's inception. The next elections to the ILC occur in 2011. What priority do you attach to electing a U.S. national to the ILC in these elections? If confirmed as Legal Adviser, what steps would you plan to take to ensure the election of a U.S. national to the ILC?

Answer:



B5



B5



United States Department of State

Washington, D.C. 20520

OCT 23 2015

Case No.: F-2015-05559

Segments: L-0001, L-0002, L-0003,
L-0004, L-0005, S/ES-0001,
& S/ES-0002

Kate Bailey
Judicial Watch, Inc.
425 Third Street, S.W., Suite 800
Washington, D.C. 20024

Dear Ms. Bailey:

In response to your request dated March 17, 2015, under the Freedom of Information Act (the "FOIA"), 5 U.S.C. §552, we searched the following Department of State record systems: the files of the Office of the Executive Secretariat and the files of the Office of the Legal Adviser.

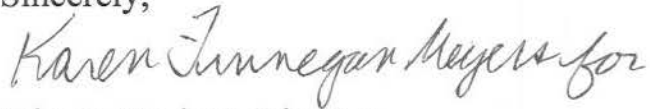
The searches of the records of the Office of the Executive Secretariat and the Office of the Legal Adviser are now complete and have resulted in the retrieval of 16 documents responsive to your request. After reviewing these 16 documents, we have determined that 6 may be released in full, 5 may be released in part, and 5 must be withheld in full. All released material is enclosed.

Where a document was released to you in part, all non-exempt material that was reasonably segregable from the exempt material was released. Where we have made excisions, the applicable exemptions are marked on each document. Of the information withheld in full, all was withheld under FOIA exemptions 5 and 6, 5 U.S.C. § 552(b)(5) and (6). An enclosure provides information on FOIA exemptions and other grounds for withholding material.

- 2 -

The Department has now completed its processing of your request. If you have any questions, please contact Trial Attorney Daniel Riess at (202) 353-3098 or Daniel.Riess@usdoj.gov.

Sincerely,

A handwritten signature in cursive script that reads "Karen Finnegan Meyers for".

John F. Hackett, Director

Office of Information Programs and Services

Enclosures: as stated

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

- (b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:
- 1.4(a) Military plans, systems, or operations
 - 1.4(b) Foreign government information
 - 1.4(c) Intelligence activities, sources or methods, or cryptology
 - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
 - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
 - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
 - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
 - 1.4(h) Weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- | | |
|----------------|---|
| ARMSEXP | Arms Export Control Act, 50a USC 2411(c) |
| CIA PERS/ORG | Central Intelligence Agency Act of 1949, 50 USC 403(g) |
| EXPORT CONTROL | Export Administration Act of 1979, 50 USC App. Sec. 2411(c) |
| FS ACT | Foreign Service Act of 1980, 22 USC 4004 |
| INA | Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f) |
| IRAN | Iran Claims Settlement Act, Public Law 99-99, Sec. 505 |
- (b)(4) Trade secrets and confidential commercial or financial information
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Personal privacy information
- (b)(7) Law enforcement information whose disclosure would:
- (A) interfere with enforcement proceedings
 - (B) deprive a person of a fair trial
 - (C) constitute an unwarranted invasion of personal privacy
 - (D) disclose confidential sources
 - (E) disclose investigation techniques
 - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

- NR Material not responsive to a FOIA request excised with the agreement of the requester