

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN OVERSIGHT, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF STATE, *et al.*,

Defendants.

Case No. 1:19-cv-1773-TNM

DECLARATION OF HARRY OBST

I, Harry Obst, hereby declare under penalty of perjury as prescribed in 28 U.S.C. § 1746 that the following statements are true and correct to the best of my knowledge and belief:

1. I submit this sworn declaration in support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment and Cross-Motion for Summary Judgment.

2. Between 1965 and 1997, I served as a diplomatic interpreter for the U.S. Department of State within its Office of Language Services ("OLS"), the office whose responsibility is to provide interpretation services for Presidents, Secretaries of State, and other high-rankings government officials. From 1984 to 1997, I served as Director of OLS—the head of the office. During my career, I interpreted for seven U.S. presidents, countless Cabinet officials, and numerous other high-ranking U.S. Government officials, and for foreign leaders upon the request of, or with the permission of, the State Department. I retired with distinction from the State Department in 1997 as a member of the Senior Executive Service, and received merit awards from then-Secretary of State Madeleine Albright and U.S. Information Agency Director Joseph Duffey in recognition of my many years of dedicated service to the United States.

3. During my State Department tenure, I routinely provided interpretation services in meetings that were substantially similar, in terms of importance and attendance by high ranking U.S. and foreign leaders, to the July 2017 Hamburg Meeting at issue in this lawsuit. As Director of OLS, I supervised others who did the same, including Russian-language interpreters performing the same function.

4. After my retirement from the State Department, I have written and taught on the subject of interpretation, including at the Inlingua School of Interpretation, where I served as Director and principal instructor between 1997 and 2004. I am also the author of *White House Interpreter: The Art of Interpretation*, which chronicles noteworthy moments in U.S. diplomatic history from my interpreter's vantage point. Harry Obst, *White House Interpreter: The Art of Interpretation*, Authorhouse (2010).

5. I have also periodically served as an interpreter on a contract basis for the U.S. government since my official retirement. I last did so during the previous Administration.

6. The factual statements contained herein are based on the first-hand knowledge and experiences I gained during my tenure at the State Department, as well as from more recent contract-based service. To the best of my knowledge, the policies and practices of OLS as I describe them remain the policies and practices of that Office in effect to this day.

7. The individuals who provide interpretation services in head of state meetings, like the July 2017 Hamburg Meeting, are performing duties as employees or contractors of the State Department, and specifically OLS. OLS interpreters and OLS contractor interpreters report to the Director of OLS, who reports to the Assistant Secretary for Administration, who reports to the Under Secretary for Management.

8. By far the most common and accurate form of interpretation for a private meeting between world leaders is called “consecutive interpretation.” This is where the speaker says a few sentences, the interpreter listens and takes notes, and then interprets those sentences into the other language, without a break. A trained professional consecutive interpreter can store in his or her memory a passage of five to ten sentences, and possibly more with the aid of notes. A professional interpreter is not trying to record every word in these notes, but is rather trying to duplicate the structure of the message, displaying it like a photograph through personalized symbols arranged vertically. These symbols, called ideograms, will assist the interpreter in replicating the structure and sequence of the thoughts expressed by the speaker. But even interpreters who use a lot of ideograms will still, by necessity, record many words in their notes.

9. Following a meeting between high level officials, especially one attended by the President, a Memorandum of Conversation (“MemCon”) would be prepared to memorialize the discussion within a few days of its occurrence. The MemCon is a critical document, as it preserves for the historical record the contents of the discussion, and also provides Executive Branch officials with a readout of what was discussed.

10. A standard MemCon would include such details as the date of the meeting; start time and end time; attendance list (including titles); and a disclaimer that the Memorandum was not a verbatim record but was rather a memorialization of the meeting based on the interpreter’s memory and interpreter notes. The balance of the MemCon would describe the exchanges between the participants; even if it is not a verbatim transcript, a proper MemCon captures all of the substance discussed by the parties.

11. Where a designated note taker from either the State Department or White House was present, they would have primary responsibility for preparing the MemCon. It was common,

in my experience, for the note taker to ask the interpreter to preserve their notes until the MemCon was finalized. The note taker would typically share a draft of the MemCon with the interpreter prior to finalizing so the interpreter, consulting his or her notes, could confirm the accuracy and completeness of the draft MemCon.

12. If no note taker was present at the meeting, then the interpreter would have been personally responsible for preparing the MemCon. How to prepare a MemCon was part of the standard onboarding training for OLS employees.

13. In preparing the MemCon, the interpreter would rely principally on their interpreter notes to refresh their memory of the contents of the exchange.

14. Once the MemCon was prepared, the interpreter would deliver it to the Executive Secretary in the Office of the Secretary of State, who would lodge it in the official files of the State Department. The Executive Secretary would at that point either take possession of the interpreter notes to destroy them or direct the interpreter to destroy them, their purpose of facilitating the preparation of the MemCon having been served.

15. During my decades of service, approximately 90 percent of interpreting missions performed by OLS did not involve high-level officials or were otherwise not highly sensitive. Documenting these relatively routine meetings in State Department records was considered unnecessary because they did not have any particular historical or record-keeping value; accordingly, no MemCon was required to be prepared for these meetings, and for the same reason, OLS interpreters were not required to preserve their notes for any period of time after the interpreting mission was concluded.

16. However, starkly different rules apply to meetings involving high level officials, and especially meetings between the President and a foreign head of state. Those meetings are

considered highly sensitive and extremely important, and it is especially critical to ensure that a record of the meeting is prepared and maintained in the files of the State Department.

Accordingly, in my experience during seven different presidential administrations, interpreters are required to maintain their notes of these meetings under the strictest conditions until the MemCon can be prepared. Indeed, we were instructed to treat our notes of those meetings with the same level of care and sensitivity as a classified document. We would guard them zealously until we had finalized and submitted the MemCon to the Executive Secretary in the Office of the Secretary of State, and only then would the Executive Secretary direct us either to destroy the notes or hand them over to be destroyed, as the MemCon would serve as the agency record documenting the meeting.

17. I do not recall a participant in a meeting ever asking me to surrender my interpreter notes. I believe that I would remember such an occurrence, as it would have been a highly unusual experience. Moreover, during the thirteen years that I oversaw OLS, I do not recall any of the interpreters who reported to me saying that their notes had been taken by a principal for whom they had interpreted; such an unusual experience would almost certainly have been brought to my attention right away.

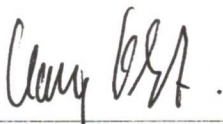
18. If someone did ask for my interpreter notes, including the President, I would have felt compelled to politely decline to hand them over, as I considered my work product to be a record of the State Department. Such a request would constitute a substantial breach of protocol and would disrupt OLS's standard process of retaining interpreter notes until the MemCon is finalized. If the President pressed me further to surrender my notes, I might have, at that point, felt obligated to accede to the demand but my acquiescence would not have indicated agreement or that such a request was appropriate.

19. Although no meeting principal has ever asked me for my notes, I can recall one other analogous situation from my decades as an interpreter for the United States Government. During the Nixon Administration, I was called to the White House very late in the evening to interpret for a meeting between Henry Kissinger, then the National Security Adviser; a representative of the German chancellor; and Helmuth Sonnenfeldt, an NSC staffer with expertise on German-Soviet affairs. When the meeting concluded, Mr. Sonnenfeldt ordered me to bring the memorandum memorializing the conversation back to the White House, and not to make a copy for anyone else.

20. As an employee of the State Department, I felt uncomfortable doing anything that would keep the original memorandum from the Secretary of State. After all, my standing State Department instructions were to leave the original version of such memoranda with the Secretary of State's Executive Secretary and provide only copies of the record to participants in the meeting. So that is exactly what I did on this occasion. After completing the memorandum, I delivered the original to the office of then-Secretary of State William Rogers and returned to the White House to deliver a copy to Mr. Sonnenfeldt. Mr. Sonnenfeldt was not pleased that I disobeyed his order, but my obligation as a State Department employee to preserve the memorandum memorializing the conversation in the files of the State Department was clear.

Dated: March 26, 2020

Alexandria, Virginia



Harry Obst