December 7, 2015

John Hackett, Director Office of Information Programs and Services Department of State, SA-2 515 22nd Street, N.W. Washington, D.C. 20522-8100 (202) 261-8484 phone (202) 261-8579 fax FOIAStatus@state.gov

Dear Mr. Hackett

Re: Case Control Number F-2015-15589 Re. Department of State Social Media policy, Facebook field guides and use of <u>USgovernment@fb.com.</u>

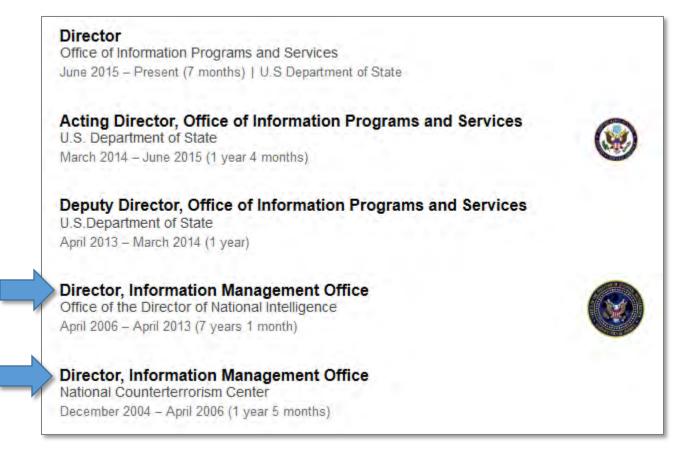
I am in receipt of your Nov. 24, 2015 letter denying my appeal of the denial of my fee waiver request. **Exhibit A**. It is evident from your intransigence that you intend to stonewall—an effort for which I have little patience, but much resolve. Therefore, I am forwarding this letter to watchdogs, members of the media and Congress to help ensure fair treatment.

For the reasons presented herein, I request that you disqualify yourself from involvement in this matter due to your evident conflicts of interest shown below.

Your response is puzzling for several reasons. First, the undifferentiated rationale for lack of "adequate" information is not instructive. I provided a *substantial* amount of information, and therefore need to understand objectively why it was not adequate. Just saying "no" is not an appropriate response from you as a public servant.

Second, no avenue of appeal was provided, as is customary. Please provide a specific instruction since your general citation to the State Department's voluminous website is equally uninstructive. I am willing to more than triple by my fee limit from \$30 to \$100. However, I reserve the right to reassert this fee waiver request as we move forward. I have no way to assess the fairness, risk or the commitment I am making *in advance* of knowing that to which I am committing.

Finally, I wish to make you aware that you personally have significant conflicts of interest in this matter which you failed to disclose. Your "John Hackett" LinkedIn Profile (<u>Exhibit B</u>) states that you were (see arrows):



Your Conflicts of Interest in this matter include:

- Facebook
- NSA
- IBM
- U.S. State Department
- Hillary Clinton
- Professor James P. Chandler (my patent attorney)

One can reasonably assume that based on the facts below (many of which were provided by *your office* to Judicial Watch) that you and your employer had <u>direct relationships</u> to Facebook, the NSA, IBM, Hillary Clinton and my former patent attorney, Professor James P. Chandler, III.

Professor Chandler was my patent attorney for my **patent on social networking** in which my company, Leader Technologies, and I, have battled Facebook and proved that **Facebook is infringing on 11 of 11 claims.**¹ During the pendency of my case against Facebook, you were Director at the Office of Director of National Intelligence. Given the NSA's now notoriously public involvement with Facebook, Microsoft and IBM during our case, your bias against me could not be more evident.

Upon knowledge, information and belief, Professor Chandler was at all relevant times also a senior intelligence and national security adviser to intelligence the NSA, IBM, National Counterterrorism Center (NCC) and the Office of the Director of National Intelligence (ODNI), and/or their predecessor agencies, since the Clinton Administration.

I know personally that Professor Chandler has had a close business and personal relationship with Bill & Hillary Clinton since at least the early 1990s. He worked closely with the Clinton White House in the drafting and passage of the Economic Espionage Act of 1996, including subsequent legislation, regulations, Executive Orders and prosecutions. On information and belief, this consulting continued through both the Bush and Obama Administrations, and therefore, <u>during your tenures at the NCC, ODNI and the State Dept.</u>

Given Professor Chandler's central role and ongoing influence in national security, trade secrets, intellectual property and economic espionage, it is inconceivable that you did not work with him and/or follow his advice.

Therefore, the relationships of your present and former employers with Professor Chandler profoundly **bias this FOIA request**.

¹ <u>Petition for Writ of Certiorari</u>, *Leader Technologies, Inc., v. Facebook, Inc.*, No. 12-617 (U.S. Supreme Court 2012), filed Nov. 16, 2012.

<u>Since this request involves Facebook</u>, the conflict with Professor Chandler is compounded by the following additional conflicts.

NSA Whistleblower, Edward Snowden, revealed that **Facebook** and key Facebook stakeholders (in concert with **Microsoft**, Skype,² Yahoo, Google, AT&T and others) began feeding user data illegally to the **NSA** on Jun. 6, 2009—<u>during your tenure at ODNI</u>. A reasonable person will conclude that your former associations with the NSA and Facebook would mean you are not impartial in this request.

The State Department's various FOIA productions in **Judicial Watch** Case Nos. F-2012-29278 and 2014-20439 provide substantial judicially recognizable proof that you have at least the following conflicts of interest as a member of both the Bush and Obama Executive Branches:

Date:	Subject:	Reference/Citation:	Conflict Description:
On Jun. 6, 2009	Facebook began secretly feeding user data to the NSA (activity that has since been ruled illegal by the Second Circuit.) ³	National Security Agency. (Apr. 2013). Dates When PRISM Collection Began For Each Provider. Facebook (6/3/09). PRISM/US- 984XN, Overview or The SIGAD Used Most in NSA Reporting Overview, [redacted] PRISM Collection Manager, S35333, April 2013. Greenwald, G., MacAskill, E. (Jun. 07, 2013). NSA Prism program taps in to user data of Apple, [Facebook,] Google and others. <i>The Guardian.</i> ⁴	 "• Top-secret Prism program claims direct access to servers of firms including Google, Apple and Facebook • Companies deny any knowledge of program in operation since 2007." (Emphasis added.)

² Skype is now wholly-owned by Microsoft.

³ Stempel, J. (May 07, 2015). NSA's phone spying program rules illegal by appeals court. *Reuters*. <u>http://www.reuters.com/article/us-usa-security-nsa-idUSKBN0NS1IN20150507</u>

⁴ Greenwald, G., MacAskill, E. (Jun. 07, 2013). NSA Prism program taps in to user data of Apple, [Facebook,] Google and others. *The Guardian*. <u>http://www.theguardian.com/world/2013/jun/06/us-tech-giants-nsa-data</u>.

On or before Jul. 9, 2009	State Department began promoting Facebook when Secretary Clinton's private consultant, Sidney Blumenthal, drafted her first speech to the Council of Foreign Relations.	Judicial Watch v. U.S. Department of State Case No. F-2014-20439 Doc. No. C05762671	"Twitter and Facebook will become as much a part of the diplomatic lexicon as cables and demarches" (Emphasis added.)
On Aug. 16, 2009	Director of the NSA , General James L. Jones, was shown to be collaborating directly with Secretary Clinton .	Judicial Watch v. U.S. Department of State Case No. F-2014-20439 Doc. No. C05763753	"Subject: NSA Jones has requested to speak with the Secretary Gen. Jones is [sic] wishes to speak with the Secretary at her earliest convenience." (Emphasis added.)
On Dec. 29, 2009	Hillary Clinton sent invitations to key Facebook funders and directors, including Square (Larry Summers & Marc Andreessen) Invitations to NSA mass data collection partners, as revealed by Edward Snowden.	Judicial Watch v. U.S. Department of State Case No. F-2014-20439 Doc. No. C05763235 Id. National Security Agency. (Apr. 2013). Dates When PRISM Collection Began For Each Provider. Microsoft [*]	 "FW: Revised Concept paper on tech dinner" "Potential Invitees: 1) P. Warrior, Cisco 2) Carol Bartz, Yahoo! 2) Carol Bartz, Yahoo! 3) Steve Jobs, Apple 9) Jack Dorsey, Twitter /Square (Facebook principals) 10) Eric Schmidt, Google (Emphasis added.) Also at Feb. 17, 2011 Pres. Obama Silicon Valley dinner 14 months later.

⁵ Angwin, J., Savage, C., Larson, J., Moltke, H., Poitras, L., Risen, J. (Aug. 15, 2015). AT&T Helped U.S. Spy on Internet on a Vast Scale. *The New York Times*.

Ci Art Levinson Genentech Ct Eric Schmidt Google CEO	soo CEO Netflix CEO Pre lairman Oracle CEO John Doerr Domoger Forders Forders S	UPI. (Feb. 17, 2011). Obama meets with Jobs, Zuckerberg [Syndicated news]; UPI Photo.	Attendees: NSA spy: Apple [*] Facebook [*] Google [*] Cisco [*] Oracle Stanford Yahoo! [*] Twitter [*] * Hillary Clir dinner invite earlier	
On Jun. 26, 2012	State Department published " Facebook Part 2 : Creating and Customizing Your Page."	Judicial Watch v. U.S. Department of State Case No. F-2014-20439 Doc. No. C05771175	posts and Ik This was th appearance	e first
On Jul. 27, 2012	State Department published " Facebook Part 4 Metrics, Analytics and Resources"	Judicial Watch v. U.S. Department of State Case No. F-2012-29278 Doc. No. C05371179	A [Faceboo for missions IRCs	k] field guide ; posts and
On Oct. 16, 2012	Sheryl K. Sandberg, Facebook chief operating officer, sent Hillary a draft of her book; solicits a quote. Parts of Sandberg's email content is B6 (personal privacy interests exemption) <i>redacted</i> .	Judicial Watch v. U.S. Department of State Case No. F-2012-20439 Doc. No. C05792688	Shows relati between San Facebook an close enough privacy inter This exchang Clinton and S occurred dun pendency of	dberg, nd Hillary is n to redact for rests. ge between Sandberg ring the

⁶ Greenwald.

See Mar. 2, 20	15 below for an explanation of	of this magnified view.	Technologies petition for writ of certiorari to the U.S. Supreme Court in <i>Leader v.</i> <i>Facebook</i> (to which Facebook did not even bother responding). Facebook's arrogance was evident then, and now, thanks to Judicial Watch and Hillary's emails, the reason is known—the Washington "Cartel" was <i>protecting</i> Facebook to the prejudice of Leader Technologies' shareholder patent property rights.
On Oct. 24, 2012	State Department published " FACEBOOK Part 3 Creating and Customizing Groups"	Judicial Watch v. U.S. Department of State F-2012-29278 Doc. No. C05371173	A [Facebook] field guide for missions, posts and IRCs
On Dec. 26, 2012	State Department published " FACEBOOK Part 1 Getting Started with Facebook"	Judicial Watch v. U.S. Department of State F-2012-29278 Doc. No. C05371180	A [Facebook] field guide for missions, posts and IRCs
On Mar. 2, 2015	President Obama and Valerie Jarrett met with "Technology CEO Council" comprised of IBM , Xerox, Micron Technology , Qualcomm , EMC and Dell	The White House (Mar. 02, 2015). President Obama's Meeting with Members of the Technology CEO Council [Press release]. Barack Obama.	IBM and Facebook have been tied at the hip since Facebook's inception in February 2004. IBM suppled Facebook MQTT key messaging software on Nov. 3, 2011. ⁷ IBM sold 750 patents to Facebook on March 22, 2012. ⁸

⁷ IBM (Nov. 3, 2011). Eurotech and IBM Contribute Software to Connect Next Generation of Wireless and Mobile Devices [Press release]. IBM. <u>http://www-03.ibm.com/press/us/en/pressrelease/35895.wss</u>.

⁸ Levin, D., Oreskovic, A. (Mar. 22, 2012). Facebook buys 750 patents from IBM. *Reuters*. <u>http://www.fbcoverup.com/docs/cyberhijack/2012-03-22-Facebook-buys-750-patents-from-IBM-source-by-Dan-Levine-and-Alexei-Oreskovic-Reuters-Mar-22-2012.pdf</u>

On Oct. 10, 2015	President Obama made an unexplained four- day trip for <i>private</i> meetings with Qualcomm in San Diego	Moons, M. (Oct. 10, 2015). Obama's Mysterious Saturday Visit To San Diego [to visit Qualcomm]. <i>Breitbart</i> . ⁹	Qualcomm participates with IBM and Micron Technology in President Obama's Technology CEO Council that are collaborating with Facebook, and therefore the NSA.
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The correlation of associations among Facebook, NSA, IBM, Hillary Clinton, the State Department and my former patent attorney, James P. Chandler, proves a set of conflicting relationships among your former and current employers.

As a result, your bias in favor of Facebook disqualifies you from involvement in this request. My request requires arm's length objectivity, according to ethics law and common sense.

5 C.F.R. Part 2635: Standards of ethical conduct for employees of the executive branch, Subpart E – Impartiality in Performing Official Duties, states:

"[E]mployees should not perform official duties in order to avoid an appearance of loss of impartiality."

That employee should disqualify when:

"[M]atters involving recent employers, employers of spouses or minor children, or anyone with whom the employees have or seek a business or financial relationship."

The involvement of both your present and former employers with Facebook, NSA, IBM, ODNI and NCC¹⁰ very evidently means that you must disqualify yourself in order to avoid the appearance of impropriety.

⁹ <u>http://www.breitbart.com/california/2015/10/10/obama-san-diego-mystery/</u>

¹⁰ Plus Micron Technology, Qualcomm.

I look forward to the documents requested. Electronic versions are preferable.

Sincerely,

Michael T. McKibben

Notice: While this document cites numerous judicially recognizable sources, it may also contain opinion that should not be relied upon without independent verification.

Attached:

Exhibit A: John Hackett. (Nov. 24, 2015). Letter to Michael T. McKibben denying FOIA fee waiver appeal. Case No. F-2015-15589. U.S. Department of State, Office of Information Programs and Services.

Exhibit B: John Hackett. (Accessed Dec. 7, 2015). LinkedIn Profile.

cc.

- Thomas J. Fitton, President, Judicial Watch.
- Sharyl Attkisson, Full Measure
- Peter Bale, CEO, Center for Public Integrity
- Representative Jim Jordan (4th OH), House Oversight Committee
- Presidential Candidates: Rand Paul, Ted Cruz, Donald Trump, Ben Carson, Mike Huckabee Bernie Sanders
- Elizabeth Warren, Others

Exhibit A

John Hackett. (Nov. 24, 2015). Letter to Michael T. McKibben denying FOIA fee waiver appeal. Case No. F-2015-15589. U.S. Department of State, Office of Information Programs and Services.



United States Department of State

Washington, D.C. 20520

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Case Number: F-2015-15589

Michael T. McKibben

Columbus, Ohio

Dear Mr. McKibben:

This is in response to your Freedom of Information Act (FOIA) request, dated October 15, 2015, concerning the development, publishing and use of the email address "USgoverment@fb.com.

Specifically this letter addresses your appeal of our denial of a fee waiver dated November 16, 2015.

The FOIA requires agencies to assess fees to recover the direct costs of processing requests, unless a fee waiver has been granted.

We have considered your request for a fee waiver, along with your appeal. A waiver or reduction of fees may be appropriate when the disclosure of records is in the public interest because the disclosure is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the interest of the requester. *See* 22 C.F.R. § 171.17.

Your request and appeal do not meet any of the established criteria.

Regrettably, I must advise that you have not provided adequate justification for a waiver of fees and I must uphold the decision to deny a waiver of fees.

Office of Information Programs and Services U.S. Department of State, SA-2 Washington, DC 20522-8100 Website: www.foia.state.gov Inquiries: Phone: 1-202-261-8484 FAX: 1-202-261-8579 E-mail: FOIAStatus@state.gov For further communications, please note our contact information at the bottom of this page. You may also refer to our website for general information and guidelines. We can provide faster service if you include your request case number **F-2015-15589** in your communications with us.

Sincerely,

Jacket / MC IN

John Hackett, Director Office of Information Programs and Services

Exhibit B

John Hackett. (Accessed Dec. 7, 2015). LinkedIn Profile. https://www.linkedin.com/in/john-hackett-06833537

