



United States Department of State

Washington, D.C. 20520

August 16, 2017

Case No. F-2016-00677

Chris Fedeli
423 Third Street, SW, Suite 800
Washington, DC 20024

Dear Mr. Fedeli:

I refer you to our letter dated December 12, 2016, regarding the release of certain Department of State material under the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552.

Upon further review, the Department has determined that 3 documents previously withheld in part may be released in full. In addition, the Department has determined that additional information may be released in 12 documents previously withheld in part. All released material is enclosed.

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

If you have any questions, your attorney may contact Marsha Edney, Trial Attorney, at Marsha.Edney@usdoj.gov. Please refer to the case number F-2016-00677, and civil action number 1:16-cv-00885, in all correspondence regarding this request.

Sincerely,

Susan C. Weisman for

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

Enclosures: As stated.

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

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

Other Grounds for Withholding

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

Hickey, Lauren A

From: Hickey, Lauren A
Sent: Friday, January 08, 2016 3:57 PM
To: Beechem, Stephanie; Kirby, John
Subject: RE: Washington Examiner: State Dept. won't say whether Clinton aides removed classified markings on email

RELEASE IN FULL

Very good ☺ Thanks for standing up there for 40 minutes – good lord.

This email is UNCLASSIFIED.

From: Beechem, Stephanie
Sent: Friday, January 08, 2016 3:56 PM
To: Kirby, John; Hickey, Lauren A
Subject: RE: Washington Examiner: State Dept. won't say whether Clinton aides removed classified markings on email

You sounded comfortable and stayed in complete control (which the reporters can sense) and that was exactly what we needed.

Great work.

This email is UNCLASSIFIED.

From: Kirby, John
Sent: Friday, January 08, 2016 3:55 PM
To: Hickey, Lauren A; Beechem, Stephanie
Subject: Fw: Washington Examiner: State Dept. won't say whether Clinton aides removed classified markings on email

I do ok?

Sent from my BlackBerry 10 smartphone.

From: Beechem, Stephanie <BeechemS@state.gov>
Sent: Friday, January 8, 2016 15:34
To: Jacobs, Janice L; Lang, Karin M; Macmanus, Joseph E; Carlson, MaryKay L; Higginbottom, Heather A; Fisher, Julie D; Del Corso, Christopher J; Kennedy, Patrick F; Austin-Ferguson, Kathleen T; Bemish, Renee C; Stein, Eric F; Grafeld, Margaret P; Hackett, John; Visek, Richard C; Prosser, Sarah E; Bair, James P; Snyder, Eric J; Evers, Austin R; Frifield, Julia E; Schram, Zachary I; Finer, Jonathan J; Stout, Jennifer P; Kirby, John; Toner, Mark C; Hickey, Lauren A
Subject: Washington Examiner: State Dept. won't say whether Clinton aides removed classified markings on email

<http://www.washingtonexaminer.com/state-wont-say-whether-clinton-aides-removed-classified-markings-on-email/article/2579976>

State Dept. won't say whether Clinton aides removed classified markings on email

By SARAH WESTWOOD (@SARAHWESTWOOD) • 1/8/16 2:57 PM

State Department spokesman John Kirby said agency officials have so far found no evidence that potentially classified talking points had been stripped of their markings and sent to Hillary Clinton's private inbox, as an email made public Friday suggested.

However, Kirby said that doesn't mean the document in question didn't find its way to the former secretary of state or that aides didn't break any laws regarding the handling of classified information.

The agency spokesman said "we'll have to deal with it" if officials discovered Clinton's top aides did indeed remove a classification marking from a set of sensitive talking points and send it to her through an unsecured network.

"Frankly, I don't know anything more about that traffic than you do," Kirby told a frustrated group of reporters Friday after refusing to comment further on whether Clinton had broken the law by requesting the talking points be sent "nonsecure" in the June 2011 email.

Kirby also declined to comment on whether the email had been referred to the Department of Justice as part of an open investigation into Clinton's handling of classified information.

He said he had "absolutely no way of knowing" whether the document referenced in what has been considered a bombshell email was actually classified at the time.

"I'm going to continue to refrain from speaking to specific content here. That's not our role right now," Kirby said. "I'm not going to talk about former Secretary Clinton's email practices. Those practices are under review and investigation so it wouldn't be appropriate for me to talk about that."

The State Department spokesman also apologized for the agency's failure to publish the more than 3,000 pages of emails until 1 a.m. Friday morning after telling reporters earlier to plan for their release as early as 6 p.m. the evening before.

"It was not at all an effort to make it harder for you to cover the story," Kirby told reporters.

"Certainly when we put out the original estimates, they were done in good faith," he added.

The email release Friday was an attempt by the agency to catch up to a court-ordered benchmark it had missed by publishing just 5,500 pages of emails, rather than the more than 8,000 required, by the end of December.

This email is UNCLASSIFIED.

RELEASE IN FULL

Hickey, Lauren A

From: Kirby, John
Sent: Friday, January 08, 2016 3:57 PM
To: Beechem, Stephanie; Hickey, Lauren A
Subject: Re: Washington Examiner: State Dept. won't say whether Clinton aides removed classified markings on email

Thanks. Whew.

Sent from my BlackBerry 10 smartphone.

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Subject: Washington Examiner: State Dept. won't say whether Clinton aides removed classified markings on email

<http://www.washingtonexaminer.com/state-wont-say-whether-clinton-aides-removed-classified-markings-on-email/article/2579976>

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By SARAH WESTWOOD (@SARAHWESTWOOD) • 1/8/16 2:57 PM

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"Frankly, I don't know anything more about that traffic than you do," Kirby told a frustrated group of reporters Friday after refusing to comment further on whether Clinton had broken the law by requesting the talking points be sent "nonsecure" in the June 2011 email.

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The email release Friday was an attempt by the agency to catch up to a court-ordered benchmark it had missed by publishing just 5,500 pages of emails, rather than the more than 8,000 required, by the end of December.

This email is UNCLASSIFIED.

Hickey, Lauren A

From: Hickey, Lauren A
Sent: Friday, January 08, 2016 2:19 AM
To: 'Hoffine, Brandi'
Cc: Gerlach, Alec; Beechem, Stephanie
Subject: Press points for Clinton email release
Attachments: PG-1-7-16-Email Release Guidance PM updated.docx

RELEASE IN PART B5

Hi Brandi –

I've attached press guidance on tonight's Clinton email release – 3,007 pages, met goal, 66 upgrades (all confidential except one secret). Docs posted at 1:30 unfortunately. Tomorrow we will send you lines on why there was a delay

B5

Best,

Lauren

This email is UNCLASSIFIED.

RELEASE IN PART
B5

Hickey, Lauren A

From: Schram, Zachary I
Sent: Thursday, February 11, 2016 1:32 PM
To: Hickey, Lauren A
Subject: RE: Planning to read out nonpaper email to Grassley staff today

Gracias!

This email is UNCLASSIFIED.

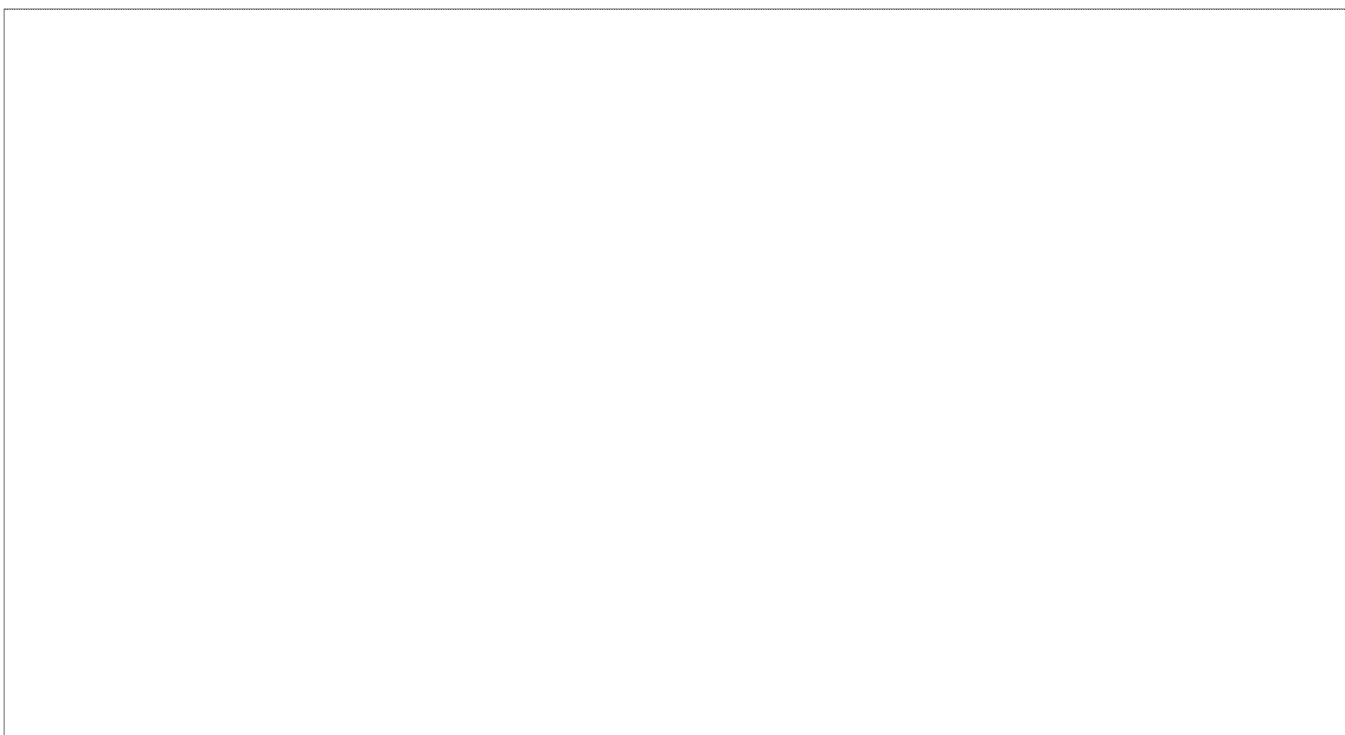
From: Hickey, Lauren A
Sent: Thursday, February 11, 2016 10:03 AM
To: Schram, Zachary I
Cc: Beechem, Stephanie; Evers, Austin R; Snyder, Eric J; Frifield, Julia E
Subject: RE: Planning to read out nonpaper email to Grassley staff today

Hi all –

FYI here is the background quote we gave out to press re non-paper:

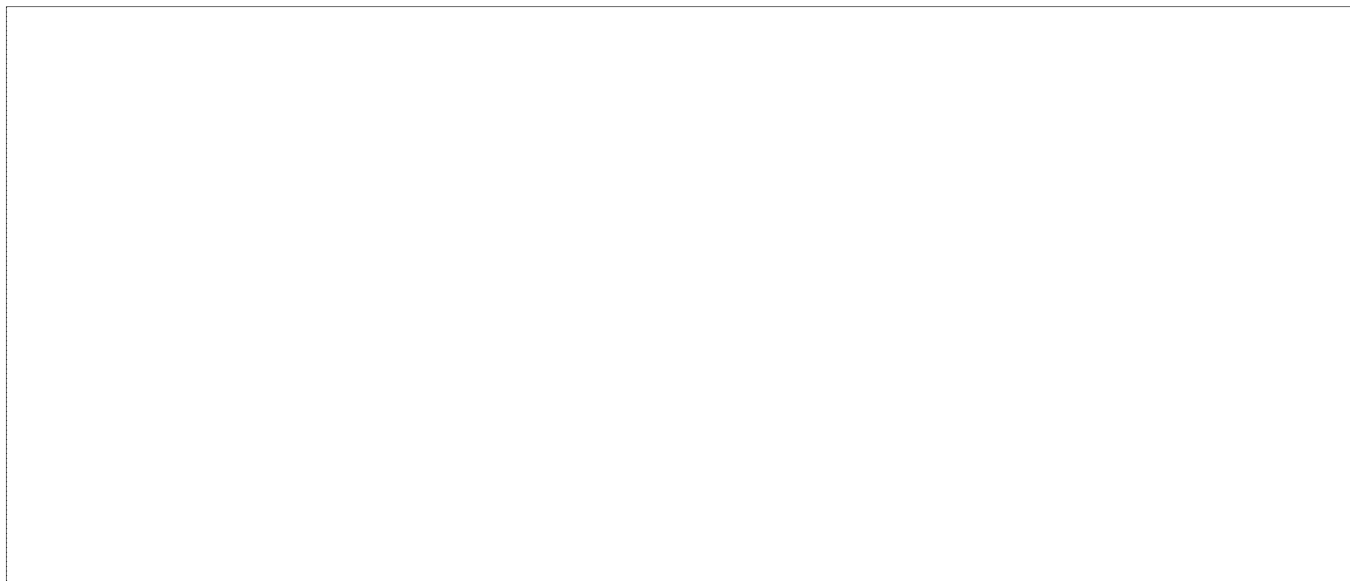
On background attributable to a State Department official: “The State Department checked its records and found no indication that the document in question was sent to Secretary Clinton using nonsecure fax or email. We note that there was a secure fax transmission to Secretary Clinton shortly after this email exchange.”

And here is the press guidance from January 11th for podium – not sure what ended up being deployed:



B5

B5



Best,
Lauren

This email is UNCLASSIFIED.

From: Hickey, Lauren A
Sent: Thursday, February 11, 2016 9:07 AM
To: Schram, Zachary I
Cc: Beechem, Stephanie; Evers, Austin R; Snyder, Eric J; Frifield, Julia E
Subject: Re: Planning to read out nonpaper email to Grassley staff today

Thanks for heads up. We will send this group our previously cleared lines. After you talk to Hill let us know if we should expect a press release etc.

Sent from my BlackBerry 10 smartphone.

From: Schram, Zachary I
Sent: Thursday, February 11, 2016 9:02 AM
To: Hickey, Lauren A
Cc: Beechem, Stephanie; Evers, Austin R; Snyder, Eric J; Frifield, Julia E
Subject: Planning to read out nonpaper email to Grassley staff today

Any PA concerns?

Also: good morning.

-Zack-

SBU
This email is UNCLASSIFIED.

Evers, Austin R

From: Evers, Austin R
Sent: Thursday, January 28, 2016 3:19 PM
To: Schram, Zachary I
Subject: RE: Nonpaper Response [REDACTED]
Attachments: [REDACTED]

RELEASE IN PART
B5

Importance: High

Hey – [REDACTED]

B5

SBU
This email is UNCLASSIFIED.

From: Schram, Zachary I
Sent: Wednesday, January 27, 2016 12:32 PM
To: Frifield, Julia E; Evers, Austin R
Cc: Snyder, Eric J; Visek, Richard C; Prosser, Sarah E; Wells, Yvonne M; Deck, Laura E
Subject: FW: Nonpaper Response [REDACTED]

Julia and Austin,

[REDACTED]

-Zack-

SBU
This email is UNCLASSIFIED.

From: Evers, Austin R
Sent: Tuesday, January 19, 2016 11:21 AM
To: Frifield, Julia E; Schram, Zachary I; Snyder, Eric J
Cc: Visek, Richard C; Prosser, Sarah E; Welcher, Alison R; Deck, Laura E
Subject: Nonpaper Response [REDACTED]

Julia –

[REDACTED]

B5

Austin

SBU

This email is UNCLASSIFIED.

RELEASE IN PART
B5

Evers, Austin R

From: Frifield, Julia E
Sent: Tuesday, January 19, 2016 2:18 PM
To: Evers, Austin R; Schram, Zachary I; Snyder, Eric J
Cc: Vissek, Richard C; Prosser, Sarah E; Welcher, Alison R; Deck, Laura E
Subject: RE: Nonpaper Response [REDACTED]

B5

From: Evers, Austin R
Sent: Tuesday, January 19, 2016 11:21 AM
To: Frifield, Julia E; Schram, Zachary I; Snyder, Eric J
Cc: Vissek, Richard C; Prosser, Sarah E; Welcher, Alison R; Deck, Laura E
Subject: Nonpaper Response [REDACTED]

Julia --

Austin

SBU
This email is UNCLASSIFIED.

Evers, Austin R

From: Evers, Austin R
Sent: Wednesday, January 27, 2016 7:03 PM
To: Schram, Zachary I
Subject: RE: Nonpaper Response [REDACTED]

RELEASE IN PART
B5

B5

SBU
This email is UNCLASSIFIED.

From: Schram, Zachary I
Sent: Wednesday, January 27, 2016 4:42 PM
To: Evers, Austin R
Subject: RE: Nonpaper Response [REDACTED]

Austin,

[REDACTED]

-Zack-

SBU
This email is UNCLASSIFIED.

From: Evers, Austin R
Sent: Tuesday, January 19, 2016 11:21 AM
To: Frifield, Julia E; Schram, Zachary I; Snyder, Eric J
Cc: Visek, Richard C; Prosser, Sarah E; Welcher, Alison R; Deck, Laura E
Subject: Nonpaper Response [REDACTED]

Julia --

[REDACTED]

Austin

SBU

This email is UNCLASSIFIED.

Beechem, Stephanie

From: Evers, Austin R
Sent: Thursday, February 11, 2016 3:30 PM
To: Hickey, Lauren A; Schram, Zachary I
Cc: Beechem, Stephanie; Snyder, Eric J; Frifield, Julia E
Subject: RE: Planning to read out nonpaper email to Grassley staff today
Attachments: Frifield to Burr-Feinstein 01.28.2016.pdf

RELEASE IN PART
B5

For your background and maybe for media background, this is what we sent to the Hill on the nonpaper issue. We:

- Found strong evidence that the document was transmitted via classified fax.
- But we don't have the document itself, so we can't speak to its contents.

SBU
This email is UNCLASSIFIED.

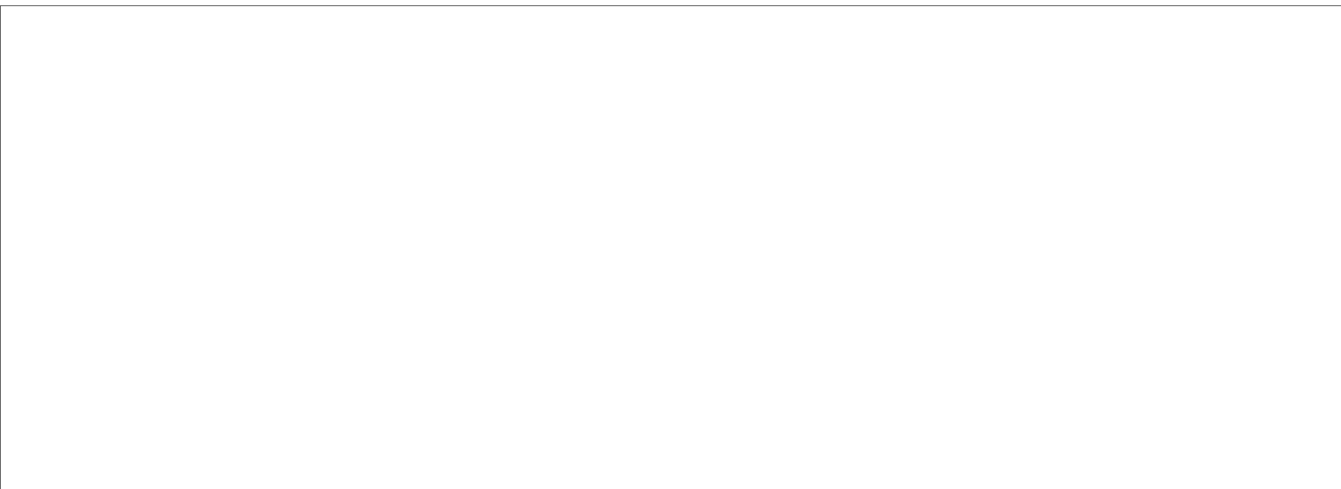
From: Hickey, Lauren A
Sent: Thursday, February 11, 2016 10:03 AM
To: Schram, Zachary I
Cc: Beechem, Stephanie; Evers, Austin R; Snyder, Eric J; Frifield, Julia E
Subject: RE: Planning to read out nonpaper email to Grassley staff today

Hi all –

FYI here is the background quote we gave out to press re non-paper:

On background attributable to a State Department official: "The State Department checked its records and found no indication that the document in question was sent to Secretary Clinton using nonsecure fax or email. We note that there was a secure fax transmission to Secretary Clinton shortly after this email exchange."

And here is the press guidance from January 11th for podium – not sure what ended up being deployed:



Best,
Lauren

This email is UNCLASSIFIED.

From: Hickey, Lauren A
Sent: Thursday, February 11, 2016 9:07 AM
To: Schram, Zachary I
Cc: Beechem, Stephanie; Evers, Austin R; Snyder, Eric J; Frifield, Julia E
Subject: Re: Planning to read out nonpaper email to Grassley staff today

Thanks for heads up. We will send this group our previously cleared lines. After you talk to Hill let us know if we should expect a press release etc.

Sent from my BlackBerry 10 smartphone.

From: Schram, Zachary I
Sent: Thursday, February 11, 2016 9:02 AM
To: Hickey, Lauren A
Cc: Beechem, Stephanie; Evers, Austin R; Snyder, Eric J; Frifield, Julia E
Subject: Planning to read out nonpaper email to Grassley staff today.

Any PA concerns?

Also: good morning.

-Zack-

SBU
This email is UNCLASSIFIED.

RELEASE IN PART B6

Beechem, Stephanie

From: Hickey, Lauren A
Sent: Sunday, January 10, 2016 3:36 PM
To: Beechem, Stephanie
Subject: Re: WSJ Question

Cool

Sent from my BlackBerry 10 smartphone.

From: Beechem, Stephanie
Sent: Sunday, January 10, 2016 3:21 PM
To: Hickey, Lauren A
Subject: Re: WSJ Question

Cool. I think your answer and the thing she has from the website reinforce each other.

From: Hickey, Lauren A
Sent: Sunday, January 10, 2016 3:08 PM
To: Beechem, Stephanie
Subject: Fw: WSJ Question

Fyi

Sent from my BlackBerry 10 smartphone.

From: HickeyLA@state.gov
Sent: Sunday, January 10, 2016 3:07 PM
To: Torry, Harriet
Subject: Re: WSJ Question

Hi Harriet -

Off record - We aren't making a judgment of what former Secretary Clinton meant. I haven't seen what you are pointing to from our website. Generally speaking, non-paper implies a paper that is not attributable to the USG.

Best,
Lauren

Sent from my BlackBerry 10 smartphone.

From: Torry, Harriet
Sent: Sunday, January 10, 2016 2:37 PM
To: Hickey, Lauren A
Subject: Re: WSJ Question

Hi Lauren,

Just one follow-up question on the non-paper question... is this definition of a non-paper still accurate? I found it on the State Dept website but wanted to confirm. This makes clear that a non paper is a type of document, rather than something that isn't printed on physical paper (like an email):

Non-paper—A written summary of a demarche or other verbal presentation to a foreign government. The non-paper should be drafted in the third person, and must not be directly attributable to the U.S. Government. It is prepared on plain paper (no letterhead or watermark). The heading or title, if any, is simply a statement of the issue or subject. (For example: "Genetically-Modified Organisms.")

<http://redirect.state.sbu/?url=http://www.state.gov/documents/organization/89308.pdf>

Thanks,

Harriet

On Sun, Jan 10, 2016 at 2:10 PM, Torry, Harriet [REDACTED] wrote:
Thanks Lauren!

B6

On Sun, Jan 10, 2016 at 2:09 PM, Hickey, Lauren A <HickeyLA@state.gov> wrote:
Hi Harriet -

The State press office forwarded me your question about Secretary Clinton's emails.

On background attributable to a State Department official: "The State Department checked its records and found no indication that the document in question was sent to Secretary Clinton using nonsecure fax or email. We note that there was a secure fax transmission to Secretary Clinton shortly after this email exchange."

Your other questions were addressed at our Daily press briefing with John Kirby on Friday. So I'll direct you to the transcript which is available on state.gov. Here's a small clip as an fyi -

MR KIRBY: And as you know, I'm not going to talk about former Secretary Clinton's email practices. That's not our role here, not least of which also those practices are under review and investigation, so it wouldn't be appropriate for me to talk about that. And as for the intention, the motivation, I simply wouldn't have that information.

Best,
Lauren

From: Torry, Harriet [REDACTED]
Sent: Sunday, January 10, 2016 1:24 PM
To: PA Press Duty
Subject: WSJ Question

Hi,

I have a question about the recent release of former Sec. of State Clinton's email. In a June 17, 2011 email, Ms. Clinton instructs staff to "turn into non-paper with no identifying heading and send nonsecure."

I know Mrs. Clinton responded to the controversy surrounding this email on CBS this morning. My question is:

what does "turn into non-paper with no identifying heading" actually mean?

I'd really appreciate any clarification on this. Is she referring to email, text message, or some form of nonsecure communication? Does the heading part refer to classification? (for instance nonclassified, classified, secret etc). Mrs. Clinton said this morning that headings are not classification notices, so I was wondering what her 'identifying heading' reference means.

Also, can you confirm Mrs. Clinton's statement from this morning that the secure fax wasn't sent? Was it sent in any other form?

I'm available on email or the numbers below.

Kind regards,

Harriet

Harriet Torry

Reporter | The Wall Street

Journal <<http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://online.wsj.com/search/term.html?KEYWORDS=HARRIET+TORRY&bylinesearch=true>>

Desk:

<<http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=tel:202-862-6601>>|

Cell:

<<http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=tel:202-304-9076>>

<<http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=mailto:> | @HarrietTorry

B6

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Harriet Torry

Reporter | The Wall Street Journal

Harriet Torry

Reporter | The Wall Street Journal

Desk: Cell:

B6

| @HarrietTorry

RELEASE IN FULL

Beechem, Stephanie

From: Hickey, Lauren A
Sent: Saturday, January 09, 2016 6:16 PM
To: Trudeau, Elizabeth K
Cc: Beechem, Stephanie
Subject: Re: Update

I'll send u the full background quote in a few

Sent from my BlackBerry 10 smartphone.

From: HickeyLA@state.gov
Sent: Saturday, January 9, 2016 6:15 PM
To: Trudeau, Elizabeth K
Cc: Beechem, Stephanie
Subject: Re: Update

Great!

Sent from my BlackBerry 10 smartphone.

From: Trudeau, Elizabeth K
Sent: Saturday, January 9, 2016 6:11 PM
To: Hickey, Lauren A
Cc: Beechem, Stephanie
Subject: Re: Update

Got it. Will have PA Clips send this around.

From: Hickey, Lauren A
Sent: Saturday, January 9, 2016 6:10 PM
To: Trudeau, Elizabeth K
Cc: Beechem, Stephanie
Subject: Re: Update

Hey there - Story is live see below. Would you forward any Qs to me and Steph (without looping the reporter) and I'll determine how to handle each (whether you should deploy the background quote or whether I want to speak with them and handle myself).

More Detail, New Questions About 2011 Clinton Email" – Brad Klapper
WASHINGTON (AP) The State Department provided more detail Saturday about a 2011 document at the center of Hillary Clinton's latest email controversy, as an official said the former secretary of state never received the paper by nonsecure fax. But many other questions remained unanswered.

Clinton, whose presidential campaign has been challenged by her use of a private email account while secretary of state, is facing questions anew after Friday's revelation that she asked an adviser to go around a secure fax system to transmit a set of "talking points" on an

unspecified subject.

Clinton told the adviser to turn it "into nonpaper w/no identifying heading and send nonsecure." Republicans immediately pounced on the exchange and suggested it proved impropriety.

The State Department said Friday that no such document was sent by email.

And on Saturday, a State Department official who wasn't authorized to speak publicly on the increasingly complicated review of Clinton's emails said the agency "checked its records and found no indication that the document in question was sent to Secretary Clinton using nonsecure fax or email."

The official, who demanded anonymity, said records instead turned up a secure fax transmission shortly after Clinton's email exchange with adviser Jake Sullivan on June 17, 2011. The implication was that this was the same document.

While the review appears to rule out the possibility of Clinton improperly receiving sensitive material, it leaves other questions unanswered.

Was the document classified or unclassified? The State Department won't say.

And was Clinton wrong to instruct a senior aide to send it through nonsecure means, even if that request wasn't fulfilled? The department says it isn't making a judgment.

Even the subject matter hasn't been revealed.

The only indication in the email exchange of what the document might have been about was redacted in Friday's release of some 3,000 pages from Clinton's tenure as America's top diplomat.

And it's unclear if any copy of the secure fax remains.

"Nonpaper" refers to an informal document, without official markings like letterhead or logos, not saved for records.

Since Clinton's use of a private email account and server became known last year, Republicans and others have questioned if the Democratic front-runner, either actively or passively, mishandled classified or otherwise sensitive material.

Republican Sen. Chuck Grassley of Iowa, the Judiciary Committee chairman, on Friday called the exchange with Sullivan a "disturbing email" that appears to show Clinton instructing an aide "to remove the headings from a classified document and send it to her in an unsecure manner."

Sent from my BlackBerry 10 smartphone.

From: Hickey, Lauren A
Sent: Saturday, January 9, 2016 2:23 PM
To: Trudeau, Elizabeth K
Cc: Beechem, Stephanie
Subject: Re: Update

Thanks will keep you posted!

Sent from my BlackBerry 10 smartphone.

From: Trudeau, Elizabeth K
Sent: Saturday, January 9, 2016 2:11 PM
To: Hickey, Lauren A
Cc: Beechem, Stephanie
Subject: Re: Update

Thanks. We'll keep an eye out for it. If you have a line you want us to give to chasers, or prefer we just forward, let me know.

From: Hickey, Lauren A
Sent: Saturday, January 9, 2016 2:10 PM
To: Trudeau, Elizabeth K
Cc: Beechem, Stephanie
Subject: Update

Hi Elizabeth -

Fyi we are going to give Matt and Brad an update on the non paper email haven't done so yet so TBD when their story would post but wanted you to be aware

Lauren

Sent from my BlackBerry 10 smartphone.

RELEASE IN PART B6

Beechem, Stephanie

From: Hickey, Lauren A
Sent: Saturday, January 09, 2016 6:01 PM
To: 'Hoffine, Brandi'
Cc: Beechem, Stephanie
Subject: RE: Update

Hi Brandi -

The AP story posted. I think it sticks to the facts and makes it clear State is sticking to our proper role. Story below.

Best,
Lauren

"More Detail, New Questions About 2011 Clinton Email" – Brad Klapper WASHINGTON (AP) The State Department provided more detail Saturday about a 2011 document at the center of Hillary Clinton's latest email controversy, as an official said the former secretary of state never received the paper by nonsecure fax. But many other questions remained unanswered.

Clinton, whose presidential campaign has been challenged by her use of a private email account while secretary of state, is facing questions anew after Friday's revelation that she asked an adviser to go around a secure fax system to transmit a set of "talking points" on an unspecified subject.

Clinton told the adviser to turn it "into nonpaper w/no identifying heading and send nonsecure." Republicans immediately pounced on the exchange and suggested it proved impropriety.

The State Department said Friday that no such document was sent by email.

And on Saturday, a State Department official who wasn't authorized to speak publicly on the increasingly complicated review of Clinton's emails said the agency "checked its records and found no indication that the document in question was sent to Secretary Clinton using nonsecure fax or email."

The official, who demanded anonymity, said records instead turned up a secure fax transmission shortly after Clinton's email exchange with adviser Jake Sullivan on June 17, 2011. The implication was that this was the same document.

While the review appears to rule out the possibility of Clinton improperly receiving sensitive material, it leaves other questions unanswered.

Was the document classified or unclassified? The State Department won't say.

And was Clinton wrong to instruct a senior aide to send it through nonsecure means, even if that request wasn't fulfilled? The department says it isn't making a judgment.

Even the subject matter hasn't been revealed.

The only indication in the email exchange of what the document might have been about was redacted in Friday's release of some 3,000 pages from Clinton's tenure as America's top diplomat.

And it's unclear if any copy of the secure fax remains.

"Nonpaper" refers to an informal document, without official markings like letterhead or logos, not saved for records.

Since Clinton's use of a private email account and server became known last year, Republicans and others have questioned if the Democratic front-runner, either actively or passively, mishandled classified or otherwise sensitive material.

Republican Sen. Chuck Grassley of Iowa, the Judiciary Committee chairman, on Friday called the exchange with Sullivan a "disturbing email" that appears to show Clinton instructing an aide "to remove the headings from a classified document and send it to her in an unsecure manner."

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

From: Hoffine, Brandi [mailto:]

Sent: Saturday, January 09, 2016 2:26 PM

To: Hickey, Lauren A

Cc: Beechem, Stephanie

Subject: Re: Update

Thank you, Lauren.

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

From: Hickey, Lauren A

[http://redirect.state.sbu/?url=mailto:HickeyLA@state.gov]

Sent: Saturday, January 09, 2016 02:00 PM

To: Hoffine, Brandi

Cc: Beechem, Stephanie <BeechemS@state.gov>

Subject: Update

Hi Brandi -

Wanted to let you know that later today we plan to tell the AP some updated info on the "nonpaper" email. Here's what we will be giving them. Not for sharing with others yet obviously --

On background attributable to a State Department official: "The State Department checked its records and found no indication that the document in question was sent to Secretary Clinton using nonsecure fax or email. We note that there was a secure fax transmission to Secretary Clinton shortly after this email exchange."

Sent from my BlackBerry 10 smartphone.

This email is UNCLASSIFIED

B6

Beechem, Stephanie

From: Hickey, Lauren A
Sent: Friday, January 08, 2016 3:15 PM
To: Hoffine, Brandi
Cc: Gerlach, Alec; Beechem, Stephanie
Subject: RE: Update: For Planning Purposes Only: Former Secretary Clinton's Emails

RELEASE IN PART B6

Thanks Brandi. FYI below are quick notes from our briefing which just wrapped a moment ago. Clinton emails were first 40 minutes of briefing. Kirby got pressed hard on why 2am happened and about the "nonpaper" email. James Rosen from Fox also had a line of questioning about whether Kirby stands by what his predecessors have said from podium (aka does he disavow psaki and harf).

Matt Lee, AP – time kept changing last night. What was going on?

Kirby: That's a fair question. I apologize for the inconvenience caused the continued delays. That is obviously not what we wanted.

Matt – Why not just wait until 8am. Was the judge up sitting refresh constantly from 6-10. Why couldn't this have waited until 7 or 8am. \

Kirby – Again we do apologize again for the sliding deadlines. When we put out the original estimates we did that in good faith. We kept updating it so you could make the decision about whether to go to bed or not. As we worked through these we found cases where during the quality control check there were some duplicates in there and we wanted to search the entire batch. It took some time. This is all being done on paper. Took a lot longer than we wanted to. We regret inconvenience. The reason why last night mattered was because last night was the court filing deadline. When we submitted that report we wanted to be able to say we got the emails out. That's why we were working so diligently. It was not at all and I understand the perception is we did it to make it harder for you to cover. Was really to try to meet as best we could

Arshad, Reuters – Did you get from the court any kind of an agreement to release it today.

Matt – We were very upfront we would not make the goal last week – there was not a separate understanding that the remainder had to go with our report filing – that was an internal deadline we gave ourselves. It was all on us.

Matt – lets switch to substance. In particular the one that's attracted a lot of attention June 16-17 with hrc and Jake in which in one she tells Jake if she can't get a secure fax through could he remove the header, make it a nonpaper and email it to her on her private server. Do you know what these were?? For a convo with senator Cardin???

Kirby – I don't have additional context. I am going to continue to refrain on speaking to the specific content.

Matt – Some including Grassley say hrc was asking her dep chief of staff to remove potentially class info to her private server. Would that be a violation? Is that the case? Is that what happened her?

Kirby – I don't know what happened here. I'm not going to talk about former sec Clintons email practices. That's not our role here. Those practices are under review and investigation. As to the intention and the motivation I just don't

Arshad – Do you have any way of know the doc was classified?

Kirby – I have no way of know that. 1) we did search the entire 55k and could find no evidence that tps in q was email to hrc. So we did do some forensics on that. And the second point and again I would not make a judgment re practices or content - it is not uncommon it is not atypical for unclassified documents to be created crafted or shared on classified system and share it around for editing and distribution. There's just no way of knowing. Just because on a class system doesn't mean it was system.

Arshad – Does the secretary of state have the authority themselves to declass something if the info in the doc is entirely generated with the state dept. no other gov equities. Can't they just decide.

Kirby – the agency has the ability – if it's something internal. You can certainly do that. Not done lightly. Usually not done unilaterally by any indiv – inside and agency process followed is it possible – yes.

Matt – Why cant u check the actual doc.

Kirby – We don't have a record of the document in her email.

Arshad – you didn't say you searched the archives.

Kirby – we will continue. There are other ways it could have found its way to her. Found no evidence it was sent over unclass email

James Rosen, Fox: raised q

Kirby – I don't know about content – not our role. Our role is to make these docs public and to do so in a responsible way.

James: Your predecessors did that and defended Clinton. Are u aware of that?

Kirby – I am not.

Kirby – knowing this was a topic for today we did a check of 55k. to see if that doc was in fact emailed and we found no indication that it was. That's the 55k we are going through. If it were to turn up somewhere else then we will have to deal with it. I am trying to show that we are trying to be as diligent as possible.

James: Do you know if someone at state has referred this to DOJ? Is there a violation of law here?

Kirby – I do not know. The practices themselves are matters of review and investigation. It would be inappropriate to comment.

James: Didn't u look at what your podium predecessors said?

Kirby: I cant speak to what my predecessors did or didn't do as talented and capable as they are.

Matt: The point Grassley and others are making – is she asked her aide to strip off the heading of something that was going to be sent via secure fax and turn into a non paper and the critics claim disguise class info. Is that a concern of the department re skirting class rules?

Kirby: Our role is not to make judgments.

ALSO – FOIA governs redactions. We aren't not making subjective judgments. We are not making judgments about how she talked to staff or about the content of traffic. Except we have a rigorous and sometimes slow process for redactions. This issue is under several investigations.

Matt: whose role?

Kirby: Issues under review and investigation.

X reporter: so u checked the emails because u were concerned by it? Not just because reporters asked?

Kirby: sure that sort of due diligence is part of process.

James: To be clear – you don't vouch for previous spokespeople?

Kirby: I cant do that – I can only vouch for my own words. I simply haven't read any word. Kerry is taking this process of getting the emails out seriously.

James: So some could be inoperative?

Kirby: im in no position to say that

SWITCH TO IG:

Kirby: We appreciate IG's work. We have accepted recs. We know have a lot of work to improve and we are committed to doing that. We are already implementing. IG considers them resolved because they have seen we are taking active steps. We are in the midst of hiring – gonna continue to hire addl resources and manpower. We know we can do better in terms of FOIA response. More FOIA requests in general. The more you have – because we want to be thorough – its hard to get them out on time.

Arshad – the foia 50 is that the same we talked about before? An effort to transfer people from within state?

-Kirby – some are detailees some are direct hires *[THINK THIS IS A BIT OFF]*

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

From: Hoffine, Brandi [mailto:]
Sent: Friday, January 08, 2016 2:57 PM
To: Hickey, Lauren A
Cc: Gerlach, Alec; Beechem, Stephanie
Subject: RE: Update: For Planning Purposes Only: Former Secretary Clinton's Emails

B6

Heads up - Josh got the secure fax question from ABC. He said he didn't have the particulars/hadn't seen the email and deferred to the HRC campaign to provide more detail.

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

From: Hoffine, Brandi
Sent: Thursday, January 07, 2016 9:54 PM
To: 'Hickey, Lauren A'
Cc: Gerlach, Alec; Beechem, Stephanie
Subject: RE: Update: For Planning Purposes Only: Former Secretary Clinton's Emails

Thank you for the update

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

From: Hickey, Lauren A [http://redirect.state.sbu/?url=mailto:HickeyLA@state.gov]
Sent: Thursday, January 07, 2016 9:46 PM
To: Hoffine, Brandi []
Cc: Gerlach, Alec <GerlachJA2@state.gov>; Beechem, Stephanie <BeechemS@state.gov>
Subject: Fw: Update: For Planning Purposes Only: Former Secretary Clinton's Emails

Hi Brandi -

Fyi - emails not being posted until approx 1145. We just updated reporters -- see below.

Best,
Lauren

Sent from my BlackBerry 10 smartphone.
From: State Department Press Office <usstatebpa@subscriptions.fcg.gov>
Sent: Thursday, January 7, 2016 9:42 PM
To: Hickey, Lauren A
Reply To: usstatebpa@subscriptions.fcg.gov
Subject: Update: For Planning Purposes Only: Former Secretary Clinton's Emails

Press Corps Colleagues, please find updated timing below:

****For Planning Purposes Only****

Press Corps Colleagues,

This evening, at approximately 11:45 p.m., the State Department will make publicly available online approximately 2,900 pages of emails from former Secretary Clinton's email account. We are releasing the documents today so as to be responsive to the Court's December 31st goal for posting 82% of the Clinton email collection by that date. With today's production, the State Department will meet the page volume anticipated by last week's production goal.

In an effort to process and post as many documents as possible to reach this goal, the documents in today's release will not have fully completed data fields on the FOIA website. For these documents, the website list of documents will not include the fields for "Subject," "To," or "From." Therefore, you will not be able to sort this subset of documents using those fields. When you open each document, however, the document itself will appear normal. That is, the fields for "Subject," "To," and "From" will be visible. You will be able to do keyword searches of all posted documents. We will be adding this missing data at a later date such that the "Subject," "To," and "From" fields will be visible.

Today's documents will be available on the State Department's FOIA website, and we will send a follow-up email with the specific website address when they are live. Exemptions from public release are defined by the Freedom of Information Act. For a complete list of exemptions defined by statute, please visit:

><http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=https://foia.state.gov/Request/Guide.aspx><.

Regards,

State Department Press Office

Stay connected with the State Department Office of Press Relations:

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<><http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://links.govdelivery.com:80/track?type=click&enid=ZWFzPTEmbWFpbGluZ2lkPTIwMTYwMTA3LjUzNTE3NTUxJm1lc3NhZ2VpZD1NREItUFJELUJVTC0yMDE2MDEwNy41MzUxNzU1MSZkYXRhYmFzZWlkPTEwMDEmc2VyaWFsPTE3MjQ3NzI0JmVtYWlsaWQ9aGlja2V5bGFAC3RhdGUuZ292JnVzZXJpZD1oaWNrZXlsYUBZdGF0ZS5nb3YmZmw9JmV4dHJhPU1lbHRpdmFyaWF0ZUlkPSYmJg==&&100&&http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://www.state.gov/media/><> [Twitter]
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Stay connected with the State Department:

This email was sent to hickeyla@state.gov using GovDelivery, on behalf of: U.S. Department of State · 2201 C Street NW · Washington, DC 20520 [Powered by GovDelivery]

5

lick&enid=ZWFzPTEmbWFpbGluZ2lkPTIwMTYwMTA3LjUzNTE3NTUxJm1lc3NhZ2VpZD1NREItUFJELUJVTC0yMDE2MDEwNy41MzUxNzU1MSZkYXRhYmFzZWlkPTEwMDEmc2VyaWFsPTE3MjQ3NzI0JmVtYWlsaWQ9aGlja2V5bGFAc3RhdGUuZ292JnVzZXJpZD1oaWNrZXlsYUBzdGF0ZS5nb3YmZmw9JmV4dHJhPU11bHRpdmFyaWF0ZUlkPSYmJg==&&&112&&&http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://www.govdelivery.com/portals/powered-by<>

This email is UNCLASSIFIED.

Edwards, Ronako

From: Schram, Zachary I
Sent: Wednesday, January 27, 2016 4:40 PM
To: Frifield, Julia E; Evers, Austin R
Cc: Snyder, Eric J; Visek, Richard C; Prosser, Sarah E; Deck, Laura E; Welcher, Alison R
Subject: RE: Nonpaper Response [REDACTED]
Attachments: Nonpaper Response [REDACTED]

RELEASE IN PART
B5

B5

B5

Thanks Julia. [REDACTED]

B5

Best,
-Zack-

SBU
This email is UNCLASSIFIED.

From: Frifield, Julia E
Sent: Wednesday, January 27, 2016 2:10 PM
To: Schram, Zachary I; Evers, Austin R
Cc: Snyder, Eric J; Visek, Richard C; Prosser, Sarah E; Wells, Yvonne M; Deck, Laura E
Subject: RE: Nonpaper Response [REDACTED]

B5

Ok with me - [REDACTED]

From: Schram, Zachary I
Sent: Wednesday, January 27, 2016 12:32 PM
To: Frifield, Julia E; Evers, Austin R
Cc: Snyder, Eric J; Visek, Richard C; Prosser, Sarah E; Wells, Yvonne M; Deck, Laura E
Subject: FW: Nonpaper Response [REDACTED]

B5

Julia and Austin,

Circling back on this. [REDACTED]

B5

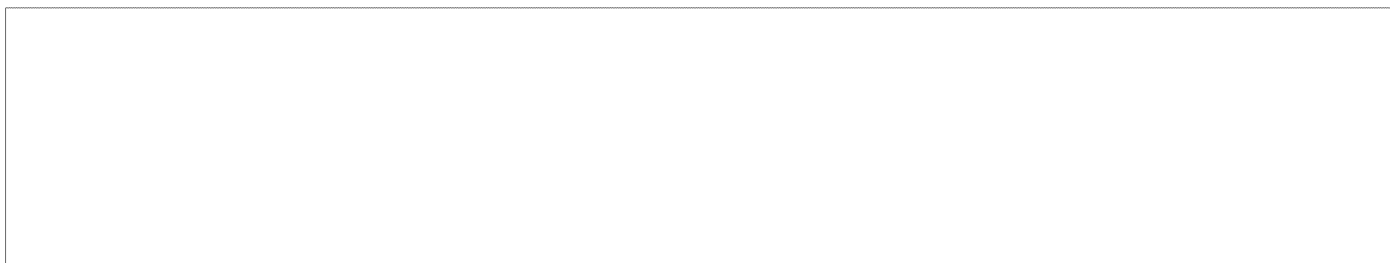
-Zack-

SBU
This email is UNCLASSIFIED.

From: Evers, Austin R
Sent: Tuesday, January 19, 2016 11:21 AM
To: Frifield, Julia E; Schram, Zachary I; Snyder, Eric J
Cc: Visek, Richard C; Prosser, Sarah E; Welcher, Alison R; Deck, Laura E
Subject: Nonpaper Response [REDACTED]

B5

Julia –



Austin

SBU
This email is UNCLASSIFIED.

Edwards, Ronako

From: Schram, Zachary I
Sent: Tuesday, January 19, 2016 2:19 PM
To: Frifield, Julia E; Evers, Austin R; Snyder, Eric J
Cc: Welcher, Alison R; Prosser, Sarah E; Visek, Richard C; Deck, Laura E
Subject: RE: Nonpaper Response [REDACTED]

RELEASE IN PART
B5

B5

Will do.

From: Frifield, Julia E <FrifieldJ@state.gov>
Date: January 19, 2016 at 2:17:57 PM EST
To: Snyder, Eric J <SnyderEJ@state.gov>, Schram, Zachary I <SchramZI@state.gov>, Evers, Austin R <EversAR@state.gov>
Cc: Visek, Richard C <VisekRC@state.gov>, Prosser, Sarah E <ProsserSE@state.gov>, Welcher, Alison R <WelcherAR@state.gov>, Deck, Laura E <DeckLE@state.gov>
Subject: RE: Nonpaper Response [REDACTED]

B5

From: Evers, Austin R
Sent: Tuesday, January 19, 2016 11:21 AM
To: Frifield, Julia E; Schram, Zachary I; Snyder, Eric J
Cc: Visek, Richard C; Prosser, Sarah E; Welcher, Alison R; Deck, Laura E
Subject: Nonpaper Response [REDACTED]

B5

Julia –

B5

Austin

SBU
This email is UNCLASSIFIED.

RELEASE IN PART
B5,B6

Edwards, Ronako

From: Evers, Austin R
Sent: Thursday, January 14, 2016 11:58 AM
To: Bair, James P; Lang, Karin M
Cc: Benning, Douglass R; Prosser, Sarah E; Thomas, Kenneth A; Stein, Eric F; Finney, Clarence N
Subject: RE: possible to set up a quick call?
Attachments: 2016.01.11 - Corker Burr to Kerry - fax log.pdf

FYI, here's the Chairman letter request for this.

SBU
This email is UNCLASSIFIED.

From: Bair, James P
Sent: Thursday, January 14, 2016 11:56 AM
To: Evers, Austin R; Lang, Karin M
Cc: Benning, Douglass R; Prosser, Sarah E; Thomas, Kenneth A; Stein, Eric F; Finney, Clarence N
Subject: RE: possible to set up a quick call?

Please see high side response.

James P. Bair
Attorney-Adviser, L/M
Tel: (202) 485-1731
BB:

B6

SBU
This email is UNCLASSIFIED.

From: Evers, Austin R
Sent: Thursday, January 14, 2016 11:32 AM
To: Bair, James P; Lang, Karin M
Cc: Benning, Douglass R
Subject: RE: possible to set up a quick call?

Sent folks an email on the high side

B5

SBU
This email is UNCLASSIFIED.

From: Bair, James P
Sent: Thursday, January 14, 2016 9:43 AM
To: Lang, Karin M; Evers, Austin R
Cc: Benning, Douglass R
Subject: RE: possible to set up a quick call?

[redacted] Austin, please take a look if you are able. Just added you on that system.

James P. Bair
Attorney-Adviser, L/M
Tel: (202) 485-1731
BB: [redacted]

SBU
This email is UNCLASSIFIED.

From: Lang, Karin M
Sent: Thursday, January 14, 2016 9:39 AM
To: Evers, Austin R; Bair, James P
Cc: Benning, Douglass R
Subject: RE: possible to set up a quick call?

[redacted] Please
review and then let's talk. Thanks.

From: Evers, Austin R
Sent: Wednesday, January 13, 2016 10:43 PM
To: Lang, Karin M; Bair, James P
Cc: Benning, Douglass R
Subject: RE: possible to set up a quick call?

Hi Karin –

Sorry to have missed the meeting. [redacted]

[redacted] Thanks so much for your help.

Austin

SBU
This email is UNCLASSIFIED.

From: Lang, Karin M
Sent: Wednesday, January 13, 2016 1:36 PM
To: Bair, James P; Evers, Austin R

Cc: Benning, Douglass R
Subject: RE: possible to set up a quick call?

I think that's easiest. Thanks.

From: Bair, James P
Sent: Wednesday, January 13, 2016 1:35 PM
To: Lang, Karin M; Evers, Austin R
Cc: Benning, Douglass R
Subject: RE: possible to set up a quick call?

Great. Happy to come up to you.

Thanks,

JB

James P. Bair
Attorney-Adviser, L/M
Tel: (202) 485-1731
BB:

B6

SBU
This email is UNCLASSIFIED.

From: Lang, Karin M
Sent: Wednesday, January 13, 2016 1:34 PM
To: Bair, James P; Evers, Austin R
Cc: Benning, Douglass R
Subject: RE: possible to set up a quick call?

Let's talk at 3 and we can circle back with Austin. Thanks.

From: Bair, James P
Sent: Wednesday, January 13, 2016 1:29 PM
To: Evers, Austin R; Lang, Karin M
Cc: Benning, Douglass R
Subject: RE: possible to set up a quick call?

I have no traffic, and could use a meeting in any event.

James P. Bair
Attorney-Adviser, L/M
Tel: (202) 485-1731
BB:

B6

SBU
This email is UNCLASSIFIED.

From: Evers, Austin R
Sent: Wednesday, January 13, 2016 1:13 PM
To: Bair, James P; Lang, Karin M
Cc: Benning, Douglass R
Subject: RE: possible to set up a quick call?

I'm probably tied up at 3. Do we still need to meet given the high side traffic?

SBU
This email is UNCLASSIFIED.

From: Bair, James P
Sent: Wednesday, January 13, 2016 1:07 PM
To: Lang, Karin M; Evers, Austin R
Cc: Benning, Douglass R
Subject: RE: possible to set up a quick call?

3 works for me, though Austin may be tied up.

James P. Bair
Attorney-Adviser, L/M
Tel: (202) 485-1731
BB:

B6

SBU
This email is UNCLASSIFIED.

From: Lang, Karin M
Sent: Wednesday, January 13, 2016 12:57 PM
To: Bair, James P; Evers, Austin R
Cc: Benning, Douglass R
Subject: RE: possible to set up a quick call?

Between 2:30 and 3:30 I am free. Does that work?

From: Bair, James P
Sent: Wednesday, January 13, 2016 12:53 PM
To: Lang, Karin M; Evers, Austin R
Cc: Benning, Douglass R
Subject: RE: possible to set up a quick call?

At your convenience. When is good?

James P. Bair
Attorney-Adviser, L/M
Tel: (202) 485-1731
BB:

B6

SBU

This email is UNCLASSIFIED.

From: Lang, Karin M
Sent: Wednesday, January 13, 2016 11:29 AM
To: Evers, Austin R; Bair, James P
Cc: Benning, Douglass R
Subject: possible to set up a quick call?

Austin, received your email on the high side, want to discuss it with you and Jamie by phone or in person if possible. Thanks.

Karin Melka Lang
Director, Executive Secretariat Staff (S/ES-S)
Department of State
langkm@state.gov
(202)647-9935