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Conversation with Peggy Graffeld (State)

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Yesterday, I spoke to Peggy for nearly an hour on a number of issues related to the State Department email situation. As Peggy has on other occasions, she committed to seeing this through until its resolution and wants to make sure the wider RIM community learns for the State experience.

We covered the following items:

- (1) I told her about the Science Committee hearing we have next week and that I am likely to be asked questions about the State Department situation. She is going to send a compilation of State press materials to me, so I can be clear on what they've done on the issue.
 - (2) As Gary indicated yesterday, she was fine with the approach on the Open Government letter and appreciated the heads-up. She had not seen the letter yet.
 - (3) When I raised the issue that NARA will expect that State will have the electronic versions of the Federal emails (per M-12-18), Peggy described at a high level the scanning and indexing process they've undertaken related to get control of the paper copies of the emails so as to carry out their release at some point in the future, and to integrate the scanned emails into State records systems.
- I was non-committal on whether this would be sufficient (because scanned copies of emails does not necessarily equal the electronic versions of the emails), but I made clear that we would discuss this issue further after we receive the State response to my March 3rd letter.
- (4) In relation to the scans of the emails, Peggy went on to say that in State's review of the 55,000 emails, they have identified somewhere between 1,500 and 1,600 clearly personal, private emails. (Many of the remaining emails are a hybrid mix of personal and federal record material. She did not provide a number, but she confirmed that the hybrid mix emails will be treated as federal records.) The 1,500 - 1,600 emails, that according to State are personal, private messages, have already been segregated from the larger 55,000 email collection.

State is interested in returning the personal, private emails back to Mrs. Clinton in a matter of weeks (because State does not believe them to be federal records and does not want to have them), but they want NARA's support in this, with the high-end ask being: have NARA staff review the 1,500 - 1,600 emails and then have me complete some sort of certification with State (with Peggy) that the emails are personal, private material, before returning them to Mrs. Clinton.

I empathized with Peggy on the situation and her request, but said I would have to think about this, have other conversations with my colleagues, and then have more conversations with State on how to proceed.

- (5) We agreed that we need to schedule a NARA-State meeting to review where we are on everything, probably the week of March 30th.

The group would be me, Gary, and one of the members of my senior staff (not also involved in the CIA email schedule or Capstone GRS issues), and then from State: Peggy, her deputy, the agency records officer, and their counsel (deputy legal advisor).

Please let me know if you have any questions or concerns, especially let me know if you have clear direction on or would like some group of us to meet about item (4).

Thanks, Paul

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