

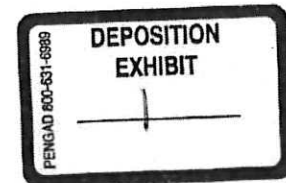


United States Department of State

Washington, D.C. 20520

October 2, 2019

Ms. Margaret E. Daum
Squire Patton Boggs
2550 M Street NW
Washington DC 20037



Dear Ms. Daum:

Thank you for the opportunity to speak earlier today. We wanted to confirm several points with you before your client appears voluntarily for testimony tomorrow.

I understand that your client intends voluntarily to appear tomorrow for a transcribed interview before the House Permanent Select Committee on Intelligence notwithstanding the fact that the Committee has refused to allow a lawyer from the State Department to be present to safeguard legitimate Executive Branch interests. In this context, it is important that I write to remind you that his appearance does not relieve him of his legal obligations to protect classified information and potentially privileged communications. The confidential communications between your client and foreign government officials may be classified and may be subject to claims of privilege. See, e.g., *Assertion of Executive Privilege for Documents Concerning Conduct of Foreign Affairs with Respect to Haiti*, 20 Op. O.L.C. 5, 6 (1996) (opinion of Attorney General Janet Reno). In addition, the Department's internal communications, or those with other Executive Branch officials, related to foreign affairs may be classified and privileged. As Secretary Pompeo has explained, the absence of Department counsel deprives the State Department of the opportunity to address questions relating to the disclosure of privileged information and classified information when those matters arise. See generally *Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees*, 43 Op. O.L.C. ___ (May 23, 2019), available at <https://www.justice.gov/ole/file/1171671/download>.

Please advise your client that, in the absence of an opportunity to review the information that may be disclosed to the Committee by your client, your client is not authorized to disclose information that may be subject to executive privilege or to disclose classified information in the absence of the required safeguards necessary to ensure its protections. In addition, if you believe that your representation of your client requires that you obtain access to the Department's classified information, including information known to your client, then you should request that the agency that issued your security clearance confirm the status of your clearance to the Department through appropriate channels.

Finally, with respect to the Committee's request to your client for documents, please be advised that in the absence of an opportunity for the Department to review the documents in question, your client is not authorized to disclose to Congress any records relating to his official duties. The Department has received a document subpoena for similar records and will send a response to the subpoena shortly. In this connection, it is also important that you remind your client of his responsibility under the Federal Records Act to ensure that any Department records currently in his possession, in whatever format, be transferred into the control and possession of the Department. These may include documents located on a personal cell phone, if your client relied upon that device for communications related to his work on behalf of the Department of State.

Please contact us if you wish to discuss any questions on these issues.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Marik A. String". The signature is fluid and cursive, with a long horizontal stroke at the end.

Marik A. String
Acting Legal Adviser