

Congress of the United States
Washington, DC 20515

September 9, 2016

The Honorable Loretta E. Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Lynch,

The House Committee on Science, Space, and Technology and the Senate Committee on Homeland Security and Governmental Affairs are examining former Secretary of State Hillary Clinton's use of a private email account and server during her time at the State Department. Materials released by the Federal Bureau of Investigation (FBI) on September 2, 2016,¹ raise significant questions about the security of Secretary Clinton's server, including how her aides tasked with managing her server ensured that our nation's most sensitive national security information stored on her server was not compromised. In light of the FBI's selective release of certain information, the Committees are requesting additional materials necessary to further their oversight.

Following calls from across the political spectrum and Freedom of Information Act requests for the FBI to release all information obtained during the course of its investigation into the security of Secretary Clinton's private server,² the FBI self-selected certain information for public release on September 2, 2016.³ Included in these materials were a summary of Secretary Clinton's July 2, 2016, interview with the FBI and a summary of the investigation.⁴ Although the FBI opted not to make *all* information obtained during the course of its investigation public, the FBI's selective release raises significant additional questions about how Secretary Clinton's aides tasked with managing the private email arrangement handled highly sensitive information stored on her server.

Interviews summarized by the FBI indicate that a Platte River Networks employee, at the behest of Mrs. Clinton's top adviser, Cheryl Mills, apparently carried out mass deletions of information contained on Mrs. Clinton's email server, using software called BleachBit, *after* the *New York Times* uncovered the existence of her private server and email arrangement in March

¹ Federal Bureau of Investigation, Press Release, *FBI Releases Documents in Hillary Clinton E-Mail Investigation* (Sept. 2, 2016), available at <https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-documents-in-hillary-clinton-e-mail-investigation> (last visited Sept. 9, 2016) [hereinafter FBI Press Release, Sept. 2, 2016].

² See, e.g., Harper Neidig, *Clinton Camp Wants FBI Interview Files Released to the Public*, THE HILL, Aug. 16, 2016, available at <http://thehill.com/blogs/ballot-box/presidential-races/291646-clinton-campaign-calls-for-fbi-interview-notes-to-be> (last visited Sept. 9, 2016); Reena Flores, *FBI Releases Documents from Hillary Clinton Email Investigation*, CBS NEWS, Sept. 2, 2016, available at <http://www.cbsnews.com/news/fbi-releases-documents-from-hillary-clinton-email-investigation/> (last visited Sept. 9, 2016).

³ FBI Press Release, Sept. 2, 2016, *supra* note 1.

⁴ *Id.*

2015.⁵ The same Platte River Networks employee charged with deleting emails forgot to do so as instructed. During an interview with the FBI, the Platte River Networks employee apparently declared he had an “oh s***” moment when he remembered that he had been directed to delete the files back in December 2014, but had failed to do so.⁶ Even more troublesome, the employee apparently deleted emails from her server after Benghazi Select Committee Chairman Trey Gowdy issued a preservation order to retain and produce documents.⁷ Further, crucial details regarding phone calls between Clinton aides and Platte River Networks employees in the time frame surrounding the mass deletion were withheld from the FBI.⁸

The FBI’s release of information regarding its investigation highlights many inherent limitations of its review due to the destruction of evidence and inability to recover devices used by Secretary Clinton.⁹ According to the report, Secretary Clinton used 13 email capable devices and one laptop during her tenure as Secretary of State. Secretary Clinton’s attorneys, however, were unable to locate *any* of the devices.¹⁰ Clinton aides reportedly destroyed at least two old Blackberries by smashing them with a hammer or breaking them in half.¹¹

The FBI stated in its report that “investigative limitations, including the FBI’s inability to obtain all mobile devices and various computer components associated with Clinton’s personal email systems, **prevented the FBI from conclusively determining whether the classified information transmitted and stored on Clinton’s personal server systems was compromised via cyber intrusion or other means.**”¹² This admission not only raises questions about the breadth of the review the FBI was able to undertake, but also whether Clinton aides attempted to destroy evidence to avoid answering questions about her private email and server arrangement in the event her unique arrangement was exposed.

Because information obtained during the FBI’s investigation is important to furthering the Committees’ inquiry, we request that you provide unclassified and unredacted copies of interview notes and any accompanying materials for any interviews of Bryan Pagliano, Justin Cooper, and all employees of Platte River Networks. These individuals tasked by Secretary Clinton and her senior advisors to manage her server did not have security clearances and, in some cases, did not have a particular expertise in cybersecurity. It is important for the American public to have a thorough understanding of how Secretary Clinton’s aides handled sensitive national security information.

⁵ FBI Records, The Vault, at 17–19 (Pt. 01 of 02); Michael Schmidt, *Clinton Used Personal Email Account at State Dept., Possibly Breaking Rules*, NY TIMES, Mar. 2, 2016, available at http://www.nytimes.com/2015/03/03/us/politics/hillary-clintons-use-of-private-email-at-state-department-raises-flags.html?_r=0 (last visited Sept. 9, 2016).

⁶ FBI Records, The Vault, at 19 (Pt. 01 of 02).

⁷ Subpoena issued to The Honorable Hillary R. Clinton, U.S. House of Rep., Select Comm. on the Events Surrounding the 2012 Terrorist Attack in Benghazi, Mar. 4, 2015, available at <http://benghazi.house.gov/sites/republicans.benghazi.house.gov/files/Kendall.Clinton%20Subpoena%20-%202015.03.04.pdf> (last visited Sept. 9, 2016).

⁸ FBI Records, The Vault, at 19 (Pt. 01 of 02).

⁹ *Id.* at 8–9.

¹⁰ *Id.* at 8.

¹¹ *Id.* at 9.


¹² *Id.* at 2. Emphasis added.

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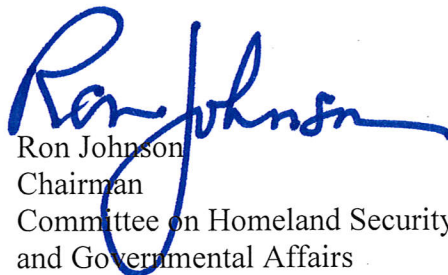
The FBI has expressed its “commitment to transparency with respect to the FBI’s investigation of former Secretary of State Clinton’s use of a personal email server.”¹³ The Committees request that you, along with Director Comey, follow through on this commitment by providing the requested information sought by the Committees, which is crucial to furthering the Committees’ understanding of Secretary Clinton’s private server and informing policy changes to prevent similar email arrangements in the future. “The scope of [Congress’s] power of inquiry . . . is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.”¹⁴ The congressional investigatory power “encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes.”¹⁵ The Committees have particular jurisdiction in this inquiry pursuant to House Rule X and Senate Rule XXV, respectively.

Please provide the documents responsive to the request by September 16, 2016. Enclosed are instructions for producing documents to the Committees. Please contact Drew Colliatie or Caroline Ingram of Chairman Smith’s staff or Michael Lueptow or Scott Wittmann with Senator Johnson’s staff with any questions. Thank you for your attention to this important matter.

Sincerely,



Lamar Smith
Chairman
Committee on Science, Space,
and Technology
U.S. House of Representatives



Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs
U.S. Senate

cc: The Honorable James B. Comey, Jr., Director
Federal Bureau of Investigation

The Honorable Eddie Bernice Johnson, Ranking Minority Member
Committee on Science, Space, and Technology

The Honorable Thomas R. Carper, Ranking Member
Committee on Homeland Security and Governmental Affairs

Enclosure

¹³ Matt Zapotsky, *Documents from the Hillary Clinton Email Investigation Might be Made Public*, WASH. POST, Aug. 17, 2016, available at <https://www.washingtonpost.com/news/powerpost/wp/2016/08/17/documents-from-the-hillary-clinton-email-investigation-might-be-made-public/> (last visited Sept. 9, 2016).

¹⁴ *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491, 504, n. 15 (1975) (quoting *Barenblatt v. United States*, 360 U.S. 109, 111 (1959)).

¹⁵ *Watkins v. United States*, 354 U.S. 178, 187 (1957).