



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 that reads "Laurence v. Brewer". The signature is fluid and cursive, with a long horizontal flourish at the end.

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

Enclosures



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Sent Via Email. No Hard Copy to Follow.

December 9, 2019

Mr. Timothy J. Kootz
Department of State
A/GIS/IPS/RA
SA-15, Suite 575
Pomponio Plaza East
1800 N. Kent Street
Arlington, VA 20522-1505

Dear Mr. Kootz:

The National Archives and Records Administration (NARA) has received the Department of State's (State) response to NARA's letter dated April 25, 2019 requesting additional information regarding the following four allegations of unauthorized disposition.

1) Emergency destruction of records at U.S. Embassy Central African Republic

NARA accepts the explanation from State in the initial letter received by NARA dated December 4, 2018 that records were destroyed as a hostile action appeared imminent and the embassy was evacuated. NARA understands that all unclassified paper materials were preserved and transferred to a safe haven and that the classified hard drives mentioned in the initial letter from State were crushed in accordance with 12 Foreign Affairs Handbook-1 Annex E Addendum 1.2 "Emergency Destruction of Digital Media." The follow-up letter from State dated October 8, 2019 confirms that the records destroyed were temporary records with no historical value (examples include working drafts and/or duplicates of cables, memoranda, and reference materials).

2) Completeness of Ambassador Lukens' records

In the initial letter received, dated December 4, 2018, State confirmed that a significant number of official emails of Ambassador Lukens associated with his official travel are in the Department's custody. In the October 8, 2019 letter, State further verified "a large collection of the Ambassador's official emails are in the Department's custody," but it "could not confirm that Ambassador Lukens did not delete some official emails that may have been related to other topics." However, since the Department began transitioning to electronic email management in 2015, after Ambassador Lukens' tenure, emails deleted prior to 2015 without first printing and filing are not recoverable.

3) Unauthorized deletion of former Consul General Ratney's emails

State's letter dated October 8, 2019 documented that, "based on the substantial size of Mr. Ratney's email collection in the Department's custody (1.5 gigabytes), the Department re-confirms that Mr. Ratney's unauthorized email disposition was limited in nature." Since Mr. Ratney's tenure ended prior to 2015, the "print and file" policy for managing email was still in effect and that emails deleted prior to 2015 are not recoverable. Mr. Ratney stated some of the emails he did delete "were official in nature and a limited number could have potentially contained permanent material"; however, "some of the emails he deleted likely contained transitory and temporary material as defined by NARA-approved legacy records retention policies, including but not limited to: meeting logistics, travel plans, requests for, and receipt of, reference materials, and forwarded copies of departmental notices and completed/approved documents."

4) Completeness of Secretary Clinton's "Secretary's Schedule Files" collection

Based on the information provided in State's December 4, 2018 letter, NARA accepts State's confirmation that Secretary Clinton's "Schedule Files" is complete and accounted for and has been retired to the Bureau of Administration's Records Service Center.

Conclusion

In your December 4, 2018 letter, you explained the preventative actions that have been taken by the Department to ensure that these incidents do not recur, including journaling all agency email messages sent or received on State's centralized server, effective January 1, 2017. Based on the information that you provided in both the December 4, 2018 and October 8, 2019 letters, the reporting requirements of 36 CFR 1230.14(a) have been met and NARA considers these matters resolved.

Thank you for your cooperation. If you have any questions, please contact me at laurence.brewer@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence M. Brewer". The signature is written in a cursive style.

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