

25 Questions Hillary Clinton Must Answer ... Under Oath

In one of Judicial Watch's many Freedom of Information Act lawsuits with the State Department, in lieu of a deposition, Hillary Clinton has been ordered to answer written questions—called interrogatories—that must be answered under oath.

Now, we know what those questions will be. Judicial Watch announced Tuesday it had transmitted its 25 questions to Clinton and her attorneys, and that she must answer them by Sept. 29. Those questions are:

1. Describe the creation of the system, including who decided to create the system, the date it was decided to create the system, why it was created, who set it up and when it became operational.
2. Describe the creation of your email account, including who decided to create it, when it was created, why it was created, and, if you did not set up the account yourself, who set it up for you.
3. When did you decide to use a email account to conduct official State Department business and whom did you consult in making this decision?
4. Identify all communications in which you participated concerning or relating to your decision to use a email account to conduct official State Department business and, for each communication, identify the time, date, place, manner (e.g., in person, in writing, by telephone, or by electronic or other means), persons present or participating, and content of the communication.
5. In a *60 Minutes* interview aired on July 24, 2016, you

stated that it was "recommended" you use a personal email account to conduct official State Department business. What recommendations were you given about using or not using a personal email account to conduct official State Department business, who made any such recommendations and when were any such recommendations made?

6. Were you ever advised, cautioned or warned, was it ever suggested, or did you ever participate in any communication, conversation or meeting in which it was discussed that your use of a email account to conduct official State Department business conflicted with or violated federal recordkeeping laws? For each instance in which you were so advised, cautioned or warned, in which such a suggestion was made, or in which such a discussion took place, identify the time, date, place, manner (e.g., in person, in writing, by telephone, or by electronic or other means), persons present or participating, and content of the advice, caution, warning, suggestion or discussion.
7. Your campaign website states, "When Clinton got to the Department, she opted to use her personal email account as a matter of convenience." What factors other than convenience did you consider in deciding to use a personal email account to conduct official State Department business? Include in your answer whether you considered federal records management and preservation requirements and how email you used to conduct official State Department business would be searched in response to FOIA requests.
8. After President Obama nominated you to be Secretary of State and during your tenure as secretary, did you expect the State Department to receive FOIA requests for or concerning your email?

9. During your tenure as Secretary of State, did you understand that email you sent or received in the course of conducting official State Department business was subject to FOIA?
10. During your tenure as Secretary of State, how did you manage and preserve emails in your email account sent or received in the course of conducting official State Department business, and what, if anything, did you do to make those emails available to the Department for conducting searches in response to FOIA requests?
11. During your tenure as Secretary of State, what, if any, effort did you make to inform the State Department's records management personnel (e.g., Clarence Finney or the Executive Secretariat's Office of Correspondence and Records) about your use of a email account to conduct official State Department business?
12. During your tenure as Secretary of State, did State Department personnel ever request access to your email account to search for email responsive to a FOIA request? If so, identify the date access to your account was requested, the person or persons requesting access, and whether access was granted or denied.
13. At the time you decided to use your email account to conduct official State Department business, or at any time thereafter during your tenure as Secretary of State, did you consider how emails you sent to or received from persons who did not have State Department email accounts (i.e., "" accounts) would be maintained and preserved by the Department or searched by the Department in response to FOIA requests? If so, what was your understanding about how such emails would be maintained, preserved, or searched by the Department in response to FOIA requests?
14. On March 6, 2009, Assistant Secretary of State for

Diplomatic Security Eric J. Boswell wrote in an Information Memo to your Chief of Staff, Cheryl Mills, that he "cannot stress too strongly, however, that any unclassified BlackBerry is highly vulnerable in any setting to remotely and covertly monitoring conversations, retrieving email and exploiting calendars." A March 11, 2009 email states that, in a management meeting with the assistant secretaries, you approached Assistant Secretary Boswell and mentioned that you had read the "IM" and that you "get it." Did you review the March 6, 2009 Information Memo, and, if so, why did you continue using an unclassified BlackBerry to access your email account to conduct official State Department business? Copies of the March 6, 2009 Information Memo and March 11, 2009 email are attached as Exhibit A for your review.

15. In a Nov. 13, 2010, email exchange with Huma Abedin about problems with your email account, you wrote to Ms. Abedin, in response to her suggestion that you use a State Department email account or release your email address to the Department, "Let's get a separate address or device." Why did you continue using your email account to conduct official State Department business after agreeing on Nov. 13, 2010, to "get a separate address or device?" Include in your answer whether by "address" you meant an official State Department email account (i.e., a "" account) and by "device" you meant a State Department-issued BlackBerry. A copy of the Nov. 13, 2010, email exchange with Ms. Abedin is attached as Exhibit B for your review.
16. Email exchanges among your top aides and assistants in Aug. 30, 2011 discuss providing you with a State Department-issued BlackBerry or State Department email address. In the course of these discussions, State Department Executive Secretary Stephen Mull wrote, "[W]e

are working to provide the Secretary per her request a Department issued BlackBerry to replace her personal unit which is malfunctioning (possibly because of her personal email server is down). We will prepare two versions for her to use—one with an operating State Department email account (which would mask her identity, but which would also be subject to FOIA requests).” Similarly, John Bentel, the Director of Information and Records Management in the Executive Secretariat, wrote, “You should be aware that any email would go through the Department’s infrastructure and [be] subject to FOIA searches.” Did you request a State Department issued BlackBerry or a State Department email account in or around August 2011, and, if so, why did you continue using your personal device and email account to conduct official State Department business instead of replacing your device and account with a State Department-issued BlackBerry or a State Department email account? Include in your answer whether the fact that a State Department-issued BlackBerry or a State Department email address would be subject to FOIA affected your decision. Copies of the email exchanges are attached as Exhibit C for your review.

17. In Feb. 2011, Assistant Secretary Boswell sent you an Information Memo noting “a dramatic increase since January 2011 in attempts ... to compromise the private home email accounts of senior Department officials.” Assistant Secretary Boswell “urge[d] Department users to minimize the use of personal web-email for business.” Did you review Assistant Secretary Boswell’s Information Memo in or after February 2011, and, if so, why did you continue using your email account to conduct official State Department business? Include in your answer any steps you took to minimize use of your email account after reviewing the memo. A copy of Assistant Secretary Boswell’s February 2011 Information Memo is attached as

Exhibit D for your review.

18. On June 28, 2011, you sent a message to all State Department personnel about securing personal email accounts. In the message, you noted "recent targeting of personal email accounts by online adversaries" and directed all personnel to "[a]void conducting official Department business from your personal email accounts." Why did you continue using your email account to conduct official State Department business after June 28, 2011, when you were advising all State Department Personnel to avoid doing so? A copy of the June 28, 2011 message is attached as Exhibit E for your review.
19. Were you ever advised, cautioned or warned about hacking or attempted hacking of your email account or the server that hosted your account and, if so, what did you do in response to the advice, caution or warning?
20. When you were preparing to leave office, did you consider allowing the State Department access to your email account to manage and preserve the official emails in your account and to search those emails in response to FOIA requests? If you considered allowing access to your email account, why did you decide against it? If you did not consider allowing access to your email account, why not?
21. After you left office, did you believe you could alter, destroy, disclose or use email you sent or received concerning official State Department business as you saw fit? If not, why not?
22. In late 2014, the State Department asked that you make available to the Department copies of any federal records of which you were aware, "such as an email sent or received on a personal email account while serving as Secretary of State." After you left office but before your attorneys reviewed the email in your email account

in response to the State Department's request, did you alter, destroy, disclose or use any of the email in the account or authorize or instruct that any email in the account be altered, destroyed, disclosed, or used? If so, describe any email that was altered, destroyed, disclosed or used, when the alteration, destruction, disclosure or use took place, and the circumstances under which the email was altered, destroyed, disclosed or used? A copy of a Nov. 12, 2014, letter from Under Secretary of State for Management Patrick F. Kennedy regarding the State Department's request is attached as Exhibit F for your review.

23. After your lawyers completed their review of the emails in your email account in late 2014, were the electronic versions of your emails preserved, deleted or destroyed? If they were deleted or destroyed, what tool or software was used to delete or destroy them, who deleted or destroyed them, and was the deletion or destruction done at your direction?
24. During your Oct. 22, 2015 appearance before the U.S. House of Representatives Select Committee on Benghazi, you testified that 90 to 95 percent of your emails "were in the State's system" and "if they wanted to see them, they would certainly have been able to do so." Identify the basis for this statement, including all facts on which you relied in support of the statement, how and when you became aware of these facts, and, if you were made aware of these facts by or through another person, identify the person who made you aware of these facts.
25. Identify all communications between you and Brian Pagliano concerning or relating to the management, preservation, deletion or destruction of any emails in your email account, including any instruction or direction to Mr. Pagliano about the management, preservation, deletion or destruction of emails in your

account when transferring the email system to any alternate or replacement server. For each communication, identify the time, date, place, manner (e.g., in person, in writing, by telephone, or by electronic or other means), persons present or participating, and content of the communication.

On Aug. 19, U.S. District Court Judge Emmet G. Sullivan—who was appointed by Hillary Clinton’s husband, President Bill Clinton—ordered additional discovery in Judicial Watch’s lawsuit. While ruling that a deposition, which would have been video recorded, was not necessary, he said the former secretary of state’s testimony is in order to “enable her to explain on the record the purpose for the creation and operation of the system for State Department business.”

Additionally, Sullivan granted Judicial Watch permission to depose former State Department Director of Information Resource Management of the Executive Secretariat John Bentel by Oct. 31.

In a separate development, the State Department announced Tuesday afternoon that it had found 30 emails that may be related to the Sept. 11, 2012, Islamist attack on the U.S. Consulate and CIA safe house in Benghazi among the nearly 15,000 deleted emails the FBI recovered that Clinton reportedly had not handed over to the department. But State Department spokesman John Kirby couldn’t say for sure if they were directly related.

“Using broad search terms, we have identified approximately 30 documents potentially responsive to a Benghazi-related request,” he said. “At this time, we have not confirmed that the documents are, in fact, responsive, or whether they are duplicates of materials already provided to the Department by former Secretary Clinton in December 2014.”

Donald Trump’s presidential campaign immediately pounced on

the news. Campaign spokesman Jason Miller said the new disclosure "raises additional questions" about the nearly 50,000 emails Clinton is now known to have deleted.

"Hillary Clinton swore before a federal court and told the American people she handed over all of her work-related emails," he said. "If Clinton did not consider emails about something as important as Benghazi to be work-related, one has to wonder what is contained in the other emails she attempted to wipe from her server."