



Homeland Security

September 15, 2009

Tony Bartelme
The Post and Courier
134 Columbus Street
Charleston, SC 29403-4800

Re: **DHS/MGMT 09-170/Bartelme**

Dear Mr. Bartelme:

This is the electronic final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated August 14, 2009, and received by this office on August 28, 2009. You are seeking access to and copies of documents describing any investigation into Governor Mark Sanford during calendar year 2009.

A search of the Office of the Chief Security Officer for documents responsive to your request produced ten pages. Of those pages, I have determined that nine pages are partially releasable, and one page is withheld in its entirety pursuant to Title 5 U.S.C. § 552 (b)(5), FOIA Exemption 5.

There are nine pages enclosed with certain information withheld as described below.

FOIA Exemption 2(low) protects information applicable to internal administrative personnel matters to the extent that the information is of a relatively trivial nature and there is no public interest in the document.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that the responsive document qualifies for protection under the deliberative process privilege.

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. [*The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, driver license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.*] The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

One page is withheld in full as described below.

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined that the responsive document qualifies for protection under the deliberative process privilege.

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. 6 CFR § 5.11(d)(4).

If you need to contact our office again about this matter, please refer to **DHS/MGMT 09-170/Bartelme**. This office can be reached at (202) 447-3106.

Sincerely,



Mark Dorgan
FOIA Officer

Enclosure(s): Responsive Documents, 9 pages

South Carolina Gov. Mark Sanford admitted an extramarital affair on Wednesday. Photo by Davis Turner/Getty Images

The decline and fall of Gov. **Mark Sanford** over the past 72 hours is one of the most painful -- yet strangely compelling -- events of in recent political history.

SC Gov. Sanford admits affair after going AWOL

COLUMBIA, S.C. – After going AWOL for seven days, Gov. Mark Sanford admitted Wednesday that he had secretly flown to Argentina to visit a woman with whom he was having an affair. Wiping away tears, he apologized to his family and gave up a national Republican Party post, but was silent on whether he would resign.

"I've been unfaithful to my wife," he said in a news conference in which the 49-year-old governor ruminated on God's law, moral absolutes and following one's heart. He said he spent the last five days "crying in Argentina."

Sanford, who in recent months had been mentioned as a possible presidential candidate in 2012, said he would resign as head of the Republican Governors Association.

By leaving the country without formally transferring power, critics said he neglected his gubernatorial authority and put the state at risk. It wasn't clear how his staff could reach him in an emergency.

At least one state lawmaker called for his resignation. As a congressman, Sanford voted in favor of three of four articles of impeachment against President Bill Clinton, citing the need for "moral legitimacy."

The affair is now over, Sanford said, describing the woman who lives in Argentina as a "dear, dear friend" whom he has known for about eight years and been romantically involved with for about a year. He said he has seen her three times since the affair began, and his wife found out about it five months ago. A newspaper published steamy e-mails between Sanford and the woman. He did not identify her.

"What I did was wrong. Period," he said. His family did not attend the news conference, and his wife Jenny Sanford said she asked the governor to leave and stop speaking to her two weeks ago. The governor said he wants to reconcile, and his wife's statement said her husband has earned a chance to resurrect their marriage.

"This trial separation was agreed to with the goal of ultimately strengthening our marriage," she said.

Sanford denied instructing his staff to cover up his affair, but acknowledged that he told them he thought he would be hiking on the Appalachian Trail and never corrected that impression after leaving for South America.

"I let them down by creating a fiction with regard to where I was going," Sanford said. "I said that was the original possibility. Again, this is my fault in ... shrouding this larger trip."

Questions about Sanford's whereabouts arose early this week. For two days after reporters started asking questions, his office had said he had gone hiking on the trail.

Cornered at the Atlanta airport by a reporter from The State newspaper, Sanford revealed Wednesday morning that he had gone to Argentina for a seven-day trip.

When news first broke about his mysterious disappearance, Jenny Sanford told The Associated Press she did not know where her husband and father of their four sons had gone for the Father's Day weekend. She said he needed time away to write.

Sanford emerged Wednesday afternoon at a news conference, where he mused openly of his love of hiking and how he used to guide trips along the Appalachian Trail, and eventually tearfully apologized to his wife, his staff and his friends — but without yet saying what he was apologizing for.

"I hurt a lot of different folks," he said, occasionally choking up throughout the news conference that lasted about 20 minutes.

With those watching still wondering what he was admitting, Sanford said: "The odyssey that we're all on in life is with regard to heart."

Excerpts of e-mail exchanges between the governor and his mistress were published online Wednesday by The State. The governor's office wouldn't discuss the e-mails with The Associated Press, but told The State it wouldn't dispute the authenticity of the messages.

One from the governor read: "I could digress and say that you have the ability to give magnificent gentle kisses, or that I love your tan lines or that I love the curve of your hips, the erotic beauty of you holding yourself (or two magnificent parts of yourself) in the faded glow of the night's light — but hey, that would be going into sexual details."

Several residents said they were disappointed in Sanford.

"He shouldn't have lied to us. He should have been up straight," said college student Gerald Walker, 19, in downtown Columbia. "It's very embarrassing for someone in a leadership role that we are supposed to respect, especially me being a

young guy."

Glenn Mitchell, of Columbia, said he felt Sanford's absence showed a lack of concern for the state.

"He left the state unattended," said Mitchell, 54, out of work recuperating from surgery. "He just hasn't been there for us."

State Rep. Todd Rutherford, D-Columbia, called for Sanford's resignation.

"There is nothing left to save," Rutherford said. "There is no reason for him to remain as governor."

Sanford, a former three-term congressman, was elected governor in 2002. He has more than a year remaining in his second term and is barred by state law from running again.

Sanford was elected chairman of the Republican Governors Association this year after he helped raise a record \$10.6 million at the group's 2008 annual dinner to help elect GOP governors. The association said Mississippi Gov. Haley Barbour would assume the duties as chairman.

The libertarian-leaning Republican was seldom a firebrand. But he was known for salting tales of family life into policy discussions.

He criticized the \$787 billion federal stimulus law and efforts by legislators to claim a share of it by saying in tough times a family would sit around the table and find ways to cut spending.

His vocal battle against the Obama administration over the stimulus money won praise from conservative pundits, but ultimately, a state court order required him to take the money.

Jenny Sanford, a millionaire whose family fortune comes from the Skil Corp. power tool company, has been central to Sanford's political career. She ran his congressional campaigns and his first race for governor. She was an almost daily fixture at senior staff meetings, and often could be seen driving a minivan away from the Statehouse in the mornings.

The two met when Sanford, who has an MBA, was trying his hand on Wall Street. She was working at a brokerage house when he entered a training program.

As governor, Sanford has had seemingly endless run-ins with the GOP-dominated Legislature, once bringing pigs to the House chamber to protest pork barrel spending. He also put a "spending clock" outside his office to show how quickly a proposed budget would spend state money.

Sanford's announcement came a day after another prominent Republican, Sen. John Ensign of Nevada, apologized to his GOP Senate colleagues after revealing last week that he had an affair with a campaign staffer and was resigning from the GOP leadership.

(b) (6)

Personnel Security Specialist

Personnel Security Division

Office of Security

Office (b) (2)

Fax:

Office of Security
U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

Certified Mail Tracking #
7005 1820 0000 5823 5635

JUL 01 2009

Governor Mark Sanford
Office of the Governor
P.O. Box 12267
Columbia, SC 29211

Dear Governor Sanford:

The purpose of this letter is to advise you that the Office of Security has suspended your access to classified information with the Department of Homeland Security. This suspension is based on recent actions and statements by you that raise questions about your judgment, lack of candor, reliability, trustworthiness and ability to protect classified information.

If you have any questions concerning this matter, please contact (b) (6) at 202-(b) (2).

Sincerely,

A handwritten signature in black ink that reads "Katherine Q. Janosek".

Katherine Q. Janosek
Chief, Personnel Security Division

Jones, Collin

From: (b) (6)
Sent: Wednesday, July 01, 2009 9:41 AM
To: (b) (6)
Cc: (b) (6)
Subject: Governor Sanford
Attachments: Governor Sanford (Suspension Notification).pdf

Major Sprill,

Please see the attached concerning Governor Sanford's access to classified information. Please let us know if you have any questions.

(b) (6)

*Personnel Security Specialist
Personnel Security Division
Office of Security*



Homeland Security

JUL 01 2009

MEMORANDUM FOR: Major Scott W. Prill
Homeland Security Director

FROM: *Katherine Q. Janosek*
Katherine Q. Janosek
Chief, Personnel Security Division

SUBJECT: Governor Mark Sanford

The purpose of this memorandum is to advise you that, the Office of Security has suspended Governor Sanford's access to classified information. This action was taken due to recently reported information to this office. This action, which is effective immediately, does not constitute a revocation of his security clearance. Please ensure that Governor Sanford does not have access to any classified information until further notice.

If you have any questions concerning this matter, please contact me at 202-(b) (2).

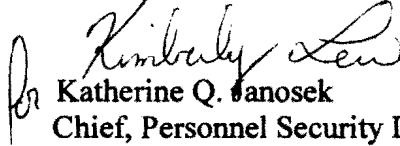
JUL -7 2009



Homeland
Security

MEMORANDUM FOR: Major Scott W. Prill
Homeland Security Director

FROM:


Katherine Q. Hanosek
Chief, Personnel Security Division

SUBJECT: Governor Mark Sanford

The purpose of this memorandum is to advise you that, the Office of Security has reinstated Governor Sanford's access to classified information. The suspension of Mr. Sanford's clearance was made in error.

If you have any questions concerning this matter, please contact me at 202 (b) (2).



Homeland Security

CERT. TRACKING #
7005 1820 0000 5823 5628

July 7, 2009

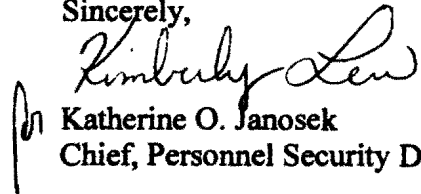
Governor Mark Sanford
Office of the Governor
P.O. Box 12267
Columbia, SC 29211

Dear Governor Sanford,

The purpose of this memorandum is to advise you that, the U.S. Department of Homeland Security, Office of Security, has reinstated your access to classified information. The suspension of your clearance was made in error.

If you have any questions concerning this matter, please contact me at 202-(b) (2).

Sincerely,


Katherine O. Janosek
Chief, Personnel Security Division