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ONE HUNDRED FOURTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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October 20, 2016

The Honorable Steve A. Linick  
Inspector General  
U.S. Department of State  
Room 8100, SA-3  
Washington, DC 20520

Inspector General Linick,

I am deeply concerned with recent reports regarding attorneys Catherine Duval and Austin Evers, and the roles they played in reviewing documents on behalf of the State Department in relation to Secretary Clinton's use of a personal email server for transmitting classified information. Given what we now know about these two lawyers from interviews conducted by the FBI, there are serious concerns regarding the expertise and impartiality of these lawyers, who had control over what documents were ultimately turned over to Congress and the public.

Based on interviews conducted by the FBI and publicly-available information, it appears that neither Ms. Duval nor Mr. Evers should have been involved in the FOIA process for Secretary Clinton's records. Both Ms. Duval and Mr. Evers previously worked at Williams and Connolly, the firm with a long-standing and continuing relationship representing the Clintons going back to the Whitewater Investigation and continuing up to the present day--including representing Secretary Clinton in this very same investigation. While there is no current evidence that either of them ever worked on Clinton matters at Williams and Connolly, it is unclear if that was ever considered before their hiring at the State Department. Was a conflict check done to make sure they had not handled Clinton matters at Williams and Connolly before being hired by the State Department, or before they were assigned to Clinton matters at the State Department? Were they recommended to the State Department by anyone at the firm who had worked on Clinton matters?

The circumstances of both Ms. Duval's and Mr. Evers' hirings raise serious questions about how and why they were hired by the State Department and placed into powerful positions where they had access, control, and influence on making sure certain Clinton documents were or were not produced to Congress and the public. In addition to the fact that they both were employed at Williams and Connolly, the Clintons' law firm, it appears that neither Ms. Duval nor Mr. Evers had previous experience working on FOIA requests or classified records

production. According to FBI interviews, Ms. Duval and Mr. Evers “started to learn about records production and the FOIA process” only *after* they were hired by the Department of State in August of 2014. It is simply unimaginable that new hires, with no experience doing what they were hired to do and a potential conflict of interest, were tasked with this massive responsibility. At the very least, this suspect arrangement raises questions into the impartiality of the State Department hiring process. At worst, it suggests willful obstruction by handpicked Clinton associates at the State Department on behalf of former Secretary Clinton, to ensure damaging or incriminating documents never saw the light of day.

Ms. Duval’s and Mr. Evers’ roles as political operatives, rather than professional FOIA experts in these matters, seems even more evident when one considers how they handled document classification reviews – i.e., the process whereby other Federal agencies are permitted to review documents prior to release, to determine whether the documents contain classified information in their jurisdictions. According to FBI interviews, Ms. Duval and Mr. Evers refused to go through the normal channels in dealing with other agencies in the classification review process. For example, instead of going to the career FBI official who serves as the normal point of contact at the FBI for document classification determinations, Ms. Duval and Mr. Evers skipped the FBI and went straight to the Department of Justice. Additionally, instead of going to the typical contact at the National Security Council, Ms. Duval and Mr. Evers went to the political appointee in the White House Counsel’s Office. At best, this indicates a significant misunderstanding of the usual process. At worst, it indicates a desire to have biased political appointees, rather than career national security professionals, decide what was classified and what was not, presumably because those individuals would be more susceptible to political pressure from Secretary Clinton and her staff.

In light of these troubling circumstances, we ask that you open an investigation into how and why Ms. Duval and Mr. Evers were hired by the Department of State, how they came into the sensitive positions they held despite an apparent lack of any experience, whether they followed the appropriate processes for document declassification review, and in all other matters pertaining to this case, whether they acted according to well-established procedures and policies governing State Department officials.

Sincerely,



Bob Goodlatte  
Chairman