



August 8, 2016

Mr. William P. Fischer
Agency Records Officer
United States Department of State
SA-2, Room 5009
515 22nd Street NW
Washington DC 20522-0205

Dear Mr. Fischer:

In recent months media coverage related to the Department of State has surfaced a number of records management items. At this time the National Archives and Records Administration (NARA) would like the State Department to provide NARA with additional information related to the following four items.

1) In an email dated December 26, 2012, released in full through State Department FOIA Case #F-2014-20439, the possible emergency destruction of records at the Central African Republic embassy is discussed. If records were in fact destroyed at the embassy when hostile action appeared imminent, the Department was required to report to NARA pursuant to 36 CFR 1229.12 within six months of said destruction. NARA requests the Department look into this matter and if records were destroyed provide a written statement explaining the reasons for the destruction and a description of the records and how, when, and where the destruction was accomplished.

2) Ambassador Lewis Lukens, former Deputy Assistant Secretary and Executive Director of the Executive Secretariat, stated in his deposition May 18, 2016, in the matter of *Judicial Watch, Inc. v. U.S. Department of State*, that he routinely deleted emails: "...kept emails until trips were over but after trips were over I would often delete the files to clear - to clear out space in my inbox." Please inform NARA under what approved disposition authority these records were deleted and that records associated with Mr. Lukens' official responsibilities related to travel with the Secretary of State have been captured in appropriate Department recordkeeping systems.

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3) The Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs issued its report, *Review of U.S. State Department Grants to One Voice*, on July 12, 2016. In its findings the Committee noted the State Department was unable to produce all documents responsive to the Subcommittee's requests due to its failure to retain complete email records of Michael Ratney, who served as U.S. Consul General in Jerusalem. Mr. Ratney later went on to explain: "[A]t times I deleted emails with attachments I didn't need in order to maintain my inbox under the storage limit." There was an option to archive emails to stay below storage limits, but Mr. Ratney stated that he "did not know [he] was required to archive routine emails." Please inform NARA whether there was an approved disposition authority for these records to be deleted and whether records associated with Mr. Ratney's official responsibilities as U.S. Counsel General in Jerusalem have been captured in appropriate Department recordkeeping systems.

4) Lastly, Huma Abedin, former Deputy Chief of Staff for Operations in the Office of the Secretary, stated in her deposition June 28, 2016, in the matter of *Judicial Watch, Inc. v. U.S. Department of State*: "Well, if there was a schedule that was created that was her Secretary of State daily schedule, and a copy of that was then put in the burn bag, that -- that certainly happened on -- on more than one occasion." Please inform NARA whether Secretary Clinton's "Secretary's Schedule Files" designated as permanent in NARA job number N1-59-91-33 are complete and accounted for in the appropriate Department recordkeeping system.

Pursuant to the Department of State's responsibilities in 44 U.S.C. 3106 and NARA's authorities in 44 U.S.C. 2905 regarding unauthorized disposition of Federal records, we request that the Department look into each of these matters. After your review, the Department should provide NARA with this report as required under 36 CFR 1230.14 within 30 days of the date of this letter. If the report cannot be provided within this time, the Department should provide us with an interim report and indicate when the final report will be submitted.

If it is determined Federal records have been improperly destroyed or removed from agency custody, please describe all measures your agency has taken, or expects to take, to retrieve the records or recreate them, to the extent necessary and appropriate. Please also include a description of the safeguards established to prevent such incidents from happening in the future.

We appreciate your response on this matter. If you have any questions, please free to contact Lisa Clavelli of my staff at (301) 837-0759 or lisa.clavelli@nara.gov.

Sincerely,

A handwritten signature in blue ink, reading "Laurence v. Brewer". The signature is fluid and cursive, with a large initial "L" and a stylized "v." followed by "Brewer".

LAURENCE BREWER
Chief Records Officer
for the U.S. Government

Enclosures

ENCLOSURE A

RELEASE IN FULL

From: Sherman, Wendy R <ShermanWR@state.gov>
Sent: Wednesday, December 26, 2012 7:09 PM
To: H
Cc: Mills, Cheryl D; Burns, William J; Nides, Thomas R; Kennedy, Patrick F; Carson, Johnnie; Sullivan, Jacob J; Bass, John R; Davis, Jennifer L (S)
Subject: URGENT UPDATE /CAR

Madam Secretary,

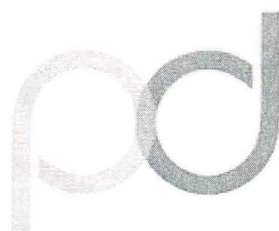
Events have been fast moving in the Central African Republic today after protestors, probably encouraged by the government, breached a wall of the French embassy and also protested outside of ours. Interagency conference calls, led by Johnnie, resulted in General Ham developing a conops to move as soon as tomorrow 1500 through an ordered departure. We anticipate having to move about 70 people including our 8 Embassy personnel and some minors. We just completed a conference call with Denis McDonough, General Ham, John Brennan, Johnnie, Robert Cardillo, Kathleen Hicks, Chris Wood, Avril Haines and others to review planning and decisions. Kathleen Austin-Ferguson from Pat's office joined as well. The following is agreed:

- Johnnie is speaking with Ambassador Wohlers now to work details to be ready for departure as early as 1500 tomorrow.
- Johnnie is also confirming that Amb. Wohlers has accepted French protection for two houses on residence compound and protection is in place.
- Kathleen has expedited paper work for ExecSec to go to DoD tonight and for Pat to sign ordered departure first thing in the morning.
- Diplomatic Security has reviewed plans with RSO for moving Amcits to airport (20 minutes from post) through multiple runs protected by French.
- General Ham has identified assets, is finalizing conops, and knows that if we can move people tomorrow vice original Friday early hours, tomorrow is strongly preferred.
- We have not yet told Amcits explicitly of ordered departure to protect their and embassy security though they have a heads up. Amb. Wohlers has a meeting tomorrow morning with Amcit leaders to talk through process. He has just told Johnnie that he thinks he can get everything done by 1500 but there is a great deal to do to manage all Amcits and all personnel including the FSNs who will maintain the embassy after we leave (only need 20 minutes to finish classified destruction).
- We are all committed to moving as expeditiously as possible while keeping everyone safe. We are hopeful that will be tomorrow at 1500 but no later than early morning Friday. The airport is 24 hour capable but General Ham says barely, making a landing and take-off at night less than optimal.

The rebels remain outside of Bangui. Press reports that they are somewhere between 45-60 miles out. The rebels have said that they are not yet moving on Bangui but it remains to be seen what will really happen. Johnnie has also been in close touch with his French counterpart and Fabius and Hollande are being briefed. The French do not intend to suspend their operations because there are too many French in CAR to be able to evacuate all. There will be an update in the morning book by the IC on the entire situation. Both Johnnie and I are ready to brief you or anyone else on this email. We will send around the NSS summary of the call but wanted to bring you up to date quickly.

Wendy

ENCLOSURE B



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Transcript of **Lewis Alan Lukens**

Date: May 18, 2016

Case: Judicial Watch, Inc. -v- U.S. Department of State

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Videotaped Deposition of Lewis Alan Lukens
Conducted on May 18, 2016

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1 Q Do you know what the Freedom of 10:47:49

2 Information Act is? 10:47:54

3 A In general terms, yes. 10:47:54

4 Q During your time at the State Department 10:47:56

5 over the course of 27 or so years, you said, have 10:48:00

6 you ever been instructed or provided guidance about 10:48:04

7 the Freedom of Information Act? 10:48:08

8 A No. 10:48:11

9 Q While you were executive director, did 10:48:11

10 you receive any guidance about the Freedom of 10:48:18

11 Information Act? 10:48:24

12 A No. 10:48:24

13 Q Did you receive any guidance regarding 10:48:24

14 the Federal Records Act? 10:48:27

15 A No. 10:48:29

16 Q Did you know that federal records were to 10:48:29

17 be preserved? 10:48:37

18 MS. WOLVERTON: Objection. Calls for a 10:48:38

19 legal conclusion. 10:48:42

20 Q Would you routinely delete e-mails once 10:48:47

21 they were sent or received? 10:48:51

22 A Yes. 10:48:53

Videotaped Deposition of Lewis Alan Lukens
Conducted on May 18, 2016

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1	Q	What types of e-mails would you delete?	10:48:56
2	A	I kept files for various trips and things	10:49:01
3		where I would keep e-mails until trips were over,	10:49:07
4		but after trips were over I would often delete the	10:49:11
5		files to clear -- to clear out space in my inbox.	10:49:14
6	Q	Did you ever think that those records	10:49:18
7		should be preserved?	10:49:20
8	A	My understanding is that the State	10:49:21
9		Department preserves records independent of whether	10:49:24
10		an employee deletes or not.	10:49:26
11	Q	Do you know how that process works?	10:49:27
12	A	No.	10:49:31
13	Q	And why did you believe that? Was that	10:49:31
14		based on a conversation, guidance, memo?	10:49:35
15	A	I don't recall specifically. I think it	10:49:39
16		was based on probably a briefing I got when I	10:49:41
17		joined the Foreign Service.	10:49:45
18	Q	And you mentioned earlier, and I just	10:49:46
19		want to confirm, that you didn't know Mrs. Clinton	10:50:07
20		was using Clintonemail.com until you heard it in	10:50:10
21		the news, you heard it in the press last year?	10:50:13
22	A	Correct.	10:50:15

ENCLOSURE C

United States Senate

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Committee on Homeland Security and Governmental Affairs

Rob Portman, Chairman

Claire McCaskill, Ranking Member

Review of U.S. State Department Grants to OneVoice

STAFF REPORT

**PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS**

UNITED STATES SENATE



On March 3, 2015, the Subcommittee requested documents concerning any funding provided by PeaceWorks to V15 between July 1, 2013 and the date of the subpoena, as well as any communication between PeaceWorks and the U.S. government concerning V15.¹⁴ On May 22, 2015, the Subcommittee issued requests to the State Department seeking information on State employees involved in the award and oversight of grants to OneVoice entities and any files or communications relating to those grants.¹⁵ The Subcommittee later requested Grants Policy Directives issued by the State Department Office of the Procurement Executive effective during 2013.¹⁶

The State Department was unable to produce all documents responsive to the Subcommittee's requests due to its failure to retain complete email records of Michael Ratney, who served as U.S. Consul General in Jerusalem during the award and oversight of the OneVoice grants. The Subcommittee discovered this retention problem because one important email exchange between OneVoice and Mr. Ratney—described in Part III.C—was produced to the Subcommittee only by OneVoice. After conducting additional searches, the Department informed the Subcommittee that it was unable to locate any responsive emails from Mr. Ratney's inbox or sent mail.¹⁷ Mr. Ratney later elaborated, "[A]t times I deleted emails with attachments I didn't need in order to maintain my inbox under the storage limit."¹⁸ There was an option to archive emails to stay below storage limits, but Mr. Ratney stated that he "did not know [he] was required to archive routine emails."¹⁹

Beginning in April 2015 and continuing through November 2015, Subcommittee majority and minority staff jointly conducted interviews and briefings with Josh Nerpel, PeaceWorks Executive Director; Michele Dastin van-Rijn, State Department grant officer for the grant to OneVoice Israel; a senior official in the Bureau of Near Eastern Affairs for the State Department, and Mr. Ratney. The Subcommittee also spoke with representatives from the GAO regarding its audit of State Department grant management.²⁰

¹⁴ Senate Permanent Subcommittee on Investigations, Subpoena to Ambassador Marc Ginsberg, The PeaceWorks Network Foundation (Mar. 3, 2015).

¹⁵ Senate Permanent Subcommittee on Investigations Letter to Secretary John Kerry, U.S. Dep't of State (May 22, 2015).

¹⁶ Senate Permanent Subcommittee on Investigations Letter to Secretary John Kerry, U.S. Dep't of State (Dec. 11, 2015).

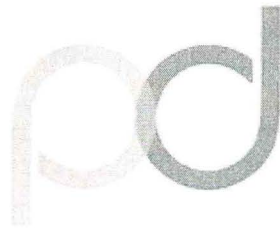
¹⁷ Call with U.S. Dep't of State, Bureau of Legislative Affairs (Dec. 18, 2015).

¹⁸ Call with U.S. Dep't of State, Bureau of Legislative Affairs (June 28, 2015).

¹⁹ *Id.*

²⁰ GAO Interview.

ENCLOSURE D



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Transcript of **Huma Abedin**

Date: June 28, 2016

Case: Judicial Watch, Inc. -v- U.S. Department of State

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Videotaped Deposition of Huma Abedin
Conducted on June 28, 2016

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1	not remember a specific FOIA briefing.	11:35:19
2	Q Okay. Are you familiar with FOIA?	11:35:23
3	A Yes.	11:35:25
4	Q Okay. And during your tenure at the State	11:35:25
5	Department, were you aware that federal records	11:35:29
6	belonged to the agency?	11:35:32
7	MS. WOLVERTON: Objection. Beyond the	11:35:34
8	scope of discovery, calls for a legal conclusion.	11:35:36
9	MR. BRILLE: Same objection.	11:35:40
10	You can answer.	11:35:42
11	A Yes.	11:35:43
12	Q Okay. And during your tenure at the State	11:35:43
13	Department, were you aware of your obligation not to	11:35:50
14	delete federal records or destroy federal records?	11:35:52
15	MS. WOLVERTON: Objection. Beyond the	11:35:55
16	scope of discovery, and calls for a legal	11:35:57
17	conclusion.	11:36:00
18	MR. BRILLE: And lacks foundation.	11:36:00
19	A Can you ask me that question again?	11:36:06
20	MS. COTCA: Could you read that back.	11:36:07
21	(Pending question read.)	11:36:18
22	MS. WOLVERTON: Same objections.	11:36:20

Videotaped Deposition of Huma Abedin
Conducted on June 28, 2016

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1	MR. BRILLE: Same objections.	11:36:20
2	A I'm not sure that question is clear.	11:36:21
3	Q What don't you understand about the	11:36:26
4	question?	11:36:28
5	A Well, if there was a schedule that was	11:36:28
6	created that was her Secretary of State daily	11:36:30
7	schedule, and a copy of that was then put in the	11:36:34
8	burn bag, that -- that certainly happened on -- on	11:36:38
9	more than one occasion.	11:36:42
10	Q Okay. Let's focus on e-mail	11:36:43
11	communications for State Department business.	11:36:49
12	A Okay. Okay.	11:36:51
13	Q Okay. Were you aware, during your tenure	11:36:52
14	at the State Department, that you had an obligation	11:36:55
15	to preserve those e-mails?	11:36:57
16	MS. WOLVERTON: Objection. Calls for a	11:37:00
17	legal conclusion.	11:37:02
18	A The e-mails on my State Department system	11:37:03
19	existed on my computer, and I -- I didn't have a	11:37:07
20	practice of managing my mailbox other than leaving	11:37:11
21	what was in there sitting in there.	11:37:15
22	So for my BlackBerry, if I exceeded the --	11:37:17

Videotaped Deposition of Huma Abedin
Conducted on June 28, 2016

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1	the limit, I think it -- it auto deleted. But, no,	11:37:21
2	I didn't -- it wasn't my -- I didn't -- I didn't	11:37:25
3	have a -- I didn't go into my e-mails and -- and	11:37:28
4	delete State.gov e-mails. They just lived on my	11:37:35
5	computer.	11:37:38
6	Q Okay. The question is not just limited to	11:37:38
7	State.gov e-mails; it's in connection to all of your	11:37:42
8	e-mails for State Department business.	11:37:46
9	A That was my practice for all my e-mail	11:37:50
10	accounts. I -- I -- I didn't -- I didn't have a	11:37:52
11	particular form of organizing them. I had a few	11:37:57
12	folders, but they were not deleted. They all stayed	11:38:00
13	in whatever device I was using at the time or	11:38:03
14	whatever desktop I was on at the time.	11:38:06
15	Q Okay. When -- to clarify for the record,	11:38:08
16	when you say you had a few folders set up --	11:38:11
17	A Yeah.	11:38:14
18	Q -- is that on your e-mail account, or are	11:38:14
19	these physical folders that you had set up?	11:38:16
20	MS. WOLVERTON: Objection. Extends beyond	11:38:19
21	the scope of discovery.	11:38:21
22	MR. BRILLE: Same objection.	11:38:22