

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 13-cv-1363 (EGS)
)	
U.S. DEPARTMENT OF STATE,)	
)	
Defendant.)	
)	

**PLAINTIFF JUDICIAL WATCH’S NOTICE OF
ADDITIONAL RELEVANT EVIDENCE**

1. Along with its January 22, 2016 reply brief, Plaintiff submitted additional evidence that demonstrates that the knowledge of the “clintonemail.com” record system was widespread throughout the State Department.

2. Specifically, Plaintiff submitted an August 20, 2011 email that showed that senior management at the State Department was well aware that Mrs. Clinton was using a “non-state.gov” record system to conduct official government business. In addition, the email suggested that senior management was concerned that records on the “clintonemail.com” system were not being managed in a way that would allow for the State Department to search those records in response to FOIA requests.

3. Plaintiff just recently received additional evidence that demonstrates that senior management at the State Department was well aware that Mrs. Clinton was using a “non-state.gov” system to conduct official government business. This evidence also shows that the senior management at the State Department knowingly aided Mrs. Clinton in establishing and using a “non-state.gov” system.

4. On January 23, 2009, just two days after Mrs. Clinton was sworn in as Secretary of State on January 21, 2009, Ms. Mills emailed Lewis Lukens, then-Executive Director of the State Department's Executive Secretariat, and asked:

1. [C]an our email be accessed remotely through the web using a non-DOC computer like my laptop?
2. I am travelling to the M-E tonight – will my DOS bb work there and is there a cell phone attached?
3. [I] spoke to Dan re: bb for HRC (and reports that POTUS is able to use a super encrypted one[])
4. [I] spoke to Dan re: setting up Counselor office for HRC so she can go across hall regularly and check her email.¹

In response to question four, Mr. Lukens responded, “Will set up the office across the hall as requested. Also think we should go ahead (but will await your green light) and set up a stand alone PC in the Secretary's office, connect to the Internet (but not through our system) to enable her to check her emails from her desk.” Mr. Lukens sent this email to Ms. Mills' non-state.gov email address and also carbon copied Ms. Abedin on her non-state.gov email address, Mr. Kennedy, and Daniel Smith, then-Executive Secretary of the State Department. In response, Mr. Kennedy stated, “The stand-alone separate network PC is [a] great idea.”

5. Like the August 20, 2011 email, this newly discovered email demonstrates that there is at least a “reasonable suspicion” that the State Department and Mrs. Clinton deliberately thwarted FOIA by creating, using, and concealing the “clintonemail.com” record system for six years.

¹ Plaintiff received this record in response to another FOIA request to the State Department. The entire email chain as received by Plaintiff is attached as Exhibit A.

Dated: February 1, 2016

Respectfully submitted,

/s/ Michael Bekesha

Michael Bekesha

D.C. Bar No. 995749

JUDICIAL WATCH, INC.

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Counsel for Plaintiff Judicial Watch, Inc.

Exhibit A

Kennedy, Patrick F

From: Lukens, Lewis A
Sent: Saturday, January 24, 2009 8:26 PM
To: Kennedy, Patrick F
Subject: Re: Series of questions

RELEASE IN PART B6

I talked to Cheryl about this. She says problem is hrc does not know how to use a computer to do email - only bb. But I said would not take much training to get her up to speed.

From: Kennedy, Patrick F
To: Lukens, Lewis A; 'habedin'; 'cmills'
Cc: Smith, Daniel B
Sent: Sat Jan 24 20:22:20 2009
Subject: Re: Series of questions

REVIEW AUTHORITY: Frank Tumminia, Senior Reviewer

That is why this is the best solution

From: Lukens, Lewis A
To: 'habedin'; Kennedy, Patrick F; 'cmills'
Cc: Smith, Daniel B
Sent: Sat Jan 24 19:49:30 2009
Subject: Re: Series of questions

She'll be able to.

From: Huma Abedin
To: Kennedy, Patrick F; Lukens, Lewis A; Cheryl Mills
Cc: Huma Abedin ; Smith, Daniel B
Sent: Sat Jan 24 19:48:27 2009
Subject: Re: Series of questions

Yes we were hoping for that if possible so she can check her email in her office.

-----Original Message-----

From: Kennedy, Patrick F <KennedyPF@state.gov>
To: Lukens, Lewis A <LukensLA@state.gov>; Cheryl Mills
CC: Huma Abedin; Smith, Daniel B <SmithD2@state.gov>
Sent: Sat Jan 24 19:29:25 2009
Subject: Re: Series of questions

Cheryl

The stand-alone separate network PC is on on great idea

Regards

Pat

From: Lukens, Lewis A
To: 'cmills'

B6

B6

B6

B6

B6

Cc: 'habetu [redacted] Kennedy, Patrick F; Smith, Daniel B
Sent: Sat Jan 24 19:10:33 2009
Subject: Re: Series of questions

B6

We have already started checking into the NSA bb. Will set up the office across the hall as requested. Also think we should go ahead (but will await your green light) and set up a stand alone PC in the Secretary's office, connected to the internet (but not through our system) to enable her to check her emails from her desk. Lew

From: Cheryl Mills
To: Lukens, Lewis A
Cc: Huma Abedin ; Kennedy, Patrick F
Sent: Sat Jan 24 19:05:24 2009
Subject: RE: Series of questions

so I have now read up more on POTUS' bb (which appears not really to be a bb but a different device).

is there any solution to her being able to use an encrypted bb like the nsa approved one he has in the vault and if so, how can we get her one.

and if not, let's set up the office across the hall for her to use - it needs a phone etc. so she can go across the hall to check her bb.

cdm

From: Lukens, Lewis A [mailto:LukensLA@state.gov]
Sent: Friday, January 23, 2009 6:54 AM
To: Cheryl Mills
Subject: Re: Series of questions

Questions 1 and 2 - yes. Will give you more details this morning

On the bb for hrc, can we chat this morning? I may have thought of a workaround but need more info on her bb use from you.

Lew

From: Cheryl Mills
To: Lukens, Lewis A
Sent: Fri Jan 23 06:47:59 2009
Subject: Series of questions

Lew -

who can I talk to about:

1. can our email be accessed remotely through the web using a non-DOS computer like my laptop?
2. I am traveling to the M-E tonight – will my DOS bb work there and is there a cell phone attached?
3. spoke to Dan re: bb for HRC (and reports that POTUS is able to use a super encrypted one which)
4. spoke to Dan re: setting up Counselor office for HRC so she can go across hall regularly and check her email.

cdm