

# Congress of the United States

Washington, DC 20515

October 17, 2016

The Honorable John F. Kerry  
Secretary  
U.S. Department of State  
2201 C Street NW  
Washington, D.C. 20520

Dear Mr. Secretary:

In the course of our committees' ongoing oversight activities relating to former Secretary of State Hillary Clinton's private server, new information indicates that Under Secretary for Management Patrick Kennedy inappropriately pressured State Department and FBI reviewers to refrain from marking emails classified. According to the FBI interview summaries, Under Secretary Kennedy allegedly went so far as to consider a "*quid pro quo*" arrangement where the State Department would trade a favor to the FBI in exchange for keeping an email unclassified. Consequently, we write to request that you remove Under Secretary Kennedy pending an independent and unbiased investigation into his conduct during the review of Secretary Clinton's emails.

As you know, the FBI investigated Secretary Clinton's use of a private server to send and receive official emails, including numerous emails containing classified information. The committees recently reviewed interview summaries from the FBI's investigation.

The FBI interview summaries report that in the spring of 2015, Under Secretary Kennedy contacted a senior FBI official to request that FBI reverse its finding that one of Secretary Clinton's Benghazi-related emails contained classified information. Under Secretary Kennedy allegedly assured the FBI official that the State Department would "bury" the email using a rare Freedom of Information Act exception (b)(9), which relates to geological and geophysical information.

The FBI official then reportedly proposed a "*quid pro quo*" in which the FBI would downgrade the classification if the State Department supported allowing more FBI personnel into Iraq. Under Secretary Kennedy did not reject that proposal, though the FBI official later withdrew his offer after reviewing the content of the email in question.

After the "*quid pro quo*" deal failed to materialize, the State Department stopped conferring with the FBI on classification decisions relating to Secretary Clinton's emails, instead bypassing them by consulting directly with the Department of Justice.

The Honorable John F. Kerry

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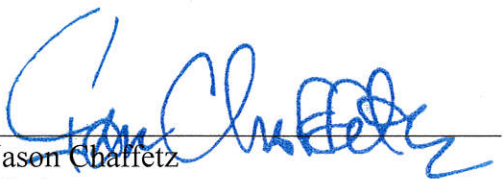
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Under Secretary Kennedy was also reportedly involved in pressuring State Department reviewers in the Office of Information Programs and Services (IPS) not to mark Secretary Clinton emails classified. For the review of Secretary Clinton's emails, State Department career employees were overseen by a group of senior State Department officials referred to as the "shadow government." That "shadow government" group included Under Secretary Kennedy and several former attorneys from the law firm that has represented Secretary Clinton in this investigation, Williams & Connolly LLP. The career State Department employees who would normally conduct the email review stated the process for Secretary Clinton's emails differed substantially from the ordinary review process.


Given the facts described above from the FBI's interview summaries, we believe that Under Secretary Kennedy may have inappropriately influenced the review of Secretary Clinton's emails. Until a proper investigation can examine the Under Secretary's behavior and assure the public that he is not carrying out his duties in a corrupt, biased, or underhanded manner, we request that you remove him pending an independent investigation.

Please have your office contact Jack Thorlin (Oversight and Government Reform) at (202) 225-5074 and Michael Ellis (Permanent Select Committee on Intelligence) at (202) 225-4121 with any questions regarding this request. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform



Devin Nunes  
Chairman  
Permanent Select Committee on Intelligence

cc: The Honorable Elijah E. Cummings, Ranking Member  
Committee on Oversight and Government Reform

The Honorable Adam B. Schiff, Ranking Member  
Permanent Select Committee on Intelligence