

Michael T. McKibben

June 30, 2016

**Chairman, Appeals Review Panel**  
**c/o Appeals Officer,**  
**A/GIS/IPS/PP/LA,**  
**U.S. Department of State**  
Department of State, SA-2, Room 8100  
515 22<sup>nd</sup> Street, N.W.  
Washington, D.C. 20522-8100  
(202) 261-8484 phone  
(202) 261-8579 fax  
[FOIAStatus@state.gov](mailto:FOIAStatus@state.gov)

Dear Chairman:

## Appeal

Re: **Case Control Number F-2016-05759**  
**Segment EAN-0001**

[Renewed] Request for un-redacted version of Secretary of State Hillary Clinton's public speech on Internet Freedom on January 6, 2009.

I am in receipt of Eric F. Stein's Jun. 24, 2016 letter providing:

"1 document responsive to your request." **Exhibit A.**

I appeal this response as nonresponsive and obvious obfuscation.

Mr. Stein's response is frankly nonsensical. It merely provides back to me a document that he knows I *already have*. It is the Judicial Watch discovery document cited in my original request—the document that motivated my request to review an un-redacted version of Mrs. Clinton's public Internet Freedom speech. **Exhibit B.**

Actually, I asked for the *contents of the speech itself*. Instead, Mr. Stein provided a wholly blanked out copy of just one of the earlier drafting email thread, which is not what I requested.

In my last letter, I also requested a copy of Mr. Stein's biographical information and financial disclosures so that I could assess his impartiality in processing my request. He did not provide this information either.

The information provided raises further questions of propriety. Numerous people participated in the drafting, yet I only received one version of what are obviously many versions, redacted or not.

It stretches credulity to believe that a permanent public record of such an "all hands on deck" speech drafting by the U.S. Secretary of State is not available for public review.

Further, the irony of the inability of the U.S. Department of State to *freely produce* a copy of a public speech on Internet Freedom is off the charts.

Where are all the other versions of that email thread? Why were not the versions from all these drafting participants also provided?

The participants in the drafting shown on the email headers provided were a stellar group. They include Mrs. Clinton's policy insiders, including Alec J. Ross, Senior Advisor for Innovation, and Anne-Marie Slaughter, relative of George Soros and author of *A New World Order* (2004, Princeton University Press):

1. Tillemann, Tomicah S.
2. Mills, Cheryl D.
3. Toiv, Nora F
4. Sullivan, Jacob J
5. Ross, Alec J.
6. Slaughter, Anne-Marie
7. Chollet, Derek H.
8. Crowley, Philip J.
9. Muscatine, Lissa
10. S\_SpecialAssistants

I appeal Mr. Stein's response and request that the panel provide a full and complete response, including the version held by the drafting participants cited above.

I look forward to the information.

Yours sincerely,

Sincerely,

A handwritten signature in cursive script that reads "Michael T. McKibben". The signature is written in black ink and is positioned above the printed name.

Michael T. McKibben

**Exhibit A:** Eric F. Stein. (Jun. 24, 2001). Response to Michael T. McKibben. Case No. F-2016-05759. U.S. Department of State, Office of Information Programs and Services.

**Exhibit B:** FOIA Request. (May 23, 2016). Michael T. McKibben. Electronic Version. Request for un-redacted version of Hillary Clinton's Internet Freedom Speech. U.S. Department of State.

## **Exhibit A**

Eric F. Stein. (Jun. 24, 2001). Response to Michael T. McKibben. Case No. F-2016-05759. U.S. Department of State, Office of Information Programs and Services.



United States Department of State

Washington, D.C. 20520

JUN 24 2016

Case No. F-2016-05759  
Segment: EAN-0001

Mr. Michael McKibben  
1676 Tendril Court  
Columbus, OH 43229

Dear Mr. McKibben:

In response to your request dated May 23, 2016 under the Freedom of Information Act (Title 5 USC Section 552), we have initiated searches of the following Department of State record systems: the Office of the Executive Secretariat Staff.

The search of the records of the Office of the Executive Secretariat Staff has been completed and has resulted in the retrieval of 1 document responsive to your request. After reviewing this document, we have determined that this document may be released with excisions. All released material is enclosed.

An enclosure explains Freedom of Information Act exemptions and other grounds for withholding material. Where we have made excisions, the applicable exemptions are marked on each document.

In some cases, two or more exemptions may apply to the same document. All non-exempt material that is reasonably segregable from the exempt material has been released.

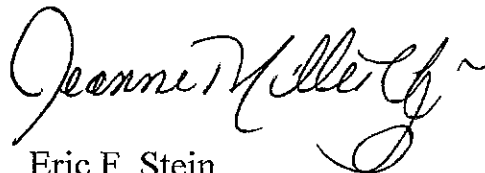
You have the right to appeal our determination by writing, within 60 days, to the Chairman, Appeals Review Panel, c/o Appeals Officer, A/GIS/IPS/PP/LA, U.S. Department of State, SA-2, Room 8100, Washington, DC 20522-8100. The appeal letter should refer to the case number shown above, clearly identify

the decision being appealed, and provide supporting arguments when possible. For further information, see the Code of Federal Regulations, 22 CFR 171.13.

Since there are no chargeable fees in this case, your request for a fee waiver is moot.

We have now completed the processing of your case. If you have any questions, you may write to the Office of Information Programs and Services, SA-2, Department of State, Washington, DC 20522-8100, or telephone us at (202) 261-8484. Please be sure to refer to the case number shown above in all correspondence about this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric F. Stein".

Eric F. Stein  
Co-Director, Acting  
Office of Information Programs and Services

Enclosures:  
As stated.

The Freedom of Information Act (5 USC 552)

**FOIA Exemptions**

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

- 1.4(a) Military plans, systems, or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
- 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMSEXP	Arms Export Control Act, 50a USC 2411(c)
CIA PERS/ORG	Central Intelligence Agency Act of 1949, 50 USC 403(g)
EXPORT CONTROL	Export Administration Act of 1979, 50 USC App. Sec. 2411(c)
FS ACT	Foreign Service Act of 1980, 22 USC 4004
INA	Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)
IRAN	Iran Claims Settlement Act, Public Law 99-99, Sec. 505

(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:

- (A) interfere with enforcement proceedings
- (B) deprive a person of a fair trial
- (C) constitute an unwarranted invasion of personal privacy
- (D) disclose confidential sources
- (E) disclose investigation techniques
- (F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

**Other Grounds for Withholding**

NR Material not responsive to a FOIA request excised with the agreement of the requester

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**From:** Tillemann, Tomicah S  
**Sent:** Monday, December 21, 2009 2:33 PM  
**To:** Mills, Cheryl D; Toiv, Nora F; Sullivan, Jacob J; Ross, Alec J; Slaughter, Anne-Marie; Chollet, Derek H; Crowley, Philip J  
**Cc:** Muscatine, Lissa; S\_SpecialAssistants  
**Subject:** Fw: 12/21 Revisions to Internet Freedom Speech

Folks,

I've attached the latest draft of the internet freedom speech. It should be ready for the Secretary. This version addresses issues raised in the last draft with three exceptions:

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Please let me know if any of you have further questions or comments.

Thanks,  
Tomicah

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**From:** Tomicah Tillemann [redacted]  
**To:** Tillemann, Tomicah S  
**Sent:** Mon Dec 21 14:17:45 2009  
**Subject:** 12/21 Revisions to Internet Freedom Speech

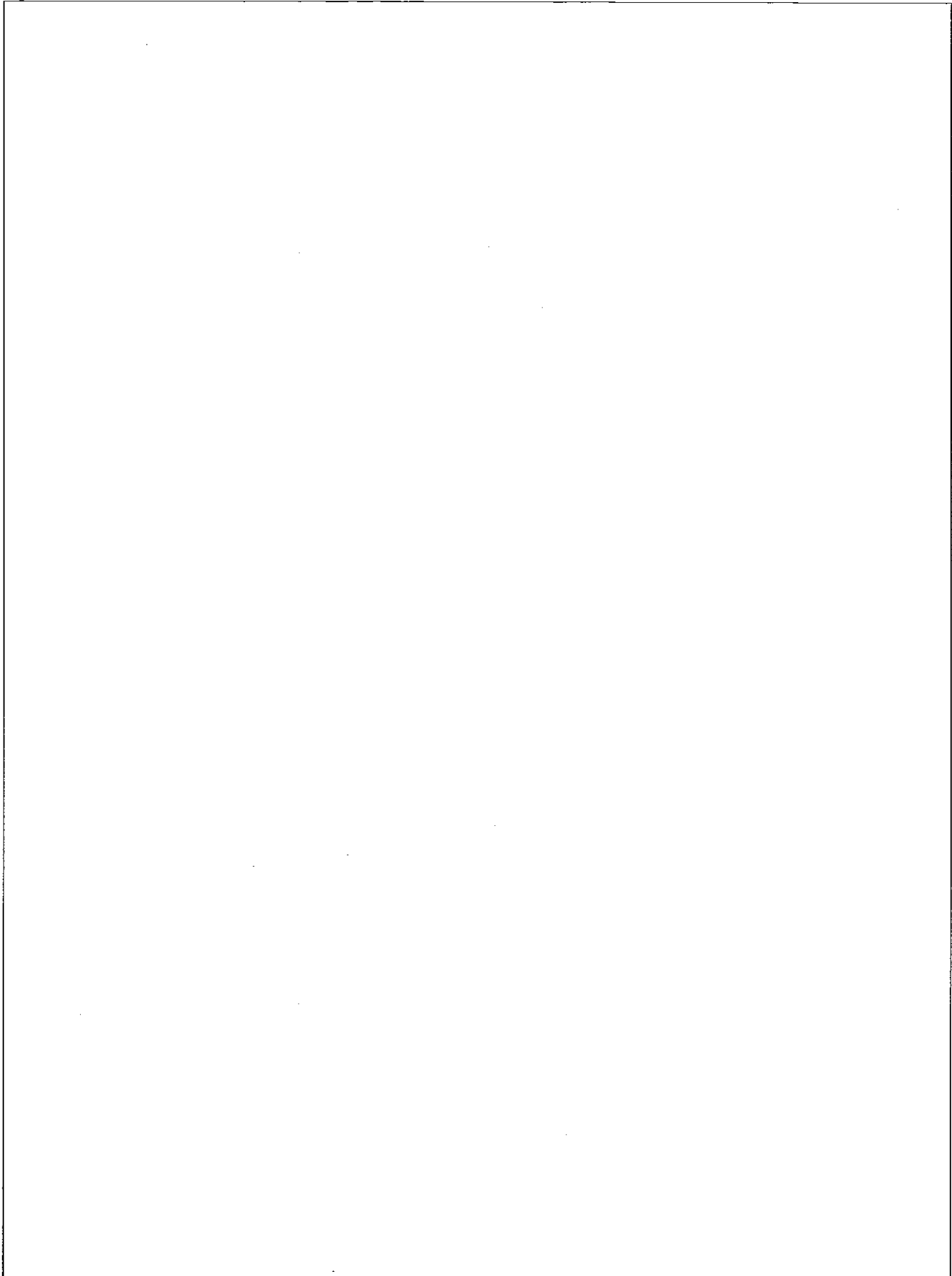


SECRETARY OF STATE HILLARY RODHAM CLINTON  
ADDRESS ON INTERNET FREEDOM  
THE NEWSEUM, WASHINGTON, DC  
JANUARY 6, 2009

RELEASE IN PART  
B5, B6

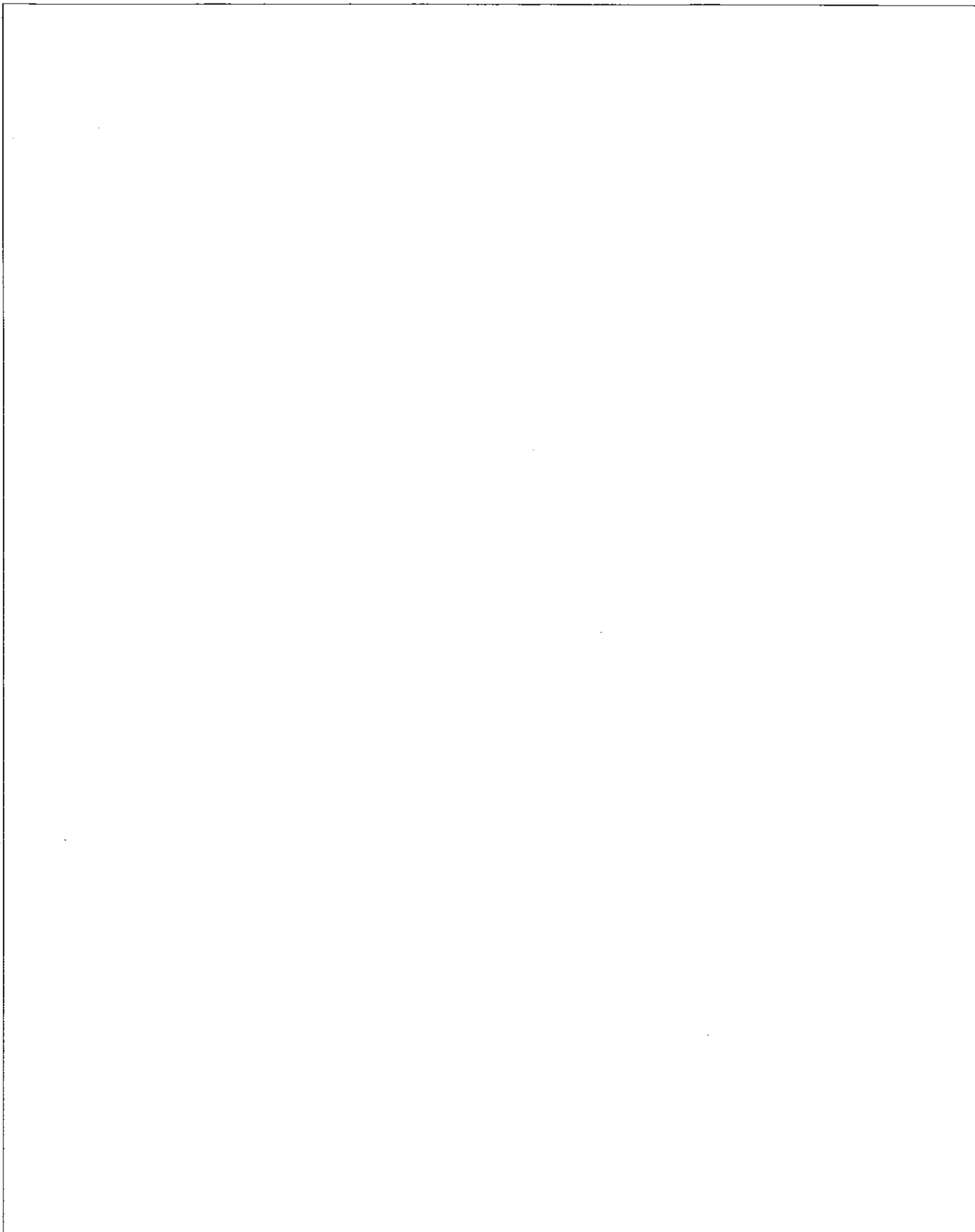
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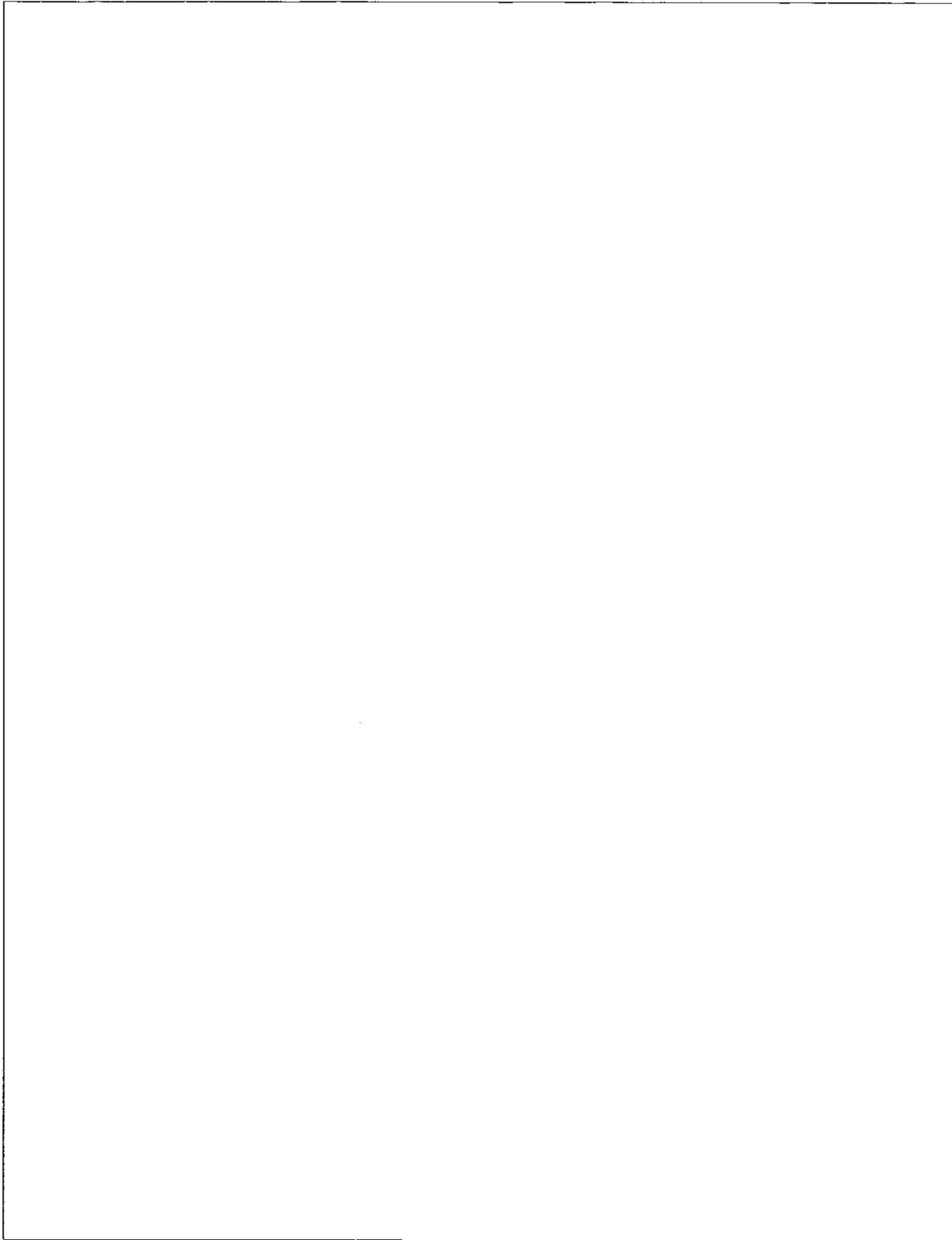


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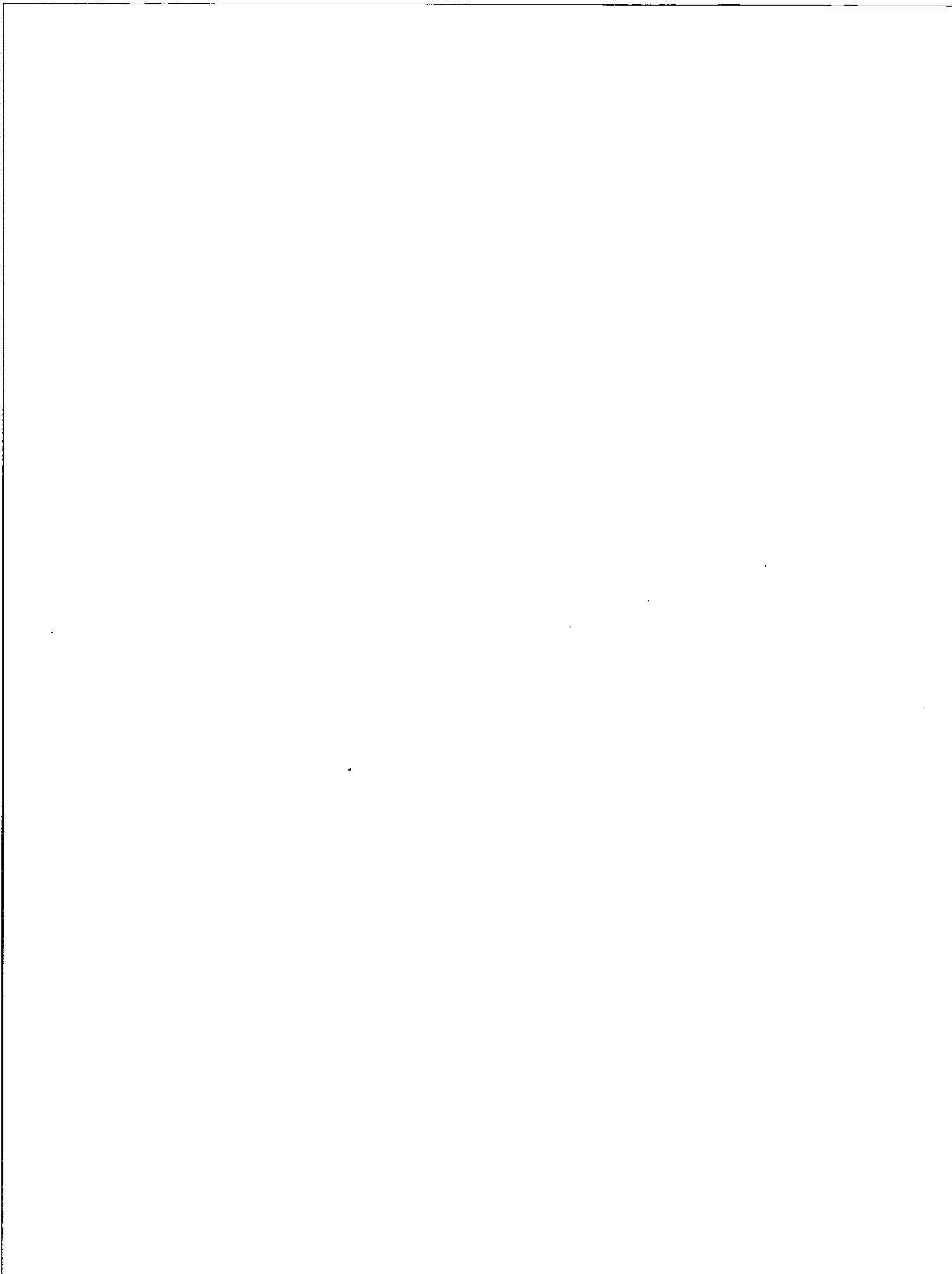
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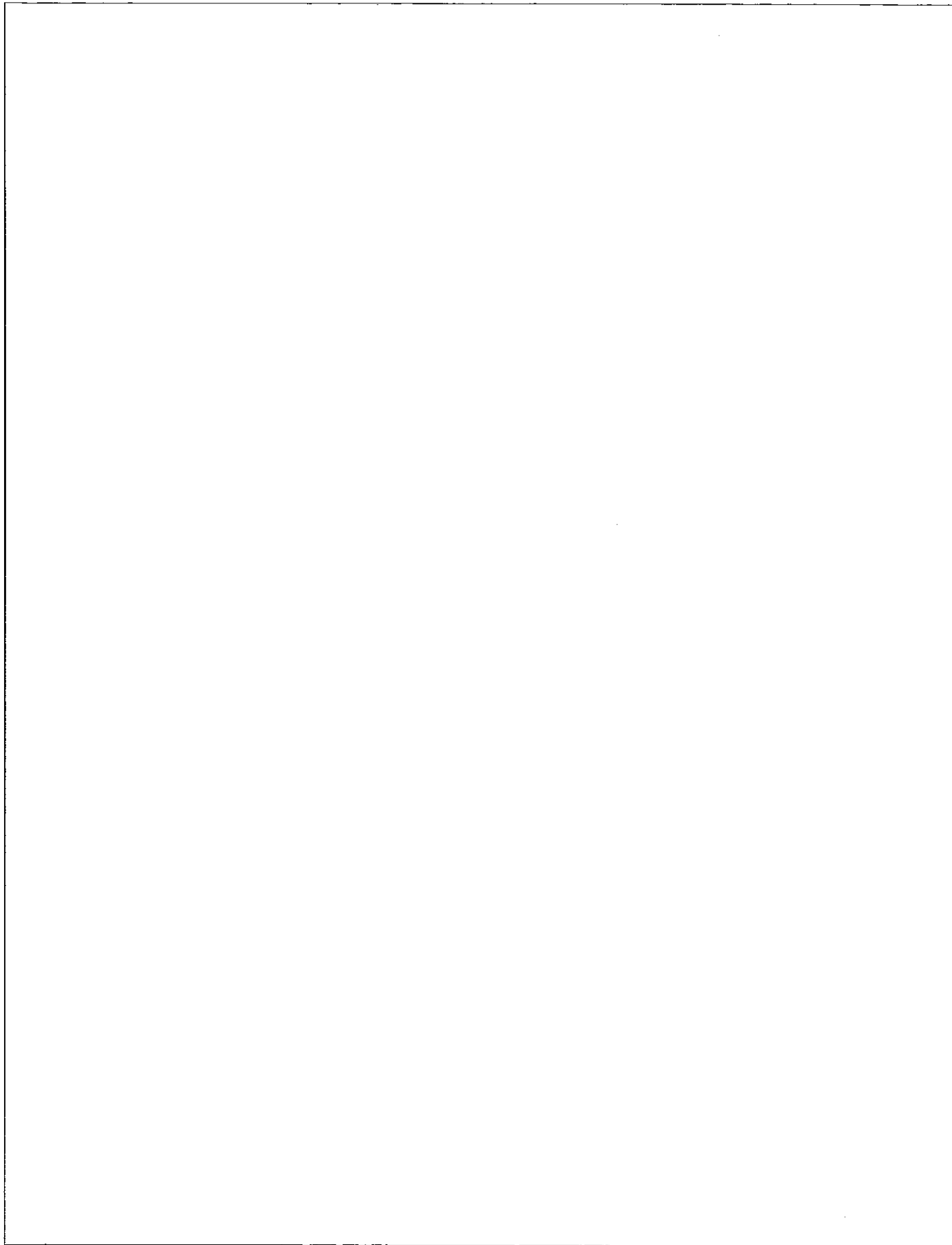
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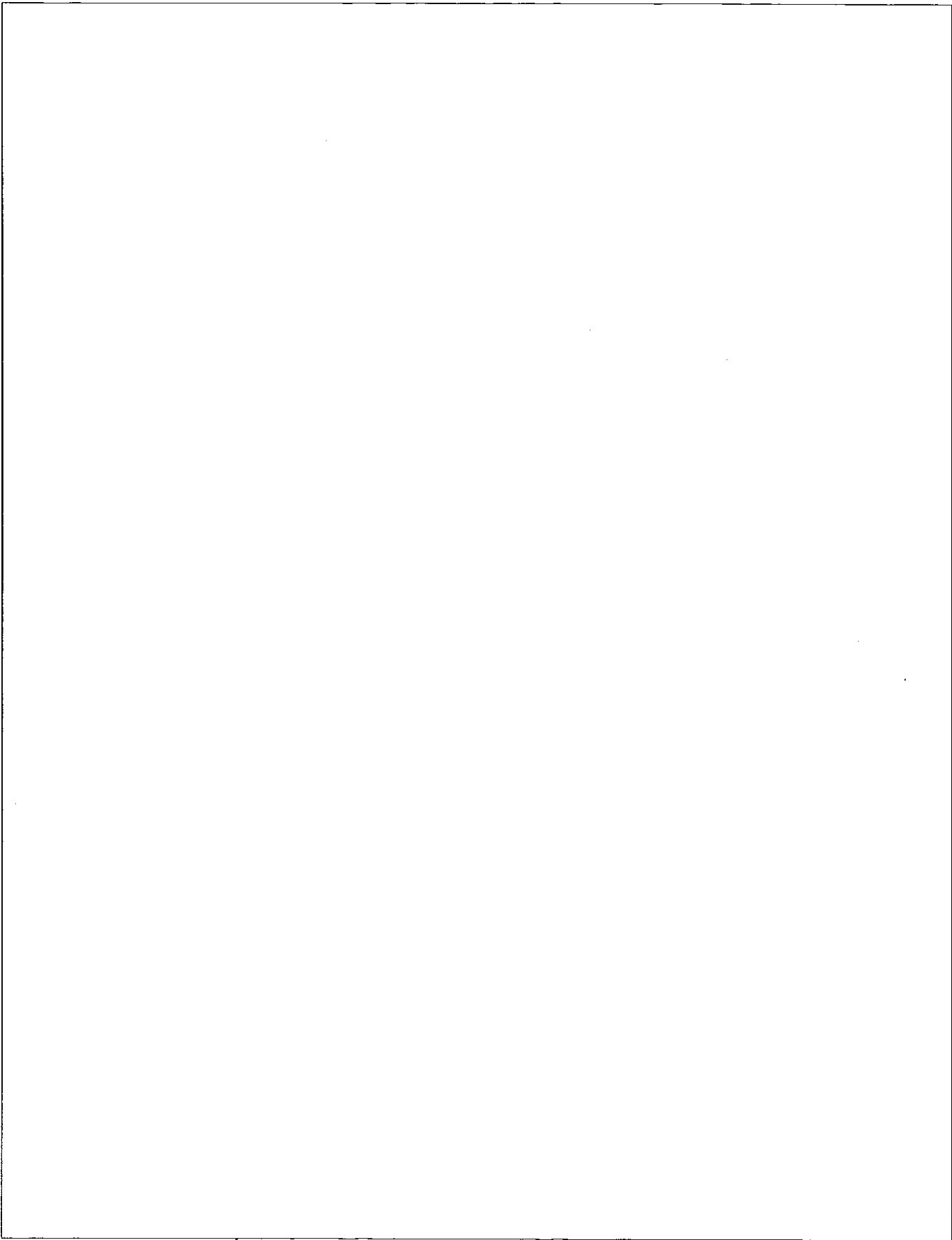


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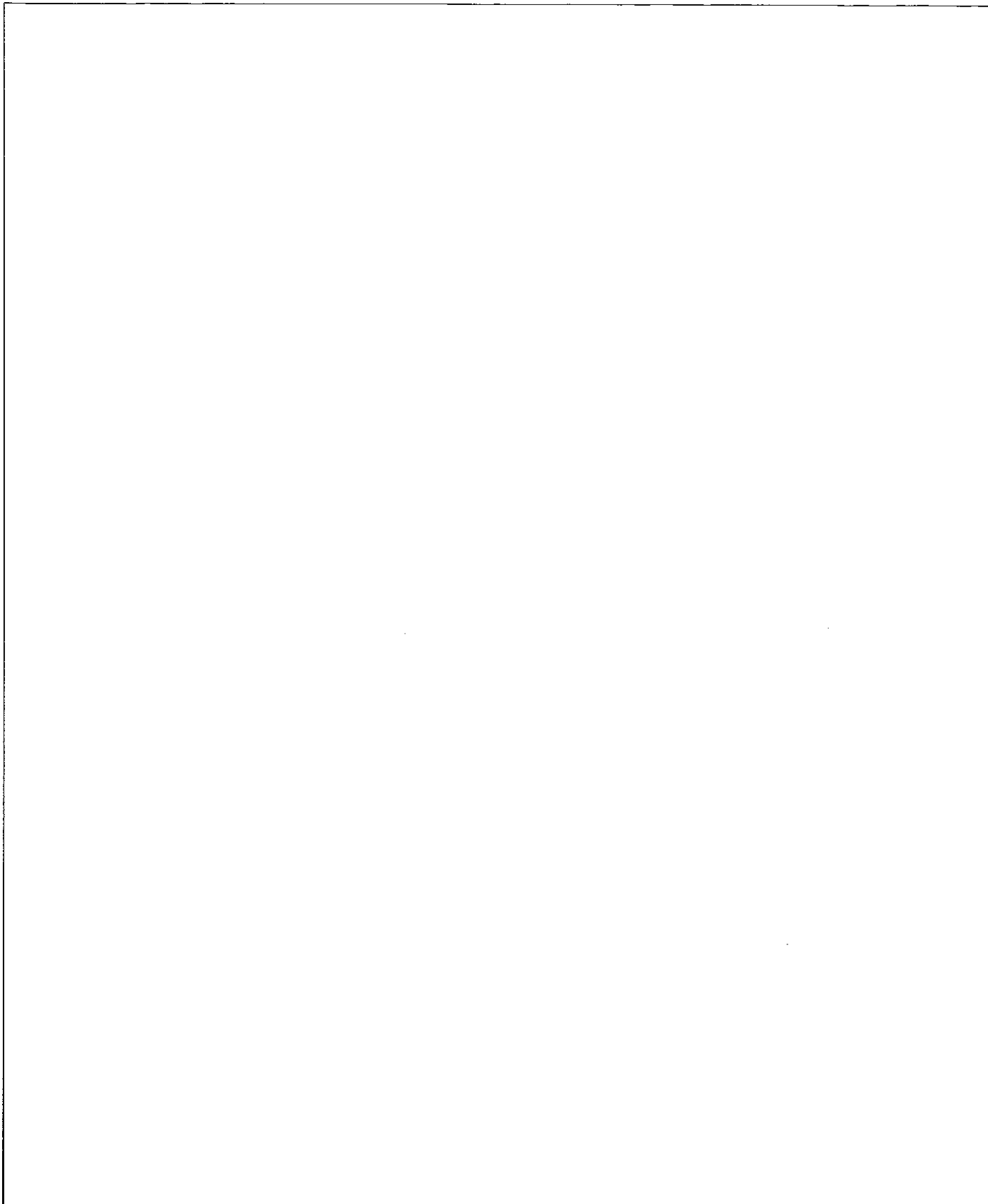




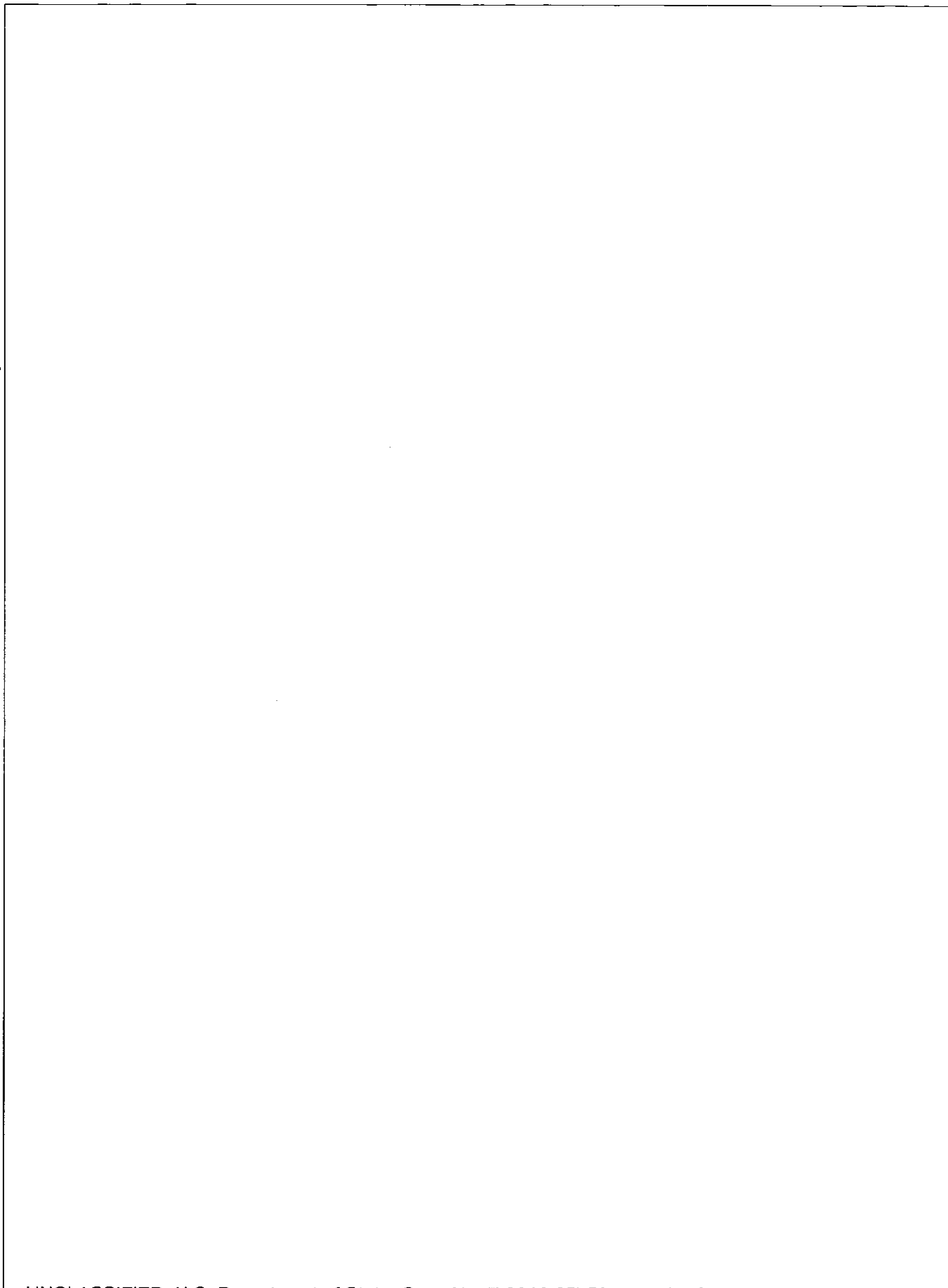
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## **Exhibit B**

FOIA Request. (May 23, 2016). Michael T. McKibben. Electronic Version.  
Request for un-redacted version of Hillary Clinton's Internet Freedom Speech.  
U.S. Department of State.



## Freedom of Information Act Request

**Name**

Mr. MICHAEL MCKIBBEN

**Email**

mmckibben@leader.com

**Address**

1676 Tendril Court  
Columbus, Ohio 43229

**Telephone**

(614) 890-3141

**Fax**

(614) 864-7922

**Date Range**

01/06/2009 to 01/06/2009

**Description**

AGENCY: U.S. Department of State, Freedom of Information Act Requests Kindly provide an un-redacted version of Secretary Clinton's public speech: SECRETARY OF STATE HILLARY RODHAM CLINTON ADDRESS ON INTERNET FREEDOM THE NEW SEUM, WASHINGTON, DC JANUARY 6, 2009 Your ref: UNCLASSIFIED U.S. Department of State Case No. F-2014-20439 Doc No. C05767009 Date: 08/31/2015 Thank you, Michael T. McKibben

**Restricted to SAS Documents**

Yes

**Expedited Handling**

I have a compelling need for expeditious handling:

- An urgency to inform the public concerning actual or alleged Federal Government activity exists.

This option available for ONLY PERSONS PRIMARILY ENGAGED IN DISSEMINATING INFORMATION.

- An impairment of substantial due process rights of the requester exists.

- Secretary Clinton's positions regarding use of technology as a new agency head appears to have implemented election rigging templates with Facebook which may be used in the 2016 elections to illegal manipulate the election in violation of the Hatch Act.

**Maximum Fee**

I am willing to pay \$25 for my request.

**Requester Category**

Affiliated with an educational or noncommercial scientific institution seeking information for a scholarly or scientific purpose and not for commercial use.

Additional documentation will be required.

**Fee Waiver**

I request a waiver of all fees for this request.

Reason: This document already exists as shown from the FOIA reading room, so the costs will be minimal.

**Additional Comments**

I have a previous longstanding request for which I have received no status in many months. Please advise on the status. Thank you.