



United States Department of State

Washington, D.C. 20520

OCT 18 2016

The Honorable
Jason Chaffetz, Chairman
Committee on Oversight and Government Reform
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of October 17 regarding the production of former Secretary of State Hillary Clinton's emails. The Secretary has complete confidence in the performance and integrity of the Department personnel involved in the processing of emails in response to Freedom of Information Act (FOIA) requests, including Under Secretary for Management Patrick Kennedy. I would like to address the allegations in your letter.

The facts surrounding this issue are straightforward. In 2015, as part of the standard FOIA process the Department referred documents to the FBI for consultation. Such interagency consultation regarding documents with equities of other agencies is part of the usual FOIA process followed by all U.S. government agencies. The FBI proposed upgrading one of the documents to classified using the "B1" FOIA exemption, which was inconsistent with how the document had been assessed during a prior interagency review for production to Congress. Under Secretary Kennedy – who oversees the Bureau responsible for the FOIA process – reached out to the FBI to understand its rationale and to highlight that the Department supported redacting the same information using the "B7" FOIA exemption for protecting sensitive law enforcement information. The FBI declined to change its position and the Department released the information using both B1 and B7 FOIA exemptions. There was never any discussion of using the "B9" FOIA exemption for "geological and geophysical information and data, including maps, concerning wells." There was never any discussion of withholding the document from the public entirely for any reason, the plan always was to redact it appropriately and release it online.

Dialogue on FOIA releases is appropriate and standard, including on whether information should be classified. Classification itself is often an art, not a science. There were divergent views within the Department and the interagency concerning the proper classification of a number of Secretary Clinton's emails. We have an obligation to ensure determinations as they relate to classification are made appropriately and the Department took the various views into account. Ultimately, the Department is confident that it achieved resolution. The Department's decision to classify more than 2,000 emails during the course of its review of former Secretary Clinton's emails belies any suggestion that it sought to prevent classification for political purposes.

Under no circumstances did the interagency dialogue over the single email in question involve a suggestion of quid pro quo. No bargaining took place. As the FBI has explained publicly, during its dialogue with the Department, the FBI asked the Department to address another pending matter related to FBI employees assigned abroad. The issues were separate. The FBI did not change its position on classifying the email and the Department did not change its position on the appropriate number of FBI officials to authorize. The Department cannot speak to why individuals would suggest otherwise during interviews with the FBI. The FBI 302s are summaries of interviews with individuals; they do not contain conclusions of the FBI. The FBI, having reviewed this allegation, has, however, made clear that its conclusion is that "there was never a quid pro quo."

In addition, there is no "shadow government" operation regarding Secretary Clinton's emails. To the contrary: A group of senior officials meets regularly to address a broad array of issues concerning the Department's significant FOIA and congressional obligations to ensure efforts are adequately resourced and that internal and interagency bottlenecks are resolved. The group includes representatives from Management, the Office of the Legal Advisor, the Bureau of Legislative Affairs, and the Department's Transparency Coordinator, whom the Secretary has charged with improving all aspects of the Department's FOIA process. Officials involved in these meetings do not operate behind the scenes. These are some of the most visible officials in the Department's leadership, including many who are Senate-confirmed.

The Department has worked in good faith with you and your staff as you conduct this investigation. We hope this information is helpful to you and that a fair-minded reading of the facts of this matter would lead you to agree that the allegations are false.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Frifield". The signature is written in a cursive, flowing style.

Julia Frifield
Assistant Secretary
Legislative Affairs

cc: The Honorable Elijah Cummings