

## United States Department of State

Washington, D.C. 20520

February 6, 2013

## Limited Waiver Pursuant to Section 3 of Executive Order 13490

After consulting with the Counsel to the President, I hereby grant a limited waiver of the requirements of paragraph 2 of the Ethics Pledge to Glen D. Johnson with respect to Boston Globe Electronic Publishing LLC, the Globe Newspaper Company, Inc., and the New York Times Company and its subsidiaries. Mr. Johnson's former employer is the Boston Globe Electronic Publishing LLC, which is published by Globe Newspaper Company, Inc., a subsidiary of The New York Times Company.

Executive Order 13490, "Ethics Commitments by Executive Branch Personnel," Section 1 (Ethics Pledge), requires all covered political appointees to abide by certain commitments. Paragraph 2 of the Ethics Pledge provides that a covered appointee may not for a period of two years from the date of his appointment participate in any particular matter involving specific parties that is directly and substantially related to his former employer. For purposes of applying this restriction, the term "particular matter" has been interpreted to include "any meeting or other communication relating to the performance of one's official duties with a former employer." DO-09-011, OGE Memorandum to Designated Agency Ethics Officials, March 26, 2009.

A waiver of the restriction contained in paragraph 2 of the Ethics Pledge may be granted upon a certification either that the literal application of the restriction is inconsistent with the purposes of the restriction or that it is in the public interest to grant the waiver. E.O. 13490, Sec. 3(a). By memorandum dated February 23, 2009, the Office of Government Ethics announced that the Designated Agency Ethics Official of each executive agency was the most appropriate designee to grant such waivers, after consultation with the Counsel to the President. See DO-09-008, OGE Memorandum to Designated Agency Ethics Officials, February 23, 2009.

Before his service as Senior Advisor to the Secretary of State, Mr. Johnson was an editor with Boston Globe Electronic Publishing, LLC, which is published by Globe Newspaper Company, Inc., a subsidiary of The New York Times Company. Mr. Johnson maintains a *de minimis* continuing financial interest in The New York Times Company in the form of stock and participation in a 401(k) retirement plan.

I have determined that this waiver is appropriate as a policy matter because it is in the public interest of Americans to have access to information about the Secretary of State's work, and many Americans receive news through media outlets owned or controlled by The Boston Globe or the New York Times Company. It is expected that the Senior Advisor will be an important point of contact between media outlets and the Department of State. Without this waiver Mr. Johnson would be limited in his ability to communicate with the Boston Globe or the New York

Times Company, and Americans' access to news about the activities of the Department of State would potentially be impaired. I grant this waiver with the understanding that Mr. Johnson will comply with the remaining provisions of the Ethics Pledge and with all preexisting government ethics rules.

Richard C. Visek

Deputy Legal Adviser

Designated Agency Ethics Official