

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

JUDICIAL WATCH, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 14-cv-1242 (RCL)
)	
U.S. DEPARTMENT OF STATE,)	
)	
Defendant.)	

PLAINTIFF’S PROPOSED DISCOVERY PLAN

Pursuant to the Court’s December 6, 2018 Order, Plaintiff’s previously proposed discovery plans and the entire record herein, Plaintiff submits this proposed discovery plan:

1. The Court has ordered discovery into three distinct areas. Plaintiff has identified the discovery it intends to take on those issues. Although individuals may be listed more than once below, Plaintiff intends to call each witness once and address all relevant issues at that time.
2. Plaintiff intends to conduct the below depositions within 16 weeks of the Court’s order on Plaintiff’s discovery plan.
3. Plaintiff anticipates it will be necessary to depose former Secretary of State Hillary Clinton and her former Chief of Staff Cheryl Mills at the conclusion of the proposed 16 weeks. Plaintiff will update the Court at that time.
4. Plaintiff requests that the Court shorten the time period for Defendant to respond to Plaintiff’s interrogatories and document requests to 14 days to ensure Plaintiff has all relevant information prior to conducting any depositions.
5. Plaintiff is complying with the Court’s order and submitting this proposed discovery plan. Plaintiff provided its initial draft to Defendant on December 12th but did not

receive Defendant's response until 9:30 pm on December 17th. Although the parties attempted to reach an agreement before the filing deadline, they could not do so. Plaintiff therefore has not had sufficient time to respond to Defendant's legal arguments opposing some of its proposed discovery. To the extent the Court needs additional information from Plaintiff, Plaintiff promptly will provide such information at the Court's request.

6. It may appear the parties are in agreement in principle regarding Plaintiff's document requests seeking unredacted records that are set forth below. Defendant, however, has informed Plaintiff that it has not had the opportunity to fully review the records and determine whether privileges exist and whether they will assert them. Because Plaintiff seeks the records in unredacted form, no agreement to produce the records has been reached.

7. Plaintiff intends to conduct the following discovery:

A. Whether Secretary Clinton's use of a private email server was intended to stymie FOIA.

Depositions:

- Eric Boswell (Assistant Secretary for Diplomatic Security). On March 6, 2009, Boswell wrote in an Information Memo to Cheryl Mills that he "cannot stress too strongly . . . that any unclassified BlackBerry is highly vulnerable in any setting to remotely and covertly monitoring conversations, retrieving email, and exploiting calendars." A March 11, 2009 email states that, in a management meeting with the assistant secretaries, Secretary Clinton approached Boswell and mentioned that she had read the IM and that she "got it."
- Justin Cooper (Employee of President Bill Clinton and the Clinton Foundation). Cooper created and managed the clintonemail.com server. His testimony to Congress also appears to contradict portions of the testimony provided by Huma Abedin in the case before Judge Sullivan.
- Clarence Finney (Deputy Director, Executive Secretariat Staff). During Secretary Clinton's tenure, Finney served as principal advisor and records management expert to the Executive Secretary on matters relating to the overall management and control of all correspondence and records for Secretary Clinton and the various Deputy Secretaries of State and Under Secretaries of State. Finney also is

among the State Department officials in the emails discussing the processing of the CREW FOIA request and other requests concerning the former Secretary's email account.

- Heather Samuelson (Senior Advisor & White House Liaison during Secretary Clinton's tenure and assisted with the return of the emails from the clintonemail.com system). During Secretary Clinton's tenure, Samuelson initially worked as an assistant in the State Department's White House Liaison Office and was later promoted to serve as the head of that office. Until her tenure at the State Department ended in March 2013, Samuelson was tasked with tracking the FOIA request served by CREW for records regarding Secretary Clinton's email accounts. Samuelson subsequently served as one of Secretary Clinton's personal attorneys and, in 2014, reviewed Secretary Clinton's clintonemail.com email account to identify federal records. The records returned by Secretary Clinton in December 2014 were records identified by Samuelson.
- Jacob Sullivan (Secretary Clinton's senior advisor and Deputy Chief of Staff throughout her tenure).

Interrogatories:

- The identities of all individuals referenced in the first paragraph on page four of the FBI Notes from the December 22, 2015 Interview of Bryan Pagliano. *See* Exhibit A. The names are redacted on the public version of the notes.

B. Whether the State Department's intent to settle this case in late 2014 and early 2015 amounted to bad faith.

Depositions:

- Clarence Finney. *See* above.
- John Hackett (Deputy Director, Office of Information Programs and Services).
- Gene Smilansky (Employee within the State Department's Office of the Legal Advisor). In this capacity, Smilansky was involved in the processing of FOIA requests pertaining to Secretary Clinton's email from 2012 through 2014, including the CREW FOIA request.
- Heather Samuelson. *See* above.
- Sheryl Walter (Director of Office of Information Programs and Services). In this capacity, Walter was involved in the processing of FOIA requests pertaining to Secretary Clinton's email in 2014, including the CREW FOIA request.

- Jonathon Wasser (Management Analyst, Executive Secretariat Staff). Wasser worked for Mr. Finney and was the State Department employee who actually conducted the searches for records in response to FOIA requests to the Office of the Secretary.
- The Office of Information Program Services analyst who was assigned this case once it entered litigation.
- The Office of Information Program Services official who informed the FBI that the State Department determined Secretary Clinton's emails were not agency records. *See* Exhibit B.
- 30(b)(6) deposition(s) of Defendant concerning:
 - The processing of the CREW FOIA request;
 - The processing of the FOIA request at issue in this case;
 - The "discovery" of the Clinton email issue in Summer 2014 and response to same; and
 - The November 12, 2014 letter and December 31, 2014 Joint Status Report in which Defendant represented that it produced "the non-exempt, responsive documents subject to the FOIA" and "[t]he parties believe it might be possible to either settle this case or to narrow the issues which must be presented to the Court for adjudication."

Document Requests:

- Unredacted version of August 8, 2014 email exchange between Clarence Finney, Jonathon Wasser, James Bair, Andrew Keller, and Gene Smilansky.
- Unredacted version of May 1, 2013 email exchange between Gene Smilansky, Brett Gittleson, Sheryl Walters, and others.
- All records that concern or relate to the State Department's discovery, prior to February 2, 2015, that additional searches for records responsive to FOIA Request No. F-2014-08848 were [sic] necessary. In this regard, the State Department represented in a February 2, 2015 status report filed in litigation regarding FOIA Request No. F-2014-08848 that: In the course of preparing additional information to provide to Plaintiff for purposes of settlement discussions, Defendant has discovered that additional searches for documents potentially responsive to the FOIA [request] must be conducted.
- Any records, including communications, regarding this discovery referenced in

the February 2, 2015 status report should be considered responsive.

- All records that concern, relate to, or identify the location(s) or source(s) of potentially responsive records that necessitated the “additional searches” referenced in the February 2, 2015 status report.
- Copies of the attached records with the Exemption 5 redactions removed, attached hereto as Exhibit C. The attached records were obtained by Plaintiff in an unrelated FOIA lawsuit against the State Department for records concerning the processing of a FOIA request submitted by CREW (Citizens for Responsibility and Ethics in Washington) on December 6, 2012 seeking records concerning Secretary Clinton’s email account. *Judicial Watch, Inc. v. U.S. Dep’t of State (RDM)* (D.D.C.) (Case No. 16-574).

Interrogatories:

- Identify by name the “Management Analyst” who performed the initial search of Office of the Secretary records on September 23, 2014. *See* Hackett Declaration at ¶¶ 14-16.
- Identify the date on which the “subset” of HRC’s returned email were searched and the identity of the person who performed the search. *See* Hackett Declaration at ¶ 17.

C. Whether the State Department has adequately searched for records responsive to Judicial Watch’s request.

Depositions:

- Justin Cooper. As the creator and manager of the clintonemail.com server, Cooper would know what emails still exist and where they would be located.
- Clarence Finney. *See* above.
- Monica Hanley. Monica Hanley (Staff member in the Office of the Secretary during Secretary Clinton’s tenure). As a key assistant to Secretary Clinton, Hanley is likely to possess information about the identities of individuals with whom Secretary Clinton communicated by email.
- Lauren Jiloty. (Secretary Clinton’s Special Assistant during her tenure). In her capacity as Special Assistant, Jiloty entered Secretary Clinton’s contacts into the secretary’s Blackberries, and accordingly, is very likely to possess information about the identities of individuals with whom Secretary Clinton communicated by email.

- E.W. Priestap (FBI Assistant Director of Counterintelligence Division). Priestap supervised Clinton email investigation. In this capacity, he would have firsthand knowledge of where the FBI sought to recover Secretary Clinton's emails, where they were recovered, and where recovery was not obtained.
- Susan Rice (former U.S. Ambassador to the United Nations during Secretary Clinton's tenure). As the official who appeared in the media and presented the talking points, Rice would know with whom in the Office of the Secretary she communicated and where potentially responsive records may be located.
- Ben Rhodes (former Deputy National Security Advisor). As the author of the talking points, Rhodes would know with whom in the Office of the Secretary he communicated and where potentially responsive records may be located.
- Heather Samuelson. See above.
- Jacob Sullivan.
- Jonathon Wasser. See above.
- 30(b)(6) deposition(s) of Defendant concerning the processing of the FOIA request at issue in this case.
- 30(b)(6) deposition(s) regarding:
 - The preparation of the talking points for Susan Rice's appearances on Sunday morning tv shows (9/16/12);
 - The dissemination/discussion about talking points in advance of Rice's appearances;
 - The follow-up/wrap up of Rice's appearances; and
 - What the State Department knew about the attack and when it knew it.

Document Requests:

- All records that concern or relate to the State Department's policies, practices, procedures and/or actions (or lack thereof) to secure, inventory, and/or account for all records, including emails of Secretary Clinton, Cheryl Mills, Huma Abedin, Jacob Sullivan and staff within the Office of the Secretary prior to their termination of employment with the State Department and afterwards
- All records that concern or relate to the processing of FOIA Request No. F-2014-08848, served on the State Department by Judicial Watch, Inc. on May 13, 2014.

Any and all tasking, tracking, and reporting records for searches conducted in response to the request should be considered responsive. Forms DS-1748 and any “search slips,” “search tasker,” and “search details,” also should be considered responsive.

- All internal State Department communications that concern or relate to the processing of or search for records responsive to FOIA Request No. F-2014-08848, including any directions or guidance about how and where to conduct the searches, whether and how to search the emails of U.S. Secretary of State Hillary Rodham Clinton, and any issues, problems, or questions regarding the searches and/or search results.

Interrogatories:

- Identify the number of emails contained within State Department systems of records that were sent to or from or cc-ed or bcc-ed the clintonemail.com domain name for the time period from January 20, 2009 to February 2, 2013 for the following individuals:
 - Alice Wells;
 - Andrew Shapiro;
 - Anne-Marie Slaughter;
 - Caroline Adler;
 - Cheryl Mills;
 - Claire Coleman;
 - Dan Schwerin;
 - Huma Abedin;
 - Jacob Sullivan;
 - Joseph MacManus;
 - Judith McHale;
 - Lauren Jiloty;
 - Lona Valmoro;
 - Maria Sand;
 - Melanne Vermeer;
 - Monica Hanley;
 - Patrick Kennedy;
 - Philippe Reines;
 - Richard Verma;
 - Robert Russo;
 - Susan Rice;
 - Victoria Nuland;
 - Wendy Sherman; and
 - William Burns.

Dated: December 19, 2018

Respectfully submitted,

JUDICIAL WATCH, INC.

/s/ James F. Peterson

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Exhibit A

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ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-19-2016 BY J37385T94 NSICG

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/30/2015

(U//~~FOUO~~) On December 22, 2015, BRYAN PAGLIANO was interviewed by Federal Bureau of Investigation (FBI) Special Agents [redacted] and Information Technology Specialist/Forensic Examiner [redacted] at the offices of the Department of Justice's Counterintelligence and Export Control Section (CES). Also present, were AkinGump attorneys [redacted] Connor Mullin, Counsel and Mark MacDougall, Partner. Additionally, [redacted] and [redacted] from the U.S. Department of Justice were also present. After being advised of the identities of the interviewing agents, and the purpose of the interview, PAGLIANO provided the following information:

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(U//~~FOUO~~) PAGLIANO [redacted]
[redacted]
[redacted] HILLARY

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CLINTON, PAGLIANO came to work on HILLARY CLINTON's 2008 presidential campaign as an information technology specialist. Following HILLARY CLINTON's appointment as the Secretary of State in 2009, PAGLIANO gained employment at the Department of State (DOS) as an Information Technology Specialist in the Bureau of Resource Management.

(U//~~FOUO~~) In the fall of 2008, JUSTIN COOPER introduced himself to PAGLIANO via email and subsequently called PAGLIANO. In the call, COOPER stated he understood PAGLIANO was liquidating computer equipment from HILLARY CLINTON's 2008 presidential campaign and explained he was interested in transitioning from an Apple OS X private email server used by aides of BILL CLINTON to another email exchange server. COOPER asked PAGLIANO for help setting up new equipment to support a new email server and for assistance in the administration of the server. PAGLIANO began work on building an email server at K street using computer equipment from HILLARY CLINTON's 2008 presidential campaign. In late 2008, at the time PAGLIANO was building the server, he did not know HILLARY CLINTON would be Secretary of State or have an account on the server. PAGLIANO believed the email server he was building would be used for private email exchange with BILL CLINTON aides.

(U//~~FOUO~~) Around March 2009, once the new server equipment was assembled, COOPER and PAGLIANO met at the CLINTON residence in Chappaqua, NY to install the server and migrate the email

Investigation on 12/22/2015 at Washington, D.C.
File # [redacted] 302 Date dictated N/A
By SA [redacted] SA [redacted]

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accounts from the Apple OS X server to the new server. PAGLIANO also recalled that [redacted] [redacted] was present, as well as some United States Secret Service (USSS) Special Agents. PAGLIANO recalled the Apple OS X server to be in the basement at Chappaqua and consisting of an Apple Power Macintosh G4 or G5 tower and an HP printer supported by Internet Printing Protocol (IPP) over port 9100 so that staff could print from the Harlem office. PAGLIANO installed the new server equipment which was comprised of a 12-unit (12U) rack with a Dell PowerEdge 1950 used as a Blackberry Enterprise Server (BES), Dell PowerEdge 2900, Dell unmanaged switch, 3U power supply, 3 terabyte (TB) external hard drive, Kiwi Syslog Server, and a Cisco Private Internet eXchange (PIX) 515E IP firewall (the collection of server equipment hereafter referred to as Exchange Server 1). PAGLIANO stated that he did not utilize tape backups but implemented "disk-to-disk" backups instead. PAGLIANO began the email migration from the Apple OS X server to Exchange Server 1 while on-site in Chappaqua in March 2009, but did not finish on-site and continued working on the migration from his hotel room. PAGLIANO believed he "popped out" all the email from the Apple OS X server when migrating and that no email content should have existed on the Apple OS X server once it was migrated to Exchange Server 1. COOPER changed the Mail Exchange (MX) records to ensure delivery to Exchange Server 1. There were only two system administrators on Exchange Server 1, PAGLIANO and COOPER. PAGLIANO disagreed with housing Exchange Server 1 in a residential basement due to having only one unreliable internet connection. COOPER disagreed and wanted physical access to Exchange Server 1. PAGLIANO never knew of Exchange Server 1 residing in another physical location other than Chappaqua.

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(U//~~FOUO~~) As far as the Apple OS X server is concerned, PAGLIANO did not know of any other function or use of the server, other than to facilitate email exchange. PAGLIANO did not know who installed the Apple OS X server, but believed COOPER was the only person with administrator access. Two email domains existed on the Apple OS X server, presidentclinton.com and clintonemail.com. Both domains were also maintained on Exchange server 1. PAGLIANO believed [redacted] COOPER, [redacted] and [redacted] had email accounts on the presidentclinton.com domain, and HUMA ABEDIN and [redacted] had email accounts on the clintonemail.com domain. Once email was migrated to Exchange server 1, all users could use either the presidentclinton.com or clintonemail.com domains for receiving email but replies would be sent from the clintonemail.com domain for users of the clintonemail.com domain. PAGLIANO did not know if HILLARY CLINTON had an account on the Apple OS X server, but he did not migrate one. PAGLIANO did not know how users connected to the Apple OS X server. [redacted] or COOPER would monitor the printer linked to the Apple OS X server, but PAGLIANO was unaware what, if anything, it was used for. PAGLIANO believed the people with physical access to the Apple OS X server was anyone who had access to the basement at the CLINTON residence. [redacted] had physical access, but not administrative access, to the OS X server. Sometime after the email migration from the Apple OS X server to Exchange server 1 was complete, COOPER discussed repurposing the Apple OS X server with PAGLIANO. PAGLIANO believed the intention was for the Apple OS X server to be installed as a workstation somewhere in the basement in Chappaqua for use by either COOPER or [redacted]

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(U//~~FOUO~~) PAGLIANO requisitioned the hardware for Exchange Server 1 from a datacenter at HILLARY CLINTON's presidential campaign headquarters at 4420 W. Fairfax Drive, Arlington, Virginia. He recalled the PowerEdge 2900 to have been a Microsoft SQL server and PAGLIANO did not recall if he wiped the drives of the hardware used to build Exchange Server 1. PAGLIANO made the decision to use a Microsoft Small Business Server (SBS) environment on Exchange Server 1 since he had used it before and assessed it would be perfect for a small amount of users exchanging email. Exchange Server 1 was only used for email exchange, and although PAGLIANO did enable Windows SharePoint Services, it was never used. PAGLIANO wanted to use a cloud service similar to that used in HILLARY CLINTON's 2008 Presidential campaign, but COOPER disagreed with PAGLIANO and did not want to use a cloud service. Because of this decision, PAGLIANO used an external hard drive to back-up Exchange Server 1 using Windows back-up service. To effect this change, PAGLIANO scheduled a task through Windows for a full back-up once a week and a differential back-up every day. These periodic back-ups would overwrite on the hard drive in a first-in, first-out manner. For security, PAGLIANO used Microsoft Forefront on the Dell PowerEdge 2900 as a baseline security analyzer. PAGLIANO recalled finding a virus, but recalled no other detail, other than it being nothing of great concern. PAGLIANO chose to turn File Transfer Protocol (FTP) off.

(U//~~FOUO~~) PAGLIANO thought the biggest vulnerability to Exchange Server 1 to be a Brute Force Attack (BFA). PAGLIANO stated that BFAs increased over the life of the server and he set-up the logs to alert COOPER of a failed log-in-attempt. The Internet Protocol (IP) filtering on the server was manual using a 515E straight IP block and PAGLIANO used Domain Name System (DNS) for inbound filtering. On the Dell PowerEdge 1950, PAGLIANO used a Kiwi Syslog server and tried to pull and review the firewall log files once a month. At some point, COOPER put PAGLIANO in contact with [REDACTED] from the USSS for a reason unknown to PAGLIANO. [REDACTED] told PAGLIANO to also perform outbound filtering of email traffic.

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(U//~~FOUO~~) The back-up hard drive and mailboxes on Exchange server 1 were not encrypted. PAGLIANO wanted to move toward two-factor authentication using an RSA authentication server for all Remote Desktop Protocol (RDP) access on Exchange Server 1 because he thought it was a good practice. As a test, PAGLIANO installed it on his workstation, as well as COOPER's, but PAGLIANO did not end up implementing two-factor authentication and did not turn off RDP access. PAGLIANO stated there were no security breaches on Exchange Server 1, but there were a lot of BFAs. PAGLIANO knew the attempts were BFAs instead of users forgetting their passwords because the user names in the BFA attempts weren't even close to any legitimate user name. PAGLIANO could not recall a specific country that would attempt an inordinate amount of BFAs.

(U//~~FOUO~~) In summer 2009, PAGLIANO noticed an account on Exchange server 1 called "H." PAGLIANO asked COOPER who this email account belonged to and COOPER stated it belonged to HILLARY CLINTON. PAGLIANO assumed the account was a personal email account. PAGLIANO

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recalled the email account to be HDR22@clintonemail.com. Later, after SYDNEY BLUMENTHAL's email account was hacked, HILLARY CLINTON's account changed to HROD19@clintonemail.com.

(U//~~FOUO~~) In summer 2009, [redacted] and [redacted] both Information Technology Specialists at the DOS, contacted PAGLIANO and asked him to come to the 7th floor in DOS Headquarters. Once there, PAGLIANO was asked if he was aware of the clintonemail.com domain and PAGLIANO replied in the affirmative. PAGLIANO recalled nothing further about this encounter. PAGLIANO relayed this incident to [redacted] and [redacted] had a "visceral" reaction and didn't want to know anymore. In late 2009 or early 2010, [redacted] reached out to PAGLIANO again and relayed to PAGLIANO that the use of a private email server by HILLARY CLINTON may be a federal records retention issue. [redacted] relayed to PAGLIANO that he wanted to convey this to HILLARY CLINTON's inner circle, but could not reach them and asked if PAGLIANO would relay this information. PAGLIANO then approached CHERYL MILLS in her office and relayed [redacted] concerns regarding federal records retention and the use of a private email server. PAGLIANO remembers MILLS replying that former Secretaries of State had done the same thing, to include COLIN POWELL. PAGLIANO thought he may have also mentioned the federal records retention issue with JUSTIN COOPER. Additionally, PAGLIANO recalled a third conversation with [redacted] where [redacted] brought up security concerns and stated that email transiting from a state.gov account to Exchange Server 1 should be through a Transport Layer Security (TLS) tunnel. [redacted] stated to PAGLIANO that he wouldn't be surprised if classified information was being transmitted.

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(U//~~FOUO~~) PAGLIANO stated the hardware used for Exchange Server 1 was paid for by the CLINTON family and through the 2008 presidential campaign and at least some of the hardware was acquired through US21 Computers. PAGLIANO believed most financial and acquisition matters regarding the CLINTONS would go through COOPER directly. PAGLIANO performed work for the CLINTONS without a contract and through contact with COOPER. COOPER wanted to do work under a retainer, but they settled on an hourly wage.

(U//~~FOUO~~) In June 2011, PAGLIANO travelled to Chappaqua to perform maintenance and install new upgrades to Exchange Server 1. The discs began failing in the 3 TB external hard drive in Exchange Server 1 and PAGLIANO replaced it with a CISCO NAS storage device. PAGLIANO chose CISCO because they make good products and he may have consulted US21 Computers as well. PAGLIANO allocated more than half of the storage space for back-ups of Exchange Server 1 and the rest for file storage. When uninstalling the 3 TB hard drive and installing the CISCO NAS, PAGLIANO did not move the contents from one to the other. PAGLIANO simply unplugged the USB connection for the 3TB hard drive and pointed the server back-ups toward the CISCO NAS. PAGLIANO also added memory to the Dell PowerEdge 1950, added a Gigabit switch, upgraded to a CISCO ASA 5500 firewall, off loaded syslogging to the CISCO NAS, bought a CISCO botnet filter and CISCO Intrusion Prevention Service (IPS) and replaced the batteries on the UPS along with other various upgrades and maintenance. Additionally, PAGLIANO upgraded the BES from 5.0 to 6.0 and checked for any software patching.

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(U//~~FOUO~~) In the Winter of 2011, the Internet Service Provider (ISP) providing internet service to the CLINTON residence in Chappaqua went down due to a storm. As a result, Exchange Server 1 was unable to process email. While the Internet was down, and to ensure email delivery, PAGLIANO advised COOPER to change the mail exchanger (MX) record for email accounts on Exchange Server 1 to point to Google. PAGLIANO wasn't certain if COOPER did this or who it was done for, but assumed it was done for HILLARY CLINTON and HUMA ABEDIN since they were the most concerned about lack of email delivery.

(U//~~FOUO~~) Individuals with an email account on Exchange Server 1 could log into their account through any means available to them. PAGLIANO viewed his responsibilities as maintenance and operation of the server. PAGLIANO recalled HILLARY CLINTON used a BlackBerry as a mobile device, but could not recall the various handsets. PAGLIANO met with MONICA HANLEY at some point in 2011 or 2012 to configure a BlackBerry for HILLARY CLINTON, but could not recall any detail about the device.

(U//~~FOUO~~) Upon [redacted] leaving the CLINTON's employ and pursuant to a request from [redacted] PAGLIANO recalled doing an export of 40 Gigabytes of [redacted] email. This is the only export PAGLIANO could recall doing. PAGLIANO believed he may have done an export of email for [redacted] but could not recall. PAGLIANO did recall doing an import of DOS contacts for HUMA ABEDIN onto Exchange Server 1

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(U//~~FOUO~~) PAGLIANO could not recall accessing the content of email on Exchange Server 1 and was never aware of any classified information residing on Exchange Server 1.

(U//~~FOUO~~) In early 2013, PAGLIANO recalled the user limitations and reliability of Exchange Server 1 prompted discussions to search for another vendor to manage a CLINTON email exchange server. PAGLIANO recalled a conversation with [redacted] and COOPER about [redacted] career aspirations and what email requirements she may need. Eventually, MILLS and [redacted] weighed in relating to Exchange Server 1 and the end of HILLARY CLINTON's tenure as Secretary of State. At some point, an individual named [redacted] began the process of finding a vendor to manage a new CLINTON email exchange server. PAGLIANO did not know [redacted] previously, or how she came to be involved with the search for a vendor. Eventually [redacted] showed PAGLIANO a presentation detailing three vendors and their capabilities. PAGLIANO recommended a company called Platte River Networks (PRN). Ultimately, PAGLIANO recalled the decision being with [redacted] and she chose PRN.

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(U//~~FOUO~~) Once the decision was made to go with PRN, PAGLIANO recalled communicating with PRN employee [redacted] related to the transition from Exchange Server 1 to the server PRN was going to use. Around this time, PAGLIANO was already 4 to 5 months into a new job as an IT

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specialist at GARTNER. PAGLIANO gave [redacted] administrator access to Exchange Server 1 as well as user names and passwords to individual email accounts. PAGLIANO recalled talking to [redacted] once or twice and possibly, [redacted]. In order to prepare Exchange Server 1 for the transition to PRN, PAGLIANO also "trimmed" mailboxes and cleared out white space. PAGLIANO described this as a maintenance process of reclaiming space from old mailboxes, like in the example of [redacted].

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(U//~~FOUO~~) Based on conversations he had or was aware of, PAGLIANO recalled knowing that PRN was going to use a DATTO service for backing up their server, a CloudJacket device for network protection, and potentially, two-factor authentication. [redacted] was responsible for establishing the contract of services PRN was going to implement and ensure they were implemented.

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(U//~~FOUO~~) PAGLIANO was shown an email dated January 30, 2014 where a user list was populated by Platte River Networks regarding their management of a CLINTON email server. Regarding the email, PAGLIANO did not recognize the mailbox "HRC Archive." PAGLIANO stated after PRN took control of managing an email server for the CLINTONS, he had no visibility into the server or the mailboxes.

(U//~~FOUO~~) In what PAGLIANO remembered as the fall of 2013, MILLS called PAGLIANO and inquired about the effectiveness of two types of software for wiping computer data, but PAGLIANO could not recall the names of the software. PAGLIANO discussed the difference between "bit" wiping and deleting with MILLS. PAGLIANO inferred from his conversation with MILLS that PRN was going to excise data. PAGLIANO recalled using Boot and Nuke software when deleting and repurposing computers while working on HILLARY CLINTON's 2008 presidential campaign, but didn't recall if he discussed that with MILLS.

(U//~~FOUO~~) In July 2014, PAGLIANO had a conference call with MILLS and [redacted] to discuss an archive of HILLARY CLINTON emails from her time as Secretary of State. PAGLIANO recalled that MILLS and [redacted] were trying to determine why a gap existed in HILLARY CLINTON's emails between January 2009 and March 2009. In separate conversations with COOPER, PAGLIANO understood that CLINTON used a BlackBerry email address before hosting her account on Exchange Server 1 and that explained the gap from January 2009 to March 2009. PAGLIANO could not recall a conversation with MILLS or [redacted] after July 2014.

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(U//~~FOUO~~) In Spring 2015, MILLS asked PAGLIANO if he would mind talking to DAVID KENDALL from Williams & Connolly LLP. PAGLIANO agreed to talk to KENDALL and described the interaction as a shorter version of PAGLIANO's conversation with FBI agents as memorialized herein. PAGLIANO stated there is nothing he told KENDALL that he didn't also relay to the interviewing FBI agents.

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(U//~~FOUO~~) At this point in the interview, FBI agents displayed documents to PAGLIANO that were Bates stamped as an identifying mark. PAGLIANO was asked questions as it pertained to each respective document. The following was provided by PAGLIANO:

(U//~~FOUO~~) After viewing a document marked HC-001, PAGLIANO stated the credit of \$5,000.00 to his account was a payment, including expenses, for his work in March 2009 setting up Exchange Server 1. The payment of \$8,350.83 in June 2011 was for his previously described maintenance work on Exchange Server 1, to include expenses.

(U//~~FOUO~~) After viewing a document marked HC-014, PAGLIANO stated the line item "1/11/2011 Conference call with Security team" was the previously described communication with [redacted] related to outbound filtering. PAGLIANO stated [redacted] was an individual he worked with at US21 Computers. PAGLIANO recalled HILLARY CLINTON turned off Bluetooth capability on her BlackBerry, while COOPER, and possibly [redacted] enabled Bluetooth on their handsets.

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(U//~~FOUO~~) PAGLIANO stated [redacted] referred to in a document marked HC-023, was [redacted]
[redacted]

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(U//~~FOUO~~) After viewing a document marked HC-008, PAGLIANO stated the "Mailbox kick off" indicated in the invoice was related to the previously described work exporting [redacted] mailbox.

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(U//~~FOUO~~) After viewing a document marked HC-004, PAGLIANO stated the iPad referred to in the invoice belonged to HILLARY CLINTON. PAGLIANO did not configure the iPad and could not recall when HILLARY CLINTON started using it, nor any other details related to the iPad.

(U//~~FOUO~~) After viewing a document marked HC-010, PAGLIANO stated in March 2013, MILLS requested an analysis of Exchange Server 1. PAGLIANO recalled giving Exchange Server 1 a B+ grade and conveyed in his analysis the limitations of Exchange Server 1 and recommendations for a more robust email system. PAGLIANO relayed the greatest liability of Exchange Server 1 to be reliability and referenced the incidents in which the ISP lost power and was unable to provide internet service to the residence in Chappaqua. PAGLIANO had always been against housing a server in a residential basement and preferred the security and reliability of an established data center. MILLS did not have an email account on Exchange Server 1 and used state.gov and gmail for email exchange.

(U//~~FOUO~~) After viewing a document marked HC-002, PAGLIANO stated the virtual private network (VPN) referred to in the invoice was not for users of Exchange Server 1 and just for administrator use. PAGLIANO stated he installed the IPS at the same time the CISCO ASA firewall went in place in June 2011. PAGLIANO fine tuned the IPS over time, fluctuating between turning logging on and off as needed.

FD-302a (Rev. 10-6-95)

Continuation of FD-302 of Interview of Bryan Pagliano, On 12/22/2015, Page 8

(U//~~FOUO~~) The notes of the interview and all aforementioned documents displayed to PAGLIANO will be stored in a FD340 envelope and filed with the captioned investigation.

Exhibit B

FD-302a (Rev. 10-6-95)

-1-

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-19-2016 BY J57J85T94 NSICG

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 08/18/2015

[redacted] Office of Information Programs and Services (IPS), United States Department of State (STATE) Bureau of Administration, [redacted] Washington, D.C. 20520, office telephone [redacted] mobile telephone [redacted] email [redacted] @state.gov, date of birth [redacted] was interviewed in person by FBI Special Agents [redacted] and [redacted] [redacted] at FBI Headquarters, 935 Pennsylvania Avenue Northwest, Washington, D.C. 20535. After being advised of the identities of the interviewing Agents and the nature of the interview, [redacted] provided the following information:

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[redacted] began working for IPS in [redacted] 2015. Initially, IPS officials were told there were 14 bankers boxes of former Secretary of State Hillary CLINTON's emails at CLINTON's Friendship Heights office. Later, officials were told that the boxes would be picked up from Williams & Connolly, LLP. On or about December 5, 2014, IPS personnel picked up only 12 bankers boxes of CLINTON's emails from Williams & Connolly. [redacted] and other IPS officials were not sure if the boxes were consolidated or what could have happened to the two other boxes. The boxes were labeled with date ranges, which were accurate for the most part. Some of the documents were filed out of order. [redacted] opined the documents were pre-arranged differently than one would expect if the documents were simply printed out and then stacked into the boxes. IPS personnel provided copies of the documents to STATE's Bureau of Legislative Affairs, Office of the Legal Adviser, and the Office of Congressional and Public Affairs.

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Although, CLINTON was sworn in as Secretary of State in January 2009, IPS officials were unable to locate any of her emails from January-April 2009 in the documents provided by Williams & Connolly. [redacted] did not know whether CLINTON used a different email address at that time. A preliminary review of the documents did not occur until months later. IPS had to wait on the Office of Legal Counsel to provide an official determination as to whether the emails would be considered official STATE records. At some point, the determination was made that the emails would not be considered official STATE records.

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Based on the dates on the boxes, [redacted] opened the box with the Benghazi-related incidents first. There were sensitive Benghazi-related records, some records related to the National Archives and Records Administration, and some personal emails in that box. [redacted] Records and Archives [redacted] performed the records appraisal. [redacted] informed [redacted] there were some potential classified emails, including some from Sidney BLUMENTHAL, that appeared to have

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Investigation on 08/17/2015 at Washington, DC

File # [redacted] Date dictated N/A

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By SA [redacted] SA [redacted]

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FD-302a (Rev. 10-6-95)

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Continuation of FD-302 of Interview of [redacted] On 08/17/2015. Page 2
been written by Tyler Drumheller, former Central Intelligence Agency (CIA) Division Chief, European
Division [redacted]

b3

[redacted] as well as other emails that discussed various information
related to various foreign governments.

Sometime around late January 2015 [redacted] gave a status brief about the emails to STATE
officials Patrick KENNEDY, Under Secretary for Management, [redacted]
Bureau of Administration, and [redacted] Global Information
Services KENNEDY and [redacted] were each provided with two binders full of email examples of
documents [redacted] believed were possibly classified. [redacted] returned her binders to [redacted] but
KENNEDY decided to keep his binders following the brief

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[redacted] was not aware of anyone in IPS or at STATE who received the rules or parameters the
CLINTON team and/or Williams & Connolly used to segregate CLINTON's personal and official work
emails. There were approximately 60,000 emails, which were reduced to about 30,000. IPS had requested
[redacted] Legal Adviser, STATE to ask Williams & Connolly for the rules they used.

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To date, [redacted] did not believe [redacted] received a response. [redacted]
STATE Inspector General, was also trying to determine how Williams & Connolly performed their
review and what basis they used in reducing the emails. Initially, Cheryl MILLS, former CLINTON
Counselor and Chief of Staff, was the only CLINTON staff member to respond to a formal request by
STATE for information pertaining to personal email and devices used to conduct official STATE
business.

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According to [redacted] in February 2015, [redacted]
attorneys at STATE's Office of Congressional Affairs since approximately [redacted] and
[redacted] along with attorneys from the Office of Legislative Affairs,
performed their review of the 30,000 emails, from which 296 emails were located and produced
responsive to requests from the U.S. House of Representatives Select Committee on Benghazi. The
manual paper search was done using keywords "Libya," "Benghazi," and "security."

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Prior to the formal FOIA review by IPS of the 296 emails, Congress threatened to release the 296
emails based on [redacted] input that her team had already coordinated with the appropriate STATE
bureaus and inter-agency reviewing officials. However, [redacted] and her team did not work with the
regular interagency reviewers familiar to [redacted] did not include [redacted]
[redacted] Office of Information Management or [redacted] Records
Management Division, FBI. [redacted] believed [redacted] may have coordinated with DOJ, but not with
the FBI

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In or around March and April 2015 [redacted] and IPS felt pressure by both Congress and
internally from KENNEDY and [redacted] to quickly approve the 296 emails for release. Initially,

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FD-302a (Rev. 10-6-95)

Continuation of FD-302 of [redacted] Interview of [redacted] On 08/17/2015. Page 3

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[redacted] and his team were told to do a "light review with light redactions," but were later told by the Office of Legal Counsel to perform a regular FOIA review. [redacted] special team of senior reviewers, approximately 40 full-time equivalent reviewers, worked with the appropriate Bureaus on possible classified information and sent the proper referrals to the United States Intelligence Community (USIC) partners.

[redacted] did not think [redacted] and the Office of Legislative Affairs attorneys had the appropriate training and experience to review, redact and produce emails responsive to Congressional inquiries and especially not expert enough to respond to FOIA requests. For starters [redacted] and her team performed their entire review, redacted what they did, and then copied the 296 emails to a .pdf file on an unclassified network. If any information was later found to be classified, then they would have not only corrupted every computer that touched that classified information, but they might have contributed to a loss of classified data. IPS always pushed their material to the SIPRNET network and used their "F2" enclave to perform their FOIA review before disseminating their products. Also, the 296 emails provided by [redacted] via .pdf included redactions done for CLINTON's privacy but unrelated to national security.

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[redacted] believed there was interference with the formal FOIA review process. Specifically, STATE's Near East Affairs Bureau upgraded several of CLINTON's emails to a classified level with a B(1) release exemption. [redacted] along with [redacted] attorney, Office of Legal Counsel called STATE's Near East Affairs Bureau and told them they could use a B(5) exemption on an upgraded email to protect it instead of the B(1) exemption. However, the use of the B(5) exemption, which is usually used for executive privilege-related information, was incorrect as the information actually was classified and related to national security, which would be a B(1) exemption.

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In or around March or April 2015, there was a meeting where [redacted] told [redacted] [redacted] Information Services, [redacted] U.S. Department of Justice (DOJ), and [redacted] DOJ, that she had coordinated the review of the 296 emails with the appropriate STATE bureaus and inter-agencies. The emails "were already reviewed and there was nothing classified in them, so the FOIA review should go quickly." [redacted] was unsure why the FOIA review was taking so long.

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[redacted] again stressed [redacted] review and coordination were done with people unfamiliar to [redacted] and were not the normal points of contact that IPS used for other agencies. More importantly, although [redacted] and [redacted] thought their quick initial review showed none of the 296 emails were sensitive, following the formal FOIA review, one document had been upgraded to classified based on input from [redacted] and [redacted]. There were other documents IPS recommended for upgrade, including one specifically related to the Department of Defense's United States Central Command (CENTCOM), and others that were still in the referral stage, including emails that have FBI and CIA equities involved that originated from BLUMENTHAL.

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HRC-100

FD-302a (Rev. 10-6-95)

Continuation of FD-302 of [redacted] interview of [redacted]. On 08/17/2015. Page 4

[redacted] did not know why he and IPS were not part of the initial Congressional review for the 296 Benghazi-related emails, like they had been for past Congressional inquiries. [redacted] was cut out of the loop for the materials initially sent to Congress and had no idea what kind of review [redacted] and her team performed. [redacted] and [redacted] seemed to have been placed in their specific positions by top STATE officials; they appeared to have a very narrow focus on all CLINTON-related items, and were put in positions that were not advertised.

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In early May 2015, KENNEDY called an interagency meeting regarding the scheduled release of all the CLINTON-related emails by the January 15, 2016 deadline and asked for quick turnarounds on any future requests. People in attendance included [redacted] representatives from White House Counsel, CIA, FBI, Office of the Secretary of Defense (OSD), Director of National Intelligence (DNI) and the National Security Council (NSC).

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Immediately following that meeting, KENNEDY held a closed-door meeting with [redacted] and [redacted] DOJ's Office of Information Programs where KENNEDY pointedly asked [redacted] to change the FBI's classification determination regarding one of CLINTON's emails, which the FBI considered classified. The email was related to FBI counter-terrorism operations.

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KENNEDY called [redacted] directly on one occasion. The purpose of that call was to ask [redacted] questions regarding pressure from the Office of the Inspector General of the Intelligence Community (ICIG) to complete the review of the approximately 30,000 emails. Specifically, KENNEDY wanted to know if there was precedent to have outside reviewers help STATE with the FOIA process. At that time [redacted] was unaware of STATE IG's and ICIG's June 19, 2015 joint recommendation to STATE regarding the FOIA review process. [redacted] ICIG, offered [redacted] and IPS extra reviewers from the intelligence community to help review the 30,000 emails. However, many of those reviewing officials arrived untrained to formally review items. After the initial training, those reviewers became instrumental to the review process.

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[redacted] had not felt as much pressure regarding the review and release of the 30,000 emails as with the 296 Benghazi-related emails. [redacted]

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[redacted] Instead of pressure, it felt more like curiosity as to the raw numbers of emails already reviewed, upgraded from unclassified to classified, referred to outside agencies, and/or released publicly. To date, approximately 1,600 referrals were made to USIC partners. Many of those emails discussed foreign governments and their leaders along with various sensitive telephone calls. Other emails existed that would later be referred to the USIC. Those emails included emails from STATE personnel discussing information lost as a result of the "Wikileaks" scandal.

Some material from the 30,000 emails, though unmarked as such, were definitely classified back in 2009-2012 and still remained classified. On the other hand, it was true some material (in general, not specific to the 30,000 emails) could have been previously classified, but were later downgraded. An

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Continuation of FD-302 of Interview of [REDACTED], On 08/17/2015, Page 5
 example would be CLINTON's travel schedule or security-related information based on specific times and places. It was a very large security concern for IPS when they heard some STATE employees assumed all documents on unclassified system were unclassified, based on being on an unclassified system and having no portion markings

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One email that was upgraded from the 30,000 emails was an email exchange between CLINTON and [REDACTED] former [REDACTED] where both individuals used their personal email addresses to discuss matters related to Russia. Despite this, [REDACTED] responded to KENNEDY's request for all STATE-related personal emails with a letter that stated [REDACTED] had no STATE-related emails in his personal email account.

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STATE was normally able to complete classification upgrades very quickly. The upgrade would happen after STATE bureaus and other agencies determined, (1) how the information was obtained; (2) what the information was; (3) based on current global events/situations; or (4) because the information was, initially, improperly marked as unclassified.

[REDACTED] heard the argument that some of CLINTON's emails were unclassified back in the 2009-2012 timeframe when they were initiated, but were later classified due to various circumstances. It was very rare for something that was actually unclassified to become classified years after the fact. [REDACTED] National Archives would be a good point of contact for knowledge on the upgrading process in general.

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On or about August 10, 2015, [REDACTED] from Office of the Secretary of Defense (OSD) called [REDACTED] and told her CENTCOM records showed approximately 1,000 work-related emails between CLINTON's personal email and General David PETRAEUS, former Commander of CENTCOM and former Director of the CIA. Most of those 1,000 emails were not believed to be included in the 30,000 emails that IPS was reviewing. Out of the 30,000 emails, IPS only had a few emails from or related to PETRAEUS, as well as a few related to Leon PANETTA, former Secretary of Defense. There were a lot of emails to/from Denis MCDONOUGH, former Deputy National Security Advisor and current White House Chief of Staff.

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[REDACTED] described Jacob SULLIVAN and Cheryl MILLS as "gatekeepers" for sending CLINTON emails/material; they would filter or review most items that CLINTON would receive. [REDACTED] recommended the FBI talk to his boss, [REDACTED] specifically about individuals at STATE who hold a weekly meeting about Congressional records production and the FOIA process as well as where [REDACTED] felt pressure came from regarding upgrading any of the 296 Benghazi-related emails. [REDACTED] recommended the FBI should talk with [REDACTED] regarding the alleged 1,000 emails between CLINTON and PETRAEUS.

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HRC-102

Exhibit C

Smilansky, Gene

From: Samuelson, Heather F
Sent: Saturday, January 26, 2013 12:58 PM
To: Walter, Sheryl L
Cc: Finnegan, Karen M; Davis, Jonathan E; Smilansky, Gene
Subject: RE: CREW FOIA request

RELEASE IN PART
B5, B6

Follow Up Flag: Follow up
Flag Status: Completed

Categories: 2, -C

Hi Sheryl,

Sorry we kept missing each other last week.

I heard back [redacted] Can we find a time to talk on Monday?

Thanks.
Heather

From: Walter, Sheryl L
Sent: Thursday, January 10, 2013 1:47 PM
To: Samuelson, Heather F
Cc: Finnegan, Karen M; Davis, Jonathan E; Smilansky, Gene
Subject: RE: CREW FOIA request

Thanks!

From: Samuelson, Heather F
Sent: Thursday, January 10, 2013 1:14 PM
To: Walter, Sheryl L
Cc: Finnegan, Karen M; Davis, Jonathan E; Smilansky, Gene
Subject: RE: CREW FOIA request

Hi Sheryl,

[redacted] was locking into this for me

I will circle back with them now to see if they have further guidance

Thanks.
Heather

From: Walter, Sheryl L
Sent: Thursday, January 10, 2013 1:01 PM
To: Samuelson, Heather F
Cc: Finnegan, Karen M; Davis, Jonathan E; Smilansky, Gene
Subject: CREW FOIA request

B5

B5

Hi Heather – did you ever get any intel re [REDACTED]

B5

[REDACTED] Do you have any concerns about that approach? Thanks! Sheryl

Sheryl L Walter
Director, Office of Information Programs and Services
A/GIS/IPS; Room 5073, SA-2
U.S. Department of State
Washington, DC 20520
Direct: 202-632-2071
Mobile: [REDACTED]
Email: WalterSL@state.gov

B6

RELEASE IN
PART B5, B6

From: Davis, Jonathan E
Sent: Tuesday, March 05, 2013 9:33 AM
To: Samuelson, Heather F
Cc: Johnson, Brock A; Dorosin, Joshua L; Walter, Sheryl L; Finnegan, Karen M
Subject: RE: FOIA request from CREW

Heather – Thanks for following up. I understand that the next step is for IPS to [REDACTED]

B5
B5

Best,
Jonathan

From: Samuelson, Heather F
Sent: Monday, March 04, 2013 2:02 PM
To: Dorosin, Joshua L; Walter, Sheryl L; Davis, Jonathan E
Cc: Johnson, Brock A
Subject: RE: FOIA request from CREW

All – I just wanted to follow up on the status.

As Friday will be my last day, I am adding Brock Johnson here who will track this request in my stead.

Thanks,
Heather

From: Dorosin, Joshua L
Sent: Friday, February 15, 2013 9:51 AM
To: Walter, Sheryl L; Samuelson, Heather F; Davis, Jonathan E
Subject: RE: FOIA request from CREW

+ Jonathan.

From: Walter, Sheryl L
Sent: Thursday, February 14, 2013 6:15 PM
To: Samuelson, Heather F; Dorosin, Joshua L
Subject: RE: FOIA request from CREW

I believe we are still [REDACTED]

B5

This email is UNCLASSIFIED.

From: Samuelson, Heather F
Sent: Thursday, February 14, 2013 6:07 PM
To: Dorosin, Joshua L; Walter, Sheryl L
Subject: RE: FOIA request from CREW

Josh/Sheryl – I just wanted to follow up on this to see where things left off on this. Thanks!

7

From: Samuelson, Heather F
Sent: Saturday, January 26, 2013 3:48 PM
To: Dorosln, Joshua L
Subject: FW: FOIA request from CREW

From: Walter, Sheryl L
Sent: Thursday, December 20, 2012 1:54 PM
To: Samuelson, Heather F
Subject: FOIA request from CREW

Hi Heather – Copy attached

B5
B5

If we don't talk later, happy holidays! All the best, Sheryl

B5

Sheryl: The request is assigned Case #F-2012-40981. It was received on 12/6/2012 and acknowledged on 12/10/2012. The request is assigned for processing.

From: IPS-STAFF-Assistants
Sent: Thursday, December 20, 2012 12:42 PM
To: Walter, Sheryl L
Cc: Reid, Rosemary D; Scholl, Patrick D
Subject: RE: Need to track down a FOIA request from CREW

Hi Sheryl,

Yes we have, please see attached down more details as necessary.

We can track

B5

Olivia Woods
Staff Assistant to the Director
U.S. Department of State
Office of Information Programs and Services
A/GIS/IPS
(202) 663-1012
SA-2, Room 5081-A

Our Mission is to meet the needs of our customers and the United States Government

This email is UNCLASSIFIED.

From: Walter, Sheryl L
Sent: Thursday, December 20, 2012 12:38 PM

To: Reid, Rosemary D; Scholl, Patrick D
Cc: IPS-STAFF-Assistants
Subject: Need to track down a FOIA request from CREW

[redacted] - have we received a FOIA request from CREW (Citizens for Responsible Ethics in Washington) on the topic of personal use of email by senior officials? Apparently other agencies have. If we have it, can you give me the details? [redacted]
[redacted] Thanks! Sheryl

B5
B5
B5

Sheryl L Walter
Director, Office of Information Programs and Services
A/GIS/IPS; Room 5073, SA-2
U.S. Department of State
Washington, DC 20520
Direct: 202-632-2071
Mobile: [redacted]
Email: WalterSL@state.gov

B6

RELEASE IN PART
B5, B6

Smilansky, Gene

From: Davis, Jonathan E
Sent: Friday, April 19, 2013 4:59 PM
To: Johnson, Brock A; Walter, Sheryl L
Cc: Finnegan, Karen M; Dorosin, Joshua L; Smilansky, Gene
Subject: RE: FOIA request from CREW
Attachments: 2013-HQFO-00287 Final Response Letter.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: 2, 1

Brock - See attached for a copy of [REDACTED]

Best,
Jonathan

From: Johnson, Brock A
Sent: Friday, April 19, 2013 4:02 PM
To: Davis, Jonathan E; Walter, Sheryl L
Cc: Finnegan, Karen M; Dorosin, Joshua L; Smilansky, Gene
Subject: RE: FOIA request from CREW

Jonathan, Sheryl,

Where did we end up on this case? [REDACTED]

Thanks,
Brock

From: Davis, Jonathan E
Sent: Friday, March 08, 2013 11:04 AM
To: Johnson, Brock A
Cc: Finnegan, Karen M; Samuelson, Heather F; Dorosin, Joshua L; Walter, Sheryl L
Subject: RE: FOIA request from CREW

Brock - [REDACTED]

[REDACTED] I'm copying Karen Finnegan in case she can provide additional information.

Thanks,
Jonathan

From: Johnson, Brock A
Sent: Friday, March 08, 2013 10:55 AM
To: Samuelson, Heather F; Dorosin, Joshua L; Walter, Sheryl L; Davis, Jonathan E
Subject: RE: FOIA request from CREW

Josh, Sheryl, Jonathan,

[Redacted]

Happy to call over there if needed, just let me know.

B5

Thanks,
Brock

From: Samuelson, Heather F
Sent: Monday, March 04, 2013 2:02 PM
To: Dorosin, Joshua L; Walter, Sheryl L; Davis, Jonathan E
Cc: Johnson, Brock A
Subject: RE: FOIA request from CREW

All - I just wanted to follow up on the status.

As Friday will be my last day, I am adding Brock Johnson here who will track this request in my stead.

Thanks.
Heather

From: Dorosin, Joshua L
Sent: Friday, February 15, 2013 9:51 AM
To: Walter, Sheryl L; Samuelson, Heather F; Davis, Jonathan E
Subject: RE: FOIA request from CREW

+ Jonathan.

From: Walter, Sheryl L
Sent: Thursday, February 14, 2013 6:15 PM
To: Samuelson, Heather F; Dorosin, Joshua L
Subject: RE: FOIA request from CREW

[Redacted]

B5

This email is UNCLASSIFIED.

From: Samuelson, Heather F
Sent: Thursday, February 14, 2013 6:07 PM
To: Dorosin, Joshua L; Walter, Sheryl L
Subject: RE: FOIA request from CREW

Josh/Sheryl - I just wanted to follow up on this to see where things left off on this. Thanks!

From: Samuelson, Heather F
Sent: Saturday, January 26, 2013 3:48 PM
To: Dorosin, Joshua L
Subject: FW: FOIA request from CREW

From: Walter, Sheryl L
Sent: Thursday, December 20, 2012 1:54 PM

To: Samuelson, Heather F
Subject: FOIA request from CREW

Hi Heather - Copy attached, [redacted]

B5

[redacted] If we don't talk later, happy holidays! All the best, Sheryl

Sheryl: The request is assigned Case #F-2012-40981. It was received on 12/6/2012 and acknowledged on 12/10/2012. The request is assigned for processing.

From: IPS-STAFF-Assistants
Sent: Thursday, December 20, 2012 12:42 PM
To: Walter, Sheryl L
Cc: Reid, Rosemary D; Scholl, Patrick D
Subject: RE: Need to track down a FOIA request from CREW

Hi Sheryl,

Yes we have, please see attached - [redacted]
down more details as necessary.

We can track

B5

Olivia Woods
Staff Assistant to the Director
U.S. Department of State
Office of Information Programs and Services
A/GIS/IPS
(202) 663-1012
SA-2, Room 5081-A

Our Mission is to meet the needs of our customers and the United States Government

This email is UNCLASSIFIED.

From: Walter, Sheryl L
Sent: Thursday, December 20, 2012 12:38 PM
To: Reid, Rosemary D; Scholl, Patrick D
Cc: IPS-STAFF-Assistants
Subject: Need to track down a FOIA request from CREW

[redacted] - have we received a FOIA request from CREW (Citizens for Responsible Ethics in Washington) on the topic of personal use of email by senior officials? Apparently other agencies have. If we have it, can you give me the details? [redacted]

B5

[redacted] Thanks! Sheryl

Sheryl L Walter
Director, Office of Information Programs and Services

A/GIS/IPS; Room 5073, SA-2
U.S. Department of State
Washington, DC 20520
Direct: 202-632-2071
Mobile:
Email: Walter5L@state.gov

B6

RELEASE IN PART B5, B6

Smilansky, Gene

From: Gittleson, Brett A
Sent: Wednesday, May 01, 2013 2:15 PM
To: Smilansky, Gene
Subject: RE: FOIA request for documents related to S email accounts

Categories: 2

Will do.

From: Smilansky, Gene
Sent: Wednesday, May 01, 2013 1:52 PM
To: Gittleson, Brett A
Subject: RE: FOIA request for documents related to S email accounts

B5

Best,
Gene

SBU
This email is UNCLASSIFIED.

From: Gittleson, Brett A
Sent: Wednesday, May 01, 2013 10:33 AM
To: Smilansky, Gene
Subject: FW: FOIA request for documents related to S email accounts

Gene,

The bullets below correctly capture our discussion.

I've also attached the FOIA request from Edgar Jaramillo. Please let me know if you need anything else from me.

Thanks,
Brett

From: Smilansky, Gene
Sent: Wednesday, May 01, 2013 9:57 AM
To: Gittleson, Brett A
Subject: Re: FOIA request for documents related to S email accounts

Brett – Just following up about this. Glad to discuss further by phone, if helpful. Please let me know.

Many thanks,

1

Gene

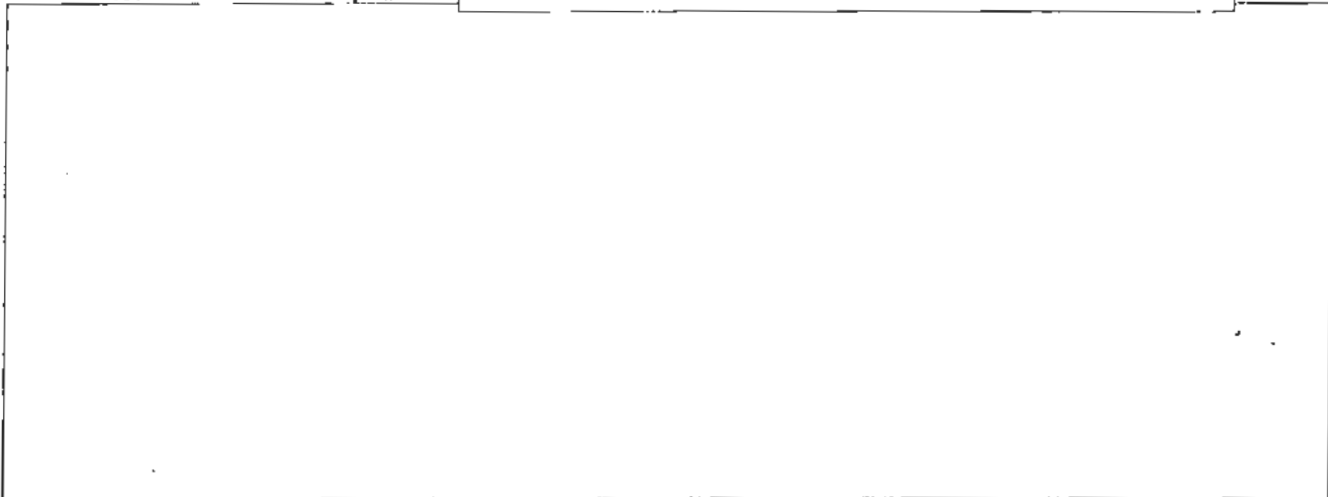
SBU

This email is UNCLASSIFIED.

From: Smilansky, Gene
Sent: Wednesday, April 24, 2013 10:03 AM
To: Gittleson, Brett A
Subject: FOIA request for documents related to S' email accounts

Brett - I am writing to follow up about the attached FOIA request for documents pertaining to any email accounts associated with then-Secretary Clinton. [REDACTED]

B5



Best,
Gene

Gene Smilansky
Office of the Legal Adviser (L/M)
U.S. Department of State
Office: (202) 647-8093
Mobile: [REDACTED]

B6

SBU

This email is UNCLASSIFIED.

RELEASE IN PART B5

Smilansky, Gene

From: Smilansky, Gene
Sent: Wednesday, May 01, 2013 2:47 PM
To: Walter, Sheryl L; Finnegan, Karen M; Davis, Jonathan E
Subject: RE: F-2012-40981 - [redacted] Clinton's e-mail

Categories: 2, 1
AttachmentsClassification:

Classification: UNCLASSIFIED
SensitivityCode: Sensitive
SMARTCategory: Working

B5

B5

SBU
This email is UNCLASSIFIED.

From: Walter, Sheryl L
Sent: Wednesday, May 01, 2013 2:38 PM
To: Smilansky, Gene; Finnegan, Karen M; Davis, Jonathan E
Subject: RE: F-2012-40981 - [redacted] Clinton's e-mail

B5

Thanks. [redacted]

SBU
This email is UNCLASSIFIED.

From: Smilansky, Gene
Sent: Wednesday, May 01, 2013 2:04 PM
To: Walter, Sheryl L; Finnegan, Karen M; Davis, Jonathan E
Subject: RE: F-2012-40981 - [redacted] Clinton's e-mail

B5

[Large redacted area]

Best,

Gene

SBU

This email is UNCLASSIFIED.

From: Walter, Sheryl L
Sent: Thursday, April 04, 2013 5:09 PM
To: Finnegan, Karen M; Davis, Jonathan E; Smilansky, Gene
Subject: RE: F-2012-40981 - [redacted] Clinton's e-mail

Thanks, now I remember. [redacted]

This email is UNCLASSIFIED.

B5
B5

From: Finnegan, Karen M
Sent: Thursday, April 04, 2013 4:44 PM
To: Walter, Sheryl L; Davis, Jonathan E
Subject: Re: F-2012-40981 - [redacted] Clinton's e-mail

No, I haven't heard back from [redacted]

B5
B5

Karen

From: Walter, Sheryl L
Sent: Thursday, April 04, 2013 04:17 PM
To: Finnegan, Karen M; Davis, Jonathan E
Subject: FW: F-2012-40981 - [redacted] Clinton's e-mail

Did we hear back from DHS? We have not responded yet, per the below.

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B5

From: Scholl, Patrick D
Sent: Thursday, April 04, 2013 4:02 PM
To: Walter, Sheryl L
Subject: FW: F-2012-40981 - [redacted] Clinton's e-mail

Sheryl - anything new on this one?

This email is UNCLASSIFIED.

B5

From: Jaramillo, Edgar E
Sent: Thursday, April 04, 2013 3:25 PM
To: Scholl, Patrick D
Cc: Gordon, Terry
Subject: RE: F-2012-40981 - [redacted] Clinton's e-mail

B5

Pat - I haven't head back.

Edgar

Edgar E. Jaramillo | AIGIS/IPS/CR/EAN | Phone: 202.261.8472 ex. 48472 | Fax: 202.261.8588 |
Europe, South Central Asia, Africa & Near Eastern Affairs | FOIA Office



Please consider the environment before printing this email

This email is UNCLASSIFIED.

From: Scholl, Patrick D
Sent: Friday, March 29, 2013 11:34 AM
To: Jaramillo, Edgar E
Cc: Gordon, Terry
Subject: RE: F-2012-40981 - [redacted] Clinton's e-mail

B5

[redacted]

However, if you hear nothing further

B5

by next Thursday, please send me a reminder.

This email is UNCLASSIFIED.

From: Jaramillo, Edgar E
Sent: Friday, March 29, 2013 11:31 AM
To: Scholl, Patrick D
Cc: Gordon, Terry
Subject: RE: F-2012-40981 - [redacted] Clinton's e-mail

B5

Pat - Should I follow up with Karen and Jonathan on this one? Or they are already aware of it and will get back to us?

Edgar

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Europe, South Central Asia, Africa & Near Eastern Affairs | FOIA Office



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This email is UNCLASSIFIED.

From: Scholl, Patrick D
Sent: Thursday, March 28, 2013 10:08 PM
To: Jaramillo, Edgar E
Cc: Gordon, Terry
Subject: Fw: F-2012-40981 - [redacted] Clinton's e-mail

B5

Fyi

From: Walter, Sheryl L
Sent: Thursday, March 28, 2013 04:08 PM
To: Scholl, Patrick D
Cc: Finnegan, Karen M; Davis, Jonathan E; Smilansky, Gene
Subject: RE: F-2012-40981 - [redacted] Clinton's e-mail

B5

Pat, [redacted] This is the CREW request. Thanks, Sheryl

B5

This email is UNCLASSIFIED.

From: Scholl, Patrick D
Sent: Thursday, March 28, 2013 9:04 AM
To: Walter, Sheryl L
Subject: FW: F-2012-40981 - [redacted] Clinton's e-mail

B5

Sheryl - [redacted]
[redacted] Just letting you know. Pat

B5

This email is UNCLASSIFIED.

From: Jaramillo, Edgar E
Sent: Wednesday, March 27, 2013 5:33 PM
To: Scholl, Patrick D; Gordon, Terry
Subject: F-2012-40981 - [redacted] Clinton's e-mail

B5

Pat/Terry,

FYI - [redacted]
[redacted] Sheryl's e-mail is attached.

Edgar

Edgar E. Jaramillo | A-3151/PS/C/NEAN | Phone: 202 261.8472 ext. 48472 | Fax: 202 261.8588 |
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RELEASE IN PART B5

Smilansky, Gene

From: Smilansky, Gene
Sent: Thursday, August 08, 2013 10:21 PM
To: Finnegan, Karen M; Walter, Sheryl L
Subject: RE: IPS Significant FOIA Report

Categories: 2

Sheryl, Karen – Is there a good time tomorrow for me to give you a call about this? I'm generally open 10am-2pm and 4-6pm.

Thanks,
Gene

From: Finnegan, Karen M
Sent: Wednesday, August 07, 2013 5:12 PM
To: Walter, Sheryl L
Cc: Smilansky, Gene
Subject: RE: IPS Significant FOIA Report

Sheryl: I've attached the CREW request to this message.

Karen

SBU
This email is UNCLASSIFIED.

From: Walter, Sheryl L
Sent: Wednesday, August 07, 2013 4:34 PM
To: Finnegan, Karen M
Subject: RE: IPS Significant FOIA Report

If so, can you send me the response as well as the request letter? Thanks!

This email is UNCLASSIFIED.

From: Finnegan, Karen M
Sent: Wednesday, August 07, 2013 4:17 PM
To: Walter, Sheryl L
Subject: RE: IPS Significant FOIA Report

I believe that we responded to this request, but I'll confirm with Gene.

B5

Karen

This email is UNCLASSIFIED.

From: Walter, Sheryl L
Sent: Wednesday, August 07, 2013 4:11 PM
To: Finnegan, Karen M
Subject: RE: IPS Significant FOIA Report

What about the CREW request? Is that still outstanding?

This email is UNCLASSIFIED.

From: Finnegan, Karen M
Sent: Wednesday, August 07, 2013 4:10 PM
To: Walter, Sheryl L; Hermesman, Geoffrey F; Scholl, Patrick D; Hackett, John; Manhelm, Marianne J
Subject: RE: IPS Significant FOIA Report

Sheryl: To follow-up on my early response, Cristina is handling the Judicial Watch case, CA No. 2013-772 (DDC) (J. Kollar-Kotelly), that seeks access to all communications (including e-mail) between the Department and President Clinton and/or his foundation regarding clearing his speeches

[REDACTED]

[REDACTED]

B5

Karen

This email is UNCLASSIFIED.

From: Walter, Sheryl L
Sent: Wednesday, August 07, 2013 2:52 PM
To: Hermesman, Geoffrey F; Finnegan, Karen M; Scholl, Patrick D; Hackett, John; Manhelm, Marianne J
Subject: RE: IPS Significant FOIA Report

Is the Gawker request from 2010 re Rahm Emmanuel emails still open? I thought that one was done.

This email is UNCLASSIFIED.

From: Hermesman, Geoffrey F
Sent: Wednesday, August 07, 2013 12:54 PM
To: Walter, Sheryl L; Finnegan, Karen M; Scholl, Patrick D; Hackett, John; Manhelm, Marianne J
Subject: RE: IPS Significant FOIA Report

Sheryl,

A search of the F 2 database identified 17 FOIA cases that contain Clinton in the subject line and can be further construed as requests for correspondence between the Secretary and other individuals and/or organizations. Of these, four specifically mention Emails or Email accounts.

CLOSED CASES

Of the 17 cases, 10 are closed. Closed requests F-2010-05294 and F-2012-40981 specifically mention Emails.

OPEN CASES

Of the remaining 7 open cases, requests F-2010-07625 and F-2013-12881 specifically mention Emails. The latter was received on 7/31/13 and is still being processed in RC. Both request letters are attached.

Geoffrey Hermesman
Branch Chief
IPS/CRAWEP
U.S. Department of State
Washington, DC 20522
Tel. 202 663 2634
hermesmangf@state.gov

This e-mail is unclassified based on the definitions provided in E.O. 13526

From: Walter, Sheryl L
Sent: Wednesday, August 07, 2013 10:51 AM
To: Finnegan, Karen M; Scholl, Patrick D; Hackett, John; Manhelm, Marjanne J; Hermesman, Geoffrey F
Subject: FW: IPS Significant FOIA Report

All, please see Peggy's comments below, we should discuss theses.

Geoff, can you get a copy of all requests related to Secretary Clinton's emails?

Karen, I don't think we have any litigation on this topic, do we? Did we respond to the CREW request yet?

Thanks, all! Sheryl

SBU
This email is UNCLASSIFIED.

From: Grafeld, Margaret P
Sent: Wednesday, August 07, 2013 10:47 AM
To: Walter, Sheryl L; Hackett, John
Cc: Stein, Eric F; Houser-Jackson, Celeste
Subject: Fw: IPS Significant FOIA Report

I'll be interested in the response to Musgrove's request.

Also, I'm curious about how you plan to address the CRS request, as well as for the employee meds request.

Finally, John, you mentioned yesterday requests for Secretary Clinton's emails; may I get copies, pls and thx.

From: IPS-STAFF-Assistants
Sent: Wednesday, August 07, 2013 09:50 AM
To: Chang, Cindy
Cc: Summers, Matt; Finnegan, Karen M; A Staff Collective; Wasser, Jonathon D; Stein, Eric F; Davis, Jonathan E; Smilansky, Gene; Houser-Jackson, Celeste; Finney, Clarence N; Walter, Sheryl L; Reid, Rosemary D; Mehtenbacher, Kelly J; Hackett, John; Grafeld, Margaret P; Bemish, Renee C
Subject: IPS Significant FOIA Report

All:

Attached is the Significant FOIA Report for this week; it is also reproduced below for easy reference. Please contact me if you have any questions.

Thank you,

Olivia Woods
Staff Assistant to the Director
U.S. Department of State
Office of Information Programs and Services
A/GIS/IPS
(202) 663-1012
SA-2, Room 5081

Our Mission is to meet the needs of our customers and the United States Government

(U) IPS FOIA Requests of Interest: Among the requests received by IPS FOIA are the following:

- Barbara Elias of the National Security Archive for all reports related to the July 30, 2013 prison break in Dera Ismail Khan, Pakistan;
- Cora Currier of *ProPublica* for documents regarding the deaths and burials of Taliban prisoners of war at Dasht-i-Leili, Afghanistan, in November 2001;
- Sarah Fitzpatrick of *CBS News* for the number of State Department employees prescribed Mefloquine or Lariam annually, as well as the number of those employees who received a diagnosis and/or treatment for a psychiatric issue or traumatic brain injury in the six months prior to receiving their prescription, from 2001 to the present;
- Brooke Williams of Harvard University's Edmond J. Safra Center for Ethics for all communications between the State Department and the Center for Strategic and International Studies that refer to the Keystone XL pipeline;
- Rebecca Markert of the Freedom From Religion Foundation for records regarding the Department's addition of religious quotes to U.S. passports;

- John Greenewald, Jr., freelance journalist and television producer, for the following:
 1. all Congressional Research Service reports that are not currently listed on the State Department's website, at <http://fpc.state.gov/c55696.htm>; and
 2. all records regarding the August 2013 *Rolling Stone* issue featuring Dzhokhar Tsarnaev.
- Shawn Musgrave of *MuckRock News* for the document that outlines the State Department's methodology for estimating FOIA completion dates; and
- Michael Evans of the National Security Archive for the following:
 1. the 50 cables referred to in the notes of the June 29, 2009 Department assessment titled, "Colombia: Institutional Standoff Continues";
 2. all documents pertaining to the U.S.-Mexico Repatriation Technical Working Group, from 2004 to the present;
 3. the 24 cables referred to in the notes of the May 26, 2009 Department assessment titled, "Colombia: Uribe's Third-Term Prospects"; and
 4. the 16 cables referred to in the notes of the June 4, 2010 Department assessment titled, "Colombia: More of the Same with Santos?"

This email is UNCLASSIFIED.

RELEASE IN PART B5

Smilansky, Gene

From: Smilansky, Gene
Sent: Friday, August 08, 2014 5:46 PM
To: Bair, James P; Keller, Andrew N
Subject: [REDACTED]
Attachments: [REDACTED]

B5

Categories: 2, 1

[REDACTED] [REDACTED]
We should discuss next week.

B5

SBU
This email is UNCLASSIFIED.

From: Bair, James P
Sent: Friday, August 08, 2014 4:21 PM
To: Keller, Andrew N; Smilansky, Gene
Subject: Fw: [REDACTED]

From: Finney, Clarence N
Sent: Friday, August 08, 2014 04:19 PM
To: Bair, James P
Cc: Wasser, Jonathon D; Finney, Clarence N
Subject: Former Secretary E-Mail Account.

Jamie,

[REDACTED]

B5

Clarence

Clarence N. Finney Jr.
Deputy Director, Executive Secretarial Staff (S/ES-S)
(202) 647-3574 (office)