

FEDERAL BUREAU OF INVESTIGATION
 FOI/PA
 DELETED PAGE INFORMATION SHEET
 FOIA 1363182-0

Total Withheld Page(s) = 40

Bates Page Reference	Reason for Withholding (i.e., exemptions with coded rationale, duplicate, sealed by order of court, etc.)
FBI (16cv2531)-34 through FBI (16cv2531)-57	DUPLICATE
FBI (16cv2531)-106 through FBI (16cv2531)-110	DUPLICATE
FBI (16cv2531)-117 through FBI (16cv2531)-127	DUPLICATE

```

XXXXXXXXXXXXXXXXXXXXXXXXX
X   Deleted Page(s)     X
X  No Duplication Fee  X
X   For this Page       X
XXXXXXXXXXXXXXXXXXXXXXXXX
  
```



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

October 28, 2016

Honorable Richard M. Burr
Chairman
Select Committee on Intelligence

Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary

Honorable Robert Goodlatte
Chairman
Committee on the Judiciary

Honorable Richard Shelby
Chairman
Committee on Appropriations
Subcommittee on Commerce, Justice, Science
and Related Agencies

Honorable John Culberson
Chairman
Committee on Appropriations
Subcommittee on Commerce, Justice,
Science and Related Agencies

Honorable Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs

Honorable Jason Chaffetz
Chairman
Committee on Oversight and
Government Reform

Dear Messrs Chairmen:

In previous congressional testimony, I referred to the fact that the Federal Bureau of Investigation (FBI) had completed its investigation of former Secretary Clinton's personal email server. Due to recent developments, I am writing to supplement my previous testimony.

In connection with an unrelated case, the FBI has learned of the existence of emails that appear to be pertinent to the investigation. I am writing to inform you that the investigative team briefed me on this yesterday, and I agreed that the FBI should take appropriate investigative steps designed to allow investigators to review these emails to determine whether they contain classified information, as well as to assess their importance to our investigation.

Although the FBI cannot yet assess whether or not this material may be significant, and I cannot predict how long it will take us to complete this additional work, I believe it is important to update your Committees about our efforts in light of my previous testimony.

Sincerely yours,


James B. Comey
Director

- 1 -- Honorable Dianne Feinstein
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510
- 1 -- Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510
- 1 -- Honorable Barbara Mikulski
Ranking Member
Committee on Appropriations
Subcommittee on Commerce, Justice, Science
and Related Agencies
United States Senate
Washington, DC 20510
- 1 -- Honorable Thomas R. Carper
Ranking Member
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510
- 1 -- Honorable Adam B. Schiff
Ranking Member
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515
- 1 -- Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515
- 1 -- Honorable Michael Honda
Ranking Member
Committee on Appropriations
Subcommittee on Commerce, Justice, Science
and Related Agencies
U.S. House of Representatives
Washington, DC 20515

1 -- Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform
U.S. House of Representatives
Washington, DC 20515



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

November 6, 2016

Honorable Richard M. Burr
Chairman
Select Committee on Intelligence

Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary

Honorable Robert Goodlatte
Chairman
Committee on the Judiciary

Honorable Richard Shelby
Chairman
Committee on Appropriations
Subcommittee on Commerce, Justice,
Science and Related Agencies

Honorable John Culberson
Chairman
Committee on Appropriations
Subcommittee on Commerce, Justice,
Science and Related Agencies

Honorable Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs

Honorable Jason Chaffetz
Chairman
Committee on Oversight and
Government Reform

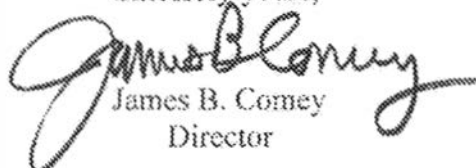
Dear Messrs. Chairmen:

I write to supplement my October 28, 2016 letter that notified you the FBI would be taking additional investigative steps with respect to former Secretary of State Clinton's use of a personal email server. Since my letter, the FBI investigative team has been working around the clock to process and review a large volume of emails from a device obtained in connection with an unrelated criminal investigation. During that process, we reviewed all of the communications that were to or from Hillary Clinton while she was Secretary of State.

Based on our review, we have not changed our conclusions that we expressed in July with respect to Secretary Clinton.

I am very grateful to the professionals at the FBI for doing an extraordinary amount of high-quality work in a short period of time.

Sincerely yours,


James B. Comey
Director

cc: See next page

1 – Honorable Dianne Feinstein
Vice Chairman
Select Committee on Intelligence

1 – Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary

1 – Honorable Barbara Mikulski
Ranking Member
Committee on Appropriations
Subcommittee on Commerce, Justice,
Science and Related Agencies

1 – Honorable Thomas R. Carper
Ranking Member
Committee on Homeland Security and
Governmental Affairs

1 – Honorable Adam B. Schiff
Ranking Member
Permanent Select Committee on Intelligence

1 – Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary

1 – Honorable Michael Honda
Ranking Member
Committee on Appropriations
Subcommittee on Commerce, Justice,
Science, and Related Agencies

1 – Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE
U.S. Department of Justice



Federal Bureau of Investigation

Washington, D.C. 20535

November 29, 2016

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This is in further response to your letter dated October 18, 2016 posing questions arising from your review of materials provided to the Committee on October 14, 2016 related to the FBI's investigation of former Secretary Clinton's use of a personal e-mail server. Specifically, this responds to your request for information concerning allegations of a *quid pro quo* in connection with a State Department request that the FBI downgrade the classification of a specific email in exchange for consideration of an FBI resource request.

By way of background and as reflected in documents previously provided to the Committee, on April 6, 2015, [Person who works at [REDACTED] Records Management Division, received an email from the State Department requesting that the FBI conduct a classification review of several email communications involving former Secretary of State Hillary Clinton, which the State Department believed might have contained FBI information. There were multiple communications internal to the FBI and between the FBI and the State Department concerning the State Department's request that the FBI change the classification determination of a single sentence contained in one State Department email. In mid-May 2015, FBI [REDACTED] FBI EMPLOYEE [REDACTED] was contacted by Under Secretary of State Patrick Kennedy concerning this matter. Under Secretary Kennedy hosted a meeting on May 19, 2015 regarding the classification issue. Ultimately, as reflected in the documents, the classification of the email was not changed, and it remains classified today.

b6 -1
b7C -1

This request by the State Department and the FBI's response has been independently reviewed by both the FBI and the State Department Office of Inspector General (OIG). The FBI's investigative team interviewed [person] on July 30, 2015, and on August 3, 2015 [REDACTED] [person] provided his internal FBI emails to the investigative team. (Copies of these 302s and the emails have been provided to the Committee.) Later that month, on August 28, 2015, the State Department OIG contacted [person] requesting to speak with him about the meeting with Under Secretary Kennedy regarding the classification decision of an email containing FBI

b6 -1
b7C -1

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

FBI (16cv2531)-6

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

information. [redacted] P advised the FBI's Inspection Division of State Department OIG interest in the matter. FBI Inspection Division then advised the investigative team as well as the Justice Department's Justice Management Division. On November 20, 2015, the FBI's Inspection Division provided State Department OIG with a copy of the State Department email at issue as well as [redacted] p's emails to the State Department advising of the FBI's classification determination. (A copy of these documents is enclosed.) Ultimately, the State Department OIG met with [redacted] P on approximately December 15, 2015.

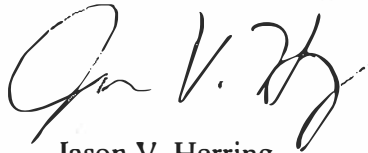
b6 -1
b7C -1

On approximately August 31, 2015, the FBI's investigative team met with the FBI's Inspection Division to discuss what, if any, internal actions were necessary to address the request of [redacted] regarding additional overseas resources. The Inspection Division advised it did not warrant a separate review because [redacted] retiree guy [redacted] who had been [redacted] [redacted] was scheduled for retirement at the end of the year, and no change was ultimately made to the classification determination. When the FBI Inspection Division demurred on any investigative action, on September 3, 2015, the FBI investigative team interviewed [redacted]

b6 -1
b7C -1

As a reminder, the attached material is provided to the Committee in furtherance of its oversight activities. These materials are non-public and contain classified and other sensitive material. For that reason, these materials may not be further disseminated or disclosed, in part or in full, without obtaining the FBI's concurrence. The production of these materials does not waive any applicable privilege.

Sincerely,



Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

Enclosure

1 - The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

[redacted] retiree guy [redacted] retired on approximately [redacted]

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

b6 -1
b7C -1

~~SECRET//NOFORN~~

[REDACTED] (INSD) (FBI)

From: [REDACTED] (INSD) (FBI)
Sent: Friday, November 20, 2015 10:52 AM
To: 'seidedz@state.sgov.gov'; 'costelloj@state.sgov.gov'; 'myersec@state.sgov.gov'
Subject: DOS OIG Request for FBI Information --- ~~SECRET//NOFORN~~

SentinelCaseId: TRANSITORY RECORD

Classification: ~~SECRET//NOFORN~~

Classified By: F26M89K80
Derived From: FBI NSIC dated 20130301
Declassify On: 20401231

=====

TRANSITORY RECORD



HRC emails, FOIA Stae Emails#2 --- Coordination FOIA case HRC Benghazi/
case F-2015-... UNCLASSIFIED... review - Segment 2015-04841, resp -OIA Emails #1--..

Please see the attached emails provided per your request dated 18 Nov 2015, Item 4.

Let me know if you have any questions.

Thanks,

[REDACTED]

[REDACTED]

Inspection Division
[REDACTED] (office)
[REDACTED] (Blackberry)

b6 -1
b7C -1

=====

Classification: ~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

From: Reid, Rosemary D [ReidRD@state.sgov.gov]
Sent: Monday, April 06, 2015 11:36 AM
To: [REDACTED]
Subject: Coordination Review - Segment H-3
Attachments: C05739808 - Clean.PDF; C05739808 - Work.PDF; FBI H-0003.pdf

b6 -1
b7C -1

[REDACTED] - attached is one document from segment H-3 for your review. There are two versions of the document - one clean and one marked with our review recommendation.

Please let me know if you have any questions,

Thanks so much,
Rosemary Reid
202-663-1517

~~Sensitive~~

This email is UNCLASSIFIED.

From: Gifford, Wesley P
Sent: Monday, April 06, 2015 10:34 AM
To: Reid, Rosemary D
Cc: Tillery, Monica J
Subject: Ref FBI H3

Wesley P Gifford
US Department of State
Program Analyst
(202) 663-2074
GiffordWP@state.gov

~~Sensitive~~

This email is UNCLASSIFIED.

~~SECRET//NOFORN~~

~~CONSULT FBI~~~~RELEASE IN FULL~~

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Sunday, November 18, 2012 8:44 PM
To: H
Subject: Fw: FYI - Report of arrests -- possible Benghazi connection

Fyi:

From: Jones, Beth E
Sent: Sunday, November 18, 2012 07:14 PM
To: Burns, William J; Sherman, Wendy R; Sullivan, Jacob J
Cc: Dibble, Elizabeth L; Roebuck, William V
Subject: Fw: FYI - Report of arrests -- possible Benghazi connection

This preliminary, but very interesting, pls see below. FBI in Tripoli is fully involved.

From: Roebuck, William V
Sent: Sunday, November 18, 2012 07:01 PM
To: Jones, Beth E; Maxwell, Raymond D; Abdalla, Alyce N; Sidereas, Euzenia; Miller, James N
Subject: FYI - Report of arrests -- possible Benghazi connection

b1 -1
 b1 per DOS
 b3 -1
 b7A per DOS
 b7D per DOS
 b7E per DOS

Post reports that Libyans police have arrested several people today who may/may have some connection to the Benghazi attack. They were acting on information furnished by DS/RSO.

[REDACTED]

(S) [REDACTED] That may or
 (S) may not materialize, according to David McFarland. Overall,
 this could lead to something operationally, or not, and it could lead to news accounts from Libya saying there is a significant break in the case, or not.

At this point, just FYI.

William V. Roebuck

Director

Office of Maghreb Affairs

Department of State

202-647-4679

roebuckwv@state.gov

FBI INFO.
 CLASSIFIED BY: NSICG J37385T94
 REASON: 1.4 (C)
 DECLASSIFY ON: 12-31-2037
 DATE: 04-04-2017

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

From: Sullivan, Jacob J <SullivanJ@state.gov>
Sent: Sunday, November 18, 2012 8:44 PM
To: H
Subject: Fw: FYI - Report of arrests -- possible Benghazi connection

Fyi

From: Jones, Beth E
Sent: Sunday, November 18, 2012 07:14 PM
To: Burns, William J; Sherman, Wendy R; Sullivan, Jacob J
Cc: Dibble, Elizabeth L; Roebuck, William V
Subject: Fw: FYI - Report of arrests -- possible Benghazi connection

This preliminary, but very interesting, pls see below. FBI in Tripoli is fully involved.

From: Roebuck, William V
Sent: Sunday, November 18, 2012 07:01 PM
To: Jones, Beth E; Maxwell, Raymond D; Abdalla, Alyce N; Sidereas, Elenita; Miller, James N
Subject: FYI - Report of arrests -- possible Benghazi connection

b1 -1
b1 per DOS
b3 -1
b7A per DOS
b7D per DOS
b7E per DOS

Post reports that Libyans police have arrested several people today who may/may have some connection to the Benghazi attack. They were acting on information furnished by DS/RSO. [REDACTED]

(S) [REDACTED] that may or
(S) may not materialize, according to David McFarland. [REDACTED] Overall,
this could lead to something operationally, or not, and it could lead to news accounts from Libya saying there is a significant break in the case, or not.

At this point, just FYI.

William V. Roebuck

Director

Office of Maghreb Affairs

Department of State

202-647-4679

roebuckwv@state.gov

FBI INFO.

CLASSIFIED BY: NSICG J37J85T94
REASON: 1.4 (C)
DECLASSIFY ON: 12-31-2037
DATE: 04-04-2017

~~SECRET//NOFORN~~STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.FBI (16cv2531)-11
STATE-SCB0045788



United States Department of State

Washington, D.C. 20520

~~SENSITIVE BUT UNCLASSIFIED~~

(NOT SENSITIVE WHEN SEPARATED FROM ATTACHMENT)

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-04-2017 BY J37J85T94 NSICG

Case No. F-2015-04841

Segment: H-0003

Requester:

TO:

Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Washington, DC 20535

b6 -1
b6 per DOS
b7C -1

FROM:

John F. Hackett, Acting Director
Office of Information Programs and Services

SUBJECT: FOIA Referral for Consultation

The attached Department of State material requested in the above FOIA case appears also to be of interest to your agency, and we are therefore referring it to you for consultation. In view of the strong public interest in this matter, we would appreciate your reply no later than close of business on Tuesday, April 7, 2017.

The documents consist of emails sent to and/or from former Secretary of State Clinton on her private email account. For your information, these emails have already been provided to Congress in redacted form; the Department coordinated with [REDACTED] from the Department of Justice on that effort. We have duplicated those redactions, and have made some additional redactions under the FOIA which we believe are warranted for wider distribution.

b6 -2
b7C -2

Please be advised that it is our intention to post all released material on the State Department's FOIA website.

~~SENSITIVE BUT UNCLASSIFIED~~

(NOT SENSITIVE WHEN SEPARATED FROM ATTACHMENT)

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

~~SENSITIVE BUT UNCLASSIFIED~~

(NOT SENSITIVE WHEN SEPARATED FROM ATTACHMENT)

- 2 -

Our preliminary determinations are noted on each document. Portions for withholding (if any) are as indicated, and the exemptions are noted in the margin. Where we have requested concurrent review by other agencies, the names of those agencies are also shown on each document.

Before we take final action, we ask that you review this material. We ask that you not mark for deletion any portion of any document on non-responsive grounds.

Please address your reply to Eric Stein at (steinet@state.gov) and Rosemary Reid, at (reidrd@state.gov). They can also be reached at steinet@state.gov or (202) 663-2190, and reidrd@state.gov or (202) 663-1517.

Should you receive any inquiries about this collection, please refer them directly to us for response. Additionally, do not hesitate to contact us with any questions.

Attachments:

- One document
- Copy of request letter

~~SECRET//NOFORN~~

~~SENSITIVE BUT UNCLASSIFIED~~

(NOT SENSITIVE WHEN SEPARATED FROM ATTACHMENT)

~~SECRET//NOFORN~~

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-05-2017 BY J37J85T94 NSICG

Brothers, Karen G

F-2015-04891

From: [REDACTED]
Sent: Tuesday, March 03, 2015 1:50 PM
To: FOIA Request
Subject: Freedom of Information Request: Hillary Clinton's Email Address

b6 per DOS

March 3, 2015
Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
U. S. Department of State
Washington, D. C. 20522-8100

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

Former Secretary Hillary Clinton's email address used to email State Department officials. Referenced here:
<http://redirect.state.sbu/?url=http://www.wjla.com/articles/2015/03/hillary-clinton-s-personal-email-use-may-have-violated-federal-requirements-report-111962.html>

"After the State Department reviewed those emails, last month the State Department produced about 300 emails responsive to recent requests from the Select Committee."

The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, and is not being made for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

[REDACTED]
Filed via MuckRock.com

E-mail (Preferred): [REDACTED]

For mailed responses, please address (see note):

b6 per DOS

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

From: [REDACTED] (RMD) (FBI) b6 -1
Sent: Wednesday, April 08, 2015 5:05 PM b7C -1
To: 'Reid, Rosemary D'
Subject: RE: Coordination Review - Segment H-3 --- UNCLASSIFIED

SentinelCaseId: TRANSITORY RECORD

Classification: UNCLASSIFIED
=====

Still hanging.....

From: Reid, Rosemary D [mailto:ReidRD@state.sgov.gov]
Sent: Wednesday, April 08, 2015 11:57 AM
To: [REDACTED] (RMD) (FBI)
Subject: RE: Coordination Review - Segment H-3 --- UNCLASSIFIED

Thanks!

This email is UNCLASSIFIED.

b6 -1
b7C -1

From: [REDACTED] (RMD) (FBI) [mailto:[REDACTED]]
Sent: Wednesday, April 08, 2015 11:55 AM
To: Reid, Rosemary D
Subject: RE: Coordination Review - Segment H-3 --- UNCLASSIFIED

Classification: UNCLASSIFIED
=====

To follow up, I'm told "shortly."

From: Reid, Rosemary D [mailto:ReidRD@state.sgov.gov]
Sent: Wednesday, April 08, 2015 9:59 AM
To: [REDACTED] (RMD) (FBI)
Subject: RE: Coordination Review - Segment H-3 --- UNCLASSIFIED

b6 -1
b7C -1

Thank you very much!

This email is UNCLASSIFIED.

From: [REDACTED] (RMD) (FBI) [mailto:[REDACTED]]
Sent: Wednesday, April 08, 2015 8:35 AM
To: Reid, Rosemary D
Subject: RE: Coordination Review - Segment H-3 --- UNCLASSIFIED

b6 -1
b7C -1

Classification: UNCLASSIFIED
=====

~~SECRET//NOFORN~~

Rosemary,

It is under review in the counterterrorism division front office. I'll have more granularity—hopefully the approved response—later this morning.

[REDACTED]

From: Reid, Rosemary D [mailto:ReidRD@state.sgov.gov]
Sent: Tuesday, April 07, 2015 7:21 PM
To: [REDACTED] (RMD) (FBI)
Subject: RE: Coordination Review - Segment H-3 --- UNCLASSIFIED

b6 -1
b7C -1

[REDACTED] -- I'm following up on the document that we sent to you for review. Could you give me a status report tomorrow morning?

Thanks,
Rosemary Reid

~~Sensitive~~

This email is UNCLASSIFIED.

From: [REDACTED] (RMD) (FBI) [mailto:[REDACTED]]
Sent: Monday, April 06, 2015 3:15 PM
To: Reid, Rosemary D
Subject: RE: Coordination Review - Segment H-3 --- UNCLASSIFIED

b6 -1
b7C -1

Classification: UNCLASSIFIED
=====

Worked nicely, thanks.

From: Reid, Rosemary D [mailto:ReidRD@state.sgov.gov]
Sent: Monday, April 06, 2015 3:15 PM
To: [REDACTED] (RMD) (FBI)
Subject: RE: Coordination Review - Segment H-3 --- UNCLASSIFIED

b6 -1
b7C -1

Thank you very much for letting me know it got to you. If this process works, we will do the same thing to conduct coordination for the rest of the 55,000 pages of material.

This email is UNCLASSIFIED.

From: [REDACTED] (RMD) (FBI) [mailto:[REDACTED]]
Sent: Monday, April 06, 2015 2:43 PM
To: Reid, Rosemary D
Subject: RE: Coordination Review - Segment H-3 --- UNCLASSIFIED

b6 -1
b7C -1

Classification: UNCLASSIFIED
=====

TRANSITORY RECORD

Got it, thanks!

From: Reid, Rosemary D [mailto:ReidRD@state.gov]
Sent: Monday, April 06, 2015 11:36 AM
To: [REDACTED] (RMD) (FBI)
Subject: Coordination Review - Segment H-3

b6 -1
b7C -1

[REDACTED] - attached is one document from segment H-3 for your review. There are two versions of the document - one clean and one marked with our review recommendation.

Please let me know if you have any questions,

Thanks so much,
Rosemary Reid
202-663-1517

~~Sensitive~~

This email is UNCLASSIFIED.

From: Gifford, Wesley P
Sent: Monday, April 06, 2015 10:34 AM
To: Reid, Rosemary D
Cc: Tillery, Monica J
Subject: Ref FBI H3

Wesley P Gifford
US Department of State
Program Analyst
(202) 663-2074
GiffordWP@state.gov

~~Sensitive~~

This email is UNCLASSIFIED.

=====
Classification: UNCLASSIFIED
=====

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify

the system manager.

This footnote also confirms that this email message has been swept by
MIMESweeper for the presence of computer viruses.

www.mimesweeper.com

.....

=====
Classification: UNCLASSIFIED

=====
Classification: UNCLASSIFIED

=====
Classification: UNCLASSIFIED

=====
Classification: UNCLASSIFIED

~~SECRET//NOFORN~~

From: [REDACTED] (RMD) (FBI) b6 -1
Sent: Thursday, April 09, 2015 11:18 AM b7C -1
To: 'Reid, Rosemary D'
Cc: [REDACTED] (RMD) (FBI)
Subject: Coordination Review - Segment H-3 --- ~~SECRET//NOFORN~~

FBI INFO.
CLASSIFIED BY: NSICG J37J85T94
REASON: 1.4 (C)
DECLASSIFY ON: 12-31-2040
DATE: 04-04-2017

Importance: High

SentinelCaseId: TRANSITORY RECORD

Classification: ~~SECRET//NOFORN~~

Classified By: J23J98T32
Derived From: FBI NSIC, dated 20120629
Declassify On: 20401231

TRANSITORY RECORD

Rosemary,

Here is our response. I recommend you go ahead and classify the forwarding email to us in the future in case we determine there is classified information. This marking was approved by the CTD front office. The first bracket starts with [REDACTED] the second bracket starts with [REDACTED] the third bracket [REDACTED] The b1 marking is SECRET//NOFORN. (S)

b1 -1
b3 -1
b7E -per DOS

b6 -1
b7C -1

Classification: ~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

~~CONSULT FBI~~

~~RELEASE IN FULL~~

From: Sullivan, Jacob J. <SullivanJ@state.gov>
Sent: Sunday, November 18, 2012 8:44 PM
To: H
Subject: Fw: FYI - Report of arrests -- possible Benghazi connection

Fyi

From: Jones, Beth E
Sent: Sunday, November 18, 2012 07:14 PM
To: Burns, William J; Sherman, Wendy R; Sullivan, Jacob J
Cc: Dibble, Elizabeth L; Roebuck, William V
Subject: Fw: FYI - Report of arrests -- possible Benghazi connection

This preliminary, but very interesting, pls see below. FBI in Tripoli is fully involved.

From: Roebuck, William V
Sent: Sunday, November 18, 2012 07:01 PM
To: Jones, Beth E; Maxwell, Raymond D; Abdalla, Alyce N; Sidreas, Evgenia; Miller, James N
Subject: FYI - Report of arrests -- possible Benghazi connection

b1 -1
b1 per DOS
b3 -1
b7A per DOS
b7D per DOS
b7E per DOS

Post reports that Libyans police have arrested several people today who may/may have some connection to the Benghazi attack. They were acting on information furnished by DS/RSO.

b7e

b7a
b7e

(S) [redacted] that may or
(S) may not materialize, according to David McFarland [redacted] Overall, 3
(S) this could lead to something operationally, or not, and it could lead to news accounts from Libya saying there is a significant break in the case, or not.

b1
b7d

At this point, just FYI.

William V. Roebuck
Director
Office of Maghreb Affairs
Department of State
202-647-4679
roebuckwv@state.gov

FBI INFO.
CLASSIFIED BY: NSICG J37J85T94
REASON: 1.4 (C)
DECLASSIFY ON: 12-31-2037
DATE: 04-04-2017

~~SECRET//NOFORN~~

STATE DEPT - PROVIDED TO HOUSE SELECT BENGHAZI COMMA

FBI (16cv2531)-20

~~SECRET//NOFORN~~

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-04-2017 BY J37J85T24 NSICG

From: Reid, Rosemary D [ReidRD@state.sgov.gov]
Sent: Wednesday, April 29, 2015 3:20 PM
To: [REDACTED] (RMD) (FBI)
Subject: HRC emails, FOIA case F-2015-04841
Attachments: C05739708.pdf; C05739758.pdf; C05739635.pdf

~~Confidential.~~

Unclassified when Separated from Attachments

b6 -1
b7C -1

[REDACTED]

Thank you for your response of April 9 concerning your agency's recommendations on one document, which you reviewed in our **case number F-2015-04841**. I have been asked to send you three more documents from that same case. Please note that the review on these three documents has not been finalized, so the markings reflect the status at this time.

First, is this the type of information that your agency needs to see? If so, do you have recommendations concerning the releasability of the information pertaining to your agency? It would be very much appreciated if you could get back to me as soon as possible.

Thank you,
Rosemary Reid
202-663-1517

~~Confidential~~

Unclassified when Separated from Attachments

This document is UNCLASSIFIED when separated from ~~CONFIDENTIAL~~ attachment(s).

~~Sensitivity: Sensitive~~
~~Classification: CONFIDENTIAL~~
~~Classified By: Rosemary Reid, Division Chief~~
~~Derived From: DSO 11-01~~
~~Declassify On: 2025/04/29~~

~~SECRET//NOFORN~~

FBI (16cv2531)-21

~~SECRET//NOFORN~~STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.RELEASE IN
FULL

From: H <hrod17@clintonemail.com>
Sent: Sunday, September 16, 2012 12:48 PM
To: 'millsd@state.gov'
Subject: Re: Visas Obtained

As planned...

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-04-2017 BY J37J85T34 NSICG

— Original Message —

From: Mills, Cheryl D (mailto:MillsCD@state.gov)
Sent: Sunday, September 16, 2012 12:45 PM
To: H
Subject: FW: Visas Obtained

— Original Message —

From: Jones, Beth E
Sent: Sunday, September 16, 2012 12:46 PM
To: Kennedy, Patrick P; Mills, Cheryl D; Sherman, Wendy R; Sullivan, Jacob J; Burns, William J
Subject: FW: Visas Obtained

FBI got their visas for Libya today. Five members of team and three crew members. Legat was counted separately and already has visa. The FBI team is enroute tonight, I am told.

STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.~~SECRET//NOFORN~~

STATE-SC80045379

~~SECRET//NOFORN~~STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.**CLEAR WITH NSA**ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-04-2017 BY B37J65T94 NSICG**RELEASE IN PART
B7(C), B7(A)**

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Thursday, October 18, 2012 8:06 AM
To: H
Subject: FW: [REDACTED]
[REDACTED]

b7A per DOS
b7C per DOS

Remind me to discuss.

From: Randolph, Lawrence M
Sent: Thursday, October 18, 2012 7:47 AM
To: Sullivan, Jacob J; Mills, Cheryl D; Macmanus, Joseph E (S)
Cc: S. Special Assistants
Subject: [REDACTED]
[REDACTED]

b7A per DOS
b7C per DOS

FYI-

From: Slack, Anne
Sent: Thursday, October 18, 2012 7:40 AM
To: Hayes, Molly E; Kelley, Henry; Worman, Patrick F; S. Special Assistants
Cc: Siberell, Justin H; Rochman, Daniel A; Norman, Marc E; Witkowsky, Anne A; Thompson, Mark J; Sellitto, Michael P;
Sideras, Evgenia
Subject: RE: [REDACTED]
[REDACTED]

b7A per DOS
b7C per DOS

Colleagues,

Readout

b7A per DOS
b7C per DOSb5 per DOS
b7A per DOS
b7C per DOS~~SECRET//NOFORN~~

[REDACTED]

Best, Anne
Anne Slack
Tunisia Desk
Office of Maghreb Affairs
U.S. Department of State
Tel.: 202-647-4676

From: Slack, Anne

Sent: Wednesday, October 17, 2012 7:55 AM

To: Slack, Anne; Hayes, Molly E; Kelley, Henry; Worman, Patrick F; S, Special Assistants

Cc: Siberell, Justin H; Rochman, Daniel A; Norman, Marc E; Witkowsky, Anne A; Thompson, Mark I; Sellitto, Michael P;

Sidereas, Eryenia

Subject: RE: [REDACTED]

b7A per DOS

b7C per DOS

Colleagues,

[REDACTED]

Regards, Anne

From: Slack, Anne

Sent: Wednesday, October 17, 2012 7:47 AM

To: Hayes, Molly E; Kelley, Henry; Worman, Patrick F; S, Special Assistants

Cc: Siberell, Justin H; Rochman, Daniel A; Norman, Marc E; Witkowsky, Anne A; Thompson, Mark I; Sellitto, Michael P;

Sidereas, Eryenia

Subject: RE: [REDACTED]

b7A per DOS

b7C per DOS

Colleagues,

[REDACTED]

Best, Anne

Anne Slack

Tunisia Desk

Office of Maghreb Affairs

U.S. Department of State

Tel.: 202-647-4676

~~CLEAR WITH NSA~~

ALL FBI INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 04-04-2017 BY J37J85T94 NSICG

RELEASE IN PART
 B1,1.4(D)

From: Sullivan, Jacob J. <SullivanJ@state.gov>
 Sent: Wednesday, October 3, 2012 4:21 PM
 To: H
 Subject: FW: Tripoli trip

Classified by DAS, A/GIS, DoS on
 Class: CONFIDENTIAL ~ Reason: 1.4(D) ~ Declassify on:
 10/03/2022

-----Original Message-----

From: Jones, Beth E
 Sent: Wednesday, October 03, 2012 2:46 PM
 To: Burns, William J; Sherman, Wendy R; Sullivan, Jacob J; Kennedy, Patrick F; Dibble, Elizabeth L; Maxwell, Raymond D;
 Roebuck, William V
 Cc: Miller, James N; Blair, Oni K; Lakhdhir, Kamala S; Austin-Ferguson, Kathleen T; Lohman, Lee
 Subject: Tripoli trip

Here are some highlights from Tripoli. Every meeting started with condolences on Chris Stevens and his three colleagues, and concern that Benghazi would permanently alter US-Libyan relations. I used the fact of the Secretary's meeting with President Magaref in NY last week and Deputy Secretary Burns' Tripoli visit as the best evidence of US determination to continue to build the relationship with this new democracy. In addition:

- **FBI INVESTIGATION:** With the FM, DFM and Judicial leaders, I placed heavy emphasis on the importance of Libyan cooperation and transparency in the investigation. This was my primary focus; I stressed the point that Libya's performance will no doubt color American views on Libya at a time when Libya will want to burnish its reputation.

- **SECURITY:** I stressed that social stability and economic growth will depend on a dramatic improvement in security. All agreed without hesitation. All said that Libya needs outside assistance, but when we discussed details of how to move forward on the bilateral programs we already have underway, each was quick to identify specific stumbling blocks on each. Especially with the Acting FM, we also identified next steps.

- **TRAINING:** We made progress on 1208, SCV, and MANPADS training programs - details to follow front channel. We will also follow up on judicial exchanges and forensic training.

~~B1~~
~~1.4(D)~~

- **NEW GOVT FORMATION:** Abushagur described the negotiation process as the single most difficult professional challenge he has ever faced. He told us the government would be ready by October 3. Even though others warned us he would miss that deadline due to difficulty in reconciling the competing demands of various parties and individuals, he obviously made good on his Oct. 3 announcement undertaking.

- **DDR:** Abushagur said there are three main groups of militants to reintegrate: part have jobs, part are heading back to university, and part will be offered vocational training. He said he will create a new Ministry of Human Development to oversee DDR; it's unclear how this new ministry will relate to numerous other GOI efforts on this. He expressed concern about the approximately 17,000 criminals released by Qadhafi, some of whom joined militias.

- **TRANSITIONAL JUSTICE:** The political leaders and judges all pledged to strike a balance between respecting the rights of detainees and holding human rights violators accountable. They acknowledged the profound limitations of their justice system.

~~SECRET//NOFORN~~STATE DEPT. - PRODUCED TO HOUSE SELECT BENGHAZI COMM.
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION & REDACTIONS. NO FOIA WAIVER.

- UNSMIL: I had a very good two hr meeting with General Smith to discuss how we can partner to help the new Libyan government improve security. He has good ideas on which we'll work closely.

I had separate meetings with PM-elect Abushagur, Acting Deputy PM Abdel Aziz, Supreme Court President Al Dhan, Deputy Prosecutor General Hassadi, NFA Party leader Jibril, UNSMIL Security Advisor General Smith, JCP (Muslim Brotherhood) Party political director Elberiani, and civil society leaders.

Morale at post is understandably rocky, but people are coping and continue to work hard in very difficult circumstances. There are some specific issues that the Department has already solved and others on which we can work to help the embassy in its determination to advance USG goals.

I leave for Cairo in a few minutes tonight.
Beth

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

From: Reid, Rosemary D [ReidRD@state.sgov.gov]
Sent: Friday, May 08, 2015 11:48 AM
To: [REDACTED] (RMD) (FBI); Tillery, Monica J
Cc: Gifford, Wesley P
Subject: RE: HRC emails, FOIA case F-2015-04841 --- UNCLASSIFIED//FOUO

b6 -1
b7C -1

Thank you very much!!

~~Sensitive~~

This email is UNCLASSIFIED.

From: [REDACTED] (RMD) (FBI) [mailto:[REDACTED]]
Sent: Friday, May 08, 2015 11:28 AM
To: Reid, Rosemary D; Tillery, Monica J
Cc: Gifford, Wesley P
Subject: RE: HRC emails, FOI case F-2015-04841 ---UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

b6 -1
b7C -1

The FBI is fine with the redactions which DOS recommends and has no requests for further redactions.

From: Reid, Rosemary D [mailto:ReidRD@state.sgov.gov]
Sent: Thursday, May 07, 2015 3:16 PM
To: [REDACTED] (RMD) (FBI); Tillery, Monica J
Cc: Gifford, Wesley P
Subject: RE: HRC emails, FOIA case F-2015-04841 --- UNCLASSIFIED//~~FOUO~~

I got your voice message saying that we will probably get the docs tomorrow. That is FANTASTIC! Thank you so much!

~~Sensitive~~

This email is UNCLASSIFIED.

From: [REDACTED] (RMD) (FBI) [mailto:[REDACTED]]
Sent: Thursday, May 07, 2015 3:06 PM
To: Reid, Rosemary D; Tillery, Monica J
Cc: Gifford, Wesley P
Subject: RE: HRC emails, FOIA case F-2015-04841 --- UNCLASSIFIED//~~FOUO~~

b6 -1
b7C -1

Classification: UNCLASSIFIED//~~FOUO~~

From: Reid, Rosemary D [mailto:ReidRD@state.sgov.gov]
Sent: Thursday, May 07, 2015 2:56 PM
To: [REDACTED] (RMD) (FBI); Tillery, Monica J
Cc: Gifford, Wesley P
Subject: RE: HRC emails, FOIA case F-2015-04841 --- UNCLASSIFIED//~~FOUO~~

b6 -1
b7C -1

~~SECRET//NOFORN~~

Thanks very much. Please keep me posted.

~~Sensitive~~

This email is UNCLASSIFIED.

From: [redacted] (RMD) (FBI) [mailto:[redacted]]
Sent: Thursday, May 07, 2015 2:52 PM
To: Reid, Rosemary D; Tillery, Monica J
Cc: Gifford, Wesley P
Subject: RE: HRC emails, FOIA case F-2015-04841 --- UNCLASSIFIED//~~FOUO~~

b6 -1
b7C -1

Classification: UNCLASSIFIED//~~FOUO~~
=====

Rosemary,

I'm sorry, I've been trying to get an update from our CT Division. They are being reviewed in CT.

[redacted]

From: Reid, Rosemary D [mailto:ReidRD@state.gov]
Sent: Thursday, May 07, 2015 2:28 PM
To: [redacted] (RMD) (FBI); Tillery, Monica J
Cc: Gifford, Wesley P
Subject: RE: HRC emails, FOIA case F-2015-04841 --- UNCLASSIFIED//~~FOUO~~

b6 -1
b7C -1

[redacted]

I have to give an update at a 4:00 meeting today. Is there anything I can tell them?

Thanks,
Rosemary

~~Sensitive~~

This email is UNCLASSIFIED.

From: [redacted] (RMD) (FBI) [mailto:[redacted]]
Sent: Tuesday, May 05, 2015 5:02 PM
To: Tillery, Monica J
Cc: Reid, Rosemary D; Gifford, Wesley P
Subject: RE: HRC emails, FOIA case F-2015-04841 --- UNCLASSIFIED//~~FOUO~~

b6 -1
b7C -1

Classification: UNCLASSIFIED//~~FOUO~~
=====

They are still with our counterterrorism division. I expect them tomorrow.

~~SECRET//NOFORN~~

From: Tillery, Monica J [mailto:TillerMJ@state.sgov.gov]
Sent: Tuesday, May 05, 2015 9:36 AM
To: [REDACTED] (RMD) (FBI)
Cc: Reid, Rosemary D; Gifford, Wesley P
Subject: FW: HRC emails, FOIA case F-2015-04841 --- UNCLASSIFIED//~~FOUO~~
Importance: High

b6 -1
b7C -1

Hello [REDACTED] -

I'm following up on the three additional documents that we sent to you for review. Could you give me a status report today?

Thanks,
Monica Tillery

~~Sensitive~~

This email is UNCLASSIFIED.

Rosemary,

Just got a call from the CTD Front Office. The response has been approved. You should have it tomorrow.

[REDACTED]

From: Reid, Rosemary D
Sent: Thursday, April 30, 2015 5:03 PM
To: [REDACTED] (RMD) (FBI)
Cc: Tillery, Monica J; Gifford, Wesley P
Subject: RE: HRC emails, FOIA case F-2015-04841 --- UNCLASSIFIED//~~FOUO~~

b6 -1
b7C -1

[REDACTED] - I will be away from the office until next Tuesday. In all communications, could you include Monica Tillery and Wesley Gifford (copied above).

Thanks so much for all you help,
Rosemary

~~Sensitive~~

This email is UNCLASSIFIED.

From: [REDACTED] (RMD) (FBI) [mailto:[REDACTED]]
Sent: Wednesday, April 29, 2015 5:32 PM
To: Reid, Rosemary D
Subject: RE: HRC emails, FOIA case F-2015-04841 --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

b6 -1
b7C -1

=====

TRANSITORY RECORD

Thanks! Yes, this is the type of information we need to see. I'll need to consult with CTD---it will go over tonight.

From: Reid, Rosemary D [mailto:ReidRD@state.sgov.gov]
Sent: Wednesday, April 29, 2015 3:20 PM
To: [REDACTED] (RMD) (FBI)

~~SECRET//NOFORN~~

Subject: HRC emails, FOIA case F-2015-04841

~~Confidential~~

Unclassified when Separated from Attachments

b6 -1
b7C -1

Thank you for your response of April 9 concerning your agency's recommendations on one document, which you reviewed in our case number F-2015-04841. I have been asked to send you three more documents from that same case. Please note that the review on these three documents has not been finalized, so the markings reflect the status at this time.

First, is this the type of information that your agency needs to see? If so, do you have recommendations concerning the releasability of the information pertaining to your agency? It would be very much appreciated if you could get back to me as soon as possible.

Thank you,
Rosemary Reid
202-663-1517

~~Confidential~~

Unclassified when Separated from Attachments

This document is UNCLASSIFIED when separated from ~~CONFIDENTIAL~~ attachment(s).

Sensitivity:	Sensitive
Classification:	CONFIDENTIAL
Classified By:	Rosemary Reid, Division Chief
Derived From:	DSCG 11-01
Declassify On:	2025/04/29

=====
Classification: UNCLASSIFIED//~~FOUO~~

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

This footnote also confirms that this email message has been swept by MIMESweeper for the presence of computer viruses.

www.minesweeper.com

=====
Classification: UNCLASSIFIED//~~FOUO~~

=====
Classification: UNCLASSIFIED//~~FOUO~~

=====
Classification: UNCLASSIFIED//~~FOUO~~

=====
Classification: UNCLASSIFIED//~~FOUO~~

~~FBI NOT FOR PUBLIC RELEASE~~



~~SECRET//NOFORN~~
UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE
U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-05-2017 BY J37J85T94 NSICG

November 29, 2016

The Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
U. S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in further response to your letter dated October 20, 2016 posing questions arising from your review of materials provided to the Committee on October 14, 2016 related to the FBI's investigation of former Secretary Clinton's use of a personal e-mail server. Specifically, this responds to your request for information concerning allegations of a *quid pro quo* in connection with a State Department request that the FBI downgrade the classification of a specific email in exchange for consideration of an FBI resource request.

By way of background and as reflected in documents previously provided to the Committee, on April 6, 2015, [REDACTED] Records Management Division, received an email from the State Department requesting that the FBI conduct a classification review of several email communications involving former Secretary of State Hillary Clinton, which the State Department believed might have contained FBI information. There were multiple communications internal to the FBI and between the FBI and the State Department concerning the State Department's request that the FBI change the classification determination of a single sentence contained in one State Department email. In mid-May 2015, FBI [REDACTED] [REDACTED] was contacted by Under Secretary of State Patrick Kennedy concerning this matter. Under Secretary Kennedy hosted a meeting on May 19, 2015 regarding the classification issue. Ultimately, as reflected in the documents, the classification of the email was not changed, and it remains classified today.

b6 -1
b7C -1

This request by the State Department and the FBI's response has been independently reviewed by both the FBI and the State Department Office of Inspector General (OIG). The FBI's investigative team interviewed [REDACTED] on July 30, 2015, and on August 3, 2015 [REDACTED] [REDACTED] provided his internal FBI emails to the investigative team. (Copies of these 302s and the emails have been provided to the Committee.) Later that month, on August 28, 2015, the State Department OIG contacted [REDACTED] requesting to speak with him about the meeting with Under Secretary Kennedy regarding the classification decision of an email containing FBI

b6 -1
b7C -1

~~SECRET//NOFORN~~
UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

information. [redacted] advised the FBI's Inspection Division of State Department OIG interest in the matter. FBI Inspection Division then advised the investigative team as well as the Justice Department's Justice Management Division. On November 20, 2015, the FBI's Inspection Division provided State Department OIG with a copy of the State Department email at issue as well as [redacted] emails to the State Department advising of the FBI's classification determination. (A copy of these documents is enclosed.) Ultimately, the State Department OIG met with [redacted] on approximately December 15, 2015.

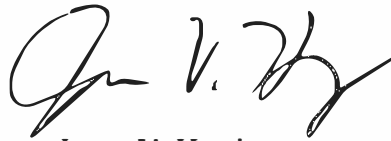
b6 -1
b7C -1

On approximately August 31, 2015, the FBI's investigative team met with the FBI's Inspection Division to discuss what, if any, internal actions were necessary to address the request of [redacted] regarding additional overseas resources. The Inspection Division advised it did not warrant a separate review because [redacted] who had been [redacted] [redacted] was scheduled for retirement at the end of the year,¹ and no change was ultimately made to the classification determination. When the FBI Inspection Division demurred on any investigative action, on September 3, 2015, the FBI investigative team interviewed [redacted].

b6 -1
b7C -1

As a reminder, the attached material is provided to the Committee in furtherance of its oversight activities. These materials are non-public and contain classified and other sensitive material. For that reason, these materials may not be further disseminated or disclosed, in part or in full, without obtaining the FBI's concurrence. The production of these materials does not waive any applicable privilege.

Sincerely,



Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

Enclosure

1 - The Honorable Elijah Cummings
Ranking Member
Committee on Oversight and Government Reform
U. S. House of Representatives
Washington, DC 20515

¹ [redacted] retired on approximately [redacted]

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

b6 -1
b7C -1



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

June 21, 2016

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-05-2017 BY J37J85T94 NSICG

The Honorable Barbara Comstock
Member of Congress
Suite 218
21430 Cedar Drive
Sterling, VA 20164

Dear Congresswoman Comstock:

This is in response to your April 21, 2016, inquiry on behalf of your constituent [redacted] regarding former Secretary of State Hillary Clinton.

b6 -3

While we appreciate your bringing [redacted] concerns to our attention, due to a long-standing FBI and Department of Justice policy, we are prohibited from commenting on an ongoing investigation. Preventing the premature release of information ensures the integrity of our criminal justice system and any potential judicial proceeding resulting from FBI investigations.

I hope this information is helpful to you in responding to your constituent.

Sincerely,

Elizabeth R. Beers
Section Chief
Office of Congressional Affairs

June 21, 2016

The Honorable Barbara Comstock
Member of Congress
Suite 218
21430 Cedar Drive
Sterling, VA 20164

Dear Congresswoman Comstock:

This is in response to your April 21, 2016, inquiry on behalf of your constituent
[redacted] regarding former Secretary of State Hillary Clinton.

b6 -3

While we appreciate your bringing [redacted] concerns to our attention, due to a long-standing FBI and Department of Justice policy, we are prohibited from commenting on an ongoing investigation. Preventing the premature release of information ensures the integrity of our criminal justice system and any potential judicial proceeding resulting from FBI investigations.

I hope this information is helpful to you in responding to your constituent.

Sincerely,

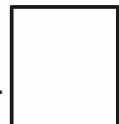


Elizabeth R. Beers
Section Chief
Office of Congressional Affairs

Dep. Director _____
EAD-Adm. _____
EAD-CT/CI _____
EA -Crim. _____
EA -Intell. _____
EAD-LES _____
Asst. Dir.: _____
Adm. Serv. _____
CJIS _____
Crim. Inv. _____
Cyber _____
Finance _____
Info. Res. _____
Inspection _____
Inv. Tech. _____
Laboratory _____
Off. of Cong. Affairs _____
Off. of the Gen. Counsel _____
Off. of Intell. _____
Off. of Pub. Affs. _____
Off. of Prof. Resp. _____
Rec. Mgmt. _____
Security _____
Training _____
Off. of EEOA _____

1 - ADIC, Washington Field - Enc.

NOTE: An ACS/Sentinel search showed no record identifiable with constituent.
SMS



b6 -1

MAIL ROOM



FBI (16cv2531)-59



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-05-2017 BY J37J85T94 NSICG

AUG 16 2016

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am writing in response to your letters to Director Comey dated May 17, 2016 and July 6, 2016 regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server. As Director Comey said in his statement on July 5, 2016, due to intense public interest in the FBI's investigation into this matter, we believe it is important to address your questions and explain our recommendation as to the appropriate resolution of this investigation. For the same reasons, the FBI will be making a document production responding to your interest in this matter.

The FBI conducted this investigation, as it does all investigations, in a competent, honest, and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors.

After nearly a year of gathering and analyzing evidence from numerous sources, the FBI made a recommendation to the Department of Justice. Although the prosecutors make the ultimate decision about whether or not charges are appropriate based on the evidence, the FBI frequently makes recommendations and engages in conversations with the prosecutors regarding the appropriate resolution of an investigation, given the evidence. The fact that the FBI made a recommendation was not unusual; the fact that it was shared publicly was.

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend

prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.

As the Director testified, cases prosecuted by the Department of Justice under the relevant statutes involved some combination of: (1) clearly intentional and willful mishandling of classified information; (2) significant quantities of material exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. One or more of these factors was present in the cases against David Petraeus, Sandy Berger, and Bryan Nishimura. For instance, Petraeus provided vast quantities of highly sensitive, compartmented information that he knew to be classified to a person without an appropriate clearance or a need to know the information and, when confronted, he lied to the FBI. Berger removed clearly marked, highly classified information from the National Archives by secreting the documents in his clothing. These cases included clear evidence of knowledge and intent which illustrates an important distinction from what the FBI found in this investigation. Nishimura, a Naval Reservist stationed in Afghanistan, removed hundreds of marked classified documents, without authorization, from classified U.S. military information systems, which he then placed onto several personally-owned, unauthorized devices. Nishimura later lied to investigators about onto which devices he had placed classified information, and destroyed a large quantity of classified material he had maintained in his home. Despite this destruction, a subsequent search of his house recovered 256 marked classified documents which he was not authorized to store.

The fact that Secretary Clinton received emails containing "(C)" portion markings is not clear evidence of knowledge or intent. As the Director has testified, the FBI's investigation uncovered three instances of emails portioned marked with "(C)," a marking ostensibly indicating the presence of information classified at the Confidential level. In each of these instances, the Secretary did not originate the information; instead, the emails were forwarded to her by staff members, with the portion-marked information located within the email chains and without header and footer markings indicating the presence of classified information. Moreover, only one of those emails was determined by the State Department to contain classified information. There has been no determination by the State Department as to whether these three emails were classified at the time they were sent.

Nor is the fact that Secretary Clinton emailed former Deputy Chief of Staff Jacob Sullivan asking him to remove "identifying heading[s]" from a document and "send nonsecure" as a "nonpaper" sufficient evidence to show that she knowingly or willfully mishandled classified information. As we understand the common State Department use of the term, "non-paper" refers to a document authorized for distribution to a foreign government that is without explicit attribution to the U.S. Government and would not contain classified information. In their interviews with the FBI, both Secretary Clinton and Sullivan indicated their understanding that this was an instruction to remove classified information from the talking points, in order to send the resulting unclassified document through non-secure means. Moreover, the FBI investigation determined that a secure fax was successfully sent subsequent to this message, and no evidence was recovered indicating that the unclassified "non-paper" was ever created or sent over the unclassified email system.

During the course of its investigation, the FBI conducted numerous interviews, including one of John Bentel, then-Director of S/ES-IRM, the State Department official referenced in the State Department OIG report as having discouraged employees from raising concerns about Secretary Clinton's use of personal email. In his FBI interview, Bentel denied that State Department employees raised concerns about Secretary Clinton's email to him. The FBI ultimately considered the inconsistencies between Bentel's statements to the FBI and his subordinates' reported statements to investigators with the Department of State Inspector General to be outside the scope of its investigation, and, further, ones which had been appropriately addressed by the Department of State Inspector General.

During the course of the investigation, the FBI interviewed Department of State security employees and reviewed documents regarding cyber security, including the Boswell memorandum, which outlined an increase in cyber actors targeting the personal email accounts of State Department employees.¹ As Secretary Clinton did not believe she would or did receive classified emails on her personal email system, it is unclear that a warning of this nature would have had any impact on her conduct or intent.

Title 18, United States Code, Section 793 on its face makes it a felony to cause national defense information to be removed, lost, stolen, or destroyed through gross negligence. Even at the time the statute was passed, there were concerns in Congress about the inclusion of this provision. Additionally, with respect to this statute, there are concerns about the constitutional implications of criminalizing such conduct without requiring the government to prove that the person knew he or she was doing something wrong, which is reflected in the Justice Department's history in charging this specific subsection of the statute (18 U.S.C. § 793(f)). Our understanding is the Department has only charged one person with mishandling national defense information through gross negligence in the 99-year history of the statute, and in that case, the charge was dismissed when the defendant pled guilty to making false statements in violation of 18 U.S.C. § 1001. Moreover, in that case, there were indications of espionage and disloyalty to the United States. As the Director testified, he believed that to prosecute Secretary Clinton or others within the scope of the investigation for gross negligence would be inconsistent with how the Department has interpreted and applied the statute since Congress enacted it.

As the Director stated, the FBI did find evidence that Secretary Clinton and her colleagues were extremely careless in their handling of certain, very sensitive, highly classified information. The term "extremely careless" was intended to be a common sense way of describing the actions of Secretary Clinton and her colleagues. The Director did not equate "extreme carelessness" with the legal standard of "gross negligence" that is required by the statute. In this case, the FBI assessed that the facts did not support a recommendation to prosecute her or others within the scope of the investigation for gross negligence.

¹ The FBI interviewed former Secretary of State Hillary Clinton on July 2, 2016. Although there had been contact with Secretary Clinton's attorneys during the course of the investigation, we did not request an interview until June 2016 after sufficient facts were gathered to properly inform the interview, which is common in investigations of this nature.

The Honorable Charles E. Grassley

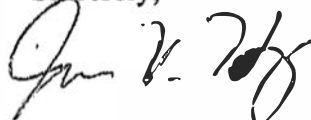
However, as the Director has explained, this is not to say that someone else who engaged in this type of conduct would face no consequences for handling classified information in a similar manner if they were still a government employee. For example, there are potentially severe administrative consequences within the FBI for security violations involving the mishandling of classified information, up to and including security clearance revocation and dismissal. The FBI is in the process of providing relevant information to other U.S. Government agencies to conduct further security and administrative reviews they deem appropriate for their respective employees. If someone who engaged in this type of conduct applied for a job at the FBI, the facts and circumstances surrounding this activity would be a significant factor in a suitability review for a security clearance and employment at the Bureau.

As the Director noted in his statement, the FBI made its recommendation concerning this matter to the Justice Department independent of any consultation with the Attorney General or any White House officials, and the investigation was conducted without any improper political influence of any kind. For this reason, the FBI does not believe the appointment of a Special Counsel is warranted. In addition, the FBI would refer you to the Department of Justice for any explanation of legal agreements that may or may not have been made with potential witnesses, as well as other judgments or decisions made by Department of Justice officials.

Lastly, concerning questions related to whether other matters may be under investigation, consistent with prior statements, the FBI neither confirms nor denies the existence of non-public investigations.

Thank you for your continued interest in this important matter, and, as always, we appreciate your continued support for the men and women of the FBI. The production of documents related to this matter will be provided under separate cover letter consistent with required protocols for the transmission of classified documents.

Sincerely,



Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

1 - The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-05-2017 BY J37J85T94 NSICG

AUG 16 2016

Dear Mr. Chairman:

I am writing in response to your letters to Director Comey dated May 17, 2016 and July 6, 2016 regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server. As Director Comey said in his statement on July 5, 2016, due to intense public interest in the FBI's investigation into this matter, we believe it is important to address your questions and explain our recommendation as to the appropriate resolution of this investigation. For the same reasons, the FBI will be making a document production responding to your interest in this matter.

The FBI conducted this investigation, as it does all investigations, in a competent, honest, and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors.

After nearly a year of gathering and analyzing evidence from numerous sources, the FBI made a recommendation to the Department of Justice. Although the prosecutors make the ultimate decision about whether or not charges are appropriate based on the evidence, the FBI frequently makes recommendations and engages in conversations with the prosecutors regarding the appropriate resolution of an investigation, given the evidence. The fact that the FBI made a recommendation was not unusual; the fact that it was shared publicly was.

Dep. Director _____
EAD-Adm. _____
EAD-CT/CI _____
EAD-Crim. _____
EAD-Intell. _____
EAD-LES _____
Asst. Dir.: _____
Adm. Serv. _____
CJIS _____
Crim. Inv. _____
Cyber _____
Finance _____
Info. Res. _____
Inspection _____
Inv. Tech. _____
Laboratory _____
Off. of Cong. Affs. _____
Off. of the Gen. _____
Coun. _____
Off. of Intell. _____
Off. Pub. Affs. _____
Off. of Prof. Resp. _____
Rec. Mgmt. _____
Security _____
Training _____
Off. of EEOA _____

1 - The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

1 - FBI ExecSec, Room 6147 TRIM #s 16/DO/1759, 16/DO/2349

1 - A/AD Herring *JWH*

1 - Ms. Beers

MAILROOM ☐

FBI (16cv2531)-64

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.

As the Director testified, cases prosecuted by the Department of Justice under the relevant statutes involved some combination of: (1) clearly intentional and willful mishandling of classified information; (2) significant quantities of material exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. One or more of these factors was present in the cases against David Petraeus, Sandy Berger, and Bryan Nishimura. For instance, Petraeus provided vast quantities of highly sensitive, compartmented information that he knew to be classified to a person without an appropriate clearance or a need to know the information and, when confronted, he lied to the FBI. Berger removed clearly marked, highly classified information from the National Archives by secreting the documents in his clothing. These cases included clear evidence of knowledge and intent which illustrates an important distinction from what the FBI found in this investigation. Nishimura, a Naval Reservist stationed in Afghanistan, removed hundreds of marked classified documents, without authorization, from classified U.S. military information systems, which he then placed onto several personally-owned, unauthorized devices. Nishimura later lied to investigators about onto which devices he had placed classified information, and destroyed a large quantity of classified material he had maintained in his home. Despite this destruction, a subsequent search of his house recovered 256 marked classified documents which he was not authorized to store.

The fact that Secretary Clinton received emails containing "(C)" portion markings is not clear evidence of knowledge or intent. As the Director has testified, the FBI's investigation uncovered three instances of emails portioned marked with "(C)," a marking ostensibly indicating the presence of information classified at the Confidential level. In each of these instances, the Secretary did not originate the information; instead, the emails were forwarded to her by staff members, with the portion-marked information located within the email chains and without header and footer markings indicating the presence of classified information. Moreover, only one of those emails was determined by the State Department to contain classified information. There has been no determination by the State Department as to whether these three emails were classified at the time they were sent.

Nor is the fact that Secretary Clinton emailed former Deputy Chief of Staff Jacob Sullivan asking him to remove "identifying heading[s]" from a document and "send nonsecure" as a "nonpaper" sufficient evidence to show that she knowingly or willfully mishandled classified information. As we understand the common State Department use of the term, "non-paper" refers to a document authorized for distribution to a foreign government that is without explicit attribution to the U.S. Government and would not contain classified information. In

their interviews with the FBI, both Secretary Clinton and Sullivan indicated their understanding that this was an instruction to remove classified information from the talking points, in order to send the resulting unclassified document through non-secure means. Moreover, the FBI investigation determined that a secure fax was successfully sent subsequent to this message, and no evidence was recovered indicating that the unclassified "non-paper" was ever created or sent over the unclassified email system.

During the course of its investigation, the FBI conducted numerous interviews, including one of John Bentel, then-Director of S/ES-IRM, the State Department official referenced in the State Department OIG report as having discouraged employees from raising concerns about Secretary Clinton's use of personal email. In his FBI interview, Bentel denied that State Department employees raised concerns about Secretary Clinton's email to him. The FBI ultimately considered the inconsistencies between Bentel's statements to the FBI and his subordinates' reported statements to investigators with the Department of State Inspector General to be outside the scope of its investigation, and, further, ones which had been appropriately addressed by the Department of State Inspector General.

During the course of the investigation, the FBI interviewed Department of State security employees and reviewed documents regarding cyber security, including the Boswell memorandum, which outlined an increase in cyber actors targeting the personal email accounts of State Department employees.¹ As Secretary Clinton did not believe she would or did receive classified emails on her personal email system, it is unclear that a warning of this nature would have had any impact on her conduct or intent.

Title 18, United States Code, Section 793 on its face makes it a felony to cause national defense information to be removed, lost, stolen, or destroyed through gross negligence. Even at the time the statute was passed, there were concerns in Congress about the inclusion of this provision. Additionally, with respect to this statute, there are concerns about the constitutional implications of criminalizing such conduct without requiring the government to prove that the person knew he or she was doing something wrong, which is reflected in the Justice Department's history in charging this specific subsection of the statute (18 U.S.C. § 793(f)). Our understanding is the Department has only charged one person with mishandling national defense information through gross negligence in the 99-year history of the statute, and in that case, the charge was dismissed when the defendant pled guilty to making false statements in violation of 18 U.S.C. § 1001. Moreover, in that case, there were indications of espionage and disloyalty to the United States. As the Director testified, he believed that to prosecute Secretary Clinton or others within the scope of the investigation for gross negligence would be inconsistent with how the Department has interpreted and applied the statute since Congress enacted it.

As the Director stated, the FBI did find evidence that Secretary Clinton and her colleagues were extremely careless in their handling of certain, very sensitive, highly classified

¹ The FBI interviewed former Secretary of State Hillary Clinton on July 2, 2016. Although there had been contact with Secretary Clinton's attorneys during the course of the investigation, we did not request an interview until June 2016 after sufficient facts were gathered to properly inform the interview, which is common in investigations of this nature.

The Honorable Charles E. Grassley

information. The term "extremely careless" was intended to be a common sense way of describing the actions of Secretary Clinton and her colleagues. The Director did not equate "extreme carelessness" with the legal standard of "gross negligence" that is required by the statute. In this case, the FBI assessed that the facts did not support a recommendation to prosecute her or others within the scope of the investigation for gross negligence.

However, as the Director has explained, this is not to say that someone else who engaged in this type of conduct would face no consequences for handling classified information in a similar manner if they were still a government employee. For example, there are potentially severe administrative consequences within the FBI for security violations involving the mishandling of classified information, up to and including security clearance revocation and dismissal. The FBI is in the process of providing relevant information to other U.S. Government agencies to conduct further security and administrative reviews they deem appropriate for their respective employees. If someone who engaged in this type of conduct applied for a job at the FBI, the facts and circumstances surrounding this activity would be a significant factor in a suitability review for a security clearance and employment at the Bureau.

As the Director noted in his statement, the FBI made its recommendation concerning this matter to the Justice Department independent of any consultation with the Attorney General or any White House officials, and the investigation was conducted without any improper political influence of any kind. For this reason, the FBI does not believe the appointment of a Special Counsel is warranted. In addition, the FBI would refer you to the Department of Justice for any explanation of legal agreements that may or may not have been made with potential witnesses, as well as other judgments or decisions made by Department of Justice officials.

Lastly, concerning questions related to whether other matters may be under investigation, consistent with prior statements, the FBI neither confirms nor denies the existence of non-public investigations.

Thank you for your continued interest in this important matter, and, as always, we appreciate your continued support for the men and women of the FBI. The production of documents related to this matter will be provided under separate cover letter consistent with required protocols for the transmission of classified documents.

Sincerely,

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

AUG 16 2016

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing in response to your letter to Director Comey dated July 6, 2016 regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server. As Director Comey said in his statement on July 5, 2016, due to intense public interest in the FBI's investigation into this matter, we believe it is important to address your questions and explain our recommendation as to the appropriate resolution of this investigation. For the same reasons, the FBI will be making a document production responding to your interest in this matter.

The FBI conducted this investigation, as it does all investigations, in a competent, honest, and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors.

After nearly a year of gathering and analyzing evidence from numerous sources, the FBI made a recommendation to the Department of Justice. Although the prosecutors make the ultimate decision about whether or not charges are appropriate based on the evidence, the FBI frequently makes recommendations and engages in conversations with the prosecutors regarding the appropriate resolution of an investigation, given the evidence. The fact that the FBI made a recommendation was not unusual; the fact that it was shared publicly was.

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and

unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.

As the Director testified, cases prosecuted by the Department of Justice under the relevant statutes involved some combination of: (1) clearly intentional and willful mishandling of classified information; (2) significant quantities of material exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. One or more of these factors was present in the cases against David Petraeus, Sandy Berger, and Bryan Nishimura. For instance, Petraeus provided vast quantities of highly sensitive, compartmented information that he knew to be classified to a person without an appropriate clearance or a need to know the information and, when confronted, he lied to the FBI. Berger removed clearly marked, highly classified information from the National Archives by secreting the documents in his clothing. These cases included clear evidence of knowledge and intent which illustrates an important distinction from what the FBI found in this investigation. Nishimura, a Naval Reservist stationed in Afghanistan, removed hundreds of marked classified documents, without authorization, from classified U.S. military information systems, which he then placed onto several personally-owned, unauthorized devices. Nishimura later lied to investigators about onto which devices he had placed classified information, and destroyed a large quantity of classified material he had maintained in his home. Despite this destruction, a subsequent search of his house recovered 256 marked classified documents which he was not authorized to store.

The fact that Secretary Clinton received emails containing "(C)" portion markings is not clear evidence of knowledge or intent. As the Director has testified, the FBI's investigation uncovered three instances of emails portioned marked with "(C)," a marking ostensibly indicating the presence of information classified at the Confidential level. In each of these instances, the Secretary did not originate the information; instead, the emails were forwarded to her by staff members, with the portion-marked information located within the email chains and without header and footer markings indicating the presence of classified information. Moreover, only one of those emails was determined by the State Department to contain classified information. There has been no determination by the State Department as to whether these three emails were classified at the time they were sent.

Title 18, United States Code, Section 793 on its face makes it a felony to cause national defense information to be removed, lost, stolen, or destroyed through gross negligence. Even at the time the statute was passed, there were concerns in Congress about the inclusion of this provision. Additionally, with respect to this statute, there are concerns about the constitutional implications of criminalizing such conduct without requiring the government to prove that the person knew he or she was doing something wrong, which is reflected in the Justice Department's history in charging this specific subsection of the statute (18 U.S.C. § 793(f)). Our understanding is the Department has only charged one person with mishandling national defense information through gross negligence in the 99-year history of the statute, and in that case, the charge was dismissed when the defendant pled guilty to making false statements in violation of 18 U.S.C. § 1001. Moreover, in that case, there were indications of espionage and disloyalty to the United States. As the Director testified, he believed that to prosecute Secretary

The Honorable Devin Nunes

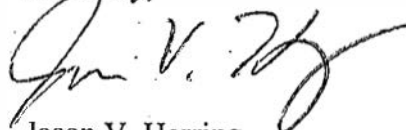
Clinton or others within the scope of the investigation for gross negligence would be inconsistent with how the Department has interpreted and applied the statute since Congress enacted it.

As the Director stated, the FBI did find evidence that Secretary Clinton and her colleagues were extremely careless in their handling of certain, very sensitive, highly classified information. The term "extremely careless" was intended to be a common sense way of describing the actions of Secretary Clinton and her colleagues. The Director did not equate "extreme carelessness" with the legal standard of "gross negligence" that is required by the statute. In this case, the FBI assessed that the facts did not support a recommendation to prosecute her or others within the scope of the investigation for gross negligence.

However, as the Director has explained, this is not to say that someone else who engaged in this type of conduct would face no consequences for handling classified information in a similar manner if they were still a government employee. For example, there are potentially severe administrative consequences within the FBI for security violations involving the mishandling of classified information, up to and including security clearance revocation and dismissal. The FBI is in the process of providing relevant information to other U.S. Government agencies to conduct further security and administrative reviews they deem appropriate for their respective employees. If someone who engaged in this type of conduct applied for a job at the FBI, the facts and circumstances surrounding this activity would be a significant factor in a suitability review for a security clearance and employment at the Bureau.

Thank you for your continued interest in this important matter, and, as always, we appreciate your continued support for the men and women of the FBI. The production of documents related to this matter will be provided under separate cover letter consistent with required protocols for the transmission of classified documents.

Sincerely,



Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

1 - The Honorable Adam B. Schiff
Ranking Member
Permanent Select Committee on Intelligence
United States House of Representatives
Washington, DC 20515

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
United States House of Representatives
Washington, DC 20515

AUG 16 2016

Dear Mr. Chairman:

I am writing in response to your letter to Director Comey dated July 6, 2016 regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server. As Director Comey said in his statement on July 5, 2016, due to intense public interest in the FBI's investigation into this matter, we believe it is important to address your questions and explain our recommendation as to the appropriate resolution of this investigation. For the same reasons, the FBI will be making a document production responding to your interest in this matter.

The FBI conducted this investigation, as it does all investigations, in a competent, honest, and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors.

After nearly a year of gathering and analyzing evidence from numerous sources, the FBI made a recommendation to the Department of Justice. Although the prosecutors make the ultimate decision about whether or not charges are appropriate based on the evidence, the FBI frequently makes recommendations and engages in conversations with the prosecutors regarding the appropriate resolution of an investigation, given the evidence. The fact that the FBI made a recommendation was not unusual; the fact that it was shared publicly was.

Dep. Director _____
EAD-Adm. _____
EAD-CT/CI _____
EAD-Crim. _____
EAD-Intell. _____
EAD-LES _____
Asst. Dir.: _____
Adm. Serv. _____
CJIS _____
Crim. Inv. _____
Cyber _____
Finance _____
Info. Res. _____
Inspection _____
Inv. Tech. _____
Laboratory _____
Off. of Cong. Affs. _____
Off. of the Gen. _____
Coun. _____
Off. of Intell. _____
Off. Pub. Affs. _____
Off. of Prof. Resp. _____
Rec. Mgnt. _____
Security _____
Training _____
Off. of EEOA _____

1 - The Honorable Adam B. Schiff
Ranking Member
Permanent Select Committee on Intelligence
United States House of Representatives
Washington, DC 20515
1 - FBI ExecSec, Room 6147 TRIM #s TRIM # 16/DO/2374
1 - A/AD Herring
1 - Ms. Beers

MAILROOM ☐

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.

As the Director testified, cases prosecuted by the Department of Justice under the relevant statutes involved some combination of: (1) clearly intentional and willful mishandling of classified information; (2) significant quantities of material exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. One or more of these factors was present in the cases against David Petraeus, Sandy Berger, and Bryan Nishimura. For instance, Petraeus provided vast quantities of highly sensitive, compartmented information that he knew to be classified to a person without an appropriate clearance or a need to know the information and, when confronted, he lied to the FBI. Berger removed clearly marked, highly classified information from the National Archives by secreting the documents in his clothing. These cases included clear evidence of knowledge and intent which illustrates an important distinction from what the FBI found in this investigation. Nishimura, a Naval Reservist stationed in Afghanistan, removed hundreds of marked classified documents, without authorization, from classified U.S. military information systems, which he then placed onto several personally-owned, unauthorized devices. Nishimura later lied to investigators about onto which devices he had placed classified information, and destroyed a large quantity of classified material he had maintained in his home. Despite this destruction, a subsequent search of his house recovered 256 marked classified documents which he was not authorized to store.

The fact that Secretary Clinton received emails containing "(C)" portion markings is not clear evidence of knowledge or intent. As the Director has testified, the FBI's investigation uncovered three instances of emails portioned marked with "(C)," a marking ostensibly indicating the presence of information classified at the Confidential level. In each of these instances, the Secretary did not originate the information; instead, the emails were forwarded to her by staff members, with the portion-marked information located within the email chains and without header and footer markings indicating the presence of classified information. Moreover, only one of those emails was determined by the State Department to contain classified information. There has been no determination by the State Department as to whether these three emails were classified at the time they were sent.

Title 18, United States Code, Section 793 on its face makes it a felony to cause national defense information to be removed, lost, stolen, or destroyed through gross negligence. Even at the time the statute was passed, there were concerns in Congress about the inclusion of this provision. Additionally, with respect to this statute, there are concerns about the constitutional implications of criminalizing such conduct without requiring the government to prove that the person knew he or she was doing something wrong, which is reflected in the Justice

The Honorable Devin Nunes

Department's history in charging this specific subsection of the statute (18 U.S.C. § 793(f)). Our understanding is the Department has only charged one person with mishandling national defense information through gross negligence in the 99-year history of the statute, and in that case, the charge was dismissed when the defendant pled guilty to making false statements in violation of 18 U.S.C. § 1001. Moreover, in that case, there were indications of espionage and disloyalty to the United States. As the Director testified, he believed that to prosecute Secretary Clinton or others within the scope of the investigation for gross negligence would be inconsistent with how the Department has interpreted and applied the statute since Congress enacted it.

As the Director stated, the FBI did find evidence that Secretary Clinton and her colleagues were extremely careless in their handling of certain, very sensitive, highly classified information. The term "extremely careless" was intended to be a common sense way of describing the actions of Secretary Clinton and her colleagues. The Director did not equate "extreme carelessness" with the legal standard of "gross negligence" that is required by the statute. In this case, the FBI assessed that the facts did not support a recommendation to prosecute her or others within the scope of the investigation for gross negligence.

However, as the Director has explained, this is not to say that someone else who engaged in this type of conduct would face no consequences for handling classified information in a similar manner if they were still a government employee. For example, there are potentially severe administrative consequences within the FBI for security violations involving the mishandling of classified information, up to and including security clearance revocation and dismissal. The FBI is in the process of providing relevant information to other U.S. Government agencies to conduct further security and administrative reviews they deem appropriate for their respective employees. If someone who engaged in this type of conduct applied for a job at the FBI, the facts and circumstances surrounding this activity would be a significant factor in a suitability review for a security clearance and employment at the Bureau.

Thank you for your continued interest in this important matter, and, as always, we appreciate your continued support for the men and women of the FBI. The production of documents related to this matter will be provided under separate cover letter consistent with required protocols for the transmission of classified documents.

Sincerely,

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

1 - The Honorable Adam B. Schiff
Ranking Member
Permanent Select Committee on Intelligence
United States House of Representatives
Washington, DC 20515



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-06-2017 BY J37J85T94 NSICG

AUG 16 2016

The Honorable Jason Chaffetz
Chairman
Committee on Oversight and
Government Reform
United States House of Representatives
Washington, DC 20515

The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman and Mr. Ranking Member:

I am writing in response to your separate letters to Director Comey dated July 11, 2016 regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server. As Director Comey said in his statement on July 5, 2016, due to intense public interest in the FBI's investigation into this matter, we believe it is important to address your questions and explain our recommendation as to the appropriate resolution of this investigation. For the same reasons, the FBI will be making a document production responding to your interest in this matter.

The FBI conducted this investigation, as it does all investigations, in a competent, honest, and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors.

After nearly a year of gathering and analyzing evidence from numerous sources, the FBI made a recommendation to the Department of Justice. Although the prosecutors make the ultimate decision about whether or not charges are appropriate based on the evidence, the FBI frequently makes recommendations and engages in conversations with the prosecutors regarding the appropriate resolution of an investigation, given the evidence. The fact that the FBI made a recommendation was not unusual; the fact that it was shared publicly was.

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.

As the Director testified, cases prosecuted by the Department of Justice under the relevant statutes involved some combination of: (1) clearly intentional and willful mishandling of classified information; (2) significant quantities of material exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. One or more of these factors was present in the cases against David Petraeus, Sandy Berger, and Bryan Nishimura. For instance, Petraeus provided vast quantities of highly sensitive, compartmented information that he knew to be classified to a person without an appropriate clearance or a need to know the information and, when confronted, he lied to the FBI. Berger removed clearly marked, highly classified information from the National Archives by secreting the documents in his clothing. These cases included clear evidence of knowledge and intent which illustrates an important distinction from what the FBI found in this investigation. Nishimura, a Naval Reservist stationed in Afghanistan, removed hundreds of marked classified documents, without authorization, from classified U.S. military information systems, which he then placed onto several personally-owned, unauthorized devices. Nishimura later lied to investigators about onto which devices he had placed classified information, and destroyed a large quantity of classified material he had maintained in his home. Despite this destruction, a subsequent search of his house recovered 256 marked classified documents which he was not authorized to store.

The fact that Secretary Clinton received emails containing "(C)" portion markings is not clear evidence of knowledge or intent. As the Director has testified, the FBI's investigation uncovered three instances of emails portioned marked with "(C)," a marking ostensibly indicating the presence of information classified at the Confidential level. In each of these instances, the Secretary did not originate the information; instead, the emails were forwarded to her by staff members, with the portion-marked information located within the email chains and without header and footer markings indicating the presence of classified information. Moreover, only one of those emails was determined by the State Department to contain classified information. There has been no determination by the State Department as to whether these three emails were classified at the time they were sent.

Title 18, United States Code, Section 793 on its face makes it a felony to cause national defense information to be removed, lost, stolen, or destroyed through gross negligence. Even at the time the statute was passed, there were concerns in Congress about the inclusion of this provision. Additionally, with respect to this statute, there are concerns about the constitutional implications of criminalizing such conduct without requiring the government to prove that the

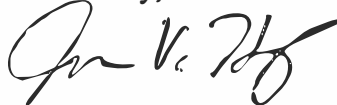
person knew he or she was doing something wrong, which is reflected in the Justice Department's history in charging this specific subsection of the statute (18 U.S.C. § 793(f)). Our understanding is the Department has only charged one person with mishandling national defense information through gross negligence in the 99-year history of the statute, and in that case, the charge was dismissed when the defendant pled guilty to making false statements in violation of 18 U.S.C. § 1001. Moreover, in that case, there were indications of espionage and disloyalty to the United States. As the Director testified, he believed that to prosecute Secretary Clinton or others within the scope of the investigation for gross negligence would be inconsistent with how the Department has interpreted and applied the statute since Congress enacted it.

As the Director stated, the FBI did find evidence that Secretary Clinton and her colleagues were extremely careless in their handling of certain, very sensitive, highly classified information. The term "extremely careless" was intended to be a common sense way of describing the actions of Secretary Clinton and her colleagues. The Director did not equate "extreme carelessness" with the legal standard of "gross negligence" that is required by the statute. In this case, the FBI assessed that the facts did not support a recommendation to prosecute her or others within the scope of the investigation for gross negligence.

However, as the Director has explained, this is not to say that someone else who engaged in this type of conduct would face no consequences for handling classified information in a similar manner if they were still a government employee. For example, there are potentially severe administrative consequences within the FBI for security violations involving the mishandling of classified information, up to and including security clearance revocation and dismissal. The FBI is in the process of providing relevant information to other U.S. Government agencies to conduct further security and administrative reviews they deem appropriate for their respective employees. If someone who engaged in this type of conduct applied for a job at the FBI, the facts and circumstances surrounding this activity would be a significant factor in a suitability review for a security clearance and employment at the Bureau.

Thank you for your continued interest in this important matter, and, as always, we appreciate your continued support for the men and women of the FBI. The production of documents related to this matter will be provided under separate cover letter consistent with required protocols for the transmission of classified documents.

Sincerely,



Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

AUG 16 2016

The Honorable Jason Chaffetz
Chairman
Committee on Oversight and
Government Reform
United States House of Representatives
Washington, DC 20515

The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman and Mr. Ranking Member:

I am writing in response to your separate letters to Director Comey dated July 11, 2016 regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server. As Director Comey said in his statement on July 5, 2016, due to intense public interest in the FBI's investigation into this matter, we believe it is important to address your questions and explain our recommendation as to the appropriate resolution of this investigation. For the same reasons, the FBI will be making a document production responding to your interest in this matter.

The FBI conducted this investigation, as it does all investigations, in a competent, honest, and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors.

Dep. Director _____
EAD-Adm. _____
EAD-CT/CI _____
EAD-Crim. _____
EAD-Intell. _____
EAD-LES _____
Asst. Dir.: _____
Adm. Serv. _____
CJIS _____
Crim. Inv. _____
Cyber _____
Finance _____
Info. Res. _____
Inspection _____
Inv. Tech. _____
Laboratory _____
Off. of Cong. Affs. _____
Off. of the Gen. Coun. _____
Off. of Intell. _____
Off. Pub. Affs. _____
Off. of Prof. Resp. _____
Rec. Mgmt. _____
Security _____
Training _____
Off. of EEOA _____

1 - FBI ExecSec, Room 6147 TRIM #s 16/DO/2656, 16/DO/2437
1 - A/AD Herring
1 - Ms. Beers

JUH

MAIL ROOM ☐

After nearly a year of gathering and analyzing evidence from numerous sources, the FBI made a recommendation to the Department of Justice. Although the prosecutors make the ultimate decision about whether or not charges are appropriate based on the evidence, the FBI frequently makes recommendations and engages in conversations with the prosecutors regarding the appropriate resolution of an investigation, given the evidence. The fact that the FBI made a recommendation was not unusual; the fact that it was shared publicly was.

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.

As the Director testified, cases prosecuted by the Department of Justice under the relevant statutes involved some combination of: (1) clearly intentional and willful mishandling of classified information; (2) significant quantities of material exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. One or more of these factors was present in the cases against David Petraeus, Sandy Berger, and Bryan Nishimura. For instance, Petraeus provided vast quantities of highly sensitive, compartmented information that he knew to be classified to a person without an appropriate clearance or a need to know the information and, when confronted, he lied to the FBI. Berger removed clearly marked, highly classified information from the National Archives by secreting the documents in his clothing. These cases included clear evidence of knowledge and intent which illustrates an important distinction from what the FBI found in this investigation. Nishimura, a Naval Reservist stationed in Afghanistan, removed hundreds of marked classified documents, without authorization, from classified U.S. military information systems, which he then placed onto several personally-owned, unauthorized devices. Nishimura later lied to investigators about onto which devices he had placed classified information, and destroyed a large quantity of classified material he had maintained in his home. Despite this destruction, a subsequent search of his house recovered 256 marked classified documents which he was not authorized to store.

The fact that Secretary Clinton received emails containing "(C)" portion markings is not clear evidence of knowledge or intent. As the Director has testified, the FBI's investigation uncovered three instances of emails portioned marked with "(C)," a marking ostensibly indicating the presence of information classified at the Confidential level. In each of these instances, the Secretary did not originate the information; instead, the emails were forwarded to her by staff members, with the portion-marked information located within the email chains and without header and footer markings indicating the presence of classified information. Moreover, only one of those emails was determined by the State Department to contain classified

information. There has been no determination by the State Department as to whether these three emails were classified at the time they were sent.

Title 18, United States Code, Section 793 on its face makes it a felony to cause national defense information to be removed, lost, stolen, or destroyed through gross negligence. Even at the time the statute was passed, there were concerns in Congress about the inclusion of this provision. Additionally, with respect to this statute, there are concerns about the constitutional implications of criminalizing such conduct without requiring the government to prove that the person knew he or she was doing something wrong, which is reflected in the Justice Department's history in charging this specific subsection of the statute (18 U.S.C. § 793(f)). Our understanding is the Department has only charged one person with mishandling national defense information through gross negligence in the 99-year history of the statute, and in that case, the charge was dismissed when the defendant pled guilty to making false statements in violation of 18 U.S.C. § 1001. Moreover, in that case, there were indications of espionage and disloyalty to the United States. As the Director testified, he believed that to prosecute Secretary Clinton or others within the scope of the investigation for gross negligence would be inconsistent with how the Department has interpreted and applied the statute since Congress enacted it.

As the Director stated, the FBI did find evidence that Secretary Clinton and her colleagues were extremely careless in their handling of certain, very sensitive, highly classified information. The term "extremely careless" was intended to be a common sense way of describing the actions of Secretary Clinton and her colleagues. The Director did not equate "extreme carelessness" with the legal standard of "gross negligence" that is required by the statute. In this case, the FBI assessed that the facts did not support a recommendation to prosecute her or others within the scope of the investigation for gross negligence.

However, as the Director has explained, this is not to say that someone else who engaged in this type of conduct would face no consequences for handling classified information in a similar manner if they were still a government employee. For example, there are potentially severe administrative consequences within the FBI for security violations involving the mishandling of classified information, up to and including security clearance revocation and dismissal. The FBI is in the process of providing relevant information to other U.S. Government agencies to conduct further security and administrative reviews they deem appropriate for their respective employees. If someone who engaged in this type of conduct applied for a job at the FBI, the facts and circumstances surrounding this activity would be a significant factor in a suitability review for a security clearance and employment at the Bureau.

The Honorable Jason Chaffetz and The Honorable Elijah E. Cummings

Thank you for your continued interest in this important matter, and, as always, we appreciate your continued support for the men and women of the FBI. The production of documents related to this matter will be provided under separate cover letter consistent with required protocols for the transmission of classified documents.

Sincerely,

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

The Honorable Robert Goodlatte
Chairman
Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

AUG 16 2016

Dear Mr. Chairman:

I am writing in response to your letter to Director Comey dated July 5, 2016 regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server. As Director Comey said in his statement on July 5, 2016, due to intense public interest in the FBI's investigation into this matter, we believe it is important to address your questions and explain our recommendation as to the appropriate resolution of this investigation. For the same reasons, the FBI will be making a document production responding to your interest in this matter.

The FBI conducted this investigation, as it does all investigations, in a competent, honest, and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors.

After nearly a year of gathering and analyzing evidence from numerous sources, the FBI made a recommendation to the Department of Justice. Although the prosecutors make the ultimate decision about whether or not charges are appropriate based on the evidence, the FBI frequently makes recommendations and engages in conversations with the prosecutors regarding the appropriate resolution of an investigation, given the evidence. The fact that the FBI made a recommendation was not unusual; the fact that it was shared publicly was.

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend

prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.

As the Director testified, cases prosecuted by the Department of Justice under the relevant statutes involved some combination of: (1) clearly intentional and willful mishandling of classified information; (2) significant quantities of material exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. One or more of these factors was present in the cases against David Petraeus, Sandy Berger, and Bryan Nishimura. For instance, Petraeus provided vast quantities of highly sensitive, compartmented information that he knew to be classified to a person without an appropriate clearance or a need to know the information and, when confronted, he lied to the FBI. Berger removed clearly marked, highly classified information from the National Archives by secreting the documents in his clothing. These cases included clear evidence of knowledge and intent which illustrates an important distinction from what the FBI found in this investigation. Nishimura, a Naval Reservist stationed in Afghanistan, removed hundreds of marked classified documents, without authorization, from classified U.S. military information systems, which he then placed onto several personally-owned, unauthorized devices. Nishimura later lied to investigators about onto which devices he had placed classified information, and destroyed a large quantity of classified material he had maintained in his home. Despite this destruction, a subsequent search of his house recovered 256 marked classified documents which he was not authorized to store.

The fact that Secretary Clinton received emails containing "(C)" portion markings is not clear evidence of knowledge or intent. As the Director has testified, the FBI's investigation uncovered three instances of emails portioned marked with "(C)," a marking ostensibly indicating the presence of information classified at the Confidential level. In each of these instances, the Secretary did not originate the information; instead, the emails were forwarded to her by staff members, with the portion-marked information located within the email chains and without header and footer markings indicating the presence of classified information. Moreover, only one of those emails was determined by the State Department to contain classified information. There has been no determination by the State Department as to whether these three emails were classified at the time they were sent.

Title 18, United States Code, Section 793 on its face makes it a felony to cause national defense information to be removed, lost, stolen, or destroyed through gross negligence. Even at the time the statute was passed, there were concerns in Congress about the inclusion of this provision. Additionally, with respect to this statute, there are concerns about the constitutional implications of criminalizing such conduct without requiring the government to prove that the person knew he or she was doing something wrong, which is reflected in the Justice Department's history in charging this specific subsection of the statute (18 U.S.C. § 793(f)). Our understanding is the Department has only charged one person with mishandling national defense information through gross negligence in the 99-year history of the statute, and in that case, the charge was dismissed when the defendant pled guilty to making false statements in violation of 18 U.S.C. § 1001. Moreover, in that case, there were indications of espionage and disloyalty to the United States. As the Director testified, he believed that to prosecute Secretary

The Honorable Robert Goodlatte

Clinton or others within the scope of the investigation for gross negligence would be inconsistent with how the Department has interpreted and applied the statute since Congress enacted it.

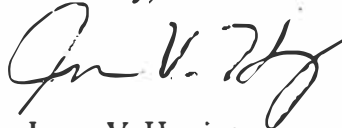
As the Director stated, the FBI did find evidence that Secretary Clinton and her colleagues were extremely careless in their handling of certain, very sensitive, highly classified information. The term "extremely careless" was intended to be a common sense way of describing the actions of Secretary Clinton and her colleagues. The Director did not equate "extreme carelessness" with the legal standard of "gross negligence" that is required by the statute. In this case, the FBI assessed that the facts did not support a recommendation to prosecute her or others within the scope of the investigation for gross negligence.

However, as the Director has explained, this is not to say that someone else who engaged in this type of conduct would face no consequences for handling classified information in a similar manner if they were still a government employee. For example, there are potentially severe administrative consequences within the FBI for security violations involving the mishandling of classified information, up to and including security clearance revocation and dismissal. The FBI is in the process of providing relevant information to other U.S. Government agencies to conduct further security and administrative reviews they deem appropriate for their respective employees. If someone who engaged in this type of conduct applied for a job at the FBI, the facts and circumstances surrounding this activity would be a significant factor in a suitability review for a security clearance and employment at the Bureau.

Lastly, concerning questions related to whether other matters may be under investigation, consistent with prior statements, the FBI neither confirms nor denies the existence of non-public investigations.

Thank you for your continued interest in this important matter, and, as always, we appreciate your continued support for the men and women of the FBI. The production of documents related to this matter will be provided under separate cover letter consistent with required protocols for the transmission of classified documents.

Sincerely,



Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

1 - The Honorable John Conyers
Ranking Member
Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

AUG 16 2016

The Honorable Robert Goodlatte
Chairman
Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing in response to your letter to Director Comey dated July 5, 2016 regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server. As Director Comey said in his statement on July 5, 2016, due to intense public interest in the FBI's investigation into this matter, we believe it is important to address your questions and explain our recommendation as to the appropriate resolution of this investigation. For the same reasons, the FBI will be making a document production responding to your interest in this matter.

The FBI conducted this investigation, as it does all investigations, in a competent, honest, and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors.

After nearly a year of gathering and analyzing evidence from numerous sources, the FBI made a recommendation to the Department of Justice. Although the prosecutors make the ultimate decision about whether or not charges are appropriate based on the evidence, the FBI frequently makes recommendations and engages in conversations with the prosecutors regarding the appropriate resolution of an investigation, given the evidence. The fact that the FBI made a recommendation was not unusual; the fact that it was shared publicly was.

Dep. Director _____
EAD-Adm. _____
EAD-CT/Ci _____
EAD-Crim. _____
EAD-Intell. _____
EAD-LES _____
Asst. Dir.: _____
Adm. Serv. _____
CJIS _____
Crim. Intell. _____
Crim. Inv. _____
Cyber _____
Fin. & Inv. _____
Info. Res. _____
Inspection _____
Inv. Tech. _____
Laboratory _____
Off. of Cong. & Affs. _____
Off. of the Gen. Coun. _____
Off. of Intell. _____
Off. of Pub. Affs. _____
Off. of Prof. Resp. _____
Rec. Mgmt. _____
Security _____
Training _____
Off. of EEOA _____

1 - The Honorable John Conyers
Ranking Member
Committee on the Judiciary
United States House of Representatives
Washington, DC 20515
1 - FBI ExecSec, Room 6147 TRIM # 16/do/2351
1 - A/AD Herring
1 - Ms. Beers

JUH

MAILROOM ☐

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.

As the Director testified, cases prosecuted by the Department of Justice under the relevant statutes involved some combination of: (1) clearly intentional and willful mishandling of classified information; (2) significant quantities of material exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. One or more of these factors was present in the cases against David Petraeus, Sandy Berger, and Bryan Nishimura. For instance, Petraeus provided vast quantities of highly sensitive, compartmented information that he knew to be classified to a person without an appropriate clearance or a need to know the information and, when confronted, he lied to the FBI. Berger removed clearly marked, highly classified information from the National Archives by secreting the documents in his clothing. These cases included clear evidence of knowledge and intent which illustrates an important distinction from what the FBI found in this investigation. Nishimura, a Naval Reservist stationed in Afghanistan, removed hundreds of marked classified documents, without authorization, from classified U.S. military information systems, which he then placed onto several personally-owned, unauthorized devices. Nishimura later lied to investigators about onto which devices he had placed classified information, and destroyed a large quantity of classified material he had maintained in his home. Despite this destruction, a subsequent search of his house recovered 256 marked classified documents which he was not authorized to store.

The fact that Secretary Clinton received emails containing "(C)" portion markings is not clear evidence of knowledge or intent. As the Director has testified, the FBI's investigation uncovered three instances of emails portioned marked with "(C)," a marking ostensibly indicating the presence of information classified at the Confidential level. In each of these instances, the Secretary did not originate the information; instead, the emails were forwarded to her by staff members, with the portion-marked information located within the email chains and without header and footer markings indicating the presence of classified information. Moreover, only one of those emails was determined by the State Department to contain classified information. There has been no determination by the State Department as to whether these three emails were classified at the time they were sent.

Title 18, United States Code, Section 793 on its face makes it a felony to cause national defense information to be removed, lost, stolen, or destroyed through gross negligence. Even at the time the statute was passed, there were concerns in Congress about the inclusion of this provision. Additionally, with respect to this statute, there are concerns about the constitutional implications of criminalizing such conduct without requiring the government to prove that the person knew he or she was doing something wrong, which is reflected in the Justice

The Honorable Robert Goodlatte

Department's history in charging this specific subsection of the statute (18 U.S.C. § 793(f)). Our understanding is the Department has only charged one person with mishandling national defense information through gross negligence in the 99-year history of the statute, and in that case, the charge was dismissed when the defendant pled guilty to making false statements in violation of 18 U.S.C. § 1001. Moreover, in that case, there were indications of espionage and disloyalty to the United States. As the Director testified, he believed that to prosecute Secretary Clinton or others within the scope of the investigation for gross negligence would be inconsistent with how the Department has interpreted and applied the statute since Congress enacted it.

As the Director stated, the FBI did find evidence that Secretary Clinton and her colleagues were extremely careless in their handling of certain, very sensitive, highly classified information. The term "extremely careless" was intended to be a common sense way of describing the actions of Secretary Clinton and her colleagues. The Director did not equate "extreme carelessness" with the legal standard of "gross negligence" that is required by the statute. In this case, the FBI assessed that the facts did not support a recommendation to prosecute her or others within the scope of the investigation for gross negligence.

However, as the Director has explained, this is not to say that someone else who engaged in this type of conduct would face no consequences for handling classified information in a similar manner if they were still a government employee. For example, there are potentially severe administrative consequences within the FBI for security violations involving the mishandling of classified information, up to and including security clearance revocation and dismissal. The FBI is in the process of providing relevant information to other U.S. Government agencies to conduct further security and administrative reviews they deem appropriate for their respective employees. If someone who engaged in this type of conduct applied for a job at the FBI, the facts and circumstances surrounding this activity would be a significant factor in a suitability review for a security clearance and employment at the Bureau.

Lastly, concerning questions related to whether other matters may be under investigation, consistent with prior statements, the FBI neither confirms nor denies the existence of non-public investigations.

Thank you for your continued interest in this important matter, and, as always, we appreciate your continued support for the men and women of the FBI. The production of documents related to this matter will be provided under separate cover letter consistent with required protocols for the transmission of classified documents.

Sincerely,

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

AUG 16 2016

Dear Mr. Chairman:

I am writing in response to your letters to Director Comey dated July 5, 2016 and July 15, 2016 and to your letter to the Attorney General dated 7/11/2016 regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server. As Director Comey said in his statement on July 5, 2016, due to intense public interest in the FBI's investigation into this matter, we believe it is important to address your questions and explain our recommendation as to the appropriate resolution of this investigation. For the same reasons, the FBI will be making a document production responding to your interest in this matter.

The FBI conducted this investigation, as it does all investigations, in a competent, honest, and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors.

After nearly a year of gathering and analyzing evidence from numerous sources, the FBI made a recommendation to the Department of Justice. Although the prosecutors make the ultimate decision about whether or not charges are appropriate based on the evidence, the FBI frequently makes recommendations and engages in conversations with the prosecutors regarding the appropriate resolution of an investigation, given the evidence. The fact that the FBI made a recommendation was not unusual; the fact that it was shared publicly was.

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and

unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.

As the Director testified, cases prosecuted by the Department of Justice under the relevant statutes involved some combination of: (1) clearly intentional and willful mishandling of classified information; (2) significant quantities of material exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. One or more of these factors was present in the cases against David Petraeus, Sandy Berger, and Bryan Nishimura. For instance, Petraeus provided vast quantities of highly sensitive, compartmented information that he knew to be classified to a person without an appropriate clearance or a need to know the information and, when confronted, he lied to the FBI. Berger removed clearly marked, highly classified information from the National Archives by secreting the documents in his clothing. These cases included clear evidence of knowledge and intent which illustrates an important distinction from what the FBI found in this investigation. Nishimura, a Naval Reservist stationed in Afghanistan, removed hundreds of marked classified documents, without authorization, from classified U.S. military information systems, which he then placed onto several personally-owned, unauthorized devices. Nishimura later lied to investigators about onto which devices he had placed classified information, and destroyed a large quantity of classified material he had maintained in his home. Despite this destruction, a subsequent search of his house recovered 256 marked classified documents which he was not authorized to store.

The fact that Secretary Clinton received emails containing "(C)" portion markings is not clear evidence of knowledge or intent. As the Director has testified, the FBI's investigation uncovered three instances of emails portioned marked with "(C)," a marking ostensibly indicating the presence of information classified at the Confidential level. In each of these instances, the Secretary did not originate the information; instead, the emails were forwarded to her by staff members, with the portion-marked information located within the email chains and without header and footer markings indicating the presence of classified information. Moreover, only one of those emails was determined by the State Department to contain classified information. There has been no determination by the State Department as to whether these three emails were classified at the time they were sent.

Title 18, United States Code, Section 793 on its face makes it a felony to cause national defense information to be removed, lost, stolen, or destroyed through gross negligence. Even at the time the statute was passed, there were concerns in Congress about the inclusion of this provision. Additionally, with respect to this statute, there are concerns about the constitutional implications of criminalizing such conduct without requiring the government to prove that the person knew he or she was doing something wrong, which is reflected in the Justice Department's history in charging this specific subsection of the statute (18 U.S.C. § 793(f)). Our understanding is the Department has only charged one person with mishandling national defense information through gross negligence in the 99-year history of the statute, and in that case, the charge was dismissed when the defendant pled guilty to making false statements in violation of 18 U.S.C. § 1001. Moreover, in that case, there were indications of espionage and disloyalty to the United States. As the Director testified, he believed that to prosecute Secretary

The Honorable Ron Johnson

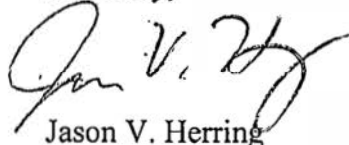
Clinton or others within the scope of the investigation for gross negligence would be inconsistent with how the Department has interpreted and applied the statute since Congress enacted it.

As the Director stated, the FBI did find evidence that Secretary Clinton and her colleagues were extremely careless in their handling of certain, very sensitive, highly classified information. The term "extremely careless" was intended to be a common sense way of describing the actions of Secretary Clinton and her colleagues. The Director did not equate "extreme carelessness" with the legal standard of "gross negligence" that is required by the statute. In this case, the FBI assessed that the facts did not support a recommendation to prosecute her or others within the scope of the investigation for gross negligence.

However, as the Director has explained, this is not to say that someone else who engaged in this type of conduct would face no consequences for handling classified information in a similar manner if they were still a government employee. For example, there are potentially severe administrative consequences within the FBI for security violations involving the mishandling of classified information, up to and including security clearance revocation and dismissal. The FBI is in the process of providing relevant information to other U.S. Government agencies to conduct further security and administrative reviews they deem appropriate for their respective employees. If someone who engaged in this type of conduct applied for a job at the FBI, the facts and circumstances surrounding this activity would be a significant factor in a suitability review for a security clearance and employment at the Bureau.

Thank you for your continued interest in this important matter, and, as always, we appreciate your continued support for the men and women of the FBI. The production of documents related to this matter will be provided under separate cover letter consistent with required protocols for the transmission of classified documents.

Sincerely,



Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

1 - The Honorable Thomas R. Carper
Ranking Member
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

The Honorable Ron Jolmsen
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

AUG 16 2016

Dear Mr. Chairman:

I am writing in response to your letters to Director Comey dated July 5, 2016 and July 15, 2016 and to your letter to the Attorney General dated 7/11/2016 regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server. As Director Comey said in his statement on July 5, 2016, due to intense public interest in the FBI's investigation into this matter, we believe it is important to address your questions and explain our recommendation as to the appropriate resolution of this investigation. For the same reasons, the FBI will be making a document production responding to your interest in this matter.

The FBI conducted this investigation, as it does all investigations, in a competent, honest, and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors.

After nearly a year of gathering and analyzing evidence from numerous sources, the FBI made a recommendation to the Department of Justice. Although the prosecutors make the ultimate decision about whether or not charges are appropriate based on the evidence, the FBI frequently makes recommendations and engages in conversations with the prosecutors regarding the appropriate resolution of an investigation, given the evidence. The fact that the FBI made a recommendation was not unusual; the fact that it was shared publicly was.

Dep. Director _____
EAD-Adm. _____
EAD-CT/CI _____
EAD-Crim _____
EAD-Intell. _____
EAD-LES _____
Asst. Dir.: _____
Adm. Serv. _____
CJIS _____
Crim. Inv. _____
Cyber _____
Finance _____
Info. Res. _____
Insp. _____
Inv. Tech. _____
Laboratory _____
Off. of Cong. Affs. _____
Off. of the Gen. _____
Coun. _____
Off. of Intell. _____
Off. of Pub. Affs. _____
Off. of Prof. Resp. _____
Rec. Mgmt. _____
Security _____
Training _____
Off. of EEOA _____

1 - The Honorable Thomas R. Carper
Ranking Member
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

1 - FBI ExecSec, Room 6147 TRIM #s 16/DO/2350, 16/DO/2525, 16/DO/2600
1 - A/AD Herring
1 - Ms. Beers

MAILROOM ☐

FBI (16cv2531)-90

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.

As the Director testified, cases prosecuted by the Department of Justice under the relevant statutes involved some combination of: (1) clearly intentional and willful mishandling of classified information; (2) significant quantities of material exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. One or more of these factors was present in the cases against David Petraeus, Sandy Berger, and Bryan Nishimura. For instance, Petraeus provided vast quantities of highly sensitive, compartmented information that he knew to be classified to a person without an appropriate clearance or a need to know the information and, when confronted, he lied to the FBI. Berger removed clearly marked, highly classified information from the National Archives by secreting the documents in his clothing. These cases included clear evidence of knowledge and intent which illustrates an important distinction from what the FBI found in this investigation. Nishimura, a Naval Reservist stationed in Afghanistan, removed hundreds of marked classified documents, without authorization, from classified U.S. military information systems, which he then placed onto several personally-owned, unauthorized devices. Nishimura later lied to investigators about onto which devices he had placed classified information, and destroyed a large quantity of classified material he had maintained in his home. Despite this destruction, a subsequent search of his house recovered 256 marked classified documents which he was not authorized to store.

The fact that Secretary Clinton received emails containing "(C)" portion markings is not clear evidence of knowledge or intent. As the Director has testified, the FBI's investigation uncovered three instances of emails portioned marked with "(C)," a marking ostensibly indicating the presence of information classified at the Confidential level. In each of these instances, the Secretary did not originate the information; instead, the emails were forwarded to her by staff members, with the portion-marked information located within the email chains and without header and footer markings indicating the presence of classified information. Moreover, only one of those emails was determined by the State Department to contain classified information. There has been no determination by the State Department as to whether these three emails were classified at the time they were sent.

Title 18, United States Code, Section 793 on its face makes it a felony to cause national defense information to be removed, lost, stolen, or destroyed through gross negligence. Even at the time the statute was passed, there were concerns in Congress about the inclusion of this provision. Additionally, with respect to this statute, there are concerns about the constitutional implications of criminalizing such conduct without requiring the government to prove that the person knew he or she was doing something wrong, which is reflected in the Justice

The Honorable Ron Johnson

Department's history in charging this specific subsection of the statute (18 U.S.C. § 793(f)). Our understanding is the Department has only charged one person with mishandling national defense information through gross negligence in the 99-year history of the statute, and in that case, the charge was dismissed when the defendant pled guilty to making false statements in violation of 18 U.S.C. § 1001. Moreover, in that case, there were indications of espionage and disloyalty to the United States. As the Director testified, he believed that to prosecute Secretary Clinton or others within the scope of the investigation for gross negligence would be inconsistent with how the Department has interpreted and applied the statute since Congress enacted it.

As the Director stated, the FBI did find evidence that Secretary Clinton and her colleagues were extremely careless in their handling of certain, very sensitive, highly classified information. The term "extremely careless" was intended to be a common sense way of describing the actions of Secretary Clinton and her colleagues. The Director did not equate "extreme carelessness" with the legal standard of "gross negligence" that is required by the statute. In this case, the FBI assessed that the facts did not support a recommendation to prosecute her or others within the scope of the investigation for gross negligence.

However, as the Director has explained, this is not to say that someone else who engaged in this type of conduct would face no consequences for handling classified information in a similar manner if they were still a government employee. For example, there are potentially severe administrative consequences within the FBI for security violations involving the mishandling of classified information, up to and including security clearance revocation and dismissal. The FBI is in the process of providing relevant information to other U.S. Government agencies to conduct further security and administrative reviews they deem appropriate for their respective employees. If someone who engaged in this type of conduct applied for a job at the FBI, the facts and circumstances surrounding this activity would be a significant factor in a suitability review for a security clearance and employment at the Bureau.

Thank you for your continued interest in this important matter, and, as always, we appreciate your continued support for the men and women of the FBI. The production of documents related to this matter will be provided under separate cover letter consistent with required protocols for the transmission of classified documents.

Sincerely,

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

September 1, 2016

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-06-2017 BY J37J85T94 NSICG

Honorable Bob Corker
Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In response to your letter dated August 22, 2016, requesting access to documents related to the FBI's investigation of former Secretary of State Clinton's use of a private email server during her tenure, and based on a parallel request from the Department of State, the FBI authorizes Senate Foreign Relations Committee access to these documents currently maintained in the Office of Senate Security for review by Committee members and appropriately-cleared staff in light of the Committee's Department of State oversight responsibilities. These documents are non-public and contain classified and other sensitive material. For that reason, these materials may not be further disseminated or disclosed, in part or in full, without obtaining the FBI's concurrence. The production of these materials does not waive any applicable privilege.

Throughout the documents the FBI has redacted personally identifiable information as appropriate. Additionally, at the request of the original classification authority, certain materials were provided only to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence.

Sincerely,

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

1 - Honorable Benjamin L. Cardin
Ranking Member
Committee on Foreign Relations
United States Senate
Washington, DC 20510

1 - Office of Senate Security
United States Senate
SVC-217
Washington, DC 20510

September 1, 2016

Honorable Bob Corker
Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In response to your letter dated August 22, 2016, requesting access to documents related to the FBI's investigation of former Secretary of State Clinton's use of a private email server during her tenure, and based on a parallel request from the Department of State, the FBI authorizes Senate Foreign Relations Committee access to these documents currently maintained in the Office of Senate Security for review by Committee members and appropriately-cleared staff in light of the Committee's Department of State oversight responsibilities. These documents are non-public and contain classified and other sensitive material. For that reason, these materials may not be further disseminated or disclosed, in part or in full, without obtaining the FBI's concurrence. The production of these materials does not waive any applicable privilege.

Throughout the documents the FBI has redacted personally identifiable information as appropriate. Additionally, at the request of the original classification authority, certain materials were provided only to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence.

Sincerely,

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

Dep. Director _____
EAD-Adm. _____
EAD-CT/Ci _____
EAD-Crim. _____ 1 - Honorable Benjamin L. Cardin
EAD-Intell. _____ Ranking Member
EAD-LES _____ Committee on Foreign Relations
Asst. Dir.: _____ United States Senate
Adm. Serv. _____ Washington, DC 20510
CJIS _____
Crim. Inv. _____ 1 - Office of Senate Security
Cyber _____ United States Senate
Finance _____ SVC-217
Info. Res. _____
Inspection _____ Washington, DC 20510
Inv. Tech. _____
Laboratory _____
Off. of Cong. Affs. _____ 1 - FBI ExecSec, Room 6147 (TRIM #16/DO/3037)
Off. of the Gen. Coun. _____ 1 - A/AD Herring *JVH*
Off. of Intell. _____ 1 - Ms. Beers
Off. Pub. Affs. _____
Off. of Prof. Resp. _____
Rec. Mgnt. _____
Security _____
Training _____
Off. of EEOA _____

MAIL ROOM ☐

FBI (16cv2531)-94



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

The Honorable Paul D. Ryan
Speaker
United States House of Representatives
Washington, DC 20515

AUG 16 2016

Dear Mr. Speaker:

I am writing in response to your letter to Director Comey dated July 6, 2016 regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server. As Director Comey said in his statement on July 5, 2016, due to intense public interest in the FBI's investigation into this matter, we believe it is important to address your questions and explain our recommendation as to the appropriate resolution of this investigation. For the same reasons, the FBI will be making a document production responding to your interest in this matter.

The FBI conducted this investigation, as it does all investigations, in a competent, honest, and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors.

After nearly a year of gathering and analyzing evidence from numerous sources, the FBI made a recommendation to the Department of Justice. Although the prosecutors make the ultimate decision about whether or not charges are appropriate based on the evidence, the FBI frequently makes recommendations and engages in conversations with the prosecutors regarding the appropriate resolution of an investigation, given the evidence. The fact that the FBI made a recommendation was not unusual; the fact that it was shared publicly was.

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.

As the Director testified, cases prosecuted by the Department of Justice under the relevant statutes involved some combination of: (1) clearly intentional and willful mishandling of classified information; (2) significant quantities of material exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. One or more of these factors was present in the cases against David Petraeus, Sandy Berger, and Bryan Nishimura. For instance, Petraeus provided vast quantities of highly sensitive, compartmented information that he knew to be classified to a person without an appropriate clearance or a need to know the information and, when confronted, he lied to the FBI. Berger removed clearly marked, highly classified information from the National Archives by secreting the documents in his clothing. These cases included clear evidence of knowledge and intent which illustrates an important distinction from what the FBI found in this investigation. Nishimura, a Naval Reservist stationed in Afghanistan, removed hundreds of marked classified documents, without authorization, from classified U.S. military information systems, which he then placed onto several personally-owned, unauthorized devices. Nishimura later lied to investigators about onto which devices he had placed classified information, and destroyed a large quantity of classified material he had maintained in his home. Despite this destruction, a subsequent search of his house recovered 256 marked classified documents which he was not authorized to store.

The fact that Secretary Clinton received emails containing "(C)" portion markings is not clear evidence of knowledge or intent. As the Director has testified, the FBI's investigation uncovered three instances of emails portioned marked with "(C)," a marking ostensibly indicating the presence of information classified at the Confidential level. In each of these instances, the Secretary did not originate the information; instead, the emails were forwarded to her by staff members, with the portion-marked information located within the email chains and without header and footer markings indicating the presence of classified information. Moreover, only one of those emails was determined by the State Department to contain classified information. There has been no determination by the State Department as to whether these three emails were classified at the time they were sent.

Title 18, United States Code, Section 793 on its face makes it a felony to cause national defense information to be removed, lost, stolen, or destroyed through gross negligence. Even at the time the statute was passed, there were concerns in Congress about the inclusion of this provision. Additionally, with respect to this statute, there are concerns about the constitutional implications of criminalizing such conduct without requiring the government to prove that the person knew he or she was doing something wrong, which is reflected in the Justice Department's history in charging this specific subsection of the statute (18 U.S.C. § 793(f)). Our understanding is the Department has only charged one person with mishandling national defense information through gross negligence in the 99-year history of the statute, and in that case, the charge was dismissed when the defendant pled guilty to making false statements in violation of 18 U.S.C. § 1001. Moreover, in that case, there were indications of espionage and disloyalty to the United States. As the Director testified, he believed that to prosecute Secretary Clinton or others within the scope of the investigation for gross negligence would be inconsistent with how the Department has interpreted and applied the statute since Congress enacted it.

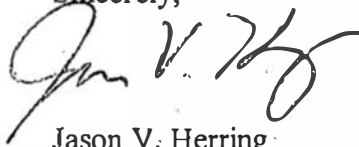
The Honorable Paul D. Ryan

As the Director stated, the FBI did find evidence that Secretary Clinton and her colleagues were extremely careless in their handling of certain, very sensitive, highly classified information. The term "extremely careless" was intended to be a common sense way of describing the actions of Secretary Clinton and her colleagues. The Director did not equate "extreme carelessness" with the legal standard of "gross negligence" that is required by the statute. In this case, the FBI assessed that the facts did not support a recommendation to prosecute her or others within the scope of the investigation for gross negligence.

However, as the Director has explained, this is not to say that someone else who engaged in this type of conduct would face no consequences for handling classified information in a similar manner if they were still a government employee. For example, there are potentially severe administrative consequences within the FBI for security violations involving the mishandling of classified information, up to and including security clearance revocation and dismissal. The FBI is in the process of providing relevant information to other U.S. Government agencies to conduct further security and administrative reviews they deem appropriate for their respective employees. If someone who engaged in this type of conduct applied for a job at the FBI, the facts and circumstances surrounding this activity would be a significant factor in a suitability review for a security clearance and employment at the Bureau.

Thank you for your continued interest in this important matter, and, as always, we appreciate your continued support for the men and women of the FBI. The production of documents related to this matter will be provided under separate cover letter consistent with required protocols for the transmission of classified documents.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jason V. Herring", with a stylized flourish at the end.

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

The Honorable Paul D. Ryan
Speaker
United States House of Representatives
Washington, DC 20515

AUG 16 2016

Dear Mr. Speaker:

I am writing in response to your letter to Director Comey dated July 6, 2016 regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server. As Director Comey said in his statement on July 5, 2016, due to intense public interest in the FBI's investigation into this matter, we believe it is important to address your questions and explain our recommendation as to the appropriate resolution of this investigation. For the same reasons, the FBI will be making a document production responding to your interest in this matter.

The FBI conducted this investigation, as it does all investigations, in a competent, honest, and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors.

After nearly a year of gathering and analyzing evidence from numerous sources, the FBI made a recommendation to the Department of Justice. Although the prosecutors make the ultimate decision about whether or not charges are appropriate based on the evidence, the FBI frequently makes recommendations and engages in conversations with the prosecutors regarding the appropriate resolution of an investigation, given the evidence. The fact that the FBI made a recommendation was not unusual; the fact that it was shared publicly was.

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.

Dep. Director _____
EAD-Adm. _____
EAD-CI/CI _____
EAD-Crim. _____
EAD-Intell. _____
EAD-LES _____
Asst. Dir.: _____
Adm. Serv. _____
CJIS _____
Crim. Inv. _____
Cyber _____
Finance _____
Info. Res. _____
Inspection _____
Inv. Tech. _____
Laboratory _____
Off. of Cong. Affs. _____
Off. of the Gen. _____
Coun. _____
Off. of Intell. _____
Off. of Pub. Affs. _____
Off. of Prof. Resp. _____
Rec. Mgnt. _____
Security _____
Training _____
Off. of EEOA _____

1 - FBI ExecSec, Room 6147 TRIM # 16/DO/2377
1 - A/AD Herring

1 - Ms. Beers

JvH

MAILROOM ☐

As the Director testified, cases prosecuted by the Department of Justice under the relevant statutes involved some combination of: (1) clearly intentional and willful mishandling of classified information; (2) significant quantities of material exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. One or more of these factors was present in the cases against David Petraeus, Sandy Berger, and Bryan Nishimura. For instance, Petraeus provided vast quantities of highly sensitive, compartmented information that he knew to be classified to a person without an appropriate clearance or a need to know the information and, when confronted, he lied to the FBI. Berger removed clearly marked, highly classified information from the National Archives by secreting the documents in his clothing. These cases included clear evidence of knowledge and intent which illustrates an important distinction from what the FBI found in this investigation. Nishimura, a Naval Reservist stationed in Afghanistan, removed hundreds of marked classified documents, without authorization, from classified U.S. military information systems, which he then placed onto several personally-owned, unauthorized devices. Nishimura later lied to investigators about onto which devices he had placed classified information, and destroyed a large quantity of classified material he had maintained in his home. Despite this destruction, a subsequent search of his house recovered 256 marked classified documents which he was not authorized to store.

The fact that Secretary Clinton received emails containing "(C)" portion markings is not clear evidence of knowledge or intent. As the Director has testified, the FBI's investigation uncovered three instances of emails portioned marked with "(C)," a marking ostensibly indicating the presence of information classified at the Confidential level. In each of these instances, the Secretary did not originate the information; instead, the emails were forwarded to her by staff members, with the portion-marked information located within the email chains and without header and footer markings indicating the presence of classified information. Moreover, only one of those emails was determined by the State Department to contain classified information. There has been no determination by the State Department as to whether these three emails were classified at the time they were sent.

Title 18, United States Code, Section 793 on its face makes it a felony to cause national defense information to be removed, lost, stolen, or destroyed through gross negligence. Even at the time the statute was passed, there were concerns in Congress about the inclusion of this provision. Additionally, with respect to this statute, there are concerns about the constitutional implications of criminalizing such conduct without requiring the government to prove that the person knew he or she was doing something wrong, which is reflected in the Justice Department's history in charging this specific subsection of the statute (18 U.S.C. § 793(f)). Our understanding is the Department has only charged one person with mishandling national defense information through gross negligence in the 99-year history of the statute, and in that case, the charge was dismissed when the defendant pled guilty to making false statements in violation of 18 U.S.C. § 1001. Moreover, in that case, there were indications of espionage and disloyalty to the United States. As the Director testified, he believed that to prosecute Secretary Clinton or others within the scope of the investigation for gross negligence would be inconsistent with how the Department has interpreted and applied the statute since Congress enacted it.

The Honorable Paul D. Ryan

As the Director stated, the FBI did find evidence that Secretary Clinton and her colleagues were extremely careless in their handling of certain, very sensitive, highly classified information. The term "extremely careless" was intended to be a common sense way of describing the actions of Secretary Clinton and her colleagues. The Director did not equate "extreme carelessness" with the legal standard of "gross negligence" that is required by the statute. In this case, the FBI assessed that the facts did not support a recommendation to prosecute her or others within the scope of the investigation for gross negligence.

However, as the Director has explained, this is not to say that someone else who engaged in this type of conduct would face no consequences for handling classified information in a similar manner if they were still a government employee. For example, there are potentially severe administrative consequences within the FBI for security violations involving the mishandling of classified information, up to and including security clearance revocation and dismissal. The FBI is in the process of providing relevant information to other U.S. Government agencies to conduct further security and administrative reviews they deem appropriate for their respective employees. If someone who engaged in this type of conduct applied for a job at the FBI, the facts and circumstances surrounding this activity would be a significant factor in a suitability review for a security clearance and employment at the Bureau.

Thank you for your continued interest in this important matter, and, as always, we appreciate your continued support for the men and women of the FBI. The production of documents related to this matter will be provided under separate cover letter consistent with required protocols for the transmission of classified documents.

Sincerely,

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE
U.S. Department of Justice



Federal Bureau of Investigation

Washington, D.C. 20535-0001

November 18, 2016

Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in response to your letter dated October 20, 2016 posing questions arising from your review of materials provided to the Committee on October 14, 2016 related to the FBI's investigation of former Secretary Clinton's use of a personal e-mail server. Specifically, you requested information concerning allegations that the State Department asked the FBI to downgrade the classification of a specific email in exchange for consideration of an FBI resource request.

As we have previously stated, prior to the initiation of the FBI's investigation of former Secretary Clinton's personal email server, the FBI was asked to review and make classification determinations on certain emails and information which were being produced by the State Department pursuant to the Freedom of Information Act (FOIA). The FBI determined that one such email was classified at the "Secret" level. A senior State Department official requested the FBI re-review that email to determine whether it was in fact classified or whether it might be protected from release under a different FOIA exemption. The classification of the email was not changed, and it remains classified today.

In response to your request, enclosed are documents referring or related to the request from the State Department to review the classification of emails. This material is provided to the Committee in furtherance of its oversight activities. These materials are non-public and contain classified and other sensitive material. For that reason, these materials may not be further disseminated or disclosed, in part or in full, without obtaining the FBI's concurrence. The production of these materials does not waive any applicable privilege.

Sincerely,

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

Enclosure

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

FBI (16cv2531)-101

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

1- Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
United States House of Representatives
Washington, DC 20515

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

~~SECRET//NOFORN~~ (UNCLASSIFIED
WHEN SEPARATED FROM ENCLOSURE)

FD-302a (Rev. 10-6-95)

-1-

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 08/07/2015

On August 7, 2015, [REDACTED] for the FBI's Records Management Division provided the enclosed internal FBI communications, classified ~~SECRET//NOFORN~~, referencing three (3) documents passed to the FBI by the State Department on or about April 29, 2015. Insofar as the State Department had identified FBI equities contained in these documents, they were sent to the FBI for classification review.

b6 -1
b7C -1

The first email, dated September 16, 2015 was found to contain no classified information and released in full without redactions. The second email, dated October 17 and 18, 2012 was redacted and released in part using the B7(A) and B7(C) FOIA exemptions. The third email, dated October 3, 2012, was redacted and released in part based on the B1 FOIA exemption insofar as it contained non-FBI classified information.

The enclosure to this record is classified ~~SECRET//NOFORN~~.

Investigation on 08/07/2015 at Washington, D.C.

File# [REDACTED] Date dictated N/A

By SA [REDACTED]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

~~SECRET//NOFORN~~ (UNCLASSIFIED
WHEN SEPARATED FROM ENCLOSURE)

FBI (16cv2531)-103

~~SECRET//NOFORN~~

DECLASSIFIED BY: NSICG J37J85T94
ON 04-26-2017

From: [REDACTED] (RMD) (FBI)
Sent: Thursday, August 06, 2015 3:23 PM
To: [REDACTED]
Subject: [REDACTED] Documents#2 - ~~SECRET//NOFORN~~

b6 -1
b7C -1

SentinelCaseId: TRANSITORY RECORD

Classification: ~~SECRET//NOFORN~~

Classified By: J23J98T32
Derived From: FBI NSIC dated 20130301
Declassify On: 20401231

=====

TRANSITORY RECORD

Please see attached.



b6 -1
b7C -1

=====

Classification: ~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

FBI (16cv2531)-104

~~SECRET//NOFORN~~

DECLASSIFIED BY: NSICG J37J85T94
ON 04-26-2017

b6 -1
b7C -1

[REDACTED] (RMD) (FBI)

From: [REDACTED] (RMD) (FBI)
Sent: Wednesday, April 29, 2015 5:40 PM
To: [REDACTED] (CTD) (FBI)
Cc: [REDACTED] (CTD) (FBI); [REDACTED] (RMD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CTD) (FBI); JUPINA, MICHELLE A (RMD) (FBI); NEAGLE, LOUISE M (RMD) (FBI)
Subject: HRC emails, FOIA case F-2015-04841 ~~SECRET//NOFORN~~
Sentinel/Caseld: TRANSITORY RECORD

Classification: ~~SECRET//NOFORN~~

Classified By: J23J98T32
Derived From: FBI NSIC, dated 20120629
Declassify On: 20401231
=====

TRANSITORY RECORD

[REDACTED]
Attached are three new emails from State. The review on these three documents has not been finalized by State, so the markings reflect the status at this time. Thanks!



C05739708.pdf



C05739758.pdf



C05739635.pdf

b6 -1
b7C -1

[REDACTED]
[REDACTED]
=====

Classification: ~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

FBI (16cv2531)-105

~~SECRET//NOFORN~~

DECLASSIFIED BY: NSICG J37J85T34
ON 04-26-2017

b6 -1
b7C -1

[REDACTED] (RMD) (FBI)

From: [REDACTED] (RMD) (FBI)
Sent: Thursday, April 30, 2015 8:32 AM
To: [REDACTED] (CTD) (FBI)
Cc: [REDACTED] (CTD) (FBI); [REDACTED] (RMD) (FBI)
Subject: RE: HRC emails, FOIA case F-2015-04841 --- ~~SECRET//NOFORN~~

SentinelCaseId: TRANSITORY RECORD

Classification: ~~SECRET//NOFORN~~

Classified By: J23J98T32
Derived From: FBI NSIC, dated 20120629
Declassify On: 20401231
=====

TRANSITORY RECORD

Yes, and I understand internally at State there was some who agreed with our markings

From: [REDACTED] (CTD) (FBI)
Sent: Wednesday, April 29, 2015 6:07 PM
To: [REDACTED] (RMD) (FBI)
Cc: [REDACTED] (CTD) (FBI); [REDACTED] (RMD) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (CTD) (FBI); JUPINA, MICHELLE A (RMD) (FBI); NEAGLE, LOUISE M (RMD) (FBI)
Subject: RE: HRC emails, FOIA case F-2015-04841 --- ~~SECRET//NOFORN~~

b6 -1
b7C -1

Classification: ~~SECRET//NOFORN~~

Classified By: F48M57K72
Derived From: FBI NSIC, dated 20120629
Declassify On: 20401231
=====

TRANSITORY RECORD

(U) [REDACTED]

(U) Thanks, we'll take a look at these and get a response back. In glancing at the third e-mail I notice it's been marked by DOS as containing classified information. That might in part explain why they've backed off some of their early resistance to use invoking the b1 exemption.

(U) [REDACTED]

b6 -1
b7C -1

From: [REDACTED] (RMD) (FBI)
Sent: Wednesday, April 29, 2015 5:40 PM
To: [REDACTED] (CTD) (FBI)
Cc: [REDACTED] (CTD) (FBI); [REDACTED] (RMD) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (CTD) (FBI); JUPINA, MICHELLE A (RMD) (FBI); NEAGLE, LOUISE M (RMD) (FBI)
Subject: HRC emails, FOIA case F-2015-04841 --- ~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

DECLASSIFIED BY: NSICG J37J85T94
ON 04-26-2017

b6 -1
b7C -1

[REDACTED] (RMD) (FBI)

From: [REDACTED] (RMD) (FBI)
Sent: Wednesday, May 06, 2015 12:56 PM
To: [REDACTED] (CTD) (FBI)
Cc: [REDACTED] (CTD) (FBI); [REDACTED] (RMD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CTD) (FBI); JUPINA, MICHELLE A (RMD) (FBI); NEAGLE, LOUISE M (RMD) (FBI)
Subject: RE: HRC emails, FOIA case F-2015-04841 --- ~~SECRET//NOFORN~~
SentinelCaseId: TRANSITORY RECORD

Classification: ~~SECRET//NOFORN~~

Classified By: J23J98T32
Derived From: FBI NSIC; dated 20120629
Declassify On: 20401231

=====

TRANSITORY RECORD

[REDACTED]

Do you have the status? I need to appease State.

Thanks

[REDACTED]

b6 -1
b7C -1

From: [REDACTED] (RMD) (FBI)
Sent: Wednesday, April 29, 2015 5:40 PM
To: [REDACTED] (CTD) (FBI)
Cc: [REDACTED] (CTD) (FBI); [REDACTED] (RMD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CTD) (FBI); JUPINA, MICHELLE A (RMD) (FBI); NEAGLE, LOUISE M (RMD) (FBI)
Subject: HRC emails, FOIA case F-2015-04841 --- ~~SECRET//NOFORN~~

Classification: ~~SECRET//NOFORN~~

Classified By: J23J98T32
Derived From: FBI NSIC, dated 20120629
Declassify On: 20401231

=====

TRANSITORY RECORD

[REDACTED]

Attached are three new emails from State. The review on these three documents has not been finalized by State, so the markings reflect the status at this time. Thanks!

<< File: C05739708.pdf >> << File: C05739758.pdf >> << File: C05739635.pdf >>

[REDACTED]

b6 -1
b7C -1

1

~~SECRET//NOFORN~~

FBI (16cv2531)-112

~~SECRET//NOFORN~~

DECLASSIFIED BY: NSICG J37J85T94
ON 04-26-2017

b6 -1
b7C -1

[REDACTED] (RMD) (FBI)

From: [REDACTED] (RMD) (FBI)
Sent: Friday, May 08, 2015 11:26 AM
To: [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (RMD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CTD) (FBI); JUPINA, MICHELLE A (RMD) (FBI); NEAGLE, LOUISE M (RMD) (FBI)
Cc: [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); JUPINA, MICHELLE A (RMD) (FBI); NEAGLE, LOUISE M (RMD) (FBI)
Subject: RE: HRC emails, FOIA case F-2015-04841 --- ~~SECRET//NOFORN~~
Sentinel/Caseld: TRANSITORY RECORD

Classification: ~~SECRET//NOFORN~~

Classified By: J23J98T32
Derived From: FBI NSIC, dated 20120629
Declassify On: 20401231

=====

TRANSITORY RECORD

Thank you very much, hope you're feeling better.

From: [REDACTED] (CTD) (FBI)
Sent: Friday, May 08, 2015 10:02 AM
To: [REDACTED] (RMD) (FBI)
Cc: [REDACTED] (CTD) (FBI); [REDACTED] (RMD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CTD) (FBI); JUPINA, MICHELLE A (RMD) (FBI); NEAGLE, LOUISE M (RMD) (FBI)
Subject: RE: HRC emails, FOIA case F-2015-04841 --- ~~SECRET//NOFORN~~

b6 -1
b7C -1

Classification: ~~SECRET//NOFORN~~

Classified By: F48M57K72
Derived From: FBI NSIC, dated 20120629
Declassify On: 20401231

=====

TRANSITORY RECORD

(U) [REDACTED]

(U) Sorry for the delay in getting back to you, I've been out sick the last couple days.

(U) CTD is fine with the redactions which DOS recommends and has no requests for further redactions.

(U) [REDACTED]

b6 -1
b7C -1

(U) Blessed are they who maintain justice,

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-26-2017 BY J37J85T94 NSICG

November 18, 2016

Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in response to your letter dated October 20, 2016 posing questions arising from your review of materials provided to the Committee on October 14, 2016 related to the FBI's investigation of former Secretary Clinton's use of a personal e-mail server. Specifically, you requested information concerning allegations that the State Department asked the FBI to downgrade the classification of a specific email in exchange for consideration of an FBI resource request.

As we have previously stated, prior to the initiation of the FBI's investigation of former Secretary Clinton's personal email server, the FBI was asked to review and make classification determinations on certain emails and information which were being produced by the State Department pursuant to the Freedom of Information Act (FOIA). The FBI determined that one such email was classified at the "Secret" level. A senior State Department official requested the FBI re-review that email to determine whether it was in fact classified or whether it might be protected from release under a different FOIA exemption. The classification of the email was not changed, and it remains classified today.

In response to your request, enclosed are documents referring or related to the request from the State Department to review the classification of emails. This material is provided to the Committee in furtherance of its oversight activities. These materials are non-public and contain classified and other sensitive material. For that reason, these materials may not be further disseminated or disclosed, in part or in full, without obtaining the FBI's concurrence. The production of these materials does not waive any applicable privilege.

Sincerely,

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

Enclosure

1 - Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
United States House of Representatives
Washington, DC 20515

1 - FBI ExecSec, Room 6147

1 - A/AD Herring

1 - Ms. Beers

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

MAIL ROOM

FBI (16cv2531)-114



ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-26-2017 BY J37J85T94 NSICG

~~SECRET//NOFORN~~
UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE
U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

November 18, 2016

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This is in response to your letter dated October 18, 2016 posing questions arising from your review of materials provided to the Committee on October 14, 2016 related to the FBI's investigation of former Secretary Clinton's use of a personal e-mail server. Specifically, you requested information concerning allegations that the State Department asked the FBI to downgrade the classification of a specific email in exchange for consideration of an FBI resource request.

As we have previously stated, prior to the initiation of the FBI's investigation of former Secretary Clinton's personal email server, the FBI was asked to review and make classification determinations on certain emails and information which were being produced by the State Department pursuant to the Freedom of Information Act (FOIA). The FBI determined that one such email was classified at the "Secret" level. A senior State Department official requested the FBI re-review that email to determine whether it was in fact classified or whether it might be protected from release under a different FOIA exemption. The classification of the email was not changed, and it remains classified today.

In response to your request, enclosed are documents referring or related to the request from the State Department to review the classification of emails. This material is provided to the Committee in furtherance of its oversight activities. These materials are non-public and contain classified and other sensitive material. For that reason, these materials may not be further disseminated or disclosed, in part or in full, without obtaining the FBI's concurrence. The production of these materials does not waive any applicable privilege.

Sincerely,

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

Enclosure

~~SECRET//NOFORN~~
UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

FBI (16cv2531)-115

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

1- Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-26-2017 BY J37J85T94 NSICG

November 18, 2016

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This is in response to your letter dated October 18, 2016 posing questions arising from your review of materials provided to the Committee on October 14, 2016 related to the FBI's investigation of former Secretary Clinton's use of a personal e-mail server. Specifically, you requested information concerning allegations that the State Department asked the FBI to downgrade the classification of a specific email in exchange for consideration of an FBI resource request.

As we have previously stated, prior to the initiation of the FBI's investigation of former Secretary Clinton's personal email server, the FBI was asked to review and make classification determinations on certain emails and information which were being produced by the State Department pursuant to the Freedom of Information Act (FOIA). The FBI determined that one such email was classified at the "Secret" level. A senior State Department official requested the FBI re-review that email to determine whether it was in fact classified or whether it might be protected from release under a different FOIA exemption. The classification of the email was not changed, and it remains classified today.

In response to your request, enclosed are documents referring or related to the request from the State Department to review the classification of emails. This material is provided to the Committee in furtherance of its oversight activities. These materials are non-public and contain classified and other sensitive material. For that reason, these materials may not be further disseminated or disclosed, in part or in full, without obtaining the FBI's concurrence. The production of these materials does not waive any applicable privilege.

Sincerely,

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

Enclosure

1 - Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

1 - FBI ExecSec, Room 6147

1 - A/AD Herring

1 - Ms. Beers

~~SECRET//NOFORN~~

UNCLASSIFIED WHEN SEPARATED FROM ENCLOSURE

MAIL ROOM ☐

Dep. Director _____
EAD-Adm. _____
EAD-CT/CI _____
EAD-Crim. _____
EAD-Intell. _____
EAD-LES _____
Asst. Dir.: _____
Adm. Serv. _____
CJIS _____
Crim. Inv. _____
Cyber _____
Finance _____
Info. Res. _____
Inspection _____
Inv. Tech. _____
Laboratory _____
Off. of Cong. Affs. _____
Off. of the Gen. _____
Coun. _____
Off. of Intell. _____
Off. Pub. Affs. _____
Off. of Prof. Resp. _____
Rec. Mgmt. _____
Security _____
Training _____
Off. of EEOA _____

FBI (16cv2531)-128



U.S. Department of Justice

Federal Bureau of Investigation

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-26-2017 BY J37J85T94 NSICG

Washington, D.C. 20535

July 1, 2016

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley:

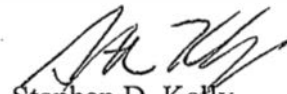
This is in response to your letter dated February 4, 2016 regarding the use of non-disclosure agreements in the FBI's investigation of former Secretary of State Clinton's use of a private e-mail server.

The FBI asked the limited number of personnel working on this matter to sign "Case Briefing Acknowledgment" forms and, after receipt of your letter, an addendum to that form, which reminded them of their whistleblower rights and clarified that the form did not override or supersede those rights. These forms served two purposes: to maintain an official record of all persons knowledgeable of this highly sensitive investigation, and to remind individuals of their obligations to protect classified and sensitive information. No one refused to sign the acknowledgement or raised any questions or concerns about doing so.

This was not a unique circumstance; depending on the sensitivities in a given investigation, FBI employees may from time to time be asked to sign similar forms. In addition, all FBI employees sign standard form non-disclosure agreements (NDA) upon obtaining their security briefings, and they remain bound by those agreements throughout the course of their employment. The standard form NDA includes the requisite language to address all legal requirements, including whistleblower protections. The FBI is taking steps to ensure that future reminders to employees of non-disclosure obligations similarly contain language acknowledging whistleblower protections. Copies of both the Case Briefing Acknowledgement form and the addendum are enclosed.

We appreciate your continued support for the FBI and its mission. If you have questions concerning this or other matters, please contact this office by calling (202) 324-5051.

Sincerely,



Stephen D. Kelly
Assistant Director
Office of Congressional Affairs

Enclosure

The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

July 1, 2016

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley:

This is in response to your letter dated February 4, 2016 regarding the use of non-disclosure agreements in the FBI's investigation of former Secretary of State Clinton's use of a private e-mail server.

The FBI asked the limited number of personnel working on this matter to sign "Case Briefing Acknowledgment" forms and, after receipt of your letter, an addendum to that form, which reminded them of their whistleblower rights and clarified that the form did not override or supersede those rights. These forms served two purposes: to maintain an official record of all persons knowledgeable of this highly sensitive investigation, and to remind individuals of their obligations to protect classified and sensitive information. No one refused to sign the acknowledgement or raised any questions or concerns about doing so.

Dep. Director _____
EAD-Adm. _____
EAD-CT/CI _____ This was not a unique circumstance; depending on the sensitivities in a given
EAD-Crim. investigation, FBI employees may from time to time be asked to sign similar forms. In addition,
EAD-Intell. all-FBI employees sign standard form non-disclosure agreements (NDA) upon obtaining their
EAD-LES security briefings, and they remain bound by those agreements throughout the course of their
Asst. Dir. employment. The standard form NDA includes the requisite language to address all legal
Adm. Serv. requirements, including whistleblower protections. The FBI is taking steps to ensure that future
CJIS reminders to employees of non-disclosure obligations similarly contain language acknowledging
Crim. Inv. whistleblower protections. Copies of both the Case Briefing Acknowledgement form and the
Cyber addendum are enclosed.
Finance _____
Info. Res. _____
Inspection _____
Inv. Tech. _____
Laboratory _____
Off. of Cong. Affs. _____
Off. of the Gen. Coun. _____
Off. of Intell. _____
Off. of Pub. Affs. _____
Off. of Prof. Resp. _____
Rec. Mgmt. _____
Security _____
Training _____
Off. of EEOA _____

1 - FBI ExecSec, Room 6147
1 - AD Kelly

1 - Ms. Beers

MAILROOM ☐

We appreciate your continued support for the FBI and its mission. If you have questions concerning this or other matters, please contact this office by calling (202) 324-5051.

Sincerely,

Stephen D. Kelly
Assistant Director
Office of Congressional Affairs

Enclosure

The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510