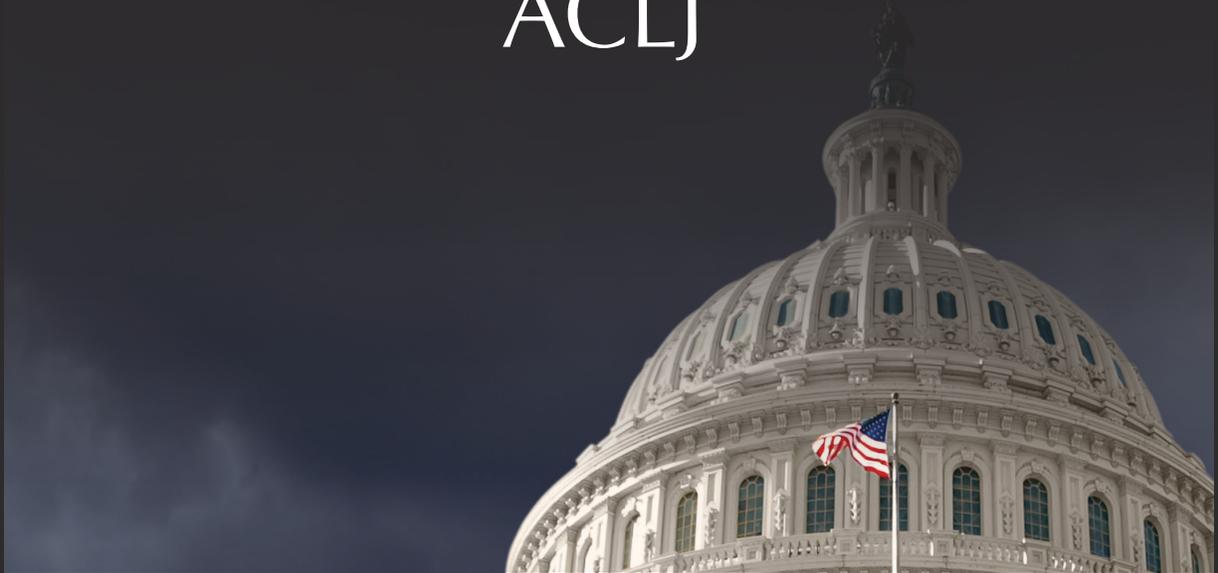


AMERICAN CENTER FOR LAW & JUSTICE



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QUARTERLY **FOIA**

R E P O R T



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A MESSAGE FROM CHIEF COUNSEL JAY SEKULOW



Just over two years ago, I mobilized a dedicated team of attorneys and staff to launch our Government Accountability Project. This project aimed at shedding light on burgeoning corruption in the bureaucracy that controls our government agencies and implements our laws. We are fighting to hold this ever-expanding “Deep State” accountable to the American people. Thanks to your support, our efforts have been a resounding success.

As part of this effort, we have issued more than fifty-one Freedom of Information Act (FOIA) requests. The law requires government agencies to respond to these lawful requests. Yet, the bureaucracy fights tooth and nail to protect its secrets, often refusing to comply with our requests or the law. So, we have been forced to bring them to account – in court. To that end, we have filed eleven federal lawsuits (two of which have been combined) against five different bureaucratic agencies. We are fighting every day to expose the truth.

Over the course of the last two years, we have exposed corruption, lawlessness, influence peddling, and deception in our government. We have ensured that numerous Deep State bureaucrats are no longer in positions of power. We have dug into the Obama Administration’s funding of anti-Israel causes – including an attempt to unseat the government of Israel - exposed major corruption and collusion surrounding the infamous Clinton-Lynch tarmac meeting, and revealed the “purposeful” deletion of an official State Department briefing video to hide when the Iran nuclear deal negotiations began.

The goal of our Government Accountability Project is clear: ensure the United States Government remains of the People, dedicated to the People, and run for the People and not entrenched Washington elites, the ever-expanding bureaucratic Deep State, and corrupting special interests. The following is the first in a long line of quarterly reports that the ACLJ will issue to Members of Congress and the general public to update and empower those with a voice to make a difference and hold the government accountable.

After a review of the report’s findings, I encourage the appropriate congressional committees to provide oversight, hold hearings, and take whatever corrective action is necessary, including new legislation. I also encourage you, the American people, to remain ever vigilant; your voice makes a huge difference.

Thank you for your continued support. Without you, the virus of deception would remain hidden. With your help, we will continue to expose the truth and defeat the Deep State.

Signed,

A handwritten signature in black ink that reads "Jay Sekulow". The signature is written in a cursive, flowing style.



ABOUT THE ACLJ

Founded in 1990 with the mandate to protect religious and constitutional freedoms, the American Center for Law and Justice (ACLJ) engages legal, legislative, and cultural issues by implementing an effective strategy of advocacy, education, and litigation that includes representing clients before the Supreme Court of the United States and international tribunals around the globe.

As ACLJ Chief Counsel Jay Sekulow continued to build his legal and legislative team, the ACLJ experienced tremendous success in litigating cases at all levels of the judiciary – from the federal district court level to the U.S. Supreme Court.

Over the last two decades, Sekulow has appeared before the U.S. Supreme Court on numerous occasions, successfully arguing precedent-setting cases before the High Court: protecting the free speech rights of pro-life demonstrators; safeguarding the constitutional rights of religious groups to have equal access to public facilities; ensuring that public school students can form and participate in religious organizations, including Bible clubs, on campus; and, guaranteeing that minors can participate in the political process by protecting their free speech rights in the political setting.

Headquartered in Washington, D.C., the ACLJ's work reaches across the globe with affiliated offices in Israel, Russia, France, Pakistan, and Zimbabwe. In addition to its religious liberties work, the ACLJ also focuses on constitutional law involving the issues of national security, human life, judicial nominations, government corruption, and protecting patriotic expression such as our National Motto and the Pledge of Allegiance.

OUR FOIA PRACTICE:

The ACLJ has litigated and pursued governmental accountability for decades. Over the past several years, the ACLJ has intensified its advocacy in this area, focusing on identifying and countering the dangers of the unelected bureaucratic morass known as the “fourth branch of government.” In the last two years, the ACLJ has responded to troubling reports of the ever-growing “Deep State” – an out-of-control, unelected, unaccountable bureaucracy – by throwing back the curtain and shedding light on the ongoing government corruption and lawlessness. To that end, the ACLJ launched its Government Accountability Project.

One of the ACLJ’s most useful tools in this fight is the Freedom of Information Act (FOIA). This law requires federal government agencies and departments, when asked by appropriately concerned citizens, to turn over unclassified documents, records, and more as they relate to particular governmental activities. FOIA requests are almost never as simple as they sound. They require the requesting party to provide a detailed contextual background forming the basis of the request, define the parameters of the search, and regularly engage in a back-and-forth battle with an unwilling department that will use every possible technicality to reject, delay, or otherwise impede the release of information.

Thankfully, the ACLJ has extensive experience filing FOIA requests, and the necessary legal and media resources to make sure that these requests are seen, heard, and responded to. In the past two years, the ACLJ has issued fifty-one FOIA requests to more than fifteen different agencies and their component entities. Due to the repeated refusal of these agencies to comply with the ACLJ’s requests, the ACLJ has filed lawsuits to compel compliance in the U.S. District Court for the District of Columbia in nearly a dozen cases. Thus far, the ACLJ has been successful in every single case.

To date, the ACLJ has obtained nearly 14,000 pages of records, comprising approximately 4,000 responsive documents. These documents shed light on corruption at the highest levels of our government, exposing lies, cover-ups, influence peddling, and even attempts to unseat the duly-elected government of one of our closest allies. In addition, our discoveries have been prominently featured in the media and have led to significant policy and personnel changes in the federal bureaucracy.

The ACLJ will continue to remain ever vigilant and carry out its obligation to hold the government accountable for its actions. The ACLJ will continue to be on the front lines in this fight, issuing more requests and, if necessary, taking the government to court to get to the truth.

EXECUTIVE SUMMARY

In response to troubling reports of the ever-growing “Deep State” – an out-of-control, unelected, unaccountable bureaucracy – for the last two years, the ACLJ has utilized the Freedom of Information Act (FOIA) to request documents and records from federal government agencies and departments with the intent of then using that information to shed light on the ongoing government corruption and lawlessness. In the past two years, the ACLJ has issued fifty-one FOIA requests to more than fifteen different agencies and their component.

Deep State corruption runs deep, however, and federal agencies and departments have repeatedly refused to provide the requested information to the ACLJ. As a result, the ACLJ has had to file federal lawsuits to compel compliance in the U.S. District Court for the District of Columbia in nearly a dozen cases. To date, the ACLJ has been successful in every single case.

Our Quarterly Report, broken into three sections, describes in depth those ongoing cases and current FOIA requests.

In Section I of the Report we discuss four FOIA requests issued to unearth evidence that the Obama State Department used taxpayer funding in an intentional or reckless manner to bolster Israel’s sworn enemies. Those four requests seek evidence of the Obama Administration: 1) allowing U.S. taxpayer funds to be used to interfere in Israel’s elections; 2) covering up U.N. corruption and deception regarding UNRWA funding for so-called Palestinian “refugees”; 3) funding The Carter Center, which may be providing “material support or resources” to terrorist organizations like Hamas; and, 4) intentionally betraying Israel at the U.N. in the final days of the Administration.

Section II of our Report details three of our FOIA requests sent to the Federal Bureau of Investigation (FBI) and the Department of Justice (DOJ) aimed at discovering the truth about reports of corruption within the Obama Administration and the Deep State bureaucracy. These requests specifically sought records concerning: 1) the secret tarmac meeting between President Bill Clinton and Attorney General (AG) Loretta Lynch; 2) FBI Director James Comey’s decision not to pursue criminal charges against Secretary of State Hillary Clinton based on her mishandling of classified information; and, 3) the Obama Administration’s knowledge of the 2010 sale of a controlling stake in Uranium One to a Russian energy conglomerate, which resulted in a total takeover by 2013.

Finally, Section III of our Report details – based on information gathered from multiple FOIA requests and resulting lawsuits against the State Department – evidence of the corruption and deception that swept federal agencies during the Obama Administration and has permeated the Deep State bureaucracies, especially within the State Department. Under President Obama’s leadership, 1) the State Department attempted to conceal a portion of a daily press briefing video confirming that President Obama misled the American people about when and how secret negotiations with Iran began concerning the Iran nuclear deal; 2) Secretary Clinton colluded with and used the

State Department to serve the interests of the Clinton Foundation and its donors; 3) State Department officials, including Samantha Power, harbored political bias against the incoming President and the conservative agenda, and openly expressed this bias to colleagues while also submitting an unprecedented number of unmasking requests of U.S. citizens in the few months leading up to the inauguration of our current President; and, (4) it appears the State Department took no meaningful action against ISIS and the ongoing genocide against Christians and other religious minorities despite the Obama Administration's knowledge of the genocide as early as 2014.

To date, the ACLJ has obtained nearly 14,000 pages of records, comprising approximately 4,000 responsive documents. These documents shed light on corruption at the highest levels of our government, exposing lies, cover-ups, influence peddling, and even attempts to unseat the elected government of one of our closest allies. Gaining momentum from our successes, the ACLJ will continue to remain ever vigilant and carry out its obligation to hold those in government accountable for their actions and provide that information to the American people.

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**Section I:
The Obama Administration's Funding
of Anti-Israel / Pro-Palestinian Interests**

Every year, the United States government gives taxpayer dollars to charities around the world that give aid to those who most need it. These groups provide services such as humanitarian relief, educational opportunities, and civic engagement. Unfortunately, however, these funds can end up in unexpected places and can be used for causes that go against our nation's interests. The ACLJ has issued several FOIA requests to uncover evidence that the Obama State Department used taxpayer funding in an intentional or reckless manner to bolster Israel's sworn enemies. The ACLJ issued four distinct FOIA requests, seeking evidence of the Obama Administration's participation in: 1) allowing U.S. taxpayer funds to be used to interfere in Israel's elections; 2) covering up U.N. corruption and deception regarding UNRWA funding for so-called Palestinian "refugees"; 3) funding The Carter Center, which may be providing "material support or resources" to terrorist organizations like Hamas; and, 4) intentionally betraying Israel at the U.N. in the final days of the Administration. Three of the four FOIAs are currently in litigation, and we have already begun receiving documents in one of them.

We have discovered evidence of blatantly anti-Israel tactics employed by the Obama State Department and the Deep State bureaucracy, including the funding of efforts to meddle in Israel's elections and unseat its democratically elected government. In fact, through our lawsuit, the ACLJ uncovered that U.S. grant money was funding an organization whose leadership included Yasser Mahmoud Abbas, the son of the Palestinian Authority's president, Mahmoud Abbas. It became clear that, at a minimum, the Obama Administration violated the spirit of the law. It also displayed open hostility to our greatest ally in the Middle East.

ACLJ FOIA LAWSUIT DEMANDS RECORDS
REGARDING OBAMA STATE DEPARTMENT GRANTING FUNDS
TO ANTI-ISRAEL ORGANIZATION ONEVOICE

ACLJ v. Department of State, 16-cv-2516 (D.D.C.)

I. EXECUTIVE SUMMARY

After learning that the Obama State Department gave U.S. taxpayer funds to an organization openly boasting of its goal to “replace the government in Israel,” the ACLJ issued a FOIA request, and then filed a federal lawsuit, to obtain records regarding this blatant misuse of taxpayer funding. Through our litigation, we have uncovered evidence that: 1) one of the leaders of this anti-Israel organization was the son of Palestinian Authority President Mahmoud Abbas; 2) the State Department was aware of this; 3) the State Department misled Congress on how taxpayer funds had been used; and 4) the organization’s overtly political nature was well known to the State Department before and throughout the funding period.

II. BACKGROUND

As of July 12, 2016, the State Department had “sent nearly \$350,000 to an advocacy group [OneVoice] that worked to oust Israeli Prime Minister Benjamin Netanyahu.”¹ The State Department initially made various grants to OneVoice through November 2014 “to support peace negotiations between Israel and Palestine.”² OneVoice used those funds to expand its social media network and voter data, and even hired an American firm to train its activists in grassroots campaigning.³ Immediately following Netanyahu’s announcement of new elections in December 2014, OneVoice acquired Victory 15 (“V15”) and, using State Department money, helped V15 “launch[] a multimillion-dollar grassroots campaign in Israel” with one objective: the “election of ‘anybody but Bibi.’”⁴ Moreover, the State Department was advised of OneVoice’s intent to influence the elections and nonetheless approved the funds.⁵ The State Department’s only excuse was negligence.⁶

III. THE AGENCY’S POSITION

In defense of its actions, the State Department pled technicality. It correctly observed that the current rules only limit activities within the scope and time of the

¹ Joint Staff Report – Review of U.S. State Dep’t Grants to OneVoice, Hearing before the Permanent Subcomm. on Investigations, Comm. on Homeland Sec. and Governmental Affairs, 114th Cong. (2016) [hereinafter Joint Staff Report], *available at* <https://www.hsgac.senate.gov/imo/media/doc/OneVoice%20Report.pdf>.

² *Id.* at 1.

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 2.

⁶ *Id.* (“The State Department diplomat who received the plan told the Subcommittee he never reviewed it.”).

grant.⁷ The fact that “within days after the grant ended, OneVoice deployed the campaign infrastructure and resources created using grant funds to support an anti-Netanyahu political campaign,”⁸ was dubbed by the State Department as simply an “experience.”⁹

However, the State Department had already encountered such “experience[s].” It had even created a “red line” policy involving grantees: “influencing foreign elections is a ‘red line’ that State grantees cannot cross.”¹⁰ It was a provision explicitly written into every contract or cooperative agreement with grantees.¹¹ Except, strangely, State Department officials did not include such a prohibition in the contract with OneVoice.¹² The “exception” in this case is particularly suspicious because it accompanied a grant totaling over *four times* the size of the average overseas State Department award for 2013.¹³

Making matters worse, the State Department never handed over all of the emails to the congressional subcommittee investigating the grant abuse.¹⁴ Even still, the records the State Department did hand over to Congress clearly show State Department officials’ knowledge of OneVoice’s intended political aims.¹⁵

IV. THE ACLJ’S WORK TO ACHIEVE TRANSPARENCY

On July 25, 2016, the ACLJ issued a FOIA request¹⁶ to the State Department. This request sought records regarding the grant of funds awarded by the State Department to OneVoice either through OneVoice Israel or OneVoice Palestine. We sought to determine the identities of the individuals who were aware of OneVoice’s plans when deciding to award the funds and those individuals connected to the State Department’s response to inquiries after OneVoice’s activities were made public.

The State Department failed to properly respond to the request as required by law, sending instead its typical generic, non-compliant letter. In response, on December 26, 2016, the ACLJ filed suit¹⁷ in the U.S. District Court for the District of Columbia to compel compliance. In the negotiations that followed, the ACLJ provided the State Department with a narrowed request and prioritized the requests, identifying for the State Department which documents to process first.

⁷ *Id.* at 24.

⁸ *Id.* at 6.

⁹ *Id.* at 26.

¹⁰ *Id.* at 15.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 2, 5, 8.

¹⁴ *Id.* at 4.

¹⁵ *Id.* at 17.

¹⁶ FOIA Request from ACLJ to Dep’t of State (July 25, 2016), available at [http://media.aclj.org/pdf/FOIA_Request-DOS-7.25.2016-\(REDACTED\).pdf](http://media.aclj.org/pdf/FOIA_Request-DOS-7.25.2016-(REDACTED).pdf).

¹⁷ Complaint, *ACLJ v. Dep’t of State*, 16-cv-2516 (D.D.C. Apr. 30, 2016), ECF No. 1, available at [http://media.aclj.org/pdf/Complaint-16-cv-2516-\(DDC\)-FILED-12.26.16_Redacted.pdf](http://media.aclj.org/pdf/Complaint-16-cv-2516-(DDC)-FILED-12.26.16_Redacted.pdf).

V. DOCUMENTS RECEIVED BY THE ACLJ

As a result of our lawsuit, a federal court has ordered the State Department to process 400 pages of responsive records per month (which is above average in these cases). Subsequently, the State Department has made 11 monthly document productions to the ACLJ, consisting of 1,544 total pages – comprising 299 total documents (97 released in full and 202 in part). The State Department has withheld an additional 63 documents, claiming exemptions.

The full document productions to date can be downloaded [here](#).¹⁸

According to the documents received by the ACLJ in response to our FOIA request, between mid-2013 and late-2014, the State Department gave grant funds totaling more than \$300,000 to two sister organizations, OneVoice Israel and OneVoice Palestine, collectively known as the OneVoice Movement. These funds were ostensibly¹⁹ to be used to encourage voter participation in both Israel and Palestine, in furtherance of the two-state solution then being negotiated by Secretary of State John Kerry. As additional documents demonstrated, however, what actually occurred was the development by OneVoice of a political strategy to unseat Israeli Prime Minister Benjamin Netanyahu. In fact, immediately following the conclusion of the grant period, OneVoice used the very resources it had built and developed with U.S. money, including a significant social media infrastructure, to begin implementing its “multimillion-dollar grassroots campaign”²⁰ with one objective: “replace the government”²¹ of Israel.

More recently received documents from the State Department on this issue reveal an even more sinister picture. When U.S. legislators became aware of the political goals and activities of OneVoice, several of them wrote to the State Department to express concerns and seek additional information. The ACLJ obtained one document showing that in response to a letter²² from Senator Ted Cruz and Representative Lee Zeldin, the State Department gave its unequivocal “assur[ances] . . . that there is absolutely no basis to claims that the Department of State has funded efforts to influence the current Israeli election campaign.”²³ That letter was dated February 23, 2015. A full five months earlier, however, the State Department was directly informed by OneVoice itself of the anti-Netanyahu political strategy it was developing.

¹⁸ FOIA Production from Dep’t of State to ACLJ, *ACLJ v. Dep’t of State*, Case No. 16-cv-2516 (D.D.C.), [hereinafter, Anti-Israel Meddling Production], available at <http://media.aclj.org/pdf/OneVoice---FullProd.pdf>. (Note: Some documents were also provided to Congress during its investigation.)

¹⁹ Letter from Daniel S. Ruzumna to Representative Rob Portman & Representative Claire McCaskill (Mar. 11, 2015), available at [https://www.hsgac.senate.gov/imo/media/doc/OVI Appendix FINAL 7.27.pdf](https://www.hsgac.senate.gov/imo/media/doc/OVI%20Appendix%20FINAL%207.27.pdf).

²⁰ Joint Staff Report, *supra* note 1.

²¹ Anti-Israel Meddling Production, *supra* note 18, available at <http://media.aclj.org/pdf/Abbas's-Son-Adviser-to-OneVoice%5B14921%5D.pdf>.

²² Letter from Senator Ted Cruz & Representative Lee Zeldin to John Kerry, Secretary of State (Jan. 29, 2015), available at https://www.cruz.senate.gov/files/documents/Letters/20150129_Letter_to_Secretary_Kerry.pdf.

²³ Anti-Israel Meddling Production, *supra* note 18, available at <http://media.aclj.org/pdf/OneVoice---DOS-Response-Ltr-to-Cruz-Zeldin.pdf>.

In an attachment to a September 30, 2014, email to Michael Ratney, U.S. Consul General in Jerusalem, OneVoice leadership laid out its political strategy, expressly identifying one of its primary aims as “weaken[ing] Netanyahu and his right wing partners” to “embolden the leaders of the Left to get their act together.”²⁴ At best, the State Department seriously shirked its responsibility by failing to gather all the pertinent facts from key officials before responding to Members of Congress; at worst, it intentionally misled them.

The Obama State Department also had in its possession – and produced to the ACLJ in response to our FOIA request and lawsuit – documents²⁵ identifying one of the senior advisers to the OneVoice entities as none other than Yasser Mahmoud Abbas, son of Palestinian Authority (PA) President Mahmoud Abbas. It is President Abbas who has refused to recognize Israel as a Jewish state and recently claimed that the Holocaust was a result not of animus against the Jewish people but rather the financial activities of Jewish bankers. This means that during the time OneVoice was receiving U.S. taxpayer funds, its leaders – including the son of PA President Abbas – were in the process of developing both a political strategy to oust the Israeli Prime Minister – the leader of a key United States ally – and the capabilities necessary to carry it out. And the Obama State Department knew it.

Worse yet, the Obama State Department doubled down in defense of the OneVoice grants. On the heels of the release of the Senate Subcommittee’s report²⁶ on this issue in July 2016 – including that the State Department “failed to take any steps to guard against the risk that OneVoice could engage in political activities using State-funded grassroots campaign infrastructure after the grant period” – the State Department’s spokesperson not only defended the grant as drafted and implemented but also confirmed he had no knowledge of any plans to make changes²⁷ to the terms of these types of grants in the future.

The latest production²⁸ of documents the ACLJ received from the State Department in this case includes further confirmation of the bias of the OneVoice organizational leadership against Israeli Prime Minister Netanyahu and in favor of Palestinian Authority President Abbas.

The emails are from Marc Ginsberg (CEO of the OneVoice Movement) and were sent to undisclosed recipients. However, the fact that the State Department has turned these documents over to the ACLJ as part of our FOIA lawsuit shows that some as yet unidentified individuals within the State Department were among the intended recipients. While it may not be unusual for a former Ambassador who spent his career at the State

²⁴ Letter from Daniel S. Ruzumna, *supra* note 19.

²⁵ Anti-Israel Meddling Production, *supra* note 18, available at <http://media.aclj.org/pdf/Abbas's-Son-Adviser-to-OneVoice%5B14921%5D.pdf>.

²⁶ Joint Staff Report, *supra* note 1.

²⁷ Daily Press Briefing, Mark C. Toner, Deputy Spokesperson, U.S. Dep’t of State (July 13, 2016), <https://2009-2017.state.gov/r/pa/prs/dpb/2016/07/259951.htm>.

²⁸ Anti-Israel Meddling Production, *supra* note 18, available at <http://media.aclj.org/pdf/F-2016-09051---Production---2018.05.25.pdf>.

Department to remain in contact with State Department officials, these emails provide evidence that the State Department was aware of this anti-Israel group's overtly political nature as far back as September 2013 and its true anti-Israel intentions throughout the grant period.

One email²⁹ Ginsberg sent contained an article he authored in March 2014, entitled, "It's Just Not Good Enough to Be Prime Minister of AIPAC." In it, he attacked Israeli Prime Minister Netanyahu for blaming the lack of peace between Israel and the Palestinians on the Palestinian leaders. Ginsberg claimed that Netanyahu's stated concerns about the Palestinian leadership – flooding Israel with Palestinian refugees, refusing to recognize Israel as a Jewish state, and seeking to "amputate" parts of the Negev and Galilee from Israel – were unfounded. Of course, Abbas himself has since discarded the façade of the moderate peacemaker and confirmed once and for all that such concerns on the part of Israel are entirely valid.

Ginsberg sent another email³⁰ (which was also in the State Department's possession) including an article he penned in August 2014 entitled "Can Gaza Ever be Pacified?" Ginsberg criticized Israel's military operations and suggested that Israel should take steps to "re-empower the moderate Palestinian Authority and its president Mahmoud Abbas." This plug of support for Abbas is unsurprising, however, in light of the revelation in the documents³¹ we previously obtained revealing that Abbas's own son is a senior adviser to OneVoice Palestine.

These articles were included in the State Department's document production to the ACLJ because they were sent by Ginsberg – during the period of the State Department grants to OneVoice – to one or more employees in the Bureau of Near Eastern Affairs (NEA), the office within the State Department that deals with U.S. foreign policy and U.S. diplomatic relations with, among others, Israel and the Palestinian Territories.

It is clear from these emails that the Obama State Department was aware of OneVoice's opposition to Netanyahu and support for Abbas – whose son was one of OneVoice's leaders – at the same time the State Department was doling out hundreds of thousands of U.S. taxpayer dollars to the organization.

A third document, pre-dating both emails to which Ginsberg's articles were attached, is a September 18, 2013 email from Ginsberg to "friends and colleagues" (which obviously includes the State Department recipients of the email) announcing his acceptance of the position as CEO of the PeaceWorks Foundation and the OneVoice Movement. In an attachment to that email, describing the work of OneVoice – sent just three days after OneVoice submitted its final grant proposal to the State Department (via the Embassy in Tel Aviv) – it was unequivocally communicated that the organization's purpose is "to deploy *traditional political advocacy tools* along with 21st century social

²⁹ *Id.*, available at <http://media.aclj.org/pdf/Ginsberg-Mar-2014-email-&-article.pdf>.

³⁰ *Id.*, available at <http://media.aclj.org/pdf/Ginsberg-Aug-2014-email-&-article.pdf>.

³¹ *Id.*, available at <http://media.aclj.org/pdf/Abbas's-Son-Adviser-to-OneVoice%5B14921%5D.pdf>.

and digital media to encourage Israelis and Palestinians to directly petition their leaders to advocate support for the [Kerry-led two-state solution] talks.”³²

We learned about one such tool in another email we obtained³³ that was sent by Secretary of State John Kerry’s Deputy Chief of Staff Jonathan Finer (6 days before he was named Chief of Staff and, more importantly, exactly one week after the State Department falsely told Congress³⁴ no funds were used to influence the Israeli election) to Wendy Sherman, Under Secretary of State for Political Affairs, among others. That email contains a memo describing the creation of a video posted to the Facebook page of V15-Victory 2015 (the group with which OneVoice partnered for this campaign) showing:

“a person going to the polls, while Binyamin and Sarah Netanyahu pack their things. When the voter casts her ballot, the door to the prime minister’s residence slams shut behind the Netanyahus. At the end of the video, the polling official tells the voter: ‘Thank you. Good bye.’ The accompanying post states: ‘On 17 March, we’ll tell Bibi thank you, good bye.’”

In short, these documents provide further confirmation that the Obama State Department had ample reason to know of OneVoice’s true intentions for using the grant funds. The Administration could have denied the grant request, but did not. At the very least, it could have taken precautions to ensure that U.S. government funds were not used in any way to interfere in the political elections of another country. Only because the Department, at best, turned a blind eye and failed to take such steps and, at worst, knowingly funded political opposition to the re-election of the Prime Minister of Israel, however, were the very “social and digital media” platforms OneVoice built with those grant funds able to be used as they were.

VI. CONCLUSION & NEXT STEPS

When the United States government provides funding to overseas organizations, such money typically comes with strings attached – non-negotiable conditions as to how the funds may be utilized. Absent such restrictions, taxpayer dollars may be used to support efforts and agendas that undercut our own national interests. It is undisputed that the Obama State Department’s failure to place necessary restrictions on the OneVoice grants is what permitted the organization to campaign against the sitting leader of a United States ally nation using resources developed with U.S. government funds. The documents we have received thus far in this case, however, also show that the Obama Administration knowingly interfered with Israel’s national elections by funding the sitting government’s political opposition. We will continue reviewing documents, including those that the State Department has yet to produce in response to this FOIA request, and will be challenging the State Department’s redaction of information from

³² *Id.*, available at <http://media.aclj.org/pdf/Ginsberg-Sep-2013-email-&-attachments.pdf> (emphasis added).

³³ *Id.*, available at <http://media.aclj.org/pdf/Finer-Email-re-V15-Video.pdf>.

³⁴ *Id.*, available at <http://media.aclj.org/pdf/OneVoice---DOS-Response-Ltr-to-Cruz-Zeldin.pdf>.

certain documents – and complete withholding of others – to discover the full extent of the Obama State Department’s efforts to interfere with Israel.

RECOMMENDATIONS FOR CONGRESS

Based on the ACLJ’s review of the documents produced thus far in this case, and the agency bias and incompetence those documents reveal, the ACLJ recommends that Congress put in place a requirement that all agencies include a provision in their grant agreements (with limited national security exceptions) expressly prohibiting any U.S. government monies or resources, including any resources developed using U.S. government monies or resources, from being utilized to: 1) undermine the U.S.’s historically and uniquely strong relationship with Israel; and/or 2) influence, directly or indirectly, any foreign political election and to impose appropriate disciplinary action against agency officials who approve grant agreements lacking such prohibition.

ACLJ FOIA LAWSUIT DEMANDS
STATE DEPARTMENT REPORT CONCERNING
ALLEGED FRAUDULENT UNRWA FUNDING TO PALESTINIAN
“REFUGEES”

ACLJ v. Department of State, 18-cv-944 (D.D.C.)

I. EXECUTIVE SUMMARY

The ACLJ has reason to believe that the Obama State Department was aware of other U.S. funds used to further an agenda aimed at weakening Israel on the world’s stage. Based on media reports and publicized efforts by Congress, the ACLJ issued a FOIA request to the State Department, and subsequently filed a federal lawsuit, to obtain documents concerning the United Nations Relief & Works Agency for Palestine Refugees in the Near East (UNRWA), including a specific report on UNRWA which purportedly indicates awareness by State Department officials of fraud by this United Nations-created agency to which the United States donates millions of dollars each year. Rather than disclose it publicly or even to Congress, however, the State Department chose to classify the report. The ACLJ is seeking evidence that the Obama State Department was intentionally protecting – and consequently furthering – the false political narrative that there are millions of Palestinian “refugees” in need of these resources – which in turn furthers the false Palestinian narrative of a so-called “right of return” for these individuals that would effectively eliminate the Jewish State of Israel. A federal judge has now ordered the State Department to begin processing this key report for production to the ACLJ.

II. BACKGROUND

According to its website:

The United Nations Relief and Works Agency for Palestine Refugees (UNRWA) is funded almost entirely by voluntary contributions from UN Member States. UNRWA also receives some funding from the Regular Budget of the United Nations, which is used mostly for international staffing costs.

The Agency’s services encompass education, health care, relief and social services, camp infrastructure and improvement, microfinance and emergency assistance, including in times of armed conflict.³⁵

“Following the 1948 Arab-Israeli conflict, UNRWA was established by United Nations General Assembly Resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programmes for Palestine refugees.”³⁶

³⁵ *Who We Are*, UNRWA, <https://www.unrwa.org/who-we-are> (last visited Jun. 20, 2018).

³⁶ *Id.*

“The U.S. provides about one-third of UNRWA’s funding and provided more than \$350 million to the agency in 2016.”³⁷ “The U.S. is UNRWA’s largest single donor.”³⁸ According to the State Department:

The Bureau [of Population, Refugees, and Migration] manages U.S. contributions to [UNRWA] to provide humanitarian services to approximately 5.2 million registered Palestinian refugees in the West Bank, Gaza, Lebanon, Syria, and Jordan.³⁹

And, according to UNRWA:

For over six decades, the United States has been a strong partner of the [UNRWA]. Members [sic] of the Advisory Commission since 1949, the U.S. is the largest bilateral donor to UNRWA and has long been one of the Agency’s most reliable supporters.

The United States’ exemplary and long-standing support is highly recognized and valued by UNRWA, allowing the Agency to ensure that the needs of the most vulnerable Palestine refugees are met.⁴⁰

Of particular interest,

UNRWA is unique in terms of its long-standing commitment to one group of refugees. It has contributed to the welfare and human development of four generations of Palestine refugees, defined as “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.” The descendants of Palestine refugee males, including legally adopted children, are also eligible for registration.⁴¹

³⁷ *Netanyahu: UN’s Palestinian Refugee Agency Should Be ‘Thing of the Past’*, VOA NEWS, <https://www.voanews.com/a/israeli-prime-minister-wants-un-palestine-aid-to-end/4197649.html> (last updated Jan. 8, 2018, 2:53 AM).

³⁸ Alexandra Zavis, Noga Tarnopolsky, & Rushdi Abu Laouf, *In Palestinian Territories – and in Israel – Jitters over Trump’s Threat to Cut Aid to Palestinians*, L.A. TIMES (Jan. 7, 2018, 4:50 PM), <http://www.latimes.com/world/middleeast/la-fg-trump-palestinians-aid-20180107-story.html>.

³⁹ *Palestinians*, U.S. DEP’T OF STATE, https://www.state.gov/j/prm/map_overseas_assistance/185522.htm (last visited June 20, 2018).

⁴⁰ *United States: A Long-Standing Partner of UNRWA*, UNRWA, <https://www.unrwa.org/united-states-long-standing-partner-unrwa> (last visited June 20, 2018).

⁴¹ *Who We Are*, *supra* note 35.

But many contend that UNRWA and officials at the State Department serve an ill-advised political purpose. Demonstrating that point, a recipient of UNRWA subsidies had this to say:

“There is no witness to the tragedy of the Palestinian people other than UNRWA,” said Mohammad Afifi, a 58-year-old shopkeeper who was born and raised in Shatila. “*I hold on to UNRWA because I hold on to my right of returning to Palestine.*”⁴²

Moreover, it appears to be coming to light that the State Department has been and remains aware that the millions of “refugees” to whom UNRWA allegedly provides aid may actually be closer to a mere 20,000. According to a recent press report, “[t]he State Department is hiding a classified report on Palestinian refugees that insiders say could be a game changer in how the United States approaches the situation and allocates millions in taxpayer funds to a key United Nations agency, according to multiple sources briefed on the situation.”⁴³ And, “[t]he report was described to the Free Beacon as a potential tipping point in the debate over UNRWA and its mission, which has come under increased criticism in Congress for what many claim is the agency’s anti-Israel bias and routine promotion of pro-terrorism doctrines.”⁴⁴

Some State Department officials have acknowledged in private meetings that there is no reason the report should remain classified, according to sources who said the over classification is part of an effort to suppress this information from Congress and the public.

“I was informed that there is no justification for classifying the report. Rather, it is the officials at [the] State Department who do not want this information out as it could and would lead to a call to reform UNRWA,” said one source briefed on the matter.⁴⁵

“UNRWA has come under fire from pro-Israel activists and some lawmakers for anti-Israel bias and complicity with radical elements of Palestinian society. In addition to reports that UNRWA is using anti-Israel content in its classrooms, it has been caught hiding Hamas rockets in its schools on at least three separate occasions.”⁴⁶

⁴² Alexandra Zavis, *supra* note 38 (emphasis added).

⁴³ Adam Kredo, *State Department Hiding ‘Game Changer’ Report on Myth of Palestinian Refugees*, WASH. FREE BEACON (Jan. 18, 2018, 12:25 PM), <http://freebeacon.com/national-security/state-department-hiding-game-changer-report-myth-palestinian-refugees/>.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

According to press coverage:

The U.S. report on UNRWA was first commissioned in 2015 by former senator Mark Kirk (R., Ill.), who was spearheading an effort to increase the organization's transparency.

Kirk forwarded a congressional amendment to require the State Department to provide Congress with a report on the number of refugees served by UNRWA who actually lived in the territory now known as Israel between 1946 and 1948.

The State Department never acknowledged having completed the report, sources said, and instead classified it.

"State had neglected to tell Sen. Kirk's office," said one source with knowledge of the situation. "It seems that this was intentional."

Once the report's existence was confirmed, Congress, in a 2017 measure, directed the State Department to provide an unclassified version of the report. This, too, was ignored, sources said.

The report is said to confirm that, as opposed to what UNRWA and its supporters claim, the number of refugees is actually in the tens of thousands, not the millions.

Richard Goldberg, a former deputy chief of staff for Kirk, told the Free Beacon that the UNRWA effort was always about exposing the myth that there are millions of refugees who still require aid.

"This is about basic taxpayer oversight of an agency that gobbles up hundreds of millions of dollars every year," said Goldberg, the author of the original amendment that required the report. "Are we funding a refugee agency or are we funding a welfare agency that nurtures a culture [of] terrorism and violence?"⁴⁷

Making major headlines internationally, the current "administration on [January 16, 2018] cut tens of millions of dollars in money for Palestinian refugees, demanding that the U.N. agency responsible for the programs undertake a 'fundamental re-examination,' the State Department said."⁴⁸ "In a letter, the State Department notified [UNRWA] that the U.S. is withholding \$65 million of a planned \$125 million funding installment. The letter also makes clear that additional U.S. donations will be contingent on major changes by UNRWA, which has been heavily criticized."⁴⁹

⁴⁷ *Id.*

⁴⁸ Matthew Lee, *The U.S. Has Cut Half of Its Aid to Palestinian Refugees Pending U.N. Reform*, YAHOO! (Jan. 17, 2018), <https://www.yahoo.com/news/u-cut-half-aid-palestinian-030319335.html>.

⁴⁹ *Id.*

Then, in another press report, we learned that the former head of the State Department was communicating with the leader of the Palestinian Authority (PA):

While the White House has confirmed that since the Jerusalem Declaration there has been a complete disconnect between the Palestinian Authority and the Trump administration, it turns out that the previous administration has maintained contact with PA officials.

Maariv reported that former US secretary of state John Kerry met in London with a close associate of PA President Mahmoud Abbas, Hussein Agha, for a long and open conversation about a variety of topics. Agha apparently reported details of the conversation to senior PA officials in Ramallah. A senior PA official confirmed to Maariv that the meeting took place.⁵⁰

This meeting and the matters reportedly discussed at the meeting made international headlines. In fact, both domestic and international media coverage of all the issues and actions addressed herein are voluminous.

III. THE ACLJ'S WORK TO ACHIEVE TRANSPARENCY

The ACLJ sent its FOIA request⁵¹ to the State Department on February 5, 2018. The State Department responded with its generic, non-compliant letter, once again failing to follow the clear requirements of the law. It stated that it would “begin the processing of [the ACLJ’s] request based upon the information provided in [its] communication.” The letter did not include a date on which the State Department would provide an actual determination concerning the ACLJ’s FOIA request.

The State Department’s response failed to comply with 5 U.S.C. § 552 (a)(6)(A)(i), as it did not “notify [the ACLJ] of” its “determination and the reasons therefor.” Thus, on April 23, 2018, the ACLJ filed a lawsuit⁵² against the State Department in the U.S. District Court for the District of Columbia where we challenged the failure of the State Department to properly respond to the ACLJ’s FOIA request and sought the disclosure and release of agency records it improperly withheld.

We have prioritized the State Department report concerning potential fraudulent misuse of United States funds by UNRWA, as this key document is sought by both Congress and the American people. The State Department attempted to drag its heels,

⁵⁰ Ben Caspit & Maariv, *Kerry to Abbas Confidante: ‘Stay Strong and do not Give in to Trump,’* JERUSALEM POST (Jan. 24, 2018, 8:08), <http://www.jpost.com/Arab-Israeli-Conflict/Kerry-to-Abbas-confidante-Stay-strong-and-do-not-give-in-to-Trump-539643>.

⁵¹ FOIA Request from ACLJ to Dep’t of State (Feb. 5, 2018), available at http://media.aclj.org/pdf/FOIA-Request-to-DOS-for-Records-Regarding-UNRWA-Funding-Palestinian-Refugees_02-08-2018_Redacted.pdf.

⁵² Complaint, *ACLJ v. U.S. Dep’t of State*, 18-cv-944 (D.D.C. Apr. 23, 2016), ECF No. 1, available at http://media.aclj.org/pdf/18.04.23-UNRWA-Complaint-%5BFILED%5D_Redacted.pdf.

further delaying its processing of this document. However, on June 13, 2018, a federal judge ordered the State Department to begin processing the document in question at a rate of 300 pages per month – a big win, as this will expedite the document’s production and/or briefing as to any portion of the report that the State Department withholds.

IV. CONCLUSION & NEXT STEPS

The State Department will either produce the report to the ACLJ shortly, or we will challenge the agency’s withholding of the report as improper under FOIA. A Status Report concerning production and withholding will be filed with the court on or before July 16, 2018.

RECOMMENDATIONS FOR CONGRESS

Congress should insist on full, immediate, and unredacted receipt of the report. Should the report reveal a dramatic departure from previous justifications of appropriations requests, Congress should provide oversight of the relevant State Department officials.

ACLJ FOIA LAWSUIT DEMANDS RECORDS
REGARDING STATE DEPARTMENT FUNDING OF
PRO-PALESTINIAN ORGANIZATION THE CARTER CENTER

ACLJ v. Department of State, 18-cv-798 (D.D.C.)

I. EXECUTIVE SUMMARY

In yet a third FOIA request – again to the State Department – and a subsequently filed federal lawsuit, the ACLJ is seeking records concerning the funding of The Carter Center, an organization run by the infamously anti-Israel President Jimmy Carter with a field office in Ramallah that boasts regular contact with leaders of both Fatah and Hamas.⁵³ In 2016 alone, the State Department contributed more than \$100,000⁵⁴ to The Carter Center. The ACLJ has reason to believe that the Obama State Department was ensuring the continuation of this funding while turning a blind eye to The Carter Center’s open ties with terrorist organizations and sympathizers, in potential violation of U.S. law. Therefore, we issued this request to uncover whether any American tax dollars were in fact being funneled toward efforts to provide “material support or resources” to terrorist organizations like Hamas.

II. BACKGROUND

According to The Carter Center’s website:

President and Mrs. Carter and The Carter Center have worked to support a viable two-state solution to the Israeli-Palestinian conflict and to promote comprehensive peace in the region for decades. The conflict between the major Palestinian political parties Fatah and Hamas has been a particular focus. Palestinian national unity is critical to the success of a two-state solution and the conflict has fractured Palestinian democratic institutions and fed a spiral of intra-Palestinian human rights abuses in the Occupied Territory.⁵⁵

Under a section entitled “The Carter Center’s Current Activities,” The Carter Center subtly indicates its view that Jerusalem, now recognized by the United States as the capital of the State of Israel, is within Palestine.⁵⁶ The Carter Center also openly describes its regular contact with Fatah and Hamas:

The Carter Center works both with grassroots activists and with high-level decision makers in its efforts to further conflict resolution, human rights,

⁵³ *Israel-Palestine Conflict Resolution*, THE CARTER CENTER, https://www.cartercenter.org/peace/conflict_resolution/israel-palestine/index.html (last visited Jun. 20, 2018).

⁵⁴ THE CARTER CENTER, ANNUAL REPORT 2015-2016 5 (2016), available at https://www.cartercenter.org/resources/pdfs/news/annual_reports/annual-report-16.pdf.

⁵⁵ *Israel-Palestine Conflict Resolution*, *supra* note 53 (emphasis added).

⁵⁶ *Id.* (emphasis added).

and democratic development in Palestine. In 2005, The Carter Center opened a field office in Ramallah, expanding in 2008 to Jerusalem and Gaza. Building on this field presence and the continuous conflict monitoring conducted by Carter Center staff and interns in our Atlanta headquarters, senior Carter Center personnel travel regularly to the area to assess developments firsthand. These visits include meetings with government officials, members of key political parties, diplomats, civil society activists, and political analysts. In particular, Center staff maintains regular contact with leaders of the two largest Palestinian political parties, Fatah and Hamas.⁵⁷

According to its FY 2016 report, “The Center received \$306 million in cash, pledges, and in-kind gifts in 2015–2016. The Center is a 501(c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies.”⁵⁸ It listed the United States Agency for International Development (USAID) and the State Department as “\$100,000 +” donors for 2016, its highest category, and also as donors with cumulative lifetime giving of \$1 million or more. This category also identifies the Open Society Foundations founded by George Soros,⁵⁹ the U.S.-Middle East Partnership Initiative, and a number of Islamic governmental, individual, and foundation donors.⁶⁰ The report also lists such controversial figures as Agha Hasan Abedi as founders.⁶¹

Concerning its funding, in a statement posted on its website on July 18, 2016, The Carter Center asserted:

As of Aug. 31, 2015, of the total amount of contributions The Carter Center received since its founding in 1982, 2.5 percent have been from donors in Mideast Arab nations. Eighty-three percent of those funds have helped to support health programs in Africa, 9.8 percent have gone to our endowment, 2.7 percent were for original construction of buildings at our

⁵⁷ *Id.*

⁵⁸ ANNUAL REPORT, *supra* note 54.

⁵⁹ *Id.* at 31. The Open Society Foundations promotes positions hostile to Israel and favorable to “Palestine” such as the theory of ICC investigation of possible war crimes by Israel, the theory that Israel’s immigration and entry rules are discriminatory toward Arabs, etc., and posts articles with titles such as “How Israel Bombs Gaza with Impunity” and “Amid Occupation, Life Goes on for Palestinians.”

⁶⁰ Examples include the Arab Fund for Economic and Social Development; Kuwait Fund for Arab Economic Development; The Sultanate of Oman; The OPEC Fund for International Development; His Majesty Sultan Qaboos bin Said Al Said; The Kingdom of Saudi Arabia; Bakr M. BinLadin for the Saudi BinLadin Group; The Saudi Fund for Development; Government of The United Arab Emirates; His Highness General Sheikh Mohamed bin Zayed Al Nahyan, Crown Prince of Abu Dhabi, in honor of His Highness Sheikh Khalifa bin Zayed, the President of the UAE; and, Government of the Republic of Sudan. Other 2015-2016 donors exceeding \$100,000 include the Khalaf Ahmad Al Habtoor Foundation; the Al Ansari Exchange, LLC; the Noor Dubai Foundation; Sudanese Federal Ministry of Health; and The OPEC Fund for International Development.

⁶¹ ANNUAL REPORT 2015-2016, *supra* note 54, at 65.

headquarters in Atlanta, Georgia, and 4.5 percent were for projects to directly promote peace, such as specific election observations.⁶²

The Carter Center reported \$4,512,313 in accounts receivable from the federal government, and \$306,555,985 in total contributions and grants and \$418,887,712 in total revenue and support, and end-of-year net assets totaling \$715,497,064. It reported \$30,133,185 in salaries and benefits. It reported giving \$6,497,541 in 2016 grants, and \$8,249,006 in 2015 grants. It has a field office in what it calls “Israel and the Occupied Palestinian Territory.”

The ACLJ learned that The Carter Center may be providing “material support or resources” to both Hamas and the People’s Front for the Liberation of Palestine (PFLP). Hamas was designated by the U.S. State Department as a Foreign Terrorist Organization (FTO) in 1997.⁶³ The PFLP-General Command was also designated as an FTO in 1997.⁶⁴ According to the State Department’s Bureau of Counterterrorism, “FTO designations play a critical role in our fight against terrorism and are an effective means of curtailing support for terrorist activities and pressuring groups to get out of the terrorism business.”⁶⁵ For context, other organizations so designated include the Islamic State of Iraq and the Levant (ISIL or ISIS), al-Q’aeda, Boko Haram, and al-Shabaab.

18 U.S.C. §2339B makes it a federal crime to “knowingly provid[e] material support or resources to a foreign terrorist organization.”⁶⁶ The Supreme Court⁶⁷ has recently made clear that this goes far beyond providing cash with the intent of directly funding terrorist activities. It criminalizes nearly any support or resources given to a terrorist organization for any purpose, including “‘training’ and ‘expert advice or assistance’” for purportedly humanitarian reasons.

The ACLJ set out to determine if this shocking possibility – The Carter Center’s provision of “material support or resources” to these terrorist organizations – is true.

⁶² *Background on The Carter Center’s Mideast Funding*, THE CARTER CENTER, https://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/cc_middleeastfunding.pdf (last visited June 20, 2018). As was reported back in 2008, “the United States government itself has been providing millions of dollars to the Carter Center over the years. Representative Joe Knollenberg (R-Mich.) estimates that the center received \$19 million in federal funding since 2001 alone, and has called for passage of a bill that would immediately cut off all federal financing for the center.” Lloyd Greif, *To See Jimmy Carter’s True Allegiances, Just Follow the Money*, DAILY NEWS (Apr. 26, 2008, 7:39 PM), <http://www.nydailynews.com/opinion/jimmy-carter-true-allegiances-follow-money-article-1.281609>.

⁶³ *Foreign Terrorist Organizations*, U.S. DEP’T OF STATE, <https://www.state.gov/j/ct/rls/other/des/123085.htm> (last visited Jun. 22, 2018).

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ 18 U.S.C. § 2339B(a)(1).

⁶⁷ *See Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010).

III. THE ACLJ'S WORK TO ACHIEVE TRANSPARENCY

The ACLJ issued its FOIA request⁶⁸ to the State Department on March 1, 2018, and received a typical non-compliant letter from the State Department dated March 9, 2018. The State Department subsequently ignored the FOIA request, and the ACLJ filed a lawsuit⁶⁹ against the State Department on April 9, 2018. Litigation and negotiations are ongoing, and no production has yet occurred as of the issuance of this report.

IV. CONCLUSION & NEXT STEPS

Our FOIA request serves the important purpose of demanding truth and transparency from our government to ensure that taxpayer funds do not provide “material support or resources” to terrorist organizations like Hamas and the PFLP. And, our subsequent lawsuit is yet another step in holding the State Department accountable for its repeated and continuing practice of not responding to FOIA requests as required, but ignoring them unless and until we file a lawsuit. We anticipate that, like in all of our FOIA lawsuits, we will soon be able to force the State Department to turn over the requested documents. Once we begin receiving documents, we will thoroughly examine them and provide relevant information to the public and to Congress so that Americans are informed about how their tax dollars are used.

⁶⁸ FOIA Request from ACLJ to Dep't of State (Mar. 1, 2018), available at http://media.aclj.org/pdf/FOIA-to-DOS-re-Carter-Center-Funding-Hamas_Redacted.pdf.

⁶⁹ Complaint, *ACLJ v. Dep't of State*, 18-cv-798 (D.D.C. Apr. 9, 2018), ECF No. 1, available at http://media.aclj.org/pdf/Complaint_Against_DOS_Carter_Center_filed_04-09-2018_redacted.pdf.

ACLJ FOIA REQUEST FOR RECORDS
REGARDING OBAMA ADMINISTRATION’S BETRAYAL OF ISRAEL
AT THE UNITED NATIONS

I. EXECUTIVE SUMMARY

The ACLJ issued a FOIA request to the Obama State Department a year and a half ago seeking documents concerning the Administration’s eleventh-hour betrayal of Israel at the United Nations when it broke from its previous practice and abstained from the vote on U.N. Security Council Resolution 2334. The resolution condemned Israeli settlements, labeled Israel an “occupying Power,” and accused Israel of violations of international law. While the Administration offered public statements⁷⁰ attempting to paint its decision as an effort to bolster the continued viability of a two-state solution to peace between Israel and the Palestinians, the abstention was a significant symbolic gesture signaling a clear departure from our nation’s longstanding support of Israel in the face of open hostility from other United Nations member states. The State Department has yet to provide a FOIA-compliant response or any documents to the ACLJ regarding this FOIA request. However, through our other FOIA litigation, the ACLJ is aware that such documents do exist.

II. BACKGROUND

As reported by the press on December 23, 2016, “[t]he U.S. broke from previous practice and allowed the United Nations Security Council to pass a resolution condemning Israeli settlements.”⁷¹ CNN reported that “a senior Israeli official had accused the United States of abandoning the Jewish state with its refusal to block the resolution with a veto.”⁷² And, according to CNN, “[t]he Palestinians were delighted by their rare diplomatic coup.”⁷³ According to reports:

“President Obama and Secretary Kerry are behind this shameful move against Israel at the UN,” a senior Israeli official told CNN.

“The US administration secretly cooked up with the Palestinians an extreme anti-Israeli resolution behind Israel's back which would be a

⁷⁰ TOI Staff, *Full Text of US Envoy Samantha Power’s Speech After Abstention on Anti-Settlement Vote*, THE TIMES OF ISRAEL (Dec. 24, 2017), <https://www.timesofisrael.com/full-text-of-us-envoy-samantha-powers-speech-after-abstention-on-anti-settlement-vote/>.

⁷¹ Michele Kelemen, *U.S. Abstains on U.N. Security Council Vote Condemning Israeli Settlements*, NPR.ORG (Dec. 23, 2016, 4:49 PM), <http://www.npr.org/2016/12/23/506759066/u-s-abstains-on-u-n-security-council-vote-condemning-israeli-settlements>.

⁷² Stephen Collinson, David Wright, & Elise Labott, *US Abstains as UN Demands End to Israeli Settlements*, CNN.COM (Dec. 24, 2016), <http://www.cnn.com/2016/12/23/politics/israel-official-rips-obama-un-settlements/>.

⁷³ *Id.*

tailwind for terror and boycotts and effectively make the Western Wall occupied Palestinian territory,” a senior Israeli official said.⁷⁴

Yet, “[c]ontrary to some claims, the administration was not involved in formulating the resolution nor have we promoted it,” CNN quoted a senior Obama Administration official as saying.⁷⁵ And:

A senior Palestinian official told CNN they were not informed how the US would handle the Security Council vote *when a delegation was in town earlier this month to urge the administration to support it*. The Palestinian official said they did not know how the US would vote and called the Israeli allegation “totally untrue.”⁷⁶

Concerning the Palestinian delegation that “was in town earlier this month [December 2016] to urge the administration to support” the resolution, FoxNews.com reported:

The State Department’s own website reflects that Kerry was scheduled for a meeting with Erekat at the State Department on Dec. 12, around the time of the reported discussions. The official website, however, offers no details on what was discussed.⁷⁷

Indeed, the State Department’s website stated:

December 12, 2016

DEPARTMENT OF STATE
PUBLIC SCHEDULE
DECEMBER 12, 2016

SECRETARY JOHN KERRY

10:00 a.m. Secretary Kerry meets with Saeb Erekat, at the Department of State.⁷⁸

III. THE ACLJ’S WORK TO ACHIEVE TRANSPARENCY

On January 4, 2017, the ACLJ issued a FOIA request⁷⁹ to the State Department. This request sought records of discussions and decisions leading up to and surrounding

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.* (emphasis added).

⁷⁷ *White House Denies Report Kerry Discussed UN Israel Measure with Palestinian Official*, FOX NEWS (Dec. 28, 2016), <http://www.foxnews.com/politics/2016/12/28/white-house-denies-report-kerry-discussed-un-israel-measure-with-palestinian-official.html>.

⁷⁸ U.S. Dept. of State, Public Schedule: December 12, 2016, <https://2009-2017.state.gov/r/pa/prs/appt/2016/265050.htm>.

the U.N. Security Council vote and adoption of Resolution 2334 on December 23, 2016, and the United States' abstention therefrom. On January 6, 2017, the State Department responded with its typical generic letter that failed to comply with FOIA's clear statutory requirements and failed to advise the ACLJ of any determination or the reasons therefor as required by law.

In unrelated FOIA litigation against the State Department, however, the ACLJ has obtained email discussions between senior Obama Administration officials Susan Rice and Samantha Power discussing “[w]hat is it that you think we can and should do”⁸⁰ about legislation introduced in Congress to defund the U.N. in response to the betrayal of Israel. This, along with other examples, is clear evidence that the State Department does in fact have records responsive to this FOIA request.

IV. CONCLUSION & NEXT STEPS

It has now been more than 18 months since the State Department received our FOIA request. The ACLJ is prepared to file a lawsuit against the State Department to compel compliance with the request and the law. However, this case serves as a perfect example and evidence of the State Department's ongoing and unlawful pattern or practice of ignoring our requests unless and until we file a lawsuit to require compliance.

⁷⁹ FOIA Request from ACLJ to Dep't of State (Jan. 4, 2017), available at http://media.aclj.org/pdf/FOIARrequest-StateDept-UNSecurityCouncil-1-4-2017-REDACTED_Redacted.pdf.

⁸⁰ FOIA Production from Dep't of State to ACLJ, *ACLJ v. National Security Agency and Department of State*, 17-cv-1425 (D.D.C.), available at <http://media.aclj.org/pdf/Rice-Power-Emails-re-UN-Defunding-Bill.pdf>.

**Section II:
Corruption and Lawlessness by Obama Administration Holdovers
and Deep State Bureaucrats in the
Department of Justice and FBI**

As reports of corruption within the Obama Administration and the Deep State bureaucracy, including the Federal Bureau of Investigation (FBI) and Department of Justice (DOJ), mounted in 2016 and 2017, the ACLJ issued three FOIA requests to these agencies aimed at discovering the truth about – and the extent of – such corruption. These requests specifically sought records concerning: 1) the secret tarmac meeting between President Bill Clinton and Attorney General (AG) Loretta Lynch; 2) the decision by FBI Director James Comey not to pursue criminal charges against Secretary of State Hillary Clinton based on her mishandling of classified information; and 3) the Obama Administration’s knowledge of the 2010 sale of a controlling stake in Uranium One to Rosatom, a Russian energy conglomerate (resulting in a total takeover by 2013). Our FOIA litigation has uncovered the Attorney General’s secret email alias, collusion, cover-ups and spin, lies to the American people, and the extent to which the AG and the FBI Director were implicated in and affected by the Clinton-Lynch tarmac meeting – and even that White House officials were involved in the discussions surrounding these activities. We have also helped uncover key inconsistencies and failures in the FBI’s investigation of Hillary Clinton.

ACLJ FOIA REQUEST FOR RECORDS
REGARDING CLANDESTINE TARMAC MEETING BETWEEN
BILL CLINTON AND LORETTA LYNCH

ACLJ v. Department of Justice, 16-cv-2188 (D.D.C.)
ACLJ v. Department of Justice, FBI, 17-cv-1866 (D.D.C.)

I. EXECUTIVE SUMMARY

Following reports that President Bill Clinton had a secret meeting with Attorney General Loretta Lynch on an airport tarmac, the ACLJ issued a FOIA request to both the FBI and the DOJ seeking records related to this meeting. The primary impetus for this request was the clear appearance of impropriety resulting from the airplane meeting, as 1) the FBI was, at the time of the meeting, just days away from interviewing former Secretary of State Hillary Clinton in the course of its investigation into her use of a personal email server in the handling of classified materials; 2) Attorney General Lynch announced, just a few days after the meeting, that she would accept the recommendation of the FBI Director; and 3) FBI Director Comey, just days later, made an unprecedented announcement that the former Secretary of State would not be indicted. Our FOIA request sought evidence to unearth the corruption at the heart of this matter. As a result of our FOIA litigation in two cases against the DOJ and FBI, the ACLJ has exposed that: 1) the FBI lied – not once, but twice – about not having documents; 2) the DOJ lied about not having certain documents; 3) Attorney General Lynch had a secret email alias – Elizabeth Carlisle; 4) the DOJ colluded with the media to spin the meeting; 5) Attorney General Lynch was involved in that spin; 6) the White House was even involved in the spin; 7) news of the meeting quickly reached FBI Director Comey; 8) both the DOJ and FBI were in full crisis management mode just minutes after news of the meeting broke; and, 9) an FBI agent’s “biggest fear” was how the clandestine meeting would “affect the ongoing investigation or the Director’s position” and that it “obviously . . . affected the AG’s position.”

II. BACKGROUND

As was covered extensively by the press, Attorney General Loretta Lynch and President Bill Clinton met on Attorney General Lynch’s government airplane on Monday, June 27, 2016, on the tarmac at Sky Harbor International Airport in Phoenix, Arizona. According to CNN’s report, “Lynch and Bill Clinton met privately in Phoenix Monday after the two realized they were on the same tarmac, an aide to the president said.”⁸¹ But according to other reports, “Clinton was reportedly notified that Lynch would be landing in Phoenix soon and waited in order to meet her.”⁸² Reportedly, “[t]he former

⁸¹ Eli Watkins, *Bill Clinton Meeting Causes Headaches for Hillary*, CNN.COM (Jun. 20, 2016, 9:26 PM), <http://www.cnn.com/2016/06/29/politics/bill-clinton-loretta-lynch/>.

⁸² Alex Griswold, *Loretta Lynch Privately Meets with Bill Clinton Aboard Personal Plane*, MEDIAITE.COM (Jun. 29, 2016, 1:22 PM), <http://www.mediaite.com/tv/loretta-lynch-privately-meets-with-bill-clinton-aboard-personal-plane/>.

president then walked over to the attorney general's plane to speak to Ms. Lynch and her husband."⁸³ As reported by The Hill, "[a] law enforcement official familiar with the matter told CNN that Lynch's FBI security detail did not stop Clinton when he moved to initiate the extended conversation."⁸⁴ "The entire meeting lasted about 30 minutes."⁸⁵ CNN quoted Attorney General Lynch as describing the conversation as "primarily social."⁸⁶

This matter is of grave importance to the public. At the time, Attorney General Lynch was the head of the DOJ – and the nation's chief law enforcement officer. As recognized by a United States District Judge⁸⁷ and the White House,⁸⁸ the DOJ was, at the time of the meeting at issue, engaged in a "criminal investigation" of Hillary Clinton – Bill Clinton's wife, Secretary of State and Democrat presidential candidate – with respect to her use and deletion of emails. At the time of the meeting, the DOJ itself had described the investigation as a "law enforcement matter."⁸⁹

Criticism of the meeting was bipartisan. According to Sen. Chris Coons (D-DE), "it doesn't send the right signal."⁹⁰ Indeed, both the meeting and the "personal or political relationship,"⁹¹ evidenced by the meeting and affirmed by Attorney General Lynch in her comments after the meeting, implicated Federal Regulations and DOJ Standards of Conduct.⁹²

⁸³ *Attorney General Lynch has Private Meeting with Bill Clinton*, FOXNEWS.COM (Jun. 29, 2016), <http://www.foxnews.com/politics/2016/06/29/attorney-general-lynch-meets-with-bill-clinton-privately.html>.

⁸⁴ Jesse Byrnes, *Lynch Meeting with Bill Clinton Creates Firestorm for Email Case*, THEHILL.COM (Jun. 30, 2016, 1:56 PM), <http://thehill.com/policy/national-security/286143-lynch-clinton-meeting-creates-firestorm>.

⁸⁵ Griswold, *supra* note 82; Geoff Earle, *Loretta Lynch Held Private Talks with Bill Clinton Aboard a Plane in Phoenix While Her Department Investigates Hillary*, DAILYMAIL.CO.UK (Jun. 29, 2016, 6:03 PM), <http://www.dailymail.co.uk/news/article-3666856/Loretta-Lynch-held-private-talks-Bill-Clinton-aboard-plane-Phoenix-department-investigates-Hillary.html>.

⁸⁶ Watkins, *supra* note 81 (emphasis added).

⁸⁷ Josh Gerstein, *Judge Links Clinton Aide's Immunity to 'Criminal Investigation'*, POLITICO.COM (Jun. 14, 2016, 11:46 AM), <http://www.politico.com/story/2016/06/hillary-clinton-judge-investigation-224314>; Stephen Dinan, *Judge Confirms 'Criminal Investigation' into Clinton Emails*, WASHINGTONTIMES.COM (Jun. 14, 2016), <http://www.washingtontimes.com/news/2016/jun/14/judge-confirms-criminal-probe-clinton-emails>.

⁸⁸ *White House Confirms 'Criminal' Probe over Clinton Emails, 'Shreds' Campaign Claim*, FOXNEWS.COM (Jun. 10, 2016), <http://www.foxnews.com/politics/2016/06/10/white-house-confirms-criminal-probe-over-clinton-emails-shreds-campaign-claim.html>.

⁸⁹ *DOJ Acknowledges Hillary Email Investigation is a 'Law Enforcement Matter'*, INSIDER.FOXNEWS.COM (May 2, 2016), <http://insider.foxnews.com/2016/05/02/judge-napolitano-new-developments-hillary-clinton-email-investigation-justice-department>.

⁹⁰ Byrnes, *supra* note 84.

⁹¹ 5 C.F.R. § 45.2.

⁹² Moreover, the press has highlighted the fact that "[t]he encounter took place ahead of the public release Tuesday morning of the House Benghazi Committee's report on the 2012 attack on a U.S. consulate in Libya." Watkins, *supra* note 81. According to one source, the meeting "occurred just hours before" the release of the Benghazi Committee's report. Earle, *supra* note 85 .

Less than a week after the meeting occurred on Attorney General Lynch's airplane, it was reported that the FBI interviewed Secretary of State Hillary Clinton on Saturday, July 2, 2016, over the July 4th weekend.⁹³ Then, on Tuesday, July 5, 2016, FBI Director James Comey announced the FBI was not recommending that Hillary Clinton be prosecuted "for her handling of classified documents and sensitive information, which she conducted on a private email server during her time as secretary of state."⁹⁴ On July 6, 2016, Attorney General Lynch announced: "I received and accepted their unanimous recommendation that the thorough, year-long investigation be closed and that no charges be brought against any individuals within the scope of the investigation."⁹⁵

III. THE ACLJ'S WORK TO ACHIEVE TRANSPARENCY

Alarmed by the blatant conflicts of interest and the potential corruption shown by the secret tarmac meeting, Attorney General Lynch's announcement that she would accept the recommendation of the FBI Director instead of recusing herself, and the unprecedented manner in which Director Comey publicly exonerated Hillary Clinton, the ACLJ issued two FOIA requests on July 15, 2016. The first was to the DOJ⁹⁶ and the second was to the FBI.⁹⁷ The requests sought records connected to Attorney General Lynch's secret tarmac meeting with Bill Clinton. In a shocking series of events (explained below) – including catching both the FBI and DOJ falsely telling the ACLJ it didn't have documents on three separate occasions – the ACLJ was forced to file a federal lawsuit against the DOJ on November 2, 2016, and a lawsuit against the FBI on September 12, 2017.

As a result of the ACLJ's federal lawsuits against the DOJ⁹⁸ and the FBI,⁹⁹ both the DOJ and the FBI have produced documents responsive to the ACLJ's FOIA requests – documents that both agencies previously claimed didn't exist.

IV. DOCUMENTS OBTAINED BY THE ACLJ

The FBI first responded with an October 21, 2016, letter¹⁰⁰ informing the ACLJ that, after it received our request and conducted a search, "[n]o records responsive to your

⁹³ Byron Tau, *Hillary Clinton Interviewed by FBI in Email Probe*, WSJ.COM (Jul. 2, 2016, 7:39 PM), <http://www.wsj.com/articles/hillary-clinton-interviewed-by-fbi-1467478221>.

⁹⁴ Gregory Krieg, *FBI Boss Comey's 7 Most Damning Lines on Clinton*, CNN.COM (Jul. 5, 2016, 6:05 PM), <http://www.cnn.com/2016/07/05/politics/fbi-clinton-email-server-comey-damning-lines/>.

⁹⁵ Eric Bradner, *AG Loretta Lynch Declines to Press Charges Against Clinton*, CNN.COM (Jul. 6, 2016, 8:13 PM), <http://www.cnn.com/2016/07/06/politics/loretta-lynch-hillary-clinton-emails-no-charges/>.

⁹⁶ FOIA Request from ACLJ to DOJ (July 15, 2016), available at <http://media.aclj.org/pdf/FOIARquest-DOJ-Lynch-REDACTED.pdf>.

⁹⁷ FOIA Request from ACLJ to FBI (July 15, 2016), available at <http://media.aclj.org/pdf/Exhibit-B-ACLJ-FBI-FOIA.pdf>.

⁹⁸ Complaint, *ACLJ v. DOJ*, 16-cv-2188 (D.D.C. Nov. 2, 2016), ECF No. 1, available at [http://media.aclj.org/pdf/Complaint.-ACLJ-v.-DOJ-\(filed-11.2.16\)_Redacted.pdf](http://media.aclj.org/pdf/Complaint.-ACLJ-v.-DOJ-(filed-11.2.16)_Redacted.pdf).

⁹⁹ Complaint, *ACLJ v. FBI*, 17-cv-1866 (D.D.C. Sept. 12, 2017), ECF No. 1, available at http://media.aclj.org/pdf/Doc.-1.-Complaint_Redacted.pdf.

¹⁰⁰ Letter from FBI to ACLJ (Oct. 21, 2016), available at [http://media.aclj.org/pdf/FBI-Letter-\(no-records-located\)-10.21.16_Redacted.pdf](http://media.aclj.org/pdf/FBI-Letter-(no-records-located)-10.21.16_Redacted.pdf).

request were located.” Had it not been for our separate FOIA request to the DOJ seeking the same records – and our related lawsuit compelling the DOJ to begin producing responsive records – we may never have known that the FBI’s response was false. In fact, documents the ACLJ obtained from the DOJ proved not only that the FBI was in possession of responsive records but also that FBI officials were well aware of the records’ existence, as they had expressly requested redactions be made in some of the documents before the DOJ produced them.

To date, the ACLJ has received four sets of document productions consisting of 462 pages.

The full document productions from the DOJ to date can be downloaded [here](#).¹⁰¹

The full document productions from the FBI to date can be downloaded [here](#).¹⁰²

In an ironic twist, Attorney General Lynch publicly stated that “it [would be] important to provide as much information as we can [on the Clinton investigation] so that people can have a full view . . . of how this case is going to be resolved,”¹⁰³ yet the DOJ and the FBI have done everything possible to hide what really took place during the Clinton-Lynch tarmac meeting. While more than half of the documents produced contain significant redactions, the information the ACLJ has obtained shines a bright spotlight on the inner workings of the FBI and DOJ in the wake of the news of the tarmac meeting. The first two document productions from the DOJ revealed the following:

- Discussions regarding the secret meeting between Attorney General Lynch and the husband of a subject of an ongoing FBI criminal investigation immediately reached the upper echelon of FBI leadership, including Director James Comey;
 - One email chain with the subject line “FLAG”¹⁰⁴ contains correspondence between FBI officials (Richard Quinn, FBI Media/Investigative Publicity, and Michael Kortan) and DOJ officials concerning “flag[ging] a story . . . about a casual, unscheduled meeting between president Bill Clinton and the AG.” The DOJ official instructs the FBI to “let me know if you get any questions about this” and provides “[o]ur talkers [DOJ talking points] on this.” The talking points, however, are redacted.

¹⁰¹ FOIA Production from DOJ to ACLJ, *ACLJ v. DOJ*, Case No. 16-cv-2188 (D.D.C.), [hereinafter, Clinton-Lynch Cover-Up DOJ Production], available at <http://media.aclj.org/pdf/Clinton-Lynch---DOJ-Prod.pdf>.

¹⁰² FOIA Production from FBI to ACLJ, *ACLJ v. DOJ*, Case No. 17-cv-1866 (D.D.C.), [hereinafter, Clinton-Lynch Cover-Up FBI Production], available at <http://media.aclj.org/pdf/Clinton-Lynch---FBI-Prod.pdf>.

¹⁰³ *Loretta Lynch: Bill Clinton Meeting ‘Cast Shadow’ Over Email Server Investigation*, THE GUARDIAN (last visited June 20, 2018), <https://www.theguardian.com/us-news/2016/jul/01/loretta-lynch-bill-clinton-meeting-hillary-email-server-fbi>.

¹⁰⁴ Clinton-Lynch Cover-Up DOJ Production, *supra* note 101, available at <http://media.aclj.org/pdf/Clinton-Lynch-Flag.pdf>.

- Another email¹⁰⁵ to the FBI contains the subject line “security details coordinate between Loretta Lynch/Bill Clinton?”
- On July 1, 2016 – just days before our FOIA request – a DOJ email chain under the subject line, “FBI just called,”¹⁰⁶ indicates that the “FBI . . . is looking for guidance” in responding to media inquiries about news reports that the FBI had prevented the press from taking pictures of the Clinton-Lynch meeting. The discussion then went off email to several phone calls (of which we are not able to obtain records). An hour later, Carolyn Pokorny of the Office of the Attorney General stated, “I will let Rybicki know.” Jim Rybicki was the Chief of Staff and Senior Counselor to FBI Director Jim Comey. The information that was to be provided to Rybicki is redacted.
- The DOJ was in clear crisis mode as the news of the tarmac meeting broke, as the Attorney General’s team immediately began preparing media talking points concerning the meeting;
- The mainstream media was colluding with the government to bury this story.
 - One Washington Post reporter stated,¹⁰⁷ “I’m hoping I can put it to rest,” and even implemented specific requests from the DOJ to change his story to make the Attorney General appear in a more favorable light;
 - A New York Times reporter apologetically told¹⁰⁸ the Obama DOJ that he was being “pressed into service” to have to cover the story;
 - As the story was breaking, a DOJ press official stated,¹⁰⁹ “I also talked to the ABC producer, who noted that they aren’t interested, even if Fox runs with it.”
 - Two days after the meeting, in a chain of emails¹¹⁰ that includes emails to Attorney General Lynch herself, DOJ officials stated that the media coverage of the meeting “looks like all or most are FOX” and that “CBS . . . just says a few lines about the meeting.”
- Attorney General Lynch was directly involved in developing the media talking points about her surreptitious meeting with President Clinton – having been added into the discussions less than an hour and a half after the first press inquiry

¹⁰⁵ *Id.*, available at <http://media.aclj.org/pdf/FBI-Security-Lynch-Clinton.pdf>.

¹⁰⁶ *Id.*, available at <http://media.aclj.org/pdf/Clinton-Lynch-FBI-Just-Called.pdf>.

¹⁰⁷ *Id.*, available at <http://media.aclj.org/pdf/Clinton-Lynch-WaPo.pdf>.

¹⁰⁸ *Id.*, available at <http://media.aclj.org/pdf/Clinton-Lynch-NYT-1.pdf>.

¹⁰⁹ *Id.*, available at <http://media.aclj.org/pdf/Clinton-Lynch-ABC.pdf>.

¹¹⁰ *Id.*, available at <http://media.aclj.org/pdf/Clinton-Lynch-Media-collusion.pdf>.

into the meeting – but attempted to conceal this fact by using a secret email account, going by the pseudonym “Elizabeth Carlisle”¹¹¹;

- Notably, DOJ bureaucrats have redacted all the talking points,¹¹² discussions of talking points, a statement on the meeting that was apparently never delivered because there was not enough media coverage on the meeting, and substantive discussions with the FBI on the matter. They have asserted application of the “deliberative process privilege” exemption to FOIA, although this provision is only intended to apply to agency rulemaking processes.
- Shortly after Attorney General Lynch answered media questions about the tarmac meeting, senior DOJ officials sent that information directly to Brandi Hoffine, Assistant Press Secretary and Spokeswoman at the Obama White House, in an email¹¹³ stating, “I’ve attached a document containing the transcript to this email, and I’ve included the text below. Please let me know if there is anything that needs to be corrected.”
- Within just minutes of the first press inquiry about the Clinton-Lynch meeting, DOJ officials added Matthew Axelrod, Principal Deputy Attorney General, into the conversation. Axelrod’s bio¹¹⁴ confirms that his role included taking “the lead in advising on crisis management within the DOJ, working closely with the White House, Congress, the FBI, and the media on DOJ’s most sensitive and high-profile matters”;
- In what appears to be a glaring conflict of interest, one of the individuals who was directly responsible for editing¹¹⁵ the (still redacted) media talking points about the tarmac meeting, Paige Herwig (Counselor to Attorney General Lynch) went on to serve as Deputy General Counsel to the Ranking Member of the U.S. Senate Committee on the Judiciary (Dianne Feinstein) – the committee tasked with investigating the Clinton-Lynch meeting. (Note: Before serving as Counselor to Lynch, Herwig served as Special Assistant and Associate Counsel to President Obama.)

Following the ACLJ’s publication of its receipt of these records – including several FBI documents that the FBI had previously claimed did not exist – and the increased public scrutiny that followed, the FBI suddenly decided to re-open our FOIA request. However, it was only willing to officially acknowledge that “records potentially responsive to your request *may* exist.”¹¹⁶

¹¹¹ *Id.*, available at <http://media.aclj.org/pdf/AG-Lynch-Unmasked-Elizabeth-Carlisle-Clinton-Lynch-Documents.pdf>.

¹¹² *Id.*, available at <http://media.aclj.org/pdf/Exhibit-M-DOJ-Clinton-Lynch-Redactions.pdf>.

¹¹³ *Id.*, available at <http://media.aclj.org/pdf/White-House-Clinton-Lynch-Documents.pdf>.

¹¹⁴ *Id.*, available at <https://www.linklaters.com/en/find-a-lawyer/matthew-axelrod>.

¹¹⁵ *Id.*, available at <http://media.aclj.org/pdf/Paige-Herwig-Edits-Clinton-Lynch-Documents.pdf>.

¹¹⁶ Letter from FBI to ACLJ (Aug. 10, 2017), available at <http://media.aclj.org/pdf/FBI-Reopening-FOIA-File-08.10.2017.pdf> (emphasis added).

After the FBI continued to drag its heels in producing any such records, the ACLJ filed suit against the department (as we had previously been forced to do against the DOJ). Like our other litigation, this new lawsuit forced the FBI to finally produce documents. The first documents produced by the FBI contained the following important revelations:

- The Attorney General’s Office was in direct communication with FBI officials about the Clinton-Lynch tarmac meeting a mere *eight minutes* after the DOJ received the first media inquiry.
 - In an email¹¹⁷ under the subject line “Bill Clinton meeting?”, dated June 28, 2016 (just minutes after the DOJ spin team began taking action to respond to the media firestorm surrounding the Clinton-Lynch meeting), senior DOJ officials first informed the FBI of the DOJ’s attempts to “deal with this” situation.
 - Importantly, this email should have been – but was not – included in the DOJ’s production of responsive documents on this topic. In short, just as the FBI lied (which we discovered based on the DOJ’s production), the DOJ also withheld key documents about this meeting in clear violation of FOIA (which we discovered based on the FBI’s production). The DOJ’s only response,¹¹⁸ when challenged about its failure to produce this document, was to blame – without further explanation – a “glitch” in its “sophisticated software” system.
- FBI Director Comey was aware of and circulated to his senior staff (including FBI Chief of Staff and Senior Counselor to the Director Jim Rybicki, FBI Deputy Director Andrew McCabe, FBI Assistant Director of the Office of Public Affairs Michael Kortan, and FBI Associate Deputy Director David Bowdich) a news article regarding the Clinton-Lynch meeting under the cryptic subject line “FYI only.” The email¹¹⁹, dated June 29, 2016 (two days after the meeting), contained no commentary – only a link to a Fox News article, “<http://nation.foxnews.com/2016/06/29/why-did-bill-clinton-and-loretta-lynch-meet-her-airplane-phoenix-week>.”
- Another email¹²⁰ reveals that about thirty minutes later, Kortan sent Comey (and the other senior FBI officials on the first email chain) an email under the subject line “From DOJ....,” forwarding the email the DOJ sent the FBI to “FLAG” the

¹¹⁷ Clinton-Lynch Cover-Up FBI Production, *supra* note 102, available at <http://media.aclj.org/pdf/Clinton-Lynch-Deal-With-This-Email.pdf>.

¹¹⁸ DOJ’s Reply and Opposition, *ACLJ v. Dep’t of Justice*, 16-cv-2188 (D.D.C. Nov. 2, 2016), available at [http://media.aclj.org/pdf/show_temp.pl-33\(1\).pdf](http://media.aclj.org/pdf/show_temp.pl-33(1).pdf).

¹¹⁹ Clinton-Lynch Cover-Up FBI Production, *supra* note 102, available at <http://media.aclj.org/pdf/Comey-FYI-Only-Email.pdf>.

¹²⁰ *Id.*, available at <http://media.aclj.org/pdf/Kortan-From-DOJ-Email.pdf>.

story. That email chain provided the FBI early on with the (still redacted) talking points the Obama DOJ was using to spin this story in the media. This means that the DOJ's spin on this went directly to Director Comey. In fact, it got to Director Comey within three minutes of DOJ official Melanie Newman first sending the talking points to the FBI. This story was a big deal.

- Early in the morning before the FBI (including Strzok and others) interviewed Hillary Clinton as part of the criminal investigation into her mishandling of classified emails, the FBI's Chief of the Counterespionage Section during the investigation, Peter Strzok, emailed Bill Priestap (Assistant Director of the FBI Counterintelligence Division), among others, a New York Times article entitled, "Lynch to Remove Herself From Decision Over Clinton Emails, Official Says." Priestap then forwarded the New York Times piece to FBI Deputy Director Andrew McCabe, among others.¹²¹ McCabe then forwarded that article to Director Comey, along with Comey's Chief of Staff James Rybicki, Bowdich, and others, marking it "Importance: High." This email went from Strzok up to Comey in about half an hour, all around 6 a.m. the morning before the FBI interviewed Hillary Clinton as part of the criminal investigation into her mishandling of classified emails;
- Rather than expressing concern about the impropriety of the meeting between Bill Clinton and Attorney General Lynch – at a time when not only was Hillary Clinton under FBI criminal investigation but the Clinton Foundation itself had also become a part of the investigation based on the Foundation's dealings with the Clinton State Department – FBI officials were intently focused on circling the wagons, including discussing whether a member of Attorney General Lynch's security detail should be punished for publicly discussing the tarmac meeting.
- Other documents in the production address press inquiries about additional details concerning the meeting, including whether FBI agents present on the tarmac during the meeting instructed onlookers that they were not permitted to take photographs at the scene. One such email includes an FBI employee expressing his "[d]oubt that [the FBI] would say anything" (presumably publicly) if those instructions had been given but noting that it would simply be "good to know."

Thereafter, the FBI told the ACLJ – and even the federal court – that it had produced all documents responsive to our request. However, the FBI's assertions turned out to be untrue once again.

After the ACLJ challenged the FBI's position in court, the agency stopped defending its obviously inadequate "search" and finally agreed to perform more thorough searches. In fact, for the first time since July 2016 when we first issued our FOIA, and after telling the ACLJ it couldn't find any records responsive to our request, the FBI agreed to search several key sources of likely information *for the first time* – including its

¹²¹ *Id.*, available at <http://media.aclj.org/pdf/Lynch-to-Remove-Herself-Article-Email.pdf>.

“Central Records System.” In the affidavit¹²² it filed with the court, the FBI’s Section Chief for the Records Management Division notified the court that the FBI decided to conduct another search “[b]ased on some of the challenges raised by Plaintiff [ACLJ] with regard to [its prior] search.” This time, the FBI’s search would allegedly involve “(a) gather[ing] additional information concerning the [prior] searches conducted; (b) conduct[ing] a search of its Central Records System (CRS); and (c) conduct[ing] searches of its classified and unclassified emails for employees [identified in previously released documents].” Not surprisingly, this agreement by the FBI came on the eve of its deadline to reply to our summary judgment filings detailing for the court the agency’s repeated failures to conduct an adequate search.

Then, the FBI informed the ACLJ that its *third* supposed search for responsive documents identified 16 additional pages of documents and two additional text messages.

We first obtained the two text messages between Peter Strzok (FBI agent and Chief of the Counterespionage Section during the FBI’s Clinton investigation) and Lisa Page (FBI legal counsel to McCabe), which discussed the reaction of Bill Priestap (Assistant Director of the FBI Counterintelligence Division) to news of the tarmac meeting.

The texts, dated June 30, 2016 (three days after the tarmac meeting), state:

“All the airport tarmac articles finally burst out. Took a little bit. Not a big deal, just ASTOUNDINGLY bad optic.”

“Omg he is spinning about the tarmac meeting, viewed in conjunction with the {REDACTED} Wants to meet at 4, have us bring lists of what we would do in an ordinary circumstance (easy, refer to PC) and in this circumstance (easy, refer to 7th floor)....”¹²³

The “he” referenced in the second text, based on the context of already released text messages,¹²⁴ is likely Bill Priestap, Assistant Director of the FBI’s Counterintelligence Division. The “7th floor” is a clear reference to the upper echelon of FBI management – Director Comey and his top advisers and lieutenants. The texts paint an even clearer picture of just how high up the FBI chain the Clinton-Lynch tarmac meeting reached. They knew it was bad and were in full crisis management mode. Yet, it also shows how the mainstream media buried the story, waiting several days to really cover it at all. In the end, we know it was the 7th floor – and Director Comey himself – who decided what the FBI would do – publicly exonerating Clinton just days later – something that was anything but “ordinary.”

¹²² Second Declaration of David M. Hardy, *ACLJ v. Dep’t of Justice*, 17-cv-1866 (D.D.C. Mar. 22, 2018), ECF No. 18-1, available at <http://media.aclj.org/pdf/Doc-18-1-Decl-David-Hardy-re-addl-search.pdf>.

¹²³ Clinton-Lynch Cover-Up FBI Production, *supra* note 102, available at <http://media.aclj.org/pdf/FBI-Clinton-Lynch-Strzok-Page-texts.pdf> (emphasis added).

¹²⁴ Full Text of “Peter Strzok-Lisa Page Texts”, ARCHIVE.ORG, https://archive.org/stream/StrzokPageTexts/FBI-texts_djvu.txt (last visited June 20, 2018).

In June, the FBI produced the remaining sixteen pages and told the ACLJ these were the last of the documents in the agency's possession. Here is what these 16 pages of records (documents the FBI twice told the ACLJ did not exist)¹²⁵ include:

- Replying to an email chain and a series of phone calls regarding the Clinton-Lynch tarmac meeting, a member of the FBI Security Division (SECD), whose name has been redacted, emailed the Section Chief of the Security Operations Section in the FBI Security Division, Rachel Rojas, on July 2, 2016, and said: **“I am worried about our OPA¹²⁶ reaching out to DOJ’s, as it was DOJ opa who threw us under the bus.”** She continued, “we our [sic] not the final word as to who comes in or out of the AG’s space. **Her staff dropped the ball in a big way, and we were the easy scapegoats! I’m pretty pissed about the way things went down and how they were handled afterwards,** needless to say I will be making some changes as to how much interaction we will have with this staff going forward.”¹²⁷ She concluded with: **“my biggest fear with this event is whether or not this will affect the ongoing investigation or the Director’s position. Obviously it has affected the AG’s position but I hope there’s no further fallout.”**¹²⁸
- Rojas replied to this email stating, “Doj is likely overwhelmed so in [sic] hoping it wasn’t intentional.” She continued, referencing the Attorney General, commenting that “her staff should have avoided that scenario.” Then she says, “The bu¹²⁹ will be fine but obviously disappointed on how this is happening. Unfortunately she’s taking heat all over the place and I feel bad for her. I know she didn’t want this on her plate or for this to happen.”¹³⁰

This production also included new replies to email chains that we had previously obtained, which more clearly convey what was happening on the 7th Floor of the FBI in the days following the Clinton-Lynch meeting. On July 1, 2016 – *one day before* the FBI interviewed Hillary Clinton and just *four days before* Director Comey publicly exonerated her – Peter Strzok emailed Bill Priestap, among others, a New York Times article titled, “Lynch to Remove Herself From Decision Over Clinton Emails, Official Says” (an email chain that had been quickly forwarded to Director Comey). The latest production includes Priestap and Strzok’s subsequent conversation. Priestap replies,

¹²⁵ Recall that in response to our FOIA request, the FBI first told us that it had “no records responsive to [our] request.” Then after we exposed that there were records – obtained through our separate lawsuit against the DOJ – the FBI turned over some documents, telling us that it had given us all documents responsive to our request. *But then on the eve of its deadline for responding to our motion for summary judgment, the FBI told the court that it needed more time so it could search its “central records system” for the first time.*

¹²⁶ “OPA” refers to the Office of Public Affairs.

¹²⁷ Clinton-Lynch Cover-Up FBI Production, *supra* note 102, available at <http://media.aclj.org/pdf/AG-Staff-Dropped-Ball-Emails.pdf> (emphasis added).

¹²⁸ *Id.*, available at <http://media.aclj.org/pdf/AG-Staff-Dropped-Ball-Emails.pdf> (emphasis added).

¹²⁹ The term “bu” is a reference to the bureau or the FBI.

¹³⁰ Clinton-Lynch Cover-Up FBI Production, *supra* note 102, available at <http://media.aclj.org/pdf/AG-Staff-Dropped-Ball-Emails.pdf>.

“Thank you. The meeting in PX¹³¹ is all over CNN TV news this morning...” Strzok’s reply – which again was the day before Strzok participated in the interview of Hillary Clinton – stated, “Timing’s not ideal in that it falsely adds to those seeking the ‘this is all choreographed’ narrative. But I don’t think it’s worth changing...later won’t be better.”¹³² Priestap simply replies, “Agreed.”

This puts the text messages we received into more context, further showing how the interaction between Priestap and Strzok played out in the days following the Clinton-Lynch meeting.

Also of note, the FBI’s third document production contained more emails to and from Director James Comey, Andrew McCabe, and other senior FBI officials. For instance, on July 1, 2016, FBI Assistant Director of the Office of Public Affairs Michael Kortan forwarded a transcript of Attorney General Lynch’s interview with Jonathan Capehart about the meeting to McCabe, Priestap, Rybicki, and copied Director Comey.¹³³

Other documents we obtained shed more light on the agencies’ reaction to the news of the tarmac meeting. On July 1, 2016, a Supervisory Special Agent (SSA) on the FBI Director’s Protective Detail, whose name has been redacted, emailed numerous other FBI officials, whose names have also been redacted, a lengthy email initially marked “Not for Dissimulation [sic].” It begins:

“You have no doubt by now seen the reports regarding the AG and former President Clinton’s impromptu meeting on the tarmac in Phoenix. In addition to the reporting regarding the appropriateness of that meeting taking place given the ongoing investigation, another aspect of the story that is adding fuel to the fire is the alleged statements/actions that are being attributed to FBI agents at the scene of the meeting surrounding the attempts to preclude reporters/public present from taking pictures or recording. *First and foremost no one knows exactly what transpired on the tarmac, and who told whom what.*”¹³⁴

Later in the extensive email instructing the recipients to maintain “an awareness of current issues regarding the FBI and how they may impact the Director,” the FBI official states: “Our job is to protect the boss from harm and embarrassment.”¹³⁵

A detailed timeline describing the contents of all these documents and identifying the individuals involved in the communications is available in Appendix A.

¹³¹ PX refers to Phoenix, AZ.

¹³² Clinton-Lynch Cover-Up FBI Production, *supra* note 102, available at <http://media.aclj.org/pdf/Timing-Not-Ideal-Email.pdf>.

¹³³ *Id.*, available at <http://media.aclj.org/pdf/Priestap-FWD-Transcript-Email.pdf>.

¹³⁴ *Id.*, available at <http://media.aclj.org/pdf/Protect-Boss-from-Embarrassment-Email.pdf> (emphasis added).

¹³⁵ *Id.* (emphasis in original).

V. CONCLUSION & NEXT STEPS

The facts that prompted the ACLJ's FOIA requests are alarming. Attorney General Lynch, head of the DOJ, met with Bill Clinton, whose wife, Hillary Clinton, the Secretary of State and leading Democrat presidential candidate, was under criminal investigation. Shortly after that meeting, Attorney General Lynch announced that she would remove herself from the decision of whether to indict Hillary Clinton, and FBI Director Comey announced that the criminal investigation against Clinton would end with no charges being filed. Equally alarming is the fact that in response to the ACLJ's request for information about that meeting, both the FBI and DOJ lied and withheld key documents in clear violation of FOIA. Yet, the ACLJ successfully fought back in court, forcing both the FBI and DOJ to give us these documents.

A key point of our FOIA requests was to find out what was said, done, and known at the FBI and DOJ in connection with the tarmac meeting, including by whom and when. We succeeded. Now we know.

However, as more than half the documents produced to the ACLJ contain significant redactions, there is still more to learn; and we will continue to demand through our lawsuits that the agencies fully comply with their FOIA obligations. Briefing on the agencies' withholdings will be completed on or before August 24, 2018.

All of this information underscores the importance of keeping our government accountable on all levels. This is why the ACLJ will continue to seek the truth.

ACLJ FOIA REQUEST FOR RECORDS
REGARDING DECISION OF FBI DIRECTOR COMEY
TO EXONERATE HILLARY CLINTON IN EMAIL SERVER INVESTIGATION

ACLJ v. FBI, Department of Justice, 18-cv-373 (D.D.C.)

I. EXECUTIVE SUMMARY

The decision by FBI Director James Comey not to recommend prosecution of Hillary Clinton based on her mishandling of classified emails – and the underlying investigation itself – form the basis for the ACLJ’s second FOIA request aimed at plumbing the depths of corruption by the Obama FBI and DOJ. Through our FOIA request and subsequent lawsuit, the ACLJ obtained evidence that FBI Director Comey had begun preparing his remarks exonerating Hillary Clinton several months before Hillary Clinton and more than a dozen additional witnesses had even been interviewed, in clear contradiction of testimony Comey provided to Congress on the timing of his decision. The documents the ACLJ has obtained offer a further glimpse into both corruption and ineptitude at the nation’s top law enforcement agency during the Obama Administration.

II. BACKGROUND

On June 30, 2017, the Senate Judiciary Committee wrote to a DOJ office requesting transcripts of interviews with Director Comey’s Chief of Staff, Jim Rybicki, and the Principal Deputy General Counsel of National Security and Cyberlaw, Trisha Anderson – both of whom were interviewed as part of the investigation into whether Director Comey’s actions in the Clinton investigation violated the Hatch Act.¹³⁶

On August 8, 2017, transcripts of those interviews were provided to the Committee.¹³⁷ According to Senators Grassley’s and Graham’s letter to FBI Director Christopher Wray on August 30, 2017, the unredacted portions of the transcripts indicated that “Mr. Comey [in April or early May 2016] had already decided he would issue a statement exonerating Secretary Clinton.”¹³⁸ This decision was apparently reached despite the existence of what Director Comey identified as “evidence of potential violations of the statutes regarding the handling of classified information,”¹³⁹ and although the interviews and/or follow-up interviews of seventeen key witnesses, including Secretary Clinton herself, had not yet occurred.

The portions of the transcripts available to the Judiciary Committee include statements from Comey aides that the Director circulated drafts of his statement

¹³⁶ Letter from Senate Judiciary Comm. to FBI Director Christopher Wray (Aug. 30, 2017), *available at* [https://www.judiciary.senate.gov/imo/media/doc/2017-08-30%20CEG%20+%20LG%20to%20FBI%20\(Comey%20Statement\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2017-08-30%20CEG%20+%20LG%20to%20FBI%20(Comey%20Statement).pdf).

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.*

exonerating Secretary Clinton in the spring of 2016 and that “[t]here were many iterations . . . of the draft that circulated”¹⁴⁰

III. THE ACLJ’S WORK TO ACHIEVE TRANSPARENCY

On September 6, 2017, the ACLJ issued a FOIA request¹⁴¹ to the FBI as well as the DOJ. The request sought records pertaining to the FBI’s investigation and decision not to pursue criminal charges against Hillary Clinton, as announced by FBI Director James Comey on July 5, 2016, and Director Comey’s draft statement exonerating Secretary Clinton in early Spring prior to all evidence being received and evaluated by the FBI *and* before seventeen witness interviews had been conducted. In addition, the DOJ entered into highly unusual immunity agreements to destroy evidence and not share it with the FBI. The ACLJ requested all records relating to this information.

In a letter dated September 25, 2017, the FBI responded to the ACLJ, breaking its FOIA request into four separate ones. In a subsequent letter dated October 12, 2017, the FBI advised the ACLJ that the first set of records responsive to the ACLJ’s request were posted on the FBI’s website, and that new document productions would occur monthly. On October 16, 2017, the FBI sent another letter stating that records responsive to another portion of our request were posted on the FBI’s website; however, only 2 pages were produced and nearly 60 pages were withheld. The FBI also indicated that this response was final and it would be providing no further documents. The ACLJ contacted the FBI for clarification about further document production, but received an inadequate response. Thus, the ACLJ filed an administrative appeal to challenge the nearly 60 pages that were withheld, as well as the FBI’s failure to fully respond to all portions of our request.

Because of the failure of both the FBI and the DOJ to adequately and timely respond to the ACLJ’s FOIA request and subsequent appeal, the ACLJ filed a lawsuit¹⁴² against both agencies on February 19, 2018.

IV. DOCUMENTS OBTAINED BY THE ACLJ

As previously stated, in response to the ACLJ’s FOIA request, the FBI informed us it would be uploading records responsive to our request to its FOIA website. Unsurprisingly, the documents we requested concerning Director Comey’s decision – and drafts of that decision¹⁴³ – were almost entirely redacted. Nonetheless, even the scant information disclosed confirms that, as early as May 2016 – months before Secretary

¹⁴⁰ *Id.*

¹⁴¹ FOIA Request from ACLJ to FBI (Sept. 6, 2017), available at http://media.aclj.org/pdf/17.09.06.-FBI-FOIA-Request_Redacted.pdf.

¹⁴² Complaint, *ACLJ v. FBI, Dep’t of Justice*, 18-cv-373 (D.D.C. Feb. 19, 2018) ECF No. 1, available at [http://media.aclj.org/pdf/18.02.19-Complaint-\[FILED\]_Redacted.pdf](http://media.aclj.org/pdf/18.02.19-Complaint-[FILED]_Redacted.pdf).

¹⁴³ *FBI Records: The Vault*, THE FED. BUREAU OF INVESTIGATION, <https://vault.fbi.gov/drafts-of-director-comeys-july-5-2016-statement-regarding-email-server-investigation/Drafts%20of%20Director%20Comeys%20July%205%2C%202016%20Statement%20Regarding%20Email%20Server%20Investigation%20Part%201%20of%201/view> (last visited June 20, 2018).

Clinton herself and more than a dozen key witnesses in the email server investigation had ever been questioned by the FBI – Director Comey was in communication with top-level FBI officials (e.g., his Chief of Staff Jim Rybicki, Deputy Director Andrew McCabe, as well as Peter Strzok, Jonathan Moffa, Bill Priestap, and David Bowdich) seeking input about his statement clearing Secretary Clinton of any criminal charges.

While the documents released thus far by the FBI from the actual Clinton investigation file also provide little information concerning “evidence of potential violations” of the law, as referenced in Director Comey’s public statement closing the Clinton investigation, they do reveal evidence of the FBI’s blatant bungling of the investigation itself. A memorandum¹⁴⁴ recently released in response to our FOIA request explains that the FBI actually lost the chain of custody for a significant piece of evidence.

One of the documents “memorialize[s] the review of case evidence by the [FBI’s] Filter Team”¹⁴⁵ – which separated privileged evidentiary materials in the investigation from non-privileged materials, the latter then being sent to the FBI’s Investigative Team. This document lists the sources of evidence the Filter Team reviewed, which included a Dell Poweredge 2900 and a Seagate Desktop External Hard Drive. According to the document, those two sources alone “contained over 200,000 unallocated files or file fragments available for Filter review.”

Another of the documents offers a truly astonishing revelation, however. This same Dell Poweredge 2900 (one of Clinton’s email servers obtained from Platte River Networks during the Clinton investigation) was initially received by the FBI on August 12, 2015. It was then transported to the FBI Operational Technology Division (OTD) the same day. But when one of the Special Agents working on the investigation went to retrieve this server on October 20, 2015 – presumably for review by the Filter Team – “he *discovered the original chain of custody was missing.*”¹⁴⁶ In fact, the FBI created a new chain of custody starting that day, but the preceding two months were completely unaccounted for.

In short, this document confirms that the FBI cannot confirm the whereabouts of a significant source of evidence for a period covering *more than two months*. The chain of custody in a criminal investigation is critical. It ensures there is no tampering with the evidence. But for two months, no one knows where this server was or how it was secured. This revelation is shocking and further calls into question the integrity of this investigation.

V. CONCLUSION & NEXT STEPS

The FBI will continue to upload records responsive to two portions of our request to its website. The FBI’s search for records responsive to another portion of our request

¹⁴⁴ FOIA Production from FBI to ACLJ, *ACLJ v. FBI, Department of Justice*, 18-cv-373 (D.D.C.), available at <http://media.aclj.org/pdf/Chain-of-Custody-Memo.pdf>.

¹⁴⁵ *Id.*, available at <http://media.aclj.org/pdf/Filter-Team-Evidence-Review-Memo.pdf>.

¹⁴⁶ *Id.*, available at <http://media.aclj.org/pdf/Chain-of-Custody-Memo.pdf> (emphasis added).

has yielded over 1,100 potentially responsive documents. The FBI is processing those and will make its first production from this set of records on or before July 15, 2018, with additional monthly responses occurring until processing and production are complete.

As this lawsuit proceeds, we will continue to press for the release of the information – unredacted – necessary to answer the many questions raised by the highly questionable conduct of the Obama Administration’s FBI and DOJ during the course of the Clinton email investigation and to help give effect to the purposes of FOIA – especially that of “ensur[ing] an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.”¹⁴⁷

¹⁴⁷ *Nat’l Sec. Counselors v. CIA*, 898 F. Supp. 2d 233, 252 (D.D.C. 2012) (quoting *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978)).

**ACLJ DEMANDS RECORDS ON THE OBAMA ADMINISTRATION'S
URANIUM ONE NUCLEAR DEBACLE**

ACLJ v. Department of State, FBI, Department of Justice, and Treasury, 18-cv-374
(D.D.C.)

I. EXECUTIVE SUMMARY

The ACLJ issued FOIA requests to four governmental agencies – the State Department, the FBI, the DOJ and the Department of the Treasury (Treasury) – possessing information relating to the infamous Uranium One deal which gave Russia control over a key component of America’s nuclear security – uranium. When all four agencies failed to respond in a timely manner, the ACLJ filed a lawsuit to force the agencies to follow the law and produce the documents they apparently wanted to hide. Through this lawsuit, the ACLJ seeks to expose what the Obama Administration knew when it approved the controversial transfer, especially in light of the fact that at the time the deal was approved by the Committee on Foreign Investments in the United States (CFIUS) (consisting of a representative from both the offices of the Attorney General and Secretary of State): 1) the FBI had – prior to approval of the deal – collected “substantial evidence” that the Russian nuclear industry operated by the Russian government had compromised an American uranium trucking firm with bribes and kickbacks in violation of the Foreign Corrupt Practices Act; 2) Russian nuclear officials had reportedly given \$145 million to the Clinton Foundation; and 3) Secretary Clinton’s husband received \$500,000 from the Russian government for a speech in Moscow. Thanks to the ACLJ’s lawsuit, all four agencies are currently searching for, or already processing and producing documents responsive to our requests.

II. BACKGROUND

According to The Hill:

Before the Obama administration approved a controversial deal in 2010 giving Moscow control of a large swath of American uranium, the FBI had gathered substantial evidence that Russian nuclear industry officials were engaged in bribery, kickbacks, extortion and money laundering designed to grow Vladimir Putin’s atomic energy business inside the United States, according to government documents and interviews.¹⁴⁸

According to the report,

Federal agents used a confidential U.S. witness working inside the Russian nuclear industry to gather extensive financial records, make secret

¹⁴⁸ John Solomon & Alison Spann, *FBI Uncovered Russian Bribery Plot Before Obama Administration Approved Controversial Nuclear Deal with Moscow*, THE HILL (Oct. 17, 2017, 6:00 AM), <http://thehill.com/policy/national-security/355749-fbi-uncovered-russian-bribery-plot-before-obama-administration>.

recordings and intercept emails as early as 2009 that showed Moscow had compromised an American uranium trucking firm with bribes and kickbacks in violation of the Foreign Corrupt Practices Act, FBI and court documents show.¹⁴⁹

The transfer of a controlling interest in Uranium One to Russian state-owned ARMZ (a wholly owned subsidiary of Rosatom) was approved by the Committee on Foreign Investments in the United States (CFIUS), which consists of leadership from multiple government agencies, including the Attorney General, the Secretary of State and the Secretary of the Treasury. The approval is believed to have occurred on October 22, 2010. Its CFIUS case number is 10-40.

As to the significance of the deal, one article:

detailed how the Russian atomic energy agency, Rosatom, had taken over a Canadian company with uranium-mining stakes stretching from Central Asia to the American West. The deal made Rosatom one of the world's largest uranium producers and brought Mr. Putin closer to his goal of controlling much of the global uranium supply chain.¹⁵⁰

And according to the New York Times in 2015:

[T]he untold story behind that story is one that involves not just the Russian president, but also a former American president and a woman who would like to be the next one.

At the heart of the tale are several men, leaders of the Canadian mining industry, who have been major donors to the charitable endeavors of former President Bill Clinton and his family. Members of that group built, financed and eventually sold off to the Russians a company that would become known as Uranium One.

Beyond mines in Kazakhstan that are among the most lucrative in the world, the sale gave the Russians control of one-fifth of all uranium production capacity in the United States. Since uranium is considered a strategic asset, with implications for national security, the deal had to be approved by a committee composed of representatives from a number of United States government agencies. Among the agencies that eventually signed off was the State Department, then headed by Mr. Clinton's wife, Hillary Rodham Clinton.

¹⁴⁹ *Id.*

¹⁵⁰ Jo Becker & Mike McIntire, *Cash Flowed to Clinton Foundation Amid Russian Uranium Deal*, THE N.Y. TIMES (Apr. 23, 2015), <https://www.nytimes.com/2015/04/24/us/cash-flowed-to-clinton-foundation-as-russians-pressed-for-control-of-uranium-company.html>.

As the Russians gradually assumed control of Uranium One in three separate transactions from 2009 to 2013, Canadian records show, a flow of cash made its way to the Clinton Foundation.¹⁵¹

Newsweek reports the number of dollars given to the Clinton Foundation by “those linked to Uranium One or UrAsia,” another company involved in the series of transactions at issue, at \$145 million.¹⁵²

Also noteworthy,

In March 2010, to push the Obama “reset” agenda, Secretary Clinton traveled to Russia, where she met with Putin and Dimitri Medvedev Soon after, it emerged that Renaissance Capital, a regime-tied Russian bank, had offered Bill Clinton \$500,000 to make a single speech – far more than the former president’s usual haul in what would become one of his biggest paydays ever. Renaissance was an aggressive promoter of Rosatom. The Clinton speech took place in Moscow in June.¹⁵³

Making numerous headlines now, however, is the revelation that “at the time the administration approved the transfer, it knew that Rosatom’s American subsidiary [Tenam USA] was engaged in a lucrative racketeering enterprise that had already committed felony extortion, fraud, and money-laundering offenses”¹⁵⁴ as part of a concerted effort to “compromise[] the American companies that paid the bribes, rendering players in U.S. nuclear energy – a sector critical to national security – vulnerable to blackmail by Moscow.”¹⁵⁵

Rather than bring immediate charges in 2010, however, the Department of Justice (DOJ) continued investigating the matter for nearly four more years, essentially leaving the American public and Congress in the dark about Russian nuclear corruption on U.S. soil during a period when the Obama administration made two major decisions benefiting Putin’s commercial nuclear ambitions.¹⁵⁶

Those two decisions were the CFIUS approval in 2010 for Uranium One to take partial control over Uranium (and its 20% of American uranium). The second decision was made in 2011 when “the administration gave approval for Rosatom’s Tenex subsidiary to sell commercial uranium to U.S. nuclear power plants in a partnership with

¹⁵¹ *Id.*

¹⁵² Greg Price, *Did Russia Send Money to Bill Clinton’s Foundation Like Trump Says? Fact-Checking the President’s Claim*, NEWSWEEK (Oct. 19, 2017, 11:19 AM), <http://www.newsweek.com/fact-check-clintons-russia-trump-688592>.

¹⁵³ Andrew C. McCarthy, *The Obama Administration’s Uranium One Scandal*, NATIONAL REVIEW (Oct. 21, 2017, 4:00 AM), <http://www.nationalreview.com/article/452972/uranium-one-deal-obama-administration-doj-hillary-clinton-racketeering>.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ Solomon & Spann, *supra* note 148.

the United States Enrichment Corp. Before then, Tenex had been limited to selling U.S. nuclear power plants reprocessed uranium recovered from dismantled Soviet nuclear weapons.”¹⁵⁷

As reported by The Hill, even though:

[t]hen-Attorney General Eric Holder was among the Obama administration officials joining Hillary Clinton on the Committee on Foreign Investment in the United States at the time the Uranium One deal was approved[,] [m]ultiple current and former government officials told The Hill they did not know whether the FBI or DOJ ever alerted committee members to the criminal activity they uncovered.¹⁵⁸

“In 2010, the State Department’s representative was former Assistant Secretary of State for Economic, Energy and Business Affairs Jose W. Fernandez . . . The Treasury Department was represented by Marisa Lago, Assistant Secretary of Treasury for International Markets and Development.”¹⁵⁹ The National Security Division (NSD) of the Department of Justice “serves as the staff-level DOJ representative on the CFIUS,”¹⁶⁰ but Attorney General Eric Holder was the DOJ’s cabinet-level official who sat on the committee.¹⁶¹

III. THE ACLJ’S WORK TO ACHIEVE TRANSPARENCY

The ACLJ submitted its FOIA requests to the various agencies on October 25, 2017,¹⁶² and received non-compliant letters from the State Department and the DOJ. The FBI granted expedited processing, but then also failed to comply with the statutory requirements of FOIA. The ACLJ received no response from Treasury. As a result, the ACLJ filed its lawsuit against the State Department, DOJ, the FBI, and Treasury on

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ Michael Patrick Leahy, *Clinton Cash Uranium Deal Approved by Foreign Investment Committee 52 Days After Shareholders Finalized Takeover*, BREITBART (May 4, 2015), <http://www.breitbart.com/big-government/2015/05/04/clinton-cash-uranium-deal-approved-by-foreign-investment-committee-52-days-after-shareholders-finalized-takeover/>.

¹⁶⁰ U.S. DEP’T OF JUSTICE, NAT’L SEC. DIV., PERFORMANCE BUDGET CONGRESSIONAL SUBMISSION, FISCAL YEAR 2016 (2016), https://www.justice.gov/sites/default/files/jmd/pages/attachments/2015/02/01/6._national_security_division_nsd.pdf.

¹⁶¹ Solomon & Spann, *supra* note 148.

¹⁶² FOIA Request from ACLJ to Treasury (Oct. 25, 2017), available at http://media.aclj.org/pdf/FOIARequest-DeptTreasury-10-25-17_Redacted.pdf; FOIA Request from ACLJ to Dep’t of State (Oct. 25, 2017), available at http://media.aclj.org/pdf/FOIARequest-StateDept-10-25-17_Redacted.pdf; FOIA Request from ACLJ to DOJ OPA (Oct. 25, 2017), available at http://media.aclj.org/pdf/FOIARequest-DOJ-OffPublicAffairs-10-25-17_Redacted.pdf; FOIA Request from ACLJ to DOJ NSD (Oct. 25, 2017), available at http://media.aclj.org/pdf/FOIARequest-NSD-DOJ-10-25-17_Redacted.pdf; FOIA Request from ACLJ to FBI (Oct. 25, 2017), available at http://media.aclj.org/pdf/FOIARequest-FBI-DOJ-10-25-17_Redacted.pdf.

February 19, 2018.¹⁶³ Litigation is ongoing, and only a few documents have been produced at this time. In response to a court order, though, all the agency defendants in the case recently reported to the court the status of their responses to our requests. Here is what they told the court:

DOJ’s National Security Division (“NSD”). NSD completed its processing of the 172 unclassified records it initially identified as potentially responsive and sent its first interim response letter to Plaintiff on May 11, 2018, notifying Plaintiff that all 172 documents were being withheld in full pursuant to FOIA exemption (b)(3). NSD continues to anticipate that it will complete its processing of the classified records it has identified as potentially responsive— and will produce all responsive, non-exempt material subject to FOIA (if any) from these records—on or before July 11, 2018.

DOJ’s Office of Information Policy (“OIP”). OIP has completed its initial search for unclassified records and has identified approximately two hundred potentially responsive items. OIP anticipates that it will complete its review of these two hundred potentially responsive unclassified items—and will produce all responsive, non-exempt material subject to FOIA (if any)—within 60 days, i.e., on or before August 10, 2018.

FBI. The FBI continues to anticipate that it will produce to Plaintiff any responsive, non-exempt material subject to FOIA identified in its initial search by June 29, 2018.

State Department. State Department has processed 134 pages of the 2,200 potentially responsive records initially located by State and will make its first interim production of responsive, non-exempt documents subject to FOIA today (June 11, 2018). State has proposed to continue processing potentially responsive records at an average rate of 300 pages per month and to make monthly productions of responsive, non-exempt material (if any) subject to FOIA. The parties, however, have not reached an agreement on a rate of production. Plaintiff is awaiting an estimated total page count comprised by the potentially responsive documents located thus far by State before proposing what it considers to be a reasonable processing rate. The parties will address any disagreement regarding a reasonable processing rate in the next joint status report due, which they propose be due on July 11, 2018.

Treasury. Treasury continues to anticipate that it will complete its initial search for potentially responsive records subject to FOIA by July 11, 2018. Because Treasury has not yet completed its initial search, and

¹⁶³ Complaint, *ACLJ v. Dep’t of State, FBI, Dep’t of Justice, & Treasury*, 18-cv-374 (D.D.C. Feb. 19, 2018), ECF No. 1, available at <http://media.aclj.org/pdf/complaint-dos-doj-fbi-treasury-02192018.pdf>.

the volume of potentially responsive records is not yet known, Treasury is not currently in a position to provide an estimate as to when it could begin production of any responsive, non-exempt material subject to FOIA.¹⁶⁴

IV. DOCUMENTS OBTAINED BY THE ACLJ

The NSD has completed its search for all documents and has informed the ACLJ that all non-classified documents responsive to its request (totaling 172 documents) are being withheld in full, totaling 172 documents. The State Department has located more than 2,200 potentially responsive documents and began producing documents on June 11, 2018. State will continue to produce documents on a rolling, monthly basis until production is complete. The ACLJ has obtained commitments from all other agencies to wrap up searches and/or begin producing all non-responsive documents before the end of July. Specifically, the FBI is in the process of producing all responsive documents, and DOJ OIP will make its first production on August 11, 2018.

The State Department has produced 24 pages thus far, comprising six documents (five released in full, one in part). The State Department has withheld an additional seven documents entirely, claiming exemptions. In its production to the ACLJ, the State Department included an internal State Department memorandum from Charles Faulkner advising the agency on how to respond to congressional inquiries and whether to produce documents requested.¹⁶⁵ The pertinent content of the memorandum has been withheld under FOIA exemption (b)(5) – an exemption regularly asserted by State Department even where such exemption is improperly supported.

The full document productions to date can be downloaded [here](#).¹⁶⁶

V. CONCLUSION & NEXT STEPS

Interestingly, in an initial response to our FOIA requests, the DOJ and FBI conceded that the information the ACLJ seeks is “a matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence,” and should be released as soon as possible. The DOJ’s National Security Division further reiterated that there “is a particular urgency to inform the public about an actual or alleged federal government activity.” But, ironically, the agencies have been less than expeditious in making available and producing all documents available to the ACLJ.

The ACLJ’s lawsuit, will prevent further delay by these agencies in responding to our FOIA requests because agencies will proceed under the supervision of a federal court.

¹⁶⁴ Joint Status Report, pp. 1-2, *ACLJ v. Dep’t of State, et al.*, 18-cv-374 (D.D.C. June 11, 2018), ECF No. 17.

¹⁶⁵ FOIA Production from Dep’t of State to ACLJ, p. 1, *ACLJ v. Dep’t of State, et al.*, 18-cv-374 (D.D.C.), available at <http://media.aclj.org/pdf/Uranium-One-Russia-Prod.pdf>.

¹⁶⁶ *Id.*

In fact, our lawsuit has already forced the agencies to respond. These lawsuits are an essential part of how the ACLJ holds the government accountable.

Section III: The Obama-Era State Department's Corruption and Deception

Corruption and deception swept federal agencies during the Obama Administration, permeating the Deep State bureaucracies. Nowhere are these viruses more prevalent than within the State Department. As evidence of the ever-expanding web of lies accumulated from 2015 through 2017, the ACLJ issued five FOIA requests to help us, and the public, uncover the truth. Only after suing the State Department in each of the five cases has the ACLJ obtained documents responsive to its FOIA requests. Through these documents, the ACLJ has discovered that under President Obama's leadership, 1) the State Department attempted to conceal a portion of a daily press briefing video confirming that President Obama misled the American people about when and how negotiations with Iran began concerning the Iran nuclear deal; 2) Secretary Clinton colluded with and used the State Department to serve the interests of the Clinton Foundation and its donors; and 3) State Department officials, including Samantha Power, harbored political bias against the incoming President and the conservative agenda, and openly expressed this bias to colleagues while also submitting an unprecedented number of unmasking requests of U.S. citizens in the few months leading up to the inauguration of our current President. In addition, and just as we suspected, we are unable to find any evidence that the State Department took any meaningful action against ISIS and the ongoing genocide against Christians and other religious minorities, despite the Obama Administration's knowledge of the genocide as early as 2014.

ACLJ FOIA LAWSUIT DEMANDS RECORDS
REGARDING STATE DEPARTMENT’S DELETION OF DAILY PRESS
BRIEFING VIDEO CONTENT THAT SHOWED OBAMA ADMINISTRATION
LIED ABOUT WHEN IT BEGAN ITS SECRET TALKS WITH IRAN

ACLJ v. Department of State, 16-cv-1355 (D.D.C.)

I. EXECUTIVE SUMMARY

As we now know, the Obama Administration gravely misled the American people and Congress in its desperate attempt to reach an agreement on a misguided and disastrous nuclear deal with Iran. In relation to the Administration’s many deceptions in this regard, the ACLJ issued a FOIA request to the State Department demanding answers regarding the deletion of a portion of a daily press briefing video from December 2, 2013. The deleted portion of the video revealed that the Obama Administration lied to the American people about when and with whom it began conducting bilateral talks with Iran – that such talks actually began in secret, perhaps as early as 2011. These talks were with the more radical Iranian President Ahmadinejad instead of the supposedly more moderate President Rouhani. Only through litigation was the ACLJ able to uncover evidence which directly disputes the State Department’s initial explanation to the American public that the deletion/alteration was simply a “glitch.” In fact, a “sensitive” internal State Department memo obtained by the ACLJ provides “Evidence of Purposeful Editing.” This document reveals that a technician within the agency’s Public Affairs office was specifically instructed to edit the portion of the video which included the exchange between a FOX News reporter and State Department spokesperson Jen Psaki regarding the Administration’s deception.

II. BACKGROUND

On Monday, May 9, 2016, then-Fox News chief Washington correspondent James Rosen reported that the State Department edited, deleted, altered, or otherwise manipulated the video of its Daily Press Briefing held December 2, 2013.¹⁶⁷ The edit removed approximately eight minutes of video beginning at 26:56. The deleted portion contained a series of questions submitted by Rosen and State Department spokesperson Jen Psaki’s answers to those questions.

The deleted portion contained dialogue concerning Iran, and more specifically, the year in which the Obama Administration began its direct secret bilateral talks with Iran culminating in what became known as the Iran Deal. At the Daily Press Briefing on December 2, 2013, Rosen asked Psaki if the talks had begun in 2011, as Deputy National

¹⁶⁷ Brett T., *Gone in a Flash: James Rosen Reports His Iran Deal Question was Excised from Archives*, TWITCHY.COM (May 9, 2016, 9:08 PM), <http://twitchy.com/brettt-3136/2016/05/09/gone-in-a-flash-james-rosen-reports-his-iran-deal-question-was-excised-from-archives-video/>.

Security Advisor Ben Rhodes had recently admitted to the New York Times.¹⁶⁸ Rhodes also indicated to the New York Times that the White House identified the election of moderate Iranians to the government to justify its decision to begin talks in 2013.¹⁶⁹

Within the deleted portion of the video, according to the Transcript of the Daily Press Briefing – December 2, 2013, Rosen recited his dialogue with Psaki’s predecessor, Victoria Nuland, as follows:

QUESTION: On the 6th of February in this room, I had a very brief exchange with your predecessor, Victoria Nuland –

MS. PSAKI: Mm-hmm.

QUESTION: – about Iran. And with your indulgence, I will read it in its entirety for the purpose of the record and so you can respond to it.

“Rosen: There have been reports that intermittently, and outside of the formal P5+1 mechanisms, the Obama Administration, or members of it, have conducted direct secret bilateral talks with Iran. Is that true or false?”

“Nuland: We have made clear, as the Vice President did at Munich, that in the context of the larger P5+1 framework, we would be prepared to talk to Iran bilaterally. But with regard to the kind of thing that you’re talking about on a government-to-government level, no.”

That’s the entirety of the exchange.¹⁷⁰

Rosen continued:

As we now know, senior [S]tate [D]epartment officials had, in fact, been conducting direct, secret bilateral talks with senior officials of the Iranian Government in Oman, perhaps dating back to 2011 by that point.

So the question today is a simple one: When the briefer was asked about those talks and flatly denied them from the podium, that was untrue, correct?

¹⁶⁸ David Samuels, *The Aspiring Novelist Who Became Obama’s Foreign-Policy Guru*, *New York Times*, NY TIMES (May 5, 2016), http://www.nytimes.com/2016/05/08/magazine/the-aspiring-novelist-who-became-obamas-foreign-policy-guru.html?_r=1.

¹⁶⁹ *Id.*

¹⁷⁰ Daily Press Briefing, Jen Psaki, Spokesperson, U.S. DEP’T OF STATE (Dec. 2, 2013), <https://2009-2017.state.gov/r/pa/prs/dpb/2013/12/218178.htm>.

MS. PSAKI: I mean, James, I – that – you’re talking about a February briefing, so 10 months ago. I don’t think we’ve outlined or confirmed contacts or specifics beyond a March meeting. I’m not going to confirm others beyond that at this point. So I don’t know that I have any more for you.

QUESTION: Do you stand by the accuracy of what Ms. Nuland told me, that there had been no government-to-government contacts, no secret direct bilateral talks with Iran as of the date of that briefing, February 6th? Do you stand by the accuracy of that?

MS. PSAKI: James, I have no new information for you today on the timing of when there were any discussions with any Iranian officials.

QUESTION: Let me try it one last way, Jen –

MS. PSAKI: Okay.

QUESTION: – and I appreciate your indulgence.

MS. PSAKI: Sure.

QUESTION: Is it the policy of the State Department, where the preservation or the secrecy of secret negotiations is concerned, to lie in order to achieve that goal?

MS. PSAKI: James, I think there are times where diplomacy needs privacy in order to progress. This is a good example of that. Obviously, we have made clear and laid out a number of details in recent weeks about discussions and about a bilateral channel that fed into the P5+1 negotiations, and we’ve answered questions on it, we’ve confirmed details. We’re happy to continue to do that, but clearly, this was an important component leading up to the agreement that was reached a week ago.

QUESTION: Since you, standing at that podium last week, did confirm that there were such talks, at least as far back as March of this year, I don’t see what would prohibit you from addressing directly this question: Were there secret direct bilateral talks between the United States and Iranian officials in 2011?

MS. PSAKI: I don’t have anything more for you today. We’ve long had ways to speak with the Iranians through a range of channels, some of which you talked – you mentioned, but I don’t have any other specifics for you today.

QUESTION: One more on Iran?

QUESTION: The Los Angeles Times and Politico have reported that those talks were held as far back as 2011. Were those reports inaccurate?

MS. PSAKI: I'm not sure which reports you're talking about. Are you talking about visits that the Secretary and others made to Oman, or are you talking about other reports?

QUESTION: I'm talking about U.S. officials meeting directly and secretly with Iranian officials in Oman as far back as 2011. The Los Angeles Times and Politico have reported those meetings. Were those reports inaccurate?

MS. PSAKI: I have nothing more for you on it, James, today.¹⁷¹

Additional deleted video footage contained dialogue between Psaki and members of the press regarding the efficacy of sanctions on Iran and Iran's progress in developing nuclear weapon capabilities. A portion of that omitted dialogue is as follows:

QUESTION: – Secretary Kerry, when he did his round robin of interviews after the announcement of the deal in Geneva, more than once stated that when Iran had reached out to the Bush-Cheney Administration in 2003, Iran was only in possession of 164 centrifuges. Now, he would go on to say, they have 19,000, and this therefore represents the best possible deal that could be secured.

Isn't it a fact that since the Obama-Biden Administration took office, 70 percent of Iran's centrifuges have been installed?

MS. PSAKI: Well, I'd have to look at the statistics, James, but we have not questioned the fact that Iran has made progress on enrichment and on developing a nuclear weapon. We have not questioned that. That's one of the reasons why we stepped up sanctions over the past couple of years. The President and Secretary Kerry were big proponents of that. We worked with the international community to do just that to put that necessary pressure in place.¹⁷²

III. THE AGENCY'S POSITION

The State Department gave inconsistent and shifting answers once confronted with questions about its deletion of the video footage. According to news reports, Psaki's responses to Rosen's questions deleted from the video were statements where she

¹⁷¹ *Id.*

¹⁷² *Id.*

“acknowledge[d] misleading the press on the Iran negotiations.”¹⁷³ The significance of the apparent deception, and more importantly for purposes of the ACLJ’s FOIA request, the deletion of State Department video footage where that apparent deception is acknowledged, is magnified in light of Ben Rhodes’ infamous admissions to the New York Times about the Obama Administration’s manipulation of the press. While the Administration initially claimed that the deletion was an unintentional “glitch,” the ACLJ’s media team analyzed the video and the “white flash” edit and determined that this could not possibly be simply a glitch.

IV. THE ACLJ’S WORK TO ACHIEVE TRANSPARENCY

On May 12, 2016, the ACLJ issued a FOIA request to the State Department.¹⁷⁴ This request sought information pertaining to the editing, alteration, and/or manipulation of the official U.S. State Department Daily Press Briefing of December 2, 2013. As is the case in all of our FOIAs issued to the State Department, the State Department failed to properly respond to the request as required by law. And so on June 28, 2016, the ACLJ filed suit in the U.S. District Court for the District of Columbia to force the agency to follow the law.¹⁷⁵

V. DOCUMENTS RECEIVED BY THE ACLJ

As a result of our lawsuit and the court’s supervision of the State Department’s record production, the ACLJ obtained a total of 797 pages of records comprising 70 documents responsive to our FOIA request. The State Department released 34 documents in full and 36 documents in part.

The full document production to date can be downloaded [here](#).¹⁷⁶

Just as we suspected, the documents produced by the State Department revealed that the Obama Administration intentionally manipulated the public video record of the press briefing – deleting the portion in which it admitted lying to the American people about the Iran nuclear negotiations.

As part of our litigation, the State Department turned over a “sensitive but unclassified” memo on the State Department’s review of the matter containing a section specifically titled: “Evidence of Purposeful Editing.”¹⁷⁷ This section reveals that a

¹⁷³ *State Dept. Faces Questions Over Missing Tape, Amid Scramble Over WH Aide’s Iran Boast*, FOX NEWS (May 10, 2016), <http://www.foxnews.com/politics/2016/05/10/state-dept-faces-questions-over-missing-tape-amid-scramble-over-wh-aides-iran-boast.html>.

¹⁷⁴ FOIA Request from ACLJ to Dep’t of State (May 12, 2016), available at http://media.aclj.org/pdf/ACLJ-FOIA-to-State-Dept-re-Iran-Press-Video_Redacted.pdf.

¹⁷⁵ Complaint, *ACLJ v. Dep’t of State*, 16-cv-1355 (D.D.C. June 28, 2016), available at [http://media.aclj.org/pdf/foiaCOMPLAINT-\(redacted\).pdf](http://media.aclj.org/pdf/foiaCOMPLAINT-(redacted).pdf).

¹⁷⁶ FOIA Production from Dep’t of State to ACLJ, *ACLJ v. Dep’t of State*, 16-cv-1355 (D.D.C.) [hereinafter, Iran Lie Production], available at <http://media.aclj.org/pdf/Iran-Lie-Video---FullProd.pdf>.

¹⁷⁷ *Id.*, available at <http://media.aclj.org/pdf/Sensitive-State-Department-Memo-on-Iran-Video-Deletion.pdf>.

technician in the Public Affairs (PA) office of the State Department “received a request to edit the video over the phone from a female caller from elsewhere in PA who could credibly assert that an edit should be made.” Additionally, the report presents definitive evidence that “the requester had mentioned in the course of the call a Fox network reporter and Iran. The technician indicated that the requester may also have provided the start and end times for an edit” This document obtained by ACLJ is the clearest evidence of the Obama Administration’s State Department intentional editing of the video and attempt to delete footage of an embarrassing admission – that it had lied to the American people about when it began its secret talks with Iran.

Here is the pertinent excerpt from the memo:

Evidence of Purposeful Editing. A technician from PA recalled having received a request to edit the video over the phone from a female caller from elsewhere in PA who could credibly assert that an edit should be made. Given the passage of time, the technician's memory was imperfect. The technician did not recall the identity of the caller and the Department has been unable to ascertain it independently through interviews or document review. The technician believed that the call likely came late in the day, well after the briefing would have ended. The technician did not believe the call had come from the Spokesperson. The technician did not recall a reason being given for the edit request, but did believe that the requester had mentioned in the course of the call a Fox network reporter and Iran. The technician indicated that the requester may also have provided the start and end times for an edit, though the technician also recalls consulting the written transcript to locate the exchange. Although the technician recalled seeking approval from a supervisor, when interviewed the supervisor did not recall that exchange or anything else about the video. The technician also recalled adding a white flash in order to make clear that footage had been removed. However, that technician does not usually engage in any editing, and is usually not involved in the daily press briefing video processing until several steps into the process of preparing the video for web distribution.¹⁷⁸

VI. CONCLUSION AND NEXT STEPS

Document production is purportedly complete. The State Department claims to have fulfilled its FOIA obligations by completing a thorough search for documents and the production of all non-exempt documents responsive to the ACLJ’s FOIA request. As explained above, *the State Department withheld information in more than half of the documents produced.* In summary judgment proceedings before the court, the ACLJ has challenged the adequacy of the agency’s search as well as the validity of several FOIA exemptions asserted by the State Department to withhold information from the ACLJ.

¹⁷⁸ *Id.*

The content withheld by the State Department includes email communications exchanged among State Department officials *after* Rosen reported on the deletion of video footage and involves discussions on how the State Department should respond to media inquiries as well as final versions of press guidance and talking points.¹⁷⁹ In other words, the redacted material consists of discussions that took place after the fact, not deliberations before or leading up to an agency decision and which properly fall under a FOIA exemption. Crucially, the State Department has admitted that the information withheld contains facts relating to deletion of the video – not merely the opinion of agency employees. Accordingly, the ACLJ’s position is that the redactions, purportedly based on the deliberative process privilege exemption, are improper. A decision by the court on these issues is expected any day. The ACLJ believes the information likely contains information that would shed light on who instructed the deletion of the video and why. And so, our critical legal work to reveal the truth will continue. It will be absolutely crucial to undoing the damage done by this flawed deal and dismantling the devastating impact the “deal” continues to have.

¹⁷⁹ *Id.*, available at <http://media.aclj.org/pdf/EXHIBIT-C---Response-Documents-to-Plaintiff's-FOIA-Request.pdf> (compilation of all documents containing the challenged withholdings, filed with the court).

ACLJ FOIA LAWSUIT DEMANDS RECORDS
REGARDING SECRETARY CLINTON AND STATE DEPARTMENT'S
COLLUSION WITH CLINTON FOUNDATION

ACLJ v. Department of State, 16-cv-1975 (D.D.C.)

I. EXECUTIVE SUMMARY

Before being confirmed as Secretary of State, Hillary Clinton testified to Congress that she would maintain a complete separation between her two worlds – the Clinton Foundation and any donors hoping to obtain favors, on the one hand, and her operation of the State Department on the other. In fact, she assured Congress that steps had already been taken to avoid even the appearance of a conflict of interest.¹⁸⁰ This has proven to be a lie. The ACLJ's FOIA request and subsequent litigation have revealed evidence that there was absolutely no firewall. Instead, the Clinton State Department became a favor factory for the Clinton Foundation and its donors. This is evidenced by hundreds of emails obtained by ACLJ between Clinton and her top aides and high-ranking officials at the Clinton Foundation which show requests for State Department favors, jobs, and ambassadorships funneling through the Clinton Foundation. This FOIA began with the ACLJ exposing the name and position of the first "favor" reported in the media – Brock Johnson, an Obama campaign operative who was granted a State Department job as a "favor" to the Clinton Foundation and who later warned Hillary Clinton's top adviser of the first FOIA request for her emails, helping delay the discovery of her email scandal for months.

II. BACKGROUND

As reported in The Wall Street Journal, Judicial Watch released "44 emails from [Mrs. Clinton's] personal server that Mrs. Clinton failed to turn over in the batch she told the State Department included everything that was work-related. The emails paint a picture of top Clinton aides at State eager to do favors for Clinton Foundation donors."¹⁸¹

A. Email chain of April 25, 2009

According to the Washington Post:

The emails, obtained by the conservative group Judicial Watch as part of a public-records lawsuit, included one in which a longtime aide to Bill Clinton sought a State Department meeting on behalf of a major foundation donor.

¹⁸⁰ See *Nomination of Hillary R. Clinton to be Secretary of State: Hearing Before the Comm. on Foreign Relations, 111th Cong. (2009)*, available at <https://www.gpo.gov/fdsys/pkg/CHRG-111shrg54615/html/CHRG-111shrg54615.htm>.

¹⁸¹ *Hillary's Latest 'Old News'*, WALL STREET JOURNAL (Aug. 10, 2016, 7:33 PM), <http://www.wsj.com/articles/hillarys-latest-old-news-1470872003>.

The aide, Doug Band, who played a role in expanding the foundation's reach, wrote to Hillary Clinton's State Department staff requesting a meeting for a wealthy Nigerian businessman of Lebanese descent who has given the Clinton Foundation \$1 million to \$5 million in donations, according to disclosure reports.¹⁸²

According to Doug Band's email to Huma Abedin and Cheryl Mills:

"We need Gilbert Chagoury to speak to the substance person re Lebanon," Band wrote in the email addressed to Huma Abedin and Cheryl Mills, two of Clinton's closest aides at State. "As you know he's a key guy there and to us and is loved in Lebanon. Very imp."

Abedin responded with the name of the recent U.S. ambassador to Lebanon, Jeffrey Feltman, who was serving as acting assistant secretary of state for near eastern affairs. She added: "I'll talk to Jeff."¹⁸³

Just approximately 15 minutes later, Band responded to Huma Abedin:

Better if you call him

Now preferable

This is very important

[redacted]¹⁸⁴

A senior State Department official and Clinton adviser, Cheryl Mills, was copied on this exchange.

B. Email chain of April 22, 2009

The Washington Post also reported on a second email chain:

The communications released this week by Judicial Watch include an April 22 email from Band to Abedin, Mills and another aide with the subject line: "A favor. . ."

"Important to take care of [name redacted]," the email said.

¹⁸² Tom Hamburger, *Email Batch Provides Additional Evidence That Clinton Foundation Donors Got Access at State Department*, WASH. POST (Aug. 10, 2016, 9:42 PM), https://www.washingtonpost.com/politics/email-batch-provides-additional-evidence-that-clinton-foundation-donors-got-access-at-state-department/2016/08/10/de2c0066-5f1a-11e6-9d2f-b1a3564181a1_story.html?hpid=hp_hp-top-table-main_clintonemails944pm%3Ahomepage%2Fstory.

¹⁸³ *Id.*

¹⁸⁴ FOIA Request from ACLJ to Dep't of State, Exhibit A, p. 2 (Aug. 15, 2016) (on file with the ACLJ).

Abedin, who had overlapping roles with the State Department, the foundation and a consulting firm led by Band, responded quickly: “We have all had him on our radar. Personnel has been sending him options.”¹⁸⁵

More than just the person’s name was redacted from Doug Band’s email.¹⁸⁶ The email from Band was addressed to Nora Toiv, and copied to Huma Abedin and Cheryl Mills.¹⁸⁷ Less than ten minutes later, Abedin responded.¹⁸⁸ Media reports suggest the “favor” solicited by Band was to offer a job at the DOS to the person whose name was redacted.¹⁸⁹

According to a Clinton Foundation press release issued on March 9, 2009, just a little over a month before the email chain at issue was initiated, “President Bill Clinton travelled to Haiti with United Nations Secretary-General Ban Ki-moon and a delegation of business and philanthropic leaders.”¹⁹⁰ According to the Clinton Foundation’s website, “The Clinton Foundation has been actively engaged in Haiti since 2009, focusing on economic diversification, private sector investment, and job creation in order to create long-term, sustainable economic development.”¹⁹¹

III. THE ACLJ’S WORK TO ACHIEVE TRANSPARENCY

The ACLJ issued its FOIA request to the State Department on August 15, 2016.¹⁹² After the State Department failed to comply with the law, again, we filed a lawsuit in federal court in October of 2016 challenging the State Department’s failure to produce documents and alleging that the agency is engaged in a long-time pattern and practice of violating FOIA – a claim that allows for injunctive and declaratory relief against the agency.¹⁹³ Following a court-ordered status report, on January 19, 2017 (the night before the Inauguration), the State Department produced a batch of records identifying Brock Johnson as the subject of the “favor” mentioned in the April 22, 2009, email. Since then, the ACLJ has been in court on numerous occasions in this case securing the production of thousands of documents evidencing more favors, collusion, and corruption.

¹⁸⁵ Hamburger, *supra* note 182.

¹⁸⁶ FOIA Request from ACLJ to Dep’t of State, Exhibit A, p. 1 (Aug. 15, 2016) (on file with ACLJ).

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ Julian Hattem, *In Email, State Asked to ‘Take Care of’ Clinton Foundation Associate*, THE HILL (Aug. 9, 2016, 12:56 PM), <http://thehill.com/policy/national-security/290864-in-email-state-dept-asked-to-take-care-of-clinton-foundation>.

¹⁹⁰ Press Release: President Clinton Visits CGI Commitment Sites in Haiti (Mar. 9, 2009), <https://www.clintonfoundation.org/main/news-and-media/press-releases-and-statements/press-release-president-clinton-visits-cgi-commitment-sites-in-haiti.html>.

¹⁹¹ *Our Work: Clinton Foundation in Haiti*, CLINTONFOUNDATION.ORG, <https://www.clintonfoundation.org/our-work/clinton-foundation-haiti> (last visited June 21, 2018).

¹⁹² FOIA Request from ACLJ to Dep’t of State (Aug. 15, 2016), *available at* http://media.aclj.org/pdf/FOIARrequest-StateDept-EmailsApril2009%5B2%5D_Redacted.pdf.

¹⁹³ Complaint, *ACLJ v. Dep’t of State*, 16-cv-1975 (D.D.C. Oct. 5, 2016), ECF No. 1, *available at* [http://media.aclj.org/pdf/Complaint-\(ACLJ-v.-DOS,-16-cv-1975\)_Redacted.pdf](http://media.aclj.org/pdf/Complaint-(ACLJ-v.-DOS,-16-cv-1975)_Redacted.pdf).

In addition, and despite the State Department’s fervent effort to obtain dismissal of the ACLJ’s pattern and practice claim against the agency, the court ruled on February 8, 2018, to allow the ACLJ to move forward on the claim. The State Department has responded by filing a motion for summary judgment. The parties completed briefing earlier this month and await a decision from the court.

IV. DOCUMENTS RECEIVED BY THE ACLJ

As a result of our lawsuit, a federal court initially ordered the State Department to process documents at an unprecedented rate of 1,000 pages per month for a period of five months, the largest such production since the presidential election. The agency is now processing documents at a rate of 600 pages per month pursuant to a more recent court order. To date, the ACLJ has received approximately 8,042 pages – comprising 3,150 total documents (1,253 released in full and 1,897 in part). Another 57 documents have been withheld in their entirety.

The full document productions to date can be downloaded [here](#).¹⁹⁴

The documents obtained by the ACLJ confirm that Secretary Clinton violated the trust of the American people and that Clinton Foundation officials and even President Bill Clinton participated in the arrangement. In direct contravention of her assurances to Congress that she would not participate personally or substantially in any particular matter that has a direct and predictable effect on her financial interests or those of family members unless she first obtained a written waiver pursuant to law, the documents obtained by the ACLJ reveal that donors to the Clinton Foundation and Global Initiative were regularly granted favors, access, jobs, and special treatment.

One of the earliest documents produced by the State Department to the ACLJ reveals¹⁹⁵ the identity of one such recipient of a State Department favor to a donor: Brock Johnson. Until the ACLJ’s FOIA request, Johnson’s identity had remained concealed. In fact, the State Department had withheld his identity in its prior document productions to Judicial Watch. Here’s a summary of what we know: At the request of a top Clinton Foundation official, Doug Band, to Secretary Clinton’s top aides, Huma Abedin and Cheryl Mills, Brock Johnson was given a job classified as “critical sensitive” at the State Department.

In one set of emails, Doug Band, a senior Clinton Foundation official, forwarded a request for “a favor” for someone who apparently had joined President Bill Clinton and United Nations Secretary-General Ban ki-Moon on an infamous trip to Haiti in 2009. That person’s name was redacted. “Important to take care of [redacted],” says Band. Then Secretary Clinton’s top aide at the State Department, Huma Abedin,

¹⁹⁴ FOIA Production from Dep’t of State to ACLJ, *ACLJ v. Dep’t of State*, 16-cv-1975 (D.D.C.) [hereinafter, Clinton Foundation Favors Production], available at <http://media.aclj.org/pdf/Clinton-Foundation-Favors---FullProd.pdf>

¹⁹⁵ Clinton Foundation Favors Production, *supra* note 194, available at [http://media.aclj.org/pdf/ACLJ-\(Records\)-Production-001_2-For-Release.pdf](http://media.aclj.org/pdf/ACLJ-(Records)-Production-001_2-For-Release.pdf).

responds: “Personnel has been sending him options.” Johnson was ultimately hired as the “Special Assistant to the Special Envoy for Guantanamo Closure.” The job description states that he was to help the Special Envoy “in furtherance of President Obama’s order to close the Guantanamo Bay detention facility.”

The emails indicate that Brock was offered a job at the State Department two weeks after Band’s requested favor. Another email shows that Johnson was granted “interim clearance for access to classified information at the [redacted] level” less than two weeks after the “favor” email. Other emails show that by November 2012, he worked directly with Mills and was a party to numerous email chains sent directly to and from Secretary Clinton.

Additionally, while it was previously known that Johnson – an Obama campaign operative – was the State Department staffer who warned Mills of incoming FOIAs regarding the Clinton emails, not until the ACLJ’s FOIA did it become known that Johnson was planted at the State Department as a favor to the Clinton Foundation. It was this warning that subsequently allowed Clinton’s aides to hide Clinton’s use of a private email server from the public, delaying her email scandal from breaking for months.

Johnson is just the tip of the iceberg of the mounting evidence that Secretary Clinton used the State Department as a favor factory for donors and Clinton Foundation associates. Through our litigation, we have been informed that the State Department has located – and will be forced to turn over to the ACLJ – thousands of documents involving State Department officials’ communications with and about the Clinton Foundation, its subsidiaries, and its senior operatives during the duration of Hillary Clinton’s time as Secretary of State.

The sheer volume alone – some 30,000 emails – debunks the false assertion that there was any kind of firewall whatsoever between Clinton’s State Department and the Clinton Foundation or that she had any intention of honoring her assurances to Congress or the American people.

The alarming number of such communications,¹⁹⁶ only now being uncovered through our FOIA request and subsequent litigation, show extensive communications exchanged between Clinton or her senior staff at the State Department and Doug Band – a senior aide at the Clinton Foundation and creator of the Clinton Global Initiative (CGI).

In recent court filings, the State Department has revealed¹⁹⁷ that more than 8,700 documents (not pages) exist in Cheryl Mills’ and/or Huma Abedin’s files which contain the single search term, “Doug Band.” It is possible, and indeed likely, that each document consists of several pages.

¹⁹⁶ *Id.*, available at <http://media.aclj.org/pdf/Full-Clinton-Email-production-Mar-Apr.pdf>.

¹⁹⁷ Joint Status Report, *ACLJ v. Dep’t of State, et al.*, 16-cv-1975 (D.D.C. Mar. 29, 2018) No. ECF 52, available at http://media.aclj.org/pdf/Doc.-52.-Status-Report_Redacted.pdf.

The ACLJ has also learned through our litigation that another 22,000 documents exist in Cheryl Mills' and Huma Abedin's files (not including attachments) mentioning or referring to the Clinton Foundation or a related term referencing the foundation. This information alone serves as overwhelming evidence of the corruption that occurred within the State Department during the time Hillary Clinton served as Secretary of State. The documents also confirm that Secretary Clinton intentionally lied to the American people and misled the Senate Foreign Relations Committee during her confirmation hearings for Secretary of State. On several occasions, Secretary Clinton assured the Senate that she would maintain a complete separation between her two worlds – the foundation and any donors hoping to obtain favors and her operation of the State Department. In fact, she informed the Senate that as early as January 2009, steps had already been taken to avoid even the appearance of a conflict of interest. Absolutely no such steps appear to have ever been taken.

Indeed, in just the most recent documents produced by the State Department which mention Doug Band, it is clear that Band served as a liaison for Clinton donors looking for favors and official acts from the Clinton-run State Department.

From requests¹⁹⁸ for Secretary Clinton's appearance at social events and fundraisers to requests for special consideration for government positions (e.g. Brock Johnson) and at least five ambassadorships¹⁹⁹ (a diplomatic official of the highest rank), Doug Band was "the guy" to contact; and he had a direct line to Secretary Clinton and her senior staff. If a foundation donor needed help with a visa application in light of a prior criminal conviction or experienced complications with international travel, they contacted²⁰⁰ Doug Band; and, within minutes of receiving their request, he would forward the request/favor to Huma Abedin or Cheryl Mills.

In fact, when other government employees or officials could not reach Secretary Clinton or her staff, they emailed²⁰¹ Doug Band for a response.

The documents in the most recent productions²⁰² are full of examples of further favors and influence peddling. The documents also reveal that Doug Band received "Sensitive But Unclassified" information directly from Secretary Clinton's top aides, including confidential travel and congressional delegation schedules.

Finally, the documents also confirm that Secretary Clinton not only transmitted classified information via her private email account(s) (including the now infamous HDR22@clintonemail.com), but sent classified information to non-government officials lacking the necessary security clearance to view the information. One such example obtained by the ACLJ in this FOIA lawsuit is an email²⁰³ regarding 2010 Nobel prize

¹⁹⁸ Clinton Foundation Favors Production, *supra* note 194, available at <http://media.aclj.org/pdf/Huma-Abedin-Emails-Fn-3.pdf>.

¹⁹⁹ *Id.*, available at <http://media.aclj.org/pdf/Clinton-Emails-Requests-for-Ambassadorships-Fn-4.pdf>.

²⁰⁰ *Id.*, available at <http://media.aclj.org/pdf/Doug-Band-Emails-Fn-5.pdf>.

²⁰¹ *Id.*, available at <http://media.aclj.org/pdf/Continued-Doug-Band-Emails-Fn-6.pdf>.

²⁰² *Id.*, available at <http://media.aclj.org/pdf/Full-Clinton-Email-production-Mar-Apr.pdf>.

²⁰³ *Id.*, available at [http://media.aclj.org/pdf/Clinton-Classified-Email-\(fn-8\).pdf](http://media.aclj.org/pdf/Clinton-Classified-Email-(fn-8).pdf).

winner Muhammad Yunus (a Clinton Foundation donor),²⁰⁴ who was accused of diverting foreign aid from his bank, Grameem Bank (a bank founded to assist the poorest of people in obtaining loans). The email originated with Melanne Verveer (a State Department employee) and was forwarded to Secretary Clinton. She then forwarded the email, with attachments, to Doug Band and Justine Cooper (another Clinton Foundation associate). She writes in her email to “print for Bill.” That email has since been marked as classified, and most of the information contained in the email has been redacted (and won’t be declassified until 2025).

V. CONCLUSION AND NEXT STEPS

As we have learned through the documents produced as part of our FOIA request and lawsuit, not only was there no firewall between the Clinton Foundation and the State Department, but literal “favors” were indeed being performed – including the offering of State Department jobs. This is exactly the collusion between the Clinton Foundation and the State Department that, prior to her confirmation, Secretary Clinton told Congress she would avoid. She even promised Congress that she would avoid the appearance of impropriety but as we now know, clearly, both the appearance of, and perhaps the actuality of impropriety became her modus operandi. We suspected that this type of behavior was taking place and now we have proof. It is both troubling and unfortunate that the Obama State Department – under the direction of Secretary Clinton – engaged in such activity and, worse yet, that both Secretary Clinton and the State Department – including the current bureaucratic Deep State – went to such great lengths to conceal it.

This is precisely why our efforts to unearth the truth are so critical, and why we will continue to demand the truth in this case and others. We will continue to reveal what we uncover to the American people and to hold the Deep State bureaucracy accountable for its corruption.

In the coming months, we will receive thousands more pages from the State Department, which are responsive to this FOIA, and we will be challenging the numerous improper and unsupported redactions in court.

²⁰⁴ Sarah Westwood, *Emails Show Hillary’s Deep Involvement in Bank Investigation*, WASHINGTON EXAMINER (Oct. 2, 2015, 12:49 PM), <https://www.washingtonexaminer.com/emails-show-hillarys-deep-involvement-in-bank-investigation/article/2573299>.

**ACLJ FOIA LAWSUIT DEMANDS RECORDS FOR UNMASKING REQUESTS
MADE BY SUSAN RICE AND SAMANTHA POWER REGARDING PRESIDENT
TRUMP, HIS FAMILY MEMBERS, OR ASSOCIATES**

*ACLJ v. National Security Agency and Department of State,
17-cv-1425 (D.D.C.)*

I. EXECUTIVE SUMMARY

In early 2017, it was reported that National Security Advisor (NSA) Susan Rice and State Department official and U.N. Ambassador Samantha Power – serving under President Obama – made unprecedented requests to unmask the names of Trump transition officials incidentally caught up in electronic surveillance activity. The reports indicated that voluminous requests to unmask U.S. citizens were made in the final weeks of the Obama Administration. The ACLJ set out to obtain the paper trails for these requests and the identities of people selected for unmasking in order to determine whether the requests were made in compliance with federal law, or, instead, as part of a scheme to undermine the incoming President. Despite the agencies’ resistance in responding to the ACLJ’s request, we obtained documents that demonstrate Ambassador Power’s personal bias against President-Elect Trump and which undermine any narrative that the unmasking requests were free from political bias.

II. BACKGROUND

According to the Washington Free Beacon:

Former United Nations Ambassador Samantha Power is believed to have made ‘hundreds’ of unmasking requests to identify individuals named in classified intelligence community reports related to Trump and his presidential transition team, according to multiple sources who said the behavior is unprecedented for an official in her position.²⁰⁵

The report continues:

Efforts by the former Obama administration to obtain the names of Trump allies included in raw intelligence reports have fueled speculation that subsequent leaks to the press were orchestrated by the former administration and its allies in a bid to damage the current White House and smear Trump’s most senior confidantes.²⁰⁶

According to the same report, unmasking requests made by “‘one official [whose] position has *no apparent intelligence-related function*’ – [are] now believed to [have been

²⁰⁵ Adam Kredi, *Former U.N. Amb. Power Unmasked ‘Hundreds’ in Final Year of Obama Admin*, FREEBEACON.COM (Aug. 2, 2017), <http://freebeacon.com/national-security/former-u-n-amb-power-unmasked-hundreds-last-year-obama-admin/>.

²⁰⁶ *Id.*

made by] Power.”²⁰⁷ Moreover, “[l]ittle justification was provided for the request of this sensitive classified information, which government insiders described as outside the purview of a U.N. ambassador.”²⁰⁸

The Washington Free Beacon’s news report followed an earlier Fox News report, according to which:

Susan Rice, former national security adviser under then-President Barack Obama, requested to unmask the names of Trump transition officials caught up in surveillance. The unmasked names, of people associated with Donald Trump, were then sent to all those at the National Security Council, some at the Defense Department, then-Director of National Intelligence James Clapper and then-CIA Director John Brennan – essentially, the officials at the top, including former Rice deputy Ben Rhodes.²⁰⁹

As reported by Fox News, “[t]he names were part of incidental electronic surveillance of candidate and President-Elect Trump and people close to him, including family members, for up to a year before he took office.”²¹⁰ According to another Fox News report, Susan Rice has stated that her “requests for the identities of Americans caught up in surveillance of foreign targets” were “routine.”²¹¹ However, Fox News sources have stated otherwise:

“From my direct experience dealing at this level, that is never done,” retired U.S. Army Lt. Col. Tony Shaffer told Fox News. Shaffer has experience in intelligence operations focused on foreign actors in which U.S. citizens’ involvement could surface.

“The national security adviser person is a manager position, not an analyst position,” he said. “You have analysts in the intelligence community whose job is to sort through who is doing what with what. Susan Rice is a senior manager looking over the entire intelligence community. She should not have time to be unmasking individuals having conversations.”²¹²

Moreover, “[f]ormer Ambassador to the United Nations and Fox News contributor John Bolton told ‘America’s Newsroom’ that Rice’s requests may have been

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ Adam Housley, *Susan Rice Requested to Unmask Names of Trump Transition Officials, Sources Say*, FOXNEWS.COM (Apr. 3, 2017), <http://www.foxnews.com/politics/2017/04/03/susan-rice-requested-to-unmask-names-trump-transition-officials-sources-say.html>.

²¹⁰ *Id.*

²¹¹ Cody Derespina, *Susan Rice’s Alleged Unmasking Requests Not So Routine, Ex-Officials Say*, FOXNEWS.COM (Apr. 5, 2017), <http://www.foxnews.com/politics/2017/04/05/susan-rices-alleged-unmasking-requests-not-so-routine-ex-officials-say.html>.

²¹² *Id.*

improper depending on what reason she gave for wanting the information.”²¹³ Fox News also reports that “[a]n extensive and complex paper trail for requests to the National Security Agency about the identities of people in President Trump’s transition team in sensitive intelligence surveillance probably exists, including requests made by former National Security Advisor Susan Rice, according to information sharing procedures signed into law by the outgoing Obama Administration.”²¹⁴ “Obama’s rule changes made it easier for political aides like his national security adviser Susan Rice to access intercepts between July and January mentioning the names of Donald Trump campaign and transition associates”²¹⁵ and “[t]he ease at which closely held intercepts [can] now be shared” was demonstrated when “Rice admitted . . . that she did request and consume unmasked intelligence reports of Trump figures.”²¹⁶

III. THE ACLJ’S WORK TO ACHIEVE TRANSPARENCY

Alarmed by the apparent constitutional violations and political corruption, the ACLJ issued two separate FOIA requests, one to the NSA on April 13, 2017, regarding National Security Advisor Susan Rice’s unmasking requests,²¹⁷ and one to the State Department on August 14, 2017,²¹⁸ regarding Ambassador Samantha Power’s unmasking requests. After the agencies’ failure to respond to the ACLJ’s request in compliance with statutory requirements, the ACLJ filed two separate lawsuits against the NSA and the State Department. The ACLJ filed its lawsuit against the NSA on July 18, 2017,²¹⁹ and its lawsuit against the State Department on September 27, 2017.²²⁰ These lawsuits were later consolidated by the court due to the similar nature of the underlying FOIA requests and the potential legal issues involved. And notably, the court ordered the State Department to begin production.

IV. DOCUMENTS RECEIVED BY THE ACLJ

Both agencies have refused to provide a complete response to the ACLJ’s FOIA request on the grounds that they can neither confirm nor deny the existence of such

²¹³ *Id.*

²¹⁴ George Russell, *Detailed Paper Trail for Rice Unmasking Requests Likely Exists, According to Controversial Intel Sharing Document*, FOXNEWS.COM (Apr. 7, 2017), <http://www.foxnews.com/politics/2017/04/07/detailed-paper-trail-for-rice-unmasking-requests-likely-exists-according-to-controversial-intel-sharing-document.html>.

²¹⁵ John Solomon & Sara Carter, *US Spy Agencies Intercept and Unmask Congressional Figures as Often as Once a Month*, CIRCA.COM (Apr. 6, 2017), <http://circa.com/politics/accountability/nsa-unmasking-congress-notified-as-often-as-once-a-month>.

²¹⁶ *Id.*

²¹⁷ FOIA Request from ACLJ to NSA (Dec. 29, 2017), available at http://media.aclj.org/pdf/FOIARequest-NSA-4.13.17_Redacted.pdf.

²¹⁸ FOIA Request from ACLJ to Dep’t of State (Aug. 14, 2017), available at http://media.aclj.org/pdf/FOIARequest-StateDept-8-14-17_Redacted.pdf.

²¹⁹ Complaint, *ACLJ v. NSA*, 17-cv-1425 (D.D.C. July 18, 2017), available at [http://media.aclj.org/pdf/ACLJ-v.-NSA-Complaint-17-cv-1425-filed-7.18.17-\(bps\)_Redacted.pdf](http://media.aclj.org/pdf/ACLJ-v.-NSA-Complaint-17-cv-1425-filed-7.18.17-(bps)_Redacted.pdf).

²²⁰ Complaint, *ACLJ v. Dep’t of State*, 17-cv-1991 (D.D.C. Sept. 27, 2017), available at http://media.aclj.org/pdf/Doc-1-Complaint_Redacted.pdf.

records pursuant to Exemptions 1 and 3 of FOIA (otherwise known as a *Glomar* response). Thus far, the NSA has failed to produce a single document. The State Department has produced 167 documents (totaling 669 pages) – 39 documents in full and 128 documents in part. Another 6 documents responsive to ACLJ’s FOIA request have been withheld in full. The State Department has withheld an additional six documents in their entirety, claiming one or more of FOIA’s exemptions.

The full document productions to date can be downloaded [here](#).²²¹

Many of these documents paint²²² a grim picture of the attitude and actions of Obama-era officials in the final days of that Administration. What the ACLJ has learned from the documents obtained through our lawsuit – and what the news media is not reporting – is that Power maintained a personal bias against President-Elect Trump which led her to undertake efforts aimed at undercutting support for the new Administration.

We uncovered evidence that the same top-level Obama Administration official reported to have made some 260 unmasking requests seeking surveillance information about the incoming President and his campaign team was simultaneously engaged in communications in which she consoled others over the election results, blatantly insulted the President-Elect, and actively sought out ways to undermine the new Administration before it had even begun.

The documents we obtained consist of email chains to and/or between Power and her Counselor, Nikolaus Steinberg, just three days after the election in which Power actively discusses an “idea to seek maximum amplif[ication]” of her politically biased messaging. Steinberg first raised the idea of “a useful (and somewhat cathartic) vessel to Channel some post-Trump messages about who we are.” Minutes later Power responds, “Need to move out on 60 mins idea to seek maximum amplif. [sic] I can write Charlie or bill [sic] Owens if he’s still there.”

After a brief discussion ensued over who would reach out, later that evening, Steinberg sent Power a “Draft pitch email” for her to send to 60 Minutes, yet that draft is completely redacted. Subsequently, he suggested doing the pitch to 60 Minutes or CBS Sunday Morning on the issue of refugees, “with the hook being the foreshadowing that Trump and company may try to undo all of this.” Minutes later, Power sent an email to Bill Owens, the Executive Editor of 60 Minutes: “We’re still reeling here, as you might imagine. . . . Notwithstanding this, Tuesday’s results have given us an even greater sense of urgency to get our work done in our last few months. 70 good long days left!”

²²¹ FOIA Production from Dep’t of State to ACLJ, *ACLJ v. Dep’t of State*, 17-cv-1991 (D.D.C.) [hereinafter, Unprecedented Unmasking Production], available at <http://media.aclj.org/pdf/Power-Unmasking---FullProd.pdf>.

²²² Unprecedented Unmasking Production State Dep’t Production, *supra* note 221, available at <http://media.aclj.org/pdf/Powers-Emails-Timeline.pdf>.

This email confirms what the ACLJ long warned²²³ about, the 73 Days of Danger – the final days of the Obama Administration. This new evidence confirmed that the Administration was fully engaged in attempts to do whatever they could to undermine the conservative agenda and the will of the American voters.

Power went on in this November 11, 2016 email to pitch a 60 Minutes episode to help lay a public foundation to undermine the incoming Administration. She wrote:

I am not sure exactly what I am pitching, but it seems there could be something interesting to show through USUN²²⁴ about this waning multilateral moment for the US, how we use these last two months, what we are trying to defend, *how we are consoling other countries*, etc. I wondered if there could be something in this that would hit home for viewers, *even or perhaps especially those who support Trump*. Let me know if you would like to brainstorm.²²⁵

The conversation continued four days later with Owens acknowledging and agreeing to help pitch the piece. He further stated, “I can only imagine the conversations you are having with some of our allies now and I would love a chance to brainstorm.”²²⁶

In a November 10, 2016 email, Power inquired about the plans of President Obama and senior staff during the holidays, expressing her own inclination not to take time away “given the fleeting calendar.”²²⁷ Power also directly asked for “anything you can share about POTUS’ sense of Trump the person,”²²⁸ as she was, in her words, “[l]ooking for rays of light here amid the clouds.”²²⁹

On November 14, 2016, Power received an email to the “USUN-Breakingnews” email list containing a Reuters article entitled, “Trump looking at fast ways to quit global climate deal: source.”²³⁰ Power forwarded this article to Jonathan Finer (Director of Policy Planning at the State Department) with the message, “*Lord help us all*. How are you holding up?” Finer responds, “And the below [referring to the article] is just one of many grim things we have to look forward to.”²³¹ Power responded to Finer, but this reply has been completely redacted. We have encountered the State Department’s excessive redactions before and will be challenging this redaction in court to ascertain what was said.

²²³ Nathanael Bennett, *Three Things You Need to Know About the 73 Days of Danger*, ACLJ (Oct. 18, 2016), <https://aclj.org/executive-power/three-things-you-need-to-know-about-the-73-days-of-danger>.

²²⁴ “USUN” is presumably a reference to the U.S. permanent mission to the U.N.

²²⁵ Unprecedented Unmasking State Dep’t Production, *supra* note 221, available at <http://media.aclj.org/pdf/Power-60-Minutes-Pitch-Email.pdf> (emphasis added).

²²⁶ See *id.*, available at <http://media.aclj.org/pdf/Power-Unmasking---FullProd.pdf>.

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ *Id.*

²³⁰ *Id.*

²³¹ *Id.*

Then, four days later, on December 18, 2016, Power replied to an interview request from Univision reporter Jorge Ramos – who had been repeatedly and publicly critical of the incoming President – with an underhanded snub: “If we do something, we will make it good. Ptsd in retreat – Trump has vanquished it. Let’s see!”²³²

And on December 22, 2016, in an email to Ben Rhodes (Obama’s Deputy National Security Advisor for Strategic Communications), who was also implicated in the unmasking requests, Power forwarded an article entitled, “Applied pressure: Donald Trump isn’t even president yet and he’s already making waves at the U.N.”²³³

The article discussed President-Elect Trump’s diplomatic efforts to kill the U.N. draft resolution calling for Israel to return to pre-1967 borders. Power’s words to Rhodes: “This reflects the lack of understanding of history.”²³⁴

Later that night, Steinberg added Power to an email chain sharing a similar Reuters article about President Trump’s expression of support for Israel to the President of Egypt, and snarkily quips, “So much for one President at a time.” (Along these same lines, Rice and Power were in communication on January 12, 2017, just a week before the Inauguration, concerning the introduction of the Graham-Cruz bill seeking to halt U.S. funding of the United Nations based on its treatment of Israel in passing UNSCR 2334. In response to Power’s email forwarding an article about the bill, Rice asked, “What is it that you think we can and should do?”²³⁵ Like the rest of the substance of this email chain, Power’s reply has been redacted.)

On January 10, 2017, Power received a request from a staff writer at the New Yorker. The New Yorker was planning “a story about communications between President-Elect Trump and the Russian state” and, understanding that President Obama had “been briefed on at least one of the issues” to be addressed in the story, was reaching out for any White House response. Power’s reaction was that this “[s]ound[ed] serious,” and she asked Ben Rhodes to follow up with the writer.²³⁶

Then, just three days before the inauguration, Power delivered her final remarks as U.S. Ambassador to the U.N., addressing “Russia: The Threat, the International Order, and the Way Forward.” The day before her speech, Steinberg, Counselor to the Ambassador, wrote in an email to Power that “Trump’s interviews over the weekend with the foreign press questioning R sanctions and value of NATO will be very helpful for relevance of speech.”²³⁷

Finally, and maybe most significantly, the day she delivered that speech – again just three days before the inauguration – an email chain under the subject line, “Russia

²³² *Id.*

²³³ *Id.*

²³⁴ *Id.*

²³⁵ *Id.*

²³⁶ *Id.*

²³⁷ *Id.*

speech 1am version,” between Power, Rice, Rhodes, and others is almost completely redacted. The flurry of email activity occurs mostly between 1:25 a.m. and 1:45 a.m., and demonstrates that the three key players in the unprecedented “unmasking” were literally working around the clock in the final days of the Obama Administration.²³⁸

Further evidence uncovered by the ACLJ’s FOIAs show that just hours later, after the speech, in an email chain between Halie Soifer (Power’s Senior Policy Advisor), Steinberg, and Power under the subject line, “Russia,” Power’s “as delivered” remarks were sent to two USUN email lists. However, each of the subsequent replies, including two from Power herself, are completely redacted.

A timeline of emails obtained by the ACLJ in this case can be found in Appendix B.

V. CONCLUSION & NEXT STEPS

We have encountered the State Department’s abusive and excessive redactions in many of our FOIA lawsuits, and this case is no exception. We plan to challenge the redactions in court to ascertain what was actually said and to hold the Deep State bureaucracy accountable. The American people deserve to know the truth. With nearly 9,000 potentially responsive pages not yet processed or produced, there is much more that we can and will learn about this situation. With what we’ve uncovered so far, Power’s political bias was palpable and calls into question any suggestion that Power’s unprecedented unmasking requests against U.S. citizens was done without any political animus. If this production is what the Deep State was willing to turn over to us, we can only imagine what remains to be uncovered. The next deadline for the State Department to produce responsive documents is early July 2018.

²³⁸ *Id.*

ACLJ FOIA LAWSUIT FOR STATE DEPARTMENT RECORDS PERTAINING TO ITS EFFORTS TO COUNTER AND RESPOND TO ISIS GENOCIDE

ACLJ v. Department of State, 16-cv-1751 (D.D.C.)

I. EXECUTIVE SUMMARY

As early as August 2014, President Obama acknowledged the atrocities being committed by ISIS (also referred to as ISIL or Daesh) against religious minorities including Yezidis and Christians; nonetheless, little was done by his Administration to actually confront or counter the ongoing genocide. The ACLJ set out to learn what efforts, if any, were made by the State Department or any of its components to, 1) honor the terms of the Genocide Convention; and 2) act on or carry out any legitimate action following numerous statements by the Obama Administration promising to “hold the perpetrators accountable,” or otherwise counter and oppose ISIS’s genocide. Through the documents we have obtained thus far, the answer to these questions, unfortunately, appears to be what we suspected: absolutely nothing. Additionally, the ACLJ has uncovered the existence of key legal memos regarding the genocide designation. These memos could reveal whether the Obama Administration intended to label ISIS atrocities as “genocide” without triggering any legal requirement that it take action to protect the victims. The content of the legal memos has been withheld from us, however, the discovery of their existence allows us to challenge those withholdings in court.

II. BACKGROUND

Article I of the Genocide Convention establishes a duty for contracting states to “prevent and to punish” genocide. Article VIII articulates one of the mechanisms available to effectuate that duty: “Any Contracting Party may call upon the competent organs of the United Nations to take such action” as “appropriate for the prevention and suppression of acts of genocide.”²³⁹

In her book, “A Problem from Hell: America and the Age of Genocide,” U.S. Permanent Representative to the United Nations Ambassador Samantha Power wrote, ironically, that “the United States had never in its history intervened to stop genocide, and in fact rarely even made a point of condemning it as it occurred.”²⁴⁰

In 2014, the State Department issued two reports: one regarding atrocities occurring in Syria, and one regarding atrocities in Iraq.²⁴¹ On August 7, 2014, Secretary of State John Kerry declared that “ISIL’s campaign of terror against the innocent,

²³⁹ Convention on the Prevention and Punishment of the Crime of Genocide, art. II, Dec. 9, 1948, 78 U.N.T.S. 277]. We recognize that the United States has reserved its own definition of genocide for purposes of the Convention. *See* 18 U.S.C. § 1091(a) (2012). However, both the Convention and the United States’ definitions have been satisfied.

²⁴⁰ SAMANTHA POWER, “A PROBLEM FROM HELL”: AMERICA AND THE AGE OF GENOCIDE 512-13 (2013).

²⁴¹ BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP’T OF STATE, SYRIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 2 (2014); BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP’T OF STATE, IRAQ 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 3 (2014).

including Yezidi and Christian minorities, and its grotesque and targeted acts of violence bear all the warning signs and hallmarks of genocide.”²⁴²

On December 7, 2015, the United States Commission on International Religious Freedom (“USCIRF”), released the following statement:

USCIRF calls on the U.S. government to designate the Christian, Yazidi, Shi’a, Turkmen, and Shabak communities of Iraq and Syria as victims of genocide by ISIL. USCIRF also urges American and other world leaders to condemn the genocidal actions and crimes against humanity of ISIL that have been directed at these groups and other ethnic and religious groups.²⁴³

On February 5, 2016, the ACLJ sent a letter²⁴⁴ to Secretary Kerry regarding legal analysis of the law of genocide as applied to atrocities being committed by ISIS against Christians, and urged Secretary Kerry to formally recognize the ISIS atrocities against Christians as genocide. On March 9, 2016, the Knights of Columbus and In Defense of Christians submitted a joint report,²⁴⁵ with thorough data, including first-hand accounts of genocide survivors and relatives of genocide victims, provided by the Shlomo Organization for Documentation, to Secretary Kerry. Then on March 14, 2016, the U.S. House of Representatives *unanimously* passed a Concurrent Resolution, proclaiming:

(1) the atrocities perpetrated by ISIL against Christians, Yezidis, and other religious and ethnic minorities in Iraq and Syria constitute *war crimes, crimes against humanity, and genocide*;

....

(3) the member states of the United Nations should coordinate urgently on measures to prevent further war crimes, crimes against humanity, and genocide in Iraq and Syria, and to punish those responsible for these ongoing crimes, including by the collection and preservation of evidence and, if necessary, the establishment and operation of appropriate tribunals.²⁴⁶

²⁴² *There is Only One Word for What is Happening: Genocide*, KOF.C.ORG (Mar. 10, 2016), <http://www.kofc.org/en/news/releases/one-word-genocide.html>.

²⁴³ Press Release, U.S. Comm’n on Int’l Religious Freedom, USCIRF Statement on the Designation of Victims of Genocide, Persecution, and Crimes Against Humanity in Syria and Iraq (Dec. 7, 2015), <http://www.uscirtf.gov/news-room/press-releases/uscirtf-statement-the-designation-victims-genocide-persecution-and-crimes>.

²⁴⁴ Letter from Jay Alan Sekulow et al. to John F. Kerry (Feb. 5, 2016), [http://media.aclj.org/pdf/Kerry-ltr-02052016-\(1\)_Redacted.pdf](http://media.aclj.org/pdf/Kerry-ltr-02052016-(1)_Redacted.pdf).

²⁴⁵ GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, KNIGHTS OF COLUMBUS AND IN DEFENSE OF CHRISTIANS (Mar. 9, 2016), <http://indefenseofchristians.org/wp-content/uploads/2016/03/Genocide-report.pdf>.

²⁴⁶ H.R. Con. Res. 75, 114th Cong. (1st Sess. 2015), *available at* <https://www.congress.gov/bill/114th-congress/house-concurrent-resolution/75/text>.

According to the unanimous Resolution:

“ISIL specifically targets these religious and ethnic minorities, intending to kill them or force their submission, conversion, or expulsion”;

“religious and ethnic minorities have been murdered, subjugated, forced to emigrate, and subjected to grievous bodily and psychological harm, kidnapping, human trafficking, torture, and rape”;

“ISIL engages in, and publicly argues in favor of, the sexual enslavement of non-Muslim women, including pre-pubescent girls”;

“ISIL atrocities against Christians, Yezidis, and other minorities have included mass murder, crucifixions, beheadings, rape, torture, enslavement, the kidnaping of children, and other violence deliberately calculated to eliminate their communities from the so-called Islamic State.”²⁴⁷

On March 17, 2016, Secretary Kerry publicly pronounced his “judgment” that:

Daesh is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims. Daesh is genocidal by self-proclamation, by ideology, and by actions – in what it says, what it believes, and what it does. Daesh is also responsible for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities.²⁴⁸

Secretary Kerry continued: “We know that in Mosul, Qaraqosh, and elsewhere, Daesh has executed Christians solely because of their faith; that it executed 49 Coptic and Ethiopian Christians in Libya; and that it has also forced Christian women and girls into sexual slavery.”²⁴⁹ And in conclusion, he stated: “[T]oday, I say to all our fellow citizens and to the international community, we must recognize what Daesh is doing to its victims. We must hold the perpetrators accountable. And we must find the resources to help those harmed by these atrocities be able to survive on their ancestral land.”²⁵⁰ And, “Naming these crimes is important. But what is essential is to stop them. That will require unity in this country and within the countries directly involved, and the determination to act against genocide, against ethnic cleansing, against the other crimes against humanity must be pronounced among decent people all across the globe.”²⁵¹

²⁴⁷ *Id.*

²⁴⁸ John Kerry, *Remarks on Daesh and Genocide*, U.S. DEP’T OF STATE (Mar. 17, 2016), <http://www.state.gov/secretary/remarks/2016/03/254782.htm>.

²⁴⁹ *Id.*

²⁵⁰ *Id.*

²⁵¹ *Id.*

And again, on April 26, 2016, Secretary Kerry reiterated his early statements in public remarks delivered at Rice University:

In the time since, Daesh has continued to target religious minorities. They continue to kill Yezidis because they are Yezidis, Christians because they are Christians, Shia because they are Shia. In my judgment – and I registered this last month – Daesh is responsible for committing genocide against these groups in areas under its control.²⁵²

On May 23, 2016, the ACLJ sent a second letter to Secretary Kerry, thanking him for declaring ISIS's actions as acts of genocide and requesting that he use his position to mobilize the international community to stop the genocide and protect the victims.²⁵³ Then on June 6, 2016, the ACLJ sent a letter to United States Permanent Representative to the U.N., Ambassador Samantha Power, thanking her for her stance against genocide and urging her to “continue and intensify” efforts to mobilize the international community to stop the genocide against Christians and others by ISIS.²⁵⁴

In its May 23, 2016 letter to Secretary Kerry and its June 6, 2016 letter to Ambassador Power, the ACLJ specifically requested that the State Department raise the issue of ISIS genocide against Christians and other religious and ethnic minorities at the 32nd Session of the United Nations Human Rights Council in June 2016. But in its “Fact Sheet: Key U.S. Outcomes at the UN Human Rights Council 32nd Session,”²⁵⁵ the State Department made no mention of any effort to raise or advance the issue of ISIS genocide against Christians in Syria (or elsewhere). Nor was any such mention made in statements delivered by U.S. Representative to the Human Rights Council Ambassador Keith Harper. Instead, Ambassador Harper specifically omitted any reference to “genocide” and “Christian” as victims thereof:

The United States strongly condemns ongoing abuses by Daesh, such as the sale and enslavement of and sexual violence against women and children, *including from Iraq's Yezidi community*. We also call for the immediate release of all women and children held captive by Daesh. The international community stands united and undeterred in its resolve to bring an end to Daesh. We support continued UN reporting to gather, analyze, secure, and preserve evidence of the crimes committed by Daesh, including crimes of sexual violence and enslavement.²⁵⁶

²⁵² John Kerry, *Remarks at Rice University's Baker Institute for Public Safety*, U.S. DEP'T OF STATE (Apr. 26, 2016), <http://www.state.gov/secretary/remarks/2016/04/256618.htm>.

²⁵³ Letter from Jay Alan Sekulow & Robert W. Ash to John F. Kerry (May 23, 2016), http://media.aclj.org/pdf/KerryLetter5.23.16_Redacted.pdf.

²⁵⁴ Letter from Jay Alan Sekulow & Robert W. Ash to Samantha Power (June 6, 2016), http://media.aclj.org/pdf/SignedLetter-Power-06.06.2016_Redacted.pdf.

²⁵⁵ Fact Sheet: Key U.S. Outcomes at the UN Human Rights Council 32nd Session (July 6, 2016), <https://geneva.usmission.gov/2016/07/07/fact-sheet-key-u-s-outcomes-at-the-un-human-rights-council-32nd-session/>.

²⁵⁶ Interactive Dialogue on the Commission of Inquiry on the Syrian Arab Republic, Statement by the Delegation of the United States of America, Ambassador Keith Harper, U.S. Representative to the Human

Yet, while the United States Mission remained silent, representatives of other nations spoke:

- *Greece specifically recognized that “Christian communities” were among those victimized by Daesh.*
- *Germany, recognizing the Council’s report only identified Yezidis as genocide victims, asked the Council for more information on the other minority groups facing persecution.*
- *Belgium asserted it was fully aligned with the U.N. and expressed its alarm at the reports of genocide against the Yezidis and “other religious groups.”*
- *France recognized that the crimes against the Yezidis and other ethnic and religious minorities constitute genocide.*

With all these facts in mind, and as stated above, the ACLJ’s FOIA to the State Department sought records containing and demonstrating any and all efforts made by the agency or any of its components to: honor the terms of the Genocide Convention; carry out Secretary Kerry’s declaration that “[w]e must hold the perpetrators accountable,” “help those harmed by these atrocities be able to survive on their ancestral land,” and “stop” the “crimes”²⁵⁷; and/or otherwise counter, oppose, or respond to the ISIS genocide of Christians. Such efforts include, but are not limited to, communications or briefings with individual, institutional, and/or sovereign members of the international community, as well as within the State Department or between State officials and other governmental officials.

III. THE ACLJ’S WORK TO ACHIEVE TRANSPARENCY

In response to the Obama Administration’s inconsistent and shameful display at the U.N., on July 18, 2016, the ACLJ issued a FOIA request to the State Department.²⁵⁸ This request sought records pertaining to action or inaction by officials in the State Department to honor the Genocide Convention, follow through with Secretary Kerry’s declarations, or otherwise address, respond to, or stop the genocide of Christians and other religious minorities by ISIS. The State Department refused to comply with the request in a timely manner, sending only its typical, generic non-compliant letter. Thus, on August 30, 2016, the ACLJ filed suit in the U.S. District Court for the District of Columbia to force the State Department to comply with the law, and to allow the American people to see what, if anything, the Obama Administration did to actually stop

Rights Council, 32nd Session of the UN Human Rights Council, Geneva (June 21, 2016), *available at* <https://geneva.usmission.gov/2016/06/21/u-s-welcomes-the-on-going-critical-work-of-the-commission-of-inquiry-on-syria/>.

²⁵⁷ *Id.*

²⁵⁸ FOIA Request from ACLJ to Dep’t of State (July 18, 2016), *available at* <http://media.aclj.org/pdf/FOIA-Request-State-Dept-Genocide.pdf>.

or counter the ISIS genocide or help those it victimized.²⁵⁹ Because we filed our lawsuit, the court ordered the State Department to begin production.

IV. DOCUMENTS RECEIVED BY THE ACLJ

As a result of our lawsuit, a federal court ordered the State Department to process 400 pages of responsive records per month (which is above average in these cases). In accordance with the court's order, the State Department has made 13 document productions consisting of a total of 2,274 pages – comprising a total of 349 documents (139 released in full and 210 in part). The agency has withheld an additional 308 documents in full pursuant to various FOIA exemptions.

The full document productions to date can be downloaded [here](#).²⁶⁰

From the pages we have received, we know that as early as 2014, the State Department was presented with the information it needed to support a case of genocide by ISIS as defined in Article 2 of the Genocide Convention against the Yezidi people. In a memo that post-dates President Obama's statements in August 2014 regarding the dire situation the Yezidi people faced upon fleeing ISIS, a case is laid out for a declaration of genocide under Article 2.²⁶¹ The memo analyzes the requisite elements identified by Article 2 for the prevention and punishment of genocide – *i.e.*, identification of a national, ethnic, racial or religious group and specific acts committed with the intent to destroy one of the identified groups. The existence of this memo prompts an obvious question: Why, if both President Obama and Secretary Kerry were making genocide-related statements as early as 2014 – going so far as to say the Yezidis' treatment by ISIS had the hallmarks of genocide and recognizing ISIS's campaign of terror against innocent Yezidi and Christian minorities – would they wait almost two more years to make the official genocide determination, accompanied by all the legal accoutrements, protections or consequences?

At the time of filing our FOIA request, we were disturbed by several factors. It was widely rumored that up until our public advocacy campaign, the Obama Administration was preparing to recognize the genocide, but only as being committed against one religious minority group – the Yezidis, intentionally leaving Christians off the list of the victims of ISIS genocide. Our advocacy succeeded, and Christians were included in the official declaration.

However, the concern then arose that that Administration intended to use legal manipulations to circumvent the legal protections required under U.S. law and international law – the Genocide Convention. On February 4, 2016, more than a month before the “genocide” declaration, Obama Press Secretary Josh Earnest had stated:

²⁵⁹ Complaint, *ACLJ v. Dep't of State*, 17-cv-1751 (D.D.C. Aug. 30, 2016), available at http://media.aclj.org/pdf/DOS-Failure-to-Respond-to-FOIA-Complaint_Redacted.pdf.

²⁶⁰ FOIA Production from Dep't of State to ACLJ, *ACLJ v. Dep't of State*, 17-cv-1751 (D.D.C.) [hereinafter, Genocide Production], available at <http://media.aclj.org/pdf/ISIS-Genocide---FullProd.pdf>.

²⁶¹ *Id.*, available at <http://media.aclj.org/pdf/Memo-re-genocide-against-Yezidis.pdf>.

My understanding is that the use of **that specific term [“genocide”] has legal ramifications**. And so there are lawyers that are considering whether or not that term can be properly applied in this scenario. . . . But as it relates to the specific use of this word -- I guess the point that I’m trying to make is this: The decision to apply this term to this situation is an important one. **It has significant consequences**, and it matters for a whole variety of reasons, both legal and moral. . . .²⁶²

This legal hedging led to the concern that the Obama Administration was looking for a way to declare it “genocide” without triggering any legal requirements.

One of the things we were searching for through our FOIA were what we believed were legal analyses done by the State Department – which could confirm our concern about the Obama Administration’s true intentions. And, after nearly two years, we have now learned the State Department has located documents directly responsive to our FOIA request – more than a dozen legal analysis documents regarding genocide – but is refusing to give them to us.

In continued absurdity from the State Department, they have only provided the emails – which have been heavily redacted – to which the documents in question were originally attached, but are refusing to provide the attachments themselves.

The content of the emails they’ve produced has been heavily redacted, but the subject lines and attachment names alone show they were discussing the issue of genocide, and what action should be taken, at length. You can see as much of the emails as we have seen [here](#).²⁶³ The subject lines and attachments (to which we were denied access) include the following:

- Subject line: **“Next Steps on Determination Process”** (July ’15) – **From the head of the Office of Legal Adviser of the U.S. State Department to the Deputy to the U.S. Ambassador-at-Large for War Crimes Issues, the Ambassador at Large for International Religious Freedom, and an Attorney Advisory in the Office of Legal Advisor** – Attachment: “2015-07-20 interagency determinations paper”. Note: Shows they were discussing legal implications of genocide as far back as in July of 2015.
- Subject line: **“Non-paper for interagency on genocide and crimes against humanity”** (Oct ‘15) – Attachment: “Non-Paper on ISIL and Genocide and Crimes Against Humanity”. Note: This

²⁶² Press Briefing by Press Secretary Josh Earnest, The White House: Office of the Press Secretary (Feb. 4, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/02/04/press-briefing-press-secretary-josh-earnest-242016> (emphasis added).

²⁶³ Genocide Production, *supra* note 260, available at http://media.aclj.org/pdf/18.05.17-F-2016-08550-052018-FINAL_Part1.pdf.

document indicates they knew it was genocide as far back as October 2015.

- Subject line: **“updated determinations memo”** (Nov ‘15) – Attachment: “2015-11-17 Action Memo - ISIL genocide V4”. Note: The attachment name itself indicates it was known to be genocide back in 2015.
- Subject line: **“Additional background’ tab”** (Nov ‘15.) – Attachment: “Action Memo - ISIL genocide”. Note: Appears to be more evidence to call it genocide in 2015.
- Subject line: **“legal analysis”** (Dec ‘15) – Attachment: “Legal Analysis san GCJ”. Note: The content of the email is simply, “Genocide and CAH.”
- Subject line: **“draft L legal assessment genocide Yezidis”** (Dec ‘15) – From the State Department Office of Global Criminal Justice to [Redacted] – Attachment: “Action Memo - ISIL genocide (Sept 17) san GCJ”. Note: The email states, “Attached is the draft legal assessment from L on the Yezidi genocide question.” Seems to confirm our fear that they considered only calling it a genocide of Yezidis, and not Christians, as late as December of 2015.
- Subject line: **“AM on ISIL determinations”** (Feb ‘16) – Attachment: “Legal assessment of ISIL atrocities”.
- Subject line: **“genocide QA”** (Feb ‘16) – Attachment: “Genocide Q & A for NSC”.
- Subject line: **“ISIL Legal Assessment”** (Feb ‘16) – Attachment: “Legal assessment of ISIL atrocities”. Note: Emails states, "Here is the most recent version of the ISIL legal review," yet who that assessment is from has been redacted.
- Subject line: **“AM to S Rollout Strategy”** (Feb ‘16) – Attachment: “2016-02-09 AM to S on Genocide Rollout”. Note: “S” is Secretary of State John Kerry.
- Subject line: **“TPM Note to S on Iraq minorities”** (March ‘16) – Attachment: “(R_294197) Note - S Helping Iraqs [sic] Religious Minorities Post-Liberation from Daesh 2-29-16”. Note: “TPM” is Talking Points Memo. “S” is the Secretary of State.
- Subject line: **“Paper with relevant facts about ISIL atrocities”** (March ‘16) – Attachment 1: “ISIL Atrocities Matrix”. Attachment 2: “Relevant facts on ISIL atrocities”.²⁶⁴

It is clear that the Obama State Department knew it was genocide and that Christians were being killed, and even discussed possible recourse; yet despite all their talk, they did next to nothing about it. Based on the documents we have obtained so far, it appears that protecting Christian victims of ISIS was low on their list of priorities.

²⁶⁴ *Id.*

Yet, much remains to be uncovered. These documents clearly contain significant legal analyses conducted by the Obama Administration in advance of its “genocide” designation. One can assume that, due to the Administration’s lackluster public statements beforehand and its continued failure to act afterward, these legal analyses must have been drafted to provide the Administration cover. But we want more than assumptions. We want the actual documents.

Now we know these documents exist. We will continue to take diligent legal action to fight for the unredacted emails and the attachments that have been withheld. We will be going back to federal court to demand these documents be turned over to the ACLJ in compliance with FOIA.

V. CONCLUSION & NEXT STEPS

The United States and many other countries have signed onto the Convention on the Prevention and Punishment of the Crime of Genocide, the purpose of which is self-described. The U.S. government should be a leader in providing aid to the victims of genocide, especially when that genocide targets members of religious groups. In addition to a moral obligation, as the U.S. government has *declared* ISIS’s acts to be acts of genocide against Christians and other religious minorities, the United States has an international legal obligation – to which it voluntarily obligated itself – to act to stop the ISIS genocide, protect the Christians and other religious minorities who are being targeted, and to punish the perpetrators. What can be gleaned, however, from the documents produced thus far is that the Obama Administration did nothing more than issue toothless statements on the ongoing atrocities in the years 2014 through March 2016. In the months ahead, we will continue seeking all documents related to our FOIA and will be going back to court to obtain the legal memos that have been withheld. The State Department is required to produce documents on a rolling basis. We will continue to hold our government accountable by pressuring it, through this lawsuit and other means, to fulfill its responsibility.

RECOMMENDATIONS FOR CONGRESS

Genocide is a horrific violation of human rights and should not be tolerated at any level. In fact, the United States, through its ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, has committed to both preventing genocide and protecting the victims. In 2014, ISIS, with its rampage of beheadings, torture, sexual enslavement, mass rape, forced evictions, and other atrocities, intentionally targeting Christians and other religious minorities in Iraq and Syria, was clearly committing genocide. Yet, it took the State Department more than two years to declare it as such. That amount of time is inexcusable; and many, many people lost their lives, families and homes because those who promised to “never again” allow genocide to happen failed to act.

The ACLJ suggests that the appropriate congressional committee/subcommittee request access to the legal analyses circulated among State Department officials but

withheld from the FOIA production given to the ACLJ. Aside from accountability, these legal analyses would be invaluable in engaging the State Department in the future with information that would allow swift action to prevent further genocidal atrocities from occurring at the scale they were allowed to reach in Iraq and Syria.

APPENDIX A

TIMELINE OF EMAILS OBTAINED IN Clinton-Lynch FOIAs

June 28, 2016

Email Chain: “Bill Clinton meeting?”

- **1:14pm – Mike Levine (ABC News) to Melanie Newman (Director of DOJ Office for Public Affairs) (OPA)**
 - **Content:** “Hey guys, wanted to address something ASAP...Apparently our affiliate in Phoenix is hearing that the AG met with Bill Clinton on a plane last night for close to an hour. They seem to think it’s somehow connected to the Benghazi report released today (I’m not sure what the connection would be). But hoping I can provide them some guidance ASAP. Thanks.”
 - **Context:** *First media request about Clinton/Lynch Meeting.*
- **1:15pm – Newman (OPA) forwards ABC email to Carolyn Pokorny (Deputy Chief of Staff & Counselor to AG Lynch) (OAG) and Kevin Lewis (Press Secretary for DOJ to AG Lynch) (OPA)**
 - **Content:** “We need to talk. I’m on cell (redacted (b)(6))”
 - **Context:** Based on the time zone, Pokorny and Lewis appear to have been with the AG.
 - **Note:** *Email sent to senior OAG officials within 1 min of story breaking.*
- **1:16pm (10:15 AM PST) – Pokorny (OAG) to Newman (OPA).**
 - **Content:** “+Matt. I’m free. I will get a conference line.”
 - **Note:** *Within 2 min, Matthew Axlerod (ODAG), the Principal Associate Deputy Attorney General (#2 to DAG Yates), was added to the conversation. His current bio states that he “took the lead in advising on crisis management within the DOJ, working closely with the White House, Congress, the FBI, and the media on DOJ’s most sensitive and high-profile matters.”*
- **1:17pm – Newman (OPA) to Levine (ABC)**
 - **Content:** “What’s your number?”
- **1:17PM – Pokorny (OAG) Emails**
 - **Content:** “Dial-in: (Redacted (b)(6)). Passcode: (Redacted (b)(6)).”
- **1:18pm: – Lewis (OPA) Emails**
 - **Content:** “+SF and Uma”
 - **Context:** This denotes that at this time, Shirlethia Franklin (Deputy Chief of Staff & Counselor to AG Lynch) (OAG) and Uma Amuluru (Counselor to the AG) (OAG) were added to the conversation.
- **1:20PM – Shirlethia Franklin (OAG) to Lewis (OPA) ccing Pokorny (OAG), Newman (OPA), Mathew Axelrod (Associate Deputy AG to AG Sally Yates) (ODAG), and Amuluru (OAG)**
- **1:22PM – Shirlethia Franklin (Deputy Chief of Staff & Counselor to AG Lynch) to (Redacted (b)(6)/(b)(7)(c)) (Security Management Division) (FBI);**

(Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI); (Redacted (b)(6)/(b)(7)(c)) (LV) (FBI) [FBI-12]

- Content: “FYI – stepping out to deal with this.” (Forwards original email chain: “Re: Bill Clinton meeting?” from 1:14PM–1:18PM) [FBI-13]
- *Note: This means the FBI learned about the Clinton/Lynch tarmac meeting just before the first DOJ conference call on the matter.*
- *Note: This was not produced by the DOJ in response to the ACLJ’s FOIA request despite saying they produced everything. In other words, they lied to us.*
- Content: “I can step out and hop on a call. Is there a conference line?”
- 1:24pm: – Levine (ABC) emails Newman (OPA)
 - Content: “Are you in your office? I can [come] by in like 15 or so.”
- 1:25PM – Lewis (OPA) Emails
 - Content: “I need to stay at the event right now because press is here. The press avail starts in about 40 minutes.”
- 1:25PM – Franklin (OAG) Emails
 - Content: “Kevin – I’ll fill you in. Shirlethia.”
- 1:26PM – Amuluru (OAG) to Franklin (OAG) ccing Lewis (OPA), Newman (OPA), Pokorny (OAG), Axelrod (ODAG)
 - Content: “Same”
- 1:29pm: – Newman (OPA) to Levine (ABC)
 - Content: “I’m not but heading back. I’ll call you.”
- 1:32PM: Levine (ABC) to Newman (OPA)
 - Content: “Sounds good thx.”
- 1:44PM – Newman (OPA) Emails
 - Content: “Adding Peter to this chain for review. Peter – feel free to call me to discuss. 202-305-1920. Draft Statement: (Redacted(b)(5))”
- **1:51pm: – Pokorny (OAG) to Newman (OPA), Amuluru (OAG), Franklin (OAG) ccing Lewis (OPA), Axelrod (ODAG), Peter Kadzik (Assistant AG for the Office of Legislative Affairs) (OLA), Paige Herwig (Counselor to the AG) (OAG)**
 - **Content: “Suggested edits from me, Paige [Herwig] and OLA: (Redacted (b)(6))”**
 - *Note: Paige Herwig went on to serve as Deputy General Counsel to Sen. Feinstein, ranking member on Senate Judiciary Committee, which is now investigating this matter.*
- 1:51PM – Franklin (OAG) to Newman (OPA) ccing Amuluru (OAG), Lewis (OPA), Pokorny (OAG), Axelrod (ODAG), Kadzik (OLA)
 - **Content: “Thanks, Melanie. Will show this to the AG now. Can you also prepare a couple TPs for the press avail?”**
- 1:54pm – Pokorny (OAG) to Newman (OPA), Amuluru (OAG), Franklin (OAG) ccing Lewis (OPA), Axelrod (ODAG), Kadzik (OLA), and Herwig (OAG)
 - Content: “Same as last email; suggested edits and clean version below to show the AG: (Redacted (b)(5))”

- 1:54PM – Newman (OPA) to Pokorny (OAG), Amuluru (OAG), and Franklin (OAG) ccing Lewis (OAG), Axelrod (ODAG), Kadzik (OLA), Herwig (OAG)
 - Content: “(Redacted (b)(5))”
- 1:55PM – Newman (OPA) to Franklin (OAG) ccing Amuluru (OAG), Lewis (OPA), Pokorny (OAG), Axelrod (ODAG), Kadzik (OLA)
 - Content: “(Redacted (b)(6))”
- 1:58PM – Pokorny (OPA) to Newman (OPA), Amuluru (OAG), and Franklin (OAG) ccing Lewis (OPA), Axelrod (ODAG), Kadzik (OLA), Herwig (OAG), Denise Cheung (Counselor to the AG) (OAG)
 - Content: “+Denise. Others are requesting that edit as well, but I am happy to discuss.”
 - Context: Cheung added to email chain.
- 2:00PM – Pokorny (OAG) to Newman (OPA), Amuluru (OAG), and Franklin (OAG) ccing Lewis (OPA), Axelrod (ODAG), Kadzik (OLA), Herwig (OAG)
 - Content: “Melanie: (Redacted (b)(5)) CP.”
- 2:02PM – Newman (OPA) to Pokorny (OAG), Amuluru (OAG), and Franklin (OAG) ccing Lewis (OPA), Axelrod (ODAG), Kadzik (OLA), Herwig (OAG)
 - Content: “(Redacted (b)(5)).”
- 2:03PM – Kadzik (OLA) to Pokorny (OAG), Newman (OPA), Amuluru (OAG), and Franklin (OAG) ccing Lewis (OPA), Axelrod (ODAG), Herwig (OAG), Cheung (OAG)
 - Content: “(Redacted (b)(5)).”
- 2:04PM – Newman (OPA) to Kadzik (OLA), Pokorny (OAG), Amuluru (OAG), and Franklin (OAG) ccing Lewis (OPA), Axelrod (ODAG), Herwig (OAG), Cheung (OAG)
 - Content: “(Redacted (b)(5)) Can we hop on a call?”
- 2:10PM – Kadzik (OLA) to Newman (OPA), Pokorny (OAG), Amuluru (OAG), Franklin (OAG) ccing Lewis (OPA), Axelrod (ODAG), Herwig (OAG), Cheung (OAG)
 - Content: “OK here.”
 - Context: *Final Email in “Bill Clinton meeting?” chain.*

Email Chain: “talking points for AG’s media avail”

- 2:35PM – Newman (OPA) to Franklin (OAG), Amuluru (OAG), Pokorny (OAG), Lewis (OPA)
 - Content: “(Redacted (b)(5)).”
 - Context: Only Email in “talking points for AG’s media avail” Chain.

***Email Chain: “DRAFT: Statement/Talking Points”**

- 2:40PM – Newman (OPA) to Franklin (OAG), Amuluru (OAG), Pokorny (OAG), Lewis (OPA), Herwig (OAG), Axelrod (ODAG), Kadzik (OLA)
 - Content: “(Redacted (b)(5))”
- **2:41PM – Newman (OPA) to Elizabeth Carlisle (*ecarlisle@jmd.usdoj.gov*) (AG Lynch’s secret email alias)**

- **Content: (Blank)**
 - *Note: First Email to AG Lynch*
- ***3:00PM – Newman (OPA) to Carlisle (AG Lynch) ccing Pokorny (OAG), Franklin (OAG), Amuluru (OAG), Lewis (OPA)**
 - **Content: “Edited v. 2: (Redacted (b)(5))”**
- ***3:05PM – Pokorny (OAG) to Newman (OPA) & Carlisle (AG Lynch) ccing Franklin (OAG), Amuluru (OAG), Lewis (OPA), Herwig (OAG), Kadzik (OLA), Cheung (OAG)**
 - **Content: “+Peter, Page & Denise.”**
 - *Note: Herwig Added in to Strategize Talking Points Again. This time with AG.*
- 3:07PM – Kadzik (OLA) to Newman (OPA) ccing Franklin (OAG), Amuluru (OAG), Pokorny (OAG), Lewis (OPA), Herwig (OAG), Axelrod (ODAG)
 - **Content: “(Redacted (b)(5))”**
 - *Note: Brought Axelrod back in.*
- 3:20PM – Newman (OPA) to Kadzik (OLA) ccing Franklin (OAG), Amuluru (OAG), Pokorny (OAG), Lewis (OPA), Herwig (OAG), and Axelrod (ODAG)
 - **Content: “Works for me. Edits reflected below to address your point, as well as additional from folks on the ground. Please send edits in the next 10 minutes. Thank you.”**
- 3:22PM – Herwig (OAG) to Newman (OPA)
 - **Content: “Minor point: in the actual statement, can we spell out ‘former Attorney General Janet Reno’ (vs ‘AG Reno’)?”**
- 3:23PM – Newman (OPA) to Herwig (OAG)
 - **Content: “Yes.”**
- 3:33PM – Pokorny (OAG) to Newman (OPA) & Kadzik (OLA) ccing Franklin (OAG), Amuluru (OAG), Lewis (OPA), Herwig (OAG), Axelrod (ODAG)
 - **Content: “(Redacted (b)(5))”**
 - **Context: Likely Pokorny’s edits to the talking points for AG Lynch.**
- 3:35PM – Kadzik (OLA) to Newman (OPA) ccing Franklin (OAG), Amuluru (OAG), Pokorny (OAG), Lewis (OPA), Herwig (OAG), Axelrod (ODAG)
 - **Content: “(Redacted (b)(5))”**
- **3:37PM – Newman (OPA) to Pokorny (OAG), Kadzik (OLA) ccing Franklin (OAG), Amuluru (OAG), Lewis (OPA), Herwig (OAG), Axelrod (ODAG)**
 - **Content: “Edited to include Peter’s comment as well. Also cleaned up Carolyn’s edits a little to make it less clunky. Any further comments? I would like to close this for the AG to use NOW. Thanks. (Redacted (b)(5)).”**
- 3:38PM – Pokorny (OAG) Emails
 - **Content: “None from me.”**
- 3:41PM – Amuluru (OAG) to Newman (OPA)
 - **Content: “Is there an extra quote mark before the second paragraph?”**
- 3:42PM – Newman (OPA) Emails
 - **Content: “Hold please”**
- 3:42PM – Franklin (OAG) to Pokorny (OAG) ccing Newman (OPA), Kadzik (OLA), Amuluru (OAG), Lewis (OPA), Herwig (OAG), Axelrod (ODAG)

- Content: “No additional changes. Will print this version. Thanks much!”
- 3:43PM – Franklin (OAG) to Newman (OPA) ccing Pokorny (OAG), Kadzik (OLA), Amuluru (OAG), Lewis (OPA), Herwig (OAG), Axelrod (ODAG)
 - Content: “Will do. If you wouldn’t mind sending in a Word document, that would be great. Thanks.”
- 3:44PM – Newman (OPA) Emails
 - Content: “See attached. Thanks.”
- 3:45PM – Franklin (OAG) to Newman (OPA) ccing Pokorny (OAG), Kadzik (OLA), Amuluru (OAG), Lewis (OPA), Herwig (OAG), Axelrod (ODAG)
 - Content: “Thanks, all!”
- 3:45PM – Kadzik (OLA) to Pokorny (OAG) ccing Newman (OPA) Franklin (OAG), Amuluru (OAG), Lewis (OPA), Herwig (OAG), Axelrod (ODAG)
 - Content: “Good here”
- 3:46PM – Newman (OPA) Emails
 - Content: “Thanks all!”
- 3:48PM – Newman (OPA) to Amuluru (OAG)
 - Content: “No – that’s proper for a two-paragraph quote.”
 - Context: In response to Amuluru’s question about a quote mark at 3:41PM.
- 3:49PM – Amuluru (OAG) to Newman (OPA)
 - Content: “Ok thanks!”
- **4:09PM – Franklin (OAG) Emails**
 - Content: “The quest was just asked at the press avail. Local reporters noted that ‘sources say’ that the AG met with former President Bill Clinton last night and asked whether Benghazi was discussed. The AG stuck to the talking points. She also received a question about whether POTUS’ support of Hillary Clinton has any impact on the Department’s investigation, (Redacted (b)(5)). **Melanie, as previously discussed, is the plan to now issue the statement.**”
- 4:10PM – Axelrod (ODAG) Emails
 - Content: “(Redacted (b)(5))”
- 4:15PM – Lewis (OPA) to Axelrod (ODAG) ccing Franklin (OAG), Newman (OPA), Kadzik (OLA), Pokorny (OAG), Amuluru (OAG), Herwig (OAG)
 - Content: “**We didn’t get any follow up** (Redacted (b)(5)) Our justice reporter didn’t follow up either.”
- 4:16PM – Newman (OPA) to Franklin (OAG)
 - Content: “(Redacted (b)(5)) **I am holding for now.**”
 - Context: The decision was made to hold the draft statement, which was apparently never released and is still redacted today.
- **4:20PM – Franklin (OAG) to Newman (OPA) ccing Pokorny (OAG)**
 - Content: “**Mel – can you email the AG to let her know the plan? We’re en route to the next location now, but I’m in the staff van. Thanks.**”

*Email Chain: “Talking points/statement”

- ***3:42PM – Newman (OPA) to Carlisle (AG Lynch) ccing Pokorny (OAG), Amuluru (OAG), Franklin (OAG), Lewis (OPA)**
 - **Content:** “(Redacted (b)(5))”
- ***3:46PM – Newman (OPA) to Carlisle (AG Lynch) ccing Pokorny (OAG), Amuluru (OAG), Franlin (OAG), Lewis (OPA)**
 - **Content:** “Final version – Shirlethia is printing now. (Redacted (b)(5)).”
- ***4:41PM – Newman (OPA) to Carlisle (AG Lynch) ccing Pokorny (OAG), Amuluru (OAG), Franklin (OAG), Lewis (OPA)**
 - **Content:** “AG Lynch – We are holding on the statement for now. Given that there wasn’t any follow-up in the press avail, (Redacted (b)(5)). We will keep you posted as things develop. Thank you.”
 - **Context:** Continuing to hold the apparently never-released, but still redacted statement.
- ***4:28PM – Carlisle (AG Lynch) to Newman (OPA) ccing Pokorny (OAG), Amuluru (OAG), Lewis (OPA)**
 - **Content:** “Thanks to all who worked on this. AG.”

Email Chain: “DAG flags?”

- **4:14PM – Dena Iverson (Press Secretary & Senior Advisor for DOJ) (OPA) Email to Lewis (OPA)**
 - **Content:** “Anything for the DAG? Kev, anything pop up at the press avails today that I should know about? Thanks.”
- **4:24PM – Lewis (OPA) to Iverson (OPA) ccing Newman (OPA) & Patrick Rodenbush (Public Affairs Specialist at DOJ) (OPA)**
 - **Content:** “Meeting with Press Clinton. We have a statement. Matt is aware. (Redacted (Non-Responsive Record)).”
- **4:25PM – Iverson (OPA) to Lewis (OPA) ccing Newman (OPA) & Rodenbush (OPA)**
 - **Content:** “Thx”
- **4:25PM – Newman (OPA) to Lewis (OPA) & Iverson (OPA) ccing Rodenbush (OPA)**
 - **Content:** “Matt has the final statement and I’m sure has been briefing the DAG on that issue.”
 - **Context:** *Axelrod was believed to have been briefing Deputy Attorney General Yates on the matter.*

***Email Chain: “Transcripts of AG Lynch’s Q&A from Press Conference Today”**

- ***3:42PM – Newman (OPA) to Carlisle (AG Lynch) ccing Pokorny (OAG), Amuluru (OAG), Franklin (OAG), Lewis (OPA)**
 - **Content:** “(Redacted (b)(5))”
- **4:56PM – Olivia Castor (Communications Intern) (OPA) to Lewis (OPA), Newman (OPA) (x2) ccing Rebecca Stewart (Media Affairs Coordinator &**

Deputy Press Secretary for AG Lynch) (PAO), James Kelli (Press Assistant) (OPA)

- Content: “Hello, I’ve attached a copy of the transcript for the Q&A portion of the AG’s press conference to this email, and have included the text below. Please let me know if there is anything that needs to be fixed! Best, Olivia. (Transcript of Press Conference).”
- 5:02PM – Newman (OPA) to Pokorny (OAG), Franklin (OAG), Amuluru (OAG), Kadzik (OLA), Herwig (OAG), Axelrod (ODAG), Lewis (OPA)
 - Content: “See Below.”
- 5:03PM – Lewis (OPA) to Newman (OPA)
 - Content: “That’s not the full presser. I ended early so that I could get you the meeting clip.”
- 5:04PM – Newman (OPA) to Lewis (OPA)
 - Content: “I know. I only wanted to flag the relevant part but didn’t feel a need to highlight it.”
- 5:06PM – Newman (OPA) to Pokorny (OAG), Franklin (OAG), Amuluru (OAG), Kadzik (OLA), Herwig (OAG), Axelrod (ODAG), Lewis (OPA)
 - Content: “Please note that this is a partial transcript, but included the question on the meeting.”
- 7:08PM – Newman (OPA) to Kelli (OPA) & Stewart (PAO) ccing Lewis (OPA)
 - Content: “See below.”

Email Chain: Praise Phoenix Police Training

- 9:38PM – Pokorny (OAG) to Newman (OPA)
 - Content: (Link to Cronkite News article regarding Lynch’s praise for Phoenix police).

June 29, 2016

Email Chain: Praise Phoenix Police Training

- 1:02AM – Pokorny (OAG) to Newman (OAG)
 - Content: “The clip I sent early mentioned it: (article by Cronkite News)”
 - Context: This chain began on June 28.
- 6:33AM – Newman (OPA) to Pokorny (OAG)
 - Content: “I know. I saw this. (Redacted (b)(5)).”

Email Chain: “Transcript from the media avail”

- 10:26AM – Newman (OPA) to Matthew Dean (Fox News)
 - Content: “Matt, As I mentioned on the phone, this question was asked in yesterday’s media availability in Phoenix. I’ve included the transcript of the one exchange on the topic, as well as a link to the one report that mentions the exchange. (Transcript of the Report)”
- 10:28AM – Dean (Fox News) to Newman (OPA)

- Content: “Thanks, Melanie.”

Email Chain: “Transcript of AG Lynch’s Q&A from Press Conference Today”

- 10:33AM – Newman (OPA) Emails
 - Content: “Kevin – do we have a full recording of the audio or a transcript? Others – did anyone run the full press conference? Can we check TV Eyes?”
- 10:35AM – Lewis (OPA) to Newman (OPA) ccing Castor (OPA), Stewart (PAO), Kelli (OPA)
 - Content: “I’ll send audio. It will need to be transcribed. I don’t know that anyone has the full presser online but we should check.”
- 10:37AM – Castor (OPA) to Lewis (OPA), Newman (OPA) ccing Stewart (PAO) & Kelli (OPA)
 - Content: “I can transcribe the audio for you!”
- 10:38AM – Kelli (OPA) to Olivia (OPA), Lewis (OPA), Newman (OPA) ccing Stewart (PAO)
 - Content: “I’ll check TV eyes.”
- 11:10AM – Lewis (OPA) to Castor (OPA), Newman (OPA) ccing Stewart (PAO), Kelli (OPA)
 - Content: “The file might be too large to email. Please confirm if you receive it.”
- 11:13AM – Castor (OPA) to Lewis (OPA), Newman (OPA) ccing Stewart (PAO) & Kelli (OPA)
 - Content: “I received the file. Would you like the transcription to be completed by COB today or earlier?”
- 2:10PM – Castor (OPA) to Lewis (OPA), Newman (OPA) ccing Stewart (PAO) & Kelli (OPA)
 - Content: “Hello, I’ve attached a document containing the transcript to this email, and I’ve included the text below. Please let me know if there is anything that needs to be corrected. Best, Olivia. (Transcript of June 28th Presser).”
- **4:20PM – Newman (OPA) to Brandi Hoffine (Assistant White House Press Secretary & Spokeswoman) (EOP/WHO)**
 - Content: (Blank)
 - Context: Appears to be either a forward containing the transcript text found in the 2:10PM email by Castor (OPA).
 - Note: *Looped in White House (Sent Transcript) with text “Please let me know if there is anything that needs to be corrected.”*

Email Chain: “RE: FYI only”

- **4:04PM – James B. Comey (FBI Director) to Michael P. Kortan (Assistant Director of the Office of Public Affairs, FBI); James E. Rybicki (Chief of Staff/Senior Counselor to FBI Director Comey); Andrew G. McCabe (Deputy Director, FBI); Bowdich (DO) (FBI) [FBI-1]**

- Content: Link to Fox News Article titled “Why Did Bill Clinton and Loretta Lynch Meet at Her Airplane in Phoenix.”
- 4:07PM – David L. Bowdich (Associate Deputy Director, FBI) to Comey (FBI Director) [FBI-1]
 - Content: “Got it, thanks sir, Dave.”

Email Chain: “FLAG”

- **4:39PM – Newman (OPA) to Richard Quinn (Assistant Special Agent in Charge – Nat. Sec.) (FBI), (Redacted (b)(6), (b)(7)(C) per FBI), Michael Kortan (Assistant Director of the Office of Public Affairs, FBI) (FBI), (Redacted (b)(6), (b)(7)(C) per FBI) ccing Lewis (OPA)**
 - Content: “I want to flag a story that is gaining some traction tonight. Daily Caller, The Hill and FOX News have picked up a local Phoenix news report about a causal, unscheduled meeting between former president Bill Clinton and the AG. It happened on Monday night. **Our talkers on this area below, along with the transcript from the AG’s Phoenix presser, where she was asked about this. Happy to discuss further by phone.** Please let me know if you get any questions about this. Thanks. (Transcript of Presser with Redactions).”
 - Context: *Sent the FBI the still-redacted talking points.*
- **4:55PM – Quinn (FBI) to Newman (OPA), Kortan (FBI) ccing Lewis (OPA)**
 - Content: “Copy/thanks Melanie.”

Email Chain: “From DOJ...”

- **4:42PM – Kortan (FBI) to McCabe (FBI); Rybicki (FBI); Bowdich (FBI) ccing Comey (FBI) [FBI-2]**
 - Content: Forwarding Email Chain titled “FLAG” sent at 4:39PM

Email Chain: “Everyone asking me about this Lynch/Clinton meeting”

- 5:19PM – Paula Reid (CBS News) to Newman (OPA)
 - Content: “What say you?”

Email Chain: “DAG Flags?”

- **5:22PM – Iverson (OPA) to Newman (OPA)**
 - Content: “Anything form the AG’s events today I need to know about? Thanks”
- **5:28PM – Newman (OPA) to Iverson (OPA)**
 - Content: “News in Clinton meeting is breaking. CBS News is also picking it up, in addition to FOX.”
- 5:33PM – Iverson (OPA) to Newman (OPA)
 - Content: “Thx”
- **5:38PM – Iverson (OPA) to Newman (OPA)**

- Content: “I’m in wrap up now but I have something to flag for you if you have a minute to hop on the phone around 6.”
- 5:41PM – Newman (OPA) to Iverson (OPA)
 - Content: “Yes. Call my cell.”
- 6:26PM – Iverson (OPA) to Newman (OPA)
 - Content: “Just tried you back, I’m on my cell.”

Email Chain: “LA Press Copy”

- 6:33PM – Lewis (OPA) to Newman (OPA)
 - Content: “Clinton q is in here. Please confirm receipt. Need transcribed.”
 - Context: Might include others but not clear from text.
- 6:34PM – Newman (OPA) to Lewis (OPA) ccing Stewart (PAO), Kelli (OPA), Anthony Juarez (Press Assistant) (OPA)
 - Content: “Got it, Let’s get the Clinton q transcribed ASAP.”
- 6:37PM – Stewart (PAO) Email
 - Content: “Copy that! Transcribing now. Also, just sent one more short clip from FOX. Will switch back to clips after the transcript.”
 - Context: Likely sent to Newman (OPA) but unclear who else exactly.
- 6:49PM – Kelli (OPA) to Stewart (PAO) ccing Newman (OPA), Lewis (OPA), and Juarez (OPA)
 - Content: (Transcript of LA Press Conference)
- 6:50PM – Stewart (PAO) to Kelli (OPA)
 - Content: “I’ll have the full transcript of the audio file shortly.”
- 6:53PM – Kelli (OPA) to Stewart (PAO)
 - Content: “I’m about to be in my career [sic] but I should be seated around 7:30 if anything else comes up! Thanks so much!”
 - Context: Looks like a forward of the emails regarding the “LA Press Copy.”

***Email Chain: “DRAFT: Statement/Talking Points”**

- **10:31AM – Newman (OPA) to Axelrod (ODAG) ccing Pokorny (OAG), Lewis (OPA), Franklin (OAG), Kadzik (OLA)**
 - Content: “I sent the transcript and link to the news clip to the Fox Producer. He had already tracked down the video from the presser. He actually thinks they may not run anything on it today but will keep me posted. He doesn’t think its news. **I also talked to the ABC producer, who noted that they aren’t interested, even if Fox runs with it. Given this, we are still holding.**”
 - Note: ***Clear Media-Gov Collusion***
 - Context: ***Indicates that DOJ continued to hold the (now redacted) statement, which appears to have never been released to the public.***
- 4:03PM – Newman (OPA) to Axelrod (ODAG) ccing Pokorny (OAG), Lewis (OPA), Franklin (OAG), Kadzik (OLA), Amuluru (OAG), Herwig (OAG)

- Content: “Fox just called to say that O’Reilly, Greta, and Special Report with Bret Baier will report on this tonight. Also, Fox will have a reporter at the LA presser and this will ask about it. Peter – OLA is going to get questions about this and I think the talking points we drafted will be useful for your purposes. (Redacted (b)(5)). We will monitor the press avail, if any local stations pick it up live but Kevin, please send us audio as soon as you can.”
- 4:30PM – Kadizk (OLA) to Newman (OPA); Axelrod (ODAG) ccing Pokorny (OAG), Lewis (OPA), Franklin (OAG), Amuluru (OAG), Herwig (OAG)
 - Content: (Article on Lynch-Clinton Meeting)
- 4:34PM – Newman (OPA) to Kadzik (OLA), Lewis (OPA), Franklin (OPA), Amuluru (OAG), Herwig (OAG)
 - Content: “I’m going to flag this for FBI public affairs.”

Email Chain: “Transcript of AG Lynch’s Q&A from Press conference in AZ Yesterday (6/28)”

- 5:30PM – Newman (OPA) to Reid (CBS News)
 - Content: “See the fourth question below.”
 - Context: Referencing the following question in the transcript: “Sources say that you met last night with former president Bill Clinton. Did the topic of Benghazi come up at all, or can you tell us what was discussed.”
- 5:56PM – Newman (OPA) to Devlin Barrett (WSJ)
 - Content: (Just Sends the Transcript)
 - Context: In response to “bill clinton meeting” email by Devlin at 5:52PM.

Email Chain: “bill clinton meeting”

- 5:52PM –Barrett (WSJ) to Newman (OPA)
 - Content: “Hiya, Are you guys saying anything more re: the bill clinton meeting in Phoenix? Watched the video of the presser where she talked about it.”

Email Chain: “can you hear this word”

- 7:21PM – Stewart (PAO) to David Jacobs (Deputy Press Secretary & Spokesman for the Civil Rights Division) (OPA)
 - Content: “Can you hear what she’s saying around 2 min mark? I highlighted the blank space in the attached doc. (Part of LA Presser Transcript Below).”
- 7:38PM –Jacobs (OPA) to Stewart (PAO)
 - Content: (Blank) (Includes Attachment of the LA Presser)

Email Chain: “AG LA Q&A Transcript – Last Two Questions”

- 7:43PM – Stewart (PAO) to Newman (OPA), Lewis (OPA), Iverson (OPA) ccing Kelli (OPA), Jacobs (OPA)
 - Content: (Transcript of Last Two Questions of LA Press Conference)

Email Chain: “AG and Bill Clinton”

- 8:14PM – Carrie Johnson to Newman (OPA)
 - Content: “Are you saying any more about this beyond statements in Phoenix at press conf? An awful appearance problem.”
- 8:27PM – Newman (OPA) to Johnson (NPR)
 - Content: “Nothing beyond statement at presser. Feel free to call my cell. (Redacted (b)(6)).”
- 8:56PM – Newman (OPA) to Johnson ccing Kevin Lewis (OPA) & Iverson (OPA)
 - Content: (Transcript of Presser)

Email Chain: “AG’s meeting with Bill Clinton?”

- **9:06PM – Matt Zepotosky (WaPo) to Lewis (OPA)**
 - Content: “Hey Kevin – Writing a short post about the attorney general’s meeting with Former President Clinton, which I’m sure you know is getting pretty wide pickup. I see she addressed it at a presser in Arizona and said they talked about personal stuff (and not any active cases), but is there any other context I should know? Any statement from you or any background you can give? I’m at (Redacted (b)(6)) if you can call. Best, Matt Zepotosky.”
 - Context: Zepotosky apparently never got a response to this email and went on to write a piece and noted there was no comment by the DOJ. Melanie Newman later scolds him for saying that and for not emailing her and asks him to remove that line. Zepotosky is the one who tells Melanie that he wants to “put it to rest.”

Email Chain: “Who did you email for comment for this story? And why not reach out to me?”

- 8:24PM – Newman (OPA) to Lewis (OPA)
 - Content: “FYI” (forward messages from Zepotosky)
- 11:20PM – Newman (OPA) to Zepotosky (WaPo)
 - Content: “Attorney general meets former president Clinton amid politically charged investigation into his wife’s email – The Washington Post (link to article).”
- 11:21PM – Zepotosky (WaPo) to Newman (OPA)
 - Content: “Kevin, Isn’t he with her? Do you have a comment? I can update.”
- **11:23PM – Newman (OPA) to Zepotosky (WaPo)**

- Content: “He is with her but he is staffing her, which means he’s not always available. **You could have called me before reporting a no comment.** I have been sending everyone the full transcript from yesterday and today’s press conferences, where she addressed this. No additional comment needed when you have her on the record. Happy to forward along.”
- 11:25PM – Zapotosky (WaPo) to Newman (OPA)
 - Content: “Oh sure send along. I just figured he’d be better since he was with her (and on west coast time). I did say in graph 2 she acknowledged publicly and quoted her (there’s all sorts of presser video out there).”
- 11:27PM – Zapotosky (WaPo) to Newman (OPA)
 - Content: “Thanks.” (Transcript of Presser Sent)
- **11:29PM – Newman (OPA) to Zapotosky (WaPo)**
 - Content: “All the video out there is edited for TV, which is why I’ve been sending the transcript. I would have also been happy to discuss by phone earlier. (Redacted (b)(6)). **It would be much appreciated if you removed the “spox did not return calls for comment.”**”
- **11:37PM – Zapotosky (WaPo) to Newman (OPA)**
 - Content: “**I updated the last graph to take that out, reflect that you willingly provided transcripts and added a bit about career prosecutors.** Thanks for reaching out – next time I’ll get at you directly. Again, just figured since Kevin was with her and operating there hours earlier than us he’d be better in this case.”
- **11:38PM – Newman (OPA) to Zapotosky (WaPo)**
 - Content: “**Really appreciate it. Thanks.**”
- 11:45PM – Newman (OPA) Forward to Lewis (OPA)
 - Content: “Story has been updated.”
- 11:47PM – Lewis (OPA) to Newman (OPA)
 - Content: “My fault on missing this. I did a search. I don’t have anything else in my inbox about this inquiry.”
- 11:48PM – Lewis (OPA) to Newman
 - Content: “Thanks.”

Email Chain: “TV Clips: AG Community Policing Trip to LA”

- 6: 24PM – Stewart (PAO) to Newman (OPA) & Lewis (OPA) ccing Kelli (OPA)
 - Content: (Fox Article on LA Press Conference)
- 6:37PM – Stewart (PAO) to Newman (OPA) & Lewis (OPA) ccing Kelli (OPA)
 - Content: (Fox Article on LA Press Conference)
- 7:56PM – Stewart (PAO) to Newman (OPA) & Lewis (OPA) ccing Kelli (OPA)
 - Content: “There are more TV clips up – looks like all or most are FOX/Clinton – working on transcripts now.”
- 8:00PM – Kelli (OPA) to Stewart (PAO)
 - Content: “Feel free to send me links to transcribe.”
- 8:11PM – Stewart (PAO) to Kelli (OPA)

- Content: “Here’s CBS – he just says a few lines about the meeting (Article link).”
- 8:53PM – Newman (OPA) to Stewart (PAO) ccing Lewis (OPA), Iverson (OPA), Kelli (OPA), Jacobs (OPA)
 - Content: “Are you pulling together a full clips package? That would be helpful.”
- 8:53PM – Stewart (PAO) to Newman (OPA)
 - Content: “Yes, they keep popping so I’m just pulling the law few now. Should have it to you soon.”
 - Context: Unclear who is included in the chain along with Newman (OPA) but likely includes the ccd individuals from previous emails: Lewis (OPA), Iverson (OPA, Kelli (OPA), David Jacobs (OPA).
- 8:56PM – Newman (OPA) to Stewart (PAO) ccing Lewis (OPA), Iverson (OPA), Kelli (OPA), Jacobs (OPA)
 - Content: “Great. Thanks so much.”
- 9:20PM – Stewart (PAO) to Jacobs (OPA)
 - Content: (Blank)

***Email Chain: “TV Clips: AG Lynch Trip to LA (as of 9:25pm)**

- 9:29PM – Stewart (PAO) to Newman (OPA), Lewis (OPA), Iverson (OPA) ccing Jacobs (OPA); James (OPA)
 - Content: (Articles/Transcripts)
- 9:33PM – Jacobs (OPA) to Stewart (PAO), Newman (OPA), Lewis (OPA), Iverson (OPA) ccing James (OPA)
 - Content: “Also, ‘The Kelly File’ just previewed a segment on it and used a clip from today’s presser: (Transcript).”
- *9:40PM – Newman (OPA) to **Carlisle (AG Lynch)** ccing Pokorny (OAG), Franklin (OAG), Amuluru (OAG), Lewis (OPA), Herwig (OAG), Kadzik (OLA), Axelrod (ODAG)
 - Content: “AG Lynch – Please see below all of the TV clips from tonight. As you can see, they are still rolling in so we will send an updated version in the morning. (forward list of articles and transcripts of tv clips).”

June 30, 2016

Email Chain: “Hey”

- 6:08AM – Reid (CBS News) to Lewis (OPA)
 - Content: “Which airport was Lynch at when Clinton stopped by?”
- **8:04AM – Levine (ABC News) to Newman (OPA)**
 - Content: “**Hey, .com now wants me to write something up on the meeting.** Anything in particular you think I should consider when writing? Anything more you want to add beyond what AG said at presser? Thanks”
- **8:16AM – Newman (OPA) to Levine (ABC News)**

- Content: “**Of course they do**. Here’s the transcript of the two pressers, in case you need full comments. What’s your cell? I can call you to provide additional context. (Transcripts of Pressers).”
- 8:22AM – Levine (ABC News) to Newman (OPA)
 - Content: “(Redacted (b)(6)) Thanks.”

Email Chain: “Transcripts”

- 8:42AM – Eric Tucker (AP) to Newman (OPA)
 - Content: “Hi, so sorry to be a pest. Any update on a transcript? (I’m being asked about it).”
- 8:43AM – Newman (OPA) to Tucker (AP)
 - Content: “Sorry. Here it is. (Transcript of Presser).”
- 8:46AM –Tucker (AP) to Newman (OPA)
 - Content: “Thanks!”

Email Chain: “Transcript”

- 7:39AM – Newman (OPA) to Evan Perez (CNN)
 - Content: “FYI” (Referring to Transcript of Presser)
- 9:51AM – Newman (OPA) to Perez (CNN)
 - Content: (Transcript of Presser)

Email Chain: “TPs and transcript”

- 9:08AM – Newman (OPA) to Marc Raimondi (DOJ Nat. Sec. Spokesman) (OPA)
 - Content: (Talking Points (Redacted (b)(5)) & Transcript of June 29 Press Conference).

Email Chain: “TV Clips: AG Lynch Trip to LA (as of 9:25pm)”

- 9:04AM – Stewart (PAO) to Vendarryl Jenkins (Summer Intern) (OPA), Tiffany Lau (OPA), Castor (OPA), Matthew Jarrell (Media Relations Intern) (OPA)
 - Content: “And here are all the TV clips that we pulled as with the print clips you can just pull clips that have aired since these ones. Let me know if you have any questions or issues. Thanks so much!”
- 9:59AM – Lau (JMD) to Stewart (PAO), Jenkins (OPA), Castor (OPA), Jarrell (OPA)
 - Content: “We did the Bill Clinton clips separately from the LA Community Policing ones; hope that’s okay. There are a bunch, so we’re still working on them. Will do TV clips as well do you want them for both Community Policing and the Bill Clinton meeting?”
- 10:00AM – Stewart (PAO) to Lau (JMD), Jenkins (OPA), Castor (OPA), Jarrell (OPA), James (OPA)
 - Content: “I think that’s probably best to separate the clips the way you said. Kelli, do you agree? And yes on both for tv clips. Thanks!”

- 10:00AM – James (OPA) to Stewart (PAO), Lau (JMD), Jenkins (OPA), Castor (OPA), Jarrell (OPA)
 - Content: “That’s best. Thank you!”
- 10:14AM – Jenkins (OPA) to James (OPA), Stewart (PAO), Lau (JMD), Castor (OPA), Jarrell (OPA)
 - Content: “When would you like the press clips? I think we are done on those for the moment, and wasn’t sure if you wanted an end of the day compilation or as soon as possible look.”
- 10:15AM – James (OPA) to Jenkins (OPA), Stewart (PAO), Lau (JMD), Castor (OPA), Jarrell (OPA)
 - Content: “You can send what you have now and we can do an update later today, IF needed.”
- 10:49AM – Jenkins (OPA) to James (OPA), Stewart (PAO), ccing Lau (JMD)
 - Content: “A little pre-mature, some more are coming in and when Tiffany searched ‘all’ rather than ‘news’ in google a lot of stories popped up.”
- 10:49AM – Stewart (PAO) to Jenkins (OPA), James (OPA) ccing Lau (JMD)
 - Content: “Thanks for the heads up!”
- **10:50PM – Lau (JMD) to Stewart (PAO), Jenkins (OPA), James (OPA)**
 - Content: “There are a lot of angry people...☹”

Email Chain: “AG’s meeting with President Clinton this week”

- 9:58AM – Julian Hattem (The Hill) to Newman (OPA) & “Press”
 - Content: “Hi I’m writing about some of the backlash to the AG’s social meeting with former President Clinton in Phoenix on Monday, Lawmakers from both parties have raised questions about the meeting and whether it was appropriate. Was the AG’s meeting appropriate, given the ongoing investigation connected to Secretary Clinton? Does it have any effect on the outcome of that investigation? Thank you.”
- 10:02AM – “Press” to Lewis (OPA)
 - Content: (Blank)
- 10:02AM – Stewart (PAO) to “Press” & Lewis (OPA)
 - Content: “+Melanie”
 - Context: Presumably Newman (OPA) was added.
- 10:02AM – Newman (OPA) to Hattem (The Hill) ccd “Press”
 - Content: “I’ll refer you to the transcripts below from the AG’s press conference on Tuesday, in Phoenix, and Wednesday, in LA. We have no additional comment. (Transcripts Below).”
- 10:06AM – Hattem (The Hill) to Newman (OPA) ccd “Press”
 - Content: “Thank you.”
- 10:08AM – Lewis (OPA) to “Press” & Stewart (PAO)
 - Content: “Lets copy Melonie on these. She is responding to reporters.
- 10:10AM – Newman (OPA) to Lewis (OPA) ccing Stewart (PAO) & “Press”
 - Content: “I’ve already responded. He emailed me and the press inbox. Thanks.”
- 10:10AM – Newman (OPA) Froward to Lewis (OPA)

- Content: (Blank)
 - Context: Forward includes emails from 9:58AM to 10:06AM.
- 10:11AM – Lewis (OPA) to Newman (OPA) ccing “Press” and Stewart (PAO)
 - Content: “Just making sure that the folks monitoring the press account copy you going forward. Thanks for getting back to him.”

Email Chain: “Interview request”

- 9:57AM – Samantha DelPriore (Fox News) to “Press”
 - Content: “Good morning – Would AG Lynch be available for an interview on our show *On the Record with Greta Van Susteren* on Fox News Channel tonight to respond to the meeting she had with Bill Clinton? We air live during the 7PM/et hour but we are happy to pretape to accommodate her schedule. Please let me know if we can set something up. The interview would be one-on-one with Greta.”
- 10:01AM – “Press” to Lewis (OPA) ccing Stewart (PAO)
 - Content: (Blank)
- 10:03AM – Stewart (PAO) to “Press” & Lewis (OPA)
 - Content: “+Melanie”
- 10:09AM – Stewart (PAO) to Lewis (OPA)
 - Content: “+Mel”
- 10:10AM – Newman (OPA) to Lewis (OPA) ccing Stewart (PAD)
 - Content: “Decline.”
- 10:11AM – Lewis (OPA) to Newman (OPA)
 - Content: (Redacted (b)(5))
- 10:12AM – Newman (OPA) to Lewis (OPA)
 - Content: (Redacted (b)(5))
- 10:17AM – “Press” to DelPriore (Fox News)
 - Content: “Hi Samantha, Thank you for reaching out to us with your interview request for the Attorney General. At this time, the Attorney General is unfortunately not available for an interview but please let us know if we can be of further assistance. We look forward to working with you in the future.”

Text Messages Between Strzok & Page

- 10:31AM – Message Sent by Peter Strzok (Counterintelligence Division) (FBI) to Lisa Page (FBI Attorney) (FBI) [FBI-30]
 - Content: “All the airport tarmac articles finally burst out. Took a little bit. Not a big deal, just ASTOUNDINGLY bad optic.”
- 12:59AM – Message Sent Between Strzok (FBI) & Page (FBI) [FBI-31]
 - Content: “Omg he is spinning about the tarmac meeting, viewed in conjunction with the [redacted] Wants to meet at 4, have us bring lists of what we would do in an ordinary circumstance (easy, refer to PC) and in this circumstance (easy, refer to 7th floor)...”

Email Chain: “more on Clinton meeting?”

- **11:33AM – Zapotosky (WaPo) to (Newman)**
 - Content: “Hey Melanie and Kevin – Any chance one of you could give me a call for another, hopefully quick conversation on this AG-Clinton meeting? **My editors are still pretty interested in it, and I’m hoping I can put it to rest** by answering just a few more questions about how the meeting came about – who approached who, and how did they realize they were in the same place? Many thanks.”
- **11:35AM – Newman (OPA) to Zapotosky (WaPo) & Lewis (OPA)**
 - Content: “Will give you a call now.”
- **11:36AM – Newman (OPA) to Zapotosky (WaPo)**
 - Content: “Story I reference: (link to CBS News article).”
 - ***Context: Appears phone conversation between Newman and Zapotosky lasted three minutes.***
- **3:23PM – Zapotosky (WaPo) to Newman (OPA) & Lewis (OPA)**
 - Content: “(Redacted (b)(6))”
- **3:25PM – Newman (OPA) to Zapotosky (WaPo) & Lewis (OPA)**
 - Content: “(Redacted (b)(6))”

Email Chain: “Transcripts”

- **11:37AM – Newman (OPA) to Pete Williams (NBC)**
 - Content: (Transcript of Pressers)

Email Chain: “Hi, Kevin”

- **11:50AM – Kevin Johnson (USA Today) to Lewis (OPA)**
 - Content: “Can you help with the meeting between the AG and frmr Pres Clinton?”
- **11:55AM – Lewis (OPA) to Johnson (USA Today) ccing Newman (OPA)**
 - Content: “Adding Mel. I’m at an event in west coast.”
- **11:55AM – Newman (OPA) to Lewis (OPA)**
 - Content: “I’m on with Kevin now.”
- **11:56AM – Lewis (OPA) to Newman (OPA)**
 - Content: “Thx”
- **11:56AM – Newman (OPA) to Lewis (OPA) & Johnson (USA Today)**
 - Content: (Transcript of Pressers)
- **12:03PM – Newman (OPA) to Johnson (USA Today)**
 - Content: (Transcript of Pressers)
 - Context: In email chain titled “transcripts” but clearly in reference to the “Hi, Kevin” email.

Email Chain: “Hi, Melanie”

- **11:48AM – Johnson (USA Today) to Newman (OPA)**

- Content: “Can you help on the meeting between the AG and the frmr Pres Clinton? Thanks, Kevin.”
- 11:49AM – Newman (OPA) to Johnson (USA Today)
 - Content: “Yes, will call you shortly. Best number? Also, transcripts from Tuesday and Wednesday pressers should be helpful. (Transcripts of Pressers).”
- **12:37PM –Johnson (USA Today) to Newman (OPA)**
 - Content: “Got it. Thanks.”
 - Note: *Shows media spirit of “Help us, tell us what to say...”*

Email Chain: “AG Briefing”

- **9:52AM** – Franklin (OAG) to **Sabrina Curtis (Director of Scheduling & Advance Associate for the White House) (OAG)**, ccing Lewis (OPA), Alan Bray (Director of Advance) (OAG), Amuluru (OAG)
 - Content: “Hi Guys, Would it be possible to take the AG back to hold for 15 minutes after the Facebook Town Hall (before lunch)? I need to schedule a quick call for Carolyn [Pokorny] to brief her about the **proposal re the Clinton meeting**. Uma and Kevin – **I will give you a quick briefing before we speak with the AG, but there is currently unanimous consent for the proposed plan.**”
- 9:55AM – Franklin (OAG) to Curtis (OAG) ccing Lewis (OPA), Bray (OAG), Amuluru (OAG)
 - Content: “Please also check to see if there is a conference phone in the hold room.”
- 10:01AM – Lewis (OPA) to Franklin (OAG) ccing Curtis (OAG), Bray (OAG), Amuluru (OAG)
 - Content: “Copy”
- 10:08AM – Curtis (OAG) to Lewis (OPA), Franklin (OAG), Bray (OAG), Amuluru (OAG)
 - Content: “We can now dial out on the tablet in the hold room and put it on speaker.”
- 1:09PM – Franklin (OAG) to Curtis (OAG) ccing Lewis (OPA), Bray (OAG), Amuluru (OAG)
 - Content: “Excellent – thanks!”

Email Chain: “Can I get statement [sic] on clinton meeting?”

- 1:02PM – Del Wilber (LA Times) to Newman (OPA)
 - Content: (Blank)
- 1:04PM – Newman (OPA) to Wilber & Lewis (OPA)
 - Content: “We have not issued a statement. Here’s the transcript from the AG’s two press conferences. (Transcripts from Pressers).”
- 1:15PM – Wilber to Newman (OPA) ccing Lewis (OPA)

- Content: “How did it come about? She bumped into him at terminal? Saw he was in Phoenix and invited him to the plane to chat? Or he saw her and wanted to say hi? This meeting would take some coordination.”
- 1:16PM – Wilber to Newman (OPA) ccing Lewis (OPA)
 - Content: “Did Carrier break it?”
- 1:17PM – Newman (OPA) to Wilber ccing Lewis (OPA)
 - Content: “Calling you now. Or you can call me at my desk, number below.”
- 1:18PM – Newman (OPA) to Wilber ccing Lewis (OPA)
 - Content: “call me.”
- 1:22PM – Newman (OPA) to Wilber ccing Lewis (OPA)
 - Content: “I have tried both numbers for you. I would like to go out to get some food. Call my cell if you don’t reach me at my desk.”

Email Chain: “NYT Q on Lynch/Clinton meeting”

- **2:16 PM – Mark Landler (NYT) to Newman (OPA)**
 - Content: “**Hi Melanie, I’m a White House correspondent at the NYT, and I’ve been pressed into service to write about the questions being raised by the Attorney General’s meeting with Bill Clinton.** Could you let me know what DoJ and the AG have said specifically about this meeting, and whether she believes it constitutes a conflict of interest, given the ongoing email investigation?”
- 2:20PM – Newman (OPA) to Landler (NYT)
 - Content: “Mark, I’ll call you in a bit. We have not issued a statement on this but I’ve included below the transcripts from the AG’s two press conferences where this was addressed. (Transcripts of pressers).”

Email Chain: “security details coordinate between Loretta Lynch/Bill Clinton?”

- 12:44PM – Zapotosky (WaPo) to NPO [FBI-22]
 - Content: “Hi – Weird question, but I’m trying to confirm that the reason former president Bill Clinton knew Attorney General Loretta Lynch was at an airport in Phoenix with week is that the agents working their respective security details (FBI in the case of the Attorney General) were coordinating during the time they were both on the tarmac. Is anyone able to shed light on that question of how the former president knew the Attorney General had just landed and how a meeting between the two of them happened?”
 - ***Note: Third Party Communications to FBI About Clinton-Lynch Meeting – Proof FBI had documents when denying our FOIA***
- 2:38PM – NPO (National Press Office Unit Chief, FBI OPA) to “Press” ccing Peter Carr (Public Affairs Specialist, Criminal Division) (OPA) [FBI-22]
 - Content: “Susan McKee Unit Chief National Press Office FBI Office of Public Affairs.”

- *Note: Carr now serves as the Spokesman for Special Prosecutor Robert Mueller*

Email Chain: “Details of AG’s meeting with ex-POTUS”

- 3:00PM – Chuck Ross (Daily Caller) to “Press”
 - Content: “Hello, I was wondering if DOJ has any additional details to offer on the meeting between AG Lynch and Bill Clinton earlier this week. Here are a few questions I have:
 - Who contacted whom about the meeting? If Clinton made the reach out, how and when was Lynch notified of the request?
 - Did DOJ have any plans to disclose this meeting?
 - According to reports, the meeting was held on AG’s airplane. Why was this necessary as opposed to holding it in a less secluded location?
 - Lastly, where was the AG’s airplane in relation to Clinton’s Did hers park next to his on the tarmac?
 - Thanks in advance for the help.”
- 3:12PM – “Press” to Newman(OPA) & Lewis (OPA) ccing Stewart (PAO) & Kelli (OPA)
 - Content: (Blank)

Email Chain: “Capehart stories”

- 7:29PM – Stewart (PAO) to Lewis (OPA)
 - Content: “Yes! I’ll loop back with some stories.”
- 7:25PM – Lewis (OPA) to Stewart (PAO)
 - Content: “Can you do a search for recent column from Jonathan? Has he written about the Clinton meeting? Anything on criminal justice, LGBT rights, Orland shooter, criminal justice.”
- 8:15PM – Stewart (PAO) to Lewis (OPA)
 - Content: “Nothing on the Clinton meeting. Link to all of his Washington Post articles is below. He’s written a lot about LGBT and, more broadly, civil rights. I’ll send the most relevant clips from the link below in an email – wanted to get you the link in the meantime: (link to Jonathan Capehart WaPo Articles).”

July 1, 2016

Email Chain: “Fwd: Lynch to Remove Herself From Decision Over Clinton Emails, Official Says-NYTimes.com”

- **5:36AM – Strzok (Counterintelligence Division) (FBI) to E. W. “Bill” Priestap (Assistant Director, FBI Counterintelligence Division); Jonathan C. Moffa (CD) (FBI); Richard A. Mains (Chief of FBI International Operations Division) [FBI-4] [FBI-5] [FBI-6] [FBI-36] [FBI-37] [FBI-39]**
 - **Content: NY Times Article titled “Lynch to Remove Herself From Decision Over Clinton Emails, Official Says”**
- 5:37AM – Strzok (CD) (FBI) to (Redacted (b)(6)) (NSD) (JMD); (Redacted (b)(6)) (NSD) (JMD); (Redacted (b)(6)) (USAVAE); (Redacted (b)(6)) (USAVAE) [FBI-40]
 - Content: NY Times Article titled “Lynch to Remove Herself From Decision Over Clinton Emails, Official Says”
- 5:38AM – Strzok (CD) (FBI) to (Redacted (b)(6)) (OGC) (FBI) [FBI-41]
 - Content: NY Times Article titled “Lynch to Remove Herself From Decision Over Clinton Emails, Official Says”
- 5:48AM – Moffa (CD) (FBI) to Strzok (CD) (FBI) [FBI-36]
 - Content: “Well...that’s an interesting development.”
- 5:52AM – Priestap (CD) (FBI) to Strzok (CD) (FBI) [FBI-36]
 - Content: “Thank you. The meeting in PX is all over CNN TV news this morning...”
- **5:53AM – Priestap (CD) (FBI) to Michael B. Steinbach (Executive Assistant Director, National Security Branch); McCabe (DO) (FBI) [FBI-4] [FBI-39]**
 - **Content: (Blank)**
- 5:59AM – Strzok (CD) (FBI) to Priestap (CD) (FBI) [FBI-37]
 - Content: “Timing’s not ideal in that it falsely adds to those seeking the ‘this is all choreographed’ narrative. But I don’t think it’s worth changing...later won’t be better.”
- 6:00AM – Strzok (CD) (FBI) to Moffa (CD) (FBI) [FBI-36]
 - Content: “Note the [sic] this has been under discussion since April part. Timing’s not great, but what are you going to do?”
- 6:01AM – Steinbach (DO) (FBI) to Priestap (CD) (FBI) [FBI-39]
 - Content: “Thank you.”
- **6:10AM – McCabe (DO) (FBI) to Comey (FBI); Rybicki (DO) (FBI); Bowdich (DO) (FBI) [FBI-4]**
 - **Content: “Fyi”**
 - **Context: Labeled “High” Importance**
- 6:58AM – Moffa (CD) (FBI) to Strzok (CD) (FBI) [FBI-36]
 - Content: “Nothing. We just keep doing what we need to do and let all of this swirl around us.”
- 8:28AM – Priestap (CD) (FBI) to Strzok (CD) (FBI) [FBI-37]
 - Content: “Agreed”

Email Chain: “Confirm Lynch/Clinton reports?”

- **8:24AM – Russell Berman (Atlantic) to Newman (OPA)**
 - Content: “Hi, Can someone confirm these reports that AG Lynch will announce that she plans to accept the recommendations of persecutors and the FBI in the Clinton email case? (link to WSJ article) (link to NYT article) Thanks.”
- 9:52AM – “Press” Froward to Lewis (OPA) & Newman (OPA) ccing Stewart (PAO)
 - Content: (Blank)
 - Context: Forwarding 8:24AM email by Berman (Atlantic) with info request on articles.
- 10:09AM – Neman (OPA) to “Press” & Lewis ccing Stewart (PAO)
 - Content: “Got it.”
- **10:09AM – Newman (OPA) to Berman (Atlantic)**
 - Content: “On background from a Justice Department official regarding the ongoing investigation of the State Department’s emails: Determinations as to whether to charge any individual, as well as the findings of the investigation, will be made by career prosecutors and investigators who have been handling this matter since it’s [sic] inception. These determinations and findings will also be reviewed by senior career lawyers in the department, as well as by the FBI Director. The Attorney General expects to receive and accept the determinations and findings of the Department’s career prosecutors and investigators, as well as the FBI Director. The Attorney General will discuss this matter during her live armchair discussion with Washington Post’s Jonathan Capehart at the Aspen Ideas Festival at 11 a.m. ET/9 a.m. MT.”

Email Chain: “Secretary Lynch on w/Chuck Todd Friday?”

- 5:56AM – Evan Dixon (NBC) to “Press” ccing Carly Rubel (MSNBC)
 - Content: “Hello- I’d like to submit a request for Chuck Todd to interview Secretary Lynch tomorrow (Friday) in the 5pm hour. With many questioning her meeting with Former President Clinton, Chuck would like to discuss what took place. Please let me know if she is available – I’m happy to speak in more detail about the interview.”
- 9:52AM – “Press” to Lewis (OPA), Newman (OPA) ccing Stewart (PAO)
 - Content: (Blank) (forward)
- 10:09AM – Newman (OPA) to “Press,” Lewis (OPA) ccing Stewart (PAO)
 - Content: “We have to decline. Thanks.”
- 10:10AM – Stewart (PAO) to Newman (OPA), “Press,” Lewis (OPA)
 - Content: “I’ll send the response now.”

Email Chain: “NYT Q on Lynch/Clinton meeting”

- 9:14AM – Landler (NYT) to Newman (OPA)

- Content: “Hi Melanie, We don’t have anybody in Aspen and we obviously need to cover AG Lynch’s remarks. Can you tell me when she’s scheduled to speak, and whether Aspen will stream her remarks? Many thanks, Mark.”
- 9:19AM – Newman (OPA) to Landler (NYT)
 - Content: “I don’t think they stream it. We are trying to get a pool camera. We will send out a transcript as soon as possible.”
- 9:23AM – Landler (NYT) to Newman (OPA)
 - Content: “Thanks, Melanie. On the pool camera, where would the feed be available?”
- 9:25AM – Newman (OPA) to Landler (NYT)
 - Content: “+Kevin, who is working on that in Aspen”
 - Context: Kevin Lewis likely added here and becomes part of conversation though no clear evidence of “to” or “cc.”
- **9:27AM – Landler (NYT) to Newman (OPA)**
 - Content: “Also, Mark Halprin just tweeted that the AG reserves the right to overrule a staff recommendation, which he says contradicts our story. Matt is out of pocket. Can you clarify.”
- **9:46AM – Newman (OPA) to Landler (NYT)**
 - Content: “What’s your number. Can I call you?”
- 9:54AM – Landler (NYT) to Newman (OPA)
 - Content: “On my cell: (Redacted (b)(6))”
- 9:54AM – Newman (OPA) to Landler (NYT)
 - Content: “Just tried you. I’m at 202-305-1920 or (Redacted (b)(6)).”
- 10:24AM – Newman (OPA) to Landler (NYT)
 - Content: “Has the story been updated? Can you send me the language?”

Email Chain: “Part 1”

- 11:25AM – Lau (JMD) to James (OPA)
 - Content: (CNN Transcript of meeting between Johnathan Capehart and AG Lynch)

Email Chain: “Jama Vitale called you from Fox News Channel NY – message below”

- 11:14AM – Dodi McLaughlin (WLRK) to Marshall Miller (WLRK)
 - Content: “She wanted to know if you would be available for a taped interview today at 3pm with Judge Jeanine Pirro re: Bill Clinton and Loretta Lynch. If you were available, it would be held at the Fox News office on 6th Avenue between 47th and 48th Street. Please call her at (Redacted (b)(6)).”
- 11:29AM – Marshall Miller (WLRK) to Pokorny (OAG); Sharon Werner (OAG), Newman (OPA)

- Content: “Guys: I can’t do this. Is there someone you want me to recommend they reach out to? Hope all is well. Marshall.” (Forward of request for interview).

Email Chain: “FBI just called”

- **12:15PM – Rodenbush (OPA) to Newman (OPA)**
 - Content: “Jack Date from ABC called them about this report from their Phoenix affiliate that the FBI was instructing people not to take pictures **(Redacted (b)(6), (b)(7)(C) per FBI) at FBI received the call and is looking for guidance** and to know if we will provide any comment on this? Have you heard from Jack? (Link to Newsmax article on Clinton-Lynch meeting). The reporter who acted on a tip to go to Sky Harbor International Airport and witnessed the Loretta Lynch-Bill Clinton clandestine meeting said the FBI agents there ordered “no photos, no picture, no cell phones.” Christopher Sign told Fox News Bill O’Reilly on Thursday that the attorney general’s plane landed on time while the former president and his entourage were running late. “The former president than [sic] steps into her plane. They then speak for 30 minutes privately,” Sign, a morning anchor for KNXV-TV ABC 15 said on “The O’Reilly Factor.” “The FBI there on the tarmac instructing everyone around, ‘No photos, no pictures, no cell phones.’ He then gets off the plane, gets on his own plane, he departs, she continues on with her planned visit.”
 - Context: **More contacts between FBI and DOJ on the matter.**
- **12:17PM – Newman (OPA) to Rodenbush (OPA) ccing Lewis (OPA)**
 - Content: “+Kevin. I heard from Levine. I don’t know what this is about.”

Email Chain: “More questions”

- **12:01PM – Levine (ABC) to Newman (OPA)**
 - Content: “I’m getting lots of questions about this...Any guidance you can offer? thanks. (link to hotair.com article title “Report: FBI ordered ‘no photos, no pictures, no cell phones’ during Clinton/Lynch meeting).”
- **12:02PM – Newman (OPA) to Lewis (OPA), Amuluru (OAG), Pokorny (OAG), Franklin (OAG)**
 - Content: “Can someone call me? (forwards message and article from Levine (ABC))”
- **12:18PM – Amuluru (OAG) to Newman (OPA) ccing Lewis (OPA), Pokorny (OAG), Franklin (OAG)**
 - Content: “What’s your direct again.”
- **1:20PM – Pokorny (OAG) to Newman (OPA), Lewis (OPA), Amuluru (OAG), and Franklin (OAG)**
 - Content: **“FBI is asking for guidance on this question as well.”**
- **1:23PM – Amuluru (OAG) to Pokorny (OAG) ccing Newman (OPA), Lewis (OPA), and Franklin (OAG)**
 - Content: (Redacted (b)(5))

- **1:24PM – Pokorny (OAG) to Amuluru (OPA), Lewis (OPA), Franklin (OAG)**
 - **Content:** “Thanks for the quick response; I will let Rybicki know.”
 - **Context:** This email refers to Jim Rybicki (Chief of Staff/Senior Counselor to FBI Director Comey).
 - **Note:** *Chief of Staff to Comey Looped into Clinton-Lynch Meeting Talking Points*
- **1:26PM – Amuluru (OAG) to Pokorny (OAG) ccing Newman (OAP), Lewis (OPA), Franklin (OAG)**
 - **Content:** (Redacted (b)(5))
 - **Note:** *Discussion of Talking Points Immediately After Rybicki Call*

Email Chain: “FBI agents-no photos story”

- **12:24PM – (Redacted (b)(6)) (DO) (FBI) to Kortan (DO) (FBI); OPA-NPO [FBI-25] [FBI-42]**
 - **Content:** “FYSA, ABC’s Jack Date called to ask about this claim and we hadn’t heard about it prior to his call. **He’s going to call DOJ to ask.**” (Full Story Included titled “Reporter: FBI ordered ‘no photos, no pictures, no cell phones’ during Clinton/Lynch meeting.”)
- **12:27PM – (Redacted (b)(6)) (DO) (FBI) to (Redacted (b)(6)) (DO) (FBI); Kortan (DO) (FBI); OPA-NPO [FBI-25]**
 - **Content:** “Was it perhaps her security detail? They are FBI agents.”
- **1:13PM – (Redacted (b)(6)) (DO) (FBI) to (Redacted (b)(6)) (Security Management Division) (FBI) [FBI-27] [FBI-42]**
 - **Content:** “Here’s the local article-national NBC picked it up and asked us about it. We are reaching out to DOJ OPA as well, but thank you for the contacts! (Redacted (b)(6))”
- **1:22PM – (Redacted (b)(6)) (DO) (FBI) to (Redacted (b)(6)) (SECD) (FBI) [FBI-27] [FBI-42]**
 - **Content:** “Rybicki just talked to DOJ. They are waiting to respond until they can talk to AGPD to determine exactly what happened. AGPD is traveling back to DC now.”
- **1:23PM – (Redacted (b)(6)) (DO) (FBI) to (Redacted (b)(6)) (SECD) (FBI) [FBI-27] [FBI-42]**
 - **Content:** “Thanks (Redacted (b)(6)) Doubt we would say anything but for clarification will be good to know.”
- **1:24PM – (Redacted (b)(6)) (DO) (FBI) to (Redacted (b)(6)) (DO) (FBI); (Redacted (b)(6)) (DO) (FBI); Quinn (FBI); Kortan (DO) (FBI) [FBI-27]**
 - **Content:** (Blank)

Email Chain: “Media Reports *Not for Dissimination [sic]**”**

- **2:46PM – (Redacted (b)(6)/(b)(7)(c)/(b)(7)(E)) (SECD) (FBI) to DPD-INTERNAL ccing (Redacted (b)(6)/(b)(7)(c)/(b)(7)(E)) (MP) (FBI); (Redacted (b)(6)/(b)(7)(c)/(b)(7)(E)) (PD) (FBI); (Redacted (b)(6)/(b)(7)(c)/(b)(7)(E)) (SF)**

(FBI); (Redacted (b)(6)/(b)(7)(c)/(b)(7)(E)) (NK) (FBI); (Redacted (b)(6)/(b)(7)(c)/(b)(7)(E)) (CG) (FBI); (Redacted (b)(6)/(b)(7)(c)/(b)(7)(E)) (IP) (FBI) [FBI-43] [FBI-44] [FBI-45] [FBI-46]

- Content: “All- You have no doubt by now seen the reports regarding the AG and former President Clinton’s impromptu meeting on the tarmac in Phoenix. In addition to the reporting regarding the appropriateness of that meeting taking place given the ongoing investigation, another aspect of the story that is adding fuel to the fire is the alleged statements/actions that are being attributed to FBI Agents at the scene of the meeting surrounding the attempts to preclude reporters/public present from taking pictures or recording. First and foremost no one knows exactly what transpired on the tarmac, and who told whom that. Currently there is only the information that is being provided by the news outlet from Phoenix. AGPD is travelling and has been unavailable to provide any information to the DOJ nor FBI Office of Public Affairs for explanation or clarification of what transpired. Even though this is still playing out, I wanted to share some thoughts for your consideration. This is in no way intended to be a critique of what is transpiring and should not be viewed as such: **Maintaining an awareness of current issues regarding the FBI and how they may impact the Director.** Our job is to protect the boss from harm and embarrassment. Having a basic knowledge of events concerning the FBI and or the Director goes a long way into facilitating this mandate. What issues are currently being reported in the media? And what actions/interactions/situations that the Director may be in could impact them. Granted this is largely a function of the Director’s office to not schedule events that could put the Director in an awkward situation, but we too have a roll in this. As we conduct advances and execute our mission, we should be continually war gaming scenarios and considering secondary and tertiary effects of multiple courses of action. Example: Amid the polarizing national discussion of race and policing, [Redacted (b)(7)(E)] gave his speech at the 16th St Baptist Church in Birmingham on the subject. The constant threat of all his remarks on the subject has been the need for a conversation where people listened openly/objectively to opposing viewpoints to search for common understanding and common ground. An ex-Black Lives Matter protestor (he had been kicked out due to his radical views) interrupted the ceremony to admonish the conference. With media present, we were aware of the optic that would be created if this protestor was forcibly removed for non-violent action. We contained him to prevent a direct threat to the Director, but did not intervene and he departed on his own. Using context to help guide our actions is paramount to the successful execution of our mission. **The daily summary of FBI related news articles located on the 7th floor is an excellent source and should be reviewed on a regular basis. **Advances in maintaining situational awareness on the ground in general, and especially of other dignitaries/personalities travelling out of the FBO or being in/near a venue.** The advance’s job is to have a solid understand [sic] of all practical

aspects of a location the Director is visiting. To include providing the travel team with information that will allow for the adjustment of arrival/departure times as needed. We do an excellent job of this. Whether it be for ease of ingress/egress for motorcade de-confliction or whether there be the same concerns of optics with the Director potentially bumping into someone. When we last flew into HPN a few months back, we literally just missed Clinton's plane. Imagine the optics and the awkward situation we would have put the Director in if we would have been at the FBO at the same time as Secretary Clinton. We ultimately didn't have to adjust our timeline, but having that knowledge ahead of time allowed us to be in control of the situation and provided the opportunity for us to delay to prevent a simultaneous arrival/departure if it became necessary.

Interaction with media: The media, like us, have a job to do. Within a public space, we have no right nor authority to impede their opportunity to do their job. If we are walking down the corridor of the Hill, we can't stop reporters from filming the Director, nor asking questions. We can prevent them from impeding his movement and our need for a clear evac route. Understanding what we can and cannot control is essential to the execution of our job and the mandate to prevent embarrassment. This situation is still unfolding. As I get more information from across the street regarding what actually transpired, I will definitely share it with you. This situation highlights what we all know, but can always stand to be reminded of- we live and work under a microscope. Whether it be media, FBI Execs and employees, or the general public; people are always watching. We have to be right all the time. Thanks for your professionalism and dedication to this job!!! [Article]"

- 3:11PM – (Redacted (b)(6)/(b)(7)(c)) (SecD) (FBI) to (Redacted (b)(6)/(b)(7)(c)) (SecD) (FBI) [FBI-43]
 - Content: “Well said. Great learning point.”
- 7:39PM – (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) to Joshua S. Campbell (Special Assistant to FBI Director Comey) (DO) (FBI) [FBI-44]
 - Content: [Blank]
- 7:44PM – Campbell (DO) (FBI) to (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) [FBI-44]
 - Content: “Well said through and through. Thx man. Happy 4th.”

Email Chain: “Comment?”

- 3:18PM – Ryan Lizza (New Yorker) to “Press”
 - Content: “I have a piece that will be posted this afternoon that includes the following reporting and I wanted to see if DOJ wanted to offer a comment. Thanks.”
 - Included Reporting
 - “A Democrat who was briefed on the meeting [between Lynch and Bill Clinton] told me that it was over a hundred degrees outside and Lynch, who was immediately

uncomfortable with the visit, felt like she couldn't shoo the sixty-nine-year-old former president, who has had heart problems in the past, back onto the tarmac. Lynch, according to this person, also insisted that her security detail remain at her side while Clinton was onboard her aircraft so that the ex-President and the Attorney General would not be alone together."

- 4:09PM – Lizza (New Yorker) to "Press"
 - Content: "My deadline is 5PM today. Thanks!"
- 4:27PM – "Press" Forward to Newman (OPA) & Lewis (OPA)
 - Content: (Blank)
 - Context: Forward of 4:09PM Message
- 4:28PM – Newman (OPA) to Lizza (New Yorker)
 - Content: "Just tried you. I'm at my desk. 202-305-1920."
- 4:28PM – Newman (OPA) to "Press" & Lewis (OPA)
 - Content: "Thanks."
 - Context: In reference to the forwarded email from "Press" by Ryan Lizza at 4:27PM.

Email Chain: "AG transcript, Aspen ideas festival, Fri 1 July"

- 5:11PM – Kortan (DO) (FBI) to McCabe (DO) (FBI); Bowdich (DO) (FBI); Rybicki (DO) (FBI); Stephen D. Kelly (Assistant Director, FBI Congressional Liaison Office); Steinbach (DO) (FBI); Priestap (CD) (FBI); (Redacted (b)(6)) ccing Comey (FBI) [FBI-7] [FBI-8] [FBI-9] [FBI-10] [FBI-11] [FBI-38]
 - Content: [Presser Transcript]
- 5:12 PM – Priestap (CD) (FBI) to Kortan (DO) (FBI) [FBI-38]
 - Content: "Thank you."

Email Chain: "(Blank)"

- 9:49PM – Rachel L. Rojas (FBI Security Division, Security Operations Section) (SECD) (FBI) to (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) [FBI-35]
 - Content: "Hey got your message. [Redacted] called [Redacted] too. I would stay away unless we hear something from a higher up. I don't see the need for any comment. Opa may reach out to doj so I hope there is no comment from them as well in regards to protection piece."
 - Note: This is the start to an email chain titled "Re:" that carries onto July 2, 2016.

July 2, 2016

Email Chain: "Re:"

- 7:32AM – (Redacted (b)(6)/((b)(7)(c)) (SECD) (FBI) to Rojas (SECD) (FBI) [FBI-34] [FBI-35]

- Content: “Good Morning. Sorry for not responding last night. Please do not worry about me making any statements. I know better :) I am worried about our OPA reaching out to DOJ’s, as it was DOJ opa who threw us under the bus. I will explain the details later, but you know, we our [sic] not the final word as to who comes in or out of the AG’s space. Her staff dropped the ball in a big way, and we were the easy scapegoats! I’m pretty pissed about the way things went down and how they were handled afterwards, needless to say I will be making some changes as to how much interaction we will have with this staff going forward. I’m truly sorry to be bothering you with this nonsense on your time off, but my biggest fear with this event is whether or not this will affect the ongoing investigation or the Director’s position. Obviously it has affected the AG’s position but I hope there’s no further fallout.”
- 1:10PM – Rojas (SECD) (FBI) to (Redacted (b)(6)/(b)(7)(c)) [FBI-34]
 - Content: “Lol I’m not worried about you ☑ I’ll deal with opa with [redacted] next week. Doj is likely overwhelmed so in [sic] hoping it wasn’t intentional. I know it wasn’t you guys bc you have great judgment. Nothing good would come from that. Her staff should have avoided that scenario. The bu will be fine but obviously disappointed on how this is happening. Unfortunately she’s taking heat all over the place and I feel bad for her. I know she didn’t want this on her plate or for this to happen. I will definitely call you next week so we can catch up.”
- 1:18PM – (Redacted (b)(6)/(b)(7)(c)) to Rojas (SECD) (FBI) [FBI-34]
 - Content: “Thank you. I’m sending you an article from my email account that is a pretty accurate account of the event. I think the source, who knows they can lose their job was a Phoenix cob assisting with the motorcade. Have a great 4th!”

Email Chain: “Did AG ynch [sic] provide questions to Former President Bill Clinton”

- 10:59PM – Richard Pollock (Daily Caller) to “Press”
 - Content: “**Dear sir/madam: We have a received information from a source who is alleging that during the meeting with former President Bill Clinton in Phoenix, the Attorney General was able to provide some questions or several lines of questions concerning the meeting with the FBI today.** Given the seriousness of these charges, we are obligated to seek a comment from an [sic] responsible Justice spokesperson. Please forward a reply as soon as is possible. Cordially, Richard.”
 - Context: **No Reply**

Email Chain: “Re: EXCLUSIVE: Security Source Details Bill Clinton Maneuver to Meet Loretta Lynch – Observer”

- 12:09PM – (Redacted (b)(6)/(b)(7)(c) to (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) **[FBI-15]**
 - Content: “(link to Observer article) Good morning, sir I’ve attached a news article that I thought you might be interested in. The so called ‘informant’ talks about what happened on the tarmac at the airport, which sounds somewhat accurate. But, what I found most disturbing was the mentioning of security procedures by FBI and/or Secret Service. Hey, I’m just a layman, but this person sounds like a security threat to me. Please read the article (if you haven’t already) because I’d love to get your opinion on this. Feel free to call me on my cell, if that’s easier than emailing. Thanks, (Redacted (b)(6)/(b)(7)(c)).
- 1:47PM – (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) to (Redacted (b)(6)/(b)(7)(c)) **[FBI-14]**
 - Content: “Sir, Thank you for the article. I agree with your assessment about the source, which in reading the article, I believe was one of the local PD officer[sic] assisting with one of the two motorcade[sic] there on the Tarmac. Either way, they should have never offered any type of opinion or details of what did or didn’t happen, as this is the most principle and basic tenant of executive protection. Unfortunately, this article is a breach in security protocol and I am addressing it with the Phoenix division to make certain that they pursuit [sic] this and identify the source of the breach. The fortunate piece of this article is that the majority of the tactics and logistics that the article mentions are textbook procedures and industry standard for most executive protection details. Let me know if you have any other questions or concerns. Thank you, (Redacted (b)(6)/(b)(7)(c)).”
- 2:19PM – (Redacted (b)(6)/(b)(7)(c)) to (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) **[FBI-14]**
 - Content: (Redacted (b)(6)/(b)(7)(c)) “Thank you for the response. I’d like to think I learned a little about security, watching the high level of professionalism of your team.” (Redacted (b)(6)/(b)(7)(c))
- 2:28PM – (Redacted (b)(6)/(b)(7)(c)) (FBI) to (Redacted (b)(6)/(b)(7)(c)) **[FBI-14]**
 - Content: “Thank you Sir, I appreciate that.”

July 3, 2016

Email Chain: “Must Read Security Article”

- 2:06PM – (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) to A Series of Redacted (b)(6)/(b)(7)(c) Contacts from the FBI [FBI-16] [FBI-17] [FBI-18] [FBI-19] [FBI-21] [FBI-32] [FBI-33]
 - Content: “All, Please read the attached article, regarding the AG’s meeting with Clinton. I believe that the source quoted in this article is one of the local Phoenix LEO’s. Needless to say that I have contacted the Phoenix office and will contact the local’s [sic] who assisted in an attempt to stem

any further damage. This is exactly why our Discretion and Judgment are the foundation of the AG's trust in our team, which is why we can never violate that trust, like the source did in this article. [Link to Observer Article]. Thank you, [(Redacted (b)(6)/(b)(7)(c))]."

- 2:11PM – (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) to (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) **[FBI-32] [FBI-33]**
 - Content: "Copy sir."
 - Note: This message comes from a member of the "Attorney General's Protection Detail."
- 2:16PM – (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) to (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) **[FBI-17]**
 - **Content: "This article is infuriating"**
- 2:18PM – (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) to (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) **[FBI-17]**
 - Content: "Absolutely!"
- 2:45PM – (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) to (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) **[FBI-18]**
 - **Content: "You think there will be a need for non-disclosure agreements in the future?"**
 - Context: This email is from a separate line of responses to the 2:06PM initial email than those at 2:16PM and 2:18PM.
- 2:53PM – (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) to (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) **[FBI-18]**
 - Content: "That might not be a bad idea given the circumstances."
 - Context: This email is from the same chain as the 2:45PM email.
- 5:09PM – (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) to (Redacted (b)(6)/(b)(7)(c)) (CG) (FBI) **[FBI-20]**
 - **Content: "We need to find that guy and bring him or her before a supervisor and opr"**
 - Context: This email appears to be a part of a separate line of responses to the initial 2:06PM email than those at 2:16PM, 2:18PM, 2:45PM, or 2:45PM.
- 5:12PM – (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) to (Redacted (b)(6)/(b)(7)(c)) (CG) (FBI) **[FBI-20]**
 - Content: "Do you think it was a swat guy?"
 - Context: This email is part of the 5:09PM line of emails.
- 5:18PM – (Redacted (b)(6)/(b)(7)(c)) (SECD) (FBI) to (Redacted (b)(6)/(b)(7)(c)) (CG) (FBI) **[FBI-20]**
 - Content: "No I think it was one of the PX PD officers helping both motorcades."
 - Context: This email is part of the 5:09PM line of emails.

July 5, 2016

Email Chain: "Comment?"

- 9:39AM – Lizza (New Yorker) to Newman (OPA)
 - Content: “So any word on what the 11 am Comey statement is about?”
- 9:40AM – Newman (OPA) to Ryan Lizza (New Yorker)
 - Content: “None.”

Letter by Sen. Richard Shelby to AG Lynch

Subsequent Events

July 2, 2016

- FBI interviews Hillary Clinton for 3 ½ hours.

July 5, 2016

- FBI Director James Comey lets Clinton ‘off the hook’ in press conference.

July 6, 2016

- AG Lynch Accepts Comey’s “Recommendation” to not press charges.

July 15, 2016

- ACLJ issues FOIA Request to DOJ and FBI to obtain all relevant documents pertaining to Lynch’s compromising June 27th meeting with President Bill Clinton.

August, 2016

- DOJ ignores ACLJ FOIA.

Oct. 21, 2016

- FBI unlawfully denies ACLJ FOIA request, states “no records responsive to your request were located.”

Nov. 2, 2016

- ACLJ files suit against the DOJ’s unlawful ignoring of the FOIA Request.

Aug. 1, 2017

- DOJ informs ACLJ it will release final document production in this matter.

Aug. 4, 2017

- ACLJ successfully obtains compromising documents involving AG Lynch & the media.

Aug. 10, 2017

- FBI decides to reopen ACLJ FOIA request after the ACLJ called it out for lying.

Sept. 12, 2017

- ACLJ files suit against the FBI to force compliance with our FOIA request.

Nov. 7, 2017

- In a Joint Status Report to the Court, the FBI agrees to produce all responsive documents by Nov. 30, 2017.

Dec. 1, 2017

- ACLJ successfully obtains documents from FBI involving the Clinton/Lynch tarmac meeting. The documents show both the FBI and the DOJ lied.

Glossary of Persons

DOJ Office of the Attorney General (OAG)

- **Elizabeth Carlisle (ecarlisle@jmd.usdoj.gov) (Attorney General Loretta Lynch's email alias)**
- Carolyn Pokorny (Deputy Chief of Staff & Counselor to AG Lynch)
- Shirlethia Franklin (Deputy Chief of Staff and Counselor to AG Lynch)
- **Mathew Axelrod (Principal Associate Deputy Attorney General, #2 to Deputy Attorney General Sally Yates)**
 - Note: “[S]enior official overseeing all Department operations” & “Matt also took the **lead in advising on crisis management within the DOJ**, working closely with the White House, Congress, the FBI, and the media on DOJ’s most sensitive and high-profile matters.”
- Uma Amuluru (Counselor to the Attorney General)
- Peter Kadzik (Assistant Attorney General for the Office of Legislative Affairs)
- Paige Herwig (Counselor to the Attorney General)
 - Note: Herwig directly edited the still-redacted talking points.
 - Note: Herwig was subsequently Deputy General Counsel to the U.S. Senate Committee on the Judiciary for Ranking Member Dianne Feinstein – the committee that is now investigating the Lynch matter.
 - Note: Before becoming Counselor to AG Lynch, Herwig was Special Assistant and Associate Counsel to President Obama.
- Denise Cheung (Counselor to the Attorney General)
- Alan Bray (Director of Advance)

- Sabrina Curtis (Director of Scheduling, Office of the AG)
- Sharon Werner (DOJ Liaison to the White House)

DOJ Office of Public Affairs (OPA)

- Melanie Newman (Director of DOJ Office of Public Affairs)
- Kevin Lewis (Press Secretary for DOJ to AG Lynch)
- Marc Raimondi (DOJ National Security Spokesman)
- Dena Iverson (Press Secretary & Senior Advisor for DOJ)
- Patrick Rodenbush (Public Affairs Specialist at DOJ)
- Rebecca Stewart (Media Affairs Coordinator & Deputy Press Secretary for AG Lynch)
- David Jacobs (Deputy Press Secretary and Spokesperson for the Civil Rights Division)
- James Kelli (Press Assistant)
- Anthony Juarez (Press Assistant)
- Olivia Castor (Communications Intern)
- Vendarryl Jenkins (Summer Intern DOJ)
- Matthew Jarrell (Media Relations Intern)
- Peter Carr (Public Affairs Specialist, Criminal Division) (Current)
 - Note: Carr now serves as the Spokesman for Special Prosecutor Robert Mueller

White House

- Brandi Hoffine (Assistant White House Press Secretary & Spokeswoman)
- Sabrina Curtis (Advance Associate)

Federal Bureau of Investigation (FBI)

- James B. Comey (Director, FBI)
- Jim Rybicki (Chief of Staff/Senior Counselor to FBI Director Comey)
- Richard Quinn (Assistant Special Agent in Charge – National Security, FBI Field Office, Philadelphia, PA)
- Michael Kortan (Assistant Director of the Office of Public Affairs for the FBI)
- Susan McKee (Unit Chief, National Press Office, FBI Office of Public Affairs)
- David L. Bowdich (Associate Deputy Director, FBI)
- Andrew G. McCabe (Deputy Director, FBI)
 - Note: Served as Acting Director of the FBI (May 9, 2017–Aug. 2, 2017)
- Peter Strzok (Chief, FBI Counterespionage Section)
 - Note: Supervising Agent in Clinton Email Investigation
 - Note: Interviewed Clinton
 - Note: Helped Begin FBI Investigation into Trump/Russia Collusion
 - Note: Joined Mueller’s Team in July 2017
 - Note: Currently Transferred to FBI Human Resources (As of Aug. 22, 2017)

- Note: Stripped of security clearance and escorted from premises of the FBI on June 15, 2018
- E. W. “Bill” Priestap (Assistant Director, FBI Counterintelligence Division)
- Jonathan C. Moffa
- Richard A. Mains (Chief of FBI International Operations Division)
- Michael B. Steinbach (Executive Assistant Director, National Security Branch)
- Stephen D. Kelly (Assistant Director, FBI Congressional Liaison Office)
 - Note: Joined Mueller’s Team in Sept. 2017
- Lisa Page (Attorney, FBI)
- Rachel L. Rojas (FBI Security Division, Security Operations Section, SECD, FBI)
- Joshua S. Campbell (Special Assistant to the Director [Comey], FBI)
 - Note: He left the FBI in Feb. 2018 to “defend the agency” against claims of politicization by Congress.

Media

- Mike Levin (ABC News)
- Paula Reid (CBS News)
- Matt Zapposky (WaPo)
- Eric Tucker (AP)
- Devlin Barrett (WSJ)
- Julian Hattem (The Hill)
- Samantha DelPriore (Fox News)
- Mathew Dean (Fox News)
- Pete Williams (NBC)
- Kevin Johnson (USA Today)
- Mark Landler (NYT)
- Russell Berman (Atlantic)
- Chuck Ross (Daily Caller)
- Richard Pollock (Daily Caller)
- Ryan Lizza (New Yorker)
- Del Wilber (LA Times)
- Carrie Johnson (NPR)
- Evan Perez (CNN)
- Jonathan Capehart (WaPo)
- Evan Dixon (NBC)
- Carly Rubel (MSNBC)
- Jama Vitale (Fox News)

Other

- Tiffany Lau (JMD) – DOJ Judicial Management Division
- Marshall Miller (WLRK – Attorney)
- Dodi McLaughlin (WLRK – Secretary)

APPENDIX B
TIMELINE OF EMAILS OBTAINED IN UNMASKING FOIAs

November 11, 2016 (1 week post-election)

Email Chain: “RE: naturalization ceremony rmks”

- **12:46PM** – Nikolaus Steinberg (Counselor to Amb. Power) to Power
 - Content: Provides a draft of Power’s remarks for an upcoming naturalization ceremony, which he says “has proven a useful (and somewhat cathartic) vessel to channel some post-Trump messages about who we are”

- **12:53PM** – Power response to Steinberg
 - Content: “Need to move out on 60 mins idea to seek maximum amplif. I can write Charlie or [B]ill Owens if he’s still there”

- **5:22PM** – Steinberg to Power, cc: Kurtis Cooper (Spokesperson, U.S. Mission to the U.N.)
 - Content: Steinberg suggests that Power’s “pitch” for a 60 Minutes piece should “show[] . . . how refugees are actually contributing to American communities, with the hook being the foreshadowing that Trump and company may try to undo all of this.”

- **5:36PM** – Steinberg to Power, cc: Kurtis Cooper
 - Content: Unsure of whether 60 Minutes will be interested, Power’s team suggests an alternative outlet to present this narrative: “Press had also suggested CBS Sunday Morning as an alternative option.”

November 11, 2016 & November 15, 2016
(Collusion with Media to Undermine Trump Administration)

Email Chain: “me again!”

- **Nov. 11, 5:43PM** – Power email to Bill Owens (Executive Editor at 60 Minutes)
 - Content: “We’re still reeling here, as you might imagine. My mission . . . will be demoted to something very different in January. Notwithstanding this, Tuesday’s results have given us an even greater sense of urgency to get our work done in our last few months. 70 good long days left!”
 - In discussing the possibility of a 60 Minutes segment, Power then writes: “I am not sure exactly what I am pitching, but it seems there could be something interesting to show through USUN about this waning multilateral moment for the US, how we use these last two months, what we are trying to defend, **how we are consoling other**

countries, etc. I wondered if there could be something in this that would hit home for viewers, even **or perhaps especially those who support Trump**. Let me know if you would like to brainstorm.”

- **Nov. 15, 2016, 12:16PM** – Owens to Power
 - Content: “I can only imagine the conversations you are having with some of our allies now and I would love a chance to brainstorm.”

Nov. 14, 2016

(General unprofessionalism and expression of disdain for Trump policy)

Email Chain: “Reuters / Trump looking at fast ways to quit global climate deal: source

- **12:15PM** – Mackenzie Green (Kenzi Green, Public Affairs Specialist, Dept. of State) to USUN-Breakingnews
 - Content: Power receives email containing Reuters article
- **12:16PM** – Power forwards to Jonathan Finer (Dir. of Policy Planning, DOS)
 - Content: “Lord help us all. How are you holding up?”
- **12:17PM** – Finer to Power
 - Content: [B6 redaction] “And the below [referring to the article] is just one of many grim things we have to look forward to.”
- **12:35PM** – Power’s reply to Finer has been completely redacted.

Dec. 14, 2016

Email Chain: “tom friedman today – see last para quote by larry diamond”

- 12:18PM** – Power to Steinberg
 - Content: Power’s message is blank except for above subject line
- 12:25PM** – Steinberg to Power
 - Content: “Indeed. Saw it and read Diamond’s piece Monday when doing some research. It’s a solid piece. Pasted it below and will have it added to your book.”
 - Note: The article referenced is an article by Larry Diamond, entitled “Russia and the Threat to Liberal Democracy,” which furthers the narrative that Russia interfered in the presidential election against Clinton and that such efforts may very well have made the difference in Trump’s victory.

Dec. 18, 2016

(More media collusion and criticism of President-Elect Trump)

Email Chain: “Jorge Ramos-interview”

- **5:13PM** – Jorge Ramos (Fusion (ABC-Univision) Reporter) to Power (cc: Dax Tejera, Stacey Fox Hocheiser, Veronica.Bautista – all members of Ramos’s team)
 - Content: Requests an interview with Power in New York in early January
- **5:30PM** – Power to Ramos (same cc’s plus Kurtis Cooper)
 - Content: . . . “If we do something we will make it good. Ptsd in retreat – Trump has vanquished it. Let’s see!”

Dec. 22, 2016

(Further criticism of President-Elect Trump)

Email Chain: “Vice / Applied pressure: Donald Trump isn’t even president yet and he’s already making waves at the U.N.”

- **12:03PM** – Stefani Priskos (Press Asst., Dept. of State / Exec. Asst. to Power) to USUN-MiddleEastNews-DL
 - Content: Forward of above-referenced article
- **12:12PM** – Power to Benjamin Rhodes (Obama’s Deputy Nat’s Security Advisor for Strategic Communications)
 - **Note**: Rhodes was also implicated in the unmasking requests (Devin Nunes sought from the NSA the total number of unmasking requests by Rhodes leading up to the 2016 presidential election).
 - Content: Power forwards the above-referenced article, which discusses Trump’s diplomatic efforts to kill the U.N. draft resolution calling for an end to Israeli settlement construction and writes: “This reflects the lack of understanding of history.”

Dec. 22, 2016

Email Chain: “RE: Reuters: Trump discussed Mideast peace in call with Egypt’s Sisi”

- **5:41 PM** – John Degory (Deputy Spokesperson, U.S. Mission to the UN) to several State Department employees, including Nik Steinberg
 - Content: Forwards article by Reuters State Department correspondents entitled “Obama administration intended to abstain from UN vote on settlements”
- **5:53 PM** – Leslie Ordeman (Policy Adviser, U.S. Mission to the U.N.) to several State Department employees, including Nik Steinberg
 - Content: Forwards Reuters article referenced above

- **6:47PM** – Steinberg responds, adding Power
 - Content: “+SP. So much for one President at a time.”

January 16-17, 2017

(Power’s U.N. Speech on Russia)

On January 17, 2016, just three days before President Trump’s inauguration, Power delivered her final remarks as U.S. Ambassador to the U.N., addressing “Russia: The Threat, the International Order, and the Way Forward.”

Early the morning of her speech, Power emails Ben Rhodes and Susan Rice, among others, the latest version of her Russia speech. The draft speech, as well as much of the content of the emails, is redacted. From what has been disclosed, no terms would trigger these as documents responsive to our FOIA request, which means the triggering term(s) must be in the redacted portions. While we cannot be certain, given the subject matter of Power’s speech, which includes addressing Russia’s interference with the 2016 U.S. presidential election, it is very likely that the redacted portions directly reference president-elect Trump.

Email Chain: “Russia speech 1 am version”

- Jan. 17, 2017, 1:25AM – Power to Susan Rice; Curtis Ried, EOP/NSC; Avril Haines, EOP/NSC; SES Travel; DMCOS; Benjamin Rhodes; Celeste Wallander, EOP/NSC; Antony Blinken, U.S. Deputy Sec. of State; cc: Sergio Aguirre (Power’s Chief of Staff)
 - Content: Entirely redacted – B5 (deliberative process privilege)
- **1:30AM** – Ben Rhodes responds to group
 - Content: “Back online here in Cuba.” [Remainder redacted – B5]
- **1:33AM** – Power responds to Rhodes only
 - Content: Entirely redacted – B5
- **1:34AM** – Power responds to entire group
 - Content: “Ok can reinsert. Cut only for length but 36 mins not so bad”
- **1:38AM** – Rhodes responds
 - Content: Entirely redacted – B5
- **1:45AM** – Power responds to Rhodes only
 - Content: “Can u read it quickly? (sorry). Trying to make it imp. It is I think what u outlined w nik”
- **9:40AM** – Rice responds
 - Content: “Sam, many thanks for the revisions. I am ok with this.”

Email Chain: “Trump / weekend interviews”

- **Jan. 16, 2017, 8:14AM** – Steinberg to Power (day before speech)
 - Content: “Trump’s interviews over the weekend with the foreign press questioning R sanctions and value of NATO will be very helpful for relevance of speech.”

- **Jan. 17, 2017, 6:35PM** – Halie Soifer (Power’s Senior Policy Advisor) to Power
 - Content: Copies speech, appears to be suggesting it be sent to someone, possibly Speaker Ryan, but, other than the speech itself, the content of the messages back and forth between Power and Soifer (between 7:48 and 7:59 PM) are entirely redacted.
 - Note: Again, no names in the speech itself would have identified it as a document responsive to our FOIA request. This means that Trump or one of his associates was likely discussed in the redacted comments.

The ACLJ's Government Accountability Project

The basic function of the Freedom of Information Act is to ensure informed citizens, vital to the functioning of a democratic society.



QUARTERLY **FOIA** REPORT

A digital copy of this report can be downloaded at [ACLJ.org/FOIA](https://www.aclj.org/FOIA)