

Congress of the United States

Washington, DC 20515

October 17, 2016

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

Dear Inspector General Linick:

In the course of our committees' ongoing oversight activities relating to former Secretary of State Hillary Clinton's private server, new information calls into question the process by which Secretary Clinton's emails were reviewed by the State Department and FBI. Consequently, we write to request that your office initiate an inquiry into apparent abuse of power by senior State Department personnel trying to influence classification determinations for emails sent or received by Secretary Clinton.

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. According to the papers, Under Secretary Kennedy assured the FBI official that the State Department would "bury" the email using a rare Freedom of Information Act (FOIA) 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. A veteran diplomat like Kennedy should have been receptive to the FBI's personnel needs without resorting to a bargain that could threaten national security information.

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.

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. State Department career employees described a group of senior State Department officials they called the "shadow government" that coordinated the review of

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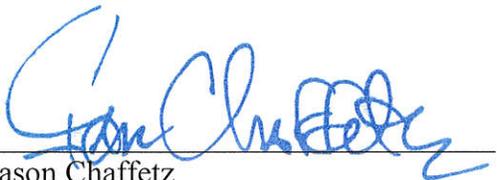
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Clinton emails. That “shadow government” group included Under Secretary Kennedy, and two attorneys from State Department’s Bureau of Legislative Affairs who previously worked at Williams & Connolly LLP, the law firm which represented Secretary Clinton in this investigation. The career employees who conducted 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 own interview summaries, we request that you investigate the conduct of Under Secretary Kennedy, as well as the nature and activities of the “shadow government” that may have inappropriately influenced the review of Secretary Clinton’s emails.

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