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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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January 14, 2016

VIA ELECTRONIC TRANSMISSION

Secretary Hillary Clinton
c/o David E. Kendall, Esq.
Katherine Turner, Esq.
Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, DC 20005

Dear Secretary Clinton:

On November 24, 2015, I sent a letter to your attorney, Mr. David Kendall, asking whether or not a joint defense agreement or third party fee arrangement existed between you and your associates, to include Ms. Abedin, Ms. Mills, Ms. Samuelson, Mr. Sullivan, and Mr. Pagliano. On December 8, 2015, Mr. Kendall replied but did not answer the question due to unspecified “ethical obligations [he] must observe that limit [his] ability to release work-related information to third parties.” However, as the client, you are free to cooperate with the Committee and disclose whether or not such arrangements exist.

The Committee’s need to know is based in part on an October 19, 2015 news report that published an invoice allegedly from Platte River Networks and addressed to Marcum, LLP, the accounting firm reportedly representing you and your husband.¹ The invoice, dated September 16, 2015, includes line items for “[l]egal activity re: Hillary Clinton” and “PR for Clinton email media inquiries.”² According to a November Politico article, when asked to authenticate the invoice, your campaign said “Clinton is not paying”—in the present tense—for Platte River Network’s legal and public-relations bills.³ The article also reported that the campaign said it had not received the invoice, though the article was silent as to whether the actual addressee, Marcum, LLP, had received it.

¹ Todd Shepherd, *Platte River Networks Seeks Legal, PR Reimbursements From Clinton*, THE COMPLETE COLORADO, Oct. 19, 2015. Accessible at <http://completecolorado.com/pagetwo/2015/10/19/document-platte-river-networks-seeks-legal-pr-reimbursements-from-clinton/>

² *Id.*

³ Rachael Bade, *Clinton Email Companies Rebuff Senate Investigators*, POLITICO, Nov. 13, 2015. Accessible at <http://www.politico.com/story/2015/11/stonewall-215772>. The reported response from the Clinton campaign similarly failed to address whether any entity affiliated with Secretary Clinton, such as Clinton Executive Services Corp., rather than Secretary Clinton herself, paid for Platte River Network’s legal and public relations fees.

The invoice raises questions as to whether you have similar arrangements with other people or entities associated with your email server. In light of this, it is important for the Committee to know whether you and your attorneys are providing financial support, legal support, or other coordination to those associates who are involved in congressional committee and federal law enforcement inquiries relating to your email server.

Further, in light of Mr. Pagliano's attorney's notice that he would invoke his Fifth Amendment right against self-incrimination to avoid testifying before the Committee, the Committee may consider whether to grant immunity to Mr. Pagliano in order to obtain his testimony. Your potential involvement in a third-party fee arrangement or joint defense agreement with him or any of the parties about whom he may be asked to testify is relevant to the Committee's decision.

Accordingly, in order for the Committee to evaluate the potential effects of such arrangements on the Committee's inquiry, please respond to the following:

1. Have you entered into a third-party fee arrangement or a joint defense agreement relating to the Committee's investigation, or any other government entity's inquiry, into your server, email arrangement, or related issues?
2. If so, who are the parties to any such agreement?
3. What are the terms of the agreement(s)?
4. When was the agreement created and who initiated its creation?
5. To date, how much money has been paid pursuant to any such third-party fee agreement? Who made the payments, and who received them?
6. Is any attorney or other party serving as the primary point of contact for responses to inquiries covered by any third-party fee agreement or joint defense agreement? If so, who?

Please number your responses according to their corresponding questions and respond no later than February 1, 2016. Thank you in advance for your cooperation with this request. 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