

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

JUDICIAL WATCH, INC.,

Plaintiff,

v.

OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE, *et al.*,

Defendants.

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Civil Action No. 17-cv-00508 (CKK)

**PLAINTIFF’S MEMORANDUM OF POINTS AND AUTHORITIES
IN OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS**

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Plaintiff Judicial Watch, Inc., by counsel, respectfully submits this memorandum of points and authorities in opposition to the motion to dismiss filed by Defendants Office of Director of National Intelligence; Daniel R. Coats, in his official capacity as Director of National Intelligence; William Evanina, in his official capacity as National Counterintelligence Executive; the U.S. Department of State; and Rex W. Tillerson, in his official capacity as Secretary of the U.S. Department of State. In addition, pursuant to LCvR 7(f), Plaintiff requests an oral hearing on Defendants' motion. As grounds therefor, Plaintiff states as follows:

MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction.

After a year-long investigation, the Federal Bureau of Investigation, one of the 17 member organizations composing the Intelligence Community, determined that at least eight records containing Top Secret information were transmitted and stored on an unofficial, unsecure email system. Information is classified as Top Secret only when the unauthorized disclosure of the information reasonably could be expected to cause exceptionally grave damage to the national security. In addition, at least 36 records contained Secret information, and at least eight records contained Confidential information. The State Department, also part of the Intelligence Community, determined that at least 27 records transmitted and stored on the unofficial, unsecure email system are classified as either Top Secret, Secret or Confidential and contain information pertaining to intelligence activities or intelligence sources or methods.

In circumstances where there is an actual or suspected unauthorized disclosure or compromise of classified national intelligence, including classified information pertaining to intelligence activities or intelligence sources or methods, a damage assessment must be conducted. Yet, despite the indisputable fact that such information was transmitted and stored

on an unofficial, unsecure system and the plain requirements of the law, Defendants have not conducted an assessment to evaluate the damage to national security.

When a damage assessment is conducted, it results in a formal, written report. Such reports are available to the public under the Freedom of Information Act. Because no damage assessment has been conducted here, a report of its findings does not exist, and Defendants cannot produce it under the Freedom of Information Act. As a result, Plaintiff and the public are being deprived of information about the damage to national security caused by the use of an unofficial, unsecure email system to transmit and store classified national intelligence.

II. Legal and Factual Background.

A. Intelligence Community Directive 732.

The National Security Act of 1947, as amended, provides, in part, “for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security.” 50 U.S.C. § 3002. Those departments and agencies relating to national security make up the Intelligence Community, which consists of the Office of the Director of National Intelligence and 16 separate, federal agencies and/or agency components, including the FBI and the State Department. *Id.* at § 3003(4).

The Director of National Intelligence serves as head of the Intelligence Community. He is charged by statute with “protect[ing] intelligence sources and methods from unauthorized disclosure,” among other duties and responsibilities. *Id.* at §§ 3023(b)(1) and 3024(i)(1). In addition, the Director is responsible for the dissemination of information, including national intelligence. *Id.* at § 3024(f)(1)(A) (The Director shall “establish objectives, priorities, and guidance for the intelligence community to ensure timely and effective collection processing,

analysis, and dissemination . . . of national intelligence.”); *id.* at § 3024(g)(1)(G); *id.* at § 3024(i)(2)(C) (“The Director of National Intelligence shall establish and implement guidelines for the intelligence community for the . . . [p]reparation of intelligence products in such a way that source information is removed to allow for dissemination at the lowest level of classification possible or in unclassified form to the extent practicable.”).

In conjunction with the National Security Act, then-President Barack Obama issued Executive Order 13526 to “[p]rescribe[] a uniform system for classifying, safeguarding, and declassifying national security information, including information relating to defense against transnational terrorism.” 75 Fed. Reg. 707 (Dec. 29, 2009). The preamble of the executive order states:

Our democratic principles require that the American people be informed of the activities of their Government. Also, our Nation’s progress depends on the free flow of information both within the Government and to the American people. Nevertheless, throughout our history, the national defense has required that certain information be maintained in confidence in order to protect our citizens, our democratic institutions, our homeland security, and our interactions with foreign nations. Protecting information critical to our Nation’s security and demonstrating our commitment to open Government through accurate and accountable application of classification standards and routine, secure, and effective declassification are equally important priorities.

Id.

According to EO 13526, information may be classified at one of three levels: “Top Secret,” “Secret,” and “Confidential.” *Id.* at § 1.2. “Top Secret” applies to “information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.” *Id.* at § 1.2(a)(1). “Secret” applies to “information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security.” *Id.* at § 1.2(a)(2). “Confidential” applies to “information, the unauthorized

disclosure of which reasonably could be expected to cause damage to the national security.” *Id.* at § 1.2(a)(3). In addition, information cannot be considered classified unless it pertains to one or more of the following:

- (a) military plans, weapons systems, or operations;
- (b) foreign government information;
- (c) intelligence activities (including covert action), intelligence sources or methods, or cryptology;
- (d) foreign relations or foreign activities of the United States, including confidential sources;
- (e) scientific, technological, or economic matters relating to the national security;
- (f) United States Government programs for safeguarding nuclear materials or facilities;
- (g) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security; or
- (h) the development, production, or use of weapons of mass destruction.

Id. at § 1.4.

Pursuant to the National Security Act and EO 13526, as well as other authorities, then-Director of National Intelligence James R. Clapper issued Intelligence Community Directive 732 on June 27, 2014. *See generally* ICD 732. The directive requires a damage assessment be conducted whenever there is “an actual or suspected unauthorized disclosure or compromise of classified national intelligence that may cause damage to U.S. national security.” ICD 732(D)(2). If a disclosure or compromise involves classified national intelligence originating from or affecting only one Intelligence Community member, the head of that member

organization is required to conduct a damage assessment in coordination with the National Counterintelligence Executive. ICD 732(D)(4). If a disclosure or compromise involves classified national intelligence that originates from or otherwise affects more than one Intelligence Community member, a “Community damage assessment” must be conducted by the affected member organizations and “other representatives as directed by the DNI.” ICD 732(D)(5).

ICD 732 also plainly contemplates that the damage assessment result in a formal, written report. Complaint at ¶ 16. It sets forth detailed requirements concerning the preparation, contents, and use of the report, including the distribution of copies of it. *See* ICD 732(D)(7) and (E). ICD 732 also specifies the roles and responsibilities of various officials, including the National Counterintelligence Executive and the heads of the Intelligence Community members, in preparing and using the assessment report. ICD 732(E). In addition, ICD 732 does not mandate the report be classified or prohibit it from disclosure. *See generally* ICD 732.

B. Secretary Clinton’s email practices.

During her tenure as Secretary of State, Hillary Rodham Clinton used an unofficial, unsecure email system to transmit and store emails conducting official, State Department business. Complaint at ¶¶ 18 and 19. After a year-long investigation into Secretary Clinton’s email practices, the FBI concluded that emails sent or received by the Secretary on her unofficial, unsecure email system contained “Top Secret,” “Secret,” and “Confidential” information. Complaint at ¶ 21. In a July 5, 2016 statement, FBI Director James B. Comey described the FBI’s findings as follows:

From the group of 30,000 e-mails returned to the State Department, 110 emails in 52 e-mail chains have been determined by the owning agency to contain classified

information at the time they were sent or received. Eight of those chains contained information that was Top Secret at the time they were sent; 36 chains contained Secret information at the time; and eight contained Confidential information, which is the lowest level of classification. Separate from those, about 2,000 additional e-mails were “up-classified” to make them Confidential; the information in those had not been classified at the time the e-mails were sent.

* * *

With respect to the thousands of e-mails that were not among those produced to State, agencies have concluded that three of those were classified at the time they were sent or received, one at the Secret level and two at the confidential level.

Id. at ¶ 22. The FBI also found that Secretary Clinton and her colleagues “were extremely careless in their handling of very sensitive, highly classified information” and that “it is possible that hostile actors gained access to Secretary Clinton’s personal e-mail account.” *Id.*

The State Department has also reviewed the approximately 30,000 emails returned by Secretary Clinton. It has posted on its website at least 1 record containing information classified as Top Secret and 27 records containing information classified as either Secret or Confidential, all pertaining to intelligence activities or intelligence sources or methods. *See* foia.state.gov/Search/Results.aspx?collection=Clinton_Email.¹ Approximately 49 records contain information classified as Secret and 2073 records contain information classified as Confidential, all pertaining to other types of information, also are posted. *Id.*²

¹ The emails are available on the State Department’s website and are submitted here for ease of reference as Exhibit 1.

² Of the information that has been deemed classified and does not pertain to intelligence activities or intelligence sources or methods, that information mostly pertains to foreign government information or information about foreign relations (EO 13526, § 1.4(b)) or foreign activities of the United States (EO 13526, § 1.4(d)).

C. Defendants’ refusal to conduct a damage assessment.

Even though a member organization of the Intelligence Community (the FBI) determined that highly classified information was found on an unofficial, unsecure email system, ODNI decided not to conduct a required damage assessment. Complaint at ¶ 33; Bill Gertz, “DNI declined required damage assessment of Clinton’s leaked email secrets,” *Washington Free Beacon* (Sept. 14, 2016, available at <http://freebeacon.com/national-security/dni-declines-required-damage-assessment-clintons-leaked-email-secrets/>) (“‘ODNI is not leading an [intelligence community]-wide damage assessment and is not aware of any individual IC element conducting such formal assessments,’ Joel D. Melstad, a spokesman for the Office of the Director of National Intelligence, said.”). On January 10, 2017, Plaintiff sent a letter to then-Director Clapper, National Counterintelligence Executive Evanina, and then-Secretary John Kerry formally requesting that “the damage assessment required by ICD 732 be commenced without further delay.” *Id.* at ¶ 35. Plaintiff still has not received a response to its January letter, and neither an assessment nor the resulting report required by ICD 732 has been conducted or prepared. *Id.* at ¶ 36.³

A damage assessment report prepared pursuant to ICD 732 is a quintessential record that Plaintiff would request and obtain under FOIA, then analyze and make available to the public as part of its educational mission. *Id.* at ¶ 37. If the Intelligence Community had conducted a damage assessment and prepared the resulting report as required by ICD 732, Plaintiff undoubtedly would have submitted a FOIA request for the report as part of its ongoing

³ Defendants’ Motion to Dismiss also confirms that no damage assessment has been conducted.

investigation. *Id.* at 38. The only reason Plaintiff has not requested the report is because Defendants announced that they had decided not to conduct the required assessment and prepare a report. *Id.*

Prior damage assessments reports prepared by the Intelligence Community, or at least portions of such reports, have been made public through FOIA. *Id.* at ¶ 39. For example, in May 2014, a FOIA lawsuit compelled the disclosure of the damage assessment report prepared after Edward Snowden's compromise of classified national intelligence. *See Leopold v. U.S. Department of Defense*, Case No. 14-cv-0197 (TSC) (D.D.C.). *Id.*

III. Argument.

A. Plaintiff plainly has standing.

To have standing under Article III of the Constitution, a plaintiff must demonstrate three familiar requirements: (1) injury-in-fact; (2) causal connection between the asserted injury-in-fact and the challenged action of the defendant; and (3) that the injury will be redressed by a favorable decision. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-561 (1992).

Defendants do not challenge whether Plaintiff has satisfied prongs two or three. Nor could they. If the Court were to order Defendants to undertake an assessment and prepare a report as is required by ICD 732, Plaintiff, through FOIA, would be able to obtain the report, analyze it, and make it available to the public. Defendants only argue that Plaintiff has not suffered an injury-in-fact.

In a recent informational injury case, the U.S. Court of Appeals for the District of Columbia Circuit held, "A plaintiff suffers an 'injury in fact' when agency action cuts him off from 'information which must be publicly disclosed pursuant to a statute.'" *Waterkeeper*

Alliance v. Environmental Protection Agency, 853 F.3d 527, 533 (D.C. Cir. 2017) (quoting *Federal Election Commission v. Akins*, 524 U.S. 11, 21 (1998)). “[T]he upshot of *Akins* is that the plaintiff must assert a ‘view of the law under which the defendant . . . is obligated to disclose certain information that the plaintiff has a right to obtain.’” (*Waterkeeper Alliance*, 853 F.3d at 533 (quoting *American Society for Prevention of Cruelty to Animals v. Feld Entertainment, Inc.*, 659 F.3d 12, 22-23 (D.C. Cir. 2011))).

ICD 732 requires Defendants to conduct a damage assessment and issue a formal, written report.⁴ FOIA requires that the report be disclosed. *See generally* 5 U.S.C. § 552.

Defendants’ refusal to conduct the required damage assessment and prepare a report of its findings prevents Plaintiff off from obtaining information that must be disclosed by statute. Plaintiff’s theory is that simple.

Defendants argue that a plaintiff in an informational injury case can only satisfy the standing requirement if the plaintiff seeks to enforce a single statute that imposes both an obligation to act and an obligation to disclose. In effect, Defendants argue there can be no standing when a plaintiff’s theory is based on the interaction of two statutes. That argument is not supported by the case law or by the facts alleged in the Complaint.

In *Waterkeeper Alliance*, plaintiff sought to compel the Environmental Protection Agency to reverse a rule exempting all farms from reporting air releases from animal waste. 853 F.3d at 532. The plaintiffs argued that they had suffered an informational injury because the EPA’s decision to exempt the farms from the reporting requirement prevented the plaintiffs

⁴ Defendants do not argue that if they conduct a damage assessment that they are not required to prepare a report.

from gaining access to the information. *Id.* at 532-533. In response, the EPA argued that the plaintiffs lacked standing to challenge part of the final rule because it relied upon a statute that had a reporting requirement but no disclosure requirement. *Id.* at 533. The Court disagreed. *Id.* The Court concluded that the plaintiffs could look to another statute – albeit a related statute – that requires disclosure. *Id.* In short, the D.C. Circuit recently concluded that an obligation to act and an obligation to disclose imposed by two different statutes confers standing.

Similarly, in *Murray Energy Corporation v. McCarthy*, the plaintiffs sought to require the Environmental Protection Agency “to conduct continuing evaluations of potential loss or shifts of employment” caused by the enforcement of the Clean Air Act. 2016 U.S. Dist. LEXIS 143404, **2-3 (N.D. W.Va. Oct. 17, 2016), *overruled on other grounds by Murray Energy Corporation v. Administrator of Environmental Protection Agency*, 2017 U.S. App. LEXIS 11612 (4th Cir. June 29, 2017). The plaintiffs asserted that because the EPA was failing to conduct such evaluations, they suffered an injury-in-fact because resulting information could not be obtained through FOIA. The court agreed. It concluded:

This Court finds that the plaintiffs have also established standing under the informational doctrine. The statute requires the EPA to gather certain information and conduct evaluations, which plaintiffs contend it has refused to do. The plaintiffs may be entitled to the information which has not been collected or analyzed and have requested the same. This is sufficient to support standing.

This Court is unpersuaded by the EPA’s argument that had the EPA conducted the employment evaluations, the plaintiffs would not be entitled to the information. The EPA fails to point out any theory by which this information could be secreted from the plaintiffs or any other person. We do not live in a secret society, and the plaintiffs would have the ability to receive the information through the Freedom of Information Act, if not through other means.

Id. at **46-47.

Plaintiff’s injury is no different than the injuries suffered by the plaintiffs in *Waterkeeper*

Alliance and Murray Energy. In fact, Plaintiff's injury is more direct than that in *Waterkeeper Alliance*. The plaintiffs in *Waterkeeper Alliance* sought for the EPA to enforce a statute that required a third-party to submit information to the agency. Once that information was submitted, the EPA was required to disclose it. Here, Plaintiff seeks for Defendants to conduct a damage assessment. Once the assessment is complete, FOIA requires the report of its findings be disclosed. There is no reliance whatsoever on a third-party.⁵

In addition, the facts here could not be any clearer. A member of the Intelligence Community has already determined that Top Secret information was transmitted and stored on an unofficial, unsecure email system. The FBI also concluded that because an unofficial, unsecure email system was used it is entirely possible that "hostile actors" could have "gained access to" this "very sensitive, highly classified information." Defendants have a mandatory obligation to conduct a damage assessment and prepare a report of its findings. They have not done and do not plan to do so. Had the assessment been conducted and the report prepared, Plaintiff would have sought and received – at a minimum, in redacted form – the damage assessment.

Contrary to Defendants' assertion, *Friends of Animals v. Jewell* has no bearing here. In that case, the plaintiffs relied upon a statutory deadline provision, not a record-creation or

⁵ The same can be said for *Akins*. In that case, plaintiffs challenged the Federal Election Commission's determination that the American Israel Public Affairs Committee was not a political committee. *Akins*, 525 U.S. at 13. Because of that determination, AIPAC was not mandated to make disclosures regarding its membership, contributions, and expenditures that the law otherwise requires. *Id.* Plaintiffs therefore could not obtain such information. *Id.* at 21. For plaintiffs to gain access to the information it sought, the government agency had to take an enforcement action and the third-party had to submit its information. *Id.*

disclosure statute. 828 F.3d 989, 994 (D.C. Cir. 2016) (“Friends of Animals seeks to enforce section 4(b)(3)(B)’s deadline requirement, not its disclosure requirements.”). No law required a record to be created or disclosed within that timeframe. *Id.* (“Friends of Animals seeks to enforce a deadline requirement that does not obligate the Secretary to disclose information.”). Here, Plaintiff relies upon ICD 732 – which mandates the creation of a record – and FOIA – which requires disclosure of the record. *Friends of Animals* does not apply.⁶

Finally, concluding that Plaintiff has suffered an injury-in-fact will not “obliterate the concept of standing entirely” as Defendants complain. Defs’ Mot. at 11. At issue here is a law (ICD 732) that requires an agency or agencies to conduct a damage assessment and prepare a report. Plaintiff does not request that an agency create a record it is not obligated to create. Future plaintiffs will be required to point to a specific law mandating the creation of a record. Because ICD 732 requires Defendant to conduct a damage assessment and to prepare a report, Plaintiff plainly satisfies the injury-in-fact requirement.

⁶ Although the Court in *Friends of Animals* held that the plaintiffs’ injury was too attenuated to confer standing, it concluded by stating:

Obviously our holding is narrow. It cannot be read broadly to mean that a plaintiff suing to enforce the requirements of section 4 never has informational standing. For example, suppose the [Fish and Wildlife Service] were to determine that the listing petitions at issue are warranted but precluded and yet declined to publish in the Federal Register ‘a description and evaluation of the . . . data on which the finding is based,’ as required by statute. 16 U.S.C. § 1533(b)(3)(B)(iii). At that point, Friends of Animals may well have informational standing to sue to compel the publication of the relevant data — that is, to compel compliance with section 4(b)(3)(B)’s disclosure requirement.

Friends of Animals, 828 F.3d at 995. Had the government agency taken the required action within the statutory deadline, the plaintiffs would have had standing to sue if the resulting information was not disclosed.

B. Plaintiff is well within the zone of interests.

Plaintiff is well within the zone of interests. Defendants' entire argument can be summarized as "ICD 732 lists three purposes" and "[n]one of these purposes seeks to disclose damage assessment reports." Defs' Mot. at 14. Such a view is too narrow and does not comport with the facts.

ICD 732 was issued pursuant to the National Security Act and EO 13526, as well as other authorities. The National Security Act not only addresses the protection of classified national intelligence but also the dissemination of information, including intelligence information and information about the Intelligence Community. "The Director of National Intelligence shall establish and implement guidelines for the intelligence community for the . . . [p]reparation of intelligence products in such a way that source information is removed to allow for dissemination at the lowest level of classification possible or in unclassified form to the extent practicable." § 3024(i)(2)(C). Similarly, EO 13526 discusses the importance of information. "Our democratic principles require that the American people be informed of the activities of their Government. Also, our Nation's progress depends on the free flow of information both within the Government and to the American people." EO 13526. The authorities that underlie ICD 732 anticipate that information will be made available to the public.

ICD 732 also cannot be analyzed in a vacuum. As government agencies, Defendants are subject to FOIA and the Federal Records Act. When ICD 732 was issued, then-Director Clapper knew that any damage assessment reports prepared could be requested subject to FOIA – or, at a minimum, the Federal Records Act. *See* 44 U.S.C. § 3101. In fact, weeks prior to ICD 732, a reporter, Jason Leopold, sued the U.S. Department of Defense for access to a

“Defense Intelligence Agency [] report on the damage caused by leaks by former National Security Agency contractor Edward Snowden.” Complaint at ¶ 10, *Leopold v. U.S. Department of Defense*, Case No. 14-cv-00197 (TSC) (D.D.C. Feb. 11, 2014). The damage assessment report required by ICD 732 is the type of record that would obviously be in the public interest and mostly likely disclosed, at least in redacted form. As a not-for-profit, educational foundation that undertakes investigations of the federal government and federal officials by making extensive use of FOIA, Plaintiff clearly falls within the zone of interests. It has satisfied the “not especially demanding” prudential standing test. *Clarke v. Securities Industry Association*, 479 U.S. 388, 399 (1987).

C. Plaintiff’s Complaint is more than sufficient.

Defendants argue, “[T]he complaint does not allege that [] an actual or suspected unauthorized disclosure or compromise occurred. Nor does it allege facts that, taken together in the light most favorable to Plaintiff, create a reasonable inference that there was a suspected unauthorized disclosure or compromise.” Defs’ Mot. at 17. Defendants complain that Plaintiff did not plead that “classified national intelligence” – which it alleges is distinct from classified information – was transmitted and stored on the unofficial, unsecure email system. Defendants also complain that Plaintiff did not plead that the transmission and storage of the highly classified information on an unofficial, unsecure email system resulted in an actual or suspected unauthorized disclosure or compromise. Both complaints lack merit.

1. Information transmitted and stored on the unofficial, undisclosed email system is classified national intelligence.

According to ICD 703, attached to Defendants’ Motion to Dismiss, “Classified National Intelligence” is “National Intelligence as defined in 50 U.S.C. § 401a(5), classified pursuant to

EO 13526.” ICD 703(D)(1). Information must satisfy the definition in the statute and be properly classified according to the executive order to be “confidential national intelligence.”

There is no dispute whatsoever that information transmitted and stored on the unofficial, unsecure email system was classified pursuant to EO 13526. The FBI concluded, “110 emails in 52 e-mail chains have been determined by the owning agency to contain classified information at the time they were sent or received.” Complaint at ¶ 22.

“National intelligence” refers to “all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that – (A) pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency; and (B) that involves – (i) threats to the United States, its people, property or interests; (ii) the development, proliferation, or use of weapons of mass destruction; or (iii) any other matter bearing on United States national or homeland security.”

50 U.S.C. § 3003(5). As EO 13526 sets forth, “Information shall not be considered for classification unless its unauthorized disclosure could reasonably be expected to cause identifiable or describable damage to the national security.” EO 13526, § 1.4. Information that, at a minimum, could reasonably be expected to cause damage to the national security would obviously also be information that involves matters bearing on national security. Defendants do not demonstrate why such a plain reading is mistaken.

Even if not all classified information is classified national intelligence – and Plaintiff does not concede that that is correct – ICD 703 also describes classified national intelligence as “information classified pursuant to EO 13526, Section 1.4(c).” ICD 703(C)(2). According to the State Department’s own website, at least 27 records transmitted and stored on the unofficial,

unsecure email system contained information classified pursuant to EO 13526, Section 1.4(c). *See* Exhibit 1.⁷ Thus, if classified national intelligence is a subset of information classified under Section 1.4(c), the facts support Plaintiff's Complaint. The 27 emails found on the unofficial, unsecure email system are classified national intelligence.

To the extent Defendants argue Plaintiff's Complaint does not plead classified national intelligence was transmitted and stored on the unofficial, unsecure email system, Defendants are incorrect. In its January 10, 2017 letter, Plaintiff asserted, "Then-Secretary Clinton's use and maintenance of at least one unsecure, unofficial email account and one or more unsecure, unofficial email servers and devices to send, receive, and store Top Secret, and Confidential information plainly constitutes, at a minimum, a suspected, unauthorized disclosure or compromise of *classified national intelligence* . . . that may cause damage to [U.S.] national security." Exhibit A to Complaint at 2 (emphasis added). That letter was not only incorporated by reference (Complaint at ¶ 35), but also attached as an exhibit to the Complaint. *Abraha v. Colonial Parking, Inc.*, 2017 U.S. Dist. LEXIS 39384, *6-7 (D.D.C. Mar. 20, 2017) ("[A] court may consider 'the facts alleged in the complaint, documents attached as exhibits or incorporated by reference in the complaint.'" quoting *Ward v. District of Columbia Department of Youth Rehabilitation Services*, 768 F. Supp. 2d 117, 119 (D.D.C. 2011)). Similarly, the Court may rely upon the records posted on the State Department's website. *Abraha*, 2017 U.S. Dist. LEXIS at **6-7 ("The court may also consider documents in the public record of which the court

⁷ The Court may take judicial notice of facts available on a government website, such as the State Department's FOIA page. *See Cannon v. District of Columbia*, 717 F.3d 200, 205 (D.C. Cir. 2013); *see also Carik v. U.S. Health and Human Services*, 4 F. Supp. 3d 41, 48, (D.D.C. 2013).

may take judicial notice.”). Considering the facts in the Complaint as well as Plaintiff’s January 10, 2017 letter and the records available on the State Department’s website, Plaintiff’s Complaint is more than sufficient. *Covey Run, LLC v. Washington Capital, LLC*, 2017 U.S. Dist. LEXIS 44925, *4 (D.D.C. Mar. 28, 2017) (In deciding whether to dismiss a claim pursuant to Federal Rule of Civil Procedure 12(b)(6), “counseled complaints . . . are to be construed with sufficient liberality to afford all possible inferences favorable to the pleader on allegations of fact.” (quoting *Settles v. U.S. Parole Commission*, 429 F.3d 1098, 1106 (D.C. Cir. 2005))).

2. An actual or suspected unauthorized disclosure or compromise occurred.

Defendants’ argument that Plaintiff did not plead “an actual or suspected unauthorized disclosure or compromise” strains credulity. Again, the FBI concluded that highly classified information was transmitted and stored on an unofficial, unsecure email system, and, as a result, “it is possible that hostile actors gained access” to that information. Complaint at ¶ 22. The FBI’s conclusion alone demonstrates that, at a minimum, a suspected compromise occurred.

“Compromise” is “to expose or make vulnerable to danger, suspicion, scandal, etc.; jeopardize.” “Compromise.” *Merriam-Webster Online Dictionary* (available at merriam-webster.com). Compromise does not require hostile actors to gain access to information. It simply allows for the possibility that such access could be gained. The facts, taken together in the light most favorable to Plaintiff, sufficiently allege the existence of circumstances for which a damage assessment is required.

D. Defendants must conduct a damage assessment.

Defendants ignore the mandatory language of ICD 732 and argue that the decision to conduct a damage assessment is committed to their discretion. The directive unequivocally

states, “Damage assessments *shall be conducted* when there is an actual or suspected unauthorized disclosure or compromise of classified national intelligence that may cause damage to U.S. national security.” ICD 732(D)(2) (emphasis added). Nothing is left to Defendants’ discretion. The directive should be enforced according to its terms. *Caminetti v. United States*, 242 U.S. 470, 485 (1917). (“It is elementary that the meaning of [any law] must . . . be sought in the language in which the act is framed, and if that is plain, and if the law is within the constitutional authority of the law-making body which passed it, the sole function of the courts is to enforce it according to its terms.”). Had the Director sought to provide discretion to ODNI and the Intelligence Community he could have. *See* ICD 732(D)(3) (“Damage assessments *may also be conducted* . . .” (emphasis added)). Instead, he required ODNI and the Intelligence Community to conduct a damage assessment when a suspected unauthorized disclosure or compromise of classified national intelligence occurred.

The case law cited by Defendants also do not support their position. In *Cody v Cox*, the D.C. Circuit concluded that the Armed Forces Retirement Home was required to provide high-quality health care pursuant to 24 U.S.C. § 413(b). 509 F.3d 606, 607 (D.C. Cir. 2007). In deciding that Section 413(b) was not committed to agency discretion, the Court explained that the statute did not fall into one of the narrow categories that usually satisfies the exceptions to “the presumption that agency action is judicially reviewable.” *Id.* at 610.⁸ The exceptions are:

⁸ Congress expressly granted a private right of action to enforce federal rights against federal agencies under the APA. *See* 5 U.S.C. § 702. An agency’s actions may not be subject to judicial review if it is exempted by statute and if it is committed to agency discretion. *See* 5 U.S.C. § 701(a); *see also Abbott Laboratories v. Gardner*, 387 U.S. 136 (1967) (Section 701(a)(1) applies when a statute is explicit and unambiguous). “The mere fact that a statute is silent on the issue of review is not controlling. To the contrary, we ‘begin with the strong presumption that Congress intends judicial review of administrative action.’” *Bowen v.*

(1) an agency's decision involving complicated foreign policy matters, (2) an agency's refusal to undertake an enforcement action, (3) and an agency's determination about how to spend a lump-sum appropriation. *Id.* The Court also concluded that the language of the statute ("The Retirement Home shall provide for the overall health care needs of residents in a high quality and cost-effective manner, including on site primary care, medical care, and a continuum of long-term care services.") was clear and defined. *Id.* The Court explained:

[W]e found judicial review was available for abuse of discretion when the statute stated that a board may excuse a failure to file a request to correct an error in a military record within three years after discovery if it finds it to be in the interest of justice. If language that a board "may" take an action if it "finds it to be in the interest of justice" provides a "meaningful standard against which to judge the agency's exercise of discretion," surely wording mandating that the [agency] "shall" provide "high quality and cost-effective" health care does so as well.

Cody, 509 F.3d at 610-611.

The requirement to conduct a damage assessment does not concern complicated foreign policy matters. Nor does it concern a refusal to take an enforcement action or how to spend a lump-sum appropriation. It solely concerns a law that requires a damage assessment to be conducted when there is an actual or suspected unauthorized disclosure or compromise of classified national intelligence. Nothing is committed to agency discretion.

Defendants also do not claim that the review of the decision to conduct a damage assessment is exempted. Neither the National Security Act nor ICD 732 even suggests that

Michigan Academy of Family Physicians, 476 U.S. 667, 670 (1986). In addition, there is a "well-settled presumption favoring interpretations of statutes that allow judicial review of administrative action." *Abbott Laboratories*, 387 U.S. at 141 (quoting *Rusk v. Cort*, 369 U.S. 367, 379-380, (1962)). In short, "judicial review of a final agency action by an aggrieved person will not be cut off unless there is a persuasive reason to believe that such was the purpose of Congress." *Abbott Laboratories*, 387 U.S. at 140.

judicial review of a decision to not conduct a damage assessment is precluded.

Finally, contrary to Defendants' assertion (Defs' Mot. at 22), final agency action was taken. Defendants decided that no Intelligence Community-wide damage assessment into Secretary Clinton's email practices would be conducted and that no individual Intelligence Community member would conduct such an assessment. *See* Complaint at ¶ 33. It is that precise decision that Plaintiff challenges here. The decision not to conduct a damage assessment may be challenged under the APA.⁹

IV. Conclusion.

For the foregoing reasons, Plaintiff respectfully requests that Defendants' Motion to Dismiss be denied.¹⁰

Dated: July 28, 2017

Respectfully submitted,

/s/ Michael Bekesha
Michael Bekesha
D.C. Bar No. 995749
JUDICIAL WATCH, INC.
425 Third Street S.W., Suite 800
Washington, DC 20024
Phone: (202) 646-5172

Counsel for Plaintiff

⁹ To the extent that no final agency action was taken – which the facts refute – Plaintiff also challenges Defendants' failure to conduct a damage assessment as "action unlawfully withheld or unreasonably delayed." Complaint at ¶ 43 (quoting 5 U.S.C. § 706(1)). Defendants have made no argument whatsoever that Plaintiff's claim cannot be brought under this provision of the APA.

¹⁰ Pursuant to the Court's Standing Order, Plaintiff will deliver one appropriately bound and tabbed courtesy copy of this opposition at the loading dock located at Third and C Streets on or before the first business day after the filing of this motion.

Exhibit 1

Classified by DAS, A/GIS, DoS on 02/19/2016 ~ Class: SECRET/NOFORN
~ Reason: 1.4(B), 1.4(C), 1.4(D) ~ Declassify on: 05/17/2036

RELEASE IN PART
B1,1.4(B),1.4(C),1.4(D)

Memo to Secretary Hillary R Clinton
From John Kerry
May 18, 2011

KIYANI-PASHA DINNER
ARMY HOUSE
5/15/11. 10:15 PM - 2:15 AM

Overview

During a long dinner with Generals Kiyani and Pasha to discuss the major issues between our two countries and in the region, I specifically sought their views

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Executive Summary

I met with General Kiyani and General Pasha at Army House on
May 15-16. [REDACTED]

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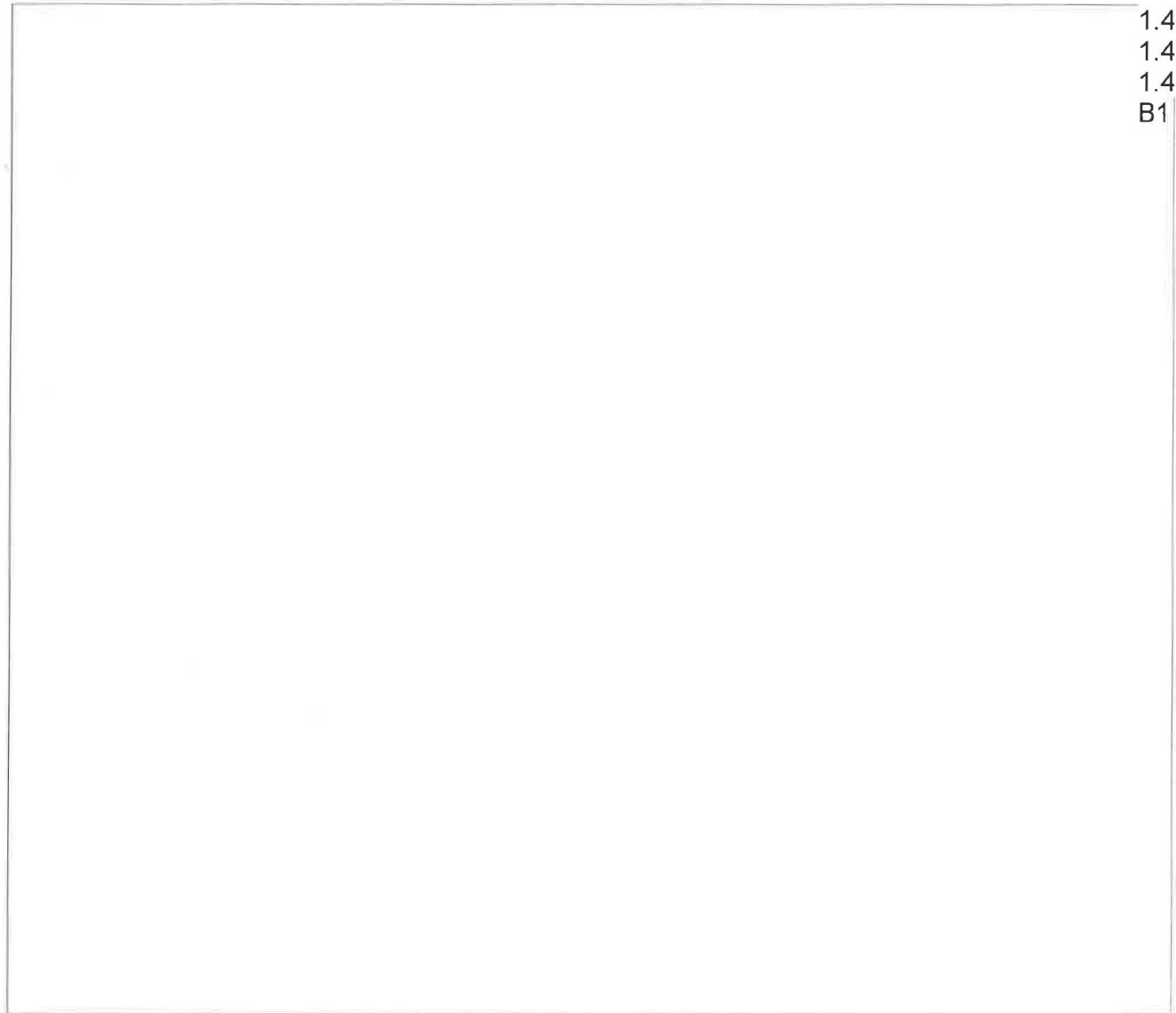
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[REDACTED] KIYANI issued a statement acknowledging the session and promised to meet the following day. Ambassador Munter attended the follow up meeting with President Zardari, General Kiyani and others and has reported separately.

Classified by DAS, A/GIS, DoS on 02/19/2016 ~ Class: SECRET/NOFORN
~ Reason: 1.4(B), 1.4(C), 1.4(D) ~ Declassify on: 05/17/2036

RELEASE IN PART
B1,1.4(B),1.4(C),1.4(D)

Memo to Secretary Hillary R Clinton
From John Kerry
May 18, 2011

KIYANI-PASHA DINNER
ARMY HOUSE
5/15/11. 10:15 PM - 2:15 AM

Overview

During a long dinner with Generals Kiyani and Pasha to discuss the major issues between our two countries and in the region, I specifically sought their views



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Executive Summary

I met with General Kiyani and General Pasha at Army House on
May 15-16 [REDACTED]

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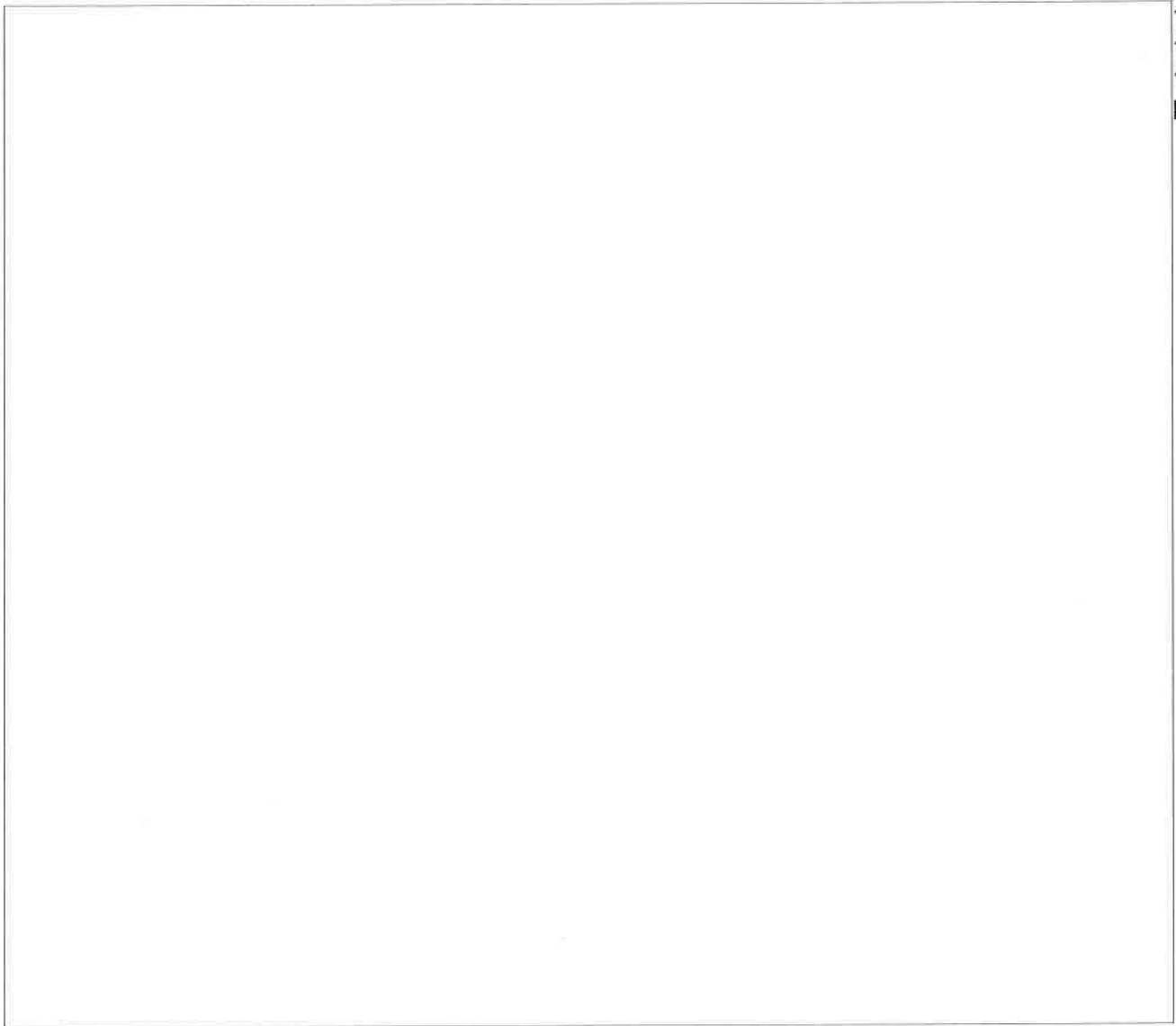
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RELEASE IN FULL

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Draft 15 Feb 06

February 15, 2006

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Subj: The McCain Amendment and U.S. Obligations under Article 16
of the Convention Against Torture

Article 16 of the Convention Against Torture requires parties "to prevent in any territory under its jurisdiction other acts of cruel, inhuman, or degrading treatment or punishment which do not amount to torture" The State Department agreed with the Justice Department May 2005 conclusion that this Article did not apply to CIA interrogations in foreign countries.

That situation has now changed. As a matter of policy, the U.S. government publicly extended the prohibition against cruel, inhuman, or degrading treatment to all conduct worldwide. And then, as a matter of law, the McCain Amendment extended the application of Article 16 of the Convention Against Torture to conduct by U.S. officials anywhere in the world.

The prohibitions of Article 16 of the CAT now do apply to the enhanced interrogation techniques authorized for employment by CIA. In this case, given the relationship of domestic law to the question of treaty interpretation, the responsibility of advising on interpretation is shared by both the Department of State and the Department of Justice.

The Senate's reservation stated that the CAT's ban on "cruel, inhuman, or degrading treatment or punishment" would bind the U.S. only insofar as it meant the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments. So, to define the CAT's ban, we are to look principally to America's 'cruel and unusual' standard. Though that standard is found in the Eighth Amendment, the Senate's invocation of the Fifth and Fourteenth Amendments made sense because, as a matter of substantive due process, "the Due Process Clause of the Fourteenth Amendment [which uses the same language as the Fifth Amendment] incorporates the Eighth Amendment's guarantee against cruel

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Dept. of State, A/GIS/IPS, Sheryl L. Walter

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Draft 15 Feb 06

and unusual punishment." Goodman v. Georgia, 126 S.Ct. 877, 879 (Jan. 10, 2006), citing Louisiana ex rel Francis v. Resweber, 329 U.S. 459, 463 (1947).

The "cruel and unusual" standard is also the least restrictive standard available anywhere in American jurisprudence. After all, the Eighth Amendment sets the floor on what can be done to the most dangerous offenders that exist in American law, people who can legally be punished, even legally put to death. All other standards of treatment in American law are more restrictive, since they apply to people who have not been convicted of crimes (as with pretrial detention, civil commitment, etc.) and where the due process standard judges whether they can be deprived of their liberty at all. This is why the "cruel and unusual" test is considered one aspect of substantive due process, where it is a kind of floor in a larger structure of protections. E.g., Jones v. Johnson, 781 F.2d 769 (9th Cir. 1986) (8th Amendment as minimum standard in case involving pretrial detention).

Further, the term "degrading" is a vaguer and potentially more restrictive term than "cruel" or "inhuman." This is another reason why it is fortunate that the Senate pointed to the "cruel and unusual" line of cases as the place to define the ban.¹

There are a great many cases on the meaning of "cruel and unusual." As the Supreme Court has repeatedly said, writing about conditions of confinement, the words should be interpreted in a "flexible and dynamic manner." "No static test can exist by which courts may determine whether conditions of

¹ OLC did not cite Eighth Amendment precedents in its 2005 opinion because the Eighth Amendment would not apply to people who had not been judged guilty of a crime. (1) This argument confuses two kinds of references. The Senate commanded that the 'cruel and unusual' standard be used for substantive definition of conduct prevented by the treaty, not for a definition of the categories of people who could claim the treaty's protections. (2) The distinction is also substantively immaterial. No constitutional protections formally apply to these prisoners. The protections, including the Fifth Amendment ones that OLC acknowledges, are all being artificially imported to them by the operation of the CAT and the Senate reservation. The Eighth Amendment carries over just as well, both directly and through its inclusion as an aspect of the substantive due process protected under the Fifth and Fourteenth. (3) The Eighth Amendment is a minimum standard. If we reject this standard because the people have not been convicted of a crime, the government must find a standard of treatment even higher, and more restrictive, that would apply in situations like pretrial detention or civil commitment.

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confinement are cruel and unusual, for the Eighth Amendment 'must draw its meaning from the evolving standards of decency that mark the progress of a maturing society.'" Rhodes v. Chapman, 452 U.S. 337, 346 (1981), citing Trop v. Dulles, 356 U.S. 86, 101 (1958). The treatment or punishment need not be barbarous. The Court has used terms like "serious deprivations of human needs" or conditions which "deprive inmates of the minimal civilized measure of life's necessities." But treatment or punishment, if it is otherwise justified, can certainly be "restrictive and even harsh." Rhodes, 452 U.S. at 347.

Though the Supreme Court has frequently been divided on applying the "evolving standards of decency" test, it has clearly agreed that, "In discerning those 'evolving standards,' we have looked to objective evidence of how our society views a particular punishment today," looking for reliable objective evidence of contemporary values, such as the practices of legislatures. Perry v. Lynaugh, 492 U.S. 302, 331 (1989)(unanimous portion of opinion).

In addition to the 'cruel and unusual' standard, which especially applies to conditions of confinement, the substantive due process requirements also prohibit methods of interrogation that would "shock the conscience." Both standards must be discussed. The enhanced interrogation techniques combine manipulations of the conditions of confinement with the use of specific coercive methods during the questioning itself.

The 'shocks the conscience' test has been applied to interrogations on several occasions, but such cases are now relatively rare. The Court ruled in 2003, for example, that a man who had been questioned for ten minutes while in pain after being justifiably wounded by police officers could sue with a claim that his right to substantive due process had been violated by conduct that shocked the conscience. Chavez v. Martinez, 538 U.S. 760 (2003). Such interrogation cases have seldom risen to Supreme Court review in the post-Miranda era since the 1960s. Among the last such cases, the Court found violations of due process where the prisoner had been held incommunicado and questioned for a prolonged period. E.g., Darwin v.

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Connecticut, 391 U.S. 346 (1968); Clewis v. Texas, 386 U.S. 707 (1967). In another case where a police officer questioned a wounded prisoner, threatened to kill him, and fired a gun near his ear, the Court also found "gross coercion." Beecher v. Alabama, 389 U.S. 35, 38 (1967).

In applying both tests, courts look to cumulative effect -- it judges the acts both alone or in combination. Rhodes, 452 U.S. at 347 (sometimes also referred to as the "totality of circumstances").

The cases reveal a spectrum of views. Some techniques that are merely intrusive or harsh may pass either test if there is a worthy state interest in using them. Almost all of the techniques in question here would be deemed wanton and unnecessary and would immediately fail to pass muster unless there was a strong state interest in using them. So we presume for this opinion that they are all justified by a valid state interest -- the need to obtain information to protect the country.

But that is only part of the test. Under American law, there is no precedent for excusing treatment that is intrinsically "cruel" even if the state asserts a compelling need to use it.

The OLC agrees that some conduct is prohibited no matter how compelling the state interest may be. In attempting to define such intrinsically prohibited conduct, OLC looked at whether the enhanced interrogation techniques in question caused severe pain or suffering or inflicted significant or lasting harm. In other words, OLC concluded that "the techniques do not amount to torture." OLC opinion of May 30 (p. 27 and note 26 in the May 26 draft).

But the CAT's Article 16 states explicitly that the prohibited cruel, inhuman, or degrading treatment or punishment are acts "which do not amount to torture." Moreover, OLC's own opinion on the legal definition of torture emphasizes the difference. OLC quoted the Senate's explanation that: "'Torture' is thus to be distinguished from lesser forms of cruel, inhuman, or degrading treatment or punishment, which are to be deplored and prevented,

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but are not so universally and categorically condemned as to warrant the severe legal consequences that the Convention provides in the case of torture." OLC opinion of Dec. 30, 2004, p. 4, see also note 14.

If the techniques, taken together, are intrinsically cruel, inhuman, or degrading – i.e., if under American constitutional law they would be either be considered cruel and unusual or shock the conscience, then they are prohibited. They can be barred, per se, even if they do not amount to torture. And they can be barred even if there is a compelling state interest asserted to justify them.

In looking to objective standards to inform a judgment about evolving standards of decency or interrogation techniques that shock the conscience, three sources stand out:

- ☐ American government practice, by any agency, in holding or questioning enemy combatants – including enemy combatants who do not have Geneva protection or who were regarded at the time as suspected terrorists, guerrillas, spies, or saboteurs. We are unaware of any precedent in World War II, the Korean War, the Vietnam War, or any subsequent conflict for authorized, systematic interrogation practices similar to those in question here, even where the prisoners were presumed to be unlawful combatants.²
- ☐ Recent practice by police and prison authorities in confining or questioning their most dangerous suspects. This practice is especially helpful since these authorities are governed by substantively similar standards to those that would apply under the CAT, given the Senate's reservation. We have not conducted a review of American domestic

² OLC noted that some of the questioned practices are openly regarded as torture in the Army Field Manual. It said that the Manual applied to combatants receiving Geneva protections, and these do not. OLC did not discuss military practice in confining and questioning enemy combatants who did not qualify for Geneva protection. Also, the question of whether combatants are protected or not is not necessarily relevant to noting whether the military regards the practices as torturous or cruel, for the purpose of establishing evolving standards of decency.

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practice. From the available cases, it appears likely that some of the techniques being used would likely pass muster; several almost certainly would not.³

- Recent practice by other advanced governments that face potentially catastrophic terrorist dangers. [REDACTED] governments have abandoned several of the techniques in question here.

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It therefore appears to us that several of these techniques, singly or in combination, should be considered "cruel, inhuman, or degrading treatment or punishment" within the meaning of Article 16.

The techniques least likely to be sustained are the techniques described as "coercive," especially viewed cumulatively, such as the waterboard, walling, dousing, stress positions, and cramped confinement.

Those most likely to be sustained are the basic detention conditions and, in context, the corrective techniques, such as slaps.

The control conditions, such as nudity, sleep deprivation, and liquid diet, may also be sustainable, depending on the circumstances and details of how these techniques are used.

³ OLC did not review domestic practice of police and prison authorities. OLC did argue that national security interests could justify more invasive practices than might perhaps be justifiable only by law enforcement interests. This may be a valid argument where the technique might be close to the line, domestically. But if the technique, or techniques, would violate domestic constitutional standards, it is nonetheless forbidden. The Senate pointed to domestic constitutional law as the source for defining this international treaty obligation.

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RELEASE IN PART
B1,1.4(C),1.4(D),B3
CIA PERS/ORG,B5

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Wednesday, March 14, 2012 7:31 AM
To: [REDACTED]
Cc: Laszczych, Joanne
Subject: Re: URGENT -- From Dave Petraeus's Chief of Staff...

B3 CIA PERS/ORG

[REDACTED] B3 CIA PERS/ORG

Thanks for this update.

I do want to discuss this situation as it will reoccur and we have protocols that we follow that I welcome covering with you.

I am travelling today but look forward to connecting tomorrow to discuss.

Best
Cdm

Classified by DAS, A/GIS, DoS on 01/29/2016 ~ Class: SECRET ~ Reason: 1.4(C), 1.4(D) ~ Declassify on: 03/13/2037

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

From: [REDACTED]
Sent: Wednesday, March 14, 2012 06:02 AM
To: Mills, Cheryl D
Subject: Re: URGENT -- From Dave Petraeus's Chief of Staff...

B3 CIA PERS/ORG

Cheryl,

[REDACTED] 1.4(C)
1.4(D)
B1
B3 CIA PERS/ORG
B5

Again, many thanks and all my best.

Cheers, [REDACTED]

B3 CIA PERS/ORG

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

From: [REDACTED]
Sent: Wednesday, March 14, 2012 04:44 AM
To: 'millsd@state.gov' <millsd@state.gov>
Subject: URGENT -- From Dave Petraeus's Chief of Staff...

B3 CIA PERS/ORG

1.4(C)
1.4(D)
B1
B3 CIA PERS/ORG
B5

Dear Cheryl,

1.4(C)
1.4(D)
B1
B3 CIA PERS/ORG
B5

Does all of that sound ok to you?

If so, may I please ask you to get word around immediately [redacted] B1
[redacted] only in those circumstances where he deems that to be appropriate and t B3 CIA PERS/ORG
B5

Thanks much and cheers,



B3 CIA PERS/ORG

RELEASE IN PART
B1,1.4(C),1.4(D),B3 CIA PERS/ORG,B5

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Wednesday, March 14, 2012 2:40 PM
To: H
Subject: Fw: URGENT -- From Dave Petraeus's Chief of Staff...

Classified by DAS, A/GIS, DoS on 01/29/2016 ~ Class: SECRET ~ Reason: 1.4(C), 1.4(D) ~ Declassify on: 03/13/2037

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

From: [REDACTED]
Sent: Wednesday, March 14, 2012 11:03 AM
To: Mills, Cheryl D
Cc: Laszczych, Joanne
Subject: Re: URGENT -- From Dave Petraeus's Chief of Staff...

B3 CIA PERS/ORG

Cheryl,

Thank you and excellent. I look forward to discussing the protocols with you, including learning if there have been any changes.

In the meantime, safe and productive travels, and please consider coming out to Langley for lunch with me when you next have a bit of time so we can catch-up in person!

Cheers, [REDACTED]

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

From: Mills, Cheryl D [mailto:MillsCD@state.gov]
Sent: Wednesday, March 14, 2012 07:31 AM
To: [REDACTED]
Cc: Laszczych, Joanne <LaszczychJ@state.gov>
Subject: Re: URGENT -- From Dave Petraeus's Chief of Staff...

[REDACTED]

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

From: [REDACTED]
Sent: Wednesday, March 14, 2012 06:02 AM
To: Mills, Cheryl D
Subject: Re: URGENT -- From Dave Petraeus's Chief of Staff...

B3 CIA PERS/ORG

Cheryl,

1.4(C)
1.4(D)
B1
B3 CIA PERS/ORG
B5

Again, many thanks and all my best.

Cheers,

B3 CIA PERS/ORG

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

From:

B3 CIA PERS/ORG

Sent: Wednesday, March 14, 2012 04:44 AM

To: 'millsd@state.gov' <millsd@state.gov>

Subject: URGENT -- From Dave Petraeus's Chief of Staff...

Dear Cheryl,

1.4(C)
1.4(D)
B1
B3 CIA PERS/ORG
B5

Does all of that sound ok to you?

If so, may I please ask you to get word around immediately -

only in those circumstances where he deems that to be appropriate and the best way forward?

Thanks much and cheers,



B3 CIA PERS/ORG

RELEASE IN PART
B1,1.4(C),1.4(D),B3 CIA PERS/ORG,B5

From: H <hrod17@clintonemail.com>
Sent: Wednesday, March 14, 2012 6:49 AM
To: 'millsd@state.gov'
Cc: 'sullivanjj@state.gov'
Subject: Re: URGENT -- From Dave Petraeus's Chief of Staff...

Ok

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

From: Mills, Cheryl D [mailto:MillsCD@state.gov]
Sent: Wednesday, March 14, 2012 05:38 AM
To: H
Cc: Sullivan, Jacob J <SullivanJJ@state.gov>
Subject: Fw: URGENT -- From Dave Petraeus's Chief of Staff...

HRC

Classified by DAS, A/GIS, DoS on 01/29/2016 ~ Class: SECRET ~ Reason: 1.4(C), 1.4(D) ~ Declassify on: 03/13/2037

See b/l

Calling you re this around 715am.

Cdm

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

From: [REDACTED]
Sent: Wednesday, March 14, 2012 04:44 AM
To: Mills, Cheryl D
Subject: URGENT -- From Dave Petraeus's Chief of Staff...

Dear Cheryl,

B5
B1
1.4(D)
B3 CIA PERS/ORG
1.4(C)

B3 CIA
PERS/ORG

B5
B1
1.4(D)
B3 CIA
PERS/ORG
1.4(C)

Does all of that sound ok to you?

If so, may I please ask you to get word around immediately -

only in those circumstances where he deems that to be appropriate and the best way forward?

Thanks much and cheers,

B3 CIA
PERS/ORG

RELEASE IN PART
B1,1.4(C),1.4(D),B3 CIA
PERS/ORG,B5

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Wednesday, March 14, 2012 5:39 AM
To: H
Cc: Sullivan, Jacob J
Subject: Fw: URGENT -- From Dave Petraeus's Chief of Staff...

HRC

Classified by DAS, A/GIS, DoS on 01/29/2016 ~ Class: SECRET ~ Reason: 1.4(C), 1.4(D) ~ Declassify on: 03/13/2037

See b/l

Calling you re this around 715am.

Cdm

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

From: [REDACTED]
Sent: Wednesday, March 14, 2012 04:44 AM
To: Mills, Cheryl D
Subject: URGENT -- From Dave Petraeus's Chief of Staff...

B3 CIA PERS/ORG

1.4(C)

1.4(D)

B1

B3 CIA PERS/ORG

B5

Dear Cheryl,

Does all of that sound ok to you?

If so, may I please ask you to get word around immediately [REDACTED]

[REDACTED] only in those circumstances where he deems that to be appropriate and the best way forward?

1.4(C)

1.4(D)

B1

B3 CIA PERS/ORG

B5

Thanks much and cheers,



B3 CIA PERS/ORG

RELEASE IN PART
B1,1.4(B),1.4(D),B5,B6

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Saturday, August 7, 2010 7:23 PM
To: H
Subject: Re: Message from AM

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

From: H <HDR22@clintonemail.com>
To: Sullivan, Jacob J
Sent: Sat Aug 07 19:19:18 2010
Subject: Re: Message from AM

Classified by DAS, A/GIS, DoS on 11/30/2015 ~ Class: CONFIDENTIAL ~
Reason: 1.4(B), 1.4(D) ~ Declassify on: 08/07/2030

1.4(B)
1.4(D)
B1

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

From: Sullivan, Jacob J <SullivanJJ@state.gov>
To: H
Sent: Sat Aug 07 19:18:04 2010
Subject: Re: Message from AM

1.4(B)
1.4(D)
B1

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

From: H <HDR22@clintonemail.com>
To: Sullivan, Jacob J
Sent: Sat Aug 07 19:13:39 2010
Subject: Re: Message from AM

B5

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

From: Sullivan, Jacob J <SullivanJJ@state.gov>
To: H
Sent: Sat Aug 07 19:11:01 2010
Subject: Re: Message from AM

B5

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

From: H <HDR22@clintonemail.com>
To: Sullivan, Jacob J
Sent: Sat Aug 07 19:02:28 2010
Subject: Re: Message from AM

B5

B1
1.4(D)

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

From: Sullivan, Jacob J <SullivanJJ@state.gov>

To: H

Sent: Sat Aug 07 18:28:06 2010

Subject: Fw: Message from AM

1.4(B)
1.4(D)
B1
B5

Dennis' reaction:

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

From: Sullivan, Jacob J

To: 'H' <HDR22@clintonemail.com>

Sent: Sat Aug 07 15:54:47 2010

Subject: FW: Message from AM

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

From: Walles, Jacob

Sent: Saturday, August 07, 2010 3:49 PM

To: 'george [REDACTED]' Hale, David M; Rudman, Mara; Feltman, Jeffrey D; Sullivan, Jacob J;

'Daniel_B._Shapiro [REDACTED]' 'Prem_G._Kumar [REDACTED]' Rubinstein, Daniel H

Subject: Message from AM

1.4(B)
1.4(D)
B1

B6

Classified by DAS, A/GIS, DoS on 08/27/2015 ~ Class:
CONFIDENTIAL ~ Reason: 1.4(B), 1.4(D) ~ Declassify on:
12/07/2025

RELEASE IN PART
1.4(B),B1,B5,1.4(D),B6

From: H <hrod17@clintonemail.com>
Sent: Tuesday, December 7, 2010 2:22 PM
To: 'millsd@state.gov'
Subject: Re: Draft Embassy Statement

Did [redacted] reach you about this?

B5

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

From: Mills, Cheryl D <MillsCD@state.gov>
To: Laszczyc, Joanne <LaszczycJ@state.gov>
Cc: H
Sent: Tue Dec 07 13:28:01 2010
Subject: Fw: Draft Embassy Statement

Print this traffic for HRC

From: Mills, Cheryl D
To: Adams, Thomas C; Merten, Kenneth H; Lindwall, David E
Cc: McDonald, Kara C; Laszczyc, Joanne; Reynoso, Julissa; Mills, Cheryl D
Sent: Tue Dec 07 13:24:21 2010
Subject: Re: Draft Embassy Statement

B5

[redacted]
Can we do a call at 4pm

From: Adams, Thomas C
To: Merten, Kenneth H; Mills, Cheryl D; Lindwall, David E
Cc: McDonald, Kara C
Sent: Tue Dec 07 13:20:13 2010
Subject: FW: Draft Embassy Statement

B5

Dan should be back from the oval office credentialing ceremony around 2 or so and it would be good to do a conference call then on all of this.

[REDACTED]

B1
1.4(B)
1.4(D)

[REDACTED]—that the observation in the tabulation center did not show that to be possible.

B1
1.4(B)
1.4(D)

On tabulation process,

[REDACTED]

[REDACTED]

B1
1.4(B)
1.4(D)

[REDACTED]

B1
1.4(B)
1.4(D)

We are reaching out to Luis Vassy at the French Embassy here, who is their man on Haiti matters, to get his help connecting with senior officials in Paris. They have not answered any of our direct messages.

That's it for now.

Tom

SBU

This email is UNCLASSIFIED.

From: Adams, Thomas C
Sent: Tuesday, December 07, 2010 12:39 PM
To: Dan Restrepo
Cc:
Subject: Draft Embassy Statement

B6.

B5

SBU

This email is UNCLASSIFIED.

Classified by DAS, A/GIS, DoS on 02/26/2016 ~ Class:
CONFIDENTIAL ~ Reason: 1.4(B), 1.4(D) ~ Declassify
on: 04/07/2026

RELEASE IN PART
1.4(B),B1,1.4(D),B6

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Friday, April 8, 2011 12:58 PM
To: H
Subject: Fw: Quartet Call

Fyi

From: Hale, David M
Sent: Friday, April 08, 2011 12:06 PM
To: 'Mitchell, George'; Sullivan, Jacob J; Abedin, Huma; Walles, Jacob; 'Shapiro, Daniel B.'; 'Ross, Dennis B.'; Pascal, Alexander J.; Sachar, Alon (NEA/IPA); Rudman, Mara; Feltman, Jeffrey D; Sutphin, Paul R; Schwartz, Jonathan B; 'Kumar, Prem G.'; Hof, Frederic C; Wells, Alice G
Subject: Quartet Call

B6

I just finished a 20 minute envoys call. They were obviously disappointed, but resigned in the end that there would be no meeting in Berlin but, in [redacted] worried that we were losing time prior to the September deadlines. I assured that we recognized the need to move forward before September and indicated we were not opposed in principle to putting forth principles, but we would only consider doing so if we knew it would move us forward, which was not the case today.

B1
1.4(B)
1.4(D)

[redacted]
[redacted] I countered that and said we would continue to work with the Quartet as we proceed, but that I also felt we should at this stage all have bilateral meetings with the parties and plan to get together as envoys in early May. I agreed we could continue to look at [redacted] paper, but that we could discuss it only face-to-face, not electronically, given the sensitivities. They agreed.

B1
1.4(B)
1.4(D)

We also agreed on the need for guidance for a public line that we could each use as needed. Julia will circulate precise text for clearance but essentially I proposed the following: a) we are committed to working to advance Middle East, and the need is more urgent than ever; b) the Q envoys met with the parties on April 5 with this objective in mind; c) the Q will continue these discussions at the envoy level; d) more time is needed for those consultations on the way forward before scheduling the next Q Principals' level meeting.

B1
1.4(B)
1.4(D)

David

RELEASE IN PART
B1,1.4(B),1.4(C),1.4(D),,B5,B6

From: Abedin, Huma <AbedinH@state.gov>
Sent: Saturday, July 04, 2009 7:42 AM
To: H
Subject: Fw: Follow Up: Summary of 1055 EDT DPRK Conference Call

Fyi Classified by DAS, A/GIS, DoS on 02/29/2016 ~ Class: SECRET ~ Reason: 1.4(B), 1.4(C), 1.4(D) ~ Declassify on: 07/03/2034

From: Beale, Courtney A Kramer
To: Sullivan, Jacob J; 'Jake.sullivan' [redacted] Abedin, Huma; Mills, Cheryl D
Cc: S_SpecialAssistants; Macmanus, Joseph E
Sent: Sat Jul 04 07:35:08 2009
Subject: Fw: Follow Up: Summary of 1055 EDT DPRK Conference Call

FYI on Japanese statement on North Korean missile launches.

From: Pascual, Michael T
To: Smith-Wilson, Shelby V; SES_DutyDeputies; Barks-Ruggles, Erica J; Park, Pamela P; S_SpecialAssistants; Macmanus, Joseph E
Cc: SES-O_SWO-Only; Rosenberger, Laura M
Sent: Sat Jul 04 02:03:32 2009
Subject: RE: Follow Up: Summary of 1055 EDT DPRK Conference Call

Further to Shelby's email, Embassy Tokyo forward the following unofficial translation of a statement issued by Japanese MOFA:

MOFA released a press announcement at 13:00 (MOFA: G-0738)
July 4, 2009

Regarding Japan's protest against the launch of a ballistic missile by North Korea.

Through the diplomatic route in Beijing, around 12:00 noon Japan sent North Korea the following message regarding today's North Korean ballistic missile launch:

1. The launch of a ballistic missile by North Korea is a significant act of provocation in terms of the security of neighboring countries, including our country, and a violation of UNSCR 1895, 1718 and 1874. Concerning today's launch of a ballistic missile, Japan strictly protests, and expresses sincere regret.
2. Japan urges North Korea to implement all related UNSC Resolutions, including suspension of all activities related to the ballistic missile plan immediately and completely. In addition, on this occasion, (we) strongly urge (North Korea) again to take concrete action toward the comprehensive resolution of related issues, such as the abduction issue, the nuclear issue and the missile issue.

From: Smith-Wilson, Shelby V
Sent: Saturday, July 04, 2009 12:13 AM
To: SES_DutyDeputies; Barks-Ruggles, Erica J; Park, Pamela P; S_SpecialAssistants; Macmanus, Joseph E
Cc: SES-O_SWO-Only; Rosenberger, Laura M
Subject: Follow Up: Summary of 1055 EDT DPRK Conference Call

To clarify a few points below:

B5

From: Smith-Wilson, Shelby V
Sent: Friday, July 03, 2009 11:42 PM
To: SES_DutyDeputies; Barks-Ruggles, Erica J; Park, Pamela P; S_SpecialAssistants; Macmanus, Joseph E
Cc: SES-O_SWO-Only; Rosenberger, Laura M
Subject: Summary of 1055 EDT DPRK Conference Call

Dan,

1.4(B)
1.4(C)
1.4(D)
B1
B5

B5

Shelby Smith-Wilson
Senior Watch Officer
U.S. Department of State (S/ES-O)
202-647-1512

RELEASE IN PART
B1,1.4(C),1.4(D)

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Tuesday, December 27, 2011 11:57 AM
To: H
Subject: FW: (SBU)

Classified by DAS, A/GIS, DoS on 02/29/2016 ~ Class: SECRET ~ Reason: 1.4(C), 1.4(D) ~ Declassify on: 12/26/2036

From: Feldman, Daniel F
Sent: Tuesday, December 27, 2011 11:38 AM
To: Mills, Cheryl D
Cc: Sullivan, Jacob J
Subject: RE: (SBU)

1.4(C)
1.4(D)
B1

From: Feldman, Daniel F
Sent: Tuesday, December 27, 2011 11:02 AM
To: Mills, Cheryl D
Cc: Sullivan, Jacob J
Subject: RE: (SBU)

Marc and Beth are covering the office this week, and I'll be back on Fri, for anything that may pop this wknd. I'll keep you apprised of anything I hear on our account, though.

From: Mills, Cheryl D
Sent: Tuesday, December 27, 2011 5:45 AM
To: Feldman, Daniel F
Cc: Sullivan, Jacob J
Subject: Re: (SBU)

What happened on this?

From: Feldman, Daniel F
Sent: Friday, December 23, 2011 10:38 AM
To: Mills, Cheryl D

Subject: RE: (SBU)

1.4(C)
1.4(D)
B1

From: Mills, Cheryl D
Sent: Friday, December 23, 2011 10:36 AM
To: Feldman, Daniel F
Subject: RE: (SBU)

Thanks – you good with this

From: Feldman, Daniel F
Sent: Friday, December 23, 2011 10:22 AM
To: Mills, Cheryl D; Sullivan, Jacob J
Subject: FW: (SBU)

I'm sure you know already, but just in case.

From: Munter, Cameron P
Sent: Friday, December 23, 2011 10:12 AM
To: Feldman, Daniel F; Ruggiero, Frank J
Subject: (SBU)

Dan, Frank, Cameron

RELEASE IN PART
B1,1.4(D),1.4(C),B6

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Saturday, October 13, 2012 10:11 AM
To: H
Subject: Fw: This am Green on Blue

Classified by DAS, A/GIS, DoS on 01/29/2016 ~
Class: SECRET ~ Reason: 1.4(C), 1.4(D) ~ Declassify
on: 10/12/2027

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

From: Reines, Philippe I
Sent: Saturday, October 13, 2012 09:53 AM
To: Mills, Cheryl D; Sullivan, Jacob J
Subject: Fw: This am Green on Blue

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

From: Bash, Jeremy CIV SD [mailto:]
Sent: Saturday, October 13, 2012 09:45 AM
To: Little, George CIV OSD PA < >; Reines, Philippe I
Cc: Kelly, John LtGen SD < >; Waldhauser, Thomas LtGen SD < >
Subject: This am Green on Blue

B6

As you'll be hearing from ISAF, an Afghan NDS officer pulled the ripcord on a vest in front of coalition guys loading a helicopter. Total of 14 either killed or wounded -- some US, some Afghans.

Right now, we think 1 US mil killed and one wounded.

1.4(C)
1.4(D)
B1

George, please lash up with

B6

RELEASE IN PART
B1,1.4(C),1.4(D),B6

From: Cheryl Mills <cheryl.mills [REDACTED]>
Sent: Friday, December 23, 2011 10:40 AM
To: H
Subject: Fwd: (SBU)

B6

FYI

Classified by DAS, A/GIS, DoS on 02/29/2016 ~ Class: SECRET ~ Reason: 1.4(C), 1.4(D) ~ Declassify on: 12/22/2036

From: Feldman, Daniel F
Sent: Friday, December 23, 2011 10:22 AM
To: Mills, Cheryl D; Sullivan, Jacob J
Subject: FW: (SBU)

I'm sure you know already, but just in case.

From: Munter, Cameron P
Sent: Friday, December 23, 2011 10:12 AM
To: Feldman, Daniel F; Ruggiero, Frank J
Subject: (SBU)

Dan, Frank, [REDACTED] Cameron

1.4(C)
1.4(D)
B1

UNCLASSIFIED U.S. Department of State Case No. F-2014-20439 Doc No. C05955412 Date: 02/29/2016

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Wednesday, August 25, 2010 11:46 AM
To: H
Subject: Fw: NY Times article on Salehi

RELEASE IN PART
B1,1.4(C),B6

Fyi

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

From: Holbrooke, Richard
To: Sullivan, Jacob J
Sent: Wed Aug 25 11:32:24 2010
Subject: Fw: NY Times article on Salehi

1.4(C)
B1

Jake make She is aware [REDACTED]

1.4(C)
B1

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

From: Feldman, Daniel F
To: Holbrooke, Richard
Sent: Wed Aug 25 11:27:03 2010
Subject: FW: NY Times article on Salehi

(b)(1)

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

From: Lussenhop, Matthew R
Sent: Wednesday, August 25, 2010 11:21 AM
To: Crowley, Philip J; Toner, Mark C; Hart, Erin M; Kabul Press; Singh, Vikram J; Bommer, Ashley F; Simon, Jessica L; Guice, Stephen A; Benini, Carla A
Cc: Keith, James R; Ensor, David B
Subject: NY Times article on Salehi

All,

Classified by DAS, A/GIS, DoS on 02/29/2016 ~ Class: SECRET ~ Reason: 1.4(C) ~ Declassify on: 08/24/2035

NY Times Dexter Filkins has been in touch today seeking Embassy comment on a story he says the Times will run tomorrow alleging that Muhammad Zia Salehi has been on the Agency payroll. Embassy's line has been and will be the standard approach -- that we refrain from comment on stories discussing intelligence matters.

Regards,

Matt

UNCLASSIFIED U.S. Department of State Case No. F-2014-20439 Doc No. C05955412 Date: 02/29/2016

Matt Lussenhop

Public Affairs Counselor

US Embassy Kabul

office: (93-0)700-108-239 / US: (301) 490-1042

lussenhopmr@state.gov

kabul.usembassy.gov facebook icon <<http://www.facebook.com/pages/Kabul-Afghanistan/US-Embassy-Kabul/34734118909?sid=8b4da874922ad9ed77f569cf9805e662&ref=s>> twitter icon
<<http://twitter.com/USEmbassyKabul>> flickr_16 <<http://www.flickr.com/photos/kabulpublicdiplomacy/>>
cid:image002.jpg@01CB1D2A.76C401A0 <<http://www.facebook.com/usembassymalaysia>>
cid:image001.jpg@01CB1D2A.76C401A0 <<http://twitter.com/usembassyki>> cid:image002.jpg@01CB1D2A.76C401A0
<<http://www.facebook.com/usembassymalaysia>> cid:image001.jpg@01CB1D2A.76C401A0
<<http://twitter.com/usembassyki>> cid:image002.jpg@01CB1D2A.76C401A0
<<http://www.facebook.com/usembassymalaysia>>

SBU

This email is UNCLASSIFIED.

B6

B6

RELEASE IN PART
B1,1.4(C),1.4(D),B3
NATSECACT1947,B5

From: Abedin, Huma <AbedinH@state.gov>
Sent: Monday, May 25, 2009 6:59 AM
To: H
Subject: Fw: DPRK nuclear test: Readout of Midnight Conference Call

Fyi Classified by DAS, A/GIS, DoS on 02/29/2016 ~ Class: CONFIDENTIAL ~ Reason: 1.4(C), 1.4(D) ~ Declassify on: 05/25/2029

From: Smith-Wilson, Shelby V
To: Abedin, Huma; Sullivan, Jacob J
Cc: SES-O_SWO-Only
Sent: Mon May 25 04:11:17 2009
Subject: FW: DPRK nuclear test: Readout of Midnight Conference Call

Huma/Jake – meant to copy you on the following. Please see below. We'll continue to email updates as we receive them.

Regards,

Shelby Smith-Wilson
Senior Watch Officer
U.S. Department of State (S/ES-O)
202-647-1512

From: Smith-Wilson, Shelby V
Sent: Monday, May 25, 2009 2:26 AM
To: SES_DutyDeputies; S_SpecialAssistants; D(S); D(L); P
Cc: Lan, Melissa J; SES-O_SWO-Only; INR-Watch
Subject: DPRK nuclear test: Readout of Midnight Conference Call

Kurt Tong convened a one-hour conference call at 0000 which Deputy Secretary Steinberg led. Participant list at the bottom of this message.

Action Items:

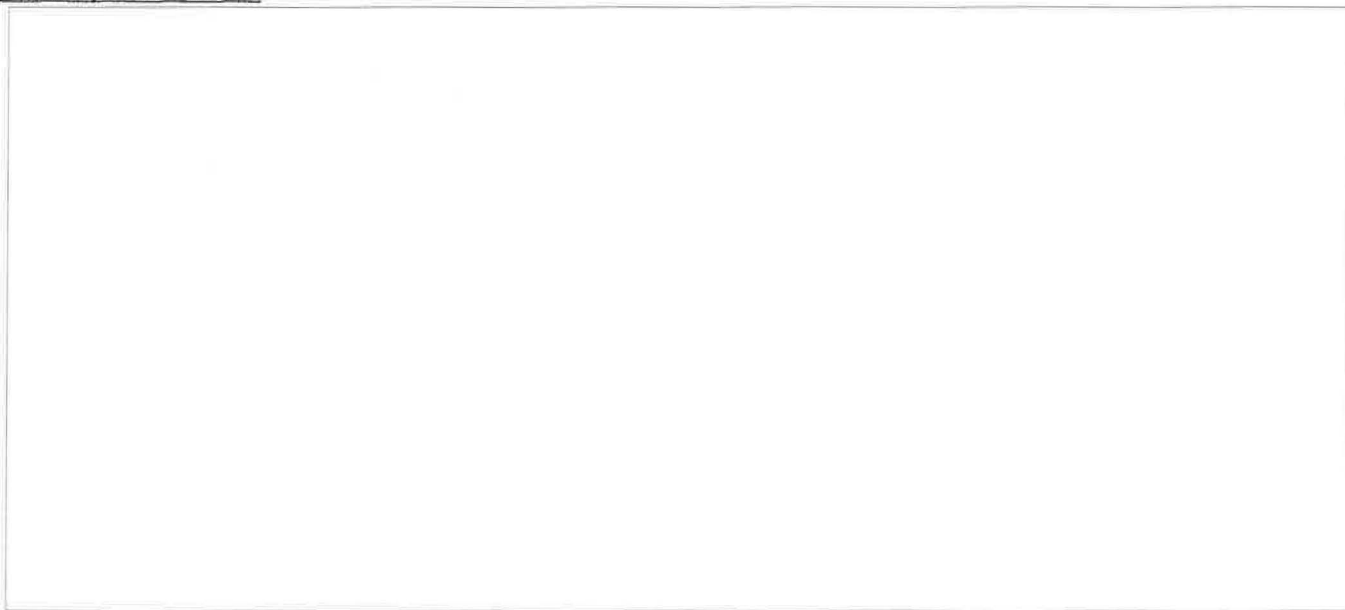
-
- U.S. should coordinate with Japan to convene a UNSC session in the early afternoon (Japanese proposed 1600 but Deputy Secretary Steinberg pushed for USUN/W to get an earlier meeting; Acting Perm Rep Wolff will attend since Ambassador Rice is in DC)
- Conference call participants agreed the Secretary should speak urgently with counterparts in Russia, China, Japan and South Korea (the Chinese, Korean and Japanese FM's are all in Hanoi; Acting A/S Davies to coordinate points for the Secretary).
- There will be a State-only conference call at 0800 including Deputy Secretary Steinberg, Jake Sullivan, Acting A/S Davies, Special Representative Bosworth, Alex Arvizu, Sung Kim, Kurt Tong, Eliot Kang, Spokesman Kelly, Melanie Higgins, Erica Barks-Ruggles, Pamela Park, and Mark Tesone
- Public Affairs Emergency Line has been activated (202-647-2461) and includes the following message:

This information is on **BACKGROUND**, attributed to a State Department official:

"We are gravely concerned by North Korea's claims. We are analyzing the data. The US Geological Survey confirmed that a seismic event took place consistent with a test. We are consulting with our Six-Party and UN Security Council partners on next steps."

B5

Summary of Discussion:



1.4(C)
1.4(D)
B1
B5

Call Participants included:

Deputy Secretary Steinberg
JCS Chairman Mullen
JCS Vice Chairman Cartwright



Ambassador Stephens
Chargé Zumwalt
Aubrey Carlson
Acting A/S Davies
Alex Arvizu
Special Envoy Sung Kim
Special Representative Bosworth
Acting Perm Rep Wolff
Kurt Tong
Pamela Park
Mark Tesone
Spokesman Kelly
Melanie Higgins
Erica Barks-Ruggles

B5



Representatives from National Geospatial Agency, NMCC, and OSD



Jake Sullivan

B3 NATSECACT1947

Shelby Smith-Wilson
Senior Watch Officer
U.S. Department of State (S/ES-O)
202-647-1512

Classified by DAS, A/GIS, DoS on 10/30/2015 ~ Class: CONFIDENTIAL
~ Reason: 1.4 (C)(D) ~ Declassify on: 04/04/2027

RELEASE IN PART
B1,1.4(D),1.4(C),B6

From: Huma Abedin <Huma@clintonemail.com>
Sent: Wednesday, April 4, 2012 2:09 PM
To: H; 'SullivanJJ@state.gov'; 'preines [REDACTED]'
Cc: 'Valmorolj@state.gov'; 'monica.hanley [REDACTED]'; 'russorv@state.gov'
Subject: Re: Libya

B6

Not sure what timeline you received but ill get on top of this.

Not sure S/P is aware [REDACTED] so timeline wouldn't have come from our team. I'll discuss this with you. 1.4(C)

1.4(D)
B1

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

From: H
Sent: Wednesday, April 04, 2012 07:16 AM
To: 'sullivanjj@state.gov' <sullivanjj@state.gov>; Huma Abedin; 'preines [REDACTED]'
Cc: 'Valmorolj@state.gov' <Valmorolj@state.gov>; 'monica.hanley [REDACTED]'; 'Russov@state.gov' <Russov@state.gov>
Subject: Re: Libya

B6

Adding Lona, Monica and Rob who have my scheduling records. What bothers me is that S/P prepared the timeline but it doesn't include much of what I did. So where did they get info? This is example of my continuing concern that we don't have our records ready.

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

From: H
Sent: Wednesday, April 04, 2012 07:12 AM
To: 'sullivanjj@state.gov' <sullivanjj@state.gov>; Huma Abedin; 'preines [REDACTED]'
Subject: Re: Libya

B6

This timeline is totally inadequate (which bothers me about our recordkeeping). For example, I was in Paris on 3/19 when attack started. That's not on timeline. What else is missing? Pls go over it asap.

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

From: H
Sent: Wednesday, April 04, 2012 07:09 AM
To: 'sullivanjj@state.gov' <sullivanjj@state.gov>; Huma Abedin; 'preines [REDACTED]'
Subject: Libya

B6

Did I meet in Paris w Jabril (brought to hotel by BHL) on 3/14? It's not on timeline.

RELEASE IN PART
B1,B6,1.4(C)

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Saturday, March 12, 2011 7:33 AM
To: H
Subject: Fw: Fwd: Fw: radiation - fyi

Classified by DAS, A/GIS, DoS on 01/29/2016 ~ Class: SECRET ~ Reason:
1.4(C) ~ Declassify on: 03/12/2031

Scroll all the way down

From: Mills, Cheryl D
Sent: Saturday, March 12, 2011 07:12 AM
To: Campbell, Kurt M; Mull, Stephen D
Cc: Mills, Cheryl D
Subject: Fw: Fwd: Fw: radiation - fyi

Fyi - I do not know the originator of the info b/l.

Sending for fyi but not for forwarding.

Thx
Cdm

From: Cheryl Mills [mailto:]
Sent: Saturday, March 12, 2011 07:09 AM
To: Mills, Cheryl D
Subject: Fwd: Fw: radiation - fyi

B6

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

From: Edelman, Martin < >
Date: Sat, Mar 12, 2011 at 7:02 AM
Subject: Fw: radiation - fyi
To: cheryl.mills < >

From: Michael Kandarakis [mailto:]
Sent: Saturday, March 12, 2011 06:25 AM
To: Edelman, Martin
Subject: FW: radiation - fyi

From a guy we know here in japan who does background searches for us etc...

This is not advice that is currently in the news. You've met the source before < > Also by coincidence, I have a

1.4(C)
B1

Radiation leak from the Fukushima reactor, [REDACTED]

[REDACTED] Stay indoors if at all possible. There is nothing, no events, parties, sports, movies, etc that are worth getting more exposure to radiation. The stuff travels far, very far.

1.4(C)
B1

Wind is all over the place, but we must assume it is heading towards a major area like Tokyo, a city, a heat source.

As long as the radiation leak is going, and up to 24-48 hours later, the threat is at its highest in most cases. Here is a wind chart online. It shows wind all over the place, but one trend is there - winds head to Tokyo.

http://www.surflife.com/weather-forecasts/japan-wind-chart_2731

Also, power outage expected to hit about 1800 this evening as more people return home and start using more electricity. Charge any devices you have that need charging. People will draw a lot of power about 1800-1900, so expect blackouts and brownouts. Get your flashlights ready, with new batteries.

Very similar to 3-Mile Island, and maybe Chernobyl. VOA news has this take.

<http://www.voanews.com/english/news/asia/Japans-Tsunami-Death-Toll-Seen-Reaching-1000-117829978.html>

Leak has been going since last night. It is still not under control. A US team was flown in to help get this thing under control, but that is not public record yet. It will come out later, I think.

Anyway, leak from last night means it is hitting us about now. I am not going outdoors for a while.

Normally one might also take K-I (Potassium Iodine) tablets as a precautionary measure. Substitutes include alternative sources of iodine including *isojin* or consuming seaweed (*nori*).

Wear a mask, and a hat if possible. Take a shower immediately after you return home and wash your clothes. Radioactive steam was released yesterday and continues today. It will likely be in the area now. What I suggest above is not costly, and not too onerous. Do it and play it safe.

Don't go outdoors unless it is necessary.

Mitch

M. Murata



B6

IRS Circular 230 Disclosure: As required by U.S.
Treasury Regulations governing tax practice, you are
hereby advised that any written tax advice contained
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RELEASE IN
PART B1,1.4(C),B6

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Friday, July 6, 2012 11:38 PM
To: H
Subject: Fw: US drone strike kills 4 militants in Pakistan

Fyi

Classified by DAS, A/GIS, DoS on 02/19/2016 ~ Class:
SECRET ~ Reason: 1.4(C) ~ Declassify on: 07/05/2037

From: Munter, Cameron P
Sent: Friday, July 06, 2012 08:56 PM
To: Grossman, Marc I; Sullivan, Jacob J; Feldman, Daniel F
Subject: Fw: US drone strike kills 4 militants in Pakistan

Heads up for HRK meetings with Secretary.

From: Hoagland, Richard E
To: Munter, Cameron P
Cc: Pratt, Jonathan G
Sent: Fri Jul 06 22:47:22 2012
Subject: RE: US drone strike kills 4 militants in Pakistan

1.4(C)
B1

If I get more, I'll let you know immediately.

Amb. Richard E. Hoagland
Deputy Chief of Mission
U.S. Embassy Islamabad
TEL: 92 51 208 2502
FAX: 92 51 208 2559
E/M: HoaglandRE@state.gov

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

From: Munter, Cameron P
Sent: Friday, July 06, 2012 10:36 PM
To: Hoagland, Richard E
Subject: Fw: US drone strike kills 4 militants in Pakistan

Dick, Hina just texted me: '

1.4(C)
B1

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

From: Wyatt, Marilyn (USAID/Pak/DOC) <MWyatt@usaid.gov>
To: Munter, Cameron P

Sent: Fri Jul 06 22:20:00 2012
Subject: Fw: US drone strike kills 4 militants in Pakistan

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

From: Alert Pakistan [mailto:]
Sent: Friday, July 06, 2012 10:02 PM
To: Wyatt, Marilyn (USAID/Pak/DOC)
Subject: US drone strike kills 4 militants in Pakistan

US drone strike kills 4 militants in Pakistan

Media: Associated Press
Byline: N/A
Date: 06 July 2012

ISLAMABAD -- Pakistani intelligence officials say missiles fired by a U.S. drone have killed at least four suspected militants near the Afghan border.

The officials say at least two insurgents were also wounded in Friday's strike near Miran Shah, the main town of the North Waziristan tribal region.

The U.S. often targets suspected Taliban and al-Qaida hideouts in Pakistan's northwestern tribal regions, but the latest attack was the first since Pakistan reopened NATO supply lines to Afghanistan on Wednesday.

Pakistan closed the supply routes in November in retaliation for American airstrikes that killed 24 Pakistani soldiers.

END

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This email is UNCLASSIFIED.

RELEASE IN PART
B1,1.4(B),1.4(D), B5

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Saturday, October 20, 2012 6:06 PM
To: H
Subject: Re: Reaching out to Mikati

[Redacted]

B5

From: H [mailto:HDR22@clintonemail.com]
Sent: Saturday, October 20, 2012 06:02 PM
To: Sullivan, Jacob J; Huma Abedin <Huma@clintonemail.com>; Hanley, Monica R
Subject: Re: Reaching out to Mikati

Classified by DAS, A/GIS, DoS on 11/30/2015 ~ Class: CONFIDENTIAL ~
Reason: 1.4(B), 1.4(D) ~ Declassify on: 10/20/2027

Ok. I can do btw 9-10am.

From: Sullivan, Jacob J [mailto:SullivanJJ@state.gov]
Sent: Saturday, October 20, 2012 05:52 PM
To: H
Cc: Abedin, Huma <AbedinH@state.gov>; Hanley, Monica R <HanleyMR@state.gov>
Subject: Fw: Reaching out to Mikati

The consensus recommendation is that you call Mikati tomorrow. NEA is working on points and Ops can reach out to schedule if you agree.

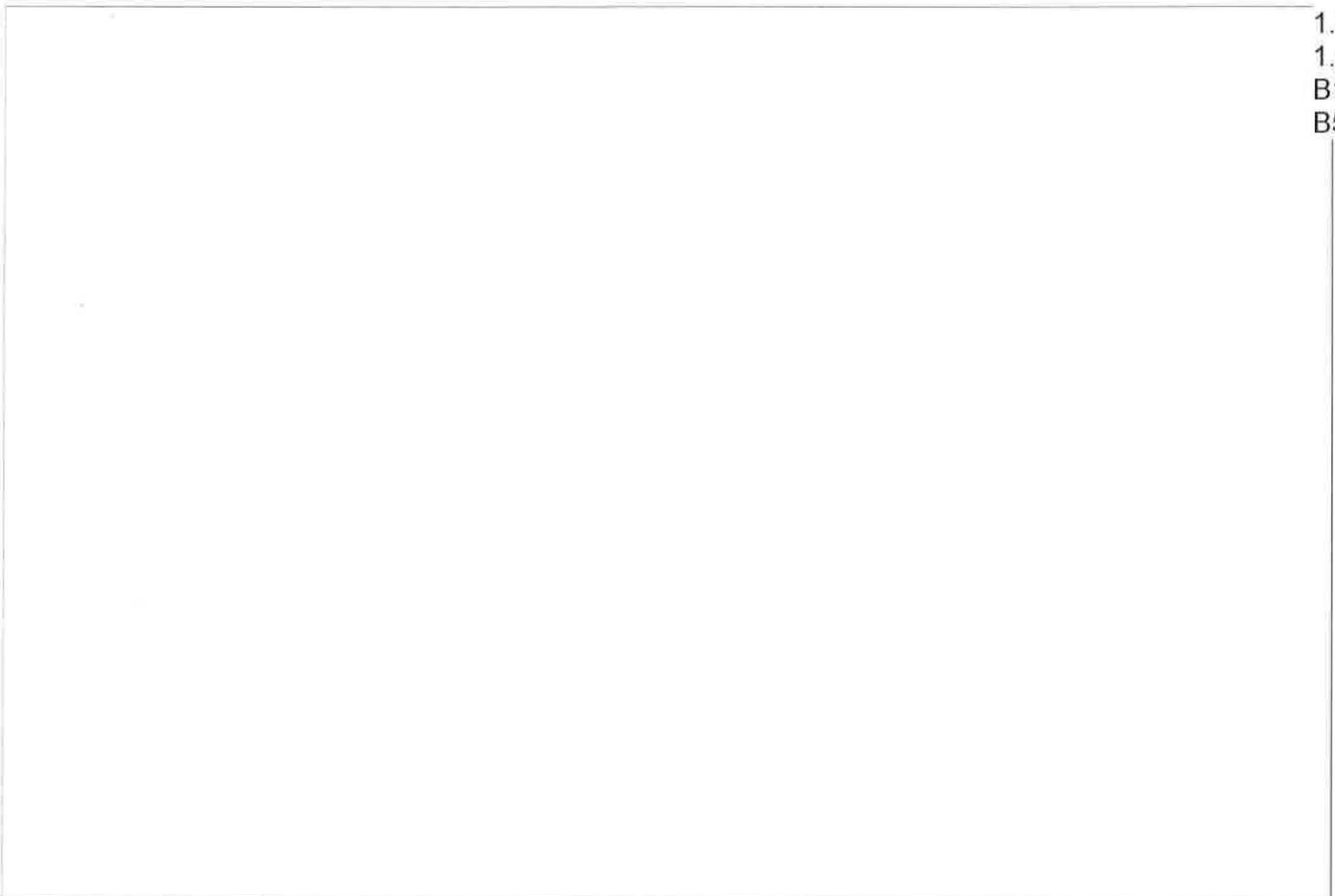
From: Connelly, Maura
Sent: Saturday, October 20, 2012 04:36 PM
To: Jones, Beth E; Sullivan, Jacob J; Abedin, Huma
Cc: Silverman, Lawrence R; Dibble, Elizabeth L; Mills Jr., Richard M; Carle, Lisa M
Subject: Reaching out to Mikati

1.4(B)
1.4(D)
B1
B5

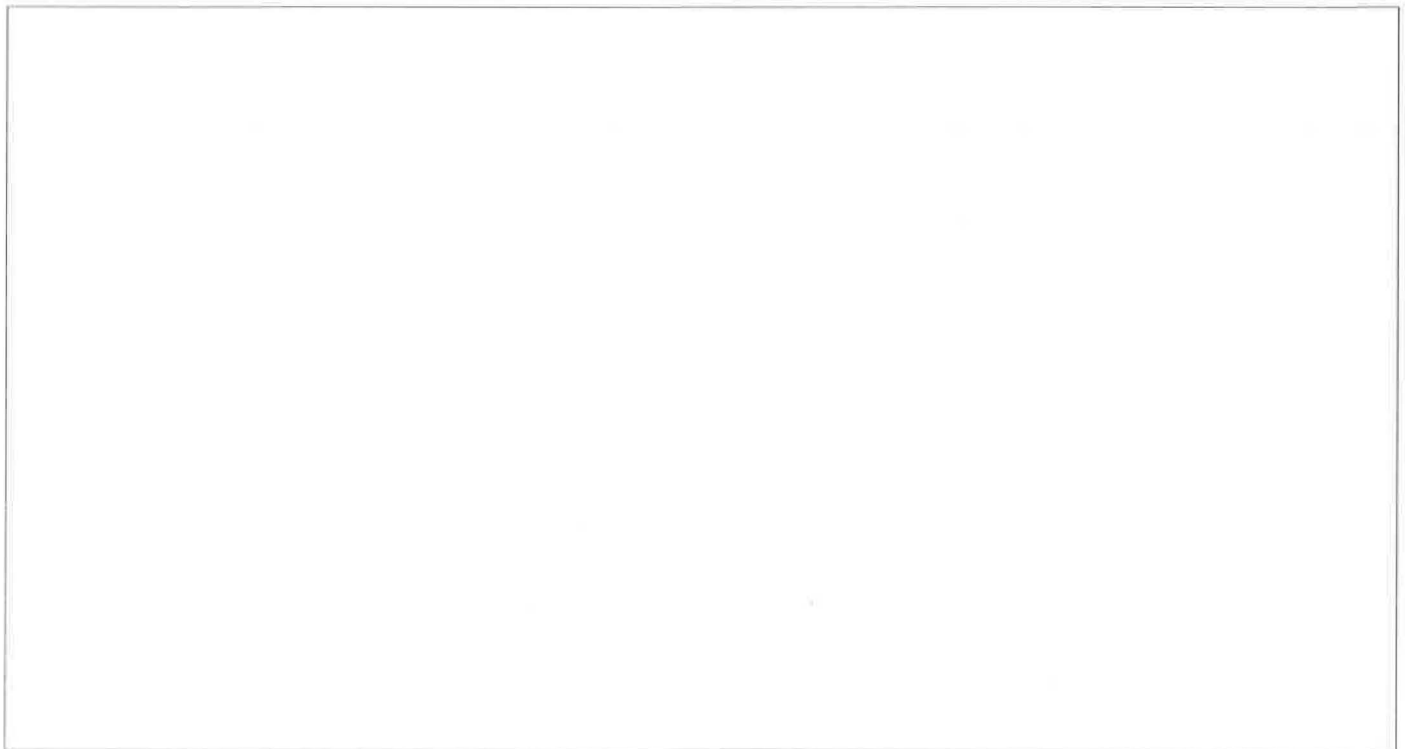
(SBU) Beth, Jake, Huma,

(SBU) I just got back from Doha this evening and went immediately to meet with Najib Mikati. [Redacted]

[Redacted]



1.4(B)
1.4(D)
B1
B5



(SBU) Suggested points:

B5

(SBU) Please let us know if there's anything more I can provide in the way of background. Best,
Maura

Maura Connelly
U.S. Ambassador
Beirut, Lebanon
961-4-543-600

SBU
This email is UNCLASSIFIED.

RELEASE IN PART
B1,1.4(C),B3 CIA
PERS/ORG,B5,B6

From: Coleman, Claire L <ColemanCL@state.gov>
Sent: Thursday, December 15, 2011 8:13 AM
To: H; Abedin, Huma; Huma Abedin; Hanley, Monica R; Valmoro, Lona J
Subject: RE: Mini for Thursday, December 15, 2011

Will do.

From: H [mailto:HDR22@clintonemail.com]
Sent: Thursday, December 15, 2011 8:08 AM
To: Coleman, Claire L; Abedin, Huma; Huma Abedin; Hanley, Monica R; Valmoro, Lona J
Subject: Re: Mini for Thursday, December 15, 2011

From: Coleman, Claire L [mailto:ColemanCL@state.gov]
Sent: Thursday, December 15, 2011 07:37 AM
To: H; Abedin, Huma <AbedinH@state.gov>; Huma Abedin; Hanley, Monica R <HanleyMR@state.gov>; Valmoro, Lona J <ValmoroLJ@state.gov>
Cc: Coleman, Claire L <ColemanCL@state.gov>
Subject: Mini for Thursday, December 15, 2011

Classified by DAS, A/GIS, DoS on 01/29/2016 ~ Class: SECRET ~
Reason: 1.4(C) ~ Declassify on: 12/15/2036

8:25am DEPART Private Residence *En route State Department
8:35am ARRIVE State Department
8:35am PRESIDENTIAL DAILY BRIEFING
8:40am Secretary's Office
Note: Official Photo following w [REDACTED]
8:45am DAILY SENIOR STAFF MEETING
9:00am Secretary's Conference Room
9:00am MEETING w/IMF MANAGING DIRECTOR CHRISTINE LaGARDE
9:20am Secretary's Outer Office (Official Photo at the TOP)
9:25am GROUP PHOTOS (2) Int'l Visitors Program and Seven Sisters Colleges Group
9:30am C Street Lobby
9:35am DROP BY VIP RECEPTION w/PRESIDENTS OF WOMEN'S COLLEGES
9:55am *Delegates' Lounge, First Floor (CLOSED PRESS Official Photo only)
Press Photographers will be present at the end of reception
10:00am KEYNOTE ADDRESS @ INAUGURAL WOMEN IN PUBLIC SERVICE PROJECT
10:50am CONFERENCE, *Dean Acheson Auditorium, OPEN PRESS
11:00am OFFICE TIME
1:00pm Secretary's Office
1:00pm BILATERAL w/AUSTRALIAN FOREIGN MINISTER KEVIN RUDD
1:30pm *Deputy Secretary's Conference Room
CAMERA SPRAY w/informal remarks in Treaty Room preceding Bilateral
1:30pm OFFICE TIME
2:00pm Secretary's Office
2:00pm BILATERAL w/DANISH FOREIGN MINISTER VILLY SOVNDAL
2:30pm *Secretary's Conference Room, OFFICIAL PHOTO (in East Hall preceding bilateral)
2:30pm PRE-BRIEF for JOINT PRESS AVAILABILITY
2:35pm Secretary's Outer Office
2:35pm JOINT PRESS AVAILABILITY w/DANISH FM VILLY SOVNDAL
2:50pm Treaty Room, 7th Floor

1.4(C)
B1
B3 CIA PERS/ORG
B6

3:00pm **CHAIR MCC-MILLENIUM CHALLENGE CORPORATION**

5:00pm **BOARD MEETING**

*Principals' Conference Room 7516, **CLOSED PRESS**

MCC CEO Daniel Yohannes escorts/briefs you en route Room 7516

5:15pm **DROP BY NEA ASSISTANT SECRETARY JEFF FELTMAN'S**

5:20pm **MEETING w/ALI TARHOUNI, SPECIAL ENVOY OF LIBYA'S**

TRANSITIONAL NATIONAL COUNCIL

Secretary's Conference Room, **CLOSED PRESS** (official photo at TOP)

5:25pm **OFFICE TIME**

6:00pm Secretary's Office

6:00pm **DEPART** State Department *En route Private Residence

6:10pm **ARRIVE** Private Residence

####

FYI: 6:00pm **THE VICE PRESIDNET AND DR. BIDEN'S HOLIDAY RECEPTION**

7:30pm The Vice President's Residence

RELEASE IN PART
B1,1.4(C),B3 CIA
PERS/ORG,B6

From: Coleman, Claire L <ColemanCL@state.gov>
Sent: Thursday, December 15, 2011 7:37 AM
To: H; Abedin, Huma; Huma Abedin; Hanley, Monica R; Valmoro, Lona J
Cc: Coleman, Claire L
Subject: Mini for Thursday, December 15, 2011

Classified by DAS, A/GIS, DoS on 01/29/2016 ~ Class: SECRET
~ Reason: 1.4(C) ~ Declassify on: 12/15/2036

8:25am **DEPART** Private Residence *En route State Department

8:35am **ARRIVE** State Department

8:35am **PRESIDENTIAL DAILY BRIEFING**

8:40am Secretary's Office
Note: Official Photo following w/ [REDACTED]

8:45am **DAILY SENIOR STAFF MEETING**

9:00am Secretary's Conference Room

9:00am **MEETING w/IMF MANAGING DIRECTOR CHRISTINE LaGARDE**

9:20am Secretary's Outer Office (Official Photo at the TOP)

9:25am **GROUP PHOTOS (2) Int'l Visitors Program and Seven Sisters Colleges Group**

9:30am C Street Lobby

9:35am **DROP BY VIP RECEPTION w/PRESIDENTS OF WOMEN'S COLLEGES**

9:55am *Delegates' Lounge, First Floor (CLOSED PRESS Official Photo only)
Press Photographers will be present at the end of reception

10:00am **KEYNOTE ADDRESS @ INAUGURAL WOMEN IN PUBLIC SERVICE PROJECT**

10:50am **CONFERENCE, *Dean Acheson Auditorium, OPEN PRESS**

11:00am **OFFICE TIME**

1:00pm Secretary's Office

1:00pm **BILATERAL w/AUSTRALIAN FOREIGN MINISTER KEVIN RUDD**

1:30pm *Deputy Secretary's Conference Room
CAMERA SPRAY w/informal remarks in Treaty Room preceding Bilateral

1:30pm **OFFICE TIME**

2:00pm Secretary's Office

2:00pm **BILATERAL w/DANISH FOREIGN MINISTER VILLY SOVNDAL**

2:30pm *Secretary's Conference Room, OFFICIAL PHOTO (in East Hall preceding bilateral)

2:30pm **PRE-BRIEF for JOINT PRESS AVAILABILITY**

2:35pm Secretary's Outer Office

2:35pm **JOINT PRESS AVAILABILITY w/DANISH FM VILLY SOVNDAL**

2:50pm Treaty Room, 7th Floor

3:00pm **CHAIR MCC-MILLENIUM CHALLENGE CORPORATION**

5:00pm **BOARD MEETING**

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5:15pm **DROP BY NEA ASSISTANT SECRETARY JEFF FELTMAN'S**

5:20pm **MEETING w/ALI TARHOUNI, SPECIAL ENVOY OF LIBYA'S
TRANSITIONAL NATIONAL COUNCIL**
Secretary's Conference Room, CLOSED PRESS (official photo at TOP)

5:25pm **OFFICE TIME**

6:00pm Secretary's Office

6:00pm **DEPART** State Department *En route Private Residence

6:10pm **ARRIVE** Private Residence

####

FYI: 6:00pm THE VICE PRESIDNET AND DR. BIDEN'S HOLIDAY RECEPTION

7:30pm The Vice President's Residence

1.4(C)
B1
B3 CIA PERS/ORG
B6

RELEASE IN PART
B1,1.4(C)

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Monday, May 21, 2012 5:00 PM
To: H
Subject: Fw: Who will drones target? Who in the US will decide?

Classified by DAS, A/GIS, DoS on 02/29/2016 ~ Class: SECRET/NOFORN
~ Reason: 1.4(C) ~ Declassify on: 05/20/2037

What Panetta is raising.

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

From: [REDACTED]
Sent: Monday, May 21, 2012 04:00 PM
To: Sullivan, Jacob J
Subject: Fw: Who will drones target? Who in the US will decide?

1.4(C)
B1

Jake, do you know what this is about? [REDACTED]

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

From: [REDACTED]
To: [REDACTED]
Sent: Tue May 22 00:57:04 2012
Subject: Fw: Who will drones target? Who in the US will decide?

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

From: [REDACTED]
Sent: Monday, May 21, 2012 11:34 PM
To: [REDACTED]
Subject: Who will drones target? Who in the US will decide?

Who will drones target? Who in the US will decide?

Media: Associated Press
Byline: Kimberly Dozier
Date: 21 May 2012

WASHINGTON (AP) — The Pentagon is likely to be sidelined from decisions on determining which terror leaders are targeted for attacks by drones. It's a change that would concentrate the power to strike with lethal force outside war zones within one small team at the White House.

White House counterterrorism adviser John Brennan wants to scrap the more inclusive yet cumbersome process run by the military. That's according to officials aware of his review. They spoke on condition of anonymity because they are not allowed to publicly discuss the classified targeting program. The White House is reviewing the plan.

Officials say the changes would establish a more permanent process to govern lethal targeting.

END

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1.4(C)
B1

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- * To unsubscribe, please reply to this email with "REMOVE ME from [REDACTED]" in the subject line.

Classified by DAS, A/GIS, DoS on 01/29/2016 ~ Class: SECRET
~ Reason: 1.4(C) ~ Declassify on: 02/15/2036

RELEASE IN PART B1,B5,B3 CIA
PERS/ORG,1.4(C),B6

From: H <hrod17@clintonemail.com>
Sent: Thursday, December 15, 2011 8:08 AM
To: 'ColemanCL@state.gov'; 'abedinh@state.gov'; Huma Abedin; 'hanleymr@state.gov';
'ValmoroLj@state.gov'
Subject: Re: Mini for Thursday, December 15, 2011

B5

From: Coleman, Claire L [mailto:ColemanCL@state.gov]
Sent: Thursday, December 15, 2011 07:37 AM
To: H; Abedin, Huma <AbedinH@state.gov>; Huma Abedin; Hanley, Monica R <HanleyMR@state.gov>; Valmoro, Lona J <ValmoroLJ@state.gov>
Cc: Coleman, Claire L <ColemanCL@state.gov>
Subject: Mini for Thursday, December 15, 2011

8:25am DEPART Private Residence *En route State Department
8:35am ARRIVE State Department
8:35am PRESIDENTIAL DAILY BRIEFING
8:40am Secretary's Office
Note: Official Photo following w. [REDACTED]
8:45am DAILY SENIOR STAFF MEETING
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5:20pm MEETING w/ALI TARHOUNI, SPECIAL ENVOY OF LIBYA'S

1.4(C)
B1
B3 CIA PERS/ORG
B6

TRANSITIONAL NATIONAL COUNCIL

Secretary's Conference Room, **CLOSED PRESS** (official photo at TOP)

5:25pm **OFFICE TIME**

6:00pm Secretary's Office

6:00pm **DEPART** State Department *En route Private Residence

6:10pm **ARRIVE** Private Residence

####

FYI: 6:00pm **THE VICE PRESIDNET AND DR. BIDEN'S HOLIDAY RECEPTION**

7:30pm The Vice President's Residence

RELEASE IN PART
B1,1.4(C),B3 CIA
PERS/ORG,B6

From: Coleman, Claire L <ColemanCL@state.gov>
Sent: Friday, December 16, 2011 7:52 AM
To: H; Abedin, Huma; Huma Abedin; Valmoro, Lona J; Hanley, Monica R
Cc: Coleman, Claire L
Subject: Mini for Friday, December 16, 2011

8:25am **DEPART** Private Residence *En route State Department 8:35am **ARRIVE** State Department

8:35am **PRESIDENTIAL DAILY BRIEFING**

8:40am Secretary's Office
Note: Official Photo following w/ [REDACTED]

8:45am **DAILY SENIOR STAFF MEETING**

9:15am Secretary's Conference Room

9:15am **WEEKLY MEETING w/REGIONAL BUREAU SECRETARIES**

9:55am Deputy Secretary's Conference Room

10:00am **2011 ANNUAL RETIREMENT CEREMONY**

10:45am *Dean Acheson Auditorium, First Floor
Closed Press (official photographer and live B-NET broadcast)

11:00am **OFFICE TIME**

12:45pm Secretary's Office

Classified by DAS, A/GIS, DoS on 01/29/2016 ~ Class: SECRET ~ Reason: 1.4(C)
~ Declassify on: 12/15/2036

12:45pm **DROP-BY THE OPS CENTER**

12:55pm *Ops Center, Room 7516

1:00pm **DROP-BY WENDY SHERMAN'S MEETING w/CHINESE VFM CUI TIANKAI**

1:10pm Secretary's Conference Room, Closed Press (official photographer only)

1:15pm **CONGRESSIONAL NOTIFICATION MEETING w/ELLEN TAUSCHER,**

1:45pm **ANDREW SHAPIRO, DAVE ADAMS, AND JAKE SULLIVAN**
Secretary's Outer Office

1:50pm **PHOTO** (Liz Sherwood-Randall and Dorothy "Dee" Sherwood)

1:55pm Secretary's Outer Office, Official Photographer

2:00pm **DROP-BY SRAP'S HOLIDAY PARTY**

2:15pm *Room 1430A, First Floor

2:20pm **DEPART** State Department *en route Andrews AFB

2:50pm **ARRIVE** Andrews AFB

3:00pm **DEPART** Andrews AFB via Military Aircraft Tail #60206

En route La Guardia Airport, New York, New York

3:45pm **ARRIVE** LaGuardia Airport

3:55pm **DEPART** LaGuardia *En route TBD

4:55pm **ARRIVE** TBD

5:00pm **OTR**

7:00pm Location: TBD

7:00pm **DEPART** Tbd * En route Pier 60

7:30pm **ARRIVE** Pier 60

7:30pm **KEYNOTE ADDRESS AT INTERNATIONAL CRISIS GROUP'S**

9:30pm **"IN PURSUIT OF PEACE" AWARD DINNER**
OPEN PRESS

9:35pm **DEPART** Pier 60 *En route Private Residence

10:25pm **ARRIVE** Private Residence

FYI:

2:00pm **SWEARING IN CEREMONY FOR THE 164th FOREIGN SERVICE**

GENERALIST ORIENTATION CLASS
Foreign Service Institute, Arlington, Virginia

2:00pm PA HOLIDAY PARTY, 2nd Floor 2100 Corridor

2:00pm IO HOLIDAY PARTY, 6th Floor, Room 633

8:00pm WJC STAFF HOLIDAY PARTY

11:00pm Downtown Dream Hotel
355 West 16th Street, NYC

RELEASE IN PART
B1,1.4(C)

From: H <hrod17@clintonemail.com>
Sent: Monday, December 20, 2010 11:04 AM
To: 'JilotyLC@state.gov'
Subject: Fw: For your viewing pleasure: PD in Pakistan

Can you show me this?

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

From: McHale, Judith A <McHaleJA@state.gov>
To: H
Sent: Mon Dec 20 10:29:25 2010
Subject: For your viewing pleasure: PD in Pakistan

Great video of Cameron Munter's wife from Pak TV news. Illustrates our approach of moving beyond print and aggressively into TV.

B1
1.4(C)

<http://www.youtube.com/watch?v=9KvxVTEPA48>

Classified by DAS, A/GIS, DoS on 02/13/2016 ~ Class: CONFIDENTIAL ~ Reason: 1.4(C)
~ Declassify on: 12/19/2025

jm

RELEASE IN
PART B1,1.4(C)

From: McHale, Judith A <McHaleJA@state.gov>
Sent: Monday, December 20, 2010 10:29 AM
To: H
Subject: For your viewing pleasure: PD in Pakistan

Great video of Cameron Munter's wife from Pak TV news. Illustrates our approach of moving beyond print and aggressively into TV.

<http://www.youtube.com/watch?v=9KvxVTEPA48>

B1
1.4(C)

jm

Classified by DAS, A/GIS, DoS on 02/13/2016 ~ Class: CONFIDENTIAL ~ Reason: 1.4(C) ~ Declassify on: 12/19/2025

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

JUDICIAL WATCH, INC.,

Plaintiff,

v.

OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE, *et al.*,

Defendants.

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)

Civil Action No. 17-CV-508 (CKK)

[PROPOSED] ORDER

Having considered Plaintiff's Opposition to Defendants' Motion to Dismiss and the entire record herein, it is hereby ORDERED that:

1. Defendants' motion is DENIED.

SO ORDERED.

COLLEEN KOLLAR-KOTELLY
United States District Judge