

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

August 17, 2015

The Honorable James B. Comey  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535

Dear Director Comey:

I write to inquire about recent reports that the Federal Bureau of Investigation (FBI) has taken possession of a personal email server and a thumb drive containing 30,000 emails sent or received by former Secretary of State Hillary Clinton that may include classified information.<sup>1</sup> According to the Inspector General for the Intelligence Community (IC IG), the emails contained on the thumb drive and transmitted on the personal server include national security information collaterally classified as high as Top Secret and subject to Sensitive Compartmented Information control systems, which are reserved for the country's most sensitive intelligence.<sup>2</sup> As the FBI begins to examine the thumb drive and server, I seek to understand what steps you have taken to review the material and to evaluate the safeguards surrounding the classified information.

On March 12, 2015, I joined Chairman Bob Corker and Chairman Richard Burr in asking the Inspector General of the State Department to examine whether State Department employees sent or received classified information in an insecure manner.<sup>3</sup> We asked that the State Department IG coordinate with the IC IG in this review.<sup>4</sup> On March 18, 2015, I wrote separately to the State Department IG to inquire whether Secretary Clinton's personal emails included any classified information.<sup>5</sup> On July 23, 2015, the IC IG notified Congress that its limited sampling of a portion of Secretary Clinton's emails had revealed the presence of classified information.<sup>6</sup> The IC IG referred the matter to the FBI.<sup>7</sup>

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<sup>1</sup> See Michael S. Schmidt, *Hillary Clinton directs aides to give email server and thumb drive to Justice Department*, N.Y. TIMES, Aug. 11, 2015; Tom Hamburger & Karen Tumulty, *Hillary Clinton's e-mail server turned over to FBI*, WASH. POST, Aug. 12, 2015.

<sup>2</sup> Memorandum for Sen. Richard Burr et al. from I. Charles McCullough, III, Update Classified Material on Personal Electronic Storage Devices (Aug. 11, 2015).

<sup>3</sup> See Letter from Senator Bob Corker et al., to U.S. Dep't of State, Office of Inspector Gen. (Mar. 12, 2015).

<sup>4</sup> *Id.*

<sup>5</sup> Letter from Senator Ron Johnson, S. Comm. on Homeland Sec. & Gov't Affairs, to Steve A. Linick, U.S. Dep't of State Office of Inspector Gen. (Mar. 18, 2015).

<sup>6</sup> Memorandum for Sen. Richard Burr et al. from I. Charles McCullough, III, Update to IC IG support to State Department IG (July 23, 2015). The IC IG and State Department IG later clarified that the "emails contained classified information when they were generated and, according to IC classification officials, that information remains classified today." I. Charles McCullough, III, & Steve Linick, Statement from the Inspectors General of the Intelligence Community and the Department of State Regarding the Review of Former Secretary Clinton's Emails (July 24, 2015).

<sup>7</sup> Memorandum, *supra* note 6.

On August 11, 2015, the IC IG notified Congress that Secretary Clinton's emails included "information classified up to 'TOP SECRET//SI//TK//NOFORN.'" <sup>8</sup> The same day, the *New York Times* reported that Secretary Clinton surrendered the email server and thumb drive containing the emails to the FBI, including at least two emails containing Top Secret information. <sup>9</sup> Reports have also suggested that data may have been deleted from the server prior to its transfer to the FBI, but that back-up servers may exist and that deleted information on the server may be recoverable. <sup>10</sup> These reports raise questions about the steps taken to retrieve, preserve, and protect the classified information, and whether additional unsecured copies of classified information currently exist.

The sensitive nature of the information on Secretary Clinton's personal email system and server—classified up to Top Secret//Sensitive Compartmented Information—means that its release or dissemination to unauthorized individuals could cause "exceptionally grave damage to national security" if proper steps are not taken to ensure its safeguarding. <sup>11</sup> I am also deeply concerned by recent reports that classified information in Secretary Clinton's email may exist outside of the federal government's possession. Accordingly, I ask that you provide the following information:

1. When and how did the FBI first become aware of the potential existence of classified information contained in Secretary Clinton's personal email?
2. How many FBI agents and employees have been assigned to investigate matters relating to the presence of classified information in Secretary Clinton's personal email? Please also identify the FBI component entities involved in this matter.
3. When does the FBI expect to complete its examination of Secretary Clinton's personal email server?
4. Is the FBI evaluating the extent to which deleted material on Secretary Clinton's personal email server is recoverable?

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<sup>8</sup> Memorandum for Sen. Richard Burr et al. from I. Charles McCullough, III, Update to IC IG support to State Department IG (Aug. 11, 2015), available at <http://www.grassley.senate.gov/sites/default/files/judiciary/upload/Classified%20docs%2C%2008-11-15%2C%20ICIG%20CN%20-%20Update%20on%20Classified%20Materials%20on%20Personal%20thumb%20drive.%20Clinton%20server.pdf>.

<sup>9</sup> Schmidt, *supra* note 1.

<sup>10</sup> *Id.*; Chris Strohm & Del Quentin Wilber, *FBI said to examine whether Hillary Clinton e-mail was backed up*, BLOOMBERG, Aug. 13, 2015; Phillip Bump, *Could Hillary Clinton's deleted emails be recovered? Maybe.*, WASH. POST, Aug. 12, 2015. For example, the National Security Agency and Central Security Service, which are charged with securing information systems containing classified information, require sanitization of media that stored classified information through degaussing or physical destruction. Erasure, even overwriting all data on a drive with multiple passes, is not sufficient. National Security Agency Central Security Service, NSA/CSS Policy Manual 9-12 (Dec. 15, 2014); *see also* Defense Security Service, Dep't of Defense, Industrial Security Letter 2007-01 (Oct. 11, 2007) ("Effective immediately, DSS will no longer approve overwriting procedures for the sanitization or downgrading (e.g. release to lower level classified information controls) of IS storage devices (e.g., hard drives) used for classified processing.").

<sup>11</sup> *See* Classification of official information, 18 C.F.R. § 3a.11.

5. Is the FBI evaluating the extent to which Secretary Clinton's personal email server may have been compromised by an unauthorized entity?
6. Is the FBI conducting a digital forensic analysis of Secretary Clinton's personal email server?
7. What steps is the FBI taking to ensure that all copies of classified material contained in Secretary Clinton's emails are appropriately secured in the federal government's possession?
8. Has the FBI seized all servers or other devices used to back-up Secretary Clinton's personal email server?
9. Has the FBI seized all copies of the thumb drive containing Secretary Clinton's personal email?
10. Is the FBI currently aware of the existence of any digital or hardcopy media outside of the possession of the federal government that could include classified information contained in Secretary Clinton's emails?
11. Is the FBI examining or auditing the physical security of the thumb drive and email server implemented by Secretary Clinton and/or her agents or representatives prior to the time that the FBI seized the materials?
12. Is the FBI storing the thumb drive and email server seized from Secretary Clinton in a sensitive compartmented information facility?
13. Do all FBI personnel with access to the thumb drive and email server seized from Secretary Clinton have appropriate security clearances?

I ask that you provide responses to the questions above as soon as possible but no later than 5:00 p.m. on August 31, 2015. In addition, as the material may be relevant to ongoing congressional reviews of this matter, I ask that you take all appropriate steps to preserve the data contained on the thumb drive and email server in the FBI's possession.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency, economy, and effectiveness of all agencies and departments of the Government."<sup>12</sup> Additionally, S. Res. 73 (114th Congress) authorizes the Committee to examine "the efficiency and economy of operations of all branches and functions of the Government with particular reference to (i) the

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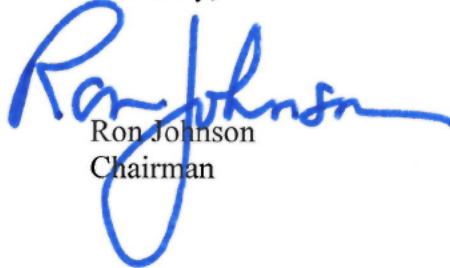
<sup>12</sup> S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

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effectiveness of present national security methods, staffing, and processes . . . .”<sup>13</sup> For purposes of this request, please refer to the definitions and instructions in the enclosure.

If you have any questions about this request, please ask your staff to contact [REDACTED] of the Committee staff at (202) 224-4751. Thank you for your attention to this important matter.

Sincerely,



Ron Johnson  
Chairman

cc: The Honorable Thomas R. Carper  
Ranking Member

Enclosure

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<sup>13</sup> S. Res. 73 § 12, 114th Cong. (2015).