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COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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October 8, 2015

VIA ELECTRONIC TRANSMISSION

Ms. Cheryl Mills
c/o Beth A. Wilkinson, Esq.
Paul, Weiss, Rifkind, Wharton & Garrison LLP
2001 K Street, NW
Washington, DC 20006

Dear Ms. Mills,

According to recent news reports, as well as a December 2014 letter you sent to the State Department, you assisted Secretary Clinton in determining which of her emails were work-related and which were personal.¹ News reports further indicate that you worked with David Kendall in that regard.² The Judiciary Committee has been investigating the alleged failures of Secretary Clinton and her attorneys to properly preserve and maintain federal records for response to FOIA requests. In addition, the Committee has been investigating the possibility that Secretary Clinton's attorneys were unauthorized custodians of highly classified government information. For example, the Intelligence Community Inspector General (IC IG) notified the Committee that at least two emails on Secretary Clinton's server were – and are – classified at the Top Secret/Sensitive Compartmented Information (TS/SCI) level. Importantly, according to the IC IG, the classified information in those emails was classified at that level when the emails were created. News reports now indicate that hundreds of Secretary Clinton's emails are now classified.³

It is not clear what security clearance level you had at various stages of this process, if any. However, Mr. Kendall purportedly had a Top Secret clearance issued by the Department of State and it appears the FBI has determined that his Top Secret clearance was not sufficient to allow him to maintain custody of the emails, some of which were classified up to TS/SCI. That particular classification generally requires advanced protocols such as a Sensitive Compartmented Information Facility (SCIF) and other similar arrangements to possess and view.

¹ Rachel Bade, "Meet the Clinton insider who screened Hillary's emails," POLITICO (September 4, 2015). Available at <http://www.politico.com/story/2015/09/hillary-clinton-insider-emails-heather-samuels-on-screened-2016-213350>.

² *Id.*

³ Carol D. Leonnig and Rosalind S. Helderman, "Clinton, using private server, wrote and sent emails now deemed classified," THE WASHINGTON POST (September 1, 2015). Available at http://www.washingtonpost.com/politics/clinton-wrote-classified-emails-sent-using-private-server/2015/09/01/5d456616-50bd-11e5-8c19-0b6825aa4a3a_story.html.

Thus, the FBI is now in custody of not only the thumb drives previously in Mr. Kendall's possession, which you reportedly reviewed at one point, but also Secretary Clinton's personal server that was used to maintain the top secret emails outside of a government facility.⁴ The FBI has also reportedly taken possession of four servers from State Department headquarters.⁵

Recent news reports have also suggested that Secretary Clinton's representatives were contacted by the Department of State in the summer of 2014 to learn more about Secretary Clinton's email practices and whether material was still within her email account.⁶ Previous reports had indicated that the Department's initial outreach to Secretary Clinton was October 28, 2014.

In order for the Committee to fully understand your role in these circumstances, please answer the following questions:

1. When did you initially receive Secretary Clinton's emails? When did you initially review Secretary Clinton's emails?
2. Recent news reports have indicated that the Department reached out to Secretary Clinton in the summer of 2014 before sending Secretary Clinton a letter on October 28, 2014 officially requesting her emails. Did the Department communicate with you or Secretary Clinton regarding the production and preservation of her emails prior to the October 28, 2014 letter? Please provide all records of any such communications.
3. Prior to the October 28, 2014 request from the Department, what steps did you take to preserve Secretary Clinton's emails? Was the Department made aware of these steps? If not, why not?
4. With respect to the steps you took relating to the preservation and production of Secretary Clinton's emails, please list all individuals with whom you worked on that matter.
5. Did you provide instructions to Ms. Heather Samuelson on reviewing the emails? If so, what were those instructions?
6. Did you review any of Secretary Clinton's emails prior to their submission to the Department? If so, who asked you to review them and when was that request made? In addition, how many did you review and when did you review them?
7. Did you review any of Secretary Clinton's emails after their submission to the Department? If so, who asked you to review them and when was that request made? In addition, how many did you review and when did you review them?

⁴ Josh Gerstein, "Clinton aides vow not to destroy emails," POLITICO (August 8, 2015). Available at <http://www.politico.com/blogs/under-the-radar/2015/08/clinton-lawyer-details-server-surrender-as-aides-vow-212291.html>

⁵ Bill Gertz, "FBI Seizes Four State Department Servers in Clinton Email Probe," WASHINGTON FREE BEACON (October 7, 2015). Available at <http://freebeacon.com/politics/fbi-seizes-four-state-department-servers-in-clinton-email-probe/>.

⁶ Carol D. Leonnig and Rosalind S. Helderman, "State Department's account of email request differs from Clinton's," THE WASHINGTON POST (September 22, 2015). Available at http://www.washingtonpost.com/politics/state-departments-account-of-email-request-differs-from-clintons/2015/09/22/54cd66bc-5ed9-11e5-8e9e-dce8a2a2a679_story.html.

8. Where did you review the emails? Were you in a private office building, at the Department of State, or at a law firm?
9. Did you ever take Secretary Clinton's emails outside of a government building to review?
10. Are you aware of any individuals who modified, deleted, altered, or manipulated any of Secretary Clinton's emails?
11. When did you receive a security clearance in connection with reviewing Secretary Clinton's classified emails? Which agency issued the clearance and what level was the clearance? In addition, do you currently hold that clearance?
12. If you have a security clearance unconnected with reviewing Secretary Clinton's emails, what agency issued it and what level is it? In addition, what was the primary purpose for issuing it?
13. Besides you, which other individuals had access to view and/or possess Secretary Clinton's emails?
14. What were your criteria in determining whether an email was work-related or personal? Please explain in detail.
15. By whom were you employed while reviewing Secretary Clinton's emails?
16. Since the IC IG made a referral to the FBI pursuant to 50 U.S.C. § 3381, has your security clearance or the security clearance of any associates been suspended pending the outcome of the inquiry?
17. On June 19, 2012, State Department personnel sent you a "revised itinerary" for a June 19-20, 2012 trip to New York. The itinerary notes that on June 20, 2012 you planned to attend a meeting in Teneo's offices from 7:30am to 9:50am. What was the purpose of that meeting? What was actually discussed at that meeting? Did Teneo or the State Department pay for any aspect of your travel, food, attendance, or participation? Please list all individuals in attendance and provide all records related to payment.
18. For the entirety of the June 19-20, 2012 trip from Washington, D.C. to New York and back, did the State Department pay for any aspect of your travel, food, attendance, or participation? If so, please provide all records related to payment.

Please number your responses according to their corresponding questions. Thank you in advance for your cooperation with this request. Please respond no later than October 22, 2015. If you have questions, please contact Josh Flynn-Brown of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary