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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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June 3, 2016

VIA ELECTRONIC TRANSMISSION

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

Dear Mr. Bentel,

Your attorney, Mr. Randall Turk, has repeatedly declined, on your behalf, my request that you appear before the Judiciary Committee for a voluntary interview. Mr. Turk has noted that you have retired and now live outside the Washington, D.C. area. My staff have offered to set up a phone call, out of convenience for you, rather than requesting your presence in Washington, D.C. Each interview request has been met by a declination from Mr. Turk. Notably, I have made clear that the subject matter upon which my staff would interview you would include Secretary Clinton's non-government server, her use of personal email for official business, issues pertaining the Freedom of Information Act, over which my Committee has jurisdiction, and other related issues. Mr. Turk has made clear that you were interviewed at length by the U.S. House Select Committee on Benghazi (Benghazi Committee) on these subjects and that you had "no memory or knowledge of the matters [you were] questioned about [...]" and therefore there was "little point" in repeating a similar interview.

As I have made clear in multiple letters to you, as Director of the Office of the Executive Secretariat – Information Resource Management (S/ES-IRM), you were a responsible party for the Secretary's information management and information technology needs. As such, you would most likely have information on the subject matter, contrary to your attorney's representations to this Committee. Further, I have repeatedly noted to you that current and former Department personnel who have been interviewed by the Committee have said that 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 it relates to her personal BlackBerry device that she used for official State Department business. At no time since I informed you of what we have learned from our interviews has Mr. Turk amended his position that you have "no memory or knowledge" of these matters.

On May 25, 2016, the State Department Inspector General (OIG) released its report detailing the legal violations of Secretary Clinton's non-government server and personal email use for official business. In that report, the OIG noted that it interviewed two witnesses that worked in S/ES-IRM in late 2010, when you were Director. The witnesses independently informed the OIG about their conversations with you. One staff member informed OIG that in a meeting with you, that staff member "raised concerns that information sent and received on Secretary Clinton's account could contain Federal records that needed to be preserved in order to satisfy Federal recordkeeping requirements."¹ The OIG stated that in response, you informed the staffer that the Secretary's personal system had been reviewed and approved by Department Legal staff and that the matter was not to be discussed any further.² The OIG report makes clear that Secretary Clinton never received approval from State Department lawyers for her non-government system.³ As such, the information you provided to the staffer was incorrect. Importantly, the OIG report states that even if she did request approval for the set-up, Diplomatic Security and Information Resource Management would not have approved because it violated Department policy and caused security risks.⁴ According to the second staffer who approached you about concerns relating to Secretary Clinton's server, the OIG report states that you asserted that it was the mission of S/ES-IRM to support the Secretary and that you instructed the staff member to also never speak of Secretary Clinton's personal email system again.⁵ These findings show that you have knowledge about Secretary Clinton's non-government arrangement, which directly contradicts Mr. Turk's representations to this Committee.

Based on the OIG report, it appears that your attorney's representations to the Committee may have been false and misleading. If the testimony to the Inspector General is true, then you did know of Secretary Clinton's non-government email server and her private email use. Moreover, you were allegedly warned that the arrangement likely violated federal recordkeeping laws. This clearly contradicts your attorney's representation that you have "no . . . knowledge" on the subject. Although you have been given several opportunities to provide your side of the story, both to this Committee and to the Inspector General, you have refused to cooperate.

In addition, on May 6, 2016, I wrote to you asking whether or not you entered into a joint defense agreement or third party fee arrangement with Secretary Clinton or any of her associates. As that letter noted, your potential involvement in such an arrangement with any of the parties about whom you may be asked to testify is relevant to the Committee's assessment of its ability to obtain testimony voluntarily, the motivation of the witnesses' refusal to cooperate, and potential conflicts of interest among the parties from whom it seeks information. You have thus far refused to answer whether or not you have entered into any such arrangement.

¹ Office of Inspector General of the Department of State, *Office of the Secretary: Evaluation of Email Records Management and Cyber Security Requirements*, p. 40 (May 2016).

² *Id.*

³ *Id.*

⁴ *Id.* at 37.

⁵ *Id.* at 40.

In light of the new information from the Inspector General's report, if you would like the opportunity to tell the Committee directly what you can and cannot recall about these matters, that invitation remains open. Committee staff are at the ready to interview you. Please contact Josh Flynn-Brown of my Judiciary Committee staff at (202) 224-5225 to make necessary arrangements.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary