

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JUDICIAL WATCH, INC.,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
STATE,

Defendant.

Civil Action No. 13-CV-1363 (EGS)

**DEFENDANT'S RESPONSES AND OBJECTIONS TO
PLAINTIFF'S INTERROGATORIES**

In accordance with Rule 33 of the Federal Rules of Civil Procedure, Defendant United States Department of State, by and through undersigned counsel, hereby responds to Plaintiff's Interrogatories:

INTERROGATORY NO. 1:

Who was responsible for processing and/or responding to record requests, including FOIA requests, concerning emails of Mrs. Clinton and other employees of the Office of the Secretary?

Response: The State Department objects to this interrogatory as vague and overbroad on the grounds that it fails to define "responsible" or "concerning"; does not define a relevant time period; and does not identify any individual in the Office of the Secretary, of which there were many who served over the years. The State Department additionally objects to this interrogatory to the extent that it seeks information on FOIA requests unrelated to Secretary Clinton or Huma Abedin, the individuals identified in the Court's May 4, 2016 Order on the scope of discovery. The State Department further objects to this interrogatory to the extent it seeks information

regarding processing and/or responding to non-FOIA record requests, which is beyond the scope of discovery as ordered by the Court. Without waiving its objections, the State Department provides the following response, which provides information about offices and individuals who had management responsibility for processing FOIA requests related to Secretary Clinton and Huma Abedin between January 21, 2009 (the date Secretary Clinton took office) and February 19, 2016 (the date on which the State Department filed its final search declaration in this matter).

The Office of Information Programs and Services (“IPS”) serves as the primary point of contact and principal advisor on all matters concerning the management of information, including with respect to requests pursuant to the Freedom of Information Act (“FOIA”). 1 FAM 214.2(b). The Director of IPS is responsible for processing and responding to requests for access to information under the FOIA. 22 C.F.R. 171.11. The IPS Directors from January 2009 to February 2016 were: Margaret Grafeld (from before January 2009 to March 2010), Alex Galovich and Charlene Thomas (Acting Co-Directors from March 2010 – December 2011), Sheryl Walter (December 2011 – March 2014); and John Hackett (Acting Director: March 2014 – June 2015; Director: June 2015 – March 2016).

Upon receipt of a FOIA request, IPS staff evaluate the request to determine which offices, overseas posts, or other records systems within the Department may reasonably be expected to contain the records requested. A FOIA request concerning emails of former Secretary Clinton and/or Ms. Abedin was typically sent to the Office of Correspondence and Records of the Executive Secretariat (“S/ES-CR”). S/ES-CR had day-to-day responsibility for records management and research, including conducting and coordinating searches in response to FOIA requests. *See* 1 FAM 022.2-3 (August 6, 2001). During former Secretary Clinton’s and Ms. Abedin’s tenures, the Director of S/ES-CR was Clarence Finney. Effective January 21,

2013, S/ES-CR was merged with another Executive Secretariat office, the Executive Secretariat Staff (“S/ES-S”). Currently, the Correspondence, Records, and Staffing Division of S/ES-S is responsible for proper records management of documents for Department principals, as well as retrieval of archived documents upon request. 1 FAM 022.2-2(2). Clarence Finney has held the position of Deputy Director of S/ES-S and head of the Correspondence, Records, and Staffing Division from the time of the merger to the present. The Directors of S/ES-S since the time of the merger have been Paul Horowitz (January 2013 – March 2014), MaryKay Carlson (March 2014 – November 2014), Mary Katherine Stana (December 2014 – July 2015) and Karin Lang (July 2015 to the present).

INTERROGATORY NO. 2:

Who was responsible for the inventorying or other accounting of Mrs. Clinton’s and Ms. Abedin’s emails, records, and information?

Response: The State Department objects to the terms “responsible,” “inventorying,” “accounting,” and “information” as vague and overbroad. The State Department additionally objects to this interrogatory on the grounds that it exceeds the permissible scope of discovery under the Court’s Order. The State Department further objects to this interrogatory on the grounds that it does not identify a relevant time period. Without waiving its objections, the State Department provides the following response, which provides information about offices and individuals who had management responsibility for records management of Secretary Clinton’s and Huma Abedin’s documents between January 21, 2009 (the date Secretary Clinton took office) and February 19, 2016 (the date on which the Department filed its final search declaration in this matter).

The Executive Secretariat (“S/ES”) is responsible for records management of documents for Department principals as well as retrieval of archived documents upon request. 1 FAM 022.2-2(2). Within S/ES-S, until January 21, 2013, the Office of Correspondence and Records (“S/ES-CR”) had day-to-day responsibility for records management. *See* 1 FAM 022.2-3 (August 6, 2001). During former Secretary Clinton and Ms. Abedin’s tenures, the Director of S/ES-CR was Clarence Finney. Effective January 21, 2013, this office was merged with another Executive Secretariat office to form the Executive Secretariat Staff (“S/ES-S”). Clarence Finney has held the position of Deputy Director of S/ES-S and head of the Correspondence, Records, and Staffing Division from that time to the present. The Directors of S/ES-S since the time of the merger have been Paul Horowitz (January 2013 – March 2014), MaryKay Carlson (March 2014 – November 2014), Mary Katherine Stana (December 2014 – July 2015) and Karin Lang (July 2015 to the present).

INTERROGATORY NO. 3:

Who was responsible for responding to Plaintiff’s FOIA request from the date of submission to the present?

Response: The State Department objects to the term “responsible” as vague and overbroad. Without waiving its objections, the State Department provides the following response, which provides information about offices and individuals who had management responsibility for responding to Plaintiff’s FOIA request from May 21, 2013 (the date of the Plaintiff’s FOIA request) to February 19, 2016 (the date on which the Department filed its final search declaration in this matter).

The State Department incorporates its response to Interrogatory No. 1 by reference.

The Director of the Department's Office of Information Programs and Services ("IPS") is responsible for responding to requests for access to information under the FOIA, including Plaintiff's FOIA request. 22 C.F.R. 171.11. The IPS Directors during the period from the date of submission of Plaintiff's FOIA request to the present were: Sheryl Walter (December 2011 – March 2014); and John Hackett (Acting Director: March 2014 – June 2015; Director: June 2015 – March 2016). Within IPS, the Statutory Compliance and Research Division administers the Department's statutory responsibilities in providing public access to information under the FOIA, including through coordinating with regional and functional bureaus to respond to public requests for records. 1 FAM 214.2-3. At the time Plaintiff's FOIA request was submitted to the Department in May 2013 until the time it entered litigation in September 2013, the Statutory Compliance and Research Division was responsible for responding to Plaintiff's FOIA request. The Statutory Compliance and Research Division Chief from May 2013 through September 2013 was Patrick Scholl. At the time Plaintiff's FOIA request entered litigation in September 2013, the Litigation and Appeals Branch within IPS's Programs and Policies Division was responsible for responding to the request. The Programs and Policies Division Chief during the period of September 2013 to February 19, 2016, was Karen Finnegan Meyers. The Branch Chief responsible for the Litigation and Appeals Branch during the period of September 2013 to February 19, 2016, was Susan Weetman.

INTERROGATORY NO. 4:

Which State Department officials and employees had and/or used an account on the clintonemail.com system to conduct official government business?

Response: State objects to this interrogatory on the grounds that it has never possessed or controlled clintonemail.com, does not now possess or control clintonemail.com, and thus has no

method of identifying which State Department officials and employees had and/or used an account on clintonemail.com to conduct official government business.

Subject to the foregoing objection, State is aware that Secretary Clinton and Huma Abedin had such accounts. *See* Clinton Declaration (Aug. 8, 2015) (ECF No. 22-1).

As to the interrogatories, see Attachment A.

As to the objections:

Dated: May 25, 2016

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Principal Deputy Assistant Attorney General

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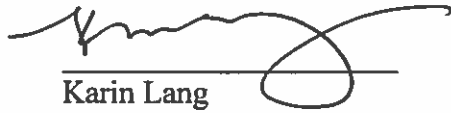
Attorneys for Defendant

ATTACHMENT A

VERIFICATION

I, Karin Lang, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the interrogatory answers contained in Defendant's Responses and Objections to Plaintiff's Interrogatories are true and correct to the best of my knowledge, and upon information and belief.

Dated: May 25, 2016

A handwritten signature in black ink, appearing to read 'Karin Lang', written over a horizontal line.

Karin Lang
Director of the Executive Secretariat Staff
U.S. Department of State

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2016, I served the foregoing Responses and Objections to Plaintiff's Interrogatories by electronic mail on the following:

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