

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

JUDICIAL WATCH, INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,

Defendant.

Case No. 14-cv-1242 (RCL)

**NON-PARTY AMBASSADOR SUSAN RICE'S
RESPONSES AND OBJECTIONS TO
PLAINTIFF JUDICIAL WATCH, INC.'S INTERROGATORIES**

Non-Party Ambassador Susan Rice (“Ambassador Rice”), pursuant to the Court’s January 15, 2019 Memorandum and Order and Rule 33 of the Federal Rules of Civil Procedure, submits the following objections and responses to Plaintiff Judicial Watch, Inc.’s (“Judicial Watch”) Interrogatories (the “Interrogatories”).

GENERAL OBJECTIONS

1. Ambassador Rice objects to the Interrogatories to the extent they purport to impose obligations on her that are not imposed by or are otherwise inconsistent with the Federal Rules of Civil Procedure or Judge Lamberth’s January 15, 2019 Order.
2. Ambassador Rice objects to the Interrogatories to the extent that they seek to require the disclosure of information protected by attorney client privilege, executive privilege, or any other applicable privilege.
3. Ambassador Rice objects to the Interrogatories to the extent that they seek

classified information.

4. Ambassador Rice objects to the Interrogatories to the extent that they are overly broad and unduly burdensome, and seek information that is not within Ambassador Rice's personal knowledge, or her individual custody, possession, or control, such as information from her government email account or files during her service as U.S. Ambassador to the United Nations which are no longer within her possession, control, or supervision.

5. Ambassador Rice objects to the Interrogatories to the extent that they are vague, ambiguous, and/or require Ambassador Rice to speculate as to the information sought.

6. Ambassador Rice objects to the Interrogatories to the extent that they are unreasonably cumulative and duplicative.

7. Ambassador Rice objects to the Interrogatories to the extent that they seek information without regard to a specific time period or to a time period that is reasonably related to the scope of the interrogatories permitted by Judge Lamberth's January 15, 2019 Order.

OBJECTIONS TO JUDICIAL WATCH'S INSTRUCTIONS

8. Ambassador Rice objects to Judicial Watch's Instruction No. 1 to the extent it seeks to impose upon her a burden to seek information which is outside her personal knowledge, or her individual possession, control, or supervision, such as information from her government email account or files during her service as Ambassador to the United Nations which are no longer within her possession, control, or supervision.

9. Ambassador Rice objects to Judicial Watch's Instruction No. 2. This instruction is ambiguous, overly broad, unduly burdensome, and seeks to impose an obligation on

Ambassador Rice beyond those imposed by the Federal Rules of Civil Procedure and Judge Lamberth's January 15, 2019 Order. First, Ambassador Rice rejects Judicial Watch's assertion inherent within its instructions that where Ambassador Rice does not recall information, or where the information requested is outside of her personal knowledge, possession, control, or supervision she has failed to answer an interrogatory fully and completely. Second, Ambassador Rice objects to Judicial Watch's instruction to describe all efforts she made to identify information needed to answer the interrogatory and to "identify each person, if any, who is known by you to have such information."

10. Ambassador Rice objects to Judicial Watch's Instruction No. 3 to the extent it demands that she "identify each person who has personal knowledge of the information furnished in the answer." This instruction is ambiguous, overly broad, unduly burdensome, and seeks to impose an obligation on Ambassador Rice beyond those imposed by the Federal Rules of Civil Procedure and Judge Lamberth's January 15, 2019 Order.

OBJECTIONS TO JUDICIAL WATCH'S DEFINITIONS

11. Ambassador Rice objects to Judicial Watch's definition of "identify" in Instruction No. 8(a) as unduly burdensome and calling for information outside of Ambassador Rice's personal knowledge.

12. Ambassador Rice objects to Judicial Watch's definition of "Talking Points" in Instruction No. 8(b) to the extent it assumes that Ambassador Rice has personal knowledge regarding the CIA's role in the development or origination of the Talking Points she received.

13. Ambassador Rice objects to Judicial Watch's failure to include a definition of the term "Office of Secretary Clinton." Ambassador Rice shall interpret the "Office of Secretary

Clinton” to mean any staff members assigned directly to support the Secretary of State and were regarded as staff within the Office of the Secretary by the State Department during September of 2012.

AMBASSADOR SUSAN RICE'S RESPONSES

Ambassador Rice's responses and objections herein are based on her present knowledge and recollections and will be supplemented or amended, if necessary, if additional information is identified, discovered, revealed, recalled, or otherwise ascertained. All of Ambassador Rice's General Objections, Objections to Instructions, and Objections to Definitions as set forth herein are incorporated into each individual specific response and objection set forth below and have the same force and effect as if fully set forth therein.

Interrogatory No. 1: Identify when and from whom you received the Talking Points, including any and all drafts of the Talking Points.

Response to Interrogatory No. 1: Ambassador Rice recalls that she received the Talking Points during the late afternoon or evening of September 15, 2012, from her U.S. Mission to the United Nations (USUN) press team, but she does not currently recall who specifically provided her with the Talking Points. To the best of her current recollection, Ambassador Rice only received one version of the Talking Points prior to her television appearances on September 16, 2012.

Interrogatory No. 2: Identify everyone you communicated with regarding the Talking Points during the September 11-16, 2012 time period.

Response to Interrogatory No. 2: Ambassador Rice objects to the ambiguous nature of Interrogatory No. 2. To the extent Interrogatory No. 2 requests that she identify all people with whom she communicated regarding the topics generally referred to in the Talking Points, Ambassador Rice objects to the entirety of the request as overly broad and burdensome. Subject to and without waiving the objections stated herein, Ambassador Rice responds as follows: Ambassador Rice recalls being told that the Talking Points would be forthcoming during the September 15, 2012 call, but does not recall who referenced the Talking Points.

Ambassador Rice does not recall discussing the substance of the Talking Points in any other way during the September 15, 2012 call. Ambassador Rice does not recall communicating with anyone else regarding the substance of the Talking Points between the time she received the Talking Points and her first television appearance on September 16, 2012.

Interrogatory No. 3: Describe the subjects of your meetings with Secretary Clinton on September 14, 2012 as it relates to Benghazi, including who else was present at these meetings and whether any records of the subjects of these meetings were created and where such records may be stored.

Response to Interrogatory No. 3: Ambassador Rice does not recall the subjects discussed during her regular one-on-one meeting with Secretary Clinton that occurred on September 14, 2012. Ambassador Rice does not recall anyone else being present for their meeting and does not recall any records being created that denote the subjects discussed during the meeting. Ambassador Rice may have also had additional encounters with Secretary Clinton on September 14, 2012, outside of their one-on-one meeting, but does not recall having any additional substantive conversations with Secretary Clinton that day.

Interrogatory No. 4: Other than Secretary Clinton, identify everyone from the Office of Secretary Clinton that you communicated with regarding the September 11, 2011 Benghazi incident during the September 11-16, 2012 time period.

Response to Interrogatory No. 4: Ambassador Rice does not recall communicating with any individual from the Office of Secretary Clinton, between September 11, 2012 and September 16, 2012 regarding the September 11, 2012 Benghazi incident.

Interrogatory No. 5: You have stated that a telephone conference call was held in the afternoon of September 15, 2012 in preparation for your scheduled television appearances on September 16, 2012. Identify who participated in that telephone call including, but not limited to, any person from the Office of Secretary Clinton.

Response to Interrogatory No. 5: Ambassador Rice recalls that the participants in the telephone call held in the afternoon of September 15, 2012 in preparation for her scheduled

television appearances on September 16, 2012 included White House officials and a member of her USUN Communications team. Ambassador Rice recalls that additional people participated in the call but cannot currently recall who else participated.

Interrogatory No. 6: State whether you had any conversations with anyone in the Office of Secretary Clinton about the telephone call described in Interrogatory No. 5. Describe those conversations, identify the individuals involved, when you had such conversations, whether any notes or records were generated as a result and where they may be stored.

Response to Interrogatory No. 6: Ambassador Rice objects to Interrogatory No. 6 in its entirety. Interrogatory No. 6 is overly broad due to its failure to include any time limitation. Ambassador Rice also objects to Interrogatory No. 6 as beyond the scope of the permitted topic for interrogatories to Ambassador Rice pursuant to Judge Lamberth's January 15, 2019 Order. Subject to and without waiving the objections stated herein, Ambassador Rice responds as follows: Ambassador Rice does not recall discussing the September 15, 2012 phone call with anyone from the Office of Secretary Clinton.

Interrogatory No. 7: Other than daily intelligence briefings, describe all meetings or discussions you had with anyone about the events in Benghazi during the September 11-16, 2012 time period.

Response to Interrogatory No. 7: Ambassador Rice objects to Interrogatory No. 7 in its entirety. Interrogatory No. 7 is overly broad and beyond the scope of the permitted topic for interrogatories to Ambassador Rice pursuant to Judge Lamberth's January 15, 2019 Order. Details regarding every meeting or discussion Ambassador Rice had relating to the September 11, 2012 events in Benghazi generally would include discussions with Ambassador Rice's family and friends. Such conversations are not sufficiently related to Plaintiff Judicial Watch's verification of the Department of State's searches in the above referenced case. Additionally, Interrogatory No. 7 calls for information that is duplicative of other interrogatories. Subject to and without waiving the objections stated herein, Ambassador Rice responds as follows:

Ambassador Rice does not recall attending any meetings focused on the events in Benghazi between September 11, 2012 and September 16, 2012, other than attending a ceremony on September 14, 2012 at Joint Base Andrews for the families of the individuals who had been killed in the September 11, 2012 terrorist attack. Ambassador Rice also does not recall any in-person discussions with members of the U.S. Government focused on the events in Benghazi between September 11, 2012 and September 15, 2012, other than her daily intelligence briefings. While Ambassador Rice does not recall any specific in-person discussion with a member of the U.S. Government during the specified time period, Ambassador Rice believes she would have discussed or referenced these events with members of her USUN staff, colleagues at the United Nations, and individuals in attendance at the ceremony on September 14, 2012 at Joint Base Andrews.

Interrogatory No. 8: Why did you use non-governmental email accounts to conduct U.S. government business while U.S. Ambassador to the United Nations?

Response to Interrogatory No. 8: Ambassador Rice objects to Interrogatory No. 8 in its entirety. Interrogatory No. 8 is beyond the scope of the permitted topic for interrogatories to Ambassador Rice pursuant to Judge Lamberth's January 15, 2019 Order. Subject to and without waiving the objections stated herein, Ambassador Rice responds as follows:

Ambassador Rice's consistent practice while she served as U.S. Ambassador to the United Nations was to use her government email account to conduct U.S. government business. In rare instances when emails related to U.S. government business were sent to Ambassador Rice's personal email account, Ambassador Rice took steps to ensure that a copy of that email was also on her government email account.

Interrogatory No. 9: Describe the efforts you undertook to return emails involving U.S. Government business that you sent or received from any non-governmental email account during your tenure as U.S. Ambassador to the United Nations.

Response to Interrogatory No. 9: Ambassador Rice objects to Interrogatory No. 9 in its entirety. Interrogatory No. 9 is beyond the scope of the permitted topic for interrogatories to Ambassador Rice pursuant to Judge Lamberth's January 15, 2019 Order. Subject to and without waiving the objections stated herein, Ambassador Rice responds as follows:

Ambassador Rice's consistent practice while she served as U.S. Ambassador to the United Nations was to use her government email account to conduct U.S. government business. In rare instances when emails related to U.S. government business were sent to Ambassador Rice's personal email account, Ambassador Rice took steps to ensure that a copy of that email was also on her government email account.

Interrogatory No. 10: In the course of reviewing and returning emails involving U.S. Government business from any non-governmental email account you used during your tenure as U.S. Ambassador to the United Nations, did you delete any emails? If so, explain the criteria by which you did so.

Response to Interrogatory No. 10: Ambassador Rice objects to Interrogatory No. 10 in its entirety. Interrogatory No. 10 is beyond the scope of the permitted topic for interrogatories to Ambassador Rice pursuant to Judge Lamberth's January 15, 2019 Order. Judge Lamberth's January 15, 2019 Order specifically limited the scope of the permitted interrogatories to questions related to Plaintiff Judicial Watch's verification of the Department of State's searches in the above referenced case. Subject to and without waiving the objections stated herein, Ambassador Rice responds as follows: Ambassador Rice's consistent practice while she served as U.S. Ambassador to the United Nations was to use her government email account to conduct U.S. government business. Ambassador Rice does not recall having need to review and return emails from any non-governmental email account.

Interrogatory No. 11: Describe your understanding of Secretary Clinton's use of a non-governmental email account during your time as U.S. Ambassador to the United Nations.

Response to Interrogatory No. 11: Ambassador Rice objects to Interrogatory No. 11 in its entirety. Interrogatory No. 11 is beyond the scope of the permitted topics for interrogatories to Ambassador Rice pursuant to Judge Lamberth's January 15, 2019 Order. Subject to and without waiving the objections stated herein, Ambassador Rice responds as follows:

Ambassador Rice does not recall having any particular understanding of Secretary Clinton's use of a non-governmental email account while she served as U.S. Ambassador to the United Nations.

Interrogatory No. 12: Following September 16, 2012, identify any person in the Office of Secretary Clinton that you communicated with concerning the Talking Points.

Response to Interrogatory No. 12: Ambassador Rice objects to Interrogatory No. 12 in its entirety. Interrogatory No. 12 is also overly broad due to its failure to include a reasonable time limitation. Ambassador Rice also objects to Interrogatory No. 12 as beyond the scope of the permitted topic for interrogatories to Ambassador Rice pursuant to Judge Lamberth's January 15, 2019 Order. Details regarding every communication Ambassador Rice had relating to the Talking Points with someone from the Office of Secretary Clinton since September 16, 2012 is not sufficiently related to Plaintiff Judicial Watch's verification of the Department of State's searches in the above referenced case. Subject to and without waiving the objections stated herein, Ambassador Rice responds as follows: Ambassador Rice does not recall communicating with any person in the Office of Secretary Clinton regarding the Talking Points while she served as U.S. Ambassador to the United Nations.


Interrogatory No. 13: Among persons you communicated with in the State Department during your tenure as U.S. Ambassador to the United Nations, identify those who used non-governmental email to conduct State Department business.

Response to Interrogatory No. 13: Ambassador Rice objects to Interrogatory No. 13 in its entirety. Interrogatory No. 13 is beyond the scope of the permitted topic for interrogatories to Ambassador Rice pursuant to Judge Lamberth's January 15, 2019 Order. Subject to and without waiving the objections stated herein, Ambassador Rice responds as follows:

Ambassador Rice does not currently recall communicating with anyone at the State Department, outside of Secretary Clinton, who used a non-governmental email account to conduct State Department business while she served as U.S. Ambassador to the United Nations.

Dated: May 12, 2019

Respectfully submitted,



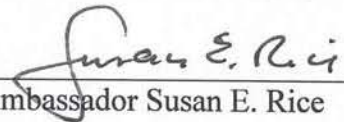
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VERIFICATION

I, Ambassador Susan E. Rice, pursuant to 28 U.S.C. § 1746, do hereby certify under penalty of perjury that I have read the foregoing Non-Party Ambassador Susan Rice's Responses and Objections to Plaintiff Judicial Watch, Inc.'s Interrogatories and that they are true and correct to the best of my present knowledge and recollection.

Executed on: May 12, 2019

Washington, D.C.



Ambassador Susan E. Rice