

United States Senate
WASHINGTON, DC 20510

March 4, 2016

VIA ELECTRONIC TRANSMISSION

Mr. John Bentel
c/o Randall J. Turk
Partner
Baker Botts, LLP
1299 Pennsylvania Ave NW
Washington, DC 20004

Dear Mr. Bentel,

The Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs are examining former Secretary of State Hillary Clinton's use of a private email server and personal email account during her time leading the Department of State. During your tenure at the Department, you served as the Director of the Office of the Executive Secretariat – Information Resource Management (S/ES-IRM). As such, you were a responsible party for the Secretary's information management and information technology needs. In addition, according to current and former Department personnel who have been interviewed by the Committees, you may have specific knowledge relating to Secretary Clinton's private server and email arrangement, as well as knowledge of the Secretary's IT issues as they relate to her personal BlackBerry device that she used for official State Department business.

On December 4, 2015, Judiciary Committee staff contacted your attorney, Mr. Randall Turk, to seek your cooperation with the Committees' examination. In the course of several email and phone call exchanges, Judiciary Committee staff made clear to your attorney that, as Director of S/ES-IRM, you may possess unique and relevant information pertinent to the Committees' inquiry. In reply, Mr. Turk stated that you voluntarily sat for an interview with the U.S. House Select Committee on Benghazi (Benghazi Committee) and that you had "no memory or knowledge of the matters [you were] questioned about [...]" and that there was "little point" in repeating a similar interview. It is worth noting that the Committees' line of questioning would most certainly be different from the Benghazi Committee, since the respective Committees are examining different issues. These substantive differences were made clear during a phone call before the New Year between Judiciary Committee staff and Mr. Turk.

Further, the Judiciary Committee noted that since you availed yourself of an interview with the Benghazi Committee, it would be fair and reasonable to do the same with our Committees. And finally, with an understanding that you no longer live in the Washington, D.C. metro area, as an accommodation the Judiciary Committee offered to conduct an interview of you by phone. On January 20, 2016, Judiciary Committee staff emailed Mr. Turk to again apprise him of the Committee's desire to speak with you. Mr. Turk has not responded.

It appears that you were an integral figure in the operation of the Executive Secretariat and that you would have particular and unique knowledge relevant to the Committees' inquiry. Indeed, Department personnel have noted that your subordinates in the Executive Secretariat's office, who reported directly to you, had knowledge of Secretary Clinton's private email server, which leads one to conclude that you were likely made aware of the server. One aspect of the Committees' investigation is to determine what actions, if any, were taken to purposefully circumvent the Freedom of Information Act and federal records preservation requirements, issues within the jurisdiction of the respective Committees. Your role in the Executive Secretariat may shed light on how others in the Executive Secretariat approached and dealt with these issues.

As such, the Committees believe that you possess unique and relevant information pertinent to the Committees' inquiry. In order to properly exercise our constitutional oversight functions, we need to speak with you. We would, of course, prefer that you meet with us in a voluntary and informal manner, but we will consider other options if faced with a continuing lack of cooperation.

We are troubled by your refusal to engage with the Committees even after repeated overtures of accommodation. Please reconsider your decision to decline a voluntary, informal phone interview with our respective Committee staff and direct Mr. Turk to contact our staff to arrange a call. You may contact Josh Flynn-Brown of the Judiciary Committee staff at (202) 224-5225 or Mike Lueptow of the Homeland Security and Governmental Affairs Committee staff at (202) 224-4751 staff to do so. Thank you for your assistance in this important matter.

Sincerely,



Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Thomas R. Carper
Ranking Member
Committee on Homeland Security and Governmental Affairs

The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary