



United States Department of State

Washington, D.C. 20520

October 14, 2016

Case No. F-2015-05052

Segment: IPS-0001

Ms. Kate Bailey
Judicial Watch
425 Third St. SW. Suite 800
Washington, DC 20024

Dear Ms. Bailey:

I refer to our letter dated March 4, 2016 regarding the release of certain Department of State records under the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552. The search of the materials provided to the Department by the FBI resulted in the retrieval of two documents responsive to your request. After reviewing these documents, we have determined that the two documents may be released in part.

All released material is enclosed. An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made excisions, the applicable FOIA exemptions are marked on each document. All non-exempt information that is reasonably segregable from the exempt material has been released.

If you have any questions, your attorney may contact Trial Attorney Andrew Carmichael at (202) 514-3346 or Andrew.E.Carmichael@usdoj.gov. Please refer to the case number shown above and the civil action number, 15-cv-00689, in all communication regarding this case.

Sincerely,

Susan C. Weisman AR

Eric F. Stein, Acting Co-Director
Office of Information Programs and Services

Enclosures: As stated

EXPLANATION OF GROUNDS FOR WITHHOLDING

The Freedom of Information Act (FOIA) Exemptions (5 USC 552)

(b)(1) Withholding specifically authorized under an Executive Order in the interest of national defense or foreign policy, and properly classified.

Executive Order 12958, as amended, 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) USG 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) Information on 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 section 552b of Title 5), e.g.:

- INA Immigration and Nationality Act, Title 8 USC Section 1202(f)
- CIA Central Intelligence Agency Act of 1949, Title 50 USC Section 403(g)
- ARMEX Arms Export Control Act, Title 22 USC 2778(e)
- EXPORT Export Administration Act of 1979, 50 App. USC 2411(c)(1)

(b)(4) Privileged/confidential trade secrets, commercial or financial information from a person.

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney client privilege, or attorney work product.

(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy.

(b)(7) Information compiled for law enforcement purposes that 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 any individual.

NR Material not responsive to your FOIA request, excised in accordance with our agreement.

Privacy Act Grounds for Withholding (5 USC 552a)

(d)(5) Information compiled in reasonable anticipation of a civil action proceeding.

(j)(1) CIA records.

(j)(2) Enforcement of criminal law, including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest.

(k)(1) Classified pursuant to E.O. 12958 in the interest of national defense or foreign policy such as intelligence sources and methods.

(k)(2) Investigatory material compiled for law enforcement purposes.

(k)(3) Regarding protective services to the President of the US or other individual pursuant to Title 18, USC, Section 3056.

(k)(4) Required by statute to be maintained and used solely as statistical records.

(k)(5) Investigatory material compiled solely for the purpose of determining suitability eligibility or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence.

(k)(6) Testing or exam material used to determine individual qualifications for appointment or promotion in Federal service, the release of which would compromise the testing or exam process.

(k)(7) Material used to determine potential for promotion in the armed services.

PP Information about another person or persons which does not constitute a record about the requester as defined in the access provision of the Privacy Act (section (d) (1)) and which may not be released except pursuant to a written request or with the prior written consent of the person or persons concerned (section (b)).

NR Material not responsive to your Privacy Act request.

RE: Follow up

From: David Petraeus [redacted]
To: hdr22@clintonemail.com
Subject: RE: Follow up

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RELEASE IN PART B5,B6

Thx, Madame Secretary. And thx for the phone call [redacted]
[redacted]
[redacted] Best - Dave

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-----Original Message-----
From: H [mailto:hdr22@clintonemail.com]
Sent: Wednesday, January 28, 2009 9:33 PM
To: Petraeus, David H. GEN USA
Subject: Re: Follow up

David--Sorry to be so tardy in responding. I've had blackberry blues. I can't use mine all day long since my whole office is a SCIF. I don't yet have a computer and I had to change my address and lost some of my traffic.

[redacted] All the best.

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-----Original Message-----
From: "Petraeus, David H. GEN USA"
Date: Sun, 25 Jan 2009 07:55:52
To:
Subject: RE: Follow up

Madame Sec: Thx again for keeping [redacted]

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[redacted]

Break. Strongly recommend that [redacted]

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[redacted]

[redacted]

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[Redacted]

Vr - Dave

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

From: hr15@att.blackberry.net [mailto:hr15@att.blackberry.net]
Sent: Sunday, January 18, 2009 1:46 PM
To: Petraeus, David H. GEN USA
Subject: Re: Follow up

Glad it worked out. Look forward to talking w you after the 20th.

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

From: David Petraeus
To: Hillary Clinton
Sent: Jan 18, 2009 6:24 AM
Subject: RE: Follow up

Thx for making it happen [Redacted]

[Redacted] Great news -

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

From: hr15@att.blackberry.net [mailto:hr15@att.blackberry.net]
Sent: Wednesday, January 14, 2009 9:23 PM
To: Petraeus, David H. GEN USA
Subject: Re: Follow up

I asked that he be kept and was told that he would be. Let me know if you hear of any glitches.

Glad to hear that you and Richard are starting to work together. Best, H

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

From: David Petraeus
To: Hillary Clinton
Sent: Jan 14, 2009 3:14 AM
Subject: RE: Follow up

P.S. Any feedback on possibility of keeping [Redacted] until his replacement is confirmed? As you'll recall, this was a personal request from [Redacted] Best - Dave

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

From: hr15@att.blackberry.net [mailto:hr15@att.blackberry.net]
Sent: Saturday, January 10, 2009 3:57 PM
To: Petraeus, David H. GEN USA
Subject: Follow up

Dear Dave,

Thanks for giving me so much of your time the last two nights. I appreciated our conversations and enjoyed the chance to see you and Richard becoming acquainted. I'm looking forward to working w you both. If there is ever anything you need or want me to know, pls use this personal email address. All the best, Hillary

RELEASE IN PART B6**Re: Question**

From: Colin Powell [redacted]

To: Hillary Clinton hr15@att.blackberry.net

Subject: Re: Question

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I didn't have a BlackBerry. What I did do was have a personal computer that was hooked up to a private phone line (sounds ancient.) So I could communicate with a wide range of friends directly without it going through the State Department servers. I even used it to do business with some foreign leaders and some of the senior folks in the Department on their personal email accounts. I did the same thing on the road in hotels.

Now, the real issue had to do with PDAs, as we called them a few years ago before BlackBerry became a noun. And the issue was DS would not allow them into the secure spaces, especially up your way. When I asked why not they gave me all kinds of nonsense about how they gave out signals and could be read by spies, etc. Same reason they tried to keep mobile phones out of the suite. I had numerous meetings with them. We even opened one up for them to try to explain to me why it was more dangerous than say, a remote control for one of the many tvs in the suite. Or something embedded in my shoe heel. They never satisfied me and NSA/CIA wouldn't back off. So, we just went about our business and stopped asking. I had an ancient version of a PDA and used it. In general, the suite was so sealed that it is hard to get signals in or out wirelessly.

However, there is a real danger. If it is public that you have a BlackBerry and it is government and you are using it, government or not, to do business, it may become an official record and subject to the law. Reading about the President's BB rules this morning, it sounds like it won't be as useful as it used to be. Be very careful. I got around it all by not saying much and not using systems that captured the data.

You will find DS driving you crazy if you let them. They had Maddy tied up in knots. I refused to let them live in my house or build a place on my property. They found an empty garage half a block away. On weekends, I drove my beloved cars around town without them following me. I promised I would have a phone and not be gone more than an hour or two at Tysons or the hardware store. They hated it and asked me to sign a letter relieving them of responsibility if I got whacked while doing that. I gladly did. Spontaneity was my security. They wanted to have two to three guys follow me around the building all the time. I said if they were doing their job guarding the place, they didn't need to follow me. I relented and let one guy follow me one

REVIEW AUTHORITY: Geoffrey Chapman, Senior Reviewer

full corridor behind just so they knew where I was if I was needed immediately. Their job is to keep you hermetically sealed up. Love, Colin

On Fri, Jan 23, 2009 at 7:37 AM, > wrote:
Dear Colin,

I hope to catch up soon w you, but I have one pressing question which only you can answer!

What were the restrictions on your use of your blackberry? Did you use it in your personal office? I've been told that the DSS personnel knew you had one and used it but no one fesses up to knowing how you used it!

President Obama has struck a blow for berry addicts like us. I just have to figure out how to bring along the State Dept. Any and all advice is welcome.

All the best to you and Alma, Hillary