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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

To: Chairman Grassley
From: Majority Staff
Date: June 18, 2018
Re: Supplemental Chronology and Documents

In March 2015, the Senate Judiciary Committee began its investigation into then Secretary Clinton's use of a non-government server for official State Department business, its impact on the Freedom of Information Act, and her compliance with the Federal Records Act. In July 2015, the Inspector General for the Intelligence Community informed Congress that classified information was located in emails that were transmitted and stored on Secretary Clinton's non-government server. The Committee also began overseeing how the Justice Department (DOJ) and Federal Bureau of Investigation (FBI) handled the resulting investigation, called Midyear Exam ("MYE").

In addition to the documents previously released to the public after the closing of MYE, the Justice Department began producing additional documents in October 2017. So far, Committee staff have reviewed approximately 20,000 pages of these additional records related to MYE.

Agents in charge of the MYE investigation were also instrumental in pursuing the investigation into alleged collusion between the Trump campaign and Russia. They exchanged politically biased messages demonstrating bias against Donald Trump and in favor of Hillary Clinton. Particularly in contrast to the Russia probe, the FBI pulled its punches during the Clinton investigation. Secretary Clinton and her aides were given extraordinary deference by limiting the scope of the inquiry, limiting the types of investigative process used to obtain information, and providing immunity agreements rather than attempting to aggressively investigate and prosecute those who committed process crimes, such as lying to the FBI and destroying evidence.

In short, the Clinton email investigation was not handled as thoroughly and aggressively as Robert Mueller has pursued the Trump campaign investigation.

The Inspector General report released last week adds significantly to the public knowledge of the facts, and in addition to details in that report, attached are a collection of significant documents produced to the Committee since October 2017. This is not a complete collection of documents, but it is provided as a supplement to the information in the Inspector General report. Below is a chronology and summary of the attached original source documents.

December 13, 2012: The House Oversight and Government Reform Committee wrote to Secretary Clinton to ask whether she or any of her senior staff used personal email to conduct official business, to remind her of federal records laws, and to request the Department's policies and procedures regarding the use of non-official email accounts to conduct official business.¹ This was not mentioned in the Inspector General report.

August 1, 2013: The House Oversight and Government Reform Committee subpoenaed the State Department for records relating to Benghazi which would have included the Secretary's records.² At the time of the subpoena, Clinton and her aides knew that she was using a non-government email system for all of her government business, removing those federal records from the custody and control of the State Department. This subpoena was not mentioned in the Inspector General report.

November 18, 2014: The House Benghazi Committee sent a letter to State requesting records from Clinton and her senior aides.³ This was not mentioned in the Inspector General report.

December 2, 2014: The House Benghazi Committee wrote to David Kendall to request all official records in the Secretary's custody.⁴ This was not mentioned in the Inspector General report.

December 5, 2014: Secretary Clinton produced approximately 30,000 emails to the State Department.

December 2014: According to the FBI's Letterhead Memorandum of the Clinton investigation, Secretary Clinton told Cheryl Mills she no longer needed access to any of her emails older than 60 days after she produced her emails to the State Department. Despite knowledge of the subpoena to the State Department, Mills then instructed Paul Combetta, an IT specialist at Platte River Networks (PRN), to modify the email retention policy and begin routinely deleting records older than 60 days. Combetta failed to implement the policy. Thus, archives older than 60 days were still maintained.

March 3, 2015: The House Benghazi Committee issued a preservation order to Secretary Clinton, the registrar of Secretary Clinton's domain name and internet service provider.⁵ This was not mentioned in the Inspector General report.

March 4, 2015: The House Benghazi Committee issued a subpoena directly to Secretary Clinton and the State Department.⁶ This was not mentioned in the Inspector General report.

¹ House Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, Final Report, Appendix J-3, at 601 [hereinafter Benghazi Final Report]. Available at <https://www.congress.gov/congressional-report/114th-congress/house-report/848/1>

² *Id.* at 601. Available at <https://www.congress.gov/congressional-report/114th-congress/house-report/848/1>. See also, <https://oversight.house.gov/release/issa-subpoenas-state-department-for-arb-benghazi-documents/>.

³ *Id.* Available at <https://www.congress.gov/congressional-report/114th-congress/house-report/848/1>.

⁴ Benghazi Final Report, Appendix J-3, at 602. Available at <https://www.congress.gov/congressional-report/114th-congress/house-report/848/1>.

⁵ Benghazi Final Report, Appendix J-3, at 603. Available at <https://www.congress.gov/congressional-report/114th-congress/house-report/848/1>. See also, Letter from Representative Jason Chaffetz, Chairman, House Oversight and Government Reform Committee, to Trevor Suazo, Chief Executive Officer, Platte River Networks (Sep. 6, 2016). Available at <https://oversight.house.gov/wp-content/uploads/2016/09/Platte-River-Networks-Letter.pdf>.

⁶ Benghazi Final Report, Appendix J-3, at 604. Available at <https://www.congress.gov/congressional-report/114th-congress/house-report/848/1>.

March 10, 2015: Secretary Clinton held a press conference about her use of private email while at the State Department.

March 25, 2015: According to the FBI's Letterhead Memorandum summarizing the Clinton investigation, PRN held a conference call with "President Clinton's staff." Paul Combetta's 302 summary also references a call on March 25, 2015.⁷

March 31, 2015: On the same date of a conference call he had with Clinton attorneys David Kendall and Cheryl Mills, Paul Combetta deleted Secretary Clinton's email archives using BleachBit, a software program designed to prevent forensic recovery.⁸

July 10, 2015: The FBI initiated a full investigation based upon a referral received from the U.S. Intelligence Community Inspector General, submitted in accordance with Section 811(c) of the Intelligence Authorization Act of 1995 and dated July 6, 2015, regarding the potential unauthorized transmission and storage of classified information on the personal e-mail server of former Secretary of State Hillary Clinton. According to the FBI, the investigation focused on determining whether classified information was transmitted or stored on unclassified systems in violation of federal criminal statutes and whether classified information was compromised by unauthorized individuals, including foreign governments.

August 21, 2015: Paul Combetta sent an email saying "anyone at [Platte River Networks] with access to the Datto Partner Portal (ie, everyone here) could potentially access this device via the remote web feature" referring to Clinton's non-government server.⁹

September 10, 2015: On this date, and again on September 24 and October 5, Justin Cooper's attorney, Aaron Zebley, sent several letters to DOJ providing consent to search files and laptops, but only with a limited scope, restricted to Clinton's tenure as Secretary of State.¹⁰ Zebley is currently a member of Robert Mueller's Special Counsel team.¹¹

October 1, 2015: David Kendall sent a letter to the DOJ memorializing consent to search Clinton's emails, but only with a limited scope, restricted to her tenure as Secretary of State.¹²

October 4, 2015: DOJ sent letters to Kendall that agreed to the limited scope of review and provided more detail on the manner and method of review.¹³

October 23, 2015: An attorney for Datto, Steven A. Cash, wrote a letter to the FBI that includes mention of security vulnerabilities for Secretary Clinton's data and confirmation that a manual deletion of her records occurred on the day Paul Combetta had a conference call with David Kendall and Cheryl Mills on March 31, 2015.¹⁴

⁷ Exhibit 1, Letterhead Memorandum; FBI FD-302, third interview of Paul Combetta on May 3, 2016.

⁸ Exhibit 2, FBI FD-302, third interview of Paul Combetta on May 3, 2016 (emphasis added to exhibit). His 302 also mentions a conference call between PRN and "President Clinton's staff" on March 25, 2015.

⁹ Exhibit 3, FBI_OIG_Cong Prod_014441. Emphasis added to exhibit.

¹⁰ Exhibit 4, FBI_OIG_Cong Prod_015488-015494.

¹¹ While representing Mr. Cooper, the Committee reached out to Mr. Zebley on multiple occasions via phone and letter attempting to arrange a voluntary interview with his client. Mr. Zebley ignored the Committee entirely, refusing even the basic courtesies of returning phone calls or providing a written reply to decline the request on behalf of his client. Specifically, the Committee wrote to his client via Mr. Zebley on May 6, 2016 and May 12, 2016, the latter of which was a follow up letter requesting an interview with his client. Mr. Zebley did not respond to either letter.

¹² Exhibit 5, FBI_OIG_Cong Prod_015496.

¹³ Exhibit 6, FBI_OIG_Cong Prod_015497-015501.

¹⁴ Exhibit 7, FBI_OIG_Cong Prod_014394-014395. Emphasis added to exhibit.

January 30, 2016: Peter Strzok emailed FBI officials with concerns about the White House maintaining the appearance of “non-interference.” Asked about a possible Clinton indictment, Obama press secretary Josh Earnest had said that the investigation “does not seem to be headed in that direction.” In response Strzok wrote, “Certainly the WH is going to do whatever it wants, but there is a line they need to hold with regard to the appearance of non-interference. This coupled with the President’s ‘no harm to national security’ statement provide a couple data points for senior execs if the issue ever comes up in discussion at the WH.”¹⁵

February 25, 2016: Text messages between Strzok and Lisa Page indicate that some FBI personnel may have made decisions based on their belief that Clinton would win the election:

Page: One more thing: she might be our next president. The last thing you need us going in there loaded for bear. You think she’s going to remember or care that it was more doj than fbi?¹⁶

March 2, 2016: Strzok texted an unnamed official, “What year did the [REDACTED] hack into [redacted] gmail? I have month and days not year though.”¹⁷

March 4, 2016: Strzok and Page discussed how they wanted Hillary Clinton to beat Donald Trump in the election.¹⁸

March 18, 2016: Strzok and Page discussed the potential of appointing a special counsel in the Clinton investigation, saying, “And it frustrates me, because Bill at his 7:15, brings up the whole matter in front of his DADs. One who is acting for Dina. Who immediately goes to John and tell[s] him how Bill is stressed because all the stuff is going on about a special prosecutor.”¹⁹ In a different text, Page said the following about an unnamed individual, “Did he go so far as to talk about why we started talking special prosecutor?!”²⁰

March 29, 2016: Strzok and Page discussed that an attorney for Paul Combetta said that Combetta used BleachBit to delete Clinton emails and that the deletion made the investigation “this much harder.”²¹

May 2, 2016: Comey began drafting the exoneration statement on or before May 2, 2016. This occurred before interviewing 17 witnesses, including Secretary Clinton.²² His initial draft did not include mention of BleachBit. However, it did mention that Clinton’s lawyers cleaned the devices to preclude forensic recovery.

May 3, 2016: The FBI interviewed Paul Combetta for the third time after he had lied to them in the first two interviews and after providing him immunity.²³ According to the FBI’s Letterhead

¹⁵ Exhibit 8, FBI003232.

¹⁶ Exhibit 9, DOJ-PROD-0000060. Emphasis added to exhibit.

¹⁷ Exhibit 10, FBI002816. Emphasis added to exhibit.

¹⁸ Exhibit 11, DOJ-PROD-0000066. Emphasis added to exhibit.

¹⁹ Exhibit 12, DOJ-PROD-0000072. Emphasis added to exhibit.

²⁰ Exhibit 13, DOJ-PROD-0000073. Emphasis added to exhibit.

²¹ Exhibit 14, DOJ-PROD-0000087. Emphasis added to exhibit.

²² Exhibit 15, Letter from Senator Grassley, Chairman, Senate Committee on the Judiciary, and Senator Lindsey Graham, Chairman, Senate Subcommittee on Crime and Terrorism, to Christopher Wray, Director, FBI (Aug. 30, 2017). Citing SJC000140-143, original Comey draft dated May 2, 2016. Transcript of OSC interview of James Rybicki, conducted on May 9, 2017 (pages 16-22). Transcript of OSC interview of Trisha Anderson, conducted on May 1, 2017 (pages 13-15). Emphasis added to exhibit.

²³ Exhibit 16, Justice Department Inspector General, *A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election*, at 156 (June 14, 2018) [hereinafter IG Report].

Memorandum summarizing its witness interviews in the Clinton investigation on “March 25, 2015, PRN held a conference call with President Clinton’s staff” and also the “[i]nvestigation identified a PRN work ticket, which referenced a conference call among PRN, Kendall, and Mills on March 31, 2015.”²⁴ Paul Combetta’s 302 summary of this third interview notes that he deleted Secretary Clinton’s email archives on March 31, 2015, using BleachBit, a software program designed to prevent forensic recovery.²⁵

May 4, 2016: When Trump appeared to lock up the Republican nomination because Senator Cruz withdrew, Strzok stated that they needed to wrap up the Clinton investigation.²⁶

May 10, 2016: Strzok referenced an earlier meeting with “Richard” where they discussed the urgency to conclude the Clinton investigation: “I cannot overstate to you the sense of urgency about wanting to logically and effectively conclude this investigation.”²⁷

May 13, 2016: Internal DOJ/FBI discussions were held regarding the potential use of subpoenas to acquire Cheryl Mills’ and Heather Samuelson’s laptops. Instead, DOJ/FBI later entered into immunity agreements with both of them in June 2016.²⁸

May 15, 2016: In a text message between Strzok and an unnamed official, he questioned whether he needed to provide clarification regarding criminal fact patterns that involved criminal transmission of classified information rather than retention. Questions exist as to whether the FBI’s investigation focused on retention of classified information and did not put equal weight on transmission.²⁹

May 17, 2016: In an email from Peter Strzok to E.W. “Bill” Priestap, Strzok said,

Discussed with Toscas and [redacted] the D request for previously prosecuted mishandling cases. **DOJ indicated they did not have complete set of data for 20 years and would be providing examples[.]**³⁰

In then-Director Comey’s July 5, 2016 public statement closing the Clinton investigation, he stated the following:

In looking back at our investigations into mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts.³¹

May 18, 2016: Strzok sent a text to an unnamed FBI official that indicated the FBI knew a subject involved in the Clinton investigation had pre-existing security violations and had classified information in a residence.³²

²⁴ Letterhead Memorandum cited in Footnote 1, Exhibit 7.

²⁵ Exhibit 17, Letter from Senator Grassley and Senator Graham to Christopher Wray, Director, FBI (Aug. 30, 2017) at fn 8; FBI FD-302, third interview of Paul Combetta on May 3, 2016, page 6. Emphasis added to exhibit.

²⁶ Exhibit 18, DOJ-PROD-0000114. Emphasis added to exhibit.

²⁷ Exhibit 19, DOJ-PROD-0000121. Emphasis added to exhibit.

²⁸ Exhibit 20, DOJ-PROD-0000128. Emphasis added to exhibit.

²⁹ Exhibit 21, FBI000897. Emphasis added to exhibit.

³⁰ Exhibit 22, FBI000967. Emphasis added to exhibit.

³¹ Available at: <https://www.fbi.gov/news/pressrel/press-releases/statement-by-fbi-director-james-b-comey-on-the-investigation-of-secretary-hillary-clinton2019s-use-of-a-personal-e-mail-system>

³² Exhibit 23, FBI000727. Emphasis added to exhibit.

June 7, 2016: Strzok sent an email to Jonathan Moffa and unnamed FBI officials summarizing the state of play with respect to several parts of the Clinton investigation. First, his email noted that DOJ asked Beth Wilkinson to draft a letter on behalf of Cheryl Mills and Heather Samuelson detailing the manner and method to be employed by the government when reviewing their laptops. Strzok noted that he was not sure why Justice gave them the pen first. Second, Strzok's email implied that DOJ and FBI limited the scope of review of the laptops to Secretary Clinton's tenure and nothing after.³³

June 10, 2016: A draft of Comey's July 5 exoneration statement was circulated with edits changing the phrase "grossly negligent" to "extremely careless." Metadata and other records provided to the Committee strongly indicate that Strzok made the edit.³⁴

June 10, 2016: Beth Wilkinson transmitted two letters to the Justice Department memorializing negotiations that set the scope by which DOJ and FBI could review Cheryl Mills' and Heather Samuelson's laptops.³⁵ The scope of review was limited to emails that were sent and received during Secretary Clinton's tenure. Thus, even though as of May 3, 2016, the FBI knew that Mills and Kendall had a conference call with Combetta after which he deleted Clinton emails, the Department explicitly excluded that time period from the scope of review rather than conducting a thorough search for potential evidence of intent to obstruct Congress by deleting the records.

June 17, 2016: Strzok emailed Bill Priestap with a Clinton investigation update that said, in part, "[c]opies of the draft final LHM were provided to the D, DD, GC, Jim Rybicki, and Lisa Page."³⁶ "LHM" is a reference to the Letterhead Memorandum in Exhibit 1 that summarized the findings in the Clinton investigation. As of June 17, the FBI had yet to interview approximately seven witnesses, including Secretary Clinton.

June 27, 2016: Former President Bill Clinton and then-Attorney General Lynch met on the airplane in Arizona.

June 28, 2016: Strzok discussed providing emails between President Obama and Secretary Clinton to Director Comey: "Jim – I have the POTUS – HRC emails D requested at end of briefing yesterday. I hesitate to leave them, please let me know a convenient time to drop them off."³⁷

June 30, 2016: Initially, a draft version of Director Comey's July 5 exoneration statement said "[t]hat use included an email exchange with the President while Secretary Clinton was on the territory of such an adversary." However, on June 30, 2016, the reference to "the President" was changed to "another senior government official."³⁸

³³ Exhibit 24, FBI_OIG_Cong Prod_016220-016233.

³⁴ Exhibit 25, Letter from Senator Chuck Grassley, Chairman, Senate Committee on the Judiciary to Christopher Wray, Director, FBI (Nov. 6, 2017); SJC000140-143, original Comey draft dated May 2, 2016; Letter from Gregory Brower, Assistant Director Congressional Affairs, FBI to Senator Grassley, Chairman, Senate Committee on the Judiciary (Nov. 27, 2017) which includes metadata records; SJC000030-37, which includes references to edits made to Comey's May 2, 2016, draft statement on June 10, 2016. Emphasis added to exhibit.

³⁵ Exhibit 26, FBI_OIG_Cong Prod_015505-015510.

³⁶ Exhibit 27, FBI_OIG_Cong Prod_016688.

³⁷ Exhibit 28, FBI000742. Emphasis added to exhibit.

³⁸ Exhibit 29, FBI_OIG_Cong Prod_015190-015196 which includes "President," contrasted with FBI_OIG_Cong Prod_015205-015211 which includes "another senior government official..." The latter document is dated July 1; however, the attachment is dated June 30 with a 1622 timestamp indicating the edit was made on that date and time. See also, DOJ-PROD-0000166, states in part, "He changed President to 'another senior government official[.]'" Emphasis added to exhibit.

July 1, 2016: In a text exchange between Strzok and Page where they discussed then-Attorney General Lynch's announcement that she would accept whatever recommendation then-Director Comey made, Page said, in part, "And yeah, it's a real profile in couragw[sic], since she knows no charges will be brought." This text occurred before the FBI interviewed Secretary Clinton.³⁹

July 2, 2016: The FBI and DOJ allowed Cheryl Mills and Heather Samuelson to be present at Hillary Clinton's interview even though they were fact witnesses in the case and had to be granted immunity before providing their laptops to the FBI.⁴⁰ In a talking points memo created by the FBI for distribution to employees, the FBI dismissed Mills' presence in the Clinton interview by saying "no FBI policy or rule prohibited her attendance at Secretary Clinton's interview."⁴¹

July 5, 2016: Then-Director Comey publicly announced the FBI would not recommend charges against Secretary Clinton.

July 6, 2016: Then-Attorney General Lynch accepted Comey's recommendation.

July 15, 2016: An internal Washington Field Office memorandum said, "the FBI did not evaluate all recovered e-mails to determine which were work-related and which were personal." It also said, "the process used by Clinton's legal team to determine which of Clinton's DoS tenure emails were work-related was possibly flawed."⁴² This failure suggests that the FBI made no serious effort to investigate violations of 18 U.S.C. § 2071, which criminalizes the intentional alienation of any federal records even if unclassified. This casts doubt on then-Director Comey's claim that the FBI did investigate violations of that statute.⁴³ The FBI Assistant Director of the Counterintelligence Division, Bill Priestap, later filed an affidavit in federal court that discussed the scope of the Clinton investigation as limited to statutes other than § 2071. FBI talking points also failed to list § 2071 within the scope of the investigation.⁴⁴

July 31, 2016: Based on text messages from Strzok to Page, the investigation that mattered more was the one related to the Trump campaign rather than Hillary Clinton: "And damn this feels momentous. Because this matters. The other one did, too, but that was to ensure we didn't F something up. This matters because this MATTERS."⁴⁵

August 5, 2016: In a text, Strzok told Page in reference to an unknown investigation that the Obama "White House is running this."⁴⁶

³⁹ Exhibit 30, DOJ-PROD-00000167. Emphasis added to exhibit.

⁴⁰ Exhibit 31, FBI_OIG_Cong Prod_014903. Emphasis added to exhibit.

⁴¹ Exhibit 32, FBI002204. Emphasis added to exhibit.

⁴² Exhibit 33, FBI_OIG_Cong Prod_013522-24. Emphasis added to exhibit.

⁴³ Exhibit 34, Letter from Acting Assistant Director Herring on behalf of Director Comey to Chairman Grassley (Aug. 16, 2016).

⁴⁴ Exhibit 35, Letter from Senator Grassley, Chairman, Senate Committee on the Judiciary, to James Comey, Director, FBI (January 17, 2018), which includes the amended supplemental Declaration of E.W. Priestap, FBI (Sept. 13, 2017) filed in both *Judiciary Watch, Inc. v. Tillerson*, 15-cv-0785, and *Cause of Action Institute v. Tillerson*, 15-cv-1068; Letter from Gregory Brower, Assistant Director, Congressional Affairs, FBI to Senator Grassley, Chairman, Senate Committee on the Judiciary (March 16, 2018); FBI_OIG_Cong Prod_013523 states, in part, on July 15, 2016, "During the course of its investigation, the FBI did not evaluate all recovered e-mails to determine which were work-related and which were personal."; FBI002195-002204, includes talking points regarding the scope of investigation and does not include Section 2071. Emphasis added to exhibit.

⁴⁵ Exhibit 36, DOJ-PROD-0000204. Emphasis added to exhibit.

⁴⁶ Exhibit 37, DOJ-PROD-0000212. Emphasis added to exhibit.

August 8, 2016: In a text message, Page stated, “[Trump’s] not ever going to become president, right? Right?!” Strzok responded, “No. No he’s not. We’ll stop it.”⁴⁷

August 15, 2016: In a text conversation between Strzok and Page, Strzok summarized a meeting they had in “Andy’s office” and said to Page that “there’s no way [Trump] gets elected” but they “can’t take that risk,” mentioning some sort of insurance policy in case he is elected.⁴⁸

August 26, 2016: Strzok and Page expressed how they despised Trump, his supporters, and the Republican Party on multiple occasions throughout the summer of 2016.⁴⁹

August 29, 2016: A DOJ official emailed “Lisa” a list of all media obtained during the Clinton investigation and the scope of consent for each item.⁵⁰

September 2, 2016: President Obama seemed to have been personally involved with an unknown investigation. Page texted: “Yes, bc potus wants to know everything we are doing.”⁵¹

September 10, 2016: Text messages reveal that the FBI may have concealed information from Congress. Strzok wrote: “thing is, there are VERY inflammatory things in the 302s we didn’t turn over to Congress.”⁵²

September 26, 2016: According to the FBI timeline, the FBI New York field office acquired a search warrant for Anthony Weiner’s laptop.⁵³

September 28, 2016: According to the same timeline, the Assistant Director in Charge of the FBI New York field office “notes potential MYE-related material following weekly SAC SVTC.”⁵⁴ Then-Director Comey was not present for this call but it was presided over by Deputy Director McCabe. Comey stated that he did not recollect being informed at that time, but McCabe told IG investigators that he mentioned it to him in a “fly-by” conversation “right around the time [McCabe] found out about it.”⁵⁵

September 28, 2016: In a text message to Page, Strzok said, “Got called up to Andy’s earlier...hundreds of thousands of emails turned over by Weiner’s atty to sdny, includes a ton of material from spouse. Sending team up tomorrow to review...this will never end....”⁵⁶

September 29, 2016: According to that FBI timeline, a conference call took place between the FBI New York field office and Mid-Year team about the potential that material related to the Clinton investigation has been identified.⁵⁷

October 6, 2016: Page informed Strzok through text messages that she located the home address of D.C. based reporter Matt Apuzzo of the New York Times. She informed Strzok that she found the address by conducting research on Apuzzo’s wife and she also stated that she

⁴⁷ Exhibit 38, IG Report, p. 404. Emphasis added to exhibit.

⁴⁸ Exhibit 39, DOJ-PROD-0000222. Emphasis added to exhibit.

⁴⁹ Exhibit 40, DOJ-PROD-0000153; DOJ-PROD-0000185; DOJ-PROD-0000228. Emphasis added to exhibit.

⁵⁰ Exhibit 41, FBI_OIG_Cong Prod_015481-015484. Emphasis added to exhibit.

⁵¹ Exhibit 42, DOJ-PROD-0000238. Emphasis added to exhibit.

⁵² Exhibit 43, DOJ-PROD-0000250. Emphasis added to exhibit.

⁵³ Exhibit 44, FBI_OIG_Cong Prod-014878. Emphasis added to exhibit.

⁵⁴ Exhibit 45, FBI_OIG_Cong Prod-014878. Emphasis added to exhibit.

⁵⁵ Exhibit 46, IG Report pp. 277-282.

⁵⁶ Exhibit 47, DOJ-PROD-0000272. Emphasis added to exhibit.

⁵⁷ Exhibit 48, FBI_OIG_Cong Prod-014878. Emphasis added to exhibit.

obtained a “list of kids with their parents’ names.” When Strzok warned Page that she shouldn’t use her work phone to conduct these searches, she replied, “Oops. Too late.”⁵⁸

October 21, 2016: According to the FBI timeline, the DOJ informed the FBI that the U.S. Attorney’s office for the Southern District of New York advised them of the “MYE-related media on Weiner media.”⁵⁹

October 26, 2016: According to the FBI timeline, the DOJ, FBI New York field office, and Mid-Year team had a conference call that concluded the material should be examined.⁶⁰

October 27, 2016: According to the FBI timeline, then-Director Comey was briefed on the Weiner laptop situation and agreed the emails should be examined.⁶¹

October 27, 2016: Page memorialized via text to Strzok that she was on the phone with “Devlin,” presumably Devlin Barrett, a Wall Street Journal reporter at the time.⁶²

October 28, 2016: Page memorialized via text to Strzok that she was again on the phone with “Devlin,” presumably Devlin Barrett, a Wall Street Journal reporter at the time.⁶³

October 28, 2016: Comey issued a letter to Congress updating that the FBI reopened the Clinton investigation after having found potentially relevant emails on Anthony Weiner’s laptop.

October 30, 2016: According to the FBI timeline, a search warrant was issued for the Clinton related material on Weiner’s laptop.⁶⁴

November 1, 2016: Deputy Director McCabe finally recused himself from the Clinton investigation. Questions persist as to why he recused himself at that point and not earlier. In a response to the Committee on December 14, 2016, the FBI concealed that McCabe had recused himself, at Lisa Page’s suggestion.⁶⁵

November 2, 2016: The Committee requested the DOJ Inspector General review how the Justice Department and FBI managed the Clinton investigation.⁶⁶

November 6, 2016: Then-Director Comey issued a final letter to Congress updating that a review of the Weiner material was completed and that nothing changed his initial decision to not recommend charges. That review was also limited to emails from Clinton’s tenure as Secretary of State.

November 8, 2016: Strzok commented on a potential Trump victory: “OMG THIS IS F*CKING TERRIFYING.”⁶⁷

⁵⁸ Exhibit 49, Justice Department Document Production to Senate Judiciary Committee at pp 53-55 (December 13, 2017).

⁵⁹ Exhibit 50, FBI_OIG_Cong Prod-014878. Emphasis added to exhibit.

⁶⁰ Exhibit 51, FBI_OIG_Cong Prod-014878. Emphasis added to exhibit.

⁶¹ Exhibit 52, FBI_OIG_Cong Prod-014878. Emphasis added to exhibit.

⁶² Exhibit 53, DOJ-PROD-0000304. Emphasis added to exhibit.

⁶³ Exhibit 54, DOJ-PROD-0000305. Emphasis added to exhibit.

⁶⁴ Exhibit 55, FBI_OIG_Cong Prod-014878. Emphasis added to exhibit.

⁶⁵ Exhibit 56, IG Report at p. 455-456; Letter from Chairman Grassley to FBI Director Comey dated October 28, 2016; Letter from FBI Acting Assistant Director Jason Herring to Chairman Grassley dated December 14, 2016; DOJ-PROD-0000305. Emphasis added.

⁶⁶ Exhibit 57, Letter from Chairman Grassley to DOJ IG Horowitz dated November 2, 2016.

⁶⁷ Exhibit 58, DOJ-PROD-0000319. Emphasis added to exhibit.

November 8, 2016: FBI officials exchanged emails requesting that an “intrusion analysis” be performed on the additional records found on the Weiner laptop. This request came the day of the presidential election and two days after Comey’s letter to Congress saying that an examination of the new records did not change his July 5th conclusion.⁶⁸

November 17, 2016: In texts between Strzok and Page, they discussed developing potential “relationships” with individuals within Vice President-elect Mike Pence’s inner circle. For what purpose remains unclear.⁶⁹

May 19, 2017: Strzok referred to the Trump investigation as “unfinished business for him personally.”⁷⁰

May 19, 2017: In a text message, Strzok admitted he did not think there was a “there there” with respect to the investigation into alleged collusion between the Trump campaign and Russia.⁷¹

January 19, 2018: The DOJ and FBI commonly over-redacted productions made to Congress for purposes of avoiding embarrassment, such as redacting McCabe’s \$70,000 conference table.⁷²

May 2, 2018: The FBI provided a written response to the Chairman’s January 25, 2018, letter which asked whether Strzok’s and Page’s gmail and personal phones had been reviewed. Text messages show that Strzok and Page transmitted government records on non-government systems, which is exactly what Secretary Clinton did. Specifically, text messages reveal that Strzok and Page used gmail and iMessage for work-related communications. In the response, the FBI said it would not request access to their personal devices: “[t]he FBI is not otherwise obligated to collect and/or retain all communications between its employees.”⁷³ However, as noted in the Chairman’s May 4, 2018, letter to the FBI, it is obligated to collect and preserve federal records.⁷⁴

In addition to Strzok and Page, the Inspector General identified three other FBI personnel who engaged in anti-Trump text messaging. He referred all five individuals for violations of the FBI’s code of conduct. Three of them were later instrumental in the Russia investigation or detailed to Special Counsel Mueller’s office. The political bias among these key government officials responsible for managing both the Clinton and Trump investigations was manifested explicitly in their candid text messages. That bias also undermines public confidence in the objectivity of the Justice Department. Suspicions that similar bias infected the decisions of DOJ prosecutors are reasonable, especially in light of the clear contrast between the aggressive handling of the Trump investigation and the deference to Hillary Clinton and her aides.

⁶⁸ Exhibit 59, FBI_OIG_Cong Prod-0000255-256. Emphasis added to exhibit.

⁶⁹ Exhibit 60, DOJ-PROD-0000325. Emphasis added to exhibit.

⁷⁰ Exhibit 61, DOJ-PROD-0000340. Emphasis added to exhibit.

⁷¹ Exhibit 62, DOJ-PROD-0000341. Emphasis added to exhibit.

⁷² Exhibit 63, DOJ-PROD-0000118. Emphasis added to exhibit.

⁷³ Exhibit 64, Letter from Charles A. Thorley, Acting Assistant Director, FBI to Chairman Grassley dated May 2, 2018; Letter from Chairman Grassley to FBI Director Christopher Wray dated January 25, 2018; DOJ-PROD-0000012 (img); DOJ-PROD-0000018 (img/gmail); DOJ-PROD-0000033 (gmail/img); DOJ-PROD-0000040 (gmail); DOJ-PROD-0000045 (img); DOJ-PROD-0000251 (img). Emphasis added to exhibit.

⁷⁴ Exhibit 65, Letter from Chairman Grassley to FBI Director Christopher Wray dated May 4, 2018.

Table of Names

Clinton Associates

Huma Abedin, former Deputy Chief of Staff to Secretary Clinton and spouse of Anthony Weiner

Paul Combetta, an IT specialist for Platte River Networks

Justin Cooper, an aide to Hillary Clinton who first registered the clintonemail.com domain; former aide to President Bill Clinton

David Kendall, an attorney for Secretary Clinton; Senior Counsel at Williams and Connolly LLP

Cheryl Mills, former Counselor and Chief of Staff to Secretary Clinton and former Deputy White House Counsel for President Bill Clinton

Heather Samuelson, an attorney for Hillary Clinton who also worked as her aide during her tenure as Secretary of State

Jake Sullivan, former Deputy Chief of Staff to Secretary Clinton and Senior Policy Advisor to her 2016 campaign

Beth Wilkinson, defense attorney for several HRC aides (Cheryl Mills, Jake Sullivan, Heather Samuelson, Philippe Reines)

Department of Justice

David Harbach, former Special Counsel to James Comey and now Assistant United States Attorney in the Eastern District of Virginia

David Laufman, former Chief, Counterespionage and Export Control Section, DOJ National Security Division

Loretta Lynch, former U.S. Attorney General under President Barack Obama

George Z. Toscas, Deputy Assistant Attorney General, DOJ National Security Division, Office of Counterterrorism and Counterespionage

Federal Bureau of Investigation

Trisha B. Anderson, FBI Deputy General Counsel, National Security & Cyber Law Branch

James Baker, former FBI General Counsel

David Bowdich, FBI Associate Deputy Director until promoted to Deputy Director in April of 2018, after Andrew McCabe was fired

Brian Brooks, FBI Assistant Director of the Operational Technology Division

Gregory Brower, former FBI Assistant Director, Office of Congressional Affairs

Randall “Randy” Coleman, former Assistant Director of FBI Counterintelligence Division and former Executive Assistant of the Criminal, Cyber, Response, and Services Branch

James Comey, former FBI Director

Dina Corsi, FBI Deputy Assistant Director of the Counterintelligence Division

John Giacalone, former FBI Executive Assistant Director of the National Security Branch

Jason Herring, former FBI Acting Chief of Legislative Affairs and now Deputy Assistant Director of the Intelligence Branch

Robert Allan Jones, former FBI Deputy Assistant Director of Counterintelligence and now Assistant Director of the Weapons of Mass Destruction Directorate

Michael P. Kortan, former FBI Assistant Director of Public Affairs

Andrew McCabe, former FBI Deputy Director

Jonathan Moffa, FBI Deputy Assistant Director of the Digital Transformation Office; former Deputy Assistant Director in the Office of the Deputy Director; former Chief of the Counterintelligence Analysis Section

Lisa Page, former Special Counsel to Deputy Director Andrew McCabe and former member of Robert Mueller's Special Counsel team

E.W. "Bill" Priestap, Peter Strzok's supervisor and FBI Assistant Director of the Counterintelligence Division

James Rybicki, former FBI Chief of Staff for James Comey and Christopher Wray

Kerry Sleeper, FBI Assistant Director, Office of Partner Engagement

Michael B. Steinbach, former FBI Executive Assistant Director, National Security Branch; former Assistant Director of the Counterterrorism Division

Peter Strzok, former Deputy Assistant Director of the FBI Counterintelligence Division and former member of Robert Mueller's Special Counsel team; former lead investigator for Mid-Year Exam

Others

Devlin Barrett, reporter for the Washington Post; former reporter for the Wall Street Journal

Steven A. Cash, attorney for Datto; counsel at Day Pitney LLP

Josh Earnest, White House Press Secretary under President Barack Obama

William R. Evanina, current Acting Director of the National Counterintelligence and Security Center; former Chief of CIA Counterespionage Group; former FBI Assistant Special Agent in Charge in the Washington Field Office

Patrick Fitzgerald, partner at Skadden in Chicago and former United States Attorney for the Northern District of Illinois

Anthony Weiner, former Democratic congressman; spouse of Clinton aide Huma Abedin

Aaron Zebley, attorney for Justin Cooper, WilmerHale; former FBI Agent, former Assistant U.S. Attorney in the Eastern District of Virginia, former Chief of Staff to FBI Director Mueller and current member of Mueller's Special Counsel team

Exhibit 1

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U.S. Department of Justice
Federal Bureau of Investigation

July, 2016
Washington, D.C.

CLINTON E-MAIL INVESTIGATION

MISHANDLING OF CLASSIFIED – UNKNOWN SUBJECT OR COUNTRY (SIM)

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This report recounts the information collected in this investigation. It is not intended to address potential inconsistencies in, or the validity of, the information related herein.

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(U//~~FOUO~~) On July 10, 2015, the Federal Bureau of Investigation (FBI) initiated a full investigation based upon a referral received from the US Intelligence Community Inspector General (ICIG), submitted in accordance with Section 811(c) of the Intelligence Authorization Act of 1995 and dated July 6, 2015, regarding the potential unauthorized transmission and storage of classified information on the personal e-mail server of former Secretary of State Hillary Clinton (Clinton).^a The FBI's investigation focused on determining whether classified information was transmitted or stored on unclassified systems in violation of federal criminal

^a (U//~~FOUO~~) For a complete listing of the interviews conducted, electronic media collected, legal process issued, and classified e-mails identified during this investigation, please refer to Appendices A-D. As background, Clinton was Secretary of State from January 21, 2009 through February 1, 2013.

FBI INFO.
CLASSIFIED BY: NSICG F82M32K21
REASON: 1.4 (C,D)
DECLASSIFY ON: 12-31-2041
DATE: 08-18-2016

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statutes and whether classified information was compromised by unauthorized individuals, to include foreign governments or intelligence services, via cyber intrusion or other means. (U//~~FOUO~~) In furtherance of its investigation, the FBI acquired computer equipment and mobile devices, to include equipment associated with two separate e-mail server systems used by Clinton, and forensically reviewed the items to recover relevant evidence. In response to FBI requests for classification determinations in support of this investigation, US Intelligence Community (USIC) agencies determined that 81 e-mail chains,^{b,c} which FBI investigation determined were transmitted and stored on Clinton's UNCLASSIFIED personal server systems, contained classified information ranging from the CONFIDENTIAL to TOP SECRET/SPECIAL ACCESS PROGRAM levels at the time they were sent between 2009-2013. USIC agencies determined that 68 of these e-mail chains remain classified. In addition, the classification determination process administered by the US Department of State (State) in connection with Freedom of Information Act (FOIA) litigation identified approximately 2,000 additional e-mails currently classified CONFIDENTIAL and 1 e-mail currently classified SECRET, which FBI investigation determined were transmitted and stored on at least two of Clinton's personal server systems.^d

(U//~~FOUO~~) The FBI's investigation and forensic analysis did not find evidence confirming that Clinton's e-mail accounts or mobile devices were compromised by cyber means. However, investigative limitations, including the FBI's inability to obtain all mobile devices and various computer components associated with Clinton's personal e-mail systems, prevented the FBI from conclusively determining whether the classified information transmitted and stored on Clinton's personal server systems was compromised via cyber intrusion or other means. The FBI did find that hostile foreign actors successfully gained access to the personal e-mail accounts of individuals with whom Clinton was in regular contact and, in doing so, obtained e-mails sent to or received by Clinton on her personal account.

1. (U//~~FOUO~~) Clinton's Personal E-Mail Server Systems

A. (U//~~FOUO~~) Initial E-mail Server: June 2008 – March 2009

(U//~~FOUO~~) In or around 2007, Justin Cooper, at the time an aide to former President William Jefferson Clinton (President Clinton), purchased an Apple OS X server (Apple Server) for the sole purpose of hosting e-mail services for President Clinton's staff.^{1,2} Due to concern over ensuring e-mail reliability and a desire to segregate e-mail for President Clinton's various post-presidency endeavors, President Clinton's aides decided to maintain physical control of the Apple Server in the Clinton residence in Chappaqua, New York (Chappaqua residence).^{3,4,5} According to Cooper, in or around June 2008, a representative from Apple installed the Apple

^b (U//~~FOUO~~) The number of classified e-mail chains identified may change as classification determination responses continue to be returned to the FBI.

^c (U//~~FOUO~~) For the purposes of the FBI's investigation, an "e-mail chain" is defined as a set of e-mail responses having the same initial e-mail. The subject line may be edited in these chains to reflect the purpose of the forward or reply.

^d (U//~~FOUO~~) State did not provide a determination with respect to the classification of these e-mails at the time they were sent. According to State Under Secretary of Management, Patrick Kennedy, unclassified information provided to State in confidence can later be considered classified when it is "further assessed the disclosure of such information might damage national security or diplomatic relationships." Such information is referred to as "up-class" or "up-classified."

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Server^e in the basement of the Chappaqua residence.^{6,7} The FBI was unable to obtain records from Cooper or Apple to verify the installation. At the time, Cooper was the only individual with administrative access to the Apple Server; however, the Clinton family and their Chappaqua residence staff had physical access to the Apple Server.^{8,9} The Apple Server initially hosted the domains presidentclinton.com and wjcoffice.com, which were used by President Clinton's staff.^{f,10,11}

(U//~~FOUO~~) Prior to January 21, 2009, when she was sworn in as the US Secretary of State, Clinton used a personally-acquired BlackBerry device with service initially from Cingular Wireless and later AT&T Wireless, to access her e-mail accounts.^{12,13} Clinton initially used the e-mail addresses hr15@mycingular.blackberry.net and then changed to hr15@att.blackberry.net.^{14,15} According to Cooper, in January 2009, Clinton decided to stop using her hr15@att.blackberry.net e-mail address and instead began using a new private domain, clintonemail.com, to host e-mail service on the Apple Server.¹⁶ Clinton stated to the FBI that she directed aides, in or around January 2009, to create the clintonemail.com account, and as a matter of convenience her clintonemail.com account was moved to an e-mail system maintained by President Clinton's aides.¹⁷ While Cooper could not specifically recall registering the domain, Cooper was listed as the point of contact for clintonemail.com when the domain was registered with a domain registration services company, Network Solutions, on January 13, 2009.^{18,19} Clinton used her att.blackberry.net e-mail account as her primary e-mail address until approximately mid-to-late January 2009 when she transitioned to her newly created hdr22@clintonemail.com account.^{20,21} The FBI did not recover any information indicating that Clinton sent an e-mail from her hr15@att.blackberry.net e-mail after March 18, 2009.

(U//~~FOUO~~) According to Cooper, in or around January 2009 the decision was made to move to another server because the Apple Server was antiquated and users were experiencing problems with e-mail delivery on their BlackBerry devices.^{22,23} At the recommendation of Huma Abedin, Clinton's long-time aide and later Deputy Chief of Staff at State, in or around fall 2008, Cooper contacted Bryan Pagliano, who worked on Clinton's 2008 presidential campaign as an information technology specialist, to build the new server system and to assist Cooper with the administration of the new server system.^{24,25,26,27} Pagliano was in the process of liquidating the computer equipment from Clinton's presidential campaign when Cooper contacted Pagliano about using some of the campaign's computer equipment to replace the existing Apple Server at Clinton's Chappaqua residence.^{28,29} Pagliano was unaware the server would be used by Clinton at the time he was building the server system; rather, he believed the server would be used by President Clinton's staff.³⁰ Clinton told the FBI that at some point she became aware there was a server in the basement of her Chappaqua residence.³¹ However, she was unaware of the transition from the Apple Server managed by Cooper to another server built by Pagliano and therefore, was not involved in the transition decision.³²

B. (U//~~FOUO~~) Second E-mail Server: March 2009 – June 2013

^e (U//~~FOUO~~) The Apple Server consisted of an Apple Power Macintosh G4 or G5 tower and an HP printer.

^f (U//~~FOUO~~) Investigation determined various employees of President Clinton maintained e-mail accounts using the presidentclinton.com domain to include

President Clinton did not maintain an e-mail account on the Apple Server. The e-mail domain wjcoffice.com was primarily a legacy domain that contained mostly forwarded e-mail.

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(U//~~FOUO~~) Between the fall of 2008 and January 2009, Pagliano requisitioned the original hardware for the second e-mail server from Clinton's presidential campaign headquarters in Arlington, VA.³³ In addition to hardware acquired from Clinton's presidential campaign, Pagliano and Cooper^g purchased additional necessary equipment through commercial vendors.^{34,35,36,37} In March 2009, after Pagliano had acquired all of the server equipment and installed the necessary software, he and Cooper met at Clinton's Chappaqua residence to physically install the server and related equipment in a server rack in the Clintons' basement.^{h,38,39}

(U//~~FOUO~~) Once the new server systemⁱ was physically installed and powered on, Pagliano began migrating the e-mail data from the Apple Server to the Pagliano-administered server system (Pagliano Server).⁴⁰ Pagliano believed he "popped out" all of the e-mail from the Apple Server and that no e-mail content should have remained on the Apple Server once the migration took place.⁴¹ Pagliano stated to the FBI that he only transferred clintonemail.com e-mail accounts for Abedin and [REDACTED] from the Apple Server and said he was unaware of and did not transfer an e-mail account for Clinton.^{j,42} However, Cooper stated to the FBI that he believed Clinton had a clintonemail.com e-mail account on the Apple Server, and that Abedin did not have a clintonemail.com account on the Apple Server.⁴³ As the FBI was unable to obtain the original Apple Server for a forensic review for reasons explained below, the FBI cannot determine which clintonemail.com e-mail accounts were hosted on, and transferred from, the Apple Server to the Pagliano Server.

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(U//~~FOUO~~) After the e-mail account migration was completed, Cooper changed the Mail Exchange (MX) records^k to ensure that delivery of all subsequent e-mail to or from e-mail addresses on the presidentclinton.com and clintonemail.com domains would be directed toward the new Pagliano Server instead of the Apple Server.⁴⁴ The Pagliano Server was only used for e-mail management, and the FBI's review of the oldest available backup image of this server, dated June 24, 2013, did not indicate that any e-mail users' files were stored on the Pagliano Server.⁴⁵

(U//~~FOUO~~) In March 2009, following the e-mail migration from the Apple Server to the Pagliano Server, the Apple Server was repurposed to serve as a personal computer for household staff.⁴⁶ [REDACTED] at Clinton's Chappaqua residence, subsequently used the Apple Server equipment as a workstation.⁴⁷ In 2014, the data on the Apple computer was transferred to an Apple iMac computer, and the hard drive of the old Apple computer, which

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^g (U//~~FOUO~~) Cooper had [REDACTED] and was often responsible for reimbursing staff for purchases/expenses.

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^h (U//~~FOUO~~) Pagliano visited Clinton's Chappaqua residence on at least three occasions to work on the server: in March 2009, to install the server; in June 2011, to upgrade the equipment; and in January 2012, to fix a hardware issue.

ⁱ (U//~~FOUO~~) The Pagliano Server initially consisted of the following equipment: a Dell PowerEdge 2900 server running Microsoft Exchange for e-mail hosting and management, a Dell PowerEdge 1950 server running BlackBerry Enterprise Server (BES) for the management of BlackBerry devices, a Seagate external hard drive to store backups of the Dell PowerEdge 2900 server, a Dell switch, a Cisco firewall, and a power supply.

^j (U//~~FOUO~~) An e-mail obtained during the FBI investigation from Cooper to Clinton, indicated that in April 2009, Cooper was preparing to update Clinton's BlackBerry to "put it on our new system."

^k (U) An MX record determines which server will handle e-mail delivery for a domain and is necessary for routing e-mail to its proper destination.

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previously served as the Apple Server was discarded.⁴⁸ On October 14, 2015, Williams & Connolly LLP (Williams & Connolly), counsel for Clinton, confirmed to the Department of Justice (DOJ) that a review of the iMac was conducted, pursuant to a request by DOJ, and no e-mails were found belonging to Clinton from the period of her tenure as Secretary of State.⁴⁹

(U//~~FOUO~~) Pagliano and Cooper both had administrative accounts on the Pagliano Server.⁵⁰ At Cooper's direction, Pagliano handled all software upgrades and general maintenance.⁵¹ Cooper described his role as "the customer service face," and he could add users or reset passwords on the e-mail server.⁵² Cooper and Pagliano both handled the acquisition and purchase of server-related items.⁵³ For example, in March 2009, Cooper registered a Secure Sockets Layer (SSL)¹ encryption certificate at Pagliano's direction for added security when users accessed their e-mail from various computers and devices.^{54,55} Clinton stated she had no knowledge of the hardware, software, or security protocols used to construct and operate the servers.⁵⁶ When she experienced technical issues with her e-mail account she contacted Cooper for assistance in resolving those issues.⁵⁷

(U//~~FOUO~~) Pagliano stated that a complete backup of the Pagliano Server was made on a Seagate external hard drive once a week and a differential backup^m was completed every day, and this continued from the initial Pagliano Server installation in March 2009 until June 2011 when the external hard drive was replaced.⁵⁸ As space on the hard drive ran out, backups were deleted on a "first in, first out" basis.⁵⁹ In June 2011, Pagliano replaced the Seagate external hard drive with a Cisco Network Attached Storage (NAS) device, to store backups of the server.⁶⁰ The FBI was unable to forensically determine how frequently the NAS captured backups of the Pagliano Server.

(U//~~FOUO~~) According to Pagliano, in early 2013, due to user limitations and reliability concerns regarding the Pagliano Server, staff for Clinton and President Clinton discussed future e-mail server options, and a search was initiated to find a vendor to manage a Clinton e-mail server.^{n, 61} Additionally, Pagliano's expressed desire to seek new employment contributed to the decision to move to a new server.⁶² A search for the new vendor was facilitated with the assistance of [REDACTED] Infograte, an information technology consulting company.^{63,64,65} [REDACTED] was introduced to Clinton's Chief of Staff, Cheryl Mills, on or about January 2, 2013 through a mutual business associate.⁶⁶ [REDACTED] stated she worked with Mills and Pagliano to produce a request for proposal which was used to solicit responses from multiple firms, including Denver-based information technology firm Platte River Networks (PRN).⁶⁷ Clinton recalled that the transition to the PRN Server was initiated by President Clinton's aides seeking a higher level of service than could be provided by the Pagliano Server.⁶⁸ Pagliano identified President Clinton's [REDACTED] as making the final decision to select PRN.⁶⁹ In the spring of 2013, PRN negotiated the terms of the contract to host e-mail services and eventually signed a Service Level Agreement on July 18, 2013.^{70,71}

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¹ (U) SSL is a security protocol used to establish an encrypted connection between a server and another machine, allowing sensitive information such as login credentials or credit card information to be transmitted in an encrypted format instead of in plain text. SSL certificates, issued by a third-party Certificate Authority, are small files that must be installed on servers to establish secure sessions with web browsers.

^m (U) A differential backup is a cumulative backup of all changes that have occurred since the last full backup.

ⁿ (U//~~FOUO~~) The new Clinton e-mail server hosted e-mail for Clinton, President Clinton, [REDACTED] and their respective staffs.

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b7EC. (U//~~FOUO~~) Third E-mail Server: June 2013 – October 2015

(U//~~FOUO~~) Following the selection of PRN to manage the Clintons' personal e-mail server and accounts, PRN's management assigned two PRN employees to handle the primary installation and administration of the third server system (PRN Server).⁷⁴ [REDACTED] who worked remotely from his home in [REDACTED] handled day-to-day administration for the PRN Server, and [REDACTED] who worked at PRN's headquarters in Colorado, handled all hardware installation and any required physical (i.e. "hands-on") maintenance for the PRN Server.^{75,76,77,78} During the transition to the PRN Server, [REDACTED] advised he worked with Pagliano to understand the existing architecture of the Pagliano Server.⁷⁴ As part of this transition process, on or around June 4, 2013, [REDACTED] was granted administrator access to the Pagliano Server, as well as any accompanying services, such as the domain registration services through Network Solutions.^{75,76,77,78}

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(U//~~FOUO~~) On June 23, 2013, [REDACTED] traveled to Clinton's Chappaqua residence, where he powered down the Pagliano Server and transported it to a datacenter in Secaucus, New Jersey, run by Equinix, Inc. (Equinix).^{79,80,81} The PRN Server remained at the Equinix facility until it was voluntarily produced to the FBI on October 3, 2015.^{82,83} The only equipment [REDACTED] left at the Chappaqua residence was the existing firewall and switch, since PRN intended to purchase its own firewalls and switches.⁸⁴ [REDACTED] reconnected and powered on the equipment for the Pagliano Server at the datacenter, so users could connect to their e-mail accounts,⁸⁵ and he continued to work at the datacenter for a few days setting up the remaining equipment^P for the PRN Server.⁸⁶ [REDACTED] completed all of the onsite work, while [REDACTED] worked remotely to get the server online.⁸⁷ After [REDACTED] left Secaucus, New Jersey, to travel back to PRN's headquarters, all physical pieces of hardware had been installed except for an intrusion detection device. [REDACTED] told the FBI that Equinix installed this device shortly after he left because the intrusion detection device was shipped later.⁸⁸

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(U//~~FOUO~~) On or around June 30, 2013, [REDACTED] began to remotely migrate all e-mail accounts from the Pagliano Server to the PRN Server.⁸⁹ During this migration period, the two server systems functioned together to ensure uninterrupted e-mail delivery to users.⁹⁰ After several days of migration, all e-mail accounts hosted on the presidentclinton.com, wjcoffice.com, and clintonemail.com domains were transferred to the PRN Server.⁹¹ At that point, PRN kept the Pagliano Server online to ensure e-mail was still being delivered; however, the Pagliano Server was no longer hosting e-mail services for the Clintons.⁹²

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⁰ (U//~~FOUO~~) A third PRN employee, [REDACTED] only handled a few tasks related to the administration of the server system until he left the company in the summer of 2015.

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^P (U//~~FOUO~~) The PRN Server consisted of the following equipment: a Dell PowerEdge R620 server hosting four virtual machines, including four separate virtual machines for Microsoft Exchange e-mail hosting, a BES for the management of BlackBerry devices, a domain controller to authenticate password requests, and an administrative server to manage the other three virtual machines, a Datto SIRIS 2000 to store onsite and remote backups of the server system, a CloudJacket device for intrusion prevention, two Dell switches, and two Fortinet Fortigate 80C firewalls.

⁹ (U//~~FOUO~~) The [REDACTED] domain was also added to the PRN Server at a later date.

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(U//~~FOUO~~) As part of the PRN Server environment, [REDACTED] told the FBI that he configured a backup device from Connecticut-based company Datto, Inc. (Datto), a Datto SIRIS 2000,⁹³ to take multiple snapshots of the server system daily, with a retention period of 60 days.⁹³ The backup device also made multiple copies of the Pagliano Server between June 24, 2013 and December 23, 2013.⁹⁴ At the Clintons' request, PRN only intended that the backup device store local copies of the backups.^{95,96} However, in August 2015, Datto informed PRN that, due to a technical oversight, the PRN Server was also backing up the server to Datto's secure cloud storage.^{97,98} After this notification, PRN instructed Datto to discontinue the secure cloud backups.^{99,100}

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(U//~~FOUO~~) [REDACTED] stated the Clintons originally requested that e-mail on the PRN Server be encrypted such that no one but the users could read the content.¹⁰¹ However, PRN ultimately did not configure the e-mail settings this way to allow system administrators to troubleshoot problems occurring within user accounts.¹⁰²

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(U//~~FOUO~~) PRN utilized an Intrusion Detection System (IDS)/Intrusion Prevention System (IPS) called CloudJacket from SECNAP Network Security.¹⁰³ The IDS/IPS device implemented by PRN had pre-configured settings that blocked or blacklisted certain e-mail traffic identified as potentially harmful and provided real-time monitoring, alerting, and incident response services.^{104,105} SECNAP personnel would receive notifications when certain activity on the network triggered an alert.¹⁰⁶ These notifications were reviewed by SECNAP personnel and, at times, additional follow-up was conducted with PRN in order to ascertain whether specific activity on the network was normal or anomalous.¹⁰⁷ Occasionally, SECNAP would send e-mail notifications to [REDACTED] prompting him to block certain IP addresses.¹⁰⁸ [REDACTED] described these notifications as normal and did not recall any serious security incident or intrusion attempt.¹⁰⁹ PRN also implemented two firewalls for additional protection of the network. [REDACTED] stated that he put two firewalls in place for redundancy in case one went down.¹¹⁰

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(U//~~FOUO~~) According to the FBI's forensic analysis of the server system, on December 3, 2013, Microsoft Exchange was uninstalled on the Pagliano Server.¹¹¹ The Pagliano Server remained in the same server cage at the Equinix datacenter in Secaucus, New Jersey, and a forensic review of the server, which was obtained in August 2015 via consent provided by Clinton through Williams & Connolly, indicated that it continued to be powered on and off multiple times before the FBI obtained it.¹¹² At the time of the FBI's acquisition of the Pagliano Server, Williams & Connolly did not advise the US Government (USG) of the existence of the additional equipment associated with the Pagliano Server, or that Clinton's clintonemail.com e-mails had been migrated to the successor PRN Server remaining at Equinix. The FBI's subsequent investigation identified this additional equipment and revealed the e-mail migration. As a result, on October 3, 2015, the FBI obtained, via consent provided by Clinton through Williams & Connolly, both the remaining Pagliano Server equipment and the PRN Server, which had remained operational and was hosting Clinton's personal e-mail account until it was disconnected and produced to the FBI.^{113,114,115,116}

⁹³ (U) The Datto SIRIS 2000 is a device that provides back-up capability and data redundancy.

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(U//~~FOUO~~) Investigation determined Clinton and Abedin began using new e-mail accounts on the domain hrcoffice.com in December 2014.¹¹¹ [REDACTED]

[REDACTED]^{118,119} Abedin stated the clintonemail.com system was "going away" and, following the initiation of the new domain, Abedin did not have access to her clintonemail.com account.¹²⁰ [REDACTED]

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[REDACTED]^{121,122} This is consistent with representations made by Williams & Connolly, which stated in a February 22, 2016 letter: "Secretary Clinton did not transfer her clintonemail.com e-mails for the time period January 21, 2009 through February 1, 2013 to her hrcoffice.com account ..." ¹²³ The investigation found no evidence Clinton's hrcoffice.com account contained or contains potentially classified information or e-mails from her tenure as Secretary of State. The FBI has, therefore, not requested or obtained equipment associated with Clinton's hrcoffice.com account.

D. (U//~~FOUO~~) Mobile Devices Associated with Clinton's E-mail Server Systems

(U//~~FOUO~~) Clinton stated she used a personal e-mail address and personal BlackBerry for both personal and official business and this decision was made out of convenience.¹²⁴ Abedin recalled that at the start of Clinton's tenure, State advised personal e-mail accounts could not be linked to State mobile devices and, as a result, Clinton decided to use a personal device in order to avoid carrying multiple devices.¹²⁵ [REDACTED]

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[REDACTED]¹²⁷ Cooper stated that he was aware of Clinton using a second mobile phone number.^{s,128} Cooper indicated Clinton usually carried a flip phone along with her BlackBerry because it was more comfortable for communication and Clinton was able to use her BlackBerry while talking on the flip phone.¹²⁹ Clinton believed 212-[REDACTED] was her primary BlackBerry phone number, and she did not recall using a flip phone during her tenure at State, only during her service in the Senate.^{t,130} Abedin and Mills advised they were unaware of Clinton ever using a cellular phone other than the BlackBerry.^{131,132}

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(U//~~FOUO~~) FBI investigation identified 13 total mobile devices, associated with her two known phone numbers, 212-[REDACTED] and 212-[REDACTED] which potentially were used to send e-mails using Clinton's clintonemail.com e-mail addresses.¹³³ Investigation determined Clinton used in succession 11 e-mail capable BlackBerry mobile devices associated with 212-[REDACTED] eight of which she used during her tenure as Secretary of State.¹³⁴ Investigation identified Clinton used two e-mail capable mobile devices associated with 212-[REDACTED] after her tenure.^{u,135} On

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^s (U//~~FOUO~~) During his interview with the FBI, Cooper was mistakenly shown "202-[REDACTED]" as the second phone number. Cooper recognized the phone number as Clinton's second number; however the correct phone number is 212-[REDACTED]

^t (U//~~FOUO~~) AT&T toll records associated with 212-[REDACTED] indicated the number was consistently used for phone calls in 2009 and then used sporadically through the duration of Clinton's tenure and the years following. Records also showed that no BlackBerry devices were associated with this phone number.

^u (U//~~FOUO~~) The FBI identified four additional mobile devices associated with 212-[REDACTED] which were used during Clinton's tenure. However, these devices lacked e-mail capability, and as a result the FBI did not conduct any further investigation regarding these devices.

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February 9, 2016, DOJ requested all 13 mobile devices from Williams & Connolly.¹³⁶ Williams & Connolly replied on February 22, 2016 that they were unable to locate any of these devices.¹³⁷ As a result, the FBI was unable to acquire or forensically examine any of these 13 mobile devices.

(U//~~FOUO~~) On October 16, 2015, Williams & Connolly provided two other BlackBerry devices to the FBI and indicated the devices might contain or have previously contained e-mails from Clinton's personal e-mail account during her tenure as Secretary of State.^{v,138,139} FBI forensic analysis found no evidence to indicate either of the devices provided by Williams & Connolly were connected to one of Clinton's personal servers or contained e-mails from her personal accounts during her tenure.^{140,141,142}

(U//~~FOUO~~) The FBI identified five iPad devices associated with Clinton which potentially were used to send e-mails from Clinton's clintonemail.com e-mail addresses.^{143,144,145,146} The FBI obtained three of the iPads.^{147,148,149} One iPad contained three e-mails from 2012 in the hdr22@clintonemail.com "drafts" folder.¹⁵⁰ The FBI assessed the three e-mails did not contain potentially classified information.¹⁵¹ The FBI did not recover e-mails from Clinton's personal e-mail accounts from either of the other two iPads in its possession.¹⁵²

(U//~~FOUO~~) Monica Hanley, a former Clinton aide, often purchased replacement BlackBerry devices for Clinton during her tenure at State.¹⁵³ Hanley recalled purchasing most of the BlackBerry devices for Clinton from AT&T stores located in the Washington, D.C. area.¹⁵⁴ Whenever Clinton acquired new mobile devices, Cooper was usually responsible for setting up the new devices and syncing them to the server.¹⁵⁵ Abedin, [REDACTED] and Hanley also assisted Clinton with setting up any new devices.¹⁵⁶ According to Abedin, it was not uncommon for Clinton to use a new BlackBerry for a few days and then immediately switch it out for an older version with which she was more familiar.¹⁵⁷ Clinton stated that when her BlackBerry device malfunctioned, her aides would assist her in obtaining a new BlackBerry, and, after moving to a new device, her old SIM cards were disposed of by her aides.¹⁵⁸ Cooper advised he sometimes assisted users, including Clinton, when they obtained a new mobile device by helping them back up the data from the old device before transferring it to the new device and syncing the new device with Clinton's server.¹⁵⁹ Abedin and Hanley indicated the whereabouts of Clinton's devices would frequently become unknown once she transitioned to a new device.^{160,161} Cooper did recall two instances where he destroyed Clinton's old mobile devices by breaking them in half or hitting them with a hammer.¹⁶²

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2. (U//~~FOUO~~) Clinton's Handling of E-mail and Classified Information

A. (U//~~FOUO~~) Clinton's Decision To Use Personal E-mail and Server Systems

(U//~~FOUO~~) FBI investigation determined the State Executive Secretariat's Office of Information Resource Management (S/ES-IRM) offered Clinton a State e-mail address at the start of her

^v (U//~~FOUO~~) The mobile devices provided to the FBI from Williams & Connolly on October 16, 2015 did not contain SIM cards or Secure Digital (SD) cards.

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tenure; however, Clinton's staff^w declined the offer.¹⁶³ According to [REDACTED] State S/ES-IRM, Clinton was offered a State e-mail address, but instead decided to use the personal server from her 2008 presidential campaign.^{x, 164} Investigation identified the existence of two State-issued e-mail accounts associated with Clinton; however, these accounts were used on Clinton's behalf and not by Clinton herself. According to State, SMSGs@state.gov was used to send e-mail messages from the Secretary to all State employees.^{165, 166} This account was not configured to receive e-mails, and S/ES-IRM authored the messages sent from this account.¹⁶⁷ S/ES-IRM created SSHRC@state.gov to manage an Outlook calendar for Clinton, but this account was not configured to send or receive e-mails other than calendar invitations.^{168, 169} A May 25, 2016 report issued by the State Office of Inspector General (OIG)^y stated that, during Clinton's tenure as Secretary of State, the State Foreign Affairs Manual (FAM) required day-to-day operations at State be conducted using an authorized information system.¹⁷⁰ The OIG stated it found "no evidence" that Clinton sought approval to conduct State business via her personal e-mail account or private servers, despite her obligation to do so.¹⁷¹ Clinton told the FBI that she did not explicitly request permission from State to use a private server or e-mail address.¹⁷² According to the State OIG report, State employees alleged that John Bentel, then-Director of S/ES-IRM, discouraged employees from raising concerns about Clinton's use of personal e-mail.^{z, 173} When interviewed by the FBI, Bentel denied that State employees raised concerns about Clinton's e-mail to him, that he discouraged employees from discussing it, or that he was aware during Clinton's tenure that she was using a personal e-mail account or server to conduct official State business.¹⁷⁴

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(U//~~FOUO~~) The FBI investigation determined some Clinton aides and senior-level State employees were aware Clinton used a personal e-mail address for State business during her tenure. Clinton told the FBI it was common knowledge at State that she had a private e-mail address because it was displayed to anyone with whom she exchanged e-mails.¹⁷⁵ However, some State employees interviewed by the FBI explained that e-mails from Clinton only contained the letter "H" in the sender field and did not display her e-mail address.^{176, 177, 178} The majority of the State employees interviewed by the FBI who were in e-mail contact with Clinton indicated they had no knowledge of the private server in her Chappaqua residence.^{179, 180, 181, 182, 183, 184} Clinton's immediate aides, to include Mills, Abedin, Jacob Sullivan,^{aa} and [REDACTED] told the FBI they were unaware of the existence of the private server until after Clinton's tenure at State or when it became public knowledge.^{185, 186, 187, 188}

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^w (U//~~FOUO~~) S/ES-IRM employees interviewed indicated they did not communicate directly with Clinton regarding this issue and could not specifically identify the members of Clinton's immediate staff with whom they spoke.

^x (U//~~FOUO~~) According to [REDACTED] part of his job at State was to maintain and support the infrastructure for the UNCLASSIFIED and SECRET networks for the Executive Secretariat.

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^y (U//~~FOUO~~) Independent of the FBI's investigation, in April 2015, the State OIG initiated its own investigation and review of records management policies and practices regarding the use of non-State communications systems during the tenure of five Secretaries of State, including Clinton. Portions of the State OIG's May 25, 2016 report relevant to the FBI's investigation are cited herein.

^z (U) According to the State OIG report, two State information management staff members approached the Director of the S/ES-IRM in 2010 with concerns they had about Clinton's use of a personal e-mail account and compliance with federal records requirements. According to one staff member, the Director stated that Clinton's personal system had been reviewed and approved by State legal staff. The Director allegedly told both staff members never to discuss Clinton's personal e-mail system again. OIG found no evidence that State legal staff reviewed or approved Clinton's personal e-mail system.

^{aa} (U) Sullivan served as the Deputy Chief of Staff and later the Director of Policy and Planning during Clinton's tenure as Secretary of State.

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(U//~~FOUO~~) The FBI investigation indicated Clinton was aware her use of a personal device, e-mail account, and server did not negate her obligation to preserve federal records. On January 23, 2009, Clinton contacted former Secretary of State Colin Powell via e-mail to inquire about his use of a BlackBerry while he was Secretary of State (January 2001 to January 2005).^{bb,189} In his e-mail reply, Powell warned Clinton that if it became "public" that Clinton had a BlackBerry, and she used it to "do business," her e-mails could become "official record[s] and subject to the law."¹⁹⁰ Powell further advised Clinton, "Be very careful. I got around it all by not saying much and not using systems that captured the data."¹⁹¹ Clinton indicated to the FBI that she understood Powell's comments to mean any work-related communications would be government records, and she stated Powell's comments did not factor into her decision to use a personal e-mail account.¹⁹² In an e-mail to Mills on August 30, 2011, State Executive Secretary, Stephen Mull, cited a request from Clinton to replace her temporarily malfunctioning personal BlackBerry with a State-issued device.¹⁹³ Mull informed Mills that a State-issued replacement device for Clinton's personal BlackBerry would be subject to FOIA requests.¹⁹⁴ On that same day, Bentel sent a separate e-mail to Hanley, which was later forwarded to Abedin, stating that e-mails sent to a State e-mail address for Clinton would be "subject to FOIA searches."¹⁹⁵ A State-issued device was not ultimately issued to Clinton; in her FBI interview, Abedin stated she felt it did not make sense to temporarily issue Clinton a State BlackBerry because it would have required significant effort to transfer all of her e-mails and contacts to a device that she would have only used for a few days.¹⁹⁶ The Mull and Bentel e-mails to Mills and Hanley did not indicate that transferring e-mail and/or contacts from Clinton's clintonemail.com account would be necessary to issue her a State BlackBerry.^{197,198,199} Abedin stated she always assumed all of Clinton's communications, regardless of the account, would be subject to FOIA if they contained work-related material.²⁰⁰

(U//~~FOUO~~) While State policy during Clinton's tenure required that "day-to-day operations [at State] be conducted on [an authorized information system],"²⁰¹ according to the [REDACTED] the Bureau of Information Security Management, [REDACTED] there was no restriction on the use of personal email accounts for official business.²⁰² However, State employees were cautioned about security and records retention concerns regarding the use of personal e-mail. In 2011, a notice to all State employees was sent on Clinton's behalf, which recommended employees avoid conducting State business from personal e-mail accounts due to information security concerns.²⁰³ Clinton stated she did not recall this specific notice, and she did not recall receiving any guidance from State regarding e-mail policies outlined in the State FAM.²⁰⁴ Interviews with two State employees determined that State issued guidance which required employees who used personal e-mail accounts for State business to forward those work-related e-mails to their official State account for record-keeping purposes.^{205,206} Investigation determined that State used the State Messaging and Archive Retrieval Toolset (SMART), which allows employees to electronically tag e-mails to preserve a record copy.^{207,208,209} According to [REDACTED] then State's [REDACTED] SMART was developed to automate and streamline the process for archiving records.²¹⁰ According to the

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^{bb} (U) According to the State OIG report, when Powell arrived at State in 2001, the official unclassified e-mail system in place only permitted communication among State employees; therefore, Powell requested the use of a private line for his America Online (AOL) e-mail account to communicate with individuals outside of State. Prior to Powell's tenure, State employees did not have Internet connectivity on their desktop computers. During Powell's tenure, State introduced unclassified desktop external e-mail capability on a system known as OpenNet.

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State OIG Report, IRM introduced SMART throughout State in 2009; however, the Office of the Secretary elected not to use the SMART system to preserve e-mails, partly due to concerns that the system would "allow overly broad access to sensitive materials."²¹¹ [REDACTED] told the FBI that representatives from the Executive Secretariat asked to be the last to receive the SMART rollout, and ultimately SMART was never rolled out to the Executive Secretariat Office.²¹² This left the "print and file" method as the only approved method by which the Office of the Secretary could preserve record e-mails.²¹³

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(U//~~FOUO~~) Mills wrote in a letter to State, dated December 5, 2014, that it was Clinton's practice to e-mail State officials at their government e-mail accounts for official business, and, therefore, State already had records of Clinton's e-mails preserved within State recordkeeping systems.²¹⁴ Abedin also stated in her FBI interview that Clinton's staff believed relevant e-mails would be captured and preserved by State if any of the senders or recipients were using an official State e-mail account.²¹⁵ The State OIG stated in its report that this was not an appropriate method of preserving record e-mails, and Clinton should have preserved any record e-mails created and received on her personal account by printing and filing the e-mails in the Office of the Secretary.²¹⁶ State OIG also determined Clinton should have surrendered all e-mails relating to State business before leaving her post as Secretary of State.²¹⁷ Clinton stated that she received no instructions or direction regarding the preservation or production of records from State during the transition out of her role as Secretary of State in early 2013.²¹⁸ Furthermore, Clinton believed her work-related e-mails were captured by her practice of sending e-mails to State employees' official State e-mail accounts.²¹⁹

B. (U//~~FOUO~~) Communications Equipment in Clinton's State Office and Residences

(U//~~FOUO~~) Investigation determined Clinton did not have a computer in her State office, which was located in a Sensitive Compartmented Information Facility (SCIF) on the seventh floor of State headquarters, in an area often referred to as "Mahogany Row."^{220,221,222} State Diplomatic Security Service (DS) instructed Clinton that because her office was in a SCIF, the use of mobile devices in her office was prohibited.²²³ Interviews of three former DS agents revealed Clinton stored her personal BlackBerry in a desk drawer in DS "Post 1,"^{cc} which was located within the SCIF on Mahogany Row.^{224,225,226} State personnel were not authorized to bring their mobile devices into Post 1, as it was located within the SCIF.²²⁷ According to Abedin, Clinton primarily used her personal BlackBerry or personal iPad for checking e-mails, and she left the SCIF to do so, often visiting State's eighth floor balcony.²²⁸ Former Assistant Secretary of State for DS Eric Boswell stated he never received any complaints about Clinton using her personal BlackBerry inside the SCIF.²²⁹

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[REDACTED] This decision was relayed to Clinton's executive staff via a memo titled "Use of Blackberries in Mahogany Row," dated March 6, 2009.²³² Clinton stated to the FBI that she requested a secure BlackBerry while at State after hearing President Obama had one, but she

^{cc} (U//~~FOUO~~) The DS security detachment maintained a Post, known as Post 1, located in the SCIF and directly outside of Clinton's office on Mahogany Row.

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could not recall the reasons why State was unable to fulfill this request.^{dd,233} Early in Clinton's tenure at State, Clinton's executive staff also inquired about the possibility of the Secretary using an iPad to receive communications in her office; however, this request was also denied due to restrictions associated with the Secretary's office being in a SCIF.²³⁴ According to the State OIG report, in January 2009, in response to Clinton's desire to take her BlackBerry into secure areas, Mills discussed with S/ES-IRM officials and with the State Under Secretary for Management, Patrick Kennedy, alternative solutions which would allow Clinton to check e-mail from her desk.²³⁵ Setting up an Internet-connected, stand-alone computer was discussed as a viable solution; however, a stand-alone system was never set up.²³⁶

(U) ~~(S//OC/NF)~~ Investigation determined Clinton had access to a number of State-authorized secure means of telephonic communication in her residences and in her office at State.^{ee,237} At the start of Clinton's tenure, State installed a SCIF and secure communications equipment. [REDACTED]

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(S) [REDACTED] in her residences in Washington, D.C. (Whitehaven residence) and Chappaqua.^{ii,gg,hh,238,239,240,241,242} According to Abedin, Cooper, and [REDACTED] there were personally-owned desktop computers in the SCIFs in Whitehaven and Chappaqua.^{243,244,245} Conversely, Clinton stated to the FBI she did not have a computer of any kind in the SCIFs in her residences.²⁴⁶ According to Abedin and Clinton, Clinton did not use a computer, and she primarily used her BlackBerry or iPad for checking e-mails.

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C. (U//~~FOUO~~) *Individuals in Direct Communication with Clinton's Personal E-mail Address*

(U//~~FOUO~~) Investigation determined a limited number of individuals maintained direct e-mail contact with Clinton through her personal clintonemail.com e-mail account during her tenure at State. Thirteen individuals, consisting of State senior-level employees, work-related advisors, and State executive administrative staff, maintained direct e-mail contact with Clinton and individually e-mailed her between 100 and 1,000 times during her tenure.ⁱⁱ Abedin, Mills, and Sullivan, were most frequently in e-mail contact with Clinton and accounted for 68 percent of the e-mails sent directly to Clinton. In addition to sending Clinton messages they wrote, Abedin, Mills, and Sullivan reviewed e-mails they received from other State employees, USG contacts, and foreign government contacts, and if deemed appropriate they then forwarded the information

(U) ~~(S//OC/NF)~~ According to Clinton, her request for a State-issued secure BlackBerry was not out of concern for the sensitivity of the information on the device she was using at the time, rather she wanted the secure device to deal with future contingencies.

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^{ee} (S//~~OC/NF~~) According to Abedin, Clinton's State office contained [REDACTED]

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^{ff} (U//~~FOUO~~) According to Abedin, the SCIF door at the Whitehaven residence was not always locked, and Abedin, Hanley, and [REDACTED] had access to the SCIF.

(U) ^{gg} (S//~~OC/NF~~) Investigation determined the Chappaqua SCIF was not always secured, and Abedin, Hanley, and [REDACTED] had routine access to the SCIF.

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^{hh} (S//~~OC/NF~~) Or [REDACTED] State installed the following communications lines at the Whitehaven residence [REDACTED]

[REDACTED] State installed communications equipment at the Chappaqua residence similar to that at the Whitehaven residence. State finished installation of the SCIF in the Chappaqua residence in [REDACTED]

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ⁱⁱ (U//~~FOUO~~) The statistics in this paragraph are based on the e-mails provided by Williams & Connolly as part of Clinton's production to the FBI, excluding Clinton's personal correspondence with family and close friends, as well as e-mails Clinton forwarded to herself.

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to Clinton.^{247,248,249} Multiple State employees advised they considered e-mailing Abedin, Mills, and Sullivan the equivalent of e-mailing Clinton.^{250,251}

(U//~~FOUO~~) Investigation identified hundreds of e-mails sent by Abedin and other State staff to [REDACTED] presidentclinton.com e-mail address requesting him to print documents for Clinton. Some of these e-mails were determined to contain information classified at the CONFIDENTIAL level.^{jj,252,253,254,255,256,257} [REDACTED] received a security clearance at the SECRET level on October 25, 2007 from the Department of Defense (DOD).²⁵⁸ Documentation retained by DOD and provided to the FBI did not indicate [REDACTED] security clearance was deactivated upon his retirement from the US Navy Reserves in September 2010.²⁵⁹

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D. (U//~~FOUO~~) Clinton Staff's Use of Personal E-mail Accounts for Official Business

(U//~~FOUO~~) Clinton's immediate staff, to include Mills, Sullivan, Abedin, [REDACTED] and Hanley, told the FBI in interviews that they predominantly used their State-provided OpenNet e-mail accounts to conduct official State business.^{260,261,262,263,264} Exceptions to this practice included instances when the State OpenNet e-mail system was down or when staff was traveling internationally and OpenNet was not readily accessible.^{265,266,267,268,269} The FBI's investigation confirmed that Clinton's immediate staff used their personal e-mail accounts in combination with their State-provided OpenNet e-mail accounts for official State business.^{kk}

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E. (U//~~FOUO~~) Clinton's Use of Personal E-mail Accounts While Overseas

(U//~~FOUO~~) FBI investigation and the State OIG report determined that State issued regular notices to staff during Clinton's tenure highlighting cybersecurity threats and advising that mobile devices must be configured to State security guidelines.^{270,271} Clinton and her immediate staff were notified of foreign travel risks and were warned that digital threats began immediately upon landing in a foreign country, since connection of a mobile device to a local network provides opportunities for foreign adversaries to intercept voice and e-mail transmissions.^{272,273} The State Mobile Communications (MC) Team was responsible for establishing secure mobile voice and data communications for Clinton and her team when they were traveling domestically and abroad.^{274,275} When the security climate required, the State MC was capable of [REDACTED] [REDACTED] could be received and viewed by Clinton and/or her designated staff.^{276,277}

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(S//~~OC/NF~~) Investigation determined that of the e-mails provided by Williams & Connolly as part of Clinton's production to the FBI, approximately [REDACTED] e-mails were sent or received by Clinton on her personal e-mail accounts while she was traveling outside the continental United States (OCONUS) on official State business.^{ll,278} [REDACTED]

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^{jj} (U//~~FOUO~~) Investigation identified six e-mail chains forwarded to [REDACTED] that were determined from the State FOIA review to contain CONFIDENTIAL information. Five were forwarded by Abedin, and one was from Clinton.

^{kk} (U) See Section 3.C for discussion of classified e-mails contained in Clinton's staff's personal e-mail accounts.

^{ll} (U//~~FOUO~~) State listed Clinton's overseas travel by individual days, but did not provide additional information such as arrival and departure times. As a result, the FBI could not determine specifically which e-mails were sent while she was on the ground OCONUS versus in flight.

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[REDACTED] FBI investigation determined that hundreds of e-mails classified CONFIDENTIAL during the State FOIA process were sent or received by Clinton while she was OCONUS. Approximately [REDACTED] e-mails were sent or received by Clinton [REDACTED]. On [REDACTED] occasions while OCONUS, Clinton had direct e-mail contact with an e-mail address for President Barack Obama. Of the [REDACTED] e-mails between Clinton and President Obama, [REDACTED] were sent and received [REDACTED]. None of these [REDACTED] e-mails were determined to contain classified information. Clinton told the FBI that she received no particular guidance as to how she should use President Obama's e-mail address, and the e-mails sent while Clinton was [REDACTED] nm,279

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F. (U//~~FOUO~~) Clinton's Production of E-mail in Response to FOIA and Other Requests

(U//~~FOUO~~) The House Select Committee on Benghazi was established on May 8, 2014 and reached an agreement with State on July 23, 2014 regarding the production of records.²⁸⁰ State sent a formal request to former Secretaries of State on October 28, 2014, asking them to produce e-mails related to their government work.²⁸¹ After State requested that Clinton provide her e-mails,ⁿⁿ Clinton asked her attorneys, David Kendall^{oo} and Mills, to oversee the process of providing Clinton's work-related e-mails to State.²⁸² Heather Samuelson,^{pp} an attorney working with Mills, undertook a review to identify work-related e-mails, while Kendall and Mills oversaw the process.²⁸³ Ultimately, on December 5, 2014, Williams & Connolly provided approximately 55,000 pages of e-mails^{qq} to State in response to State's request for Clinton to produce all e-mail in her possession that constituted a federal record from her tenure as Secretary of State.²⁸⁴ State ultimately reviewed the 55,000 pages of e-mail to meet its production obligations related to FOIA lawsuits and requests. On May 27, 2015, State received a court order to post Clinton's e-mails to the State FOIA website on a monthly production schedule with a completion date of January 29, 2016.²⁸⁵ State ultimately concluded its FOIA-related production on February 29, 2016. Clinton told the FBI that she directed her legal team to provide any work-related or arguably work-related e-mails to State; however she did not participate in the development of the specific process to be used or in discussions of the locations of where her e-mails might exist.²⁸⁶ Clinton was not consulted on specific e-mails in order to determine if they were work-related.²⁸⁷

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ⁿⁿ (U//~~FOUO~~) During the summer of 2014, State indicated to Mills a request for Clinton's work-related e-mails would be forthcoming, and in October 2014, State followed up by sending an official request to Clinton asking for her work-related e-mails.

^{oo} (U) Kendall is a partner at Williams & Connolly.

^{pp} (U) Samuelson worked in the White House Liaison Office at State during Clinton's tenure and currently serves as Clinton's personal attorney.

^{qq} (U//~~FOUO~~) According to Clinton's campaign website, 30,490 potentially work-related e-mails were provided to State on December 5, 2014. On August 6, 2015, Williams & Connolly provided the FBI a .PST file containing 30,542 e-mail related files, which included 30,524 e-mail messages.

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(U//~~FOUO~~) In July 2014, to initiate the review of Clinton's e-mails for production to State, Mills arranged for [REDACTED] to export from the PRN Server all of Clinton's e-mails sent to or received from a .gov e-mail address during Clinton's tenure as Secretary of State.^{288,289,290} Once [REDACTED] completed this export from the PRN Server, he remotely transferred a .PST file containing the e-mails onto Mills's and Samuelson's laptops via ScreenConnect.^{ii,291,292,293} In late September 2014, Mills and Samuelson asked [REDACTED] to provide a full export of all of Clinton's e-mails from her tenure, to include e-mails sent to and received from non-.gov e-mail addresses.^{294,295,296} Mills and Samuelson explained that this follow-up request was made to ensure their review captured all of the relevant e-mails from Clinton's tenure.^{297,298} [REDACTED] completed this export and transfer in the same manner as the July 2014 request.^{ss} Mills and Samuelson did not know from what location on the server [REDACTED] extracted Clinton's e-mails.^{299,300} [REDACTED] gave the FBI inconsistent statements over the course of three interviews regarding from where on the server he extracted Clinton's e-mails, and FBI investigation and forensic analysis have been unable to specifically identify the location and composition of the repository [REDACTED] used to create the export of Clinton's e-mails from her tenure.^{301,302,303}

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(U//~~FOUO~~) The FBI interviewed Samuelson on May 24, 2016 about her review of the PRN-provided e-mails. Samuelson indicated she conducted the review of these e-mails over the course of several months and completed it just prior to December 5, 2014, when hard copies of the work-related e-mails were turned over to State.³⁰⁴ Using her laptop to conduct the review, Samuelson placed any work-related e-mails into a folder that she had created in Microsoft Outlook.³⁰⁵ Samuelson first added to this folder all e-mails sent to or from Clinton's personal e-mail account with .gov and .mil e-mail addresses.³⁰⁶ Samuelson then searched the remaining e-mails for the names of State senior leadership, as well as any members of Congress, foreign leaders, or other official contacts.³⁰⁷ Finally, Samuelson conducted a key word search of terms such as "Afghanistan," "Libya," and "Benghazi."^{tt,308} Samuelson reviewed the "To," "From," and "Subject" fields of every e-mail during this review; however, she did not read the content of each individual e-mail, indicating that, in some instances, she made a determination as to whether it was one of Clinton's work or personal e-mails by only reviewing the "To," "From," and "Subject" fields of the e-mail.³⁰⁹

(U//~~FOUO~~) As she completed the review, Samuelson printed all of the e-mails to be turned over to State using a printer in Mills's office.³¹⁰ According to Samuelson, Mills and Kendall subsequently reviewed e-mails that Samuelson printed, and any hard copy of an e-mail Mills and Kendall deemed not to be work-related was shredded, and the digital copy of the e-mail was not included in the folder Samuelson created in Microsoft Outlook to contain all of the work-related e-mails.³¹¹ Mills stated that, other than instances where Samuelson requested Mills's guidance, Mills did not review the e-mails Samuelson identified as work-related, and once the review was complete, Samuelson printed the work-related e-mails.³¹² After the review was completed, Samuelson created a .PST file containing all of the work-related e-mails and ensured that all work-related e-mails were printed.³¹³ This .PST file was provided to Kendall on a USB thumb

ⁱⁱ (U) ScreenConnect is a remote support administration tool that allows technicians to remotely connect to customers via a central web application to control and view end users' machines. According to product specifications, ScreenConnect encrypts data transmitted from one machine to another, to include screen data, file transfers, key strokes, and chat messages.

^{ss} (U//~~FOUO~~) Mills did not recall if this second .PST file was transferred to her computer.

^{tt} (U//~~FOUO~~) The FBI was unable to obtain a complete list of keywords or named officials searched from Samuelson, Mills, or Clinton's other attorneys due to an assertion of privilege.

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drive.³¹⁴ On August 6, 2015, this thumb drive was obtained by the FBI from Williams & Connolly via consent from Clinton.

G. (U//~~FOUO~~) *Deletion of E-mail Associated with Clinton's Personal E-mail Accounts*

(U//~~FOUO~~) According to Hanley, in spring 2013, Cooper assisted Hanley in creating an archive of Clinton's e-mails.³¹⁵ Cooper provided Hanley with an Apple MacBook laptop (the Archive Laptop)^{uu} from the Clinton Foundation and telephonically walked Hanley through the process of remotely transferring Clinton's e-mails from the Pagliano Server to the laptop and a thumb drive.³¹⁶ Hanley completed this task from her personal residence.³¹⁷ The two copies of the Clinton e-mail archive (one on the Archive Laptop and one on the thumb drive) were intended to be stored in Clinton's Chappaqua and Whitehaven residences; however, Hanley explained this did not occur as Hanley forgot to provide the Archive Laptop and the thumb drive to Clinton's staff following the creation of the archive.^{318,319} In early 2014, Hanley located the Archive Laptop at her personal residence and worked with [REDACTED] to transfer the archive of Clinton's e-mails to PRN.^{320,321,322,323} After trying unsuccessfully to remotely transfer the e-mails to [REDACTED] Hanley shipped the Archive Laptop to [REDACTED] residence in [REDACTED] in February 2014, and [REDACTED] migrated Clinton's e-mails from the Archive Laptop onto the PRN Server.^{324,325,326,327,328} To accomplish this, [REDACTED] transferred all of the Clinton e-mail content to a personal Google e-mail (Gmail) address he created, [REDACTED]@gmail.com, and then downloaded all of the e-mail content from the Gmail account to a mailbox named "HRC Archive" with the e-mail address hrcarchive@clintonemail.com on the PRN Server.^{329,330,331} [REDACTED] advised he used the [REDACTED]@gmail.com e-mail account to facilitate the transfer because he had trouble exporting the e-mail from the Apple MacMail format to a format that would be compatible with Microsoft Exchange.³³²

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(U//~~FOUO~~) Hanley stated she recommended that PRN wipe the Archive Laptop after the e-mails were transferred to the PRN Server.³³³ However, [REDACTED] told the FBI that, after the transfer was complete, he deleted the e-mails from the Archive Laptop but did not wipe the laptop.³³⁴ He also advised he deleted the e-mails uploaded to the [REDACTED]@gmail.com e-mail account per Hanley's instructions and shipped the Archive Laptop via United States Postal Service or United Parcel Service to [REDACTED] who was Clinton's [REDACTED] at the time.^{335,336,337} [REDACTED] told the FBI that she never received the laptop from [REDACTED] however, she advised that Clinton's staff was moving offices at the time, and it would have been easy for the package to get lost during the transition period.³³⁸ Neither Hanley nor [REDACTED] could identify the current whereabouts of the Archive Laptop or thumb drive containing the archive, and the FBI does not have either item in its possession.³³⁹

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(U//~~FOUO~~) FBI investigation identified 940 e-mails associated with Clinton's personal e-mail account from October 25, 2010 to December 31, 2010 that as of June 21, 2016 remained within the [REDACTED]@gmail.com account.³⁴⁰ The FBI was able to determine that 56 of these

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^{uu} (U//~~FOUO~~) According to Abedin, the archive of Clinton's e-mails was created as a reference for the future production of a book. According to Hanley, the archive of Clinton's e-mails was created in response to Clinton's hdr22@clintonemail.com address being released to the public following the online posting of e-mail exchanges between Clinton and an informal political advisor, Sidney Blumenthal. Blumenthal's personal e-mail account, which contained his e-mails with Clinton, was compromised on March 14, 2013 by a Romanian cyber hacker. See Section 4.D.

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e-mails have been identified as currently classified at the CONFIDENTIAL level through the State FOIA process.³⁴¹ Additionally, the FBI determined that 302 of the 940 e-mails identified in the [redacted]@gmail.com account were not found in the set of e-mails Clinton produced to State in December 2014.³⁴² Of the 302 e-mails, the FBI disseminated 18 to USG agencies for classification review. State determined one e-mail to be classified SECRET when sent and to be classified CONFIDENTIAL currently. State determined a second e-mail to be classified as CONFIDENTIAL when sent and to be currently UNCLASSIFIED.

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(U//~~FOUO~~) In or around December 2014 or January 2015, Mills and Samuelson requested that [redacted] remove from their laptops all of the e-mails from the July and September 2014 exports.^{343,344,34} [redacted] used a program called BleachBit^{vv} to delete the e-mail-related files so they could not be recovered.^{346,347,34} [redacted] remotely connected to Mills's and Samuelson's laptops via ScreenConnect to complete the deletions.^{349,350,35} [redacted] stated to the FBI that an unknown Clinton staff member told him s/he did not want the .PST file after the export and wanted it removed from the PRN Server.³⁵² According to Mills, in December 2014, Clinton decided she no longer needed access to any of her e-mails older than 60 days.³⁵³ Therefore, Mills instructed [redacted] to modify the e-mail retention policy on Clinton's clintonemail.com e-mail account to reflect this change.³⁵⁴ However, according to [redacted] he did not make these changes to Clinton's clintonemail.com account until March 2015.³⁵⁵ Clinton told the FBI that, after her staff completed her e-mail production to State in December 2014, she was asked what she wanted to do with her remaining personal e-mails, Clinton instructed her staff she no longer needed the e-mails.³⁵⁶ Clinton stated she never deleted, nor did she instruct anyone to delete, her e-mails to avoid complying with FOIA, State or FBI requests for information.³⁵⁷

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(U//~~FOUO~~) On March 2, 2015, *The New York Times* (NYT) published an article titled, "Hillary Clinton Used Personal Email Account at State Dept., Possibly Breaking Rules."^{ww,358} This article identified publicly that Clinton exclusively used a personal e-mail account to conduct official State business while she was Secretary of State and had not produced her federal records to State until December 2014.³⁵⁹ On March 3, 2015, the United States House Select Committee on Benghazi provided a letter to Williams & Connolly requesting the preservation and production of all documents and media related to hdr22@clintonemail.com and hrc17@clintonemail.com.^{xx,360} The following day, the House Select Committee on Benghazi issued a subpoena to Clinton to produce e-mails from hdr22@clintonemail.com, hrod17@clintonemail.com, and other e-mail addresses used by Clinton, pursuant to the events surrounding the 2012 terrorist attack in Benghazi.³⁶¹

(U//~~FOUO~~) In the days following the publication of the NYT article, Mills requested that PRN conduct a complete inventory of all equipment related to the Pagliano Server.^{362,363} In response to this request, [redacted] traveled to the Equinix datacenter in Secaucus, New Jersey to conduct an onsite review of the equipment, while [redacted] also logged in to the server

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^{vv} (U) BleachBit is open source software that allows users to "shred" files, clear Internet history, delete system and temporary files and wipe free space on a hard drive. Free space is the area of the hard drive that can contain data that has been deleted. BleachBit's "shred files" function claims to securely erase files by overwriting data to make the data unrecoverable.

^{ww} (U) The same article was released on the NYT website on March 2, 2015. The print version appeared on page A1 the following day, March 3, 2015.

^{xx} (U) The House Select Committee on Benghazi submitted a preservation request for an accurate e-mail address, hdr22@clintonemail.com, and an inaccurate e-mail address, hrc17@clintonemail.com, for Clinton.

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remotely.^{364,365,366} [] powered on the Pagliano Server and confirmed for Mills that no additional data existed on any server equipment, as all data was migrated to the PRN Server.^{yy,367,368}

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(U//~~FOUO~~) Investigation indicated that on March 25, 2015, PRN held a conference call with President Clinton's staff.^{369,370} In his interviews with the FBI, [] indicated that sometime between March 25-31, 2015, he realized he did not make the e-mail retention policy changes to Clinton's clintonemail.com e-mail account that Mills had requested in December 2014.³⁷¹ In his FBI interview on February 18, 2016, [] indicated that he did not recall conducting deletions based upon this realization.³⁷² In a follow-up FBI interview on May 3, 2016, [] indicated he believed he had an "oh shit" moment and sometime between March 25-31, 2015 deleted the Clinton archive mailbox from the PRN server and used BleachBit to delete the exported .PST files he had created on the server system containing Clinton's e-mails.³⁷³ Investigation found evidence of these deletions³⁷⁴ and determined the Datto backups of the PRN Server were also manually deleted during this timeframe.³⁷⁵ Investigation identified a PRN work ticket, which referenced a conference call among PRN, Kendall, and Mills on March 31, 2015.^{376,377} PRN's attorney advised [] not to comment on the conversation with Kendall based upon the assertion of the attorney-client privilege.³⁷⁸

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(U//~~FOUO~~) Investigation identified a March 9, 2015 e-mail to PRN from Mills, of which [] was a recipient, referencing the preservation request from the Committee on Benghazi.^{379,380} [] advised during his February 18, 2016 interview that he did not recall seeing the preservation request referenced in the March 9, 2015 e-mail.³⁸¹ During his May 3, 2016 interview, [] indicated that, at the time he made the deletions in March 2015, he was aware of the existence of the preservation request and the fact that it meant he should not disturb Clinton's e-mail data on the PRN Server.³⁸² [] also stated during this interview, he did not receive guidance from other PRN personnel, PRN's legal counsel, or others regarding the meaning of the preservation request.³⁸³ Mills stated she was unaware that [] had conducted these deletions and modifications in March 2015.³⁸⁴ Clinton stated she was also unaware of the March 2015 e-mail deletions by PRN.³⁸⁵

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3. (U//~~FOUO~~) Results of FBI Review of Clinton E-mails Stored and Transmitted on Personal Server Systems

A. (U//~~FOUO~~) Quantities of Clinton's E-mails Recovered from Personal Server Systems

(U//~~FOUO~~) To date, the FBI has recovered from additional data sources and reviewed approximately 17,448 unique work-related and personal e-mails^{zz} from Clinton's tenure containing Clinton's hdr22@clintonemail.com^{aaa} e-mail address that were not provided by

^{yy} (U//~~FOUO~~) FBI forensically identified deletions from the PRN Server on March 8, 2015 of .PST files not associated with Clinton's e-mail account or domain, and other server data.

^{zz} (U//~~FOUO~~) These approximately 17,448 e-mails were determined to be unique from the e-mails provided by Williams & Connolly as part of Clinton's production to the FBI, through a distinctive Internet Message ID. These files do not include documents or partial e-mail files without an Internet Message ID in the metadata.

^{aaa} (U//~~FOUO~~) The approximate 17,448 e-mails may contain chains of e-mails in which Clinton is not on the most recent "To," "From," "CC," or "BCC" line.

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Williams & Connolly as part of Clinton's production to the FBI, including e-mails from January 23, 2009 through March 18, 2009.^{bbb}

B. (U//~~FOUO~~) Classification Portion Markings in E-mail Recovered from Personal Server Systems

(U//~~FOUO~~) The FBI identified three e-mail chains, encompassing eight individual e-mail exchanges to or from Clinton's personal e-mail accounts, which contained at least one paragraph marked "(C)," a marking ostensibly indicating the presence of information classified at the CONFIDENTIAL level.^{386,387,388} The emails contained no additional markings, such as a header or footer, indicating that they were classified. State confirmed through the FOIA review process that one of these three e-mail chains contains information which is currently classified at the CONFIDENTIAL level.^{ccc,389} State determined that the other two e-mail chains are currently UNCLASSIFIED.^{390,391} State did not provide a determination as to whether any of these three e-mails were classified at the time they were sent.

(U//~~FOUO~~) When asked about the e-mail chain containing "(C)" portion markings that State determined to currently contain CONFIDENTIAL information, Clinton stated she did not know what the "(C)" meant at the beginning of the paragraphs and speculated it was referencing paragraphs marked in alphabetical order.^{ddd,392} Clinton identified a "CONFIDENTIAL" header and footer (inserted in the document by the FBI prior to the interview) and asked if the "(C)" related to the "CONFIDENTIAL" header and footer.³⁹³ Clinton did not believe the content of the e-mail was classified and questioned the classification determination.³⁹⁴ When asked of her knowledge regarding TOP SECRET, SECRET, and CONFIDENTIAL classification levels of USG information, Clinton responded that she did not pay attention to the "level" of classification and took all classified information seriously.³⁹⁵

C. (U//~~FOUO~~) Classified Information Found in Clinton's E-mails on Personal Server Systems

(U//~~FOUO~~) FBI and USIC classification reviews identified 81 e-mail chains containing approximately 193 individual e-mail exchanges^{eee} that were classified from the CONFIDENTIAL to TOP SECRET levels at the time the e-mails were drafted on UNCLASSIFIED systems and sent to or from Clinton's personal server. Of the 81 e-mail chains classified at the time of transmittal, 68 remain classified. Twelve of the e-mail chains, classified

^{bbb} (U//~~FOUO~~) According to Clinton's campaign website, Clinton only provided State her work-related e-mails dated after March 18, 2009. E-mails from January 21, 2009 to March 18, 2009 were not produced to State or the FBI by Williams & Connolly. According to Samuelson and Mills, they were unable to locate Clinton's e-mails from this period. The e-mails from this time period were not provided to them by PRN, and they believed the e-mails were not backed up on any server. Investigation determined some of Clinton's e-mails from January 23, 2009 to March 17, 2009 were captured through a Datto backup on June 29, 2013. However, the e-mails obtained are likely only a subset of the e-mails sent or received by Clinton during this time period.

^{ccc} (U//~~FOUO~~) The three e-mail chains containing the portion mark of "(C)" are not considered as part of the group of e-mails classified through the FBI classification review because State has not responded to the FBI request for classification determinations for these e-mails.

^{ddd} (U//~~FOUO~~) Earlier in her FBI interview, when asked what the classification marking "(SBU)" meant, Clinton correctly stated Sensitive But Unclassified.

^{eee} (U//~~FOUO~~) Due to the limited insight into other USG and personal e-mail accounts, the investigation was unable to determine if e-mails from the classified e-mail chains were forwarded to other USG or personal e-mail addresses.

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by State as SECRET or CONFIDENTIAL, were not among the approximately 30,000 e-mails provided to State and the FBI by Williams & Connolly. In addition to State classified equities, the investigation determined the 81 e-mail chains contained classified equities from 5 other USIC agencies: the CIA, DOD, FBI, National Geospatial-Intelligence Agency (NGA), and National Security Agency (NSA).

(S//~~OC/NF~~) The 81 classified e-mail chains contained 8 e-mail chains classified TOP SECRET, 37 e-mail chains classified SECRET, and 36 e-mail chains classified CONFIDENTIAL at the time they were sent. Of these e-mail chains, 7 e-mail chains contained information associated with a Special Access Program (SAP) and 3 e-mail chains contained Sensitive Compartmented Information (SCI).^{fff} Of the 81 classified e-mail chains, 36 e-mail chains were determined to be Not-Releasable to Foreign Governments (NOFORN) and 2 were considered releasable only to Five Allied partners (FVEY). [REDACTED]

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Sixteen of the e-mail chains, classified at the time the e-mails were sent, were downgraded in current classification by USIC agencies.

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b3- (S//~~OC/NF~~) [REDACTED]- (S//~~OC/NF~~) [REDACTED]- (S//~~OC/NF~~) [REDACTED]- (S//~~OC/NF~~) [REDACTED]

(U//~~FOUO~~) The State FOIA process identified 2,093 e-mails currently classified as CONFIDENTIAL or SECRET. Of these e-mails, FBI investigation identified approximately 100 e-mails that overlapped with the 193 e-mails (80 e-mail chains) determined through the FBI

^{fff} (U//~~FOUO~~) One of the TOP SECRET/SCI e-mails was downgraded to a current classification of SECRET//REL TO USA, FVEY by the owning agency during a FOIA-related review.

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classification review to be classified at the time sent. All except one of the remaining 2,093 e-mails were determined by the State FOIA process to be CONFIDENTIAL, with one e-mail determined to be SECRET at the time of the FOIA review.^{ggg,hhh} State did not provide a determination as to whether the 2,093 e-mails were classified at the time they were sent.

(U//~~FOUO~~) The FBI investigation determined Clinton contributed to discussions in four e-mail chains classified as CONFIDENTIAL, three e-mail chains classified as SECRET//NOFORN, and four e-mail chains classified as TOP SECRET//SAP. Investigation identified 67 instances where Clinton forwarded e-mails to either State personnel or [REDACTED] for printing that were identified as classified CONFIDENTIAL or SECRET through either the State FOIA process or FBI classification determination requests.

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(U//~~FOUO~~) FBI investigation determined at least 32 classified e-mail chains transited both the personal e-mail account of Clinton and the personal e-mail accounts of Abedin, Mills, Sullivan, or [REDACTED].ⁱⁱⁱ One of these e-mails was TOP SECRET//SCI at the time of transmission, and is currently considered SECRET//REL TO USA, FVEY; five were classified as SECRET//NOFORN and one as SECRET both when sent and currently; two were classified SECRET when sent and are CONFIDENTIAL currently; one was classified as SECRET when sent and is UNCLASSIFIED//FOUO currently; 16 were classified CONFIDENTIAL both when sent and currently; five were CONFIDENTIAL when sent and UNCLASSIFIED//FOUO currently; and one was CONFIDENTIAL when sent and UNCLASSIFIED currently.ⁱⁱⁱ Investigation determined at least 80 e-mails from the 2,093 e-mails deemed classified through the State FOIA process were sent to or from the personal accounts of Abedin, Mills, Sullivan, or [REDACTED].^{kk}

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D. (U//~~FOUO~~) Witness Statements Related to Classified E-mails Found on Clinton's Personal Server Systems

(U//~~FOUO~~) The FBI interviewed multiple officials who authored and/or contributed to e-mails, the content of which has since been determined to contain classified information.^{396,397,398,399,400,401,402,403,404,405,406,407,408} USG employees responsible for initiating classified e-mail chains included State Civil Service employees, Foreign Service employees, Senior Executive Service employees, Presidential appointees, and non-State elected officials.

(U//~~FOUO~~) During FBI interviews, the authors of these e-mails provided context surrounding the e-mails in question as well as reasons for sending the e-mails on unclassified systems.

^{ggg} (U//~~FOUO~~) Investigation determined the following types of e-mails were not included in the list of 2,093 e-mails classified through the State FOIA review: TS//SAP e-mails; e-mails not produced to State by Williams & Connolly; formerly classified e-mails now considered UNCLASSIFIED; and classified e-mails improperly released during FOIA production.

^{hhh} (U//~~FOUO~~) Two attachments labeled as SECRET through State FOIA process were not tracked as separate classified documents in the FBI's classification review.

ⁱⁱⁱ (U//~~FOUO~~) Due to the limited insight into other USG and personal e-mail accounts, FBI investigation was unable to determine if e-mails from classified e-mail chains were forwarded to other personal e-mail accounts.

^{jjj} (U//~~FOUO~~) In addition to the personal accounts of Abedin, Mills, Sullivan, and [REDACTED] seven classified e-mail chains were initially drafted in or sent from the private e-mail accounts of five non-State individuals, to include Kerry and Blumenthal.

^{kkk} (U//~~FOUO~~) Personal e-mail accounts of Abedin, Mills, Sullivan, and [REDACTED] appeared in the "To," "From," or "CC" line of the e-mail. Investigation was not able to determine if additional personal accounts were blind carbon copied ("BCC").

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Individuals who worked in the State Bureau of Public Affairs^{III} often accessed classified information to understand the context of unclassified information that was to be disseminated publicly.⁴⁰⁹ The Public Affairs officials primarily relied upon reporting from country desk officers to generate talking points and believed the country desk officers were experienced in protecting sensitive information within their reporting.⁴¹⁰ The Public Affairs officials were also responsible for notifying State leadership of impending reports by the news media regarding sensitive or controversial topics.⁴¹¹ Furthermore, a former DOD official explained that he sent an e-mail, since deemed to contain classified information, in order to quickly coordinate public affairs responses by State and DOD with respect to a specific incident referenced in the e-mail.⁴¹²

(U//~~FOUO~~) Individuals, including those in the State Operations Center (Ops Center),^{mmmm} who were responsible for passing information to high-level State officials, worked to identify and disseminate the information they deemed critical for review by State leadership.^{413,414} These individuals noted that such information was generally sent on State unclassified e-mail systems because of the need to quickly elevate information at times when the intended recipients did not all have immediate access to classified e-mail accounts.^{nmn,415,416}

(U//~~FOUO~~) Investigation identified seven e-mail chains comprised of 22 e-mails on Clinton's server classified by the USIC as TOP SECRET/SAP. State Department officials, both in Washington, D.C. and overseas, were briefed into the SAP and communicated both internally and with other USIC officials about the program.^{417,418,419,420} Only internal State e-mails regarding the SAP were forwarded to Clinton, all of which were sent to Clinton's server by Sullivan. Clinton and Sullivan engaged in discussions regarding the SAP in four of the seven e-mail chains.

(S//~~OC/NF~~) During FBI interviews, State employees explained the context for why classified material [REDACTED] was sent and provided reasons to explain why they did not believe information in the e-mails was classified.^{421,422,423,424} [REDACTED]

[REDACTED] stated that [REDACTED]

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[REDACTED]⁴²⁷ [REDACTED] stated the right method of communication was whichever method allowed for the fastest possible dissemination of the message.⁴²⁸ He also stated that information he received from other USG agencies was "technically probably classified" but that "you can't do business

^{III} (U//~~FOUO~~) According to State's website, the Bureau of Public Affairs "engages domestic and international media to communicate timely and accurate information with the goal of furthering US foreign policy and national security interests as well as broadening understanding of American values."

^{mmmm} (U//~~FOUO~~) The Ops Center is staffed 24 hours a day and constantly monitors reporting from State cables, other USG agencies, and open source news outlets for information of interest to State leadership.

^{nmn} (U//~~FOUO~~) Individuals who inputted classified information into e-mail chains to pass to high-level State officials indicated that at times they were relying on information that others had summarized and provided to them.

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that way.”⁴²⁹ When interviewed by the FBI, authors of the e-mails stated that they used their best judgment in drafting the messages and that it was common practice at State to carefully word e-mails on UNCLASSIFIED networks so as to avoid sensitive details or “talk around” [REDACTED] classified information.^{430,431,432,43} [REDACTED] stated the information in the [REDACTED]

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(S) [REDACTED] former [REDACTED] declined to comment on the e-mails.⁴³⁵ [REDACTED] referenced news articles claiming e-mails on Clinton's server were over-classified, but after seeing the e-mails during the interview, stated he “now understood why people were concerned about this matter.”⁴³⁶ Sullivan indicated he had no reason to believe any State employee ever intentionally mishandled classified information.⁴³⁷

(S//~~OC/NF~~) The FBI interviewed four USIC executives stationed both in the United States and overseas [REDACTED]^{438,439,440,441} The USIC executives reviewed the [REDACTED] e-mail chains which transited Clinton's personal e-mail account and assessed that some of the e-mail chains should be considered classified.^{442,443,444} [REDACTED]

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[REDACTED]⁴⁴⁰ However, two of the USIC executives interviewed said some of the [REDACTED]

(S//~~OC/NF~~) A majority of the USIC executives interviewed expressed concerns with how State handled [REDACTED]^{449,450,451} According to a USIC executive who had been stationed overseas [REDACTED]⁴⁵² State employees were aware of the sensitivities [REDACTED]

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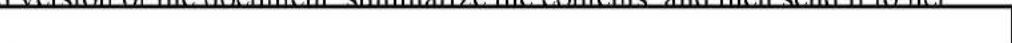
(U//~~FOUO~~) On April 9, 2016, Mills, who served as Chief of Staff to Clinton at State between 2009 and 2013, was interviewed by the FBI. During this interview, Mills was provided seven e-mails which contained information later determined to be classified. While Mills did not specifically remember any of the e-mails, she stated that there was nothing in them that concerned her regarding their transmission on an unclassified e-mail system.⁴⁵⁵ Mills also stated that she was not concerned about her decision to forward certain of these e-mails to Clinton.⁴⁵⁶ In reviewing e-mails related to the SAP referenced above, Mills explained that some of the e-mails were designed to inform State officials of media reports concerning the subject matter and that the information in the e-mails merely confirmed what the public already knew.⁴⁵⁷


(U//~~FOUO~~) The FBI interviewed Sullivan on February 27, 2016. Sullivan, who between 2009 and 2013 served at State first as the Deputy Chief of Staff for Policy and then as the Director of Policy Planning, communicated extensively with Clinton by e-mail. Their communications included both e-mails written by Sullivan and e-mails written by others that Sullivan forwarded to Clinton. During the interview, the FBI asked Sullivan to review approximately 14 e-mails Sullivan sent or received on unclassified systems that were later determined to contain classified information up to the TOP SECRET/SAP level. Sullivan did not specifically recall the e-mails, aside from recognizing some of them from the materials released pursuant to FOIA litigation, but

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provided reasons why the e-mails may have been sent by him or others on unclassified systems.⁴⁵⁸ With respect to the SAP, Sullivan stated that it was discussed on unclassified systems due to the operational tempo at that time, and State employees attempted to talk around classified information.⁴⁵⁹ Sullivan also indicated that, for some of the e-mails, information about the incidents described therein may have already appeared in news reports.⁴⁶⁰ Furthermore, Sullivan stated that his colleagues at State worked hard while under pressure and used their best judgment to accomplish their mission.⁴⁶¹ When forwarding e-mails, Sullivan relied on the judgment of the individuals who sent the e-mails to him to ensure that the e-mails did not contain classified information.⁴⁶² Sullivan did not recall any instances in which he felt uneasy about information conveyed on unclassified systems, nor any instances in which others expressed concerns about the handling of classified information at State.^{000,463}

(S//~~OC/NF~~) Sullivan was also asked about an e-mail exchange between him and Clinton in which, on the morning of June 17, 2011, Clinton asked Sullivan to check on the status of talking points she was supposed to have received.⁴⁶⁴ Sullivan responded that the secure fax was malfunctioning but was in the process of being fixed. Clinton instructed Sullivan that if the secure fax could not be fixed, he should "turn [the talking points] into nonpaper [with] no identifying heading and send nonsecure."⁴⁶⁵ State uses the term "non-paper" to refer to a document which is authorized for distribution to a foreign government without explicit attribution to the U.S. government and without classified information. Sullivan did not recall this specific e-mail but believed that Clinton's request indicated that she would have wanted him to make an unclassified version of the document summarize the contents and then send it to her on a non-secure fax.⁴⁶⁶ 


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(U//~~FOUO~~) On April 5, 2016, Abedin, who served as Deputy Chief of Staff to Clinton at State between 2009 and 2013, was interviewed by the FBI. When asked about an e-mail subsequently determined to contain CONFIDENTIAL information, Abedin noted that she had only conveyed the information from the e-mail and had not originated it.⁴⁷⁰ She also stated that she relied upon the sender to properly mark the e-mail for classification purposes and did not take it upon herself to question the sender's judgment as to such marking.^{PPP,471}

(U//~~FOUO~~) Investigation determined Sidney Blumenthal, a former political aide to President Clinton and an informal political advisor to Clinton during her tenure at State, had direct e-mail contact with Clinton during her tenure at State. FBI investigation identified at least 179 e-

⁰⁰⁰ (U//~~FOUO~~) Abedin and Mills also provided similar responses when asked about State security practices regarding classified information.

^{PPP} (U//~~FOUO~~) Although Abedin was a party to e-mails containing information that has since been determined to be classified, due to the nature of her position at State, Abedin was not regularly included in the e-mail chains (discussed in this section of the memorandum) about which Sullivan and Mills were questioned. Abedin's position at State did not consistently involve her participation in substantive policy decisions, and she was not a regular user of classified e-mail systems.

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mails^{qqq} that Blumenthal sent to Clinton containing information in memorandum format. The State FOIA process identified 24 memos from Blumenthal that contained information currently classified as CONFIDENTIAL and one as SECRET both when sent and currently.^{472,473} The FBI interviewed Blumenthal on January 7, 2016. According to Blumenthal, the content of the memos, which addressed topics to include Benghazi and foreign political developments, was provided to him from a number of different sources to include former USIC employees and contacts, as well as contacts within foreign governments.^{474,475,476,477,478,479,480,481,482,483,484,485,486,487} The memos contained a notation of "CONFIDENTIAL"^{rrr} and then often included a source summary statement^{sss} similar to those frequently found in USIC intelligence products.^{488,489,490} Blumenthal indicated he was not tasked to provide this information to Clinton; rather, he provided it because he deemed the information helpful, which Clinton occasionally acknowledged via e-mail.⁴⁹¹ Clinton often forwarded the memos to Sullivan asking him to remove information identifying Blumenthal as the originator and to pass the information to other State employees to solicit their input.^{492,493} According to e-mails between Clinton and Sullivan, Clinton discussed passing the information to the White House, other USG agencies, and foreign governments.^{ttt,494,495}

E. (U//~~FOUO~~) Clinton's Statements Related to Classified E-mails Found on Her Personal Server Systems

(S//~~OC/NF~~) On July 2, 2016, the FBI interviewed Clinton. Clinton was aware she was an Original Classification Authority (OCA) at State; however, she could not recall how often she used this authority nor could she recall any training or guidance provided by State.⁴⁹⁶ Clinton could not give an example of how the classification of a document was determined; rather she stated there was a process in place at State before her tenure, and she relied on career foreign service professionals to appropriately mark and handle classified information.⁴⁹⁷ Clinton believed information should be classified when it relates to [REDACTED] the use of sensitive sources, or sensitive deliberations.⁴⁹⁸ When asked whether she believed information should be classified if its unauthorized release would cause damage to national security, Clinton responded "yes, that is the understanding."⁴⁹⁹

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(U) (S//~~OC/NF~~) Clinton did not recall receiving any e-mails she thought should not have been on an unclassified system.⁵⁰⁰ She relied on State officials to use their judgment when e-mailing her and could not recall anyone raising concerns with her regarding the sensitivity of the information she received at her e-mail address.⁵⁰¹ The FBI provided Clinton with copies of her classified e-mails ranging from CONFIDENTIAL to TOP SECRET/SAP and Clinton said she did not believe the e-mails contained classified information.⁵⁰² Upon reviewing an e-mail classified SECRET//NOFORN dated December 27, 2011, Clinton stated no policy or practice existed

^{qqq} (U//~~FOUO~~) The FBI obtained 177 of Blumenthal's memos from the e-mails provided by Williams & Connolly as part of Clinton's production to the FBI. The FBI recovered two additional memos during the investigation from BlackBerry backups provided by Cooper; State did not provide a classification determination on those additional memos.

^{rrr} (U//~~FOUO~~) According to Blumenthal, "CONFIDENTIAL" meant the memo was personal in nature and did not refer to classified USG information.

^{sss} (U//~~FOUO~~) According to Blumenthal, the individual who provided the content for a number of the memos authored the source summary statements (caveats provided regarding the source of information) in the memos.

^{ttt} (U//~~FOUO~~) Investigation was unable to determine if any of Blumenthal's memos were forwarded to the White House, or to other USG agencies and foreign governments, as Sullivan's OpenNet sent items were not present in the data provided by State to the FBI.

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related to communicating around holidays, and it was often necessary to communicate in code or do the best you could to convey the information considering the e-mail system you were using.⁵⁰³ In reference to the same e-mail, Clinton believed if the foreign press was to obtain information from that e-mail, it would not cause damage to the US Government.⁵⁰⁴ When asked, Clinton recalled being briefed on SAP information but could not recall any specific briefing on how to handle SAP information.⁵⁰⁵ Clinton stated she knew SAP information was of great importance and needed to be handled carefully.⁵⁰⁶

F. (U//FOUO) Gaps in Clinton E-mail Recovered from Personal Server Systems

(U//FOUO) There were no e-mails provided by Williams & Connolly to State or the FBI dated from January 21, 2009 to March 18, 2009. FBI investigation identified an additional 18 days where Clinton did not provide State any responsive e-mail. FBI investigation determined 14 of the 18 days where Clinton did not provide State any responsive e-mail correspond with e-mail outages affecting Clinton's personal server systems as a result of both Hurricane Irene^{uuu} and Hurricane Sandy^{vvv}. FBI investigation indicated other explanations for gaps in Clinton's e-mail production could include user deletion prior to PRN's transfer of Clinton's e-mails for review, or flaws in the archiving and sorting process used to generate the responsive production to State.

4. (U//FOUO) Results of the FBI Investigation and Analysis of Cyber Intrusion Potential

A. (U//FOUO) Cyber Analysis of Clinton's Personal Server Systems

(U//FOUO) FBI investigation and forensic analysis did not find evidence confirming that Clinton's e-mail server systems were compromised by cyber means. The FBI's inability to recover all server equipment and the lack of complete server log data for the relevant time period limited the FBI's forensic analysis of the server systems. As a result, FBI cyber analysis relied, in large part, on witness statements, e-mail correspondence, and related forensic content found on other devices to understand the setup, maintenance, administration, and security of the server systems.

(U//FOUO) Investigation determined Clinton's clintonemail.com e-mail traffic was potentially vulnerable to compromise when she first began using her personal account in January 2009. It was not until late March 2009, when the Pagliano Server was set up and an SSL certificate^{www} was acquired for the clintonemail.com domain—providing encryption of login credentials, but not e-mail content stored on the server—that access to the server was afforded an added layer of security.^{507,508} The certificate was valid until September 13, 2013, at which time PRN obtained a new certificate valid until September 13, 2018.⁵⁰⁹

(U//FOUO) During his December 22, 2015 FBI interview, Pagliano recalled a conversation with [REDACTED] at the beginning of Clinton's tenure, in which [REDACTED] advised he would not be

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^{uuu} (U//FOUO) The first of two extended outages occurred from August 28 to 30, 2011 (3 days) as a result of Hurricane Irene.

^{vvv} (U//FOUO) The second extended outage occurred from October 30, 2012 to November 9, 2012 (11 days) as a result of Hurricane Sandy.

^{www} (U//FOUO) According to FBI forensic analysis, there was no SSL certificate on the Pagliano Server between March 19, 2009, when the mail service was operational, and March 29 or 30, 2009, when the SSL certificate was installed on the server.

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surprised if classified information was being transmitted to Clinton's personal server.⁵¹⁰

[REDACTED] further recommended that e-mail transiting from a state.gov account to the server should be sent through a Transport Layer Security (TLS)^{xxx} tunnel.^{yyy} Pagliano advised that the transition to TLS never occurred.^{511,512} The FBI was unable to forensically determine if TLS was implemented on the Pagliano Server.

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(U//~~FOUO~~) When asked about the maintenance and security of the server system he administered, Pagliano stated there were no security breaches, but he was aware there were many failed login attempts, which he referred to as brute force attacks.^{zzz,513} He added that the failed attempts increased over the life of the Pagliano Server, and he set up the server's logs to alert Cooper when they occurred.⁵¹⁴ Pagliano knew the attempts were potential attackers because the credentials attempting to log in did not match legitimate users on the system.⁵¹⁵ Pagliano could not recall if a high volume of failed login attempts emanated from any specific country.⁵¹⁶

(U//~~FOUO~~) In an attempt to thwart potential attacks, Pagliano set up Internet Protocol (IP) filtering^{aaaa} on the firewall and tried to review the firewall log files once a month.⁵¹⁷ After the Pagliano Server was established, Cooper put Pagliano in contact with [REDACTED] a United States Secret Service (USSS) agent, who recommended Pagliano also perform outbound filtering of e-mail traffic.⁵¹⁸ Pagliano further considered, but ultimately did not implement, a Virtual Private Network (VPN)^{bbbb} or two-factor authentication^{cccc} to better secure administrative access to the server system by him and Cooper.⁵¹⁹ The FBI forensically determined that Remote Desktop Protocol (RDP)^{dddd} was enabled on the Pagliano Server and was used by Pagliano, Cooper, and later PRN, for remote administration of the server.⁵²⁰ While the availability of RDP

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^{xxx} (U) TLS is a protocol that ensures privacy between communicating applications, such as web browsing, e-mail, and instant-messaging, with their users on the Internet. TLS ensures that no third-party eavesdrops on the two-way communication. TLS is the successor to SSL and is considered more secure.

^{yyy} (U) According to the State OIG report, State policy (12 FAM 544.3) stipulates normal day-to-day operations must be conducted on an authorized system. In the absence of a device, such as a State OpenNet terminal, employees can send most Sensitive But Unclassified (SBU) information unencrypted via the Internet only when necessary, with the knowledge that the nature of the transmission lends itself to unauthorized access, however remote that chance might be. Furthermore, in August 2008, 12 FAM 682.2-5 was amended and mandated that SBU information on non-Department-owned systems at non-Departmental facilities had to meet certain criteria. Employees had to: 1) ensure that SBU information was encrypted; 2) destroy SBU information on their personally owned and managed computers and removable media when the files are no longer required; and 3) implement encryption certified by the National Institute of Science and Technology (NIST), among other things. Although 12 FAM 682.2-5 was further amended in 2009, 2011, 2014, and 2015, the basic requirements did not change.

^{zzz} (U) A brute force attack is a trial-and-error method used to obtain information, such as a password or personal identification number (PIN). In a brute force attack, passwords may be attempted manually or automated software can be used to generate a large number of consecutive guesses as to the targeted information.

^{aaaa} (U) IP filtering is the practice of identifying and manually blocking IP addresses based on the identification of patterns that are indicative of a potential attack.

^{bbbb} (U) VPN is a private network that runs on top of a larger network to provide access to shared network resources, which may or may not include the physical hard drives of individual computers, as in the case of Remote Desktop Protocol (RDP). VPN offers an additional layer of security by encrypting the data traveling to the private network before sending it over the Internet. Data is then decrypted when it reaches the private network.

^{cccc} (U) Two-factor authentication is a method of confirming a user's claimed identity by utilizing a combination of two different components, often something the user knows and something the user has—such as a RSA keyfob/token.

^{dddd} (U) RDP is a proprietary protocol developed by Microsoft that allows a user to remotely connect to another computer over a network connection to view the computer and control it remotely. RDP is implemented in every version of Windows starting with Windows XP.

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on a server is convenient for remote access, the FBI is aware of known vulnerabilities^{eeee} associated with the protocol.

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[REDACTED]^{523,524} Pagliano recalled finding "a virus," but could provide no additional details, other than it was nothing of great concern.⁵²⁵ FBI examination of the Pagliano Server and available server backups did not reveal any indications of malware.⁵²⁶

(U//~~FOUO~~) On January 9, 2011, Cooper sent Abedin an e-mail stating someone was attempting to "hack" the server, prompting him to shut it down.⁵²⁷ Cooper sent Abedin another e-mail later the same day stating he had to reboot the server again.⁵²⁸ The FBI's investigation did not identify successful malicious login activity associated with this incident.⁵²⁹

(U//~~FOUO~~) The FBI's review of available Internet Information Services (IIS) web logs showed scanning attempts from external IP addresses over the course of Pagliano's administration of the server, though only one appears to have resulted in a successful compromise of an e-mail account on the server.⁵³⁰ Forensic analysis noted that on January 5, 2013, three IP addresses matching known Tor^{fff} exit nodes were observed accessing a user e-mail account on the Pagliano Server believed to belong to President Clinton staffer [REDACTED] FBI investigation indicated the Tor user logged in to [REDACTED] e-mail account and browsed e-mail folders and attachments.^{531,532} When asked during her interview, [REDACTED] stated to the FBI she is not familiar with nor has she ever used Tor software.⁵³³ FBI investigation to date was unable to identify the actor(s) responsible for this login or how [REDACTED] login credentials were compromised.⁵³⁴

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(U//~~FOUO~~) Forensic analysis of alert e-mail records automatically generated by CloudJacket revealed multiple instances of potential malicious actors attempting to exploit vulnerabilities on the PRN Server. FBI determined none of the activity, however, was successful against the server.⁵³⁵

(U//~~FOUO~~) Following the March 3, 2015 *New York Times* article publicly revealing Clinton's use of personal e-mail to conduct government business,⁵³⁶ the FBI identified an increased number of login attempts to the PRN Server and its associated domain controller.^{gggg,537} Forensic analysis revealed none of the login attempts were successful. FBI investigation also identified an

^{eeee} (U) Older versions of RDP had a vulnerability in the method used to encrypt RDP sessions. While security patches, if applied, have remedied these vulnerabilities, exposing RDP to direct connections could allow remote attackers the opportunity to guess login credentials.

^{fff} (U) Tor is free software allowing end users to direct their Internet traffic through a group of volunteer-operated servers around the world in order to conceal their location and Internet usage.

^{gggg} (U) A domain controller is a Microsoft server that responds to security authentication requests (logins, checking permissions, etc.) within a Windows domain.

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increase in unauthorized login attempts into the Apple iCloud^{hhhh} account likely associated with Clinton's e-mail addressⁱⁱⁱⁱ during this time period. Investigation determined all potentially suspicious Apple iCloud login attempts were unsuccessful.⁵³⁸ Additionally, PRN made various network changes to the PRN Server around March 7, 2015, to include disabling the server's public-facing VPN page and switching from SSL protocol to TLS to increase security.⁵³⁹ Staff also discussed the possibility of conducting penetration testingⁱⁱⁱ against the PRN Server to highlight vulnerabilities in the network.⁵⁴⁰ The FBI interviewed an employee of the company with which PRN had discussed the issue. The employee stated that the topic was broached but that penetration testing against the PRN Server, ultimately, did not happen.⁵⁴¹

B. (U//~~FOUO~~) Cyber Analysis of Clinton's Mobile Devices

(U//~~FOUO~~) The FBI does not have in its possession any of Clinton's 13 mobile devices which potentially were used to send e-mails using Clinton's clintonemail.com e-mail addresses. As a result, the FBI could not make a determination as to whether any of the devices were subject to compromise. Similarly, the FBI does not have in its possession two of the five iPad devices which potentially were used by Clinton to send and receive e-mails during her tenure.^{542,543,544,545} The FBI forensically examined two of the three iPads^{kkkk} it obtained and found no evidence of cyber intrusion.⁵⁴⁶

C. (U//~~FOUO~~) Cyber Targeting of Clinton's Personal E-mail and Associated Accounts

(S//~~OC/NF~~) Investigation identified multiple occurrences of phishing and/or spear-phishing e-mails sent to Clinton's account during her tenure as Secretary of State.⁵⁴⁷ [REDACTED]

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(S//~~OC/NF~~) Clinton received another phishing e-mail, purportedly sent from the personal e-mail account of a State official. [REDACTED] The e-mail contained a potentially malicious link.⁵⁵² Clinton replied to the e-mail [REDACTED] stating, "Is this really from you? I was worried about opening it!"⁵⁵³ [REDACTED]
In a separate incident [REDACTED] Abedin sent an e-mail to [REDACTED] indicating Clinton was

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^{hhhh} (U//~~FOUO~~) Apple iCloud is a cloud storage medium available to users of Apple products. Clinton is known to have used Apple iPads during the course of her tenure, and hdr22@clintonemail.com was likely used as her AppleID to set up a new Apple device.

ⁱⁱⁱⁱ (U//~~FOUO~~) While the NYT article did not reveal Clinton's e-mail address—and by default the domain name—it is very likely those who tried to gain access to the related Apple iCloud account searched for and found the e-mail address in open sources. News articles from 2013 contained a screenshot of Blumenthal's communication with "hdr22," thereby divulging Clinton's e-mail alias. Other outlets mentioned the domain name in articles but withheld Clinton's e-mail alias. Clinton's full e-mail address could therefore have been ascertained through piecing together various sources.

ⁱⁱⁱ (U) Penetration testing, more commonly known as pentesting, is the practice of testing a computer system, network, or web application to find vulnerabilities that an attacker could exploit.

^{kkkk} (U//~~FOUO~~) The third iPad the FBI obtained was not actually used by Clinton. Shortly after it was purchased, it was given as a gift to a member of her staff, and therefore the FBI did not forensically examine the device.

^{llll} (U) RAT is a piece of software that facilitates remote operation of a computer system.

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worried "someone [was] hacking into her email" given that she received an e-mail from a known [REDACTED] associate containing a link to a website with pornographic material.⁵⁵⁴ There is no additional information as to why Clinton was concerned about someone hacking into her e-mail account, or if the specific link referenced by Abedin was used as a vector to infect Clinton's device [REDACTED]

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[REDACTED] Open source information indicated, if opened, the targeted user's device may have been infected, and information would have been sent to at least three computers overseas, including one in Russia.^{560,56} [REDACTED]

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D. (U//~~FOUO~~) Potential Loss of Classified Information

(U//~~FOUO~~) On March 11, 2011, Boswell sent a memo directly to Clinton outlining an increase since January 2011 of cyber actors targeting State employees' personal e-mail accounts.⁵⁶³ The memo included an attachment which urged State employees to limit the use of personal e-mail for official business since "some compromised home systems have been reconfigured by these actors to automatically forward copies of all composed e-mails to an undisclosed recipient."⁵⁶⁴ Clinton's immediate staff was also briefed on cybersecurity threats in April and May 2011.⁵⁶⁵

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⁵⁵⁴ (U) In order for malicious executables to be effective, the targeted host device has to have the correct program/applications installed. If, for example, the host is running an older version of Adobe but the exploit being used is newer, there is a chance the host will not be infected because the exploit was unable to execute using the older version of the program.

⁵⁶⁰ (U) A "drop" account, in this case, is an e-mail account controlled by foreign cyber actors and which serves as the recipient of auto-forwarded e-mails from victim accounts.

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(U//~~FOUO~~) On or about March 14, 2013, Blumenthal's AOL e-mail account was compromised by Marcel Lehel Lazar, aka Guccifer, a Romanian cyber hacker. Lazar disseminated e-mails and attachments sent between Blumenthal and Clinton to 31 media outlets, including a Russian broadcasting company.⁵⁸⁷ [REDACTED]

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[REDACTED]⁵⁸⁸ One of the screenshots captured a list of 19 foreign policy and intelligence memos authored by Blumenthal for Clinton.⁵⁸⁹ The content of one of the memos on the list was determined by State to be classified at the CONFIDENTIAL level.⁵⁹⁰ Lazar was extradited from Romania to the United States on March 31, 2016.⁵⁹¹

(U//~~FOUO~~) Between April 25, 2016 and May 2, 2016, Lazar made a claim to FOX News that he used information from Blumenthal's compromise as a stepping stone to hack Clinton's personal server.⁵⁹² On May 26, 2016, the FBI interviewed Lazar, who admitted he lied to FOX News about hacking the Clinton server.⁵⁹³ FBI forensic analysis of the Clinton server during the timeframe Lazar claimed to have compromised the server did not identify evidence that Lazar hacked the server.⁵⁹⁴ An examination of log files from March 2013 indicated that IP addresses from Russia and Ukraine attempted to scan the server on March 15, 2013, the day after the Blumenthal compromise, and on March 19 and March 21, 2013.⁵⁹⁵ However, none of these attempts were successful, and it could not be determined whether this activity was attributable to Lazar.⁵⁹⁶

E. (U//~~FOUO~~) General Cyber Analysis Conducted

(S//~~OC/N~~) [REDACTED] The FBI conducted general cyber research and analysis of e-mail addresses and user accounts associated with the clintonemail.com and presidentclinton.com domains.

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(U//~~FOUO~~) FBI extracted the Thread-Index^{oooo} and Message-ID^{pppp} values for each identified confirmed classified e-mail relevant to this investigation. The values were extracted from the e-mail headers^{qqqq} in order to develop specific electronic signatures that could be used when searching for exact references in large data repositories. In an effort to identify whether any confirmed classified e-mails may have been compromised through computer intrusion methods, the FBI conducted signature-based searches in available databases, to include [REDACTED]^{rrr}. The FBI also provided the unique identifiers to other government agencies, and one entity

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^{oooo} (U) A Thread-Index value is a unique, alphanumeric, Microsoft Outlook-centric field found in an e-mail's header. The identifier is used to track e-mail threads (or conversations). Each time there is a reply or forward in the e-mail thread, Outlook—if it is the e-mail client being used—will append additional alphanumeric characters to the e-mail's original Thread-Index value.

^{pppp} (U) A Message-ID is a unique identifier found in an e-mail's header. Message-IDs are required to have a specific format and be globally unique. Unlike Thread-Index values, Message-IDs are unique to every individual e-mail, regardless of whether two e-mails belong to the same thread (or conversation).

^{qqqq} (U) A header precedes the body (content text) of an e-mail, and contains lines (metadata) that identify particular routing information. Fields such as "From," "To," and "Date" are mandatory, while others are optional.

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responded.⁵⁵⁵ To date, the signature-based searches in USG databases have not identified the relevant e-mails.⁶⁰¹

⁵⁵⁵ (U//~~FOUO~~) The FBI provided the Executive Office of the President (EOP), State Cyber Threat Analysis Division (CTAD), and State's Information Resource Bureau (IRB) with Thread-Index and Message-ID values. CTAD found no record of the signatures provided. EOP stated they could only search "To," "From," and "Subject" lines, as did State IRB. Separately, in an attempt to identify whether confirmed classified e-mails resided in unidentified e-mail provider accounts, or whether identified accounts forwarded or replied to the classified messages, the FBI explored the possibility of sharing Thread-Index Value and Message-IDs with e-mail service providers of interest. Google was asked if they could search those header fields in its dataset. The company stated it does not index Thread-Index values, which is the identifier the FBI was most interested in, as it would have provided insight into the extent the messages were forwarded.

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/04/2016

(U//~~FOUO~~) On May 3, 2016, [redacted] Platte River Networks (PRN), date of birth [redacted] was interviewed by Federal Bureau of Investigation (FBI) Special Agent (SA) [redacted] and SA [redacted] at the United States Attorney's Office for the Eastern District of Virginia located at 2100 Jamieson Avenue, Alexandria, VA 22314. Also present for the interview were Supervisory Special Agent [redacted] Information Technology Specialist/Forensic Examiner [redacted] Department of Justice (DOJ) Attorney [redacted] DOJ Attorney [redacted] EDVA Attorney [redacted] and EDVA Attorney [redacted] as well as [redacted] counsel, [redacted] and [redacted]. After being advised of the identity of the interviewing agents and the nature of the interview, [redacted] provided the following:

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(U//~~FOUO~~) In February 2014, [redacted] worked with MONICA HANLEY to import an archive of HILLARY CLINTON's email from an Apple MacBook to the PRN-maintained server hosted for the CLINTON EXECUTIVE SERVICES CORPORATION (CESC). This server hosted CLINTON's email account. HANLEY told [redacted] the MacBook contained old email that only existed on the laptop and HANLEY did not want to lose it. The email was stored in Mac Mail within folders labeled by year as 2009 Inbox, 2009 Sent Items, 2010 Inbox, 2010 Sent Items, etc. [redacted] tried to effect the transfer of the archived email through a remote session using ScreenConnect, but the WiFi connection was intermittent and the MacBook repeatedly turned itself off. Therefore, HANLEY shipped the MacBook to [redacted] was unaware of a USB flash drive containing an identical set of the email files.

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(U//~~FOUO~~) [redacted] tried various tools and Googled for solutions to effectively transfer the email files. After researching options, [redacted] transferred all of the email content to the "dummy" gmail account [redacted]@gmail.com. [redacted] connected the administrative server to the gmail account and used it as a bridge to move the email into a mailbox named hrcarchive on the Exchange server. The PRN architecture consisted of a BlackBerry Enterprise server, domain controller, administrative server, and Microsoft Exchange server (PRN server). After the transfer was complete, he deleted the content from the gmail account and provided the hrcarchive login credentials to HANLEY or [redacted] and demonstrated how to access the mailbox using Outlook Web Access. [redacted] did not know if [redacted] or HANLEY provided the credentials to others; however, anyone with the credentials could access the account. Prior to shipping back the MacBook, either

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b7CInvestigation on 05/03/2016 at Alexandria, VAb3
b7EFile # [redacted] 302 Date dictated N/ABy SA [redacted] SA [redacted]b6
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FD-302a (Rev. 10-6-95)

Continuation of FD-302 of [redacted] Interview of [redacted] On 05/03/2016, Page 2
HANLEY or [redacted] requested the email be deleted from the MacBook. [redacted] deleted the files containing the email, but did not use any special tools to remove the files. [redacted] provided an address for the return shipment of the MacBook and [redacted] used either the United States Postal Service or United Parcel Service.

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and [redacted] all had access to the prnadmin account credentials to access the PRN server. The [redacted] account on the server maintained by BRYAN PAGLIANO was created by PAGLIANO during the transition to the PRN server. There was also a built-in administrator account on the PRN server, but [redacted] never used it. [redacted] handled most day-to-day work tickets for CLINTON's account, while [redacted] handled the physical infrastructure setup and maintenance. [redacted] was authorized to work on the account and served as a backup to [redacted] and [redacted] however, he only handled a few work tickets. [redacted] left PRN in June or July 2015 and, based on PRN's normal business practice, passwords were changed for all admin accounts.

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(U//~~FOUO~~) In July 2014, CHERYL MILLS emailed [redacted] to schedule a phone call. On the call, MILLS outlined to [redacted] she needed an export of all CLINTON's email sent to or received from a .gov email address (July Export) for the purpose of providing them to the United States Department of State (State). [redacted] searched "*.gov" in the live "H" mailbox to find email responsive to MILLS' request. After preparing the export, [redacted] worked with MILLS and HEATHER SAMUELSON to transfer the export to each of their workstations. This interaction was the first with MILLS. [redacted] previously interacted with [redacted] and [redacted] MILLS served as the primary contact from which [redacted] took direction for this export and later exports. [redacted] only interacted with SAMUELSON once or twice beyond troubleshooting her access to the exports. He described MILLS and SAMUELSON as proficient computer users with knowledge of basic programs.

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(U//~~FOUO~~) Based on the direction provided by MILLS as described above, [redacted] prepared an export of CLINTON's email from her live account on the PRN server. [redacted] then used 7-Zip to compress the export and password-protect it. To transfer the export to MILLS and SAMUELSON, he connected to each of their workstations remotely using ScreenConnect and installed 7-Zip. On SAMUELSON's laptop he also installed Outlook 2013 because she did not have Outlook at that time. After the installation of 7-Zip on both workstations and Outlook 2013 on SAMUELSON's workstation, [redacted] transferred the zip file using Secure File Transfer Protocol (SFTP), unzipped the export, and opened the export in Outlook by navigating to it using File->Open->Outlook Data File. When transferring the file, [redacted] likely dropped it on the desktop or in a folder on the C: drive.

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Continuation of FD-302 of _____ Interview of _____, On 05/03/2016, Page 3
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- "HRC archive – complete.pst" references the September Export.
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- _____@gmail.com - _____ - temp.pst" _____ could not recall creating this .pst file.
- "huma-gmail-yahoo.pst" was a result of _____ importing HUMA ABEDIN's email from those services to the PRN server.

(U//~~FOUO~~) After reviewing a PRN invoice referencing an October 1, 2014 call with MILLS, _____ stated the call was in relation to one of the .pst file transfers.

(U//~~FOUO~~) After reviewing a PRN work ticket dated November 18, 2014 referencing a call with SAMUELSON, _____ stated he worked with SAMUELSON to reconnect her to CLINTON's email archive.

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Continuation of FD-302 of _____ Interview of _____ On 05/03/2016, Page 4

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- Altering any settings prior to shredding the .pst files
- Wiping free space
- Selecting artifact clean up
- Verifying the deletion of the files
- Selecting "Shred Settings and Quit" once the process was complete
- Targeting any temporary files
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(U//~~FOUO~~) After reviewing work tickets dated December 12, 2014 and January 5, 2015,

_____ stated the work tickets reflected the tasks he completed to remove .pst files from the PRN

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Continuation of FD-302 of Interview of [REDACTED], On 05/03/2016, Page 5
server and the workstations of MILLS and SAMUELSON. The requests from MILLS were routine customer service, so no one else at PRN was aware of the removal tasks [REDACTED] completed beyond what was written in the work tickets. Since completion, neither MILLS nor anyone else from CESC contacted [REDACTED] to verify this work was complete. Additionally, [REDACTED] was not contacted by anyone to discuss the process he used to remove the files from the workstations.

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(U//~~FOUO~~) In March 2015, MILLS contacted [REDACTED] to discuss CLINTON's email. Typically, MILLS would contact [REDACTED] using the email address [REDACTED]@gmail.com and setup a time to call. MILLS wanted to know what backups of CLINTON's email existed and where those backups were located. After discussing the potential for content to exist on the server CLINTON used prior to the PRN server, PRN decided [REDACTED] would travel to the datacenter in Secaucus, NJ to power up the old equipment (Predecessor server) and check it for any backups or copies of CLINTON's mailbox. After [REDACTED] arrived at the datacenter and turned on the old equipment, [REDACTED] spoke with [REDACTED] while they both were logged on to the system. Neither the Cisco Network Attached Storage (NAS) device nor the external USB hard drive that were part of the architecture for the Predecessor server contained backups or other data associated with CLINTON's email.

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(U//~~FOUO~~) PRN used a Datto backup appliance to backup the PRN server and it was PRN's common practice to include the administrative server as part of the Datto backup, but [REDACTED] could not specifically recall if the administrative server was backed up for CESC. [REDACTED] had no memory of stopping Datto backups of the PRN administrative server on March 8, 2015. Datto recommends turning off Windows Volume Shadow Copy service because it can interfere with Datto backups.

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(U//~~FOUO~~) [REDACTED]
[REDACTED]

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(U//~~FOUO~~) After reviewing an email dated March 25, 2015 with the subject line "CESC call" and an email dated March 25, 2015 with the subject line "Clintons [sic]," [REDACTED] stated he could not recall the content of the call or the reference to backups in the email.

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(U//~~FOUO~~) After reviewing a document titled "Exchange Audit Logs" dated March 25, 2015 and March 31, 2015, [REDACTED] stated the Platte Admin mailbox received firewall alerts and other internal system alerts. Additionally, the Platte Admin account was used to effect changes on other mailboxes. [REDACTED] did not specifically recall using it to provide full access for prnadmin to the mailboxes H, HDR29, and HRC Archive on March 25, 2015 and then removing the HRC Archive mailbox from the Exchange server. However, [REDACTED] believed he had an "oh shit" moment and removed the HRC Archive mailbox. He also changed the mailbox retention policy from 30 days to 1 day, and cleaned the mailbox database because MILLS previously requested in late 2014 or early 2015 he change the retention policy for CLINTON and ABEDIN's existing and ongoing email to 60 days. He removed the HRC

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Continuation of FD-302 of _____ Interview of _____ On 05/03/2016, Page 6
Archive mailbox manually because all content in the mailbox was older than 60 days. _____ changed the deleted items retention policy from 30 days to 1 day to ensure no email outside of the 60 days remained on the server and executed the Clean-MailboxDatabase command to clean whitespace within the database, similar to running a disk defragmentation. _____ also enabled Circular Logging, but did not recall why he did so in this instance. He typically enabled it when importing email because Microsoft Exchange logs contain email that hasn't been committed to a database. Circular Logging reduces the log file size by forcing Exchange to commit data to the database immediately.

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(U//~~FOUO~~) After reviewing documents titled "BleachBit - PRN Admin Server" and "BleachBit - Exchange Server" indicating the use of BleachBit on March 31, 2015, _____ stated he checked the Exchange Server for remaining copies of CLINTON's email. When he located a .pst file, he used the most recent non-beta version of BleachBit available at the time to shred the .pst files on the PRN server, but did not recall which .pst files he found or removed. He did not wipe free space, encountered no errors, and viewed the folders to see if the files were gone, but did not take additional steps to confirm the deletions. _____ did not talk with MILLS about the files he found and deleted.

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(U//~~FOUO~~) After reviewing log files dated March 31, 2015 indicating the deletion of files from the Datto backup appliance, _____ stated he did not recall deleting any Datto backups nor did he recall receiving an instruction to delete backups from the Datto, however, it is unlikely anyone else at PRN would have deleted the files. _____ did not know if the administrative server was backed up to the Datto.

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(U//~~FOUO~~) After reviewing a document titled "PRN Admin Server - Installed/Uninstalled Application Events," _____ stated he had no insight into the installation of Google Apps Sync for Microsoft Outlook on April 5, 2015.

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(U//~~FOUO~~) After reviewing documents titled "Add-MailboxPermission and Remove-MailboxPermission" and "Export.pst on Admin Server - 9/25/2016 [sic]," _____ stated in September 2015 he looked into replacement options for the PRN server because he believed the server would be turned over to the FBI. To prepare for this eventuality, he logged onto the server to verify the backups of the server were working correctly and evaluate what new hardware PRN would need to order. During the same time frame, _____ restored the mailbox for _____. This restoration may account for the activity related to Export.pst in September 2015 and it is unlikely Export.pst contained any of CLINTON's email. _____ deleted _____ Export.pst after the restoration was complete. However, he did not delete any data related to CLINTON's email after he was interviewed by the FBI in September 2015.

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(U//~~FOUO~~) After reviewing an email dated March 9, 2015 referencing a preservation email from DAVID KENDALL and a preservation request from the FBI dated July 31, 2015, _____ stated he was aware of the preservation requests and interpreted both as meaning he should not disturb CLINTON's

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Continuation of FD-302 of _____ Interview of [REDACTED] On 05/03/2016. Page 7
email data on the PRN server. [REDACTED] did not receive guidance from other PRN personnel or PRN
counsel, or others regarding the meaning of either preservation request.

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Exhibit 2

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FD-302a (Rev. 10-6-95)

-1-

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/04/2016

(U//~~FOUO~~) On May 3, 2016, [] Platte River Networks (PRN), date of birth [] was interviewed by Federal Bureau of Investigation (FBI) Special Agent (SA) [] and SA [] at the United States Attorney's Office for the Eastern District of Virginia located at 2100 Jamieson Avenue, Alexandria, VA 22314. Also present for the interview were Supervisory Special Agent [] Information Technology Specialist/Forensic Examiner [] Department of Justice (DOJ) Attorney [] DOJ Attorney [] EDVA Attorney [] and EDVA Attorney [] as well as [] counsel, [] and []. After being advised of the identity of the interviewing agents and the nature of the interview, [] provided the following:

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(U//~~FOUO~~) In February 2014, [] worked with MONICA HANLEY to import an archive of HILLARY CLINTON's email from an Apple MacBook to the PRN-maintained server hosted for the CLINTON EXECUTIVE SERVICES CORPORATION (CESC). This server hosted CLINTON's email account. HANLEY told [] the MacBook contained old email that only existed on the laptop and HANLEY did not want to lose it. The email was stored in Mac Mail within folders labeled by year as 2009 Inbox, 2009 Sent Items, 2010 Inbox, 2010 Sent Items, etc. [] tried to effect the transfer of the archived email through a remote session using ScreenConnect, but the WiFi connection was intermittent and the MacBook repeatedly turned itself off. Therefore, HANLEY shipped the MacBook to [] was unaware of a USB flash drive containing an identical set of the email files.

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(U//~~FOUO~~) [] tried various tools and Googled for solutions to effectively transfer the email files. After researching options, [] transferred all of the email content to the "dummy" gmail account []@gmail.com. [] connected the administrative server to the gmail account and used it as a bridge to move the email into a mailbox named hrcarchive on the Exchange server. The PRN architecture consisted of a BlackBerry Enterprise server, domain controller, administrative server, and Microsoft Exchange server (PRN server). After the transfer was complete, he deleted the content from the gmail account and provided the hrcarchive login credentials to HANLEY or [] and demonstrated how to access the mailbox using Outlook Web Access. [] did not know if [] or HANLEY provided the credentials to others; however, anyone with the credentials could access the account. Prior to shipping back the MacBook, either

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Continuation of FD-302 of [redacted] Interview of [redacted] On 05/03/2016, Page 2
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 and [redacted] all had access to the prnadmin account credentials to access the PRN server. The [redacted] account on the server maintained by BRYAN PAGLIANO was created by PAGLIANO during the transition to the PRN server. There was also a built-in administrator account on the PRN server, but [redacted] never used it. [redacted] handled most day-to-day work tickets for CLINTON's account, while [redacted] handled the physical infrastructure setup and maintenance. [redacted] was authorized to work on the account and served as a backup to [redacted] and [redacted] however, he only handled a few work tickets. [redacted] left PRN in June or July 2015 and, based on PRN's normal business practice, passwords were changed for all admin accounts.

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FD-302a (Rev. 10-6-95)

Continuation of FD-302 of Interview of [REDACTED], On 05/03/2016, Page 3
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Continuation of FD-302 of [redacted] Interview of [redacted] On 05/03/2016. Page 6

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(U//~~FOUO~~) After reviewing documents titled "BleachBit - PRN Admin Server" and "BleachBit - Exchange Server" indicating the use of BleachBit on March 31, 2015, [redacted] stated he checked the Exchange Server for remaining copies of CLINTON's email. When he located a .pst file, he used the most recent non-beta version of BleachBit available at the time to shred the .pst files on the PRN server, but did not recall which .pst files he found or removed. He did not wipe free space, encountered no errors, and viewed the folders to see if the files were gone, but did not take additional steps to confirm the deletions. [redacted] did not talk with MILLS about the files he found and deleted.

b6
b7C

(U//~~FOUO~~) After reviewing log files dated March 31, 2015 indicating the deletion of files from the Datto backup appliance, [redacted] stated he did not recall deleting any Datto backups nor did he recall receiving an instruction to delete backups from the Datto, however, it is unlikely anyone else at PRN would have deleted the files. [redacted] did not know if the administrative server was backed up to the Datto.

b6
b7C

(U//~~FOUO~~) After reviewing a document titled "PRN Admin Server - Installed/Uninstalled Application Events," [redacted] stated he had no insight into the installation of Google Apps Sync for Microsoft Outlook on April 5, 2015.

b6
b7C

(U//~~FOUO~~) After reviewing documents titled "Add-MailboxPermission and Remove-MailboxPermission" and "Export.pst on Admin Server - 9/25/2016 [sic]," [redacted] stated in September 2015 he looked into replacement options for the PRN server because he believed the server would be turned over to the FBI. To prepare for this eventuality, he logged onto the server to verify the backups of the server were working correctly and evaluate what new hardware PRN would need to order. During the same time frame, [redacted] restored the mailbox for [redacted]. This restoration may account for the activity related to Export.pst in September 2015 and it is unlikely Export.pst contained any of CLINTON's email. [redacted] deleted [redacted] Export.pst after the restoration was complete. However, he did not delete any data related to CLINTON's email after he was interviewed by the FBI in September 2015.

b6
b7C

(U//~~FOUO~~) After reviewing an email dated March 9, 2015 referencing a preservation email from DAVID KENDALL and a preservation request from the FBI dated July 31, 2015, [redacted] stated he was aware of the preservation requests and interpreted both as meaning he should not disturb CLINTON's

b6
b7CUNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

FD-302a (Rev. 10-6-95)

Continuation of FD-302 of _____ Interview of _____ On 05/03/2016, Page 7
email data on the PRN server. _____ did not receive guidance from other PRN personnel or PRN
counsel, or others regarding the meaning of either preservation request.

b6
b7C

b6
b7C

UNCLASSIFIED//~~FOUO~~

Exhibit 3

From: Paul Combetta ([REDACTED].com)
Sent: Friday, August 21, 2015 12:27:11 AM
To: Leif McKinley
Subject: Datto remote access

Leif-

We are trying to tighten down every possible security angle on this customer. It occurs to us that anyone at PRN with access to the Datto Partner Portal (ie, everyone here) could potentially access this device via the remote web feature. Can we set up either two-factor authentication, or move this device to a separate partner account, or some other method (disable remote web altogether?) to allow only who we permit on our end to access this device via the internet?

The serial # in question is [REDACTED]

Let me know, thanks!

Paul

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

DAT00000190

FBI_OIG_Cong Prod_014441

Exhibit 4

WILMERHALE

September 10, 2015

Aaron Zebley

[REDACTED] Esq.
National Security Division
Department of Justice
Washington, D.C. 201530

By Email: [REDACTED]@usdoj.gov

Dear Mr. [REDACTED]

Thank you for talking with us on September 8 and 9, 2015, regarding our voluntarily providing the FBI two laptop computers and one external hard drive that belong to Justin Cooper. We have described these devices (hereinafter "Mr. Cooper's computer hardware") more fully in the enclosed document. This letter memorializes our agreement with the government about the removal of Mr. Cooper's personal and business files from Mr. Cooper's computer hardware.

As we discussed and as the government has agreed, before providing Mr. Cooper's computer hardware to the FBI, we will remove and securely delete Mr. Cooper's personal and business files. We will load personal and business files selected by Mr. Cooper onto a new computer owned by Mr. Cooper, and he will be free to retain and use that data in the ordinary course without restriction. WilmerHale will maintain and securely store a complete copy of all personal and business files removed from Mr. Cooper's computer hardware until such time that we reach a written agreement with the government as to what portion we should retain.

The following files will remain on Mr. Cooper's computer hardware when it is provided to the FBI: (1) Mr. Cooper's emails to and from Secretary Clinton while she was in office extracted from his email files; and (2) back-up copies of Secretary Clinton's blackberry device. As we discussed and agreed regarding our consent for these remaining files on Mr. Cooper's computer hardware:

1. We authorize the government to possess and review all of Mr. Cooper's emails to or from Secretary Clinton while she was Secretary of State (January 21, 2009, to February 1, 2013). During that time, Secretary Clinton occasionally sent Mr. Cooper emails for hand-delivery to her husband, President Clinton. We are aware that some of those emails contain information marked "Attorney Client Privilege."
2. We authorize the government to possess files labeled as back-up copies of Secretary Clinton's blackberry device. These files do not belong to Mr. Cooper and we therefore lack the authority to consent to an examination of their contents.

Mr. Cooper's computer hardware contains one or more files labeled as back-up copies of blackberry devices, but that are not further labeled with an owner's name.

Wilmer Cutler Pickering Hale and Dorr LLP, 1875 Pennsylvania Avenue NW, Washington, DC 20006
Beijing Bidin Boston Brussels Denver Frankfurt London Los Angeles New York Oxford Paris Ato Washington

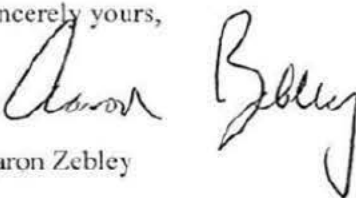
WILMERHALE

[REDACTED] Esq.
September 10, 2015
Page 2

As we discussed and as the government has agreed, we will open those files* for the sole purpose of determining whether one or more of them is a back-up copy of Secretary Clinton's blackberry device. Any file determined to be a back-up copy of her blackberry device will remain on Mr. Cooper's computer hardware and be provided to the FBI. As with the files labeled with Secretary Clinton's name, these files do not belong to Mr. Cooper and we therefore lack the authority to consent to an examination of their contents.

Mr. Cooper will not transfer, copy, or retain in any form the files that will remain on Mr. Cooper's computer hardware provided to the FBI.

Sincerely yours,


Aaron Zebley

* Our forensics team will first copy these files to an external drive and open and review them in that location. Our team will not open those files on the original machine.

Justin Cooper's Computer Hardware

- A. One (1) silver Apple brand Mac Book Air laptop computer, Serial Number [REDACTED]
- B. One (1) silver Apple brand Mac Book Pro laptop computer, Serial Number [REDACTED] and charging cord
- C. One (1) black Seagate brand external hard drive, Serial Number [REDACTED] and USB cord

FBI- DO NOT RELEASE - PRODUCED TO SJC FBI- DO NOT RELEASE - PRODUCED TO SJC

copy

WILMERHALE

September 24, 2015

Aaron Zebley

[REDACTED] Esq.
National Security Division
Department of Justice
Washington, D.C. 201530

By Email: [REDACTED]@usdoj.gov

Dear Mr. [REDACTED]

Pursuant to our letter agreement with the government dated September 10, 2015, today we voluntarily provided the FBI one silver Apple brand Mac Book Air laptop computer, Serial Number [REDACTED] ("Mac Book Air"), that belongs to Justin Cooper.¹ We provided the Mac Book Air for the purposes of DOJ/FBI's investigation of Secretary Clinton's personal email accounts.

As agreed, we have securely deleted from the Mac Book Air Mr. Cooper's personal and business files, and we have overwritten its unallocated space with zeros. WilmerHale is maintaining and securely storing a complete copy of all personal and business files removed from the Mac Book Air until such time that we reach a written agreement with the government as to what portion we should retain.

The following files remain on the Mac Book Air: (1) Mr. Cooper's emails² to and from Secretary Clinton while she was in office extracted from his email files; and (2) back-up copies of Secretary Clinton's blackberry device. The attached document describes in greater detail the files remaining on the Mac Book Air. As we agreed on September 10, 2015, regarding our consent for the files remaining on the Mac Book Air:

1. We authorize the government to possess and review all of Mr. Cooper's emails to or from Secretary Clinton while she was Secretary of State (January 21, 2009, to February 1, 2013). During that time, Secretary Clinton occasionally sent Mr. Cooper emails for hand-delivery to her husband, President Clinton. We are aware that some of those emails contain information marked "Attorney Client Privilege."

We authorize the government to possess the files labeled as back-up copies of Secretary Clinton's blackberry device. These files do not belong to Mr. Cooper and we therefore lack the authority to consent to an examination of their contents.

¹ We will provide the FBI an additional laptop computer and an external hard drive that also belong to Mr. Cooper at a later date.

² We treated any email addressed to or from Mr. Cooper as his email. As such, the Mac Book Air contains not only those emails that were sent between Mr. Cooper and Secretary Clinton, it also contains emails that were addressed to both Mr. Cooper and Secretary Clinton (within the same email).

Wilmer Cutler Pickering Hale and Dorr LLP, 1875 Pennsylvania Avenue NW, Washington, DC 20006
Beijing Berlin Boston Brussels Denver Frankfurt London Los Angeles New York Oxford Paris Abu Dhabi Washington

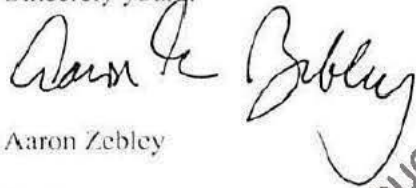
WILMERHALE

Richard Scott, Esq.
September 24, 2015
Page 2

The Mac Book Air contained one or more files labeled as back-up copies of blackberry devices, but that were not further labeled with an owner's name. As we discussed and as the government agreed, we opened those files³ for the sole purpose of determining whether one or more of them was a back-up copy of Secretary Clinton's blackberry device. None of those files contained an email account belonging to Secretary Clinton.

Mr. Cooper has not transferred, copied, or retained in any form the files that remain on the Mac Book Air. WilmerHale is temporarily holding an image of the Mac Book Air hard drive (which includes the files that remain on the Mac Book Air); we created this drive to enable us to restore data in the event our forensics team made an error when segregating and removing data. We are not aware of our forensics team making any errors, thus we will securely delete the image of the Mac Book Air in seven calendar days from today unless you advise us in writing that the files listed on the attachment (*i.e.*, the files remaining on the Mac Book Air) are corrupted or that their contents are otherwise irretrievable for reasons that could be cured with the image of the Mac Book Air. After we provide Mr. Cooper's remaining laptop to the FBI, and after a similar waiting period, we will degauss the drive that contains the image of the Mac Book Air drive.

Sincerely yours,



Aaron Zebley

Enclosure

³ Our forensics team first copied these files to an external drive and opened and reviewed them in that location. Our team did not open those files on the Mac Book Air.

FBI Copy

WILMERHALE

October 5, 2015

Aaron Zehley

[REDACTED] Esq.
National Security Division
Department of Justice
Washington, D.C. 201530

By Email: [REDACTED]@usdoj.gov

Dear Mr. [REDACTED]

Pursuant to our letter agreement with the government dated September 10, 2015, today we voluntarily provided the FBI one silver Apple brand MacBook Pro laptop computer, Serial Number [REDACTED] ("MacBook Pro"), that belongs to Justin Cooper. We provided the MacBook Pro for the purposes of DOJ/FBI's investigation of Secretary Clinton's personal email accounts.

As agreed, we have securely deleted Mr. Cooper's personal and business files from the MacBook Pro, and we have overwritten its unallocated space with zeros. WilmerHale is maintaining and securely storing a complete copy of all personal and business files removed from the MacBook Pro until such time that we reach a written agreement with the government as to what portion we should retain.

The following files remain on the MacBook Pro: (1) Mr. Cooper's emails¹ to and from Secretary Clinton during her tenure as Secretary of State extracted from his email files; and (2) back-up copies of Secretary Clinton's blackberry device. The attached document describes in greater detail the files remaining on the MacBook Pro. We resolved several issues for the MacBook Pro as follows:

- Using MD5 hash values, Kroll determined that two text files on the MacBook Pro were identical to two text files on the MacBook Air provided to the FBI on September 24, 2015. As we agreed, because those files are identical and had therefore already been preserved in Kroll's processing of the MacBook Air, we did not review and save the responsive portions of those two files on the MacBook Pro.
- Again using MD5 hash values, Kroll determined that two text files on the MacBook Pro were identical to each other. As we agreed, because those files were identical to each other, Kroll processed only one of them.

¹ We will provide the FBI an external hard drive that also belongs to Mr. Cooper at a later date.

² We treated any email addressed to or from Mr. Cooper as his email. As such, the MacBook Pro contains not only those emails that were sent between Mr. Cooper and Secretary Clinton, it also contains emails that were addressed to both Mr. Cooper and Secretary Clinton (within the same email).

Wilmer Cutler Pickering Hale and Dorr LLP, 1875 Pennsylvania Avenue NW, Washington, DC 20006

Boston Dallas Denver Frankfurt London Los Angeles New York Oxford Palo Alto Washington

WILMERHALE

[REDACTED] Esq.

October 5, 2015

Page 2

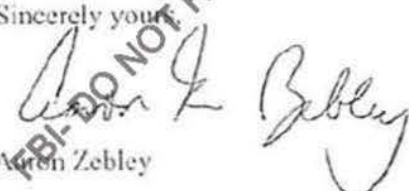
- Like the MacBook Air, the MacBook Pro contained files labeled as back-up copies of blackberry devices, but that were not further labeled with an owner's name. Kroll matched those files to the unlabeled blackberry back-up files on Mr. Cooper's MacBook Air using MD5 hash values. As described in my letter of September 24, 2015, Kroll had previously determined those files on the MacBook Air did not contain an email account belonging to Secretary Clinton.

As we agreed on September 10, 2015, regarding our consent for the files remaining on the MacBook Pro:

- We authorize the government to possess and review all of Mr. Cooper's emails to or from Secretary Clinton while she was Secretary of State (January 21, 2009, to February 1, 2013). During that time, Secretary Clinton occasionally sent Mr. Cooper emails for hand-delivery to her husband, President Clinton. We are aware that some of those emails contain information marked "Attorney-Client Privilege."³
- We authorize the government to possess the files labeled as back-up copies of Secretary Clinton's blackberry device. These files do not belong to Mr. Cooper and we therefore lack the authority to consent to an examination of their contents.

Mr. Cooper has not transferred, copied, or retained in any form the files that remain on the MacBook Pro. WilmerHale is temporarily holding an image of the MacBook Pro hard drive (which includes the files that remain on the MacBook Pro and the text files described above) to enable us to restore data in the event our forensics team made an error when segregating and removing data. We are not aware of our forensics team making any such errors, thus we will securely delete the image of the MacBook Pro and degauss the drive in seven calendar days from today unless the government advises us in writing that the files listed on the attachment (i.e., the files remaining on the MacBook Pro) are corrupted or that their contents are otherwise irretrievable for reasons that could be cured with the image of the MacBook Pro hard drive.

Sincerely yours,



Aaron Zebley

Enclosure

³ Because Mr. Cooper's emails contain information marked "Attorney-Client Privilege," David Kendall, counsel to Secretary Clinton, is reviewing Mr. Cooper's emails.

Exhibit 5

LAW OFFICES
WILLIAMS & CONNOLLY LLP

725 TWELFTH STREET, N.W.
WASHINGTON, D. C. 20005-5901

(202) 434-5000
FAX (202) 434-5029

EDWARD BENNETT WILLIAMS (1920-1988)
PAUL R. CONNOLLY (1922-1978)

October 1, 2015

BY EMAIL AND FIRST CLASS MAIL

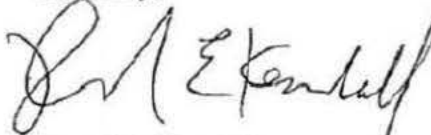
[REDACTED] Esq.
United States Department of Justice
National Security Division
600 E Street, NW
Washington, DC 20530

Dear Mr. [REDACTED]

Pursuant to our recent conversations, this letter provides the Department of Justice with consent to search former Secretary Clinton's files on the current Platte River server for the period January 21, 2009 to February 1, 2013 for evidence relevant to your security inquiry.

We request and anticipate that at the conclusion of your inquiry you will return to us the former Secretary's non-federal record, personal e-mails.

Sincerely,



David E. Kendall

DEK/bb

Exhibit 6



U.S. Department of Justice

National Security Division

Washington, D.C. 20530

BY EMAIL

David E. Kendall, Esq.
Katherine M. Turner, Esq.
Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, DC 20005

Kathryn H. Ruemmler, Esq.
Latham & Watkins LLP
555 Eleventh Street, N.W.
Suite 1000
Washington, DC 20004

October 4, 2015

Dear Mr. Kendall, Ms. Turner, and Ms. Ruemmler,

This letter confirms your agreement to voluntarily produce to the Federal Bureau of Investigation ("FBI") certain items described below that contain or contained emails to or from Secretary Clinton's @clintonemail.com accounts for the time period January 21, 2009 to February 1, 2013.

First, you will voluntarily produce the server and related equipment which Platte River Networks ("PRN") set up in June 2013 (the "PRN Server" and "PRN Server Equipment," respectively). The PRN Server Equipment includes the following items: any onsite backup hardware, including but not limited to hardware purchased from Datto, Inc.; any remote backup content, including but not limited to content stored at Datto, Inc.; any firewall and firewall logs; any switches and traffic logs; and any intrusion detection system and logs.

The production of the PRN Server and PRN Server Equipment will occur in two stages (the "first stage" and "second stage," respectively), according to the procedures described herein. In the first stage, which is currently scheduled for October 3, 2015, the FBI will be provided access to the Equinix facility at 275 Hartz Way, Secaucus, New Jersey (the "Secaucus Facility"), which houses the PRN Server and PRN Server Equipment. While onsite at the Secaucus Facility, the FBI will collect data, including but not limited to memory, running processes, network connections, and virtual machines and their contents, from the PRN Server and PRN Server Equipment while they are running. FBI personnel will make every effort to ensure that there are no service disruptions on the PRN Server during the first stage acquisition.

The FBI will retain a full copy of all data collected in this "first stage," and will also provide a full copy of this data to be maintained in a secure space at the Litigation Security Group, Department of Justice, at 145 N Street NE, Washington, DC 20002. Properly cleared individuals who you identify will be able to

access this image as necessary and appropriate to the representation of their clients, and the clients themselves, if properly cleared, may also obtain access to the image.

In the period between the first stage and the second stage, the FBI will begin, and attempt to complete, the extraction of specific email databases from the PRN Server, as further detailed below, in an appropriate forensic facility. In the second stage, which is currently scheduled to occur on or about October 9, 2015, persons identified by Williams & Connolly LLP will ensure onsite that the domains located on the PRN Server can send and receive email on a new server and associated equipment acquired by PRN (hereinafter the "New Server"). The FBI will at that time, or as soon as possible thereafter, provide historical email content from the PRN Server to persons that you identify. Finally, the FBI will shut down the PRN Server and any PRN Server Equipment that is running and collect the PRN Server and PRN Server Equipment.

As we have agreed, all historical email content residing on the PRN Server may be transferred to the New Server with the following exceptions:¹

1. For the accounts [REDACTED]@presidentclinton.com; [REDACTED]@presidentclinton.com; [REDACTED]@presidentclinton.com; and [REDACTED]@presidentclinton.com, only content dated prior to January 21, 2009, and from February 2, 2013 to the present, may be transferred to the New Server.²
2. For the email account [REDACTED]@clintonemail.com, all email content may be transferred to the New Server with the exception of six (6) identified emails that may reside in the account. FBI technical personnel will identify these six (6) emails by the date and time of the messages. These personnel will not review any other content, and the FBI investigative team will have no access to the account. If present on the PRN server, the six (6) identified emails will be retained, but not searched, by the FBI.³
3. For the former Secretary's accounts on the @clintonemail.com domain, only content dated prior to January 21, 2009, and from February 2, 2013 to the present, may be transferred to the New Server.
4. For the account [REDACTED]@clintonemail.com, only content dated prior to January 21, 2009, and from February 2, 2013 to the present, may be transferred to the New Server.

You are also providing consent for the FBI to conduct a forensic analysis, for purposes of identifying evidence relevant to its investigation of the matter referred by the Inspector General of the Intelligence Community, of the entire PRN Server and PRN Server Equipment. You are further providing consent to

¹ While there is no current basis to believe that any of the historical email content to be transferred to the New Server contains any classified information, if the FBI's continued investigation reveals that any of the historical email content transferred to the New Server potentially contains any classified information, we will take all necessary steps to appropriately address the situation.

² Although the historical content from the [REDACTED]@presidentclinton.com and [REDACTED]@presidentclinton.com accounts, subject to the date restrictions set forth above, may be eligible for migration to the New Server, counsel at Latham & Watkins LLP has requested that the historical content for these accounts, which are now inactive, be transferred to a hard drive or other portable media rather than to the New Server.

Counsel from Latham & Watkins LLP has advised that these six (6) emails from the [REDACTED]@clintonemail.com account may also be located in the @chelseaooffice.com domain. For the email domain @chelseaooffice.com, all email content may be transferred to the New Server with the exception of these six (6) identified emails that may reside in the domain. FBI technical personnel will identify these six (6) emails by the date and time of the messages. These personnel will not review any other content, and the FBI investigative team will have no access to the @chelseaooffice.com domain. If present on the PRN server in the @chelseaooffice.com domain, the six (6) identified emails will be retained, but not searched, by the FBI.

search any unallocated space on the PRN Server and PRN Server Equipment for evidence within Secretary Clinton's files dated from January 21, 2009 to February 1, 2013 that is relevant to the FBI investigation of the matter referred by the Inspector General of the Intelligence Community. Except as provided elsewhere, your consent does not extend to any other email content on the PRN Server and PRN Server Equipment.

Second, this letter also confirms your agreement to voluntarily produce to the FBI on October 3, 2015, all equipment associated with the "predecessor server" that was voluntarily produced to the FBI on August 12, 2015. The equipment associated with the "predecessor server" includes but is not limited to the following items, which are currently in PRN's possession in the Secaucus Facility: one (1) Cisco Network Attached Storage; one (1) Dell Blackberry server; and one (1) external USB hard drive. You are also providing consent for the FBI to conduct a forensic analysis, for purposes of identifying evidence relevant to its investigation of the matter referred by the Inspector General of the Intelligence Community, of the equipment associated with the "predecessor server."

At the conclusion of this investigation, all items voluntarily produced to the FBI will be returned to the owners or disposed of consistent with FBI policies and procedures.

Sincerely,



cc: Miguel E. Rodriguez, Esq.;
Karen L. Dunn, Esq.



U.S. Department of Justice

National Security Division

Washington, D.C. 20530

BY EMAIL

David E. Kendall, Esq.
Katherine M. Turner, Esq.
Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, DC 20005

October 4, 2015

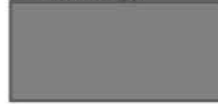
Dear Mr. Kendall and Ms. Turner,

This letter supplements the letter I previously sent to you today describing certain items — including the server administered by Platte River Networks (the “PRN Server”), equipment associated with the PRN Server (the “PRN Server Equipment”), and equipment associated with the “predecessor server” — that you have agreed to voluntarily produce to the Federal Bureau of Investigation (“FBI”). Consistent with your letter dated October 1, 2015, we have also agreed that you are providing consent to search, for evidence relevant to the FBI investigation of the matter referred by the Inspector General of the Intelligence Community, all of Secretary Clinton’s files dated from January 21, 2009 to February 1, 2013 located on the PRN Server, PRN Server Equipment, and equipment associated with the “predecessor server.”

On July 30, 2015, the FBI delivered to PRN a letter requesting that it preserve records related to the @clintonemail.com account. We understand that PRN, through Williams & Connolly LLP, also received other requests to preserve records related to the @clintonemail.com account, including a July 29, 2015 preservation letter from Senator Ron Johnson, Chairman, United States Senate Committee on Homeland Security and Governmental Affairs; a May 26, 2015 preservation letter from Steve A. Linick, Inspector General, Department of State and I. Charles McCullough, III, Inspector General, Intelligence Community; and a March 3, 2015 preservation letter from Representative Trey Gowdy, Chairman, House of Representatives Select Committee on Benghazi. Once taking custody of the items referred to in today’s letters, the FBI will maintain them in an appropriately secure manner. We believe such maintenance satisfies any preservation obligations you and PRN may have.

Finally, this letter confirms our understanding that any other equipment or devices not previously provided to the FBI, whether or not previously disclosed, that contain or contained any emails from the time period January 21, 2009 to February 1, 2013 to or from any @clintonemail.com domain account assigned to Secretary Clinton, will be identified to us as soon as possible and no later than October 9, 2015.

Sincerely,



cc: Kenneth F. Eichner, Esq.

FBI- DO NOT RELEASE - PRODUCED TO SJC FBI- DO NOT RELEASE - PRODUCED TO SJC

Exhibit 7



BOSTON CONNECTICUT NEW JERSEY NEW YORK WASHINGTON DC

STEVEN A. CASH
Attorney at Law

1100 New York Ave., NW, Suite 300
Washington, DC 20005

com

October 23, 2015

VIA E-MAIL

[REDACTED]
Federal Bureau of Investigation
Special Agent
Federal Bureau of Investigation
Washington Field Office
601 4th Street, N.W.
Washington, D.C. 20535

Dear Agent [REDACTED]

I write in advance of our telephone conference scheduled for this afternoon at 4:00 p.m. I anticipate that Spencer Mortensen and Robert Gibbons will be on the call, and will be prepared to address technical questions.

In addition, I wanted to outline four issues that have been identified during our internal inquiry. I do not know whether, and to what extent, they are significant to your ongoing investigation, but believe it would be prudent to provide you with a summary. If needed, we can address one or more of them in greater detail when we speak.

"Check-in" data and previously unknown host name [REDACTED]

On October 3, 2015 an S2000 SIRIS device, serial number [REDACTED] (host name: [REDACTED]) "checked-in" with the Datto administrative webserver through a secure internet connection. This was the last check-in of that device. As you know, Datto advised Platte River on August 13 of concerns that the then-operating S2000 local device (with the serial number above) contained unencrypted data sets, and, as such, were potentially vulnerable. Datto provided a replacement device to Platte River to allow it to address this concern. We do not know if the replacement was used as recommended. In addition, our logs show the device with serial number [REDACTED] which is the replacement device, connected to Datto's administrative webserver. These logs reference device [REDACTED] as the host name attached to that serial number.

DAT00000325

FBI_OIG_Cong Prod_014394

 DAY PITNEY LLP

October 23, 2015

Page 2

Manual and Automatic removal of "recovery points"

Datto technical experts have reviewed administrative files. Based on that review Datto has identified 182 "recovery points" which were subject to delete requests through the "recovery point page" of the Partner Portal website available to the Platte River Network located Local Device. These manual requests were requested from the Local Device's web interface for the [REDACTED] agent, and all occurred on March 31, 2015 between 11:27:14 a.m. and 12:41:12 am. The 182 recovery points had a date range of January 28, 2015 to March 24, 2015. In addition, there were another 2650 recovery points that were deleted automatically based on the Local Device's then-configured pruning parameters. These automatic operations were performed for 3 agents: [REDACTED]

Unauthorized Access to Datto Administrative Server

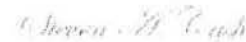
We advised you earlier this week of the recent potential third party access to Datto's administrative server, revealed to us by the unsolicited communication from Lawrence Baldwin, an individual known to SSA [REDACTED]. We have investigated that incident, and it appears that an unidentified individual or individuals accessed the system using logon credentials associated with a Datto employee. It appears that the access was confined to efforts to search data held in the administrative server (with permissions associated with the employee's account) using a set of search terms, including: "Exchange, apple, backup, Chase, coin, coi, FBI, finance, financial, .gov, invest, JP, Law, Morgan, municipal, Target, Traget, Walmart, police, Glencore." Our internal inquiry is continuing.

Fourth data set and aggregate Data volume on Storage Node

In reviewing administrative logs, we have identified what appears to be a fourth data set associated Local Device [REDACTED] named [REDACTED]. According to Datto, this data set, was removed from the Local Device at some point. We are unable to determine the date. This data set may exist on the Storage Node in FBI possession. This data set is approximately 1.2 TB.

Please let me know whether follow up is necessary with respect to any of these issues.

Best regards,



Steven A. Cash

DAT00000326

FBI_OIG_Cong Prod_014395

Exhibit 8

Strzok, Peter P. (WF) (FBI)

From: Strzok, Peter P. (WF) (FBI)
Sent: Saturday, January 30, 2016 8:07 AM
To: Priestap, E W. (CD) (FBI); Jones, Robert A. (CD) (FBI)
Cc: Moffa, Jonathan C. (CD) (FBI)
Subject: Fwd: White House denies role in delaying release of Hillary Clinton emails - Washington Times

Below not helpful. Certainly the WH is going to do whatever it wants, but there is a line they need to hold with regard to the appearance of non-interference. This coupled with the President's "no harm to national security" statement provide a couple of data points for senior execs if the issue ever comes up in discussion at the WH.

Asked whether White House officials are worried that Mrs. Clinton will be indicted, Mr. Earnest replied that the FBI investigation "does not seem to be headed in that direction." But he said he was basing that only on a previous comment from the Justice Department that Mrs. Clinton is not a "target" of the probe.

<http://m.washingtontimes.com/news/2016/jan/29/white-house-denies-delaying-release-clinton-emails/>

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Exhibit 9

2016-02-23 01:50:41, Tue	OUTBOX	What does he think?
2016-02-23 01:51:05, Tue	INBOX	It's interesting, I've got [REDACTED] and David and him and everyone calling me to survey the terrain. I guess that's good.
2016-02-24 11:48:15, Wed	INBOX	[REDACTED] 8:30. I will arrive right about then and will be free until 910 when my midyear brief starts. [REDACTED] [REDACTED]
2016-02-24 23:54:20, Wed	INBOX	Hey I know your evening sucks. I need to talk to you tonight about work. Things went sideways with Andy and Bill. \n\nAt my desk, calling [REDACTED] to see if he is still here.
2016-02-24 23:57:18, Wed	INBOX	Sorry, I'm busy. Call back later.
2016-02-24 23:57:51, Wed	OUTBOX	He is I just got off the phone with him. He told me about wrap.
2016-02-24 23:59:51, Wed	INBOX	I'm talking to him now
2016-02-25 00:06:26, Thu	OUTBOX	Yup. Though truthfully, I'm not sure I understand what the problem is.
2016-02-25 00:15:04, Thu	INBOX	Sorry still on phone. Issue is if Laufman makes himself one of the two DOJ, do I send the two case agents or insert myself. Andy told Bill send the best two. And what "best" means isn't clear to me in this context.
2016-02-25 00:15:28, Thu	OUTBOX	Best means best. It's not a trick.
2016-02-25 00:15:52, Thu	OUTBOX	If Laufman does that, then that's DOJ's loss. And I think warrants a call to his superiors.
2016-02-25 01:00:20, Thu	INBOX	Hi. Just leaving. Trisha still there (or at least her car is). Saw [REDACTED] leaving, too, though he didn't see me [REDACTED]
2016-02-25 01:02:07, Thu	INBOX	We talked about it, but "best" was not in terms of agents (though that's what I wrote). It's about what the best outcome is. [REDACTED]
2016-02-25 02:20:31, Thu	OUTBOX	Do you or Bill fundamentally believe that 3 and 3 is the RIGHT thing for the case? If the answer is no, then you call [REDACTED] back and say we're good as is. You have never wavered from saying 2 and 2 is best. I don't get what the hesitation is now.
2016-02-25 02:52:46, Thu	OUTBOX	One more thing: she might be our next president. The last thing you need us going in there loaded for bear. You think she's going to remember or care that it was more DOJ than FBI?
2016-02-25 02:56:28, Thu	INBOX	Agreed. I called Bill and relayed what we discussed. He agrees. I will email you and [REDACTED] same.
2016-02-25 02:57:29, Thu	OUTBOX	Cool. You going to call back? I have one more thing to say, so long as you are out of earshot of folks.
2016-02-25 15:14:23, Thu	INBOX	Sorry meeting went long with Bill. So [REDACTED] is covering 10 and my 11 just cancelled. [REDACTED]

Exhibit 10

2016-03-02 16:23:32	ppstrzok@	jcmoffa@	FileTransfers	FileTransfer	MYE Investigative Scope.docx		2016-03-02 16:23:32
2016-03-02 16:23:34	ppstrzok@	jcmoffa@	Messages	Message	p2	text/html	2016-03-02 16:21:35
2016-03-02 16:24:13	jcmoffa@	ppstrzok@	Messages	Message	Got it. That works.	text/html	2016-03-02 16:21:35
2016-03-02 16:24:20	ppstrzok@	jcmoffa@	Messages	Message	Already printed and staged. No changes unless we need to	text/html	2016-03-02 16:21:35
2016-03-02 16:24:48	jcmoffa@	ppstrzok@	Messages	Message	Nope. Good to go.	text/html	2016-03-02 16:21:35
2016-03-02 16:27:02	ppstrzok@	ppstrzok@	Messages	Message	Dropped off the devices sheet at your bubble desk. Can also run it down to you now if you want me to.	text/html	2016-03-02 16:27:02
2016-03-02 16:27:10	ppstrzok@	ppstrzok@	Messages	Message	thank you	text/html	2016-03-02 16:27:02
2016-03-02 16:34:37	jcmoffa@	ppstrzok@	Messages	Message	Are you bringing the confirmed classified binder up? I'm going to leave mine behind if so...	text/html	2016-03-02 16:21:35
2016-03-02 16:37:54	ppstrzok@	jcmoffa@	Messages	Message	I'll have my binder	text/html	2016-03-02 16:21:35
2016-03-02 16:42:08	jcmoffa@	ppstrzok@	Messages	Message	I have to make a complete version like you have. I only have a piece of the 47 tabbed out at this point.	text/html	2016-03-02 16:21:35
2016-03-02 16:42:33	ppstrzok@	jcmoffa@	Messages	Message	OGC is MY binder better than yours? ;)	text/html	2016-03-02 16:21:35
2016-03-02 16:42:42	ppstrzok@	ppstrzok@	Messages	Message	OGC from (devices) and me (subpoenas) are at your desk	text/html	2016-03-02 16:42:42
2016-03-02 16:42:48	ppstrzok@	ppstrzok@	Messages	Message	Thank you	text/html	2016-03-02 16:42:42
2016-03-02 16:43:04	ppstrzok@	ppstrzok@	ConferenceMessa	Message	K	text/html	2016-03-02 16:42:47
2016-03-02 16:43:08	jcmoffa@	ppstrzok@	Messages	Message	Yep. I let my binder game slip.	text/html	2016-03-02 16:21:35
2016-03-02 16:43:19	jcmoffa@	ppstrzok@	ConferenceMessa	Message	Great. Good decision by OGC.	text/html	2016-03-02 16:42:47
2016-03-02 16:43:30	ppstrzok@	jcmoffa@	Messages	Message	When were the dates compromised gmail?	text/html	2016-03-02 16:21:35
2016-03-02 16:43:51	jcmoffa@	ppstrzok@	Messages	Message	Stand by. Will check notes...	text/html	2016-03-02 16:21:35
2016-03-02 16:46:07	jcmoffa@	ppstrzok@	Messages	Message	I have in my notes, "timeframe is questionable. Looks like 2009-2011." That's all I have.	text/html	2016-03-02 16:21:35
2016-03-02 16:46:23	ppstrzok@	jcmoffa@	Messages	Message	OK I think I have more in mine	text/html	2016-03-02 16:21:35
2016-03-02 16:46:26	ppstrzok@	jcmoffa@	Messages	Message	will dig	text/html	2016-03-02 16:21:35
2016-03-02 16:46:32	ppstrzok@	jcmoffa@	Messages	Message	Otherwise I'm in good shape	text/html	2016-03-02 16:21:35
2016-03-02 16:46:55	jcmoffa@	ppstrzok@	Messages	Message	I have more info about what happened, just that's the only line about timeframe.	text/html	2016-03-02 16:21:35
2016-03-02 16:55:48	ppstrzok@	ppstrzok@	Messages	Message	hack into gmail? I have month and days not year though	text/html	2016-03-02 16:55:48
2016-03-02 16:56:04	ppstrzok@	ppstrzok@	Messages	Message		text/html	2016-03-02 16:55:48
2016-03-02 16:56:09	ppstrzok@	ppstrzok@	Messages	Message		text/html	2016-03-02 16:55:48

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Exhibit 11

2016-03-03 11:29:41, Thu	INBOX	[REDACTED] We're hosting a conference all day in Bonaparte - I have to give the opening at 845 but have a lot of flexibility in the morning after that.
2016-03-03 11:31:31, Thu	OUTBOX	I'm not sure if I'm coming in [REDACTED] but I'll let you know. If not, probably won't be free until after lunch.
2016-03-03 11:35:41, Thu	INBOX	Oh, that's right. Np. Steinbach wants to meet his SCs and up from 2-3, and I've got to talk to my DS counterpart whenever the conference wraps up.
2016-03-04 02:10:50, Fri	OUTBOX	God trump is a loathsome human.
2016-03-04 02:11:26, Fri	INBOX	Yet he may win
2016-03-04 02:11:35, Fri	INBOX	Good for Hillary
2016-03-04 02:11:51, Fri	OUTBOX	It is.
2016-03-04 02:12:46, Fri	INBOX	Would he be a worse president than cruz?
2016-03-04 02:13:14, Fri	OUTBOX	Trump? Yes, I think so.
2016-03-04 02:13:37, Fri	INBOX	I'm not sure
2016-03-04 02:20:04, Fri	INBOX	Omg he's an idiot
2016-03-04 02:20:33, Fri	OUTBOX	He's awful.
2016-03-04 02:21:02, Fri	INBOX	America will get what the voting public deserves
2016-03-04 02:21:36, Fri	OUTBOX	That's what I'm afraid of.
2016-03-04 02:22:11, Fri	INBOX	Department of Environmental Protection? !?!
2016-03-04 02:24:25, Fri	INBOX	God Hillary should win 100,000,000 - 0.
2016-03-04 02:35:16, Fri.	OUTBOX	I know.
2016-03-04 02:26:19, Fri	INBOX	What was that weird shiny thing on his lip?
2016-03-04 02:27:58, Fri	OUTBOX	I know. It was like a piece of food! [REDACTED] says this keeps getting better every minute.
2016-03-04 02:34:56, Fri	OUTBOX	Also did you hear him make a comment about the size of his d*ck earlier? This man can not be president.
2016-03-04 02:37:06, Fri	INBOX	Yes I did. In relation to the size of his hands.\n\nAnd all the "Little Marco" blah blah blah
2016-03-04 02:38:08, Fri	INBOX	And God, Detroit used to be SO beautiful and shining and elegant. \U0001f61e Sigh.
2016-03-04 02:38:35, Fri	OUTBOX	I know. Detroit is really a beautiful city. Camden was too.

Exhibit 12

2016-03-18 01:38:11, Fri	INBOX	Finally leaving. As I think about going away, I remember that we have moved around interviews so that I can be there for them. Those are the things I need to be present for.\n\nThe question remains whether I need to be here for this, or not need to, but should. [REDACTED] [REDACTED]
2016-03-18 01:49:16, Fri	OUTBOX	Drive safely. \n\nThis case is fungible, possibly sooner than later. Your family is not. You need to go.
2016-03-18 01:52:09, Fri	INBOX	Yeah, but you know what bugs me? If you weren't in there, who is supposed to point out all the doubts and qualifications about the reporting, all the potential misinterpretations and exaggerations? that person needs to be in the room. I understand it could be you, but it could be me or somebody else at that level. They should have the benefit of that type of nuance and information, and clearly they don't, or at least they don't enough. They're certainly not getting it out of the so-called senior leaders who are sitting round that table beside Andy.
2016-03-18 02:05:04, Fri	OUTBOX	Jim does nuance. I'm not the only one in the room.
2016-03-18 02:16:17, Fri	INBOX	But Jim doesn't get the reporting, does he? Saying hey this isn't a raw cut, all the opportunities for error/exaggeration?
2016-03-18 11:31:26, Fri	INBOX	Thought of the perfect person D can bounce this off of
2016-03-18 11:31:55, Fri	OUTBOX	Who?
2016-03-18 11:37:51, Fri	INBOX	Pat\n\nYou gotta give me credit if we go with him. \n\nAnd delay briefing him on until I can get back and do it. Late next week or later.
2016-03-18 11:38:49, Fri	OUTBOX	We talked about him last night, not for this, but how great he is. He's in private practice though, right? Suppose you could still bring him back. And yes, I'll hold.
2016-03-18 11:57:54, Fri	INBOX	Yes, he's at Skadden in Chicago. I haven't talked to him for a year or two. Don't forget that Dag Comey appointed him as special counsel in the Plame matter, and that he was there for Comey's investiture.
2016-03-18 11:58:33, Fri	INBOX	I could work with him again \u263a\n\nAnd damn we'd get sh*t DONE
2016-03-18 11:58:39, Fri	OUTBOX	I know. Like I said, we discussed boss and him yesterday.
2016-03-18 12:05:54, Fri	INBOX	And it frustrates me, because Bill, at his 7:15, brings up the whole matter in front of his DADs. One who is acting for Dina. Who immediately goes to John and tell him how Bill is stressed because all the stuff is going on about a special prosecutor. Bill needs to learn to not talk to everybody about this when he's upset about it. And I guarantee that agent, while discreet, is certainly going to tell at least a few other people.\n\nU0001f621U0001f621U0001f621U0001f621U0001f621U0001f621

Exhibit 13

2016-03-18 12:06:06, Fri	INBOX	I'm sending [REDACTED] to the 8:30 with Jones so that I can meet with John.
2016-03-18 12:46:19, Fri	OUTBOX	Did he go so far as to talk about why we started talking special prosecutor?!
2016-03-18 12:47:24, Fri	INBOX	Don't think so. In my office talking to Jon
2016-03-18 16:32:08, Fri	OUTBOX	[REDACTED]
2016-03-18 16:32:45, Fri	INBOX	K. I'm waiting on [REDACTED] ...\U0001f612
2016-03-18 21:13:53, Fri	OUTBOX	If door is closed, probably okay to knock if his secretary is gone.
2016-03-18 21:14:36, Fri	INBOX	Ok. You sure? And if she is, I'll just hang...
2016-03-18 21:16:19, Fri	OUTBOX	She leaves at 530. I just asked. Jim behind closed doors with Trisha now, so I'm waiting. \U0001f612
2016-03-18 21:18:08, Fri	INBOX	Is it going to be weird if I show up, given Trishas email to you last night?
2016-03-18 21:18:27, Fri	INBOX	And let me know when you go in, I'll wait 10 then walk up
2016-03-18 21:18:39, Fri	OUTBOX	Yes, but remember, you're here to back brief on touhy.
2016-03-18 21:19:02, Fri	INBOX	Totally got it
2016-03-18 21:19:16, Fri	OUTBOX	I'm going in now.
2016-03-18 21:21:16, Fri	OUTBOX	Come soon
2016-03-18 21:22:38, Fri	INBOX	30 sec out
2016-03-18 21:31:31, Fri	INBOX	Hit me before you go, obviously. And J*sus how embarrassing I can't believe how out of breath I was. \U0001f628
2016-03-18 21:31:45, Fri	INBOX	I mean that was weird....
2016-03-18 21:56:57, Fri	INBOX	Hey, do you know if you're close?
2016-03-18 21:57:39, Fri	OUTBOX	Walking to my ofc now
2016-03-18 21:57:59, Fri	OUTBOX	You didn't need to run!
2016-03-18 21:58:38, Fri	INBOX	You said come soon!\n\nI was mortified!
2016-03-18 21:59:01, Fri	OUTBOX	It wasn't that bad.
2016-03-18 21:59:14, Fri	OUTBOX	Soon, now now! Or immediately!
2016-03-18 21:59:59, Fri	INBOX	Ha. I AM responsive.

Exhibit 14

2016-03-29 02:41:46, Tue	OUTBOX	Well he should be able to call anyone else in that room and get that message.
2016-03-29 02:42:06, Tue	INBOX	We both agree we need a united FBI-DOJ decision and position before he calls Beth.
2016-03-29 02:42:28, Tue	INBOX	I'm telling you, DOJ is miraculous about hearing what they want to hear.
2016-03-29 02:42:42, Tue	OUTBOX	No, they're just better than we are.
2016-03-29 02:43:14, Tue	INBOX	Ok. I'll tell you the worst news. Per atty proffer, Combetta says he used BleachBit (a wiping program) when he deleted the psts from the laptops.
2016-03-29 02:43:37, Tue	INBOX	\U0001f621\n\nNo one on the team knows that yet so you have to wait to tell Andy.
2016-03-29 02:43:40, Tue	OUTBOX	The ones m and s used?
2016-03-29 02:44:17, Tue	OUTBOX	Still have to get them to confirm that. Doesn't change anything. You would never just take some attys word for it.
2016-03-29 02:44:17, Tue	INBOX	Doesn't mean they're not somewhere else, but if true, and done properly, makes this much harder.
2016-03-29 02:49:01, Tue	INBOX	Apr 18 I'm in nz...although I wonder if I should cancel with the case where it is....
2016-03-29 02:49:50, Tue	OUTBOX	You should go. It's important to meet these folks too. You will someday have your other job back.
2016-03-29 09:04:43, Tue	OUTBOX	Aargh. [REDACTED] and now I can't stop thinking about your stupid case. The whole thing really makes me angry. \U0001f621
2016-03-29 11:15:08, Tue	INBOX	[REDACTED] Trisha scheduled a meeting from noon until 1. \U0001f612
2016-03-29 11:19:24, Tue	INBOX	Grassley letter about reporting we had people sign NDAs. Still. Not. Done. [REDACTED]
2016-03-29 11:46:00, Tue	INBOX	So. Changing topics so I stop wallowing in regret. Why is [REDACTED] so low? Trisha? Or everything?
2016-03-29 11:54:30, Tue	OUTBOX	Yeah, mostly Trisha and working way way too hard and not feeling like Trisha is satisfied with anything [REDACTED] is doing.
2016-03-29 11:55:22, Tue	OUTBOX	But you can't say anything to her!
2016-03-29 11:56:28, Tue	INBOX	I won't. But I can be sweet, and appreciative
2016-03-29 11:56:49, Tue	OUTBOX	Yes, that would be good.
2016-03-29 11:57:01, Tue	INBOX) and what is Tricia doing? [REDACTED] the only competent person she has...
2016-03-29 11:58:36, Tue	OUTBOX	I know. I'm sure she doesn't know she's doing it and would be appalled. I've been talking to [REDACTED] every day about needing to say something to Trisha. Or to talk to Jim about getting advice about how to address her concerns. It's bad enough that she's been thinking about going back to the line...

Exhibit 15

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Staff Director

August 30, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Wray:

The Senate Judiciary Committee has been investigating the circumstances surrounding Director Comey's removal, including his conduct in handling the Clinton and Russia investigations. On June 30, 2017, the Committee wrote to the Office of Special Counsel (OSC)¹ requesting transcripts of OSC's interviews with then-Director Comey's Chief of Staff, Jim Rybicki, and the Principal Deputy General Counsel of National Security and Cyberlaw, Trisha Anderson. OSC investigators had interviewed them as part of the OSC's investigation into whether then-Director Comey's actions in the Clinton investigation violated the Hatch Act.² OSC closed its inquiry after Mr. Comey's removal pursuant to its standard policy of not investigating former government employees. On August 8, 2017, the OSC provided transcripts of those interviews at the Committee's request.³ Since then, Committee staff has been asking the Department informally to explain the reasons for the extensive redactions to the transcripts.

According to the unredacted portions of the transcripts, it appears that in April or early May of 2016, Mr. Comey had already decided he would issue a statement exonerating Secretary Clinton. That was long *before FBI agents finished their work*. Mr. Comey even circulated an early draft statement to select members of senior FBI leadership. The outcome of an investigation should not be prejudged while FBI agents are still hard at work trying to gather the facts.

OSC attorneys questioned two witnesses, presumably Mr. Rybicki and Ms. Anderson, about Mr. Comey's July 5, 2016, statement exonerating Secretary Clinton. The transcript of what appears to be Mr. Rybicki's interview contains the following exchanges:

¹ OSC is the permanent, independent investigative agency for personnel matters, not Robert Mueller's temporary prosecutorial office within the Justice Department.

² Letter from Senator Harry Reid to James Comey (October 30, 2016). Mica Rosenberg, *Uproar over whether FBI chief broke law by raising new Clinton emails*, Reuters (October 31, 2016).

³ OSC first provided the transcripts to the Justice Department, which redacted significant portions of the transcripts without explanation. It redacted the names of the witnesses, even though those names were in the Committee's request.

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Q: ... We talked about outcome of the investigation, ... how did the statement – I guess the idea of the statement come about?

A: Sure. We're talking about July 5th, correct?

Q: Yes. I'm sorry. July 5th.

A: The – so in the – **sometime in the spring** – again, I don't remember exactly when, I – early spring I would say, **the Director emailed a couple folks** – I can't remember exactly; I know I was on there, probably the Deputy Director, **not the full, what I'll call the briefing group**, but a subset of that – **to say, you know, again knowing sort of where – knowing the direction the investigation is headed, right, what would be the most forward-leaning thing we could do**, right, information that we could put out about it...And -- and, you know, by that -- you know, so that -- and **he sent a draft around** of, you know what - what it might look like. . . .

A: ...So that was the early spring.

Q: Yeah. And I think we've seen maybe that email where he sent it out, it was early May of 2016; does that sound about right?

A: That sounds right. That -- quite honestly, that strikes me as a little late, but may --

Q: Okay.

A: -- but again, I definitely remember spring. I had in my head like the April timeframe, but May doesn't seem out of the -- out of the realm.

Q: **And so at that point in time, whether it was April or early May, the team hadn't yet interviewed Secretary Clinton –**

A: **Correct.**

Q: **– but was there – I guess, based on what you're saying, it sounds like there was an idea of where the outcome of the investigation was going to go?**

A: **Sure.** There was a – right, there was – based on – [redacted section].

Similarly, the transcript of what appears to be Ms. Anderson's interview states:

Q: So moving along to the first public statement on the case or Director Comey's first statement the July 5, 2016 statement. **When did you first learn that Director Comey was planning to make some kind of public statement about the outcome of the Clinton email investigation?**

A: The idea, I'm not entirely sure exactly when the idea of the public statement um first emerged. Um it was, I just, I can't put a

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precise timeframe on it um but [redaction]. And then I believe it **was in early May of 2016 that the Director himself wrote a draft of that statement ...**

Q: So when you found out in early May that there was, that the Director had written a draft of what the statement might look like, how did you learn about that?

A: [Redacted] gave me a hard copy of it...

Q: So what happened next with respect to the draft?

A: I don't know for sure um, I don't know. **There were many iterations, at some point there were many iterations of the draft that circulated...**

As of early May 2016, the FBI had not yet interviewed Secretary Clinton. Moreover, it had yet to finish interviewing sixteen other key witnesses, including Cheryl Mills, Bryan Pagliano, Heather Samuelson, Justin Cooper, and John Bentel.⁴

These individuals had intimate and personal knowledge relating to Secretary Clinton's non-government server, including helping her build and administer the device. Yet, it appears that the following key FBI interviews had not yet occurred when Mr. Comey began drafting his exoneration statement:

- | | |
|---|---|
| 1. May 3, 2016 – Paul Combetta | 9. June 10, 2016 – John Bentel |
| 2. May 12, 2016 – Sean Misko | 10. June 15, 2016 – Lewis Lukens |
| 3. May 17, 2016 – Unnamed CIA employee ⁵ | 11. June 21, 2016 – Justin Cooper |
| 4. May 19, 2016 – Unnamed CIA employee ⁶ | 12. June 21, 2016 – Unnamed State Dept. Employee ⁷ |
| 5. May 24, 2016 – Heather Samuelson | 13. June 21, 2016 – Bryan Pagliano |
| 6. May 26, 2016 – Marcel Lehel (aka Guccifer) | 14. June 21, 2016 – Purcell Lee |
| 7. May 28, 2016 – Cheryl Mills | 15. June 23, 2016 – Monica Hanley |
| 8. June 3, 2016 – Charlie Wisecarver | 16. June 29, 2016 – Hannah Richert |
| | 17. July 2, 2016 – Hillary Clinton |

Conclusion first, fact-gathering second—that's no way to run an investigation. The FBI should be held to a higher standard than that, especially in a matter of such great public interest and controversy.

Mr. Comey's final statement acknowledged "there is evidence of potential violations of the statutes regarding the handling of classified information" but nonetheless cleared Secretary Clinton because he claimed there was no intent or obstruction of justice. Yet, evidence of destruction of emails known to be under subpoena by the House of Representatives, and subject

⁴ Notably, some witnesses had been interviewed. However, their follow up interviews had not taken place yet.

⁵ The name of the interviewee was redacted from the publicly released version of the 302.

⁶ The name of the interviewee was redacted from the publicly released version of the 302.

⁷ The name of the interviewee was redacted from the publicly released version of the 302.

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to congressional preservation requests, was obtained in interviews around the time that Mr. Comey began drafting his exoneration statement.⁸ Moreover, the Justice Department entered into highly unusual immunity agreements with Cheryl Mills and Heather Samuelson in June 2016—after Mr. Comey began drafting his exoneration statement—to review Clinton email archives on their laptops.⁹

The immunity agreements limited the FBI's ability to review Clinton email archives from Platte River Networks that were created after June 1, 2014, and before February 1, 2015, and which had been sent or received from Secretary Clinton's four email addresses during her tenure as Secretary of State.¹⁰ These limitations prevented the FBI from reviewing records surrounding a March 2015 conference call that Paul Combetta, an employee of Platte River Networks, had with David Kendall and Ms. Mills, the attorneys for Secretary Clinton.¹¹ After having been initially untruthful and then receiving his own immunity agreement, Mr. Combetta admitted in his third FBI interview, in May 2016, that after a March 2015 conference call with Secretary Clinton's attorneys, he used BleachBit to destroy any remaining copies of Clinton's emails.¹²

The limitations in the immunity agreements with Ms. Mills and Ms. Samuelson also kept the FBI from looking at emails after Secretary Clinton left office—the period in which communications regarding destruction or concealment of federal records would have most likely taken place.¹³ And finally, the agreements provided that the *Department would destroy* any records which it retrieved that were not turned over to the investigative team and *would destroy* the laptops.¹⁴ Despite public claims by the FBI that the laptops were not in fact destroyed, the purpose of that promise to destroy them has not been explained.¹⁵ However, Judiciary Committee staff reviewed the immunity agreements as part of their oversight work, so there is no

⁸ The House Oversight and Government Reform Committee subpoenaed the State Department for records on August 1, 2013. The House Benghazi Committee subpoenaed the State Department for its records on January 28, 2015. The first subpoena sent directly to Secretary Clinton that asked for her records was on March 4, 2015. According to the FBI's Letterhead Memorandum (LHM) summarizing its witness interviews in the Clinton investigation on "March 25, 2015, PRN held a conference call with President Clinton's staff" and also the "[i]nvestigation identified a PRN work ticket, which referenced a conference call among PRN, Kendall, and Mills on March 31, 2015." Mr. Combetta's 302 summary noted that he deleted Secretary Clinton's email archives on March 31, 2015 using BleachBit, a software program designed to prevent forensic recovery. This information was obtained by the FBI on May 3, 2016, around the time that Mr. Comey began drafting his exoneration statement. In addition to subpoenas, multiple congressional committees had already sent the State Department and Secretary Clinton preservation letters starting on September 20, 2012, prior to Mr. Combetta's deletions and Secretary Clinton's December 2014 instruction to her staff to delete her emails. See also, Letter from Senator Chuck Grassley, Chairman, Senate Committee on the Judiciary, Representative Jason Chaffetz, Chairman, House Committee on Oversight and Government Reform, Representative Bob Goodlatte, Chairman, House Committee on the Judiciary, Representative Devin Nunes, Chairman, House Permanent Select Committee on Intelligence to Ms. Loretta Lynch, Attorney General, Department of Justice (Oct. 5, 2016) citing *Oversight of the Federal Bureau of Investigation: Hearing before the H. Comm. on the Judiciary*, 114th Cong. (2016); U. S. House Select Committee on Benghazi, Final Report (Dec. 7, 2016).

⁹ Letter from Senator Chuck Grassley, Chairman, Senate Committee on the Judiciary, Representative Jason Chaffetz, Chairman, House Committee on Oversight and Government Reform, Representative Bob Goodlatte, Chairman, House Committee on the Judiciary, Representative Devin Nunes, Chairman, House Permanent Select Committee on Intelligence to Ms. Loretta Lynch, Attorney General, Department of Justice (Oct. 5, 2016).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Letter from Peter J. Kadzik, Assistant Attorney General, Dep't of Justice, to Senator Chuck Grassley, Chairman, Senate Committee on the Judiciary (October 26, 2016).

Mr. Wray
August 30, 2017
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question that the terms of the agreement called for the Department to destroy evidence that had not been fully and completely reviewed.¹⁶

It is unclear whether the FBI agents actually investigating the case were aware that Mr. Comey had already decided on the investigation's outcome while their work was ongoing. However, it appears that the answer to that question may be underneath some of the extensive redactions that the Department made to the transcripts.¹⁷ In testimony before Congress, Mr. Comey was asked whether his decision to not recommend charges "was [a] unanimous opinion within the FBI..." to which he responded, "[w]ell, the whole FBI wasn't involved, but the team of agents, investigators, analysts, technologists, yes."¹⁸ Seeing under the redactions is necessary for the Committee to assess Mr. Comey's testimony before Congress.

Pursuant to the Committee's responsibility and authority to review the circumstances of the Director's removal, please provide the following without redactions by September 13, 2017:

1. All drafts of Mr. Comey's statement closing the Clinton investigation, from his original draft in April or May to the final version.
2. All records related to communications between or among FBI officials regarding Comey's draft statement closing the Clinton investigation, including all memoranda or analyses of the factual or legal justification for the announcement.
3. All records previously provided to the Office of Special Counsel in the course of its now-closed Hatch Act investigation of Mr. Comey.

We anticipate that your written response and most of the responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. The Committee complies with all laws and regulations governing the handling of classified information. The Committee is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

¹⁶ Letter from Senator Chuck Grassley, Chairman, Senate Committee on the Judiciary, Representative Jason Chaffetz, Chairman, House Committee on Oversight and Government Reform, Representative Bob Goodlatte, Chairman, House Committee on the Judiciary, Representative Devin Nunes, Chairman, House Permanent Select Committee on Intelligence to Ms. Loretta Lynch, Attorney General, Department of Justice (Oct. 5, 2016).

¹⁷ Office of Special Counsel, Interviewee Transcript #1 at 19-20; #2 at 25-33.

¹⁸ *Oversight of the State Department: Hearing before the Committee on Oversight and Government Reform, House of Representatives, One Hundred Fourteenth Congress, Second Session, July 7, 2016*. Washington: U.S. Government Publishing Office, 2016. Available at <https://oversight.house.gov/wp-content/uploads/2016/07/7-7-2016-Oversight-of-the-State-Department.pdf>, p. 33

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Thank you for your attention to this important matter. Transparency is essential to restoring the public's trust in the FBI. If you have questions, please contact Josh Flynn-Brown of Chairman Grassley's staff at (202) 224-5225 or Lee Holmes of Chairman Graham's staff at (202) 224-5972.



Charles E. Grassley
Chairman
Committee on the Judiciary



Lindsey O. Graham
Chairman
Subcommittee on Crime and Terrorism
Committee on the Judiciary

COMEY, JAMES B. (DO) (FBI)

From: COMEY, JAMES B. (DO) (FBI)
Sent: Monday, May 02, 2016 7:15 PM
To: MCCABE, ANDREW G. (DO) (FBI); BAKER, JAMES A. (OGC) (FBI); RYBICKI, JAMES E. (DO) (FBI)
Cc: COMEY, JAMES B. (DO) (FBI)
Subject: Midyear Exam --- UNCLASSIFIED

Classification: UNCLASSIFIED
 =====

TRANSITORY RECORD

I've been trying to imagine what it would look like if I decided to do an FBI only press event to close out our work and hand the matter to DOJ. To help shape our discussions of whether that, or something different, makes sense, I have spent some time crafting what I would say, which follows. In my imagination, I don't see me taking any questions. Here is what it might look like:

Good afternoon folks. I am here to give you an update on our investigation of Secretary Clinton's use of a private email system, which began in late August.

After a tremendous amount of work, the FBI has completed its investigation and has referred the case to the Department of Justice for a prosecutive decision. What I would like to do today is tell you three things: (1) what we did; (2) what we found; (3) what we have recommended to DOJ.

But I want to start by thanking the many agents, analysts, technologists, and other FBI employees who did work of extraordinary quality in this case. Once you have a better sense of how much we have done, you will understand why I am so grateful and proud of their efforts.

So, first: what we have done over the last eight months.

The investigation began as a referral from the Intelligence Community Inspector General in connection with Secretary Clinton's use of a private email server during his time as Secretary of State, focused on whether classified information was transmitted on that private system.

Our investigation focused on whether there is evidence that classified information was improperly stored or transmitted on that private system, in violation of a federal statute that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or a second statute that makes it a misdemeanor to remove classified information from appropriate systems or storage facilities.

Consistent with our counterintelligence responsibilities, we have also investigated to determine whether there is evidence of computer intrusion in connection with the private email server by any foreign power, or hackers on behalf of a foreign power.

I have so far used the singular term "email server" in describing the referral that began our

I have so far used the singular term, email server, in describing the referral that began our investigation. It turns out to have been more complicated than that. Secretary Clinton used several different servers and providers of those servers during her four years at the State Department, and used numerous mobile devices to view and send email on that private domain. As new servers and providers were employed, older servers were taken out of service, stored, and decommissioned in various ways. Piecing all of that back together to gain as full an understanding as possible of the ways in which private email was used for government work has been a painstaking undertaking, requiring thousands of hours of effort.

For example, when one of Secretary Clinton's original private servers was decommissioned in 20xx, the email software was removed. Doing that didn't remove the email content, but it was like removing the frame from a huge finished jigsaw puzzle and dumping the pieces on the floor. The effect was that millions of email fragments end up unsorted in the server's un-used – or "slack" – space. We went through all of it to see what was there, and what parts of the puzzle could be put back together.

FBI investigators have also read all 34,000 emails provided by Secretary Clinton to the State Department in spring 2015. Where an email was assessed as possibly containing classified information, the FBI referred the email to the U.S. government agency that was the likely "owner" of the information in the email so that agency could make a determination as to whether the email contained classified information at the time it was sent or received, or whether there was reason to classify the email now, even if its content was not classified at the time it was sent (this is the process sometimes referred to as "up classifying").

From that group of 34,000 emails that had been returned to the State Department in 2015, the FBI sent xxxx emails to agencies for classification determinations. Of those, xxxx have been determined to contain classified information at the time they were sent or received. Xxxx of those contained information that was Top Secret at the time they were sent; xxxx contained Secret information at the time; and xxxx contained Confidential information. Separate from those, a total of xxxx additional emails were "up classified" to make them Secret or Confidential; the information in those had not been classified at the time the emails were sent.

The FBI also discovered xxxx work-related emails that were not in the group of 34,000 that were returned by Secretary Clinton to State in 2015. We found those additional emails in a variety of ways. Some had been deleted over the years and we found traces of them on devices that supported or were connected to the private email domain. Others we found by reviewing the archived government email accounts of people who had been government employees at the same time as Secretary Clinton, including high-ranking officials at other agencies, with whom a Secretary of State might naturally correspond. This helped us recover work-related emails that were not among the 34,000 produced to State. Still others we recovered from the laborious review of the millions of email fragments dumped into the slack space of the server decommissioned in 20xx.

All told, we found xxxx emails that were not among those produced to the State Department last year. Of those, we assessed that xxxx possibly contained classified information at the time they were sent or received and so we sent them to other government agencies for classification determinations. To date, agencies have concluded that xxxx of those were classified at the time they were sent or received, xxx at the Secret level and xxxx at the Confidential level. There were no additional Top Secret emails found. Finally, none of those we found have since been "up classified."

I should add here that we found no evidence that any of the additional work-related emails we found were intentionally deleted in an effort to conceal them. Our assessment is that, like many users of private email accounts, Secretary Clinton periodically deleted emails or emails were purged from the

system when devices were changed. Because she was not using a government account, there was no archiving of her emails, so it is not surprising that we discovered emails that were not on Secretary Clinton's system in 2015, when she produced the 34,000 emails to the State Department.

It could also be that some of the additional work-related emails we recovered were among those deleted as "personal" by Secretary Clinton's lawyers when they reviewed and sorted her emails for production in 2015. We have conducted interviews and done technical examination to attempt to understand how that sorting was done. Although we do not have complete visibility because we are not fully able to reconstruct the electronic record of that sorting, we believe our investigation has been sufficient to give us reasonable confidence there was no intentional misconduct in connection with that sorting effort.

The lawyers doing the sorting for Secretary Clinton in 2015 did not individually read tens of thousands of emails, as we did; instead, they used search terms to try to find all work-related emails among the more than 60,000 total emails remaining on Secretary Clinton's private system in 2015. It is highly likely their search terms missed some work-related emails, and that we found them, for example, in the mailboxes of other officials or in the slack space of a server. It is also likely that there are other work-related emails that they did not produce to State and that we did not find elsewhere, and that are now gone because they deleted all emails they did not return to State, and the lawyers cleaned their devices in a such a way as to preclude forensic recovery.

And, of course, in addition to our technical work, we interviewed many people, from those involved in setting up and maintaining the various iterations of Secretary Clinton's private server to staff members with whom she corresponded on email, to those involved in the email production to State, and finally, Secretary Clinton herself.

Lastly, we have done extensive work with the assistance of our colleagues elsewhere in the Intelligence Community to understand what indications there might be of compromise by hostile actors in connection with the private email operation.

That's what we have done. Now let me tell you what we found.

There is evidence to support a conclusion that Secretary Clinton, and others, used the private email server in a manner that was **grossly negligent** with respect to the handling of classified information. For example, seven email chains concern matters that were classified at the TS/SAP level when they were sent and received. These chains involved Secretary Clinton both sending emails about those matters and receiving emails from others about the same matters. There is evidence to support a conclusion that any reasonable person in Secretary Clinton's position, or in the position of those government employees with whom she was corresponding about these matters, should have known that an unclassified system was no place for such an email conversation. Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information.

Similarly, the sheer volume of information that was properly classified as Secret at the time it was discussed on email (that is, excluding the "up classified" emails) supports an inference that the participants were **grossly negligent** in their handling of that information.

We also developed evidence that the security culture of the State Department in general, and with respect to use of unclassified email systems in particular, was generally lacking in the kind of care for classified information found elsewhere in the government.

classified information found elsewhere in the government.

With respect to potential computer intrusion by hostile actors, we did not find direct evidence that Secretary Clinton's personal email system, in its various configurations since 2009, was successfully hacked. But, given the nature of the system and of the actors potentially involved, we assess that we would be unlikely to see such direct evidence. We do assess that hostile actors gained access to the private email accounts of individuals with whom Secretary Clinton was in regular contact from her private account. We also assess that Secretary Clinton's use of a private email domain was both known by a large number of people and readily apparent. Given that combination of factors, we assess it is reasonably likely that hostile actors gained access to Secretary Clinton's private email account.

So that's what we found.

Finally, with respect to our recommendation to the Department of Justice. In our system, the prosecutors make the decisions about whether charges are appropriate based on evidence the FBI has helped collect. Although we don't normally make public our recommendations to the prosecutors, we frequently make recommendations and engage in productive conversations with prosecutors about what resolution may be appropriate, given the evidence. In this case, given the importance of the matter, I think unusual transparency is in order.

Although there is evidence of potential violations of the statute proscribing gross negligence in the handling of classified information and of the statute proscribing misdemeanor mishandling, my judgment is that no reasonable prosecutor would bring such a case. At the outset, we are not aware of a case where anyone has been charged solely based on the "gross negligence" prohibition in the statute. All charged cases of which we are aware have involved the accusation that a government employee intentionally mishandled classified information. In looking back at our investigations in similar circumstances, we cannot find a case that would support bringing criminal charges on these facts. All the cases prosecuted involved some combination of: (1) clearly intentional misconduct; (2) vast quantities of materials exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. We see none of that here.

Accordingly, although the Department of Justice makes final decisions on matters such as this, I am completing the investigation by expressing to Justice my view that no charges are appropriate in this case.

I know there will be intense public disagreement in the wake of this result, as there was throughout this investigation. What I can assure the American people is that this investigation was done competently, honestly, and independently. No outside influence of any kind was brought to bear. I know there were many opinions expressed by people who were not part of the investigation -- including people in government -- but none of that mattered to us. Opinions are irrelevant, and they were all uninformed by insight into our investigation, because we did the investigation in a professional way. Only facts matter, and the FBI found them here in an entirely apolitical and professional way. I couldn't be prouder to be part of this organization.

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Classification: UNCLASSIFIED

1 THE WITNESS: He's a DOJ, correct.

2 MS. GALINDO-MARRONE: And so he would have
3 been their mid-year team?

4 THE WITNESS: Yes.

5 MS. GALINDO-MARRONE: Part of their mid-year
6 team collaborating, working side by side with the
7 FBI folks that were part of the mid-year team on
8 this side?

9 THE WITNESS: Exactly. He would probably
10 be -- the levels don't quite match up. He would
11 be just one tick above [REDACTED] and [REDACTED] right? So
12 David Laufman was the head of the counterespionage
13 section. He would probably be the equivalent of
14 the [REDACTED] and [REDACTED] if you were to sort of try to
15 marry up the levels on the two sides.

16 Q So was there anyone from DOJ present during
17 the meetings of like the executive-level staff, like
18 those kind of regular meetings?

19 A No.

20 Q Okay. So we kind of -- so we kind of
21 separated in terms of DOJ. We talked about outcome of
22 the investigation, then -- well, I guess before --

1 before we get to their involvement with the statement
2 or -- how did -- how did the statement -- I guess the
3 idea of the statement come about?

4 A Sure. We're talking about July 5th, correct?

5 Q Yes. I'm sorry. July 5th.

6 A The -- so in the -- sometime in the spring --
7 again, I don't remember exactly when, I -- early spring
8 I would say, the Director emailed a couple of folks --
9 I can't remember exactly; I know I was on there,
10 probably the Deputy Director, not the full, what I'll
11 call the briefing group, but a subset of that -- to
12 say, you know, again knowing sort of where -- knowing
13 the direction the investigation is headed, right, what
14 would be the most forward-leaning thing we could do,
15 right, information that we could put out about it.

16 And -- and, you know, by that -- you know, so
17 that -- and he sent a draft around of, you know,
18 what - what it might look like. From there, that went
19 back to the team, right, sort of we talked about that.
20 Okay. So what is the -- knowing, you know, if I back
21 up, it might be a little disjointed, but hopefully it
22 goes to the same answer, right?

1 As he described it, right, his -- he had three
2 main goals in terms of talking about the investigation,
3 to make sure that the sort of integrity of the
4 investigation was, you know, was protected. That would
5 have been, you know, number one, the FBI, right? To
6 make sure that people knew that the FBI did exactly
7 what we should have done in the appropriate way, right,
8 as we would in any investigation.

9 The second, the Department of Justice were at
10 large. That people need to have confidence that the
11 decisions made by the Department of Justice in this
12 case were done, again, according to how they should be
13 and the way that's expected.

14 And then three, the system of justice sort of were
15 at large, right? That people have confidence in our
16 justice system, that it's applied fairly and equally.
17 Right?

18 And so that's what I mean by lean forward. How
19 can he -- you know, how can he communicate -- again,
20 this is not -- it's still ongoing, so it wasn't
21 contemplated putting anything out at that point, but at
22 the end, right, what does this look like and -- and

1 with whom, right? Because at that point, you know, it
2 could have been the AG going out alone describing this,
3 it could have been the Director going out alone
4 describing it, it could have been the two of them
5 together. You know, it could have been any
6 combination. But just what would a -- what would
7 information about this look like.

8 So that was the early spring.

9 Q Yeah. And I think we've seen maybe that email
10 where he sent it out, it was early May of 2016; does
11 that sound about right?

12 A That sounds right. That -- quite honestly,
13 that strikes me as a little late, but may --

14 Q Okay.

15 A -- but again, I definitely remember spring. I
16 had in my head like the April timeframe, but May
17 doesn't seem out of the -- out of the realm.

18 Q Well, let me ask, before -- before he sent out
19 this draft that he had written, had -- had the group,
20 the briefing group, had you discussed the idea of doing
21 something like this or was this kind of the first time
22 you've heard about it?

1 A I don't know the answer to that sitting here.
2 I -- you know, that group, we would frequently --
3 right, we would have the update, right, where we would
4 talk about it and the, you know, we would talk about
5 just hard issues like this. I don't remember if this
6 came up before he sent that email or not.

7 Q What about just between you and the Director,
8 had you talked about it before he sent around the
9 draft?

10 A I don't recall sitting here. We certainly
11 had -- certainly after he sent it I know we talked
12 about it. I -- I just don't recall if we talked about
13 it before.

14 Q And so at that point in time, whether it was
15 April or early May, the team hadn't yet interviewed
16 Secretary Clinton --

17 A Correct.

18 Q -- but was there -- I guess, based on what
19 you're saying, it sounds like there was an idea of
20 where the outcome of the investigation was going to go?

21 A Sure. There was a -- right, there was --
22 based on -- there were two things going on, the review

1 of the documents that they were finding, right, and we
2 were getting constant updates of how many -- how many
3 they were finding, how many might be classified, what
4 we were doing with them to deconflict. And then you
5 had interviews going on at the same time, and what were
6 people -- you know, what were people saying. And
7 between those two, right, it starts to funnel up,
8 right, of, okay, we see, you know, what a case might
9 look like, that kind of thing.

10 Q Was there any -- was there any desire to have
11 the investigation and all of this wrapped up prior to
12 the party conventions that summer?

13 A No. There was -- so the Director has always
14 said, right, we need to do it well and timely, but
15 always well first, right? And so I would say, right,
16 there was -- we certainly -- you know, you're aware of
17 everything out there, right, and you're -- you're --
18 people are on all sides are saying, you know, wrap this
19 up. I think it moved -- according to how it moved, I
20 think there was -- I remember talking about it, you
21 know, we don't want this to drag on for years, right,
22 so to the extent that we can, right, move it, you know,

1 expeditiously, move it quickly, right, get it done, we
2 should, but not at the expense of doing it well.

3 Right? We would always do it well first.

4 Q So --

5 MS. HAMRICK: Do you have a question?

6 MS. GALINDO-MARRONE: I do.

7 MS. HAMRICK: Go ahead.

8 MS. GALINDO-MARRONE: So I want to go back a
9 little bit --

10 THE WITNESS: Sure.

11 MS. GALINDO-MARRONE: -- just to clarify a
12 couple of things.

13 THE WITNESS: Yep.

14 MS. GALINDO-MARRONE: So going back to when
15 you were discussing the recommendation -- it seems
16 like you were being briefed initially about once a
17 month, the executive team.

18 THE WITNESS: Yep.

19 MS. GALINDO-MARRONE: And then as it got into
20 the spring of 2016, it seemed that it moved to
21 once a week.

22 THE WITNESS: Yeah, biweekly --

1 would be dialogue with DOJ. Or it could be the case that we might
2 you know even review their prosecution memo and sort of you know
3 engage in a dialogue in that way.

4 Galindo-Marrone: Got it but in this case there was no such
5 memo which whether you call it a prosecution memo or a memo
6 showing the reasons why not to go forward with prosecution there
7 was no such memo in this case? The Clinton server case.

8 Anderson: No there was no memo from the FBI to the DOJ making a
9 recommendation.

10 Galindo-Marrone: Ok.

11 Hamrick: So moving along to the first public statement on the
12 case or Director Comey's first statement the July 5, 2016 statement.
13 When did you first learn that Director Comey was planning to make
14 some kind of public statement about the outcome of the Clinton
15 email investigation?

16 Anderson: The idea, I'm not entirely sure exactly when the idea of
17 the public statement um first emerged. Um it was, I just, I can't put a
18 precise timeframe on it um but the idea that the Director might make
19 a public statement was something that had been discussed in a very
20 brief or fleeting way for some time in the investigation. And then I

1 believe it was in early May of 2016 that the Director himself wrote a
2 draft of that statement and so that is when the possibility of the
3 statement and our discussions about doing such a statement
4 became a little bit more concrete.

5 Hamrick: Who originally in some of these earlier conversations
6 who originally came up with the idea or started floating around the
7 idea?

8 Anderson: I, I don't know for sure um I don't remember exactly you
9 know who made the first suggestion but I believe and the Director
10 himself would be the best authority on this. I believe the idea was the
11 Director's.

12 Hamrick: So when you found out in early May that there was,
13 that the Director had written a draft of what the statement might
14 look like, how did you learn about that?

15 Anderson: Jim Baker gave me a hard copy of it.

16 Hamrick: What was his purpose in giving you the copy?

17 Anderson: He asked me to take a look at it and just start thinking
18 about you know the wisdom of doing such a statement um the
19 content of a potential statement and any other reactions that I
20 might have to the draft.

1 **Hamrick: So what happened next with respect to the draft?**

2 **Anderson: I don't know for sure um, I don't know. There were many**
3 **iterations, at some point there were many iterations of the draft that**
4 **circulated but I would say there was a few weeks if not a month that**
5 **went by before those drafts were circulated.**

6 **Hamrick: So after Mr. Baker asked you to take a look at it and**
7 **you know take a look at it for content and consider the wisdom of**
8 **making a statement did you then meet with Mr. Baker about your**
9 **thoughts?**

10 **Anderson: I don't recall if we talked about it in advance of any**
11 **meetings with the Director directly, we may have had, Jim and I may**
12 **have spoken briefly about it in his office but I don't recall precisely.**

13 **Hamrick: Did you ever put your thoughts down in writing?**

14 **Anderson: No, not on that draft.**

15 **Hamrick: At that point in time I guess what was your**
16 **understanding of why Director Comey was planning to do this, to**
17 **make this public statement?**

18 **Anderson: I don't know that uh I can sort of pinpoint a particular**
19 **rationale at particular points in time I mean I think kind of generally**
20 **speaking my understanding you know was that this was, as I**

Exhibit 16

found that the prosecutors' assessments regarding Pagliano were not unreasonable or motivated by improper considerations or bias.

With respect to Bentel, the only immunity agreement was a Queen for a Day proffer agreement. This agreement prevented the Department from using any statements made by Bentel pursuant to the agreement against him in its case-in-chief in any subsequent prosecution, but did not prevent the Department from using leads obtained from Bentel's statements or using Bentel's statements to cross-examine him in any future prosecution. See Chapter Two, Section I.E.3. The prosecutors assessed that interviewing Bentel was a necessary investigative step, and that he faced no criminal exposure. Based on our review of Bentel's FD-302 and the limited nature of the Queen for a Day immunity agreement, we found that the prosecutors' decision to grant Bentel immunity was not unreasonable or based on improper considerations or bias.

With respect to Combetta, we found his actions in deleting Clinton's emails in violation of a Congressional subpoena and preservation order and then lying about it to the FBI to be particularly serious. We asked the prosecutors why they chose to grant him immunity instead of charging him with obstruction of justice, in violation of 18 U.S.C. § 1505, or making false statements, in violation of 18 U.S.C. § 1001.

Department policy provides that, when considering whether to pursue criminal charges against an individual:

The attorney for the government should commence or recommend federal prosecution if he/she believes that the person's conduct constitutes a federal offense, and that the admissible evidence will probably be sufficient to obtain and sustain a conviction, unless (1) the prosecution would serve no substantial federal interest; (2) the person is subject to effective prosecution in another jurisdiction; or (3) there exists an adequate non-criminal alternative to prosecution.

USAM 9-27.220. In determining whether the prosecution would serve a federal interest, the Department should "weigh all relevant considerations," including:

- "The nature and seriousness of the offense;"
- "The person's culpability in connection with the offense;" and
- "The person's willingness to cooperate in the investigation or prosecution of others."

USAM 9-27.230.

We received mixed testimony from Department and FBI witnesses regarding the strength of the evidence that Combetta committed obstruction or made false statements following his first two interviews. The prosecutors and agents we interviewed indicated that, even assuming that "the admissible evidence [was] probably...sufficient to obtain and sustain a conviction" after Combetta's first two

interviews—an assumption the prosecutors indicated was not necessarily true—they believed prosecuting Combetta would not “serve a federal interest.” The reasons they provided to us for reaching this conclusion included: (1) relevant to the nature and seriousness of the offense, there was no evidence that Combetta knew anything about the content of the emails on Clinton’s server or that they were classified when he deleted them; (2) relevant to Combetta’s culpability, they believed Combetta’s failure to be forthcoming had been primarily due to poor representation rather than a motive to mislead the investigators; and (3) relevant to his willingness to cooperate, Combetta was willing to cooperate with immunity. Prosecutor 1 told us that the team would have considered pursuing charges against Combetta if he refused to cooperate with immunity, but that granting immunity was “the most expedient way” to obtain truthful information from him.

The prosecutors told us they believed granting Combetta use immunity was the best available option. They told us that they could not forgo Combetta’s testimony, because they believed his truthful testimony regarding his role and the roles of others in the March deletions was essential to the investigation. Moreover, they said they had no means other than immunity to gain his testimony, because he had stated that he would invoke his Fifth Amendment privilege against self-incrimination. The prosecutors told us they did not charge Combetta and then pursue his cooperation in exchange for a guilty plea to reduced charges or a sentencing reduction because of, as discussed above, concerns about the strength of the admissible evidence and because they did not believe criminal charges were in the federal interest given his willingness to cooperate with immunity. The decision to choose a use immunity agreement over a non-prosecution agreement is supported by the USAM, which provides that immunity is (1) appropriate when “the testimony or other information that is expected to be obtained from the witness may be necessary to the public interest;” and (2) preferable to a nonprosecution agreement in exchange for cooperation because immunity “at least leave[s] open the possibility of prosecuting [the witness] on the basis of independently obtained evidence.” USAM 9-23.210; 9-27.600 (comment).

We did not find evidence that the judgments made by the prosecutors in entering into these immunity agreements were inconsistent with Department policy, or based on improper considerations or bias. Ultimately, assessing the strength of the evidence and applying the provisions of the U.S. Attorney’s Manual in determining whether to pursue federal criminal charges is a matter within the discretion and judgment of the prosecutors.

E. Mills and Samuelson

The issues surrounding obtaining Mills’s and Samuelson’s testimony regarding the culling process and searching the culling laptops consumed a significant amount of the Midyear team’s time and attention and caused significant strife between the FBI and Department prosecutors. Several members of the FBI Midyear team, including Comey, expressed concerns that the prosecutors had not been sufficiently aggressive. Ultimately, Mills and Samuelson submitted to voluntary interviews—albeit with limitations that prevented the investigators from soliciting privileged information—and the laptops were secured through consent

Exhibit 17

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Staff Director

August 30, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Wray:

The Senate Judiciary Committee has been investigating the circumstances surrounding Director Comey's removal, including his conduct in handling the Clinton and Russia investigations. On June 30, 2017, the Committee wrote to the Office of Special Counsel (OSC)¹ requesting transcripts of OSC's interviews with then-Director Comey's Chief of Staff, Jim Rybicki, and the Principal Deputy General Counsel of National Security and Cyberlaw, Trisha Anderson. OSC investigators had interviewed them as part of the OSC's investigation into whether then-Director Comey's actions in the Clinton investigation violated the Hatch Act.² OSC closed its inquiry after Mr. Comey's removal pursuant to its standard policy of not investigating former government employees. On August 8, 2017, the OSC provided transcripts of those interviews at the Committee's request.³ Since then, Committee staff has been asking the Department informally to explain the reasons for the extensive redactions to the transcripts.

According to the unredacted portions of the transcripts, it appears that in April or early May of 2016, Mr. Comey had already decided he would issue a statement exonerating Secretary Clinton. That was long *before FBI agents finished their work*. Mr. Comey even circulated an early draft statement to select members of senior FBI leadership. The outcome of an investigation should not be prejudged while FBI agents are still hard at work trying to gather the facts.

OSC attorneys questioned two witnesses, presumably Mr. Rybicki and Ms. Anderson, about Mr. Comey's July 5, 2016, statement exonerating Secretary Clinton. The transcript of what appears to be Mr. Rybicki's interview contains the following exchanges:

¹ OSC is the permanent, independent investigative agency for personnel matters, not Robert Mueller's temporary prosecutorial office within the Justice Department.

² Letter from Senator Harry Reid to James Comey (October 30, 2016). Mica Rosenberg, *Uproar over whether FBI chief broke law by raising new Clinton emails*, Reuters (October 31, 2016).

³ OSC first provided the transcripts to the Justice Department, which redacted significant portions of the transcripts without explanation. It redacted the names of the witnesses, even though those names were in the Committee's request.

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Q: ... We talked about outcome of the investigation, ... how did the statement – I guess the idea of the statement come about?

A: Sure. We're talking about July 5th, correct?

Q: Yes. I'm sorry. July 5th.

A: The – so in the – **sometime in the spring** – again, I don't remember exactly when, I – early spring I would say, **the Director emailed a couple folks** – I can't remember exactly; I know I was on there, probably the Deputy Director, **not the full, what I'll call the briefing group**, but a subset of that – **to say, you know, again knowing sort of where – knowing the direction the investigation is headed, right, what would be the most forward-leaning thing we could do**, right, information that we could put out about it...And -- and, you know, by that -- you know, so that -- and **he sent a draft around** of, you know what - what it might look like. . . .

A: ...So that was the early spring.

Q: Yeah. And I think we've seen maybe that email where he sent it out, it was early May of 2016; does that sound about right?

A: That sounds right. That -- quite honestly, that strikes me as a little late, but may --

Q: Okay.

A: -- but again, I definitely remember spring. I had in my head like the April timeframe, but May doesn't seem out of the -- out of the realm.

Q: **And so at that point in time, whether it was April or early May, the team hadn't yet interviewed Secretary Clinton –**

A: **Correct.**

Q: **– but was there – I guess, based on what you're saying, it sounds like there was an idea of where the outcome of the investigation was going to go?**

A: **Sure.** There was a – right, there was – based on – [redacted section].

Similarly, the transcript of what appears to be Ms. Anderson's interview states:

Q: So moving along to the first public statement on the case or Director Comey's first statement the July 5, 2016 statement. **When did you first learn that Director Comey was planning to make some kind of public statement about the outcome of the Clinton email investigation?**

A: The idea, I'm not entirely sure exactly when the idea of the public statement um first emerged. Um it was, I just, I can't put a

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precise timeframe on it um but [redaction]. And then I believe it **was in early May of 2016 that the Director himself wrote a draft of that statement ...**

Q: So when you found out in early May that there was, that the Director had written a draft of what the statement might look like, how did you learn about that?

A: [Redacted] gave me a hard copy of it...

Q: So what happened next with respect to the draft?

A: I don't know for sure um, I don't know. **There were many iterations, at some point there were many iterations of the draft that circulated...**

As of early May 2016, the FBI had not yet interviewed Secretary Clinton. Moreover, it had yet to finish interviewing sixteen other key witnesses, including Cheryl Mills, Bryan Pagliano, Heather Samuelson, Justin Cooper, and John Bentel.⁴

These individuals had intimate and personal knowledge relating to Secretary Clinton's non-government server, including helping her build and administer the device. Yet, it appears that the following key FBI interviews had not yet occurred when Mr. Comey began drafting his exoneration statement:

- | | |
|---|---|
| 1. May 3, 2016 – Paul Combetta | 9. June 10, 2016 – John Bentel |
| 2. May 12, 2016 – Sean Misko | 10. June 15, 2016 – Lewis Lukens |
| 3. May 17, 2016 – Unnamed CIA employee ⁵ | 11. June 21, 2016 – Justin Cooper |
| 4. May 19, 2016 – Unnamed CIA employee ⁶ | 12. June 21, 2016 – Unnamed State Dept. Employee ⁷ |
| 5. May 24, 2016 – Heather Samuelson | 13. June 21, 2016 – Bryan Pagliano |
| 6. May 26, 2016 – Marcel Lehel (aka Guccifer) | 14. June 21, 2016 – Purcell Lee |
| 7. May 28, 2016 – Cheryl Mills | 15. June 23, 2016 – Monica Hanley |
| 8. June 3, 2016 – Charlie Wisecarver | 16. June 29, 2016 – Hannah Richert |
| | 17. July 2, 2016 – Hillary Clinton |

Conclusion first, fact-gathering second—that's no way to run an investigation. The FBI should be held to a higher standard than that, especially in a matter of such great public interest and controversy.

Mr. Comey's final statement acknowledged "there is evidence of potential violations of the statutes regarding the handling of classified information" but nonetheless cleared Secretary Clinton because he claimed there was no intent or obstruction of justice. Yet, evidence of destruction of emails known to be under subpoena by the House of Representatives, and subject

⁴ Notably, some witnesses had been interviewed. However, their follow up interviews had not taken place yet.

⁵ The name of the interviewee was redacted from the publicly released version of the 302.

⁶ The name of the interviewee was redacted from the publicly released version of the 302.

⁷ The name of the interviewee was redacted from the publicly released version of the 302.

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to congressional preservation requests, was obtained in interviews around the time that Mr. Comey began drafting his exoneration statement.⁸ Moreover, the Justice Department entered into highly unusual immunity agreements with Cheryl Mills and Heather Samuelson in June 2016—after Mr. Comey began drafting his exoneration statement—to review Clinton email archives on their laptops.⁹

The immunity agreements limited the FBI's ability to review Clinton email archives from Platte River Networks that were created after June 1, 2014, and before February 1, 2015, and which had been sent or received from Secretary Clinton's four email addresses during her tenure as Secretary of State.¹⁰ These limitations prevented the FBI from reviewing records surrounding a March 2015 conference call that Paul Combetta, an employee of Platte River Networks, had with David Kendall and Ms. Mills, the attorneys for Secretary Clinton.¹¹ After having been initially untruthful and then receiving his own immunity agreement, Mr. Combetta admitted in his third FBI interview, in May 2016, that after a March 2015 conference call with Secretary Clinton's attorneys, he used BleachBit to destroy any remaining copies of Clinton's emails.¹²

The limitations in the immunity agreements with Ms. Mills and Ms. Samuelson also kept the FBI from looking at emails after Secretary Clinton left office—the period in which communications regarding destruction or concealment of federal records would have most likely taken place.¹³ And finally, the agreements provided that the *Department would destroy* any records which it retrieved that were not turned over to the investigative team and *would destroy* the laptops.¹⁴ Despite public claims by the FBI that the laptops were not in fact destroyed, the purpose of that promise to destroy them has not been explained.¹⁵ However, Judiciary Committee staff reviewed the immunity agreements as part of their oversight work, so there is no

⁸ The House Oversight and Government Reform Committee subpoenaed the State Department for records on August 1, 2013. The House Benghazi Committee subpoenaed the State Department for its records on January 28, 2015. The first subpoena sent directly to Secretary Clinton that asked for her records was on March 4, 2015. According to the FBI's Letterhead Memorandum (LHM) summarizing its witness interviews in the Clinton investigation on "March 25, 2015, PRN held a conference call with President Clinton's staff" and also the "[i]nvestigation identified a PRN work ticket, which referenced a conference call among PRN, Kendall, and Mills on March 31, 2015." Mr. Combetta's 302 summary noted that he deleted Secretary Clinton's email archives on March 31, 2015 using BleachBit, a software program designed to prevent forensic recovery. This information was obtained by the FBI on May 3, 2016, around the time that Mr. Comey began drafting his exoneration statement. In addition to subpoenas, multiple congressional committees had already sent the State Department and Secretary Clinton preservation letters starting on September 20, 2012, prior to Mr. Combetta's deletions and Secretary Clinton's December 2014 instruction to her staff to delete her emails. See also, Letter from Senator Chuck Grassley, Chairman, Senate Committee on the Judiciary, Representative Jason Chaffetz, Chairman, House Committee on Oversight and Government Reform, Representative Bob Goodlatte, Chairman, House Committee on the Judiciary, Representative Devin Nunes, Chairman, House Permanent Select Committee on Intelligence to Ms. Loretta Lynch, Attorney General, Department of Justice (Oct. 5, 2016) citing *Oversight of the Federal Bureau of Investigation: Hearing before the H. Comm. on the Judiciary*, 114th Cong. (2016); U. S. House Select Committee on Benghazi, Final Report (Dec. 7, 2016).

⁹ Letter from Senator Chuck Grassley, Chairman, Senate Committee on the Judiciary, Representative Jason Chaffetz, Chairman, House Committee on Oversight and Government Reform, Representative Bob Goodlatte, Chairman, House Committee on the Judiciary, Representative Devin Nunes, Chairman, House Permanent Select Committee on Intelligence to Ms. Loretta Lynch, Attorney General, Department of Justice (Oct. 5, 2016).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Letter from Peter J. Kadzik, Assistant Attorney General, Dep't of Justice, to Senator Chuck Grassley, Chairman, Senate Committee on the Judiciary (October 26, 2016).

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question that the terms of the agreement called for the Department to destroy evidence that had not been fully and completely reviewed.¹⁶

It is unclear whether the FBI agents actually investigating the case were aware that Mr. Comey had already decided on the investigation's outcome while their work was ongoing. However, it appears that the answer to that question may be underneath some of the extensive redactions that the Department made to the transcripts.¹⁷ In testimony before Congress, Mr. Comey was asked whether his decision to not recommend charges "was [a] unanimous opinion within the FBI..." to which he responded, "[w]ell, the whole FBI wasn't involved, but the team of agents, investigators, analysts, technologists, yes."¹⁸ Seeing under the redactions is necessary for the Committee to assess Mr. Comey's testimony before Congress.

Pursuant to the Committee's responsibility and authority to review the circumstances of the Director's removal, please provide the following without redactions by September 13, 2017:

1. All drafts of Mr. Comey's statement closing the Clinton investigation, from his original draft in April or May to the final version.
2. All records related to communications between or among FBI officials regarding Comey's draft statement closing the Clinton investigation, including all memoranda or analyses of the factual or legal justification for the announcement.
3. All records previously provided to the Office of Special Counsel in the course of its now-closed Hatch Act investigation of Mr. Comey.

We anticipate that your written response and most of the responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. The Committee complies with all laws and regulations governing the handling of classified information. The Committee is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

¹⁶ Letter from Senator Chuck Grassley, Chairman, Senate Committee on the Judiciary, Representative Jason Chaffetz, Chairman, House Committee on Oversight and Government Reform, Representative Bob Goodlatte, Chairman, House Committee on the Judiciary, Representative Devin Nunes, Chairman, House Permanent Select Committee on Intelligence to Ms. Loretta Lynch, Attorney General, Department of Justice (Oct. 5, 2016).

¹⁷ Office of Special Counsel, Interviewee Transcript #1 at 19-20; #2 at 25-33.

¹⁸ *Oversight of the State Department: Hearing before the Committee on Oversight and Government Reform, House of Representatives, One Hundred Fourteenth Congress, Second Session, July 7, 2016*. Washington: U.S. Government Publishing Office, 2016. Available at <https://oversight.house.gov/wp-content/uploads/2016/07/7-7-2016-Oversight-of-the-State-Department.pdf>, p. 33

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Thank you for your attention to this important matter. Transparency is essential to restoring the public's trust in the FBI. If you have questions, please contact Josh Flynn-Brown of Chairman Grassley's staff at (202) 224-5225 or Lee Holmes of Chairman Graham's staff at (202) 224-5972.



Charles E. Grassley
Chairman
Committee on the Judiciary



Lindsey O. Graham
Chairman
Subcommittee on Crime and Terrorism
Committee on the Judiciary

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FD-302a (Rev. 10-6-95)

-1-

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/04/2016

(U//~~FOUO~~) On May 3, 2016, [redacted] Platte River Networks (PRN), date of birth [redacted] was interviewed by Federal Bureau of Investigation (FBI) Special Agent (SA) [redacted] and SA [redacted] at the United States Attorney's Office for the Eastern District of Virginia located at 2100 Jamieson Avenue, Alexandria, VA 22314. Also present for the interview were Supervisory Special Agent [redacted] Information Technology Specialist/Forensic Examiner [redacted] Department of Justice (DOJ) Attorney [redacted] DOJ Attorney [redacted] EDVA Attorney [redacted] and EDVA Attorney [redacted] as well as [redacted] counsel, [redacted] and [redacted]. After being advised of the identity of the interviewing agents and the nature of the interview, [redacted] provided the following:

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(U//~~FOUO~~) In February 2014, [redacted] worked with MONICA HANLEY to import an archive of HILLARY CLINTON's email from an Apple MacBook to the PRN-maintained server hosted for the CLINTON EXECUTIVE SERVICES CORPORATION (CESC). This server hosted CLINTON's email account. HANLEY told [redacted] the MacBook contained old email that only existed on the laptop and HANLEY did not want to lose it. The email was stored in Mac Mail within folders labeled by year as 2009 Inbox, 2009 Sent Items, 2010 Inbox, 2010 Sent Items, etc. [redacted] tried to effect the transfer of the archived email through a remote session using ScreenConnect, but the WiFi connection was intermittent and the MacBook repeatedly turned itself off. Therefore, HANLEY shipped the MacBook to [redacted] [redacted] was unaware of a USB flash drive containing an identical set of the email files.

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(U//~~FOUO~~) [redacted] tried various tools and Googled for solutions to effectively transfer the email files. After researching options, [redacted] transferred all of the email content to the "dummy" gmail account [redacted]@gmail.com. [redacted] connected the administrative server to the gmail account and used it as a bridge to move the email into a mailbox named hrcarchive on the Exchange server. The PRN architecture consisted of a BlackBerry Enterprise server, domain controller, administrative server, and Microsoft Exchange server (PRN server). After the transfer was complete, he deleted the content from the gmail account and provided the hrcarchive login credentials to HANLEY or [redacted] and demonstrated how to access the mailbox using Outlook Web Access. [redacted] did not know if [redacted] or HANLEY provided the credentials to others; however, anyone with the credentials could access the account. Prior to shipping back the MacBook, either

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b7CInvestigation on 05/03/2016 at Alexandria, VAb3
b7EFile # [redacted] 302 Date dictated N/ABy SA [redacted] SA [redacted]b6
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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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Continuation of FD-302 of [redacted] Interview of [redacted] On 05/03/2016, Page 2
 HANLEY or [redacted] requested the email be deleted from the MacBook. [redacted] deleted the files containing the email, but did not use any special tools to remove the files. [redacted] provided an address for the return shipment of the MacBook and [redacted] used either the United States Postal Service or United Parcel Service.

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(U//~~FOUO~~) [redacted]
 and [redacted] all had access to the prnadmin account credentials to access the PRN server. The [redacted] account on the server maintained by BRYAN PAGLIANO was created by PAGLIANO during the transition to the PRN server. There was also a built-in administrator account on the PRN server, but [redacted] never used it. [redacted] handled most day-to-day work tickets for CLINTON's account, while [redacted] handled the physical infrastructure setup and maintenance. [redacted] was authorized to work on the account and served as a backup to [redacted] and [redacted] however, he only handled a few work tickets. [redacted] left PRN in June or July 2015 and, based on PRN's normal business practice, passwords were changed for all admin accounts.

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(U//~~FOUO~~) In July 2014, CHERYL MILLS emailed [redacted] to schedule a phone call. On the call, MILLS outlined to [redacted] she needed an export of all CLINTON's email sent to or received from a .gov email address (July Export) for the purpose of providing them to the United States Department of State (State). [redacted] searched "*.gov" in the live "H" mailbox to find email responsive to MILLS' request. After preparing the export, [redacted] worked with MILLS and HEATHER SAMUELSON to transfer the export to each of their workstations. This interaction was the first with MILLS. [redacted] previously interacted with [redacted] and [redacted] MILLS served as the primary contact from which [redacted] took direction for this export and later exports. [redacted] only interacted with SAMUELSON once or twice beyond troubleshooting her access to the exports. He described MILLS and SAMUELSON as proficient computer users with knowledge of basic programs.

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(U//~~FOUO~~) Based on the direction provided by MILLS as described above, [redacted] prepared an export of CLINTON's email from her live account on the PRN server. [redacted] then used 7-Zip to compress the export and password-protect it. To transfer the export to MILLS and SAMUELSON, he connected to each of their workstations remotely using ScreenConnect and installed 7-Zip. On SAMUELSON's laptop he also installed Outlook 2013 because she did not have Outlook at that time. After the installation of 7-Zip on both workstations and Outlook 2013 on SAMUELSON's workstation, [redacted] transferred the zip file using Secure File Transfer Protocol (SFTP), unzipped the export, and opened the export in Outlook by navigating to it using File->Open->Outlook Data File. When transferring the file, [redacted] likely dropped it on the desktop or in a folder on the C: drive.

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(U//~~FOUO~~) In September 2014, MILLS contacted [redacted] and requested an export of CLINTON's entire mailbox (September Export), so [redacted] followed a similar process to the July Export. He prepared a .pst file, zipped it using 7-Zip, and transferred it to MILLS and SAMUELSON

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Continuation of FD-302 of Interview of [REDACTED], On 05/03/2016, Page 3
 through ScreenConnect. In the preparation of this export, [REDACTED] discussed different options for the transfer based on the size of the file, but ultimately decided on the same process using ScreenConnect as the July Export. MILLS never requested assistance from [REDACTED] in locating CLINTON's email from January 2009 – March 2009 and [REDACTED] was never aware there was a gap during that timeframe.

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(U//~~FOUO~~) [REDACTED] did not know why the .pst file provided to the FBI from CLINTON's counsel contained the email address [REDACTED]@gmail.com in the metadata because he believed he created email exports from CLINTON's live email mailbox. However, he provided the following possible explanations:

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- [REDACTED] may have imported HRC Archive into CLINTON's live mailbox.
- A user may have moved email from HRC Archive into CLINTON's live mailbox.
- A user may have taken email directly from the HRC Archive mailbox to produce what was provided to State. [REDACTED] did not assist in the production of any .pst files provided to State.

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(U//~~FOUO~~) During the July Export and September Export, [REDACTED] transferred one .pst file, contained within a zip file, to MILLS and one to SAMUELSON. Their laptops were running either Windows 7 or Windows 8.

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(U//~~FOUO~~) After reviewing a chart labeled "PST files and Outlook Profiles – Admin Server," [REDACTED] stated "HRC .gov email Archive.pst," "HRC .gov emails.pst," and "HRC gov emails.pst" reference the July Exports. [REDACTED] described the other files as:

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- "HRC archive – complete.pst" references the September Export.
- "hrcarchive@clintonemail.com - HRC archive.ost" is a remnant of the transfer of files from the HANLEY laptop described above to gmail.
- [REDACTED]@gmail.com - [REDACTED] - temp.pst" [REDACTED] could not recall creating this .pst file.
- "huma-gmail-yahoo.pst" was a result of [REDACTED] importing HUMA ABEDIN's email from those services to the PRN server.

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(U//~~FOUO~~) After reviewing a PRN invoice referencing an October 1, 2014 call with MILLS, [REDACTED] stated the call was in relation to one of the .pst file transfers.

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(U//~~FOUO~~) After reviewing a PRN work ticket dated November 18, 2014 referencing a call with SAMUELSON, [REDACTED] stated he worked with SAMUELSON to reconnect her to CLINTON's email archive.

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Continuation of FD-302 of _____ Interview of _____ On 05/03/2016, Page 4

(U//~~FOUO~~) After reviewing an email dated November 24, 2014 with the subject line "MMM,"

_____ stated he did not know what the reference to an urgent call was about.

(U//~~FOUO~~) After reviewing a work ticket dated November 24, 2014 referencing "more specific export requirements," _____ stated he did not know what the more specific export requirements were, but did not believe an additional .pst file was transferred. Neither SAMUELSON nor MILLS requested _____ assist with searches for emails to/from specific users, emails to/from specific domains, or create additional exports beyond the July and September Exports.

(U//~~FOUO~~) In November or December 2014, MILLS told _____ she did not want the exported data on the laptops anymore and requested he securely delete the .pst files previously transferred to MILLS' and SAMUELSON's workstations, but did not specifically request _____ use deletion software. Based on the request of MILLS, _____ recommended BleachBit, a tool he had used previously with clients who had financial information on computer equipment being decommissioned. _____ described BleachBit as a utility that securely deletes files by overwriting data multiple times. He could not recall what version he used, but would have downloaded the latest version at the time of MILLS' request. Sometime prior to this discussion, MILLS mentioned once CLINTON's emails were printed for State, she could put the .pst file on a flash drive and have a master copy. _____ had the impression MILLS was referring to all of CLINTON's emails, not just those provided to State.

(U//~~FOUO~~) _____ used the same deletion process for the workstations of both MILLS and SAMUELSON. He initiated a remote session, typically while on the phone with MILLS or SAMUELSON, to each workstation using ScreenConnect and downloaded BleachBit from the Internet, then installed the software. He used BleachBit to remove the .pst files by running the shredding function as a standard user, not an administrator. The process took a few minutes to complete during which _____ did not encounter an error message. _____ believed he shredded a total of eight files – the two zip and two .pst files on each laptop from the July and September exports. He did not recall:

- Altering any settings prior to shredding the .pst files
- Wiping free space
- Selecting artifact clean up
- Verifying the deletion of the files
- Selecting "Shred Settings and Quit" once the process was complete
- Targeting any temporary files
- Uninstalling BleachBit

(U//~~FOUO~~) After reviewing work tickets dated December 12, 2014 and January 5, 2015,

_____ stated the work tickets reflected the tasks he completed to remove .pst files from the PRN

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Continuation of FD-302 of Interview of [REDACTED], On 05/03/2016, Page 5
 server and the workstations of MILLS and SAMUELSON. The requests from MILLS were routine customer service, so no one else at PRN was aware of the removal tasks [REDACTED] completed beyond what was written in the work tickets. Since completion, neither MILLS nor anyone else from CESC contacted [REDACTED] to verify this work was complete. Additionally, [REDACTED] was not contacted by anyone to discuss the process he used to remove the files from the workstations.

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(U//~~FOUO~~) In March 2015, MILLS contacted [REDACTED] to discuss CLINTON's email. Typically, MILLS would contact [REDACTED] using the email address [REDACTED]@gmail.com and setup a time to call. MILLS wanted to know what backups of CLINTON's email existed and where those backups were located. After discussing the potential for content to exist on the server CLINTON used prior to the PRN server, PRN decided [REDACTED] would travel to the datacenter in Secaucus, NJ to power up the old equipment (Predecessor server) and check it for any backups or copies of CLINTON's mailbox. After [REDACTED] arrived at the datacenter and turned on the old equipment, [REDACTED] spoke with [REDACTED] while they both were logged on to the system. Neither the Cisco Network Attached Storage (NAS) device nor the external USB hard drive that were part of the architecture for the Predecessor server contained backups or other data associated with CLINTON's email.

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(U//~~FOUO~~) PRN used a Datto backup appliance to backup the PRN server and it was PRN's common practice to include the administrative server as part of the Datto backup, but [REDACTED] could not specifically recall if the administrative server was backed up for CESC. [REDACTED] had no memory of stopping Datto backups of the PRN administrative server on March 8, 2015. Datto recommends turning off Windows Volume Shadow Copy service because it can interfere with Datto backups.

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b7C(U//~~FOUO~~) [REDACTED]
 [REDACTED]b6
b7C

(U//~~FOUO~~) After reviewing an email dated March 25, 2015 with the subject line "CESC call" and an email dated March 25, 2015 with the subject line "Clintons [sic]," [REDACTED] stated he could not recall the content of the call or the reference to backups in the email.

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(U//~~FOUO~~) After reviewing a document titled "Exchange Audit Logs" dated March 25, 2015 and March 31, 2015, [REDACTED] stated the Platte Admin mailbox received firewall alerts and other internal system alerts. Additionally, the Platte Admin account was used to effect changes on other mailboxes. [REDACTED] did not specifically recall using it to provide full access for prnadmin to the mailboxes H, HDR29, and HRC Archive on March 25, 2015 and then removing the HRC Archive mailbox from the Exchange server. However, [REDACTED] believed he had an "oh shit" moment and removed the HRC Archive mailbox. He also changed the mailbox retention policy from 30 days to 1 day, and cleaned the mailbox database because MILLS previously requested in late 2014 or early 2015 he change the retention policy for CLINTON and ABEDIN's existing and ongoing email to 60 days. He removed the HRC

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FD-302a (Rev. 10-6-95)

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Continuation of FD-302 of Interview of [REDACTED], On 05/03/2016, Page 6

Archive mailbox manually because all content in the mailbox was older than 60 days. [REDACTED] changed the deleted items retention policy from 30 days to 1 day to ensure no email outside of the 60 days remained on the server and executed the Clean-MailboxDatabase command to clean whitespace within the database, similar to running a disk defragmentation. [REDACTED] also enabled Circular Logging, but did not recall why he did so in this instance. He typically enabled it when importing email because Microsoft Exchange logs contain email that hasn't been committed to a database. Circular Logging reduces the log file size by forcing Exchange to commit data to the database immediately.

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(U//~~FOUO~~) After reviewing documents titled "BleachBit - PRN Admin Server" and "BleachBit - Exchange Server" indicating the use of BleachBit on March 31, 2015, [REDACTED] stated he checked the Exchange Server for remaining copies of CLINTON's email. When he located a .pst file, he used the most recent non-beta version of BleachBit available at the time to shred the .pst files on the PRN server, but did not recall which .pst files he found or removed. He did not wipe free space, encountered no errors, and viewed the folders to see if the files were gone, but did not take additional steps to confirm the deletions. [REDACTED] did not talk with MILLS about the files he found and deleted.

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(U//~~FOUO~~) After reviewing log files dated March 31, 2015 indicating the deletion of files from the Datto backup appliance, [REDACTED] stated he did not recall deleting any Datto backups nor did he recall receiving an instruction to delete backups from the Datto, however, it is unlikely anyone else at PRN would have deleted the files. [REDACTED] did not know if the administrative server was backed up to the Datto.

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(U//~~FOUO~~) After reviewing a document titled "PRN Admin Server - Installed/Uninstalled Application Events," [REDACTED] stated he had no insight into the installation of Google Apps Sync for Microsoft Outlook on April 5, 2015.

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(U//~~FOUO~~) After reviewing documents titled "Add-MailboxPermission and Remove-MailboxPermission" and "Export.pst on Admin Server - 9/25/2016 [sic]," [REDACTED] stated in September 2015 he looked into replacement options for the PRN server because he believed the server would be turned over to the FBI. To prepare for this eventuality, he logged onto the server to verify the backups of the server were working correctly and evaluate what new hardware PRN would need to order. During the same time frame, [REDACTED] restored the mailbox for [REDACTED]. This restoration may account for the activity related to Export.pst in September 2015 and it is unlikely Export.pst contained any of CLINTON's email. [REDACTED] deleted [REDACTED] Export.pst after the restoration was complete. However, he did not delete any data related to CLINTON's email after he was interviewed by the FBI in September 2015.

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(U//~~FOUO~~) After reviewing an email dated March 9, 2015 referencing a preservation email from DAVID KENDALL and a preservation request from the FBI dated July 31, 2015, [REDACTED] stated he was aware of the preservation requests and interpreted both as meaning he should not disturb CLINTON's

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FD-302a (Rev. 10-6-95)

Continuation of FD-302 of _____ Interview of _____ On 05/03/2016, Page 7
email data on the PRN server. _____ did not receive guidance from other PRN personnel or PRN
counsel, or others regarding the meaning of either preservation request.

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Exhibit 18

Date UTC	Type of Message	Body
2016-04-29 22:14:25, Fri	INBOX	Just got off the phone with [REDACTED] (who seems suddenly fine and not upset \U0001f612). Can give you update on phone or on Monday. Not a lot of substantive movement.
2016-04-30 02:04:49, Sat	INBOX	And now we've switched from the Patriot Act to a wire carrying current. [REDACTED]
2016-05-01 12:31:06, Sun	INBOX	Btw, they've all decided in person mtgs are much better for us than [REDACTED] and [REDACTED] separate and dialing in. \U0001f612
2016-05-01 12:33:08, Sun	INBOX	I suppose [REDACTED] getting the background won't kill us, though I'm certain it will be shared with the SpecAss community up there. I've never heard of him - what's his background?
2016-05-01 12:33:20, Sun	OUTBOX	Boy, they are just strategic geniuses aren't they?
2016-05-01 12:34:45, Sun	INBOX	That was my response. \n\nBut not just that, SOO very smart that you mustn't doubt or question them.
2016-05-01 12:35:11, Sun	OUTBOX	Yeah, that's probably part of, him going to your meeting. No clue his story. But was thinking it might be better for more lumpies like that to hear there's nothing there - don't know if he's smart enough to understand, but it probably doesn't hurt anything and is not worth trying to kick him out.
2016-05-01 12:36:43, Sun	INBOX	I laughed when [REDACTED] said he got asked about the investigation weekly. I get it daily. Maybe that's an agent - analyst difference.
2016-05-01 23:09:09, Sun	INBOX	[REDACTED] check out Obama's remarks to the W+H2632ash Press Association last night. Just watched it - pretty damn funny.
2016-05-02 12:02:03, Mon	INBOX	[REDACTED] I have my standing Midyear at 9:10, but should be fast. 9:30 work? [REDACTED]
2016-05-04 00:02:13, Wed	INBOX	[REDACTED] Have been dealing with [REDACTED] f*ck up
2016-05-04 00:40:51, Wed	OUTBOX	And holy shit Cruz just dropped out of the race. It's going to be a Clinton Trump race. Unbelievable.
2016-05-04 00:41:24, Wed	INBOX	What?!?!??
2016-05-04 00:41:37, Wed	OUTBOX	You heard that right my friend.
2016-05-04 00:41:37, Wed	INBOX	I saw trump won, figured it would be a bit
2016-05-04 00:41:57, Wed	INBOX	Now the pressure really starts to finish MYE...
2016-05-04 00:42:32, Wed	OUTBOX	It sure does. We need to talk about follow up call tomorrow. We still never have.

Exhibit 19

Date UTC	Type of Message	Body
2016-05-09 00:02:52, Mon	INBOX	Funny to watch and think of [REDACTED] [REDACTED] No wonder he's a brusque as he is...and those Romanians aren't even the gypsies...
2016-05-09 00:23:58, Mon	OUTBOX	Seriously, I kind of hate them. (I'm sure [REDACTED] fine). But they have the crookedness of the Russians with the entitledness of the Italians. Yuck.
2016-05-09 00:25:41, Mon	INBOX	Ha. Never really dealt with them. [REDACTED]
2016-05-09 10:41:42, Mon	INBOX	Hey, work related, with Bill out, does Andy want Jones bringing MYE daily bullets? Or email from us to you [REDACTED] I don't see how we don't include him. And I think I def bootleg you in case he Fs it up
2016-05-09 10:42:52, Mon	OUTBOX	I'm sure he doesn't care, plus I can't imagine that Jones will sit in wrap. Will probably just give it to Steinbach.
2016-05-09 10:47:00, Mon	INBOX	I guess. Another thing to add to the to do list...
2016-05-09 11:10:54, Mon	INBOX	[REDACTED] Don't have anything until my 910 mye staff meeting.
2016-05-09 14:32:20, Mon	INBOX	Jones moved wrap to right before D brief, so 2:30 is open...
2016-05-09 22:01:27, Mon	OUTBOX	Walking to desk
2016-05-09 22:03:04, Mon	INBOX	I'm at my desk, hiding behind the yellow "away" light
2016-05-09 22:03:31, Mon	INBOX	Jon got an eras machine last week. Wondering if I want to do the same. \U0001f615
2016-05-10 00:09:03, Tue	INBOX	When are you free tomorrow lto talk with Jon about speech? 1?
2016-05-10 00:20:16, Tue	OUTBOX	Not sure. Will let you know. [REDACTED]
2016-05-10 01:13:54, Tue	INBOX	And talked to Richard , Banner evening. \n\nConcluded by saying I cannot overstate to you the sense of urgency about wanting to logically and effectively conclude this investigation.
2016-05-10 01:40:20, Tue	OUTBOX	Meet with Jon at 2 tomorrow?
2016-05-10 01:41:58, Tue	INBOX	We have Bowdich at 2:30. Can you do earlier? Or any time after 3:45. And/or come to Bowdich with us
2016-05-10 01:44:36, Tue	OUTBOX	Don't want to do that. Let me look.
2016-05-10 01:45:23, Tue	OUTBOX	I could do 1:30-2:30. Do you guys need to prep for that at all?
2016-05-10 01:48:58, Tue	OUTBOX	Wait but you both have your 1:00.

Exhibit 20

Date UTC	Type of Message	Body
2016-05-13 00:37:41, Fri	INBOX	Sleeper was in there when I arrived
2016-05-13 00:38:12, Fri	OUTBOX	Yup. I'm pissed. Especially bc he knows Eric and [REDACTED] are tight.
2016-05-13 00:39:29, Fri	INBOX	Soft power.
2016-05-13 00:39:59, Fri	OUTBOX	Yeah, I know. I already called Jim and sent an email to trisha. \U0001f612
2016-05-13 00:40:35, Fri	INBOX	See?!? Perfect
2016-05-13 00:41:11, Fri	INBOX	I walked through my convo with DoJ. Got more info from [REDACTED] about Laufman. It's a problem. Told Andy that, too.
2016-05-13 00:41:31, Fri	OUTBOX	What info?
2016-05-13 10:41:31, Fri	INBOX	Who was your poc to get an eras? Or did you just get JG's?
2016-05-13 10:42:36, Fri	OUTBOX	I did just get [REDACTED] I wonder what they asked him when he went to turn in his property. Just ask jon, no?
2016-05-13 10:43:13, Fri	INBOX	Yeah, that's what I'm going to do.
2016-05-13 10:44:12, Fri	INBOX	Talked to Richard last night, btw. He spoke to Beth. Shockingly, she did not sound surprised about the subpoenas, said she would accept service. \U0001f612
2016-05-13 10:46:03, Fri	INBOX	Still saying no about the laptops, but focused on Mills'. He said they were moving forward on that front as well. Helpfully, obliquely told/reminded her pet her prior comments that if she was going to call anyone, to do that soon. \U0001f612 Because we're just THAT bad.
2016-05-13 10:46:06, Fri	INBOX	Of, not pet
2016-05-13 10:52:59, Fri	OUTBOX	[REDACTED]
2016-05-13 12:38:25, Fri	INBOX	Your calendar isn't SO bad today....Jones has his meeting scheduled over Eric's farewell. Are you going to that?
2016-05-13 12:38:42, Fri	OUTBOX	I am going, yes.
2016-05-13 12:42:36, Fri	INBOX	Let me see what Jones is thinking. Suppose I can show up late. There will be more than 30 minutes of speechifying, I'm sure
2016-05-13 12:42:52, Fri	OUTBOX	I'm sure.
2016-05-13 14:36:20, Fri	INBOX	Talking in my office with [REDACTED]
2016-05-13 14:57:44, Fri	OUTBOX	Just finished. Need to catch andy.

Exhibit 21

2016-05-15 23:00:39, Sun		INBOX	Peter Strzok@ [REDACTED]	P	[REDACTED] ame: "Peter", "lastName": "P. II Strzok", "notes": [], "organizations": [], "number": [REDACTED] "emails": ["Peter.Strzok@ [REDACTED]"] firstN	I need some clarifying data - just retention, right? While it might be helpful to put in Petraeus, Hitzelberger, that's only to show they are different, ie, involve transmittal to another person. He just wants fact patterns where it was only retention, not disclosure, right? And taking grovman literally, list we do not include more serious cases/disclosures which require more than retention.	sms	Peter Strzok@ [REDACTED]
2016-05-15 23:59:40, Sun		OUTBOX	Peter Strzok@ [REDACTED]	[REDACTED]	ame: "Peter", "lastName": "P. II P. Strzok", "notes": [], "organizations": [], "numbers": [REDACTED] "emails": ["Peter.Strzok@ [REDACTED]"]	Yes, that's what I would say.	sms	Peter Strzok@ [REDACTED]
[REDACTED]								
2016-05-16 01:06:08, Mon		INBOX	Peter Strzok@ [REDACTED]	[REDACTED]	ame: "Peter", "lastName": "P. II Strzok", "notes": [], "organizations": [], "numbers": [REDACTED] "emails": ["Peter.Strzok@ [REDACTED]"] firstN	Talked to Bill for about an hour. He mentioned email, said he would send (though he hasn't yet). He had a slightly different take than I did but we'll get there. His primary concern is asking DoI in such a way that they respond straight to the D (which I can see happening) without us getting a chance to review for accuracy / spin.	sms	Peter Strzok@ [REDACTED]
2016-05-16 01:07:10, Mon		OUTBOX	Peter Strzok@ [REDACTED]	[REDACTED]	ame: "Peter", "lastName": "P. II P. Strzok", "notes": [], "organizations": [], "numbers": [REDACTED] "emails": ["Peter.Strzok@ [REDACTED]"]	Insist it go through the DD. Then I'll give it to you.	sms	Peter Strzok@ [REDACTED]
[REDACTED]								

FBI000897

Exhibit 22

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Tuesday, May 17, 2016 6:34 PM
To: McCabe, Andrew G. (DO) (FBI)
Subject: Fwd: MYE daily bullets

----- Original message -----

From: "Priestap, E W. (CD) (FBI)" <Bill.Priestap@fbi.gov>
Date: 05/17/2016 6:17 PM (GMT-05:00)
To: [REDACTED] (OGC) (FBI)" [REDACTED]
Subject: FW: MYE daily bullets

[REDACTED] I'm just getting to this now. If you could please provide the below to the DOJ, I'd appreciate it. Thank you, Bill

From: Strzok, Peter P. (CD) (FBI)
Sent: Tuesday, May 17, 2016 4:44 PM
To: Priestap, E W. (CD) (FBI)
Cc: [REDACTED] (OGC) (FBI); Moffa, Jonathan C. (CD) (FBI)
Subject: MYE daily bullets

[REDACTED]

- Discussed with Toscas and [REDACTED] the D request for previously prosecuted mishandling cases. DOJ indicated they did not have complete set of data for 20 years and would be providing examples

Peter P. Strzok II
Section Chief
Counterespionage Section (CD4)
FBIHQ
[REDACTED]
(C)

Exhibit 23

2016-05-18 16:13:51	ppstrzok@[REDACTED]	[REDACTED]	Messages	Message	Hey do you have a closing LHM or something detailed on [REDACTED] hat has specific data on her security violations at State, the classified seized from her residence, and short summaries of her verbal transmission of classified? Thanks	text/html	2016-05-18 16:13:51
2016-05-18 16:15:12	[REDACTED]	ppstrzok@[REDACTED]	Messages	Message	Hey. I'm just finished an email and am hitting send. We haven't completed a closing lhm because we were waiting for the declination letter.	text/html	2016-05-18 16:13:51
2016-05-18 16:15:19	[REDACTED]	ppstrzok@[REDACTED]	Messages	Message	Let me know if you need more.	text/html	2016-05-18 16:13:51
2016-05-18 16:15:21	ppstrzok@[REDACTED]	[REDACTED]	Messages	Message	Rgr thanks	text/html	2016-05-18 16:13:51
2016-05-18 16:15:46	[REDACTED]	ppstrzok@[REDACTED]	Messages	Message	Also, [REDACTED] is in 4B as of this week and can probably fill in a few blanks if needed.	text/html	2016-05-18 16:13:51
2016-05-18 16:16:01	ppstrzok@[REDACTED]	[REDACTED]	Messages	Message	yep	text/html	2016-05-18 16:13:51

FBI-NOT FOR PUBLIC RELEASE-PRODUCED TO SJG

Exhibit 24

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Tuesday, June 07, 2016 11:39 PM
To: Page, Lisa C. (OGC) (FBI)
Subject: FW: Draft Consent Letters
Attachments: 2016.06.XX [REDACTED] (HFS) (DRAFT).pdf; 2016.06.XX [REDACTED] (CDM) (DRAFT).pdf; 2016.06.XX [REDACTED] (HFS) (DRAFT).docx; 2016.06.XX [REDACTED] (CDM) (DRAFT).docx
Importance: High

No, I don't know why we didn't take the pen first.

From: Strzok, Peter P. (CD) (FBI)
Sent: Tuesday, June 07, 2016 11:00 PM
To: Moffa, Jonathan C. (CD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (RO) (FBI); [REDACTED] (WF) (FBI)
Subject: FW: Draft Consent Letters
Importance: High

[REDACTED] called me around 10 they got below from [REDACTED] at 9 and talked at 9:30. DOJ asked them to take the pen on initial draft so keep in mind they drafted as their "wish list" and there are substantive issues that won't work and we will need and they expect us to correct. So please let's not get bent out of shape reading this first cut, let's return corrections we need to get this done.

Before getting into specifics of attached, we need some smart people on call tomorrow for discussions between DOJ and counsel, maybe even have some folks sit over at CES tomorrow as they go back and forth with this. Thinking [REDACTED] and [REDACTED] or [REDACTED] but I'm open to suggestions.

They have a call with [REDACTED] tomorrow at 11.

For the attached, let's redline the .doc files I think it would be best to consolidate everyone's comments but we need to get them into a good hour prior to the 11 call. Lets meet at 9:30 to go through comments and put them all together.

Broadly, they're OK with the AT&T and Cingular .blackberry accounts, looking only at SecState tenure period, with a right to revisit if we see a bunch of data which we can't put dates to. **We need to draft language on this to provide to them.

Similarly, they're OK with using the search term hrcarchive in the context of looking for .psts and .osts. **We need to draft language on this to provide to them.

[REDACTED] also noted there are some fundamental issues regarding federal records and FOIA matters that [REDACTED] said he would take the lead on.

Lastly, I told him OTD was getting people lined up to work on this and I asked when he thought we'd get the laptops. He thought Friday. I told him we needed Thursday so we could get them into evidence and a full day of processing before the weekend. Please tell OTD these are coming and we need a full court press on them. We need minders through the weekend to restart if there are issues can't have a leave Friday and

return Monday only to see mirroring failed on Saturday morning. I will call Brian Brooks tomorrow to reinforce.

Final lap. Thanks for everyone's hard work

From: [REDACTED] (NSD) [mailto:[REDACTED]]
Sent: Tuesday, June 07, 2016 10:35 PM
To: Strzok, Peter P. (CD) (FBI)
Cc: [REDACTED] (NSD) (JMD); [REDACTED] (USAVAE); [REDACTED] (USAVAE)
Subject: Draft Consent Letters

Pete,

As we discussed on the phone earlier, attached, both in word and PDF, are draft letters of consent. Opposing counsel had the pen on these, so we will work to address all issues we see (both substantive and technical). Let's plan to discuss as soon as possible tomorrow morning. Would be good if a technical person is available as we work through these issues. Thanks very much for the quick turnaround on questions today. It was much appreciated.

[REDACTED]

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1900 M STREET, NW
SUITE 800
WASHINGTON, DC 20036



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WWW.WILKINSONWALSH.COM

A LIMITED LIABILITY PARTNERSHIP

June XX, 2016

VIA Electronic Mail

[REDACTED] Esq.
U.S. Department of Justice
National Security Division
950 Pennsylvania Avenue NW
Washington, DC 20530
[REDACTED]

Dear Mr. [REDACTED]

This letter provides consent, in connection with the Department of Justice's security investigation regarding the private e mail account of former Secretary of State Hillary Clinton, to search the Dell Latitude E660 (Serial No. [REDACTED]) (hereinafter "the device") belonging to my client, Cheryl Mills, pursuant to the terms described below.

- 1) You have confirmed that the sole purposes of the search are: (1) to confirm that the .pst file created by Platte River, in or around, the Fall of 2014, in response to a request for Secretary Clinton's e mail from her tenure as Secretary of State, (hereinafter the ".pst file"), no longer resides on the device, including in an intact but deleted form; and, (2) to attempt to identify any remnants of that .pst file that could potentially be present in the "unallocated space" of the device.
- 2) You have confirmed that Phase One of your search will proceed as follows:
 - a. Your Technical Team (to include technical personnel only and no attorneys, agents, analysts or other persons), will review the allocated space (i.e., active files) of the device to seek the .pst that was downloaded with the assistance of Platte River by reviewing .pst files that meet the following criteria: (a) bears the name "hrcarchive.pst or hrcarchive.ost"; or (b) created after July 31, 2014 and are a minimum of 1.5 GB in size. Neither the Technical Team nor anyone else will review the contents of any .pst or .ost files not meeting the foregoing criteria.

DRAFT



- b. The Technical Team will review .pst or .ost files that meet the foregoing criteria to identify any .pst or .ost file the contents of which is limited to e mails first (a) sent or received between 21 January 2009 and 1 February 2013 (the "Relevant Period") and then (b) sent to, or received by, the e mail address hdr22@clintonemail.com. Those .pst or .ost files that do not include such e mails will not be subject to any further review by anyone for any purpose.
 - c. .pst or .ost files that include e mails sent to, or received by, the e mail address hdr22@clintonemail.com, during the Relevant Period will be provided to a Filter Team, which will be limited to two AUSAs, one FBI agent, and one FBI analyst, none of whom have had any involvement in your investigation.
 - d. The Filter Team will review the contents of any .pst or .ost file they receive to identify and remove: (1) any material protected by the attorney client, attorney work product, medical, or spousal privileges; and (2) any material that is not an e mail sent to, or received by, the e mail address hdr22@clintonemail.com during the Relevant Period.
 - e. You will inform us of the results of the first phase of the search before proceeding to the second phase of the search.
 - f. You will proceed to the Phase Two of your search only in the event that the .pst file you are seeking to identify is not identified during Phase One of your search.
- 3) You have confirmed that Phase Two of your search will proceed as follows:
- a. The Technical Team will search the unallocated space of the device to identify any .pst files or portions of .pst files that include e mails sent to or received by the e mail address hdr22@clintonemail.com during the Relevant Period. Neither the Technical Team nor anyone else will search or review the unallocated space for any other material or for any other purpose.
 - b. The Technical Team will review the results of the foregoing search for the purpose of removing any file or data that is not an e mail sent to, or received by, the e mail address hdr22@clintonemail.com during the Relevant Period. Such material will not be further reviewed by anyone for any purpose.
 - c. The remaining results of the search will be provided to the Filter Team, which will review the remaining results to identify and remove: (1) any material protected by the attorney client, attorney work product, medical, or spousal privileges; and (2) any material that, upon further review, is determined not to be an e mail sent to, or received by, the e mail address hdr22@clintonemail.com during the Relevant Period. Such material will not be further reviewed by anyone for any purpose.

The device and any printed material resulting from your search will be destroyed as soon as the investigation is completed. No part of this letter shall be read as to imply the consent to search or review data retrieved from the device in any manner other than the search criteria described above. Those files retrieved by any manner other than the search criteria described above shall not be reviewed by anyone and shall be immediately destroyed.

DRAFT



Sincerely,

Beth A. Wilkinson

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DRAFT

1900 M STREET, NW
SUITE 800
WASHINGTON, DC 20036



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A LIMITED LIABILITY PARTNERSHIP

June XX, 2016

VIA Electronic Mail

[REDACTED] Esq.
U.S. Department of Justice
National Security Division
950 Pennsylvania Avenue NW
Washington, DC 20530
[REDACTED]

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 - a. Your Technical Team (to include technical personnel only and no attorneys, agents, analysts or other persons), will review the allocated space (i.e., active files) of the device to seek the .pst that was downloaded with the assistance of Platte River by reviewing .pst files that meet the following criteria: (a) bears the name "hrcarchive.pst or hrcarchive.ost"; or (b) created after July 31, 2014 and are a minimum of 1.5 GB in size. Neither the Technical Team nor anyone else will review the contents of any .pst or .ost files not meeting the foregoing criteria.

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- b. The Technical Team will review .pst or .ost files that meet the foregoing criteria to identify any .pst or .ost file the contents of which is limited to e mails first (a) sent or received between 21 January 2009 and 1 February 2013 (the "Relevant Period") and then (b) sent to, or received by, the e mail address hdr22@clintonemail.com. Those .pst or .ost files that do not include such e mails will not be subject to any further review by anyone for any purpose.
 - c. .pst or .ost files that include e mails sent to, or received by, the e mail address hdr22@clintonemail.com, during the Relevant Period will be provided to a Filter Team, which will be limited to two AUSAs, one FBI agent, and one FBI analyst, none of whom have had any involvement in your investigation.
 - d. The Filter Team will review the contents of any .pst or .ost file they receive to identify and remove: (1) any material protected by the attorney client, attorney work product, medical, or spousal privileges; and (2) any material that is not an e mail sent to, or received by, the e mail address hdr22@clintonemail.com during the Relevant Period.
 - e. You will inform us of the results of the first phase of the search before proceeding to the second phase of the search.
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DRAFT



Sincerely,

Beth A. Wilkinson

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DRAFT

1900 M STREET, NW
SUITE 800
WASHINGTON, DC 20036



WASHINGTON, D.C. | LOS ANGELES

WWW.WILKINSONWALSH.COM

A LIMITED LIABILITY PARTNERSHIP

June XX, 2016

VIA Electronic Mail

[REDACTED] Esq.
U.S. Department of Justice
National Security Division
950 Pennsylvania Avenue NW
Washington, DC 20530
[REDACTED]

Dear Mr. [REDACTED]

This letter provides consent, in connection with the Department of Justice's investigation into the use of a private e mail account by former Secretary of State Hillary Clinton, to search the Lenovo Yoga 2 Pro (Serial No. [REDACTED] (hereinafter "the device") belonging to my client, Heather Samuelson, pursuant to the terms described below.

- 1) You have confirmed that the sole purposes of the search are: (1) to confirm that the .pst file created by Platte River, in or around, the Fall of 2014, in response to a request for Secretary Clinton's e mail from her tenure as Secretary of State, (hereinafter the ".pst file"), no longer resides on the device, including in an intact but deleted form; and, (2) to attempt to identify any remnants of that .pst file that could potentially be present in the "unallocated space" of the device.
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FBI_OIG_Cong Prod_016228

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Beth A. Wilkinson

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1900 M STREET, NW
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WASHINGTON, D.C. | LOS ANGELES

WWW.WILKINSONWALSH.COM

A LIMITED LIABILITY PARTNERSHIP

June XX, 2016

VIA Electronic Mail

[REDACTED] Esq.
U.S. Department of Justice
National Security Division
950 Pennsylvania Avenue NW
Washington, DC 20530
[REDACTED]

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FBI_OIG_Cong Prod_016231

- [REDACTED]
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DRAFT



Sincerely,

Beth A. Wilkinson

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DRAFT

Exhibit 25

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
BEN SASSE, NEBRASKA
JEFF FLAKE, ARIZONA
MIKE CRAPO, IDAHO
THOM TILLIS, NORTH CAROLINA
JOHN KENNEDY, LOUISIANA

DIANNE FEINSTEIN, CALIFORNIA
PATRICK J. LEAHY, VERMONT
RICHARD J. DURBIN, ILLINOIS
SHELDON WHITEHOUSE, RHODE ISLAND
AMY KLOBUCHAR, MINNESOTA
AL FRANKEN, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT
MAZIE HIRONO, HAWAII

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

November 6, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Wray:

On November 3, 2017, the FBI provided documents in response to the Committee's August 30, 2017, letter requesting records relating to then-Director Comey's statement exonerating Secretary Clinton from criminal wrongdoing. Among those documents, the FBI provided what appears to be a May 2, 2016, draft of the exoneration statement, two months before Director Comey's July 5, 2016 press conference. In that draft, the original language is shown to have included the following sentence:

There is evidence to support a conclusion that Secretary Clinton, and others, used the private email server in a manner that was *grossly negligent* with respect to the handling of classified material.¹

That same draft also included the following sentence:

Similarly, the sheer volume of information that was properly classified as Secret at the time it was discussed on email (that is, excluding the "up classified" emails) supports an inference that the participants were *grossly negligent* in their handling of that information.²

As you are aware, 18 U.S.C. § 793(f) makes the mishandling of classified material through gross negligence a criminal act. Although Director Comey's original version of his statement acknowledged that Secretary Clinton had violated the statute prohibiting gross negligence in the handling of classified information, he nonetheless exonerated her in that early, May 2nd draft statement anyway, arguing that this part of the statute should not be enforced.

¹ Bates stamp SJC000142 (emphasis added).

² *Id.* (emphasis added).

Apparently, as of May 2016, then-Director Comey and other FBI officials believed the facts fit that gross negligence standard until later edits were made on or about June 10, 2016, removing those two sentences and including the following sentence instead:

Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information.³

While the edits are shown, the documents were not provided in their original format. Accordingly, in order for the Committee to better understand the documents, please answer the following no later than November 20, 2017:

1. Please provide copies of the files in their original format, including all metadata indicating who created the original drafts, who made the edits to the draft statement, and when those edits were made.
2. Please provide all records relating to discussions about why the edits were made.

I anticipate that your written response and the responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. The Committee complies with all laws and regulations governing the handling of classified information. The Committee is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Should you have further questions, please contact Josh Flynn-Brown of my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

³ Bates stamp SJC000158.

COMEY, JAMES B. (DO) (FBI)

From: COMEY, JAMES B. (DO) (FBI)
Sent: Monday, May 02, 2016 7:15 PM
To: MCCABE, ANDREW G. (DO) (FBI); BAKER, JAMES A. (OGC) (FBI); RYBICKI, JAMES E. (DO) (FBI)
Cc: COMEY, JAMES B. (DO) (FBI)
Subject: Midyear Exam --- UNCLASSIFIED

Classification: UNCLASSIFIED
 =====

TRANSITORY RECORD

I've been trying to imagine what it would look like if I decided to do an FBI only press event to close out our work and hand the matter to DOJ. To help shape our discussions of whether that, or something different, makes sense, I have spent some time crafting what I would say, which follows. In my imagination, I don't see me taking any questions. Here is what it might look like:

Good afternoon folks. I am here to give you an update on our investigation of Secretary Clinton's use of a private email system, which began in late August.

After a tremendous amount of work, the FBI has completed its investigation and has referred the case to the Department of Justice for a prosecutive decision. What I would like to do today is tell you three things: (1) what we did; (2) what we found; (3) what we have recommended to DOJ.

But I want to start by thanking the many agents, analysts, technologists, and other FBI employees who did work of extraordinary quality in this case. Once you have a better sense of how much we have done, you will understand why I am so grateful and proud of their efforts.

So, first: what we have done over the last eight months.

The investigation began as a referral from the Intelligence Community Inspector General in connection with Secretary Clinton's use of a private email server during his time as Secretary of State, focused on whether classified information was transmitted on that private system.

Our investigation focused on whether there is evidence that classified information was improperly stored or transmitted on that private system, in violation of a federal statute that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or a second statute that makes it a misdemeanor to remove classified information from appropriate systems or storage facilities.

Consistent with our counterintelligence responsibilities, we have also investigated to determine whether there is evidence of computer intrusion in connection with the private email server by any foreign power, or hackers on behalf of a foreign power.

I have so far used the singular term "email server" in describing the referral that began our

I have so far used the singular term, email server, in describing the referral that began our investigation. It turns out to have been more complicated than that. Secretary Clinton used several different servers and providers of those servers during her four years at the State Department, and used numerous mobile devices to view and send email on that private domain. As new servers and providers were employed, older servers were taken out of service, stored, and decommissioned in various ways. Piecing all of that back together to gain as full an understanding as possible of the ways in which private email was used for government work has been a painstaking undertaking, requiring thousands of hours of effort.

For example, when one of Secretary Clinton's original private servers was decommissioned in 20xx, the email software was removed. Doing that didn't remove the email content, but it was like removing the frame from a huge finished jigsaw puzzle and dumping the pieces on the floor. The effect was that millions of email fragments end up unsorted in the server's un-used – or "slack" – space. We went through all of it to see what was there, and what parts of the puzzle could be put back together.

FBI investigators have also read all 34,000 emails provided by Secretary Clinton to the State Department in spring 2015. Where an email was assessed as possibly containing classified information, the FBI referred the email to the U.S. government agency that was the likely "owner" of the information in the email so that agency could make a determination as to whether the email contained classified information at the time it was sent or received, or whether there was reason to classify the email now, even if its content was not classified at the time it was sent (this is the process sometimes referred to as "up classifying").

From that group of 34,000 emails that had been returned to the State Department in 2015, the FBI sent xxxx emails to agencies for classification determinations. Of those, xxxx have been determined to contain classified information at the time they were sent or received. Xxxx of those contained information that was Top Secret at the time they were sent; xxxx contained Secret information at the time; and xxxx contained Confidential information. Separate from those, a total of xxxx additional emails were "up classified" to make them Secret or Confidential; the information in those had not been classified at the time the emails were sent.

The FBI also discovered xxxx work-related emails that were not in the group of 34,000 that were returned by Secretary Clinton to State in 2015. We found those additional emails in a variety of ways. Some had been deleted over the years and we found traces of them on devices that supported or were connected to the private email domain. Others we found by reviewing the archived government email accounts of people who had been government employees at the same time as Secretary Clinton, including high-ranking officials at other agencies, with whom a Secretary of State might naturally correspond. This helped us recover work-related emails that were not among the 34,000 produced to State. Still others we recovered from the laborious review of the millions of email fragments dumped into the slack space of the server decommissioned in 20xx.

All told, we found xxxx emails that were not among those produced to the State Department last year. Of those, we assessed that xxxx possibly contained classified information at the time they were sent or received and so we sent them to other government agencies for classification determinations. To date, agencies have concluded that xxxx of those were classified at the time they were sent or received, xxx at the Secret level and xxxx at the Confidential level. There were no additional Top Secret emails found. Finally, none of those we found have since been "up classified."

I should add here that we found no evidence that any of the additional work-related emails we found were intentionally deleted in an effort to conceal them. Our assessment is that, like many users of private email accounts, Secretary Clinton periodically deleted emails or emails were purged from the

system when devices were changed. Because she was not using a government account, there was no archiving of her emails, so it is not surprising that we discovered emails that were not on Secretary Clinton's system in 2015, when she produced the 34,000 emails to the State Department.

It could also be that some of the additional work-related emails we recovered were among those deleted as "personal" by Secretary Clinton's lawyers when they reviewed and sorted her emails for production in 2015. We have conducted interviews and done technical examination to attempt to understand how that sorting was done. Although we do not have complete visibility because we are not fully able to reconstruct the electronic record of that sorting, we believe our investigation has been sufficient to give us reasonable confidence there was no intentional misconduct in connection with that sorting effort.

The lawyers doing the sorting for Secretary Clinton in 2015 did not individually read tens of thousands of emails, as we did; instead, they used search terms to try to find all work-related emails among the more than 60,000 total emails remaining on Secretary Clinton's private system in 2015. It is highly likely their search terms missed some work-related emails, and that we found them, for example, in the mailboxes of other officials or in the slack space of a server. It is also likely that there are other work-related emails that they did not produce to State and that we did not find elsewhere, and that are now gone because they deleted all emails they did not return to State, and the lawyers cleaned their devices in a such a way as to preclude forensic recovery.

And, of course, in addition to our technical work, we interviewed many people, from those involved in setting up and maintaining the various iterations of Secretary Clinton's private server to staff members with whom she corresponded on email, to those involved in the email production to State, and finally, Secretary Clinton herself.

Lastly, we have done extensive work with the assistance of our colleagues elsewhere in the Intelligence Community to understand what indications there might be of compromise by hostile actors in connection with the private email operation.

That's what we have done. Now let me tell you what we found.

There is evidence to support a conclusion that Secretary Clinton, and others, used the private email server in a manner that was **grossly negligent** with respect to the handling of classified information. For example, seven email chains concern matters that were classified at the TS/SAP level when they were sent and received. These chains involved Secretary Clinton both sending emails about those matters and receiving emails from others about the same matters. There is evidence to support a conclusion that any reasonable person in Secretary Clinton's position, or in the position of those government employees with whom she was corresponding about these matters, should have known that an unclassified system was no place for such an email conversation. Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information.

Similarly, the sheer volume of information that was properly classified as Secret at the time it was discussed on email (that is, excluding the "up classified" emails) supports an inference that the participants were **grossly negligent** in their handling of that information.

We also developed evidence that the security culture of the State Department in general, and with respect to use of unclassified email systems in particular, was generally lacking in the kind of care for classified information found elsewhere in the government.

classified information found elsewhere in the government.

With respect to potential computer intrusion by hostile actors, we did not find direct evidence that Secretary Clinton's personal email system, in its various configurations since 2009, was successfully hacked. But, given the nature of the system and of the actors potentially involved, we assess that we would be unlikely to see such direct evidence. We do assess that hostile actors gained access to the private email accounts of individuals with whom Secretary Clinton was in regular contact from her private account. We also assess that Secretary Clinton's use of a private email domain was both known by a large number of people and readily apparent. Given that combination of factors, we assess it is reasonably likely that hostile actors gained access to Secretary Clinton's private email account.

So that's what we found.

Finally, with respect to our recommendation to the Department of Justice. In our system, the prosecutors make the decisions about whether charges are appropriate based on evidence the FBI has helped collect. Although we don't normally make public our recommendations to the prosecutors, we frequently make recommendations and engage in productive conversations with prosecutors about what resolution may be appropriate, given the evidence. In this case, given the importance of the matter, I think unusual transparency is in order.

Although there is evidence of potential violations of the statute proscribing gross negligence in the handling of classified information and of the statute proscribing misdemeanor mishandling, my judgment is that no reasonable prosecutor would bring such a case. At the outset, we are not aware of a case where anyone has been charged solely based on the "gross negligence" prohibition in the statute. All charged cases of which we are aware have involved the accusation that a government employee intentionally mishandled classified information. In looking back at our investigations in similar circumstances, we cannot find a case that would support bringing criminal charges on these facts. All the cases prosecuted involved some combination of: (1) clearly intentional misconduct; (2) vast quantities of materials exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. We see none of that here.

Accordingly, although the Department of Justice makes final decisions on matters such as this, I am completing the investigation by expressing to Justice my view that no charges are appropriate in this case.

I know there will be intense public disagreement in the wake of this result, as there was throughout this investigation. What I can assure the American people is that this investigation was done competently, honestly, and independently. No outside influence of any kind was brought to bear. I know there were many opinions expressed by people who were not part of the investigation -- including people in government -- but none of that mattered to us. Opinions are irrelevant, and they were all uninformed by insight into our investigation, because we did the investigation in a professional way. Only facts matter, and the FBI found them here in an entirely apolitical and professional way. I couldn't be prouder to be part of this organization.

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Classification: UNCLASSIFIED



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

November 27, 2017

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley:

This further responds to your letter dated November 4, 2017, in which you seek the production of two categories of additional documents following the FBI's recent production of more than 1,000 pages of documents related to the Office of Special Counsel's investigation of former FBI director James Comey.

In response to the first request for "metadata" related to the edits made to the so-called "Comey statement," enclosed herewith please find a report containing the metadata you have requested, specifically, who created the original drafts, who made edits to the drafts, and when those edits were made, in addition to other metadata.

In response to the second request for "all records relating to discussions about why the edits were made," the FBI has initiated a search for any records which are responsive to this request, and which have not been previously produced. This process will take additional time to complete. We will keep Committee staff informed of our progress in this regard.

As always, thank you for your continuing support of the FBI and its mission.

Sincerely,

A handwritten signature in black ink, appearing to read "GB", with a long horizontal line extending to the right.

Gregory Brower
Assistant Director
Office of Congressional Affairs

cc: Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Enclosure

SJC Number	DocumentID*	From	DateSent	TimeSent	CreationDate	CreationTime	CreatedBy	SystemCreationDate	SystemCreationTime	DateModified	TimeModified	LastSaveDate	LastSaveTime	LastSavedBy
SJC000148- SJC000153	0.7.3219.117397	MCCABE, ANDREW G. (FBI)	5/11/2016	1:51 PM										
SJC000030- SJC000037	0.7.3219.118295	RYBICKI, JAMES E. (FBI)	6/10/2016	1:14 PM										
	0.7.3219.118295.1				6/10/2016	11:06 AM	STRZOK, PETER P. (FBI)	6/10/2016	11:06 AM	6/10/2016	11:06 AM	6/10/2016	11:06 AM	(FBI)
SJC000162- SJC000168	0.7.3219.118319	COMEY, JAMES B. (FBI)	6/12/2016	6:07 PM										
	0.7.3219.118319.1				6/12/2016	6:04 PM	STRZOK, PETER P. (FBI)	6/12/2016	6:05 PM	6/12/2016	6:05 PM			
SJC000169- SJC000175	0.7.3219.118639	COMEY, JAMES B. (FBI)	6/25/2016	4:01 PM										
	0.7.3219.118639.1				6/25/2016	3:58 PM	STRZOK, PETER P. (FBI)	6/25/2016	3:58 PM	6/25/2016	3:58 PM			
SJC000052- SJC000058	0.7.3219.118641	COMEY, JAMES B. (FBI)	6/26/2016	5:38 PM										
	0.7.3219.118641.1				6/25/2016	3:58 PM	STRZOK, PETER P. (FBI)	6/25/2016	3:58 PM	6/25/2016	3:58 PM			
SJC000189- SJC000195	0.7.3219.118721	COMEY, JAMES B. (FBI)	6/30/2016	9:49 AM										
	0.7.3219.118721.1				6/30/2016	9:48 AM		6/30/2016	9:49 AM	6/30/2016	9:48 AM			
SJC000066- SJC000072	0.7.3219.118726	COMEY, JAMES B. (FBI)	6/30/2016	10:24 AM										
	0.7.3219.118726.1				6/30/2016	10:23 AM		6/30/2016	10:24 AM	6/30/2016	10:23 AM			
SJC000073- SJC000079	0.7.3219.118807	COMEY, JAMES B. (FBI)	6/30/2016	4:24 PM										
	0.7.3219.118807.1				6/30/2016	4:22 PM		6/30/2016	4:24 PM	6/30/2016	4:22 PM			
SJC000081- SJC000093	0.7.3219.118836	COMEY, JAMES B. (FBI)	7/1/2016	12:39 PM										
	0.7.3219.118836.1				6/30/2016	4:22 PM		7/1/2016	12:38 PM	7/1/2016	4:22 PM			
	0.7.3219.118836.2				6/30/2016	9:01 AM	COMEY, JAMES B. (FBI)	7/1/2016	12:39 PM	7/1/2016	4:21 PM	6/30/2016	4:21 PM	COMEY, JAMES B. (FBI)
SJC000223- SJC000235	0.7.3219.118843	COMEY, JAMES B. (FBI)	7/1/2016	6:35 PM										
	0.7.3219.118843.1				7/1/2016	6:34 PM	COMEY, JAMES B. (FBI)	7/1/2016	6:34 PM	7/1/2016	6:34 PM	7/1/2016	6:34 PM	COMEY, JAMES B. (FBI)
	0.7.3219.118843.2				7/1/2016	6:34 PM	COMEY, JAMES B. (FBI)	7/1/2016	6:34 PM	7/1/2016	6:34 PM			
SJC000107- SJC000119	0.7.3219.118846	COMEY, JAMES B. (FBI)	7/2/2016	4:52 PM										
	0.7.3219.118846.1				7/1/2016	6:34 PM	COMEY, JAMES B. (FBI)	7/1/2016	6:34 PM	7/1/2016	6:34 PM	7/1/2016	6:34 PM	COMEY, JAMES B. (FBI)
	0.7.3219.118846.2				7/1/2016	6:34 PM	COMEY, JAMES B. (FBI)	7/1/2016	6:34 PM	7/1/2016	6:34 PM			
SJC000120- SJC000126	0.7.3219.118848	RYBICKI, JAMES E. (FBI)	7/2/2016	6:44 PM										
	0.7.3219.118848.1				7/2/2016	6:41 PM	COMEY, JAMES B. (FBI)	7/2/2016	6:41 PM	7/2/2016	6:44 PM	7/2/2016	6:41 PM	RYBICKI, JAMES E. (FBI)
SJC000127- SJC000139	0.7.3219.118851	RYBICKI, JAMES E. (FBI)	7/4/2016	4:18 PM										
	0.7.3219.118851.1				7/4/2016	4:11 PM	COMEY, JAMES B. (FBI)	7/4/2016	4:18 PM	7/4/2016	4:11 PM	7/4/2016	4:11 PM	RYBICKI, JAMES E. (FBI)
	0.7.3219.118851.2				7/4/2016	4:11 PM		7/4/2016	4:11 PM	7/4/2016	4:18 PM			
SJC000140- SJC000143	0.7.3219.37316	COMEY, JAMES B. (FBI)	5/2/2016	7:14 PM										

*Document IDs that end in .1 or .2 are attachments to an email.

RYBICKI, JAMES E. (DO) (FBI)

From: RYBICKI, JAMES E. (DO) (FBI)
Sent: Friday, June 10, 2016 1:14 PM
To: COMEY, JAMES B. (DO) (FBI)
Subject: MYE --- UNCLASSIFIED//FOUO
Attachments: MYE thoughts 06-10-16.docx

Classification: UNCLASSIFIED//FOUO
DELIBERATIVE PROCESS PRIVILEGED DOCUMENT
=====

=====
Classification: UNCLASSIFIED//FOUO

I've been trying to imagine what it would look like if I decided to do an FBI only press event to close out our work and hand the matter to DOJ. To help shape our discussions of whether that, or something different, makes sense, I have spent some time crafting what I would say, which follows. In my imagination, I don't see me taking any questions. Here is what it might look like:

Good afternoon folks. I am here to give you an update on our investigation of Secretary Clinton's use of a private email system, which began in ~~late August~~mid-July.

After a tremendous amount of work, the FBI has completed its investigation and has referred the case to the Department of Justice for a prosecutive decision. What I would like to do today is tell you three things: (1) what we did; (2) what we found; (3) what we have recommended to DOJ.

But I want to start by thanking the many agents, analysts, technologists, and other FBI employees who did work of extraordinary quality in this case. Once you have a better sense of how much we have done, you will understand why I am so grateful and proud of their efforts.

So, first: what we have done over the last eight months.

The investigation began as a referral from the Intelligence Community Inspector General in connection with Secretary Clinton's use of a private email server during her time as Secretary of State, focused on whether classified information was transmitted on that private system.

Commented [p1]: Consider whether it is more appropriate to call this a "personal" or "privately-owned" email server. "Private" may denote a commercial email service, such as gmail or hotmail. Use of these private commercial services was widespread at State before and during her tenure.

Our investigation focused on whether there is evidence that classified information was improperly stored or transmitted on that private system, in violation of a federal statute that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or a second statute that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities.

Consistent with our counterintelligence responsibilities, we have also investigated to determine whether there is evidence of computer intrusion in connection with

the private email server by any foreign power, or hackers on behalf of a foreign power.

I have so far used the singular term, “email server,” in describing the referral that began our investigation. It turns out to have been more complicated than that. Secretary Clinton used several different servers and ~~providers-administrators~~ of those servers during her four years at the State Department, and used numerous mobile devices to view and send email on that private domain. As new servers and equipment s and providers were employed, older servers were taken out of service, stored, and decommissioned in various ways. Piecing all of that back together to gain as full an understanding as possible of the ways in which private email was used for government work has been a painstaking undertaking, requiring thousands of hours of effort.

For example, when one of Secretary Clinton’s original private servers was decommissioned in 2013~~xx~~, the email software was removed. Doing that didn’t remove the email content, but it was like removing the frame from a huge finished jigsaw puzzle and dumping the pieces on the floor. The effect was that millions of email fragments end up unsorted in the server’s un-used – or “slack” – space. We searchedwent through all of it to see what was there, and what parts of the puzzle could be put back together.

Commented [p2]:

FBI investigators have also read all ~~34,000~~of the approximately 30,000 emails provided by Secretary Clinton to the State Department in ~~spring 2015~~December 2014. Where an email was assessed as possibly containing classified information, the FBI referred the email to ~~the any~~ U.S. government agency that was ~~the a~~ likely “owner” of the information in the email so that agency could make a determination as to whether the email contained classified information at the time it was sent or received, or whether there was reason to classify the email now, even if its content was not classified at the time it was sent (this is the process sometimes referred to as “up classifying”).

Commented [p3]: Some emails were sent to multiple agencies.

From that group of ~~34,000~~30,000 emails that had been returned to the State Department in late 2014~~5~~, ~~the FBI sent xxxx emails to agencies for classification determinations. Of those, xxxx have been determined by the owning agency~~ to contain classified information at the time they were sent or received. Xxxx of those contained information that was Top Secret at the time they were sent; xxxx contained Secret information at the time; and xxxx contained Confidential information. Separate from those, a total of xxxx additional emails were “up

Commented [p4]: Ultimately, the number of emails determined to be classified will be a small percentage of those sent for review. We think this point will need to be addressed by explaining that we took an overly expansive and generous position in deciding what to send out for review.

classified” to make them Secret or Confidential; the information in those had not been classified at the time the emails were sent.

The FBI also discovered ~~xxxx~~ several thousand work-related emails that were not in the group of ~~34,000~~ 30,000 that were returned by Secretary Clinton to State in 2014⁵. We found those additional emails in a variety of ways. Some had been deleted over the years and we found traces of them on devices that supported or were connected to the private email domain. Others we found by reviewing the archived government email accounts of people who had been government employees at the same time as Secretary Clinton, including high-ranking officials at other agencies, with whom a Secretary of State might naturally correspond. This helped us recover work-related emails that were not among the ~~34,000~~ 30,000 produced to State. Still others we recovered from the laborious review of the millions of email fragments dumped into the slack space of the server decommissioned in 2013~~xx~~.

All told, we found ~~xxxx~~ thousands of emails that were not among those produced to the State Department ~~last year~~ in late 2014. ~~Of those, we assessed that xxxx possibly contained classified information at the time they were sent or received and so we sent them to other government agencies for classification determinations.~~ To date, agencies have concluded that ~~xxxx~~ of those were classified at the time they were sent or received, ~~xxx~~ at the Secret level and ~~xxxx~~ at the Confidential level. There were no additional Top Secret emails found. Finally, ~~xxxx~~ none of those we found have since been “up classified.”

I should add here that we found no evidence that any of the additional work-related emails ~~we found~~ were intentionally deleted in an effort to conceal them. Our assessment is that, like many users of private email accounts, Secretary Clinton periodically deleted emails or emails were purged from the system when devices were changed. Because she was not using a government account, there was no archiving of her emails, so it is not surprising that we discovered emails that were not on Secretary Clinton’s system in 2014⁴, when she produced the ~~34,000~~ 30,000 emails to the State Department.

It could also be that some of the additional work-related emails we recovered were among those deleted as “personal” by Secretary Clinton’s lawyers when they reviewed and sorted her emails for production in 2014⁵. We have conducted interviews and done technical examination to attempt to understand how that sorting was done. Although we do not have complete visibility because we are not

fully able to reconstruct the electronic record of that sorting, we believe our investigation has been sufficient to give us reasonable confidence there was no intentional misconduct in connection with that sorting effort.

The lawyers doing the sorting for Secretary Clinton in 2014⁵ did not individually read ~~the content of all of her tens of thousands of~~ emails, as we did ~~for those available to us~~; instead, they used search terms to try to find all work-related emails among the ~~reportedly~~ more than 60,000 total emails remaining on Secretary Clinton's private system in 2015⁴. It is highly likely their search terms missed some work-related emails, and that we found them, for example, in the mailboxes of other officials or in the slack space of a server. It is also likely that there are other work-related emails that they did not produce to State and that we did not find elsewhere, and that are now gone because they deleted all emails they did not return to State, and the lawyers cleaned their devices in a such a way as to preclude forensic recovery.

And, of course, in addition~~al~~ to our technical work, we interviewed many people, from those involved in setting up and maintaining the various iterations of Secretary Clinton's private server to staff members with whom she corresponded on email, to those involved in the email production to State, and finally, Secretary Clinton herself.

Lastly, we have done extensive work ~~with the assistance of our colleagues elsewhere in the Intelligence Community~~ to understand what indications there might be of compromise by hostile actors in connection with the private email operation.

That's what we have done. Now let me tell you what we found.

Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information. ~~There is evidence to support a conclusion that Secretary Clinton, and others, used the private email server in a manner that was grossly negligent with respect to the handling of classified information.~~ For example, seven email chains concern matters that were classified at the TS/SAP level when they were sent and received. These chains involved Secretary Clinton both **sending** emails about those matters and receiving emails from others about the same matters. There is evidence to support a conclusion that any reasonable

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person in Secretary Clinton's position, or in the position of those government employees with whom she was corresponding about these matters, should have known that an unclassified system was no place for such an email conversation. ~~Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information.~~

~~Similarly, In addition to this highly sensitive information, we also found the sheer volume of information that was properly classified as Secret by the U.S. Intelligence Community at the time it was discussed on email (that is, excluding the "up classified" emails). This is especially concerning because all of these emails were housed on servers not supported by full-time security staff, like those found at Departments and Agencies of the U.S. Government. -supports an inference that the participants were grossly negligent in their handling of that information.~~

While not the focus of our investigation, we also developed evidence that the security culture of the State Department in general, and with respect to use of unclassified email systems in particular, was generally lacking in the kind of care for classified information found elsewhere in the government.

With respect to potential computer intrusion by hostile actors, we did not find direct evidence that Secretary Clinton's personal email system, in its various configurations since 2009, was successfully hacked. But, given the nature of the system and of the actors potentially involved, we assess that we would be unlikely to see such direct evidence. We do assess that hostile actors gained access to the private commercial email accounts of individuals with whom Secretary Clinton was in regular contact from her personal private account. We also assess that Secretary Clinton's use of a private-personal email domain was both known by a large number of people and readily apparent. Given that combination of factors, we assess it is reasonably likely possible that hostile actors gained access to Secretary Clinton's private-personal email account.

Commented [p5]:

So that's what we found.

Finally, with respect to our recommendation to the Department of Justice. In our system, the prosecutors make the decisions about whether charges are appropriate based on evidence the FBI has helped collect. Although we don't

normally make public our recommendations to the prosecutors, we frequently make recommendations and engage in productive conversations with prosecutors about what resolution may be appropriate, given the evidence. In this case, given the importance of the matter, I think unusual transparency is in order.

In looking back at our investigations in similar circumstances, we cannot find a case that would support bringing criminal charges on these facts. All the cases prosecuted involved some combination of: (1) clearly intentional mishandling of classified information; (2) vast quantities of materials exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. All charged cases of which we are aware have involved the accusation that a government employee intentionally mishandled classified information. We see none of that here.

Commented [p6]: We changed none of this text, we simply reordered it. The original text is below, struck-out.

Although there is evidence of potential violations of the statutes regarding the handling of classified information, my judgment is that no reasonable prosecutor would bring such a case. Prosecutors necessarily weigh a number of factors before bringing charges. There are obvious considerations, like the strength of the evidence. But they must be balanced against things like the intent and context of the person's actions. To be clear, this is not to suggest that in similar circumstances, an individual who engaged in this activity would face NO consequences. To the contrary, such individuals are often subject to security or administrative sanctions. But that decision is not what is before me now.

~~Although there is evidence of potential violations of the statute proscribing gross negligence in the handling of classified information and of the statute proscribing misdemeanor mishandling, my judgment is that no reasonable prosecutor would bring such a case. At the outset, we are not aware of a case where anyone has been charged solely based on the "gross negligence" prohibition in the statute. In looking back at our investigations in similar circumstances, we cannot find a case that would support bringing criminal charges on these facts. All the cases prosecuted involved some combination of: (1) clearly intentional misconduct; (2) vast quantities of materials exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. We see none of that here.~~

Commented [p7]:

Accordingly, although the Department of Justice makes final decisions on matters such as this, I am completing the investigation by expressing to Justice my view that no charges are appropriate in this case.

I know there will be intense public disagreement in the wake of this result, as there was throughout this investigation. What I can assure the American people is that this investigation was done competently, honestly, and independently. No outside influence of any kind was brought to bear. I know there were many opinions expressed by people who were not part of the investigation – including people in government – but none of that mattered to us. Opinions are irrelevant, and they were all uninformed by insight into our investigation, because we did the investigation in a professional way. Only facts matter, and the FBI found them here in an entirely apolitical and professional way. I couldn't be prouder to be part of this organization.

#

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Exhibit 26

1900 M STREET, NW
SUITE 800
WASHINGTON, DC 20036



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A LIMITED LIABILITY PARTNERSHIP

June 10, 2016

VIA Electronic Mail

[REDACTED] Esq.
U.S. Department of Justice
National Security Division
950 Pennsylvania Avenue NW
Washington, DC 20530
[REDACTED]@usdoj.gov

Dear Mr. [REDACTED]

This letter provides consent, in connection with the Department of Justice's investigation into the use of a private server by former Secretary of State Hillary Clinton, to search the Lenovo Yoga 2 Pro (Serial No. [REDACTED]) (hereinafter "the Device") belonging to my client, Heather Samuelson, who is Secretary Clinton's attorney, pursuant to the terms described below. The Device is being provided to the Federal Bureau of Investigation ("FBI") solely for the purposes of this Department of Justice investigation, and for the Department's use in connection with the investigation. In voluntarily providing the Device, Heather Samuelson does not relinquish ownership or control over the Device, except for the FBI's limited investigative use as specified by this agreement. The FBI does not assert custody and control over the Device or its contents for any other purpose, including any requests made pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

- 1) You have confirmed that the sole purposes of the search are: (1) to search for any .pst files, or .ost files, or compressed files containing .pst or .ost files, that were created by Platte River Networks ("PRN"), after June 1, 2014 and before February 1, 2015, in response to requests for former Secretary Clinton's e-mail from her tenure as Secretary of State, (hereinafter the "PRN Files"), including in an intact but deleted form; (2) to attempt to identify any e-mails from, or remnants of, the PRN Files that could potentially be present on the Device; (3) to identify any e-mails resident on the Device sent to or received from the following e-mail accounts: hdr22@clintonemail.com; hrod17@clintonemail.com; hr15@att.blackberry.net; and hr15@mycingular.blackberry.net (hereinafter the "Relevant Accounts"), for the period

of January 21, 2009 through February 1, 2013 (hereinafter the "Relevant Period"); and (4) to conduct a forensic analysis of the device to determine whether the Device was subject to intrusions or otherwise compromised.

- 2) You have confirmed that Phase One of your search will proceed as follows:
 - a. Your Technical Team (to include FBI technical personnel only), will review the allocated space (*i.e.*, active files) of the Device to search only for the PRN Files. Neither the Technical Team nor anyone else will review during Phase One the content of any .pst files, or .ost files, or compressed files containing .pst or .ost files that can be identified as created before June 1, 2014 or after January 31, 2015.
 - b. The Technical Team will review any files identified pursuant to subsection 2(a) above to determine whether they contain e-mails sent to or received from the Relevant Accounts during the Relevant Period. The files that do not include such e-mails will not be subject to any further review by anyone for any purpose, unless they meet the criteria identified in Phase Two or for purposes of an intrusion analysis, both set forth below.
 - c. The PRN Files that include e-mails sent to, or received by, the Relevant Accounts during the Relevant Period will be provided to a Filter Team, which will be limited to two attorneys, one FBI agent, and one FBI analyst, none of whom are members of the investigative team.¹
 - d. The Filter Team will review the contents of any file they receive from the process described in subsection 2(c) to identify and remove: (1) any privileged material; and (2) any material they can determine is not an e-mail sent to, or received by, the Relevant Accounts during the Relevant Period.
 - e. You will notify us of the results of Phase One of the search before proceeding to Phase Two of the search.
 - f. You will proceed to Phase Two of your search only in the event that the PRN File containing approximately 62,000 emails from the former Secretary's clintonemail.com account is not identified in the allocated space of the Device.
- 3) You have confirmed that Phase Two of your search will proceed as follows:
 - a. The Technical Team will search the Device, including the Device's unallocated space, to identify any e-mails, fragments of e-mails, files, or fragments of files: (1) that include e-mails sent to, or received by, the e-mail addresses hdr22@clintonemail.com and hrod17@clintonemail.com during the Relevant Period or for which the date that the e-mail was sent or received cannot be determined; and (2) that include e-mails sent to, or received by, the e-mail addresses hr15@att.blackberry.net and hr15@mycingular.blackberry.net that

¹ Should there be an extremely large volume of materials located on the Device and provided to the Filter Team, we understand that the Department of Justice reserves the right to expand the number of Filter Team members in order to avoid significant delay in the review process. If such an expansion were necessary, the Department of Justice has agreed to inform us of this change.

can clearly be identified as having been sent to, or received by, those accounts during the Relevant Period.² Aside from the intrusion analysis described below, neither the Technical Team nor anyone else will search or review the Device for any other material or for any other purpose.

- b. The Technical Team will review the results of the foregoing searches for the purpose of removing any file or data that is not an e-mail or a fragment of an e-mail sent to, or received by, the Relevant Accounts during the Relevant Period. Aside from the intrusion analysis described below, such material will not be further reviewed by the Technical Team or anyone else for any other purpose.
 - c. The remaining results of the search will be provided to the Filter Team, which will review those results to identify and remove: (1) any privileged material; (2) any material that, upon further review, is determined not to be an e-mail sent to, or received by, the Relevant Accounts during the Relevant Period; and (3) any material that, upon further review, is determined not to be a work-related e-mail sent to, or received by, the e-mail account hrod17@clintonemail.com. Aside from the intrusion analysis described below, such material will not be further reviewed by anyone for any purpose.
- 4) You have confirmed that you will also conduct a forensic analysis of the Device to determine whether the Device was subject to intrusions or otherwise compromised, without reviewing the content of any user created files, including .doc, .xls, .pdf, .jpeg, or e-mails not captured in the aforementioned searches.

As soon as the investigation is completed, and to the extent consistent with all FBI policies and applicable laws, including the Federal Records Act, the FBI will dispose of the Device and any printed or electronic materials resulting from your search. No part of this letter shall be read to imply the consent to retrieve from the Device any data other than the data described above or to conduct any search or review in any manner other than as described above.

Sincerely,



Beth A. Wilkinson

² If a large volume of e-mails from the hr15@att.blackberry.net and hr15@mycingular.blackberry.net accounts -- for which a send or receive date cannot clearly be determined -- are located, we understand that the Department of Justice reserves the right to discuss further with counsel any additional search efforts that could be undertaken to assess whether such e-mails were sent or received during the Relevant Period. The Department of Justice will not undertake any such search without prior discussions with counsel and an agreement with counsel as to the scope of, and procedures to be used during, that additional search.

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WASHINGTON, DC 20036



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A LIMITED LIABILITY PARTNERSHIP

June 10, 2016

VIA Electronic Mail

[REDACTED] Esq.
U.S. Department of Justice
National Security Division
950 Pennsylvania Avenue NW
Washington, DC 20530
[REDACTED]@usdoj.gov

Dear Mr. [REDACTED]

This letter provides consent, in connection with the Department of Justice's investigation into the use of a private server by former Secretary of State Hillary Clinton, to search the Dell Latitude E6330 (Serial No. [REDACTED] hereinafter "the Device") belonging to my client, Cheryl Mills, who is Secretary Clinton's attorney, pursuant to the terms described below. The Device is being provided to the Federal Bureau of Investigation ("FBI") solely for the purposes of this Department of Justice investigation, and for the Department's use in connection with the investigation. In voluntarily providing the Device, Cheryl Mills does not relinquish ownership or control over the Device, except for the FBI's limited investigative use as specified by this agreement. The FBI does not assert custody and control over the Device or its contents for any other purpose, including any requests made pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

1. You have confirmed that the sole purposes of the search are: (1) to search for any .pst files, or .ost files, or compressed files containing .pst or .ost files, that were created by Platte River Networks ("PRN"), after June 1, 2014 and before February 1, 2015, in response to requests for former Secretary Clinton's e-mail from her tenure as Secretary of State, (hereinafter the "PRN Files"), including in an intact but deleted form; (2) to attempt to identify any e-mails from, or remnants of, the PRN Files that could potentially be present on the Device; (3) to identify any e-mails resident on the Device sent to or received from the following e-mail accounts: hdr22@clintonemail.com; hrod17@clintonemail.com; hr15@att.blackberry.net; and hr15@mycingular.blackberry.net (hereinafter the "Relevant Accounts"), for the period

of January 21, 2009 through February 1, 2013 (hereinafter the "Relevant Period"); and (4) to conduct a forensic analysis of the device to determine whether the Device was subject to intrusions or otherwise compromised.

- 2) You have confirmed that Phase One of your search will proceed as follows:
 - a. Your Technical Team (to include FBI technical personnel only), will review the allocated space (*i.e.*, active files) of the Device to search only for the PRN Files. Neither the Technical Team nor anyone else will review during Phase One the content of any .pst files, or .ost files, or compressed files containing .pst or .ost files that can be identified as created before June 1, 2014 or after January 31, 2015.
 - b. The Technical Team will review any files identified pursuant to subsection 2(a) above to determine whether they contain e-mails sent to or received from the Relevant Accounts during the Relevant Period. The files that do not include such e-mails will not be subject to any further review by anyone for any purpose, unless they meet the criteria identified in Phase Two or for purposes of an intrusion analysis, both set forth below.
 - c. The PRN Files that include e-mails sent to, or received by, the Relevant Accounts during the Relevant Period will be provided to a Filter Team, which will be limited to two attorneys, one FBI agent, and one FBI analyst, none of whom are members of the investigative team.¹
 - d. The Filter Team will review the contents of any file they receive from the process described in subsection 2(c) to identify and remove: (1) any privileged material; and (2) any material they can determine is not an e-mail sent to, or received by, the Relevant Accounts during the Relevant Period.
 - e. You will notify us of the results of Phase One of the search before proceeding to Phase Two of the search.
 - f. You will proceed to Phase Two of your search only in the event that the PRN File containing approximately 62,000 emails from the former Secretary's clintonemail.com account is not identified in the allocated space of the Device.
- 3) You have confirmed that Phase Two of your search will proceed as follows:
 - a. The Technical Team will search the Device, including the Device's unallocated space, to identify any e-mails, fragments of e-mails, files, or fragments of files: (1) that include e-mails sent to, or received by, the e-mail addresses hdr22@clintonemail.com and hrod17@clintonemail.com during the Relevant Period or for which the date that the e-mail was sent or received cannot be determined; and (2) that include e-mails sent to, or received by, the e-mail addresses hr15@att.blackberry.net and hr15@mycingular.blackberry.net that

¹ Should there be an extremely large volume of materials located on the Device and provided to the Filter Team, we understand that the Department of Justice reserves the right to expand the number of Filter Team members in order to avoid significant delay in the review process. If such an expansion were necessary, the Department of Justice has agreed to inform us of this change.

can clearly be identified as having been sent to, or received by, those accounts during the Relevant Period.² Aside from the intrusion analysis described below, neither the Technical Team nor anyone else will search or review the Device for any other material or for any other purpose.

- b. The Technical Team will review the results of the foregoing searches for the purpose of removing any file or data that is not an e-mail or a fragment of an e-mail sent to, or received by, the Relevant Accounts during the Relevant Period. Aside from the intrusion analysis described below, such material will not be further reviewed by the Technical Team or anyone else for any other purpose.
 - c. The remaining results of the search will be provided to the Filter Team, which will review those results to identify and remove: (1) any privileged material; (2) any material that, upon further review, is determined not to be an e-mail sent to, or received by, the Relevant Accounts during the Relevant Period; and (3) any material that, upon further review, is determined not to be a work-related e-mail sent to, or received by, the e-mail account hrod17@clintonemail.com. Aside from the intrusion analysis described below, such material will not be further reviewed by anyone for any purpose.
- 4) You have confirmed that you will also conduct a forensic analysis of the Device to determine whether the Device was subject to intrusions or otherwise compromised, without reviewing the content of any user created files, including .doc, .xls, .pdf, .jpeg, or e-mails not captured in the aforementioned searches.

As soon as the investigation is completed, and to the extent consistent with all FBI policies and applicable laws, including the Federal Records Act, the FBI will dispose of the Device and any printed or electronic materials resulting from your search. No part of this letter shall be read to imply the consent to retrieve from the Device any data other than the data described above or to conduct any search or review in any manner other than as described above.

Sincerely,



Beth A. Wilkinson

² If a large volume of e-mails from the hr15@att.blackberry.net and hr15@mycingular.blackberry.net accounts -- for which a send or receive date cannot clearly be determined -- are located, we understand that the Department of Justice reserves the right to discuss further with counsel any additional search efforts that could be undertaken to assess whether such e-mails were sent or received during the Relevant Period. The Department of Justice will not undertake any such search without prior discussions with counsel and an agreement with counsel as to the scope of, and procedures to be used during, that additional search.

Exhibit 27

Strzok, Peter P. (CD) (FBI)

From: Strzok, Peter P. (CD) (FBI)
Sent: Friday, June 17, 2016 5:31 PM
To: Priestap, E W. (CD) (FBI)
Cc: Moffa, Jonathan C. (CD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (RO) (FBI); Page, Lisa C. (OGC) (FBI)
Subject: MYE update 17 June

~~ATTORNEY WORK PRODUCT/DELIBERATIVE PROCESS PRIVILEGED DOCUMENT~~

Bill,

- Investigative team continues review of approximately 3200 emails from allocated space within the Mills laptop.
- Contact with NYO personnel revealed the White Plains RA has a small SCIF not suitable for an interview. The Hudson Valley RA (HVRA), approximately one hour from Chappaqua, has two large SCIF conference rooms suitable for the interview.
- CES passed interview options (HVRA or FBIHQ) to Williams and Connolly. W&C indicated they did not object in principle to either location and would likely provide a preference on Monday morning.
- Copies of the draft final LHM were provided to the D, DD, GC, Jim Rybicki, and Lisa Page.

Peter P. Strzok II

Section Chief

[REDACTED]

FBIHQ

[REDACTED] (O)

[REDACTED] (C)

FBI_OIG_Cong Prod_016688

Exhibit 28

2016-06-28 22:02:28	ppstrzok@[REDACTED]	jerybicki@[REDACTED]	Messages	Message	Jim - I have the POTUS - HRC emails D requested at end of briefing yesterday. I hesitate to leave them, please let me know a convenient time to drop them off	text/html	2016-06-28 22:02:28

Exhibit 29

COMEY, JAMES B. (DO) (FBI)

From: COMEY, JAMES B. (DO) (FBI)
Sent: Thursday, June 30, 2016 10:24 AM
To: RYBICKI, JAMES E. (DO) (FBI)
Subject: Use this --- UNCLASSIFIED
Attachments: MYE JBC June 30 2016.pdf

Classification: UNCLASSIFIED
=====

=====
Classification: UNCLASSIFIED

FBI-DO NOT RELEASE - PRODUCED TO SJC FBI-DO NOT RELEASE - PRODUCED TO SJC

Good morning. I'm here to give you an update on the FBI's investigation of Secretary Clinton's use of a personal email system during her time as Secretary of State.

After a tremendous amount of work over the last year, the FBI has finished its investigation and referred the case to the Department of Justice for a prosecutive decision. What I would like to do today is tell you three things: what we did; what we found; and what we are recommending to the Department of Justice.

This will be an unusual statement in at least a couple ways. First, I am going to include more detail than I ordinarily would, because I think the American people deserve those details in a case of intense public interest. Second, I have not coordinated or reviewed this statement in any way with the Department of Justice or any other part of the government. They do not know what I am about to say.

But I want to start by thanking the many FBI employees who did remarkable work in this case. Once you have a better sense of how much we have done, you will understand why I am so grateful and proud of their efforts.

So, first, what we have done:

The investigation began as a referral from the Intelligence Community Inspector General in connection with Secretary Clinton's use of a personal email server during her time as Secretary of State. The referral focused on whether classified information was transmitted on that personal system.

Our investigation looked at whether there is evidence that classified information was improperly stored or transmitted on that personal system, in violation of a federal statute that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or a second statute that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities.

Consistent with our counter-intelligence responsibilities, we have also investigated to determine whether there is evidence of computer intrusion in connection with the personal email server by any foreign power, or other hostile actors.

I have so far used the singular term, "email server," in describing the referral that began our investigation. It turns out to have been more complicated than that. Secretary Clinton used several different servers and administrators of those servers during her four years at the State Department, and used numerous mobile devices to view and send email on that personal domain. As new servers and equipment were employed, older servers were taken out of service, stored, and decommissioned in various ways. Piecing all of that back together -- to gain as full an understanding as possible of the ways in which personal email was used for government work -- has been a painstaking undertaking, requiring thousands of hours of effort.

For example, when one of Secretary Clinton's original personal servers was decommissioned in 2013, the email software was removed. Doing that didn't remove the email content, but it was like removing the frame from a huge finished jigsaw puzzle and dumping the pieces on the floor. The effect was that millions of email fragments end up unsorted in the server's un-used or "slack" space. We searched through all of it to see what was there, and what parts of the puzzle could be put back together.

FBI investigators have also read all of the approximately 30,000 emails provided by Secretary Clinton to the State Department in December 2014. Where an email was assessed as possibly containing classified information, the FBI referred the email to any U.S. government agency that was a likely "owner" of information in the email, so that agency could make a determination as to whether the email contained classified information at the time it was sent or received, or whether there was reason to classify the email now, even if its content was not classified at the time it was sent (that is the process sometimes referred to as "up-classifying").

From the group of 30,000 emails returned to the State Department, [REDACTED] emails in [REDACTED] email chains have been determined by the owning agency to contain classified information at the time they were sent or received. Eight of those chains contained information that was Top Secret at the time they were sent; 36 chains contained Secret information at the time; and [REDACTED] contained Confidential information, which is the lowest level of classification. Separate from those, about 2,000 additional emails were "up-classified" to make them Confidential; the information in those had not been classified at the time the emails were sent.

The FBI also discovered several thousand work-related emails that were not in the group of 30,000 that were returned by Secretary Clinton to State in 2014.

We found those additional emails in a variety of ways. Some had been deleted over the years and we found traces of them on devices that supported or were connected to the private email domain. Others we found by reviewing the archived government email accounts of people who had been government employees at the same time as Secretary Clinton, including high-ranking officials at other agencies, people with whom a Secretary of State might naturally correspond. This helped us recover work-related emails that were not among the 30,000 produced to State. Still others we recovered from the laborious review of the millions of email fragments dumped into the slack space of the server decommissioned in 2013.

With respect to the thousands of emails we found that were not among those produced to State, agencies have concluded that **xx** of those were classified at the time they were sent or received, **x** at the Secret level and **xx** at the Confidential level. There were no additional Top Secret emails found. Finally, **xx** of those we found have since been “up-classified.”

I should add here that we found no evidence that any of the additional work-related emails were intentionally deleted in an effort to conceal them. Our assessment is that, like many email users, Secretary Clinton periodically deleted emails or emails were purged from the system when devices were changed. Because she was not using a government account or even a commercial account like Gmail there was no archiving at all of her emails, so it is not surprising that we discovered emails that were not on Secretary Clinton’s system in 2014, when she produced the 30,000 emails to the State Department.

It could also be that some of the additional work-related emails we recovered were among those deleted as “personal” by Secretary Clinton’s lawyers when they reviewed and sorted her emails for production in 2014.

The lawyers doing the sorting for Secretary Clinton in 2014 did not individually read the content of all of her emails, as we did for those available to us; instead, they relied on header information and used search terms to try to find all work-related emails among the reportedly more than 60,000 total emails remaining on Secretary Clinton’s personal system in 2014. It is highly likely their search terms missed some work-related emails, and that we later found them, for example, in the mailboxes of other officials or in the slack space of a server. It is also likely that there are other work-related emails that they did not produce to State and that we did not find elsewhere, and that are now gone because they deleted all emails they did not return to State, and the lawyers cleaned their devices in such a way as to preclude complete forensic recovery.

We have conducted interviews and done technical examination to attempt to understand how that sorting was done by her attorneys. Although we do not have complete visibility because we are not fully able to reconstruct the electronic record of that sorting, we believe our investigation has been sufficient to give us reasonable confidence there was no intentional misconduct in connection with that sorting effort.

And, of course, in addition to our technical work, we interviewed many people, from those involved in setting up and maintaining the various iterations of Secretary Clinton's personal server, to staff members with whom she corresponded on email, to those involved in the email production to State, and finally, Secretary Clinton herself.

Last, we have done extensive work to understand what indications there might be of compromise by hostile actors in connection with the personal email operation.

That's what we have done. Now let me tell you what we found:

Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were extremely careless in their handling of very sensitive, highly classified information.

For example, seven email chains concern matters that were classified at the Top Secret/Special Access Program level when they were sent and received. These chains involved Secretary Clinton both sending emails about those matters and receiving emails from others about the same matters. There is evidence to support a conclusion that any reasonable person in Secretary Clinton's position, or in the position of those government employees with whom she was corresponding about these matters, should have known that an unclassified system was no place for that conversation. In addition to this highly sensitive information, we also found information that was properly classified as Secret by the U.S. Intelligence Community at the time it was discussed on email (that is, excluding the later "up-classified" emails).

None of these emails should have been on any kind of unclassified system, but their presence is especially concerning because all of these emails were housed on unclassified personal servers not even supported by full-time security staff, like

those found at Departments and Agencies of the U.S. Government or even with a commercial service like Gmail.

Separately, it is important to say something about the marking of classified information. Only a very small number of the emails containing classified information bore markings indicating the presence of classified information. But even if information is not marked "classified" in an email, participants who know or should know that the subject matter is classified are still obligated to protect it.

While not the focus of our investigation, we also developed evidence that the security culture of the State Department in general, and with respect to use of unclassified email systems in particular, was generally lacking in the kind of care for classified information found elsewhere in the government.

With respect to potential computer intrusion by hostile actors, we did not find direct evidence that Secretary Clinton's personal email system, in its various configurations since 2009, was successfully hacked. But, given the nature of the system and of the actors potentially involved, we assess that we would be unlikely to see such direct evidence. We do assess that hostile actors gained access to the private commercial email accounts of people with whom Secretary Clinton was in regular contact from her personal account. We also assess that Secretary Clinton's use of a personal email domain was both known by a large number of people and readily apparent. She also used her personal email extensively while outside the United States, including from the territory of sophisticated adversaries. That use included an email exchange with the President while Secretary Clinton was on the territory of such an adversary. Given that combination of factors, we assess it is possible that hostile actors gained access to Secretary Clinton's personal email account.

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Although there is evidence of potential violations of the statutes regarding the handling of classified information, our judgment is that no reasonable prosecutor would bring such a case. Prosecutors necessarily weigh a number of factors before bringing charges. There are obvious considerations, like the strength of the evidence, especially about intent. Responsible decisions also consider the context of a person's actions, and how similar situations have been handled in the past.

In looking back at our investigations into mishandling or removal of classified information, we cannot find a case that would support bringing criminal charges on these facts. All the cases prosecuted involved some combination of: clearly intentional and willful mishandling of classified information; or vast quantities of materials exposed in such a way as to support an inference of intentional misconduct; or indications of disloyalty to the United States; or efforts to obstruct justice. We do not see those things here.

To be clear, this is not to suggest that in similar circumstances, a person who engaged in this activity would face no consequences. To the contrary, those individuals are often subject to security or administrative sanctions. But that is not what we are deciding now.

As a result, although the Department of Justice makes final decisions on matters like this, we are completing the investigation by expressing to Justice our view that no charges are appropriate in this case.

I know there will be intense public debate in the wake of this recommendation, as there was throughout this investigation. What I can assure the American people is that this investigation was done competently, honestly, and independently. No outside influence of any kind was brought to bear.

I know there were many opinions expressed by people who were not part of the investigation including people in government but none of that mattered to us. Opinions are irrelevant, and they were all uninformed by insight into our investigation, because we did the investigation the right way. Only facts matter, and the FBI found them here in an entirely apolitical and professional way. I couldn't be prouder to be part of this organization.

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COMEY, JAMES B. (DO) (FBI)

From: COMEY, JAMES B. (DO) (FBI)
Sent: Friday, July 01, 2016 12:39 PM
To: COMEY, JAMES B. (DO) (FBI)
Subject: --- UNCLASSIFIED
Attachments: MYE JBC June 30 2016 1622.pdf; MYE JBC June 30 2016.pdf.docx

Classification: UNCLASSIFIED
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=====
Classification: UNCLASSIFIED

FBI-DO NOT RELEASE - PRODUCED TO SJC FBI-DO NOT RELEASE - PRODUCED TO SJC

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Date UTC	Type of Message	Body
2016-06-30 12:22:56, Thu	INBOX	Bill apparently called Jon in early this morning with some follow - on asks from the convo yesterday. \U0001f612
2016-06-30 12:23:02, Thu	INBOX	Trying to get details...
2016-06-30 12:27:46, Thu	OUTBOX	██████████ And oh boy. Bill needs to relax.
2016-06-30 12:29:16, Thu	INBOX	Bill is doing what my agents are doing. Only they settle more easily about letting the unnecessary nice-to-haves go....
2016-06-30 12:59:33, Thu	INBOX	Omg he is spinning about the tarmac meeting, viewed in conjunction with the ██████████ Wants to meet at 4, have us bring lists of what we would do in an ordinary circumstance (easy, refer to PC) and in this circumstance (easy, refer to 7th floor)....
2016-06-30 14:01:23, Thu	OUTBOX	Hi. Sorry was in with rybicki.
2016-06-30 19:00:35, Thu	INBOX	Hi. What time is your Pre Huddle? Now?
2016-06-30 21:07:50, Thu	INBOX	Need to talk to you. Not good
2016-06-30 21:08:23, Thu	OUTBOX	On with trisha. Give me three minutes.
2016-06-30 22:20:53, Thu	INBOX	And of course if ██████ leaves let me know and I'll come read up there. ..though I suspect you're cramming together sob you can go
2016-06-30 22:21:14, Thu	OUTBOX	We just finished. In with andy now.
2016-06-30 22:28:38, Thu	INBOX	K. Rybicki just sent another version.
2016-06-30 22:32:55, Thu	OUTBOX	Bill just popped his head in, hopefully to talk to him.
2016-06-30 22:34:11, Thu	INBOX	Hope so. Just left Bill. Talked about the speech, the ██████ stuff relating to the case, and what i told you about earlier.
2016-06-30 22:39:48, Thu	INBOX	He changed President to "another senior government official"
2016-06-30 22:44:01, Thu	INBOX	Also, just emailed JR asking if D might want to call US Atty at some point.
2016-06-30 23:31:11, Thu	OUTBOX	I mentioned us atty to andy, he'll do it.
2016-06-30 23:32:02, Thu	INBOX	Thank you. It's the right thing to do, particularly given all the discussion of "prosecutors."
2016-06-30 23:32:34, Thu	OUTBOX	Won't be pre-stgsegment though.
2016-06-30 23:33:10, Thu	INBOX	That's fine, just in the near term along with Hill and DNI seems appropriate

Exhibit 30

Date UTC	Type of Message	Body
2016-07-01 02:11:25, Fri	INBOX	Where'd he come from? And he's going OUT as an asac, right?
2016-07-01 02:12:02, Fri	OUTBOX	He has worked for the dd office for a while. Going to be a sac in AT.
2016-07-01 02:12:19, Fri	INBOX	Remind me Jons question about whether we should have ever opened mye to begin with. A perfect storm of Randy and John bluster, with political background...
2016-07-01 02:12:55, Fri	INBOX	Derp derpy Derp.
2016-07-01 02:13:14, Fri	INBOX	Doing what, for the DD'S office?
2016-07-01 02:14:24, Fri	OUTBOX	Oh boy. Great.
2016-07-01 09:34:43, Fri	INBOX	Holy cow... nyt breaking Apuzzo, Lync will accept whatever rec D and career prosecutors make. No political appointee input
2016-07-01 09:41:01, Fri	INBOX	Lynch. Timing not great, but whatever. Wonder if that's why the no coordination language added
2016-07-01 11:26:30, Fri	OUTBOX	No way. This is a purposeful leak following the airplane snafu.
2016-07-01 11:29:33, Fri	INBOX	Timing looks like hell. Will appear choreographed. All major news networks literally leading with "AG to accept FBI D's recommendation."
2016-07-01 11:30:47, Fri	OUTBOX	Yeah, that is awful timing. Nothing we can do about it. \U0001f615
2016-07-01 11:31:16, Fri	INBOX	What I meant was, did DOJ tell us yesterday they were doing this, so D added that language.
2016-07-01 11:31:50, Fri	INBOX	Yep. I told Bill the same thing. Delaying just makes it worse.
2016-07-01 11:35:23, Fri	OUTBOX	And yes. I think we had some warning of it. I know they sent some statement to rybicki, bc he called andy.
2016-07-01 11:35:57, Fri	OUTBOX	And yeah, it's a real profile in couragw, since she knows no charges will be brought. \U0001f612
2016-07-01 11:36:36, Fri	INBOX	And now the NYT news alert...
2016-07-01 11:40:03, Fri	INBOX	It's a shame because now it begins to tarnish even the FBI's good name. Very irritating. \n\nAnyway. [REDACTED]
2016-07-01 14:50:13, Fri	INBOX	You hopefully tune in for AG comments at 11 if you haven't left...
2016-07-01 15:25:26, Fri	INBOX	But AGs talking now. Said she had decided to accept rec prior to meeting with Clinton on Monday
2016-07-01 15:25:50, Fri	INBOX	Keeps calling it "investigation of State Department emails." Uh, not exactly....

Exhibit 31

FBI INFO.
 CLASSIFIED BY: NSICG [REDACTED]
 REASON: 1.4 (C)
 DECLASSIFY ON: 12-31-2041
 DATE: 08-31-2016

Disclosure authorized by the Chairman of the Judiciary Committee

~~TOP SECRET~~ [REDACTED] /OC/NF

b1
b3

FD-302a (Rev. 10-6-95)

-1-

FEDERAL BUREAU OF INVESTIGATION

Date of transcription: 07/02/2016

(U//~~FOUO~~) On July 2, 2016, HILLARY RODHAM CLINTON, date of birth [REDACTED] was interviewed by Federal Bureau of Investigation (FBI) Special Agents (SA) [REDACTED] and [REDACTED] at the J. Edgar Hoover Building located at 935 Pennsylvania Avenue NW, Washington, DC 20535. Present for the interview were CLINTON's attorneys David E. Kendall, Katherine M. Turner, Cheryl D. Mills, Heather Samuelson and [REDACTED]. Also present was FBI Section Chief Peter P. Strzok, as well as David Laufman, [REDACTED] and [REDACTED] from the Department of Justice (DOJ). Prior to the interview, Kendall, Turner, [REDACTED] and Samuelson agreed to sign a non-disclosure agreement in anticipation of viewing documents during the interview that were classified as part of a Special Access Program (SAP). After being advised of the identities of the interviewing agents, and the purpose of the interview, CLINTON provided the following information:

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b7C

(U//~~FOUO~~) Upon taking office as the Secretary of State (SecState) at the U.S. Department of State (hereafter, State) in January 2009, CLINTON recalled her office on the seventh floor at State headquarters had one black phone capable of unsecure and secure communications, one yellow phone for secure communication only, and one white phone capable of direct calls to certain government officials. CLINTON did not have a computer terminal of any kind or a facsimile machine in her office at State. Additionally, State outfitted CLINTON's residences in Washington, DC and Chappaqua, New York with a Sensitive Compartmented Information Facility (SCIF). Each SCIF had a combination lock that only CLINTON knew the combination to. The SCIFs in both residences were outfitted with secure video teleconference equipment, and the same phone systems as in her office at State. CLINTON did not have a computer terminal of any kind in the SCIFs at her residences, but did have a facsimile machine capable of secure and unsecure transmission. CLINTON rarely used the SCIF in her residence in DC, primarily due to her preference to use her office at State. It was CLINTON's practice to lock the SCIF every time it was vacated. When in her residences, CLINTON would receive classified information through diplomatic pouch via courier, secure phone call or secure fax. After consuming hard copy classified documents at her residence, CLINTON would place the documents in a "burn bag."

(S//~~NF~~) When traveling domestically, CLINTON had no technical support traveling with her as it related to secure communications. [REDACTED] CLINTON recalled verbal briefings on the security of her communications [REDACTED]. For instance, CLINTON [REDACTED]

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b3

Investigation on 07/02/2016 at Washington DC
 File # [REDACTED] Date dictated N/A
 By SA [REDACTED] SA [REDACTED]

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b7E

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

b6
b7C

~~TOP SECRET~~ [REDACTED] /OC/NF

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b3

FBI_OIG_Cong Prod_014903

Exhibit 32

- As part of the agreement to provide the laptops voluntarily, DOJ indicated that the FBI would dispose of the laptops at the end of the investigation in accordance with all applicable laws and FBI policies. FBI policies and procedures prevent us from returning laptops on which classified information was stored or processed in those cases where the laptops were not authorized to hold classified information. The laptops contained Secretary Clinton's emails; some of those emails contained information that federal agencies determined is classified up to the Top Secret//SAP level. Therefore, the laptops will have to be destroyed rather than returned to the attorneys (which is usually the practice at the closing of an investigation).
- To date, the FBI has not destroyed any of the electronic media in this case, including the laptops. The FBI is presently under a legal obligation to preserve the laptops and other electronic media due to numerous pending FOIA requests. Either destroying the laptops or returning them would be inconsistent with this obligation.

Why was Cheryl Mills allowed to participate in the interview of former Secretary Clinton?

- Although Cheryl Mills had been interviewed as a witness in this investigation prior to our interview of Secretary Clinton, no FBI policy or rule prohibited her attendance at Secretary Clinton's interview. DOJ and FBI had no role in assessing whether Mills' attendance at the interview raised any ethical implications for her as a licensed attorney.

Exhibit 33

(Rev. 05-01-2008)

CLASSIFIED BY: NSICG
 REASON: 1.4 (C)
 DECLASSIFY ON: 12-31-2041
 DATE: 11-10-2016

~~SECRET~~

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/15/2016

To: Washington Field

From: Washington Field
 CI-13

Contact: SOS [REDACTED]

b6
 b7C

Approved By: [REDACTED]

Drafted By: [REDACTED]

(U) Case ID #: (S) [REDACTED] - 177

b1
 b3
 b7E

Title: (S) [REDACTED]

MISHANDLING OF CLASSIFIED;
 UNKNOWN SUBJECT OR COUNTRY;
 SENSITIVE INVESTIGATIVE MATTER (SIM)

Synopsis: (U//FOUO) Documents an analysis of e-mail
 communications between hdr22@clintonemail.com and
huma@clintonemail.com.

Classified By: [REDACTED]
 Derived From: FBI NSIC dated 20130301
 Declassify On: 20411231

References:

Details: (U//FOUO) The instant communication documents an analysis conducted by the author regarding the Department of State (DoS) tenure e-mail correspondence between the personal accounts of HILLARY CLINTON (hdr22@clintonemail.com) and HUMA ABEDIN (huma@clintonemail.com). The author analyzed e-mail correspondence across various datasets acquired by the FBI during the course of its investigation. Ultimately, the author identified approximately 1,539 direct e-mails between hdr22@clintonemail.com and huma@clintonemail.com (i.e., no other email address was party to the e-mail communication) which were not provided to DoS by CLINTON in December 2014, but were assessed by the FBI to be work-related.

(U//FOUO) Analysis of the e-mails provided to DoS by CLINTON in December 2014 indicated huma@clintonemail.com was party to 2,598 total emails in the dataset. However, of the 2,598 emails, only 32 were direct communications exclusively between

1

~~SECRET~~

HRC-1002

FBI_OIG_Cong Prod_013522

(Rev. 05-01-2008)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

huma@clintonemail.com and hdr22@clintonemail.com. The author determined each of the 32 e-mails contained references to either "Benghazi," "Libya" or "Tripoli." Consequently, the 32 e-mails possibly were provided to DoS because they hit on those search terms, rather than a search of huma@clintonemail.com. As a result, the process used by CLINTON's legal team to determine which of CLINTON's DoS tenure emails were work-related was possibly flawed in its handling of email correspondence between CLINTON and ABEDIN's huma@clintonemail.com address.

(U//~~FOUO~~) A summary communication detailing the findings of the analysis described above is attached to this electronic communication as a 1A.

(U) **Analyst notes:**

- (U//~~FOUO~~) The investigation assessed e-mails to be work-related if they were related to CLINTON's official capacity at DoS (e.g., scheduling, travel, call sheets, personnel appointments).
- (U//~~FOUO~~) During the course of its investigation, the FBI did not evaluate all recovered e-mails to determine which were work-related and which were personal. As a result, the analysis detailed in this communication does not represent the entirety of the work-related e-mails recovered by the FBI. Rather, the analysis detailed in this communication only focused on explicit direct communications between huma@clintonemail.com and hdr22@clintonemail.com in a subset of the datasets acquired by the FBI.
- (U//~~FOUO~~) Due to insufficient e-mail metadata associated with the datasets, ABEDIN's name often appeared in lieu of a specific email address. Despite indications this occurred with regard to huma@clintonemail.com e-mail communications, the author omitted these e-mails from the analysis because explicit e-mail address attribution could not be made.
- (U//~~FOUO~~) To ensure the 1,539 emails were not contained in the original 30,524 e-mail dataset provided to the FBI, the author used Internet Message IDs to identify duplicates.

2

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HRC-1003

FBI_OIG_Cong Prod_013523

(Rev. 05-01-2008)

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

However, the metadata associated with some e-mail messages was incomplete, and thus, the author utilized date/time stamps and subject lines to remove additional duplicates when Internet Message IDs were unavailable.

FBI - DO NOT RELEASE - PRODUCED TO SJC - FBI DO NOT RELEASE - PRODUCED TO SJC

3

~~SECRET~~

HRC-1004

FBI_OIG_Cong Prod_013524

Exhibit 34



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

AUG 16 2016

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am writing in response to your letters to Director Comey dated May 17, 2016 and July 6, 2016 regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server. As Director Comey said in his statement on July 5, 2016, due to intense public interest in the FBI's investigation into this matter, we believe it is important to address your questions and explain our recommendation as to the appropriate resolution of this investigation. For the same reasons, the FBI will be making a document production responding to your interest in this matter.

The FBI conducted this investigation, as it does all investigations, in a competent, honest, and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors.

After nearly a year of gathering and analyzing evidence from numerous sources, the FBI made a recommendation to the Department of Justice. Although the prosecutors make the ultimate decision about whether or not charges are appropriate based on the evidence, the FBI frequently makes recommendations and engages in conversations with the prosecutors regarding the appropriate resolution of an investigation, given the evidence. The fact that the FBI made a recommendation was not unusual; the fact that it was shared publicly was.

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend

The Honorable Charles E. Grassley

prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.

As the Director testified, cases prosecuted by the Department of Justice under the relevant statutes involved some combination of: (1) clearly intentional and willful mishandling of classified information; (2) significant quantities of material exposed in such a way as to support an inference of intentional misconduct; (3) indications of disloyalty to the United States; or (4) efforts to obstruct justice. One or more of these factors was present in the cases against David Petraeus, Sandy Berger, and Bryan Nishimura. For instance, Petraeus provided vast quantities of highly sensitive, compartmented information that he knew to be classified to a person without an appropriate clearance or a need to know the information and, when confronted, he lied to the FBI. Berger removed clearly marked, highly classified information from the National Archives by secreting the documents in his clothing. These cases included clear evidence of knowledge and intent which illustrates an important distinction from what the FBI found in this investigation. Nishimura, a Naval Reservist stationed in Afghanistan, removed hundreds of marked classified documents, without authorization, from classified U.S. military information systems, which he then placed onto several personally-owned, unauthorized devices. Nishimura later lied to investigators about onto which devices he had placed classified information, and destroyed a large quantity of classified material he had maintained in his home. Despite this destruction, a subsequent search of his house recovered 256 marked classified documents which he was not authorized to store.

The fact that Secretary Clinton received emails containing "(C)" portion markings is not clear evidence of knowledge or intent. As the Director has testified, the FBI's investigation uncovered three instances of emails portioned marked with "(C)," a marking ostensibly indicating the presence of information classified at the Confidential level. In each of these instances, the Secretary did not originate the information; instead, the emails were forwarded to her by staff members, with the portion-marked information located within the email chains and without header and footer markings indicating the presence of classified information. Moreover, only one of those emails was determined by the State Department to contain classified information. There has been no determination by the State Department as to whether these three emails were classified at the time they were sent.

Nor is the fact that Secretary Clinton emailed former Deputy Chief of Staff Jacob Sullivan asking him to remove "identifying heading[s]" from a document and "send nonsecure" as a "nonpaper" sufficient evidence to show that she knowingly or willfully mishandled classified information. As we understand the common State Department use of the term, "non-paper" refers to a document authorized for distribution to a foreign government that is without explicit attribution to the U.S. Government and would not contain classified information. In their interviews with the FBI, both Secretary Clinton and Sullivan indicated their understanding that this was an instruction to remove classified information from the talking points, in order to send the resulting unclassified document through non-secure means. Moreover, the FBI investigation determined that a secure fax was successfully sent subsequent to this message, and no evidence was recovered indicating that the unclassified "non-paper" was ever created or sent over the unclassified email system.

The Honorable Charles E. Grassley

During the course of its investigation, the FBI conducted numerous interviews, including one of John Bentel, then-Director of S/ES-IRM, the State Department official referenced in the State Department OIG report as having discouraged employees from raising concerns about Secretary Clinton's use of personal email. In his FBI interview, Bentel denied that State Department employees raised concerns about Secretary Clinton's email to him. The FBI ultimately considered the inconsistencies between Bentel's statements to the FBI and his subordinates' reported statements to investigators with the Department of State Inspector General to be outside the scope of its investigation, and, further, ones which had been appropriately addressed by the Department of State Inspector General.

During the course of the investigation, the FBI interviewed Department of State security employees and reviewed documents regarding cyber security, including the Boswell memorandum, which outlined an increase in cyber actors targeting the personal email accounts of State Department employees.¹ As Secretary Clinton did not believe she would or did receive classified emails on her personal email system, it is unclear that a warning of this nature would have had any impact on her conduct or intent.

Title 18, United States Code, Section 793 on its face makes it a felony to cause national defense information to be removed, lost, stolen, or destroyed through gross negligence. Even at the time the statute was passed, there were concerns in Congress about the inclusion of this provision. Additionally, with respect to this statute, there are concerns about the constitutional implications of criminalizing such conduct without requiring the government to prove that the person knew he or she was doing something wrong, which is reflected in the Justice Department's history in charging this specific subsection of the statute (18 U.S.C. § 793(f)). Our understanding is the Department has only charged one person with mishandling national defense information through gross negligence in the 99-year history of the statute, and in that case, the charge was dismissed when the defendant pled guilty to making false statements in violation of 18 U.S.C. § 1001. Moreover, in that case, there were indications of espionage and disloyalty to the United States. As the Director testified, he believed that to prosecute Secretary Clinton or others within the scope of the investigation for gross negligence would be inconsistent with how the Department has interpreted and applied the statute since Congress enacted it.

As the Director stated, the FBI did find evidence that Secretary Clinton and her colleagues were extremely careless in their handling of certain, very sensitive, highly classified information. The term "extremely careless" was intended to be a common sense way of describing the actions of Secretary Clinton and her colleagues. The Director did not equate "extreme carelessness" with the legal standard of "gross negligence" that is required by the statute. In this case, the FBI assessed that the facts did not support a recommendation to prosecute her or others within the scope of the investigation for gross negligence.

¹ The FBI interviewed former Secretary of State Hillary Clinton on July 2, 2016. Although there had been contact with Secretary Clinton's attorneys during the course of the investigation, we did not request an interview until June 2016 after sufficient facts were gathered to properly inform the interview, which is common in investigations of this nature.

The Honorable Charles E. Grassley

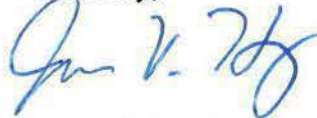
However, as the Director has explained, this is not to say that someone else who engaged in this type of conduct would face no consequences for handling classified information in a similar manner if they were still a government employee. For example, there are potentially severe administrative consequences within the FBI for security violations involving the mishandling of classified information, up to and including security clearance revocation and dismissal. The FBI is in the process of providing relevant information to other U.S. Government agencies to conduct further security and administrative reviews they deem appropriate for their respective employees. If someone who engaged in this type of conduct applied for a job at the FBI, the facts and circumstances surrounding this activity would be a significant factor in a suitability review for a security clearance and employment at the Bureau.

As the Director noted in his statement, the FBI made its recommendation concerning this matter to the Justice Department independent of any consultation with the Attorney General or any White House officials, and the investigation was conducted without any improper political influence of any kind. For this reason, the FBI does not believe the appointment of a Special Counsel is warranted. In addition, the FBI would refer you to the Department of Justice for any explanation of legal agreements that may or may not have been made with potential witnesses, as well as other judgments or decisions made by Department of Justice officials.

Lastly, concerning questions related to whether other matters may be under investigation, consistent with prior statements, the FBI neither confirms nor denies the existence of non-public investigations.

Thank you for your continued interest in this important matter, and, as always, we appreciate your continued support for the men and women of the FBI. The production of documents related to this matter will be provided under separate cover letter consistent with required protocols for the transmission of classified documents.

Sincerely,



Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

1 - The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Exhibit 35

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH	DIANNE FEINSTEIN, CALIFORNIA
LINDSEY O. GRAHAM, SOUTH CAROLINA	PATRICK J. LEAHY, VERMONT
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TED CRUZ, TEXAS	AMY KLOBUCHAR, MINNESOTA
BEN SASSE, NEBRASKA	AL FRANKEN, MINNESOTA
JEFF FLAKE, ARIZONA	CHRISTOPHER A. COONS, DELAWARE
MIKE CRAPO, IDAHO	RICHARD BLUMENTHAL, CONNECTICUT
THOM TILLIS, NORTH CAROLINA	MADE K. HIRONO, HAWAII
JOHN KENNEDY, LOUISIANA	

KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Staff Director

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

January 17, 2018

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Director Wray:

The FBI seems to have given contradictory statements to the Senate Judiciary Committee and a federal judge regarding the scope of the Clinton email investigation, appearing to tell the court the scope was narrower than what it described to the Judiciary Committee. On September 13, 2017, E.W. Priestap, the Assistant Director of the FBI's Counterintelligence Division, submitted a sworn declaration under penalty of perjury in two cases in the United States District Court for the District of Columbia.¹ That sworn declaration attests that the FBI's Clinton Server Investigation was:

limited in scope to determining: 1) whether classified information was transmitted or stored on unclassified systems in violation of federal statutes; and 2) whether classified information was compromised by unauthorized individuals, to include foreign governments or intelligence services, via cyber intrusion or other means. The scope of the FBI's investigation was **further limited** to former Secretary Clinton's tenure at the Department of State (January 21, 2009 to February 01, 2013). ... In addition, the FBI also utilized legal process, to include grand jury subpoenas, to obtain additional repositories of e-mail. **The FBI's use of legal process was limited due to the scope of the investigation[.]**²

¹ Amended Supplemental Declaration of E.W. Priestap, Federal Bureau of Investigation (Sept. 13, 2017) filed in both *Judicial Watch, Inc. v. Tillerson*, 15-cv-0785, and *Cause of Action Institute v. Tillerson*, 15-cv-1068; available at: <http://www.politico.com/f/?id=0000015e-7d5e-dad5-a77f-7dff70500001> and attached to this letter.

² *Id.* (emphasis added). The declaration later similarly states that "the FBI's investigation was limited and focused on any potential unauthorized transmission and storage of classified information on the person email server during Clinton's tenure as Secretary of State (January 21, 2009 to February 1, 2013). As a result of the limitation, the responsive period the FBI had the legal authority to obtain [emails from Cingular and AT&T prior to her conversion to the clintonemail.com address] was from the period of January 21, 2009 through March 18, 2009." The declaration at one point references "the FBI's national security investigation" of Secretary Clinton's email server, but the declaration elsewhere refers to it as "the Clinton Server

Director Wray
January 17, 2018
Page 2 of 3

However, in multiple letters to the FBI in 2016 I raised concerns about whether the FBI's investigation was improperly narrow, focusing only on issues related to classified information, and not considering the alienation or destruction of federal records, whether classified or not, which is a crime under 18 U.S.C. § 2071.³ I asked whether the FBI was being denied legal processes due to an improperly narrow scope of the investigation. The FBI's response letters to the Committee addressing these concerns stated:

Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. **We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and unlawfully conceal, remove, or destroy a federal record.** Ultimately, the FBI did not recommend prosecution based on an assessment of the facts and a review of how these statutes have been charged in the past.⁴

So, which is it? Did the scope of the FBI's Clinton email investigation include examining whether Secretary Clinton and her associates violated 18 U.S.C. § 2071, or didn't it?

Was the deletion by Secretary Clinton's associates of thousands of emails she sent and received as Secretary of State—deletions that occurred long after she left the State Department—not within the authorized scope of the investigation? Was the FBI able to use the legal processes mentioned above to investigate this, or were those options precluded due to the artificially limited scope of the investigation? If the investigation did include this issue, then the declaration to the court about its scope does not appear to be accurate. If the investigation did not include this, then the letters to the Judiciary Committee about its scope do not appear to be accurate.

It's understandable that national security concerns would be the first priority in an FBI investigation, but they shouldn't be the only priority. The concealment and destruction of federal records has important implications for transparency, Inspector General and Congressional oversight, and Freedom of Information Act compliance. It is a crime for a reason.

Investigation" and "the FBI's full investigation." So, there is no reason to believe that the reference to the "national security investigation" of the Clinton server means there was a separate server investigation regarding the alienation and destruction of federal records that was somehow not addressed by the declaration.

³ Letter from Chairman Grassley to Director Comey (May 17, 2016), available at [https://www.judiciary.senate.gov/imo/media/doc/2016-05-17%20CEG%20to%20FBI%20\(Clinton%20Investigation%20Special%20Counsel\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2016-05-17%20CEG%20to%20FBI%20(Clinton%20Investigation%20Special%20Counsel).pdf); Letter from Chairman Grassley to Director Comey (Nov. 3, 2016), available at [https://www.judiciary.senate.gov/imo/media/doc/2016-11-03%20CEG%20to%20FBI%20\(Clinton%20Investigation%20Scope%20Limitation\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2016-11-03%20CEG%20to%20FBI%20(Clinton%20Investigation%20Scope%20Limitation).pdf).

⁴ Letter from Acting Assistant Director Herring to Chairman Grassley (Aug. 16, 2016), available at [https://www.judiciary.senate.gov/imo/media/doc/2016-08-16%20FBI%20to%20CEG%20\(Clinton%20Investigation%20Special%20Counsel%20+%20Clinton%20Investigation%20Transparency%20Response\)%20\(002\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2016-08-16%20FBI%20to%20CEG%20(Clinton%20Investigation%20Special%20Counsel%20+%20Clinton%20Investigation%20Transparency%20Response)%20(002).pdf); *see* Letter from Assistant Director Brower to Chairman Grassley (June 2, 2017). While these letters from the FBI to the Committee were not sworn statements subject to penalty of perjury, it is nonetheless a crime under 18 U.S.C. § 1001 to make any materially false, fictitious, or fraudulent statement or representation in the course of a Congressional investigation.

Director Wray
January 17, 2018
Page 3 of 3

If the scope the FBI described to the court is correct, it appears the FBI did not actually investigate Secretary Clinton's removal and concealment of thousands of government records. Nor did it seriously examine her associates' deletion of thousands of emails in apparent violation of this statute. Especially given the recent revelation that former Director Comey had already begun drafting a statement exonerating Secretary Clinton long before key interviews occurred, these contradictory FBI statements need further explanation. Indeed, Mr. Comey's public statement in July of 2016 claimed that the FBI had looked into this issue, and he exonerated those involved. However, the actual interview summaries the FBI released do not suggest there was a substantive inquiry, despite facts suggesting there should have been. Now the court filings seem to imply that legal processes to probe it were not made available because the issue was outside this narrowly-defined scope.

In order for the Committee to understand the contradictory descriptions of the scope of the Clinton email investigation that the FBI has provided it and federal courts, please provide an explanation of how the FBI came to make two different assertions about the scope of the investigation, as well as a full and accurate explanation of the investigation's actual scope, by January 31, 2018. Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of my Committee staff at (202) 224-5225.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is fluid and cursive, with the first name "Chuck" and last name "Grassley" clearly legible.

Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JUDICIAL WATCH, INC.,

Plaintiff,

v.

REX TILLERSON, in his official capacity as
Secretary of State,

Defendant.

Civil Action No. 15-cv-0785

CAUSE OF ACTION INSTITUTE,

Plaintiff,

v.

REX TILLERSON, in his official capacity as
Secretary of State, and DAVID S. FERRIERO,
in his official capacity as Archivist of the
United States,

Defendants.

Civil Action No. 15-cv-1068

AMENDED SUPPLEMENTAL DECLARATION OF E. W. PRIESTAP
FEDERAL BUREAU OF INVESTIGATION

I, E.W. Priestap, hereby declare and say:

1. I have been a Special Agent with the Federal Bureau of Investigation (FBI) for eighteen (18) years. I was assigned to the Counterintelligence Division at FBI Headquarters as the Assistant Director in December 2015. Before then, I served as the Deputy Assistant Director of the Intelligence Operations Branch in the Directorate of Intelligence at FBI Headquarters. Prior to that, I was the Special Agent in Charge of the Counterintelligence Division in the New

York Field Office in 2013, where I supported counterterrorism and counterintelligence operations since 2006 as a Supervisory Special Agent.

2. On July 10, 2015, the FBI initiated a full investigation based upon a referral from the US Intelligence Community Inspector General (ICIG), submitted in accordance with Section 811(c) of the Intelligence Authorization Act of 1995 and dated July 06, 2015, regarding the potential unauthorized transmission and storage of classified information on the personal e-mail server of former Secretary of State Hillary Clinton (Clinton). In my capacity as the Assistant Director assigned to counterintelligence and counterespionage matters, I supervised the Clinton Server Investigation. I make this supplemental declaration to provide the Court with additional background information regarding investigative efforts taken to obtain repositories of e-mail which would assist the FBI in investigating the potential unauthorized transmission and storage of classified information. The information stated herein is based on my personal knowledge, my review and consideration of documents and information available to me in my official capacity, and information furnished to me by Special Agents and other employees of the FBI.

SCOPE OF THE FBI'S INVESTIGATION

3. As discussed above, the FBI's full investigation was predicated upon a referral from the ICIG notifying the FBI of the potential unauthorized transmission and storage of classified information on the personal e-mail server of former Secretary Clinton. Based upon the ICIG's referral, the FBI's national security investigation was limited in scope to determining: 1) whether classified information was transmitted or stored on unclassified systems in violation of federal statutes; and 2) whether classified information was compromised by unauthorized individuals, to include foreign governments or intelligence services, via cyber intrusion or other

means. The scope of the FBI's investigation was further limited to former Secretary Clinton's tenure at the Department of State (January 21, 2009 to February 01, 2013).

4. Through the course of the investigation, the FBI sought to obtain all identified e-mail communications that were transmitted or stored upon former Secretary Clinton's private e-mail servers. These investigative efforts consisted of obtaining e-mail repositories through consent of former Secretary Clinton, her representatives, former members of her staff, the State Department, and numerous other government agencies with which the Secretary communicated. In the course of its investigation, the FBI also interviewed individuals who had the most frequent apparently work-related communications with Secretary Clinton and obtained additional e-mail correspondence between some of those individuals and Secretary Clinton during her tenure, most of which were copies already collected.

5. In addition, the FBI also utilized legal process, to include grand jury subpoenas, to obtain additional repositories of e-mail. The FBI's use of legal process was limited due to the scope of the investigation and the need to establish that sufficient probable cause existed to believe classified e-mails resided within any identified e-mail account, computer, cellular or wireless mobile device, or other electronic device of investigative interest in order to obtain any search warrant.

6. As discussed in my first declaration, the FBI's investigation identified that former Secretary Clinton utilized two e-mail addresses – hr15@mycingular.blackberry.net and hr15@att.blackberry.net – prior to her conversion to the hdr22@clintonemail.com address on March 18, 2009. Although this time period was of particular interest to the FBI's investigative efforts in order to understand the rationale for establishing a private e-mail server, the FBI's investigation was limited and focused on any potential unauthorized transmission and storage of

classified information on the personal e-mail server during Clinton's tenure as Secretary of State (January 21, 2009 to February 01, 2013). As a result of the limitation, the responsive period the FBI had the legal authority to obtain the e-mails referred by the Plaintiff as the "BlackBerry e-mails" was from the period of January 21, 2009 through March 18, 2009.

7. During the course of the FBI's investigation, limited e-mail communications during the period of January 21, 2009 through March 18, 2009 for the two e-mail accounts in question were obtained and have since been turned over to the Department of State for agency record determination. The FBI utilized numerous investigative methods to obtain any remaining BlackBerry e-mails from January 21, 2009 through March 18, 2009, to include primarily seeking consensual access to any e-mail repositories and obtaining personal electronic devices used by former Secretary Clinton which may have contained relevant e-mails. In addition, the FBI utilized Grand Jury subpoenas seeking to confirm whether e-mail communication data from the service providers that facilitated former Secretary Clinton's access to e-mail during her tenure was still maintained.

8. Specifically, the FBI served Grand Jury subpoenas on Research in Motion Limited (RIM), the maker of BlackBerry electronic devices; Cingular Wireless and its successor AT&T Wireless, both of which provided mobile phone service and therefore data access; and another service provider, which at the time provided the e-mail service utilized by former Secretary Clinton. Consistent with its normal practice when seeking e-mail data and with 18 U.S.C. § 2703, the FBI first requested "customer or subscriber account information for any account associated with hr15@att.blackberry.net and hr15@mycingular.blackberry.net" from all service providers.

9. The information sought consisted generally of electronic communications transaction information (*i.e.*, to/from/headers/subject lines of e-mails) but no content. Consistent with 18 U.S.C. § 2703, the FBI cannot request content via a grand jury subpoena, and would instead have had to establish probable cause to obtain any search warrant.

10. In each instance, all four service providers responded to the FBI that they had maintained accounts associated with those two addresses during the period of interest, but confirmed that electronic communications transaction information for the accounts was no longer retained by the respective companies and, therefore, the service providers were unable to produce additional information to the FBI for either account. This result is consistent with e-mail accounts associated with BlackBerries, as my understanding is that the BlackBerry devices at the time “pulled” information off servers and maintained it on the device, rather than on a separate or “cloud” server. The FBI reissued the Grand Jury subpoenas to confirm these responses and contacted the service providers to further discuss. However, again, the service providers confirmed that no data was stored relating to these the accounts, and therefore, no electronic communications transaction information content would be available.

11. In instances where the FBI discovered evidence of the potential unauthorized transmission of classified information from the personal e-mail servers to private third party e-mail accounts of individuals with whom Secretary Clinton corresponded and could establish sufficient probable cause, the FBI sought additional legal process, to include grand jury subpoenas, in order to obtain additional e-mails relevant to the FBI’s investigation.

CONCLUSION

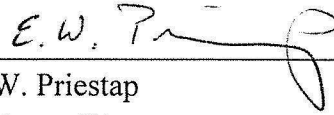
12. It is my opinion that the FBI undertook all reasonable and comprehensive efforts to recover e-mail communications relevant to its investigation of the potential unauthorized

transmission and storage of classified information on the personal e-mail server of former Secretary Clinton. The FBI sought all potentially work-related e-mails from the former Secretary's tenure and then provided relevant e-mails for classification reviews to the appropriate U.S. Government agencies. In addition to the records identified above and associated with the "BlackBerry e-mails," as of July 2016, the FBI recovered several thousand unique work-related and personal e-mails from Clinton's tenure associated with the `hdr22@clintone-mail.com` e-mail address that were not provided by Williams & Connolly as part of Clinton's production to the Department of State. The FBI has since turned over all of these e-mails and other documents to the Department of State for agency record determination.¹ In connection with an unrelated pending investigation, the FBI learned of the existence of e-mails that appeared pertinent to the Clinton investigation and took appropriate steps to allow investigators to review those e-mails. Investigative activities undertaken in October 2016 with respect to those e-mails resulted in additional e-mails being discovered which may be potentially work-related, which were primarily associated with the `clintonemail.com` domain. The FBI provided these e-mails to the Department of State for agency record determination on June 15, 2017, which concluded the FBI's transfer of potential agency records to the Department of State. It is my opinion that there were no further steps that could have been reasonably undertaken by the FBI that would have recovered additional Clinton work-related e-mails.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, and that Exhibit A attached hereto is a true and correct copy.

¹ The FBI did not and could not make assessments of whether these e-mails were Department of State records under the Federal Records Act.

Executed this 13 day of September, 2017.

A handwritten signature in black ink, appearing to read "E. W. Priestap", is written over a horizontal line.

E. W. Priestap
Assistant Director
Counterintelligence Division
Federal Bureau of Investigation

**U.S. Department of Justice****Federal Bureau of Investigation**

*Washington, D.C. 20535-0001***March 16, 2018**

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I write in response to your letter dated January 17, 2018 regarding the scope of the FBI's investigation into former Secretary of State Clinton's use of a private email server.

The scope of the FBI's investigation included an examination of whether Secretary Clinton and her associates violated 18 U.S.C. § 2071. In any investigation, the FBI evaluates the information it obtains, and determines whether or what potential charges or additional investigatory steps are supported. As we previously wrote to you on June 2, 2017, and August 16, 2016, the FBI considered this statute in the course of its investigation, but ultimately did not recommend prosecution based on an assessment of the facts and how the statute had been charged in the past.

The FBI does not believe that the September 13, 2017, Declaration of E.W. Priestap ("the Declaration") contradicts the June 2, 2017, and August 16, 2016, letters. The Declaration, which was used to support the government's position in a Federal Records Act case unrelated to the FBI's criminal investigation, explained that the FBI "sought all potentially work-related emails from the former Secretary's tenure," and took all reasonable steps to recover any additional Clinton work-related emails, to include obtaining e-mail repositories from Secretary Clinton and numerous other individuals and agencies, and interviewing individuals with whom Secretary Clinton had the most frequent work-related communications, resulting in the collection of additional e-mail correspondence.¹ The FBI considered application of 18 U.S.C. § 2071 to the vast quantity of data obtained in its case, and, based on an evaluation of the facts and evidence gathered, determined that neither additional investigatory steps, nor a recommendation for prosecution was warranted.

¹ See Declaration of E.W. Priestap, September 13, 2017, at ¶12. Assistant Director Priestap also explained that "[t]hrough the course of the investigation, the FBI sought to obtain all identified email communications that were transmitted or stored upon former Secretary Clinton's private email servers." *Id.* at ¶ 4.

Honorable Charles E. Grassley

We hope this answers your inquiries and thank you for your continued support of the FBI, its mission, and its people.

Sincerely,



Gregory A. Brower
Assistant Director
Office of Congressional Affairs

1 - Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

(Rev. 05-01-2008)

CLASSIFIED BY: NSICG
 REASON: 1.4 (C)
 DECLASSIFY ON: 12-31-2041
 DATE: 11-10-2016

~~SECRET~~

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/15/2016

To: Washington Field

From: Washington Field
 CI-13

Contact: SOS [REDACTED]

b6
 b7C

Approved By: [REDACTED]

Drafted By: [REDACTED]

(U) Case ID #: (S) [REDACTED] - 177

b1
 b3
 b7E

Title: (S) [REDACTED]

MISHANDLING OF CLASSIFIED;
 UNKNOWN SUBJECT OR COUNTRY;
 SENSITIVE INVESTIGATIVE MATTER (SIM)

Synopsis: (U//FOUO) Documents an analysis of e-mail
 communications between hdr22@clintonemail.com and
huma@clintonemail.com.

Classified By: [REDACTED]

Derived From: FBI NSIC dated 20130301

Declassify On: 20411231

References:

Details: (U//FOUO) The instant communication documents an analysis conducted by the author regarding the Department of State (DoS) tenure e-mail correspondence between the personal accounts of HILLARY CLINTON (hdr22@clintonemail.com) and HUMA ABEDIN (huma@clintonemail.com). The author analyzed e-mail correspondence across various datasets acquired by the FBI during the course of its investigation. Ultimately, the author identified approximately 1,539 direct e-mails between hdr22@clintonemail.com and huma@clintonemail.com (i.e., no other email address was party to the e-mail communication) which were not provided to DoS by CLINTON in December 2014, but were assessed by the FBI to be work-related.

(U//FOUO) Analysis of the e-mails provided to DoS by CLINTON in December 2014 indicated huma@clintonemail.com was party to 2,598 total emails in the dataset. However, of the 2,598 emails, only 32 were direct communications exclusively between

1

~~SECRET~~

HRC-1002

FBI_OIG_Cong Prod_013522

(Rev. 05-01-2008)

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

huma@clintonemail.com and hdr22@clintonemail.com. The author determined each of the 32 e-mails contained references to either "Benghazi," "Libya" or "Tripoli." Consequently, the 32 e-mails possibly were provided to DoS because they hit on those search terms, rather than a search of huma@clintonemail.com. As a result, the process used by CLINTON's legal team to determine which of CLINTON's DoS tenure emails were work-related was possibly flawed in its handling of email correspondence between CLINTON and ABEDIN's huma@clintonemail.com address.

(U//~~FOUO~~) A summary communication detailing the findings of the analysis described above is attached to this electronic communication as a 1A.

(U) **Analyst notes:**

- (U//~~FOUO~~) The investigation assessed e-mails to be work-related if they were related to CLINTON's official capacity at DoS (e.g., scheduling, travel, call sheets, personnel appointments).
- (U//~~FOUO~~) During the course of its investigation, the FBI did not evaluate all recovered e-mails to determine which were work-related and which were personal. As a result, the analysis detailed in this communication does not represent the entirety of the work-related e-mails recovered by the FBI. Rather, the analysis detailed in this communication only focused on explicit direct communications between huma@clintonemail.com and hdr22@clintonemail.com in a subset of the datasets acquired by the FBI.
- (U//~~FOUO~~) Due to insufficient e-mail metadata associated with the datasets, ABEDIN's name often appeared in lieu of a specific email address. Despite indications this occurred with regard to huma@clintonemail.com e-mail communications, the author omitted these e-mails from the analysis because explicit e-mail address attribution could not be made.
- (U//~~FOUO~~) To ensure the 1,539 emails were not contained in the original 30,524 e-mail dataset provided to the FBI, the author used Internet Message IDs to identify duplicates.

2

~~SECRET~~

HRC-1003

FBI_OIG_Cong Prod_013523

(Rev. 05-01-2008)

~~SECRET~~**FEDERAL BUREAU OF INVESTIGATION**

However, the metadata associated with some e-mail messages was incomplete, and thus, the author utilized date/time stamps and subject lines to remove additional duplicates when Internet Message IDs were unavailable.

FBI - DO NOT RELEASE - PRODUCED TO SJC - FBI DO NOT RELEASE - PRODUCED TO SJC

3

~~SECRET~~

HRC-1004

FBI_OIG_Cong Prod_013524

Kortan, Michael P. (DO) (FBI)

From: Kortan, Michael P. (DO) (FBI)
Sent: Wednesday, October 19, 2016 2:41 PM
To: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)
Subject: Fwd: MYE TPs - Clean
Attachments: MYE ISSUE TPs - (FINAL).docx; MYE Executive Summary for SACs July 15 2016.docx; MYE background for SACs.docx

----- Original message -----

From: "Strzok, Peter P. (CD) (FBI)" <Peter.Strzok@ [REDACTED]>
Date: 10/19/16 10:55 AM (GMT-05:00)
To: "Rybicki, James E. (DO) (FBI)" <James.Rybicki@ [REDACTED]> (OGC) (FBI)"
 < [REDACTED] "Baker, James A. (OGC) (FBI)" <James.Baker@ [REDACTED]>, "Anderson, Trisha B. (OGC) (FBI)" <Trisha.Anderson@ [REDACTED]>, [REDACTED] (OGC) (FBI)"
 < [REDACTED] "Moffa, Jonathan C. (CD) (FBI)" <Jonathan.Moffa@ [REDACTED]>, "Kortan, Michael P. (DO) (FBI)" <Michael.Kortan@ [REDACTED]>
Cc: "Priestap, E. W. (CD) (FBI)" <Bill.Priestap@ [REDACTED]>
Subject: RE: MYE TPs - Clean

OK. I went final on the Q&A TPs and took out the discussion about merit/lack of merit w/r/t FGJ subpoenas.

[REDACTED] assembled the second and third attachments (one a one-page exec summary, the other several pages with more background information). I think we can send one or both as separate backgrounder docs.

-----Original Message-----

From: Rybicki, James E. (DO) (FBI)
Sent: Wednesday, October 19, 2016 9:10 AM
To: [REDACTED] (OGC) (FBI) [REDACTED] Baker, James A. (OGC) (FBI) <James.Baker@ [REDACTED]>; Anderson, Trisha B. (OGC) (FBI) <Trisha.Anderson@ [REDACTED]> Strzok, Peter P. (CD) (FBI) <Peter.Strzok@ [REDACTED]> [REDACTED] (OGC) (FBI) [REDACTED] Moffa, Jonathan C. (CD) (FBI) <Jonathan.Moffa@ [REDACTED]>
Subject: MYE TPs - Clean

I had just a thoughts (mostly style). I think it would be helpful if we put a background section at the top as some SACs or others that we may give the document to may not be tracking as closely.

Thanks,
 Jim

Talking Points on Director Comey's Public Statements about the Investigation of Secretary Clinton's Use of a Personal Email Server during Her Time as Secretary of State

NOTE TO FBI EXECUTIVES: The purpose of these talking points is to provide FBI executive management with a factual basis to answer questions as they arise internally from the workforce. The talking points are not to be used for any external engagements. Any external engagements on this matter must be coordinated with the FBI Office of Public Affairs (OPA) and the Deputy Director. These talking points are not for distribution, either internally or externally.

Two public statements by Director Comey:

- (1) July 5, 2016, statement to the press at FBIHQ
 - The statement was not coordinated with anyone outside of the FBI prior to its release
 - The full text can be found [here](http://www.FBI.gov) (link to www.FBI.gov)
- (2) July 7, 2016, sworn testimony before the House Committee on Oversight and Government Reform, which can be found [here](http://www.c-span.org) (link to www.c-span.org); selected quotes from the Director's testimony, are included below

What was the purpose of the July 5 statement?

- To explain what the FBI did; what the FBI found; and what the FBI was recommending to DOJ
- Provide unique transparency about FBI's process due to the intense public interest in the investigation
- Show the American people that the FBI did the investigation in a competent, honest, and independent way and in an apolitical and professional manner

What has the Director said publicly about the case, i.e., what did the FBI do and find?

- Refer to the full text of Director's statement and testimony for details
- Below is a high level summary of what the FBI did:
 - After receiving a referral from the Intelligence Community Inspector General, the FBI looked into whether there was evidence of classified information being improperly stored or transmitted on Secretary Clinton's personal email server; whether she knowingly removed classified information from appropriate systems or storage facilities; and whether there was evidence of computer intrusion in connection with that server by any foreign power or other hostile actors
 - Technical forensic examination of a number of servers and other equipment
 - Investigators read every email of the approximately 30,000 emails provided by Secretary Clinton to the State Department in December 2014 and discovered 110 emails in 52 email chains that contained classified information at the time they were sent or received:
 - 8 email chains contained Top Secret information
 - 36 email chains contained Secret information
 - 8 email chains contained Confidential information
 - 3 of these email chains included text in the body of the emails, which bore the "(C)" portion mark but did not have headers or any other required markings for classified information

- The FBI has reasonable confidence there was no intentional misconduct in connection to the sorting process used by Secretary Clinton's attorneys when providing the approximately 30,000 emails to the State Department
 - FBI found no evidence that any of the additional work-related emails were intentionally deleted in an effort to conceal them
 - FBI interviewed many people, including Secretary Clinton
- Below is a high level summary of what the FBI found:
 - Secretary Clinton and her colleagues were extremely careless in their handling of very sensitive, highly classified information
 - The FBI did not find direct evidence that Secretary Clinton's personal email domain was successfully hacked; however, given the nature of the system and of the actors potentially involved, the FBI is unlikely to see such direct evidence
 - No basis to conclude that Secretary Clinton lied to the FBI or attempted to obstruct the FBI's investigation
 - Secretary Clinton appeared to lack a sophisticated understanding of the U.S. Government's classification guidelines, including levels and treatment of classified information
 - One of the emails included an instruction from Secretary Clinton to [REDACTED] to turn a classified document into "non-paper" and send it to her over unclassified email because the attempts to send the document over a secure fax had initially failed. The investigation revealed that the secure fax was successfully sent subsequent to this message so the "non-paper" was not created or sent over the unclassified email system
 - COMEY: "Yes, we looked at that pretty closely. There was some problem with their secure fax machine and there was an e-mail in which she says in substance, take the headers off of it and send it as a non-paper and as we've dug into that more deeply, we've come to learn that at least this one view of it that is reasonable, that a non-paper in State Department parlance means a document that contains things we could pass to another government. So essentially take out anything that's classified and send it to me. Now it turned out that didn't happen, we actually found that the classified fax was then sent, but that's our best understanding of what that was about."

What was outside the scope of the FBI's investigation?

- The FBI did not look into Secretary Clinton lying under oath to Congress, as the FBI did not receive a referral to do so; although FBI personnel reviewed Secretary Clinton's testimony to Congress, they reviewed it for content/context and not for evidence to support possible perjury charges
 - COMEY: "We out of respect for the legislative branch being a separate branch, we do not commence investigations that focus on activities before Congress without Congress asking us to get involved. That's a long-standing practice of the Department of Justice and the FBI. So we don't watch on TV and say we ought to investigate that, Joe Smith

said this -- in front of the committee. It requires the committee to say, 'We think we have an issue here; would you all take a look at it?'"

- The Director declined to comment on whether or not the Clinton Foundation was involved in this or other FBI investigations
- The Director declined to comment on the grant of immunity to Brian Pagliano

Why did the FBI make a recommendation to DOJ?

- While the FBI usually does not make public its recommendations to prosecutors, it frequently makes such recommendations and engages in productive conversations with prosecutors about what resolution may be appropriate, given the evidence
- Given the public interest in this matter, unusual transparency (a public statement) was in order

What was the FBI's recommendation to DOJ?

- No charges are appropriate in this case for Secretary Clinton or her aides, as no reasonable prosecutor would bring such a case
 - This recommendation was based solely upon the facts and applicable law
 - This investigation and the resulting recommendation were not influenced by any outside entity

Why did the FBI not recommend an indictment in this case?

- Previous mishandling cases prosecuted involved some combination of the below types of evidence, which did not exist in Secretary Clinton's case
 - Clearly intentional and willful mishandling of classified information;
 - Vast quantities of materials exposed in such a way as to support an inference of intentional misconduct;
 - Indications of disloyalty to the United States; and/or
 - Efforts to obstruct justice
- There is no double standard. The same recommendation (based on this set of facts) would have been put forth regardless of the individual
 - For example, if an FBI employee had engaged in this exact same conduct, he or she would not be recommended for prosecution (although administrative action might be taken)

How does this case compare to other cases that appear to be similar?

- The primary difference is a lack of evidence of criminal intent in this case
- COMEY: "When I look at the facts we gathered here, as I said, I see evidence of great carelessness, but I do not see evidence that is sufficient to establish that Secretary Clinton or those with whom she was corresponding, both talked about classified information on e-mail and knew when they did it, they were doing something that was against the law."

- Other prosecutions involving mishandling of classified information that included clear evidence of intent:
 - Sandy Berger (former National Security Advisor to President Bill Clinton)
 - Removed clearly marked, highly classified information related to the 9/11 attacks from the National Archives, secreting these classified documents under his clothing in an effort to smuggle them out of their authorized place of storage and disposed of them in a dumpster in Washington, D.C.
 - David Petraeus (four-star General and former Director of the CIA)
 - Petraeus provided information he knew to be classified to his biographer/lover, Paula Broadwell, who (although she had a Secret clearance) had no need to know the information
 - Sensitivity and volume of the classified information provided to Broadwell were extraordinary, spanning multiple highly sensitive programs, including information about existing sources and methods
 - Petraeus lied to the FBI when confronted during an interview, claiming he had never provided classified information to Broadwell, which further speaks to his knowledge and intent

Why wasn't Clinton prosecuted for violating the "gross negligence" statute?

- COMEY: "There was a statute passed in 1917 that on its face makes it a crime, a felony for someone to engage in gross negligence. So that would appear to say, well, maybe in that circumstance you don't need to prove they were doing something unlawful, maybe it's enough to prove they were really, really careless beyond a reasonable doubt. At the time Congress passed that statute in 1917, there was a lot of concern in the House and Senate about whether that was going to violate the American tradition of requiring that before you go and lock somebody up, you proved they knew they were doing something wrong. So there was a lot of concern about it.

The statute was passed. As best I can tell, the Department of Justice has used it once in the 99 years since reflecting that same concern. I know from 30 years with the Department of Justice, they have grave concerns about whether it's appropriate to prosecute somebody for gross negligence, which is why they've done it once that I know of in a case involving espionage.

When I look at the facts we gather here, as I said, I see evidence of great carelessness, but I do not see evidence that is sufficient to establish that Secretary Clinton or those with whom she was corresponding, both talked about classified information on e-mail and knew when they did it, they were doing something that was against the law. So given that assessment of the facts, my understanding of the law, my conclusion was and remains, no reasonable prosecutor would bring this case. No reasonable prosecutor would bring the second case in 100 years focused on gross negligence."

- Only one case ever prosecuted under the “gross negligence” standard in 18 U.S.C. § 793(f), and the mishandling charges were ultimately dismissed pursuant to a plea agreement:
 - J.J. Smith (former FBI agent, Los Angeles)
 - Smith is a former FBI counterintelligence agent who had a 20-year affair with Katrina Leung, a Chinese-American woman whom he had recruited as an informant
 - During their relationship, Leung surreptitiously reviewed and copied classified documents from Smith’s briefcase during his many visits to her home
 - Leung was suspected of being a Chinese double agent and was charged with the unauthorized copying and possession of national defense materials
 - Smith pled guilty to false statements (18 U.S.C. § 1001), and the remaining charges were dismissed

Was there misconduct in the Secretary Clinton matter?

- As the Director stated, the FBI identified misconduct in the course of its investigation but that misconduct did not rise to the level of a prosecutable case; FBI’s recommendation was solely with respect to criminal charges
- If an FBI employee had engaged in this type of misconduct, he or she would not be prosecuted but could face administrative actions ranging from reprimand to the termination of employment

Has the FBI set a new/dangerous precedent by making these public statements about its recommendation?

- No, as the FBI wanted to be as transparent as possible given the unique circumstances/unprecedented situation
 - COMEY: “Everything I did would have been done privately in the normal course. We have great conversation in the FBI, as prosecutors we make recommendations, we argue back and forth. What I decided to do was offer transparency to the American people about the “whys” of that, what I was going to do because I thought it was very, very important for their confidence in the system of justice, and within that their confidence in the FBI. I was very concerned that if I didn’t show that transparency, that in that lack of transparency people would say, “what is going on here -- something seems squirrely here.” So I said I would do something unprecedented because I think it is unprecedented situation. **Now, the next Director who is criminally investigating one of the two candidates for president may find him or herself bound by my precedent.** OK, if that happens in the next 100 years, they will have to deal with what I did. I decided it was worth doing.”
 - This transparency is important for the American people’s confidence in the system of justice and the FBI; the FBI was concerned that if it was not sufficiently transparent, serious questions would remain

Executive Summary:

**Director Comey's Public Statements about the Investigation of Secretary Clinton's
Use of a Personal Email Server during Her Time as Secretary of State**

NOTE TO FBI EXECUTIVES: The purpose of these talking points is to provide FBI executive management with a factual basis to answer questions as they arise internally from the workforce. The talking points are not to be used for any external engagements. Any external engagements on this matter must be coordinated with the FBI Office of Public Affairs (OPA) and the Deputy Director. These talking points are not for distribution, either internally or externally.

If you have questions about what the Director has said publicly about the investigation, I urge you to read the Director's statement and review his congressional testimony. Answers to most of your questions can be found there.

Two public statements by Director Comey:

- July 5, 2016, statement to the press at FBIHQ; the full text can be found [here](http://www.FBI.gov) (link to www.FBI.gov)
- July 7, 2016, sworn testimony before the House Committee on Oversight and Government Reform; [here](http://www.c-span.org) (link to www.c-span.org)

A few highlights from the Director's public statements:

- Investigators read every email of the approximately 30,000 emails provided by Secretary Clinton to the State Department in December 2014, and discovered 110 emails in 52 email chains that contained classified information at the time they were sent or received:
 - 8 email chains contained Top Secret information
 - 36 email chains contained Secret information
 - 8 email chains contained Confidential information
- The FBI recommended that no criminal charges were appropriate in this case for Secretary Clinton or her aides, due to a lack of evidence of criminal intent in this case
 - This recommendation was based solely upon the facts and applicable law
 - This investigation and the resulting recommendation were not influenced by any outside entity
- Previous mishandling cases prosecuted involved some combination of the below types of evidence, which did not exist in Secretary Clinton's case
 - Clearly intentional and willful mishandling of classified information;
 - Vast quantities of materials exposed in such a way as to support an inference of intentional misconduct;
 - Indications of disloyalty to the United States; and/or
 - Efforts to obstruct justice
- There is no double standard. The same recommendation (based on this set of facts) would have been put forth regardless of the individual. For example, if an FBI employee had engaged in this exact same conduct, he or she would not be recommended for prosecution (although administrative action might be taken)

Frequently Asked Questions

Was there a quid pro quo to change the FBI's classification determination of an email in exchange for ALAT billets? [See example: https://www.washingtonpost.com/world/national-security/i-need-a-favor-fbi-official-at-center-of-alleged-clinton-email-quid-pro-quo-speaks-out/2016/10/18/dd872948-9538-11e6-9b7c-57290af48a49_story.html]

- **No. The FBI did not change its classification decision at the request of the State Department and nothing was exchanged. The interactions between a former FBI official and a State Department official do not indicate otherwise.**
- Prior to the initiation of the FBI's investigation of former Secretary Clinton's personal email server, the FBI was asked to review and make classification determinations on FBI emails and information which were being produced by the State Department pursuant to FOIA. The FBI determined that one such email was classified at the Secret level.
- A senior State Department official requested the FBI re-review that email to determine whether it was in fact classified or whether it might be protected from release under a FOIA exemption that would not indicate the presence of classified information. A now-retired FBI official in the International Operations Division, who was not part of the subsequent Clinton investigation, told the State Department official that he would look into the matter. Having been previously unsuccessful in attempts to speak with the senior State official, during the same conversation, the FBI official asked the State Department official if they would address a pending, unaddressed FBI request for space for additional FBI employees assigned to Iraq.
- Following the call, the FBI official consulted with a senior FBI executive responsible for determining the classification of the material and determined the email was in fact appropriately classified at the Secret level.
- The FBI official subsequently told the senior State Department official that the email was appropriately classified at the Secret level and that the FBI would not change the classification of the email.
- The classification of the email was not changed, and it remains classified today.
 - Although there was never a quid pro quo, these allegations were nonetheless referred to the appropriate officials the FBI's Inspection Division and the State Department's Inspector General for review.

Why were people granted immunity? [See example: <http://www.politico.com/story/2016/09/mills-immunity-228580>]

- **As you know, there are different kinds of immunity that the government uses to get information we need in complex investigations. In this case, the Department of Justice granted immunity in five separate instances to obtain necessary testimony and evidence.**
- Granting immunity in a complex investigation is common. It is often used to obtain testimony regarding the conduct of the main targets/subjects of the investigation that would be otherwise unavailable to investigators and prosecutors.
- DOJ granted immunity to two individuals involved in the setup of Secretary Clinton's server(s) and the transfer of documents. Essentially, in consideration for the witnesses answering all

questions in a voluntary interview in a complete and truthful manner, DOJ agreed that their answers would not be used against them in a criminal case (except for prosecution for perjury or false statements). Their testimony was crucial to understanding the technology behind Secretary Clinton's email system and the extent to which her emails were preserved or had been deleted.

- Bryan Pagliano set up the original @clintonemail.com server that Secretary Clinton used during her tenure at the State Department. Through counsel, he refused to discuss his role in setting up the email system. Other witnesses had referred us to him, and everyone agreed that he had the most knowledge about how the server operated and possible intrusions during her tenure.
- Paul Combetta was an IT specialist at Platte River Networks, the private firm that had been hired after her tenure to manage Secretary Clinton's email system. Combetta had been tasked by the Secretary's attorneys to collect and produce emails for the attorneys to review for FOIA and production to Congress. He had crucial information about how the Secretary's emails from the servers were gathered, transferred, and deleted - in particular, we needed his full cooperation to determine if he was instructed by anyone to delete the emails.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- In the FBI's assessment, the acquisition of the laptops was necessary to the conduct of a thorough, prompt, and competent investigation of Secretary Clinton's use of a private email server.

Did the FBI destroy the laptops used by Secretary Clinton's attorneys? Why were they given immunity? [See example: <http://www.politico.com/story/2016/09/mills-immunity-228580>]

- No. The FBI has not destroyed the laptops used by Secretary Clinton's attorneys.

- As part of the agreement to provide the laptops voluntarily, DOJ indicated that the FBI would dispose of the laptops at the end of the investigation in accordance with all applicable laws and FBI policies. FBI policies and procedures prevent us from returning laptops on which classified information was stored or processed in those cases where the laptops were not authorized to hold classified information. The laptops contained Secretary Clinton's emails; some of those emails contained information that federal agencies determined is classified up to the Top Secret//SAP level. Therefore, the laptops will have to be destroyed rather than returned to the attorneys (which is usually the practice at the closing of an investigation).
- To date, the FBI has not destroyed any of the electronic media in this case, including the laptops. The FBI is presently under a legal obligation to preserve the laptops and other electronic media due to numerous pending FOIA requests. Either destroying the laptops or returning them would be inconsistent with this obligation.

Why was Cheryl Mills allowed to participate in the interview of former Secretary Clinton?

- Although Cheryl Mills had been interviewed as a witness in this investigation prior to our interview of Secretary Clinton, no FBI policy or rule prohibited her attendance at Secretary Clinton's interview. DOJ and FBI had no role in assessing whether Mills' attendance at the interview raised any ethical implications for her as a licensed attorney.

Exhibit 36

2016-07-30 15:35:52, Sat	OUTBOX	[REDACTED] [REDACTED] hate them. I think they're probably the worst. Very little I find redeeming about this. Even in history. Couple of good writers and artists I guess. [REDACTED]
2016-07-30 15:41:26, Sat	INBOX	[REDACTED] [REDACTED] \nB) f*cking conniving cheating savages. At statecraft, athletics, you name it. I'm glad I'm on Team USA. [REDACTED] [REDACTED] [REDACTED] ... \nD) talking with [REDACTED], who's been great. Going back through acting DCM. All good, and asked him to keep quiet, bu+H3382t I think it's likely he will inform main State and they may call over to see what's going on. Will forward you the update I'm about to send Bill
2016-07-30 18:24:56, Sat	INBOX	And unrelated, re work, of course I thought about you going. No chance Andy would want someone there for visibility?
2016-07-30 18:25:27, Sat	OUTBOX	One sec, [REDACTED]
2016-07-30 18:25:44, Sat	OUTBOX	No chance of me going. He trusts you guys.
2016-07-30 18:26:39, Sat	INBOX	[REDACTED] And poop. I'm glad he does, but just saying. Poop.
2016-07-30 20:35:35, Sat	OUTBOX	The Real Plot Against America http://nyti.ms/2amhEYR
2016-07-30 21:56:01, Sat	OUTBOX	\u2018I\u2019m Resigned to Having a Terrible President\u2019 http://nyti.ms/2aoV6GV
2016-07-31 16:36:02, Sun	INBOX	[REDACTED] doing a million administrative things, dealing with personnel tweaks.
2016-07-31 23:10:23, Sun	INBOX	[REDACTED]
2016-07-31 23:11:35, Sun	INBOX	And damn this feels momentous. Because this matters. The other one did, too, but that was to ensure we didn't F something up. This matters because this MATTERS. \n\nSo super glad to be on this voyage with you. \U0001f636
2016-07-31 23:12:06, Sun	INBOX	Roger thanks
2016-07-31 23:13:52, Sun	INBOX	Thanks for doing that...
2016-07-31 23:14:59, Sun	INBOX	Well wait a minute. Sentinel now shows [REDACTED] Go with this one.
2016-07-31 23:15:58, Sun	INBOX	10 4
2016-07-31 23:20:46, Sun	OUTBOX	So on the other text, is Moffa [REDACTED] and [REDACTED]
2016-07-31 23:27:00, Sun	INBOX	Yes, but not sure which is which

Exhibit 37

Strzok-Page Texts

2016-08-05 00:53:29, Fri	INBOX	And so you know, I value your advice. Letting the meeting tomorrow go, and rescheduling the one tomorrow so Jon can be there, and also not play into agency's bs game
2016-08-05 11:28:23, Fri	OUTBOX	[REDACTED] You can. If you need a day, take a day. I can pickup the mye stuff, nothing else is that pressing.
2016-08-05 11:29:44, Fri	INBOX	That's not true. There's the meeting with my team, the meeting at the agency (looks like Jon can go, not sure where the notion of a schedule conflict came from), mye, everything else in my Section, acting DAD.\n [REDACTED]
2016-08-05 14:09:05, Fri	INBOX	Have M w f meetings with [REDACTED] at 9 like we did with mye. \n\nNeed to tall to you about Bill
2016-08-05 14:50:44, Fri	OUTBOX	[REDACTED] too, right?
2016-08-05 14:52:47, Fri	INBOX	Not sure. Probably, right? Defer to [REDACTED]
2016-08-05 14:53:45, Fri	OUTBOX	I'm just going to invite him. Though it's a big group now (10). Added baker.
2016-08-05 14:59:40, Fri	INBOX	4 ogc attorneys...
2016-08-05 14:59:54, Fri	INBOX	Whatever. It's fine. [REDACTED] deserves to be there
2016-08-05 15:00:09, Fri	OUTBOX	Yup. Who do I exclude?
2016-08-05 15:00:18, Fri	OUTBOX	Agreed. Okay, whatever.
2016-08-05 16:37:25, Fri	INBOX	And hi. Went well, best we could have expected. Other than Liz's quote, "the White House is running this."
2016-08-05 16:37:46, Fri	INBOX	My answer, "well, maybe for you they are." \U0001f612
2016-08-05 16:44:35, Fri	INBOX	And of course, I was planning on telling this guy, thanks for coming, we've got an hour, but with Bill there, I've got no control. \n\nWhat time do you need to leave?
2016-08-05 16:54:55, Fri	OUTBOX	Don't you have work to do?
2016-08-05 16:55:26, Fri	OUTBOX	Yeah, whatever (re the WH comment). We've got emails that say otherwise.
2016-08-05 20:45:10, Fri	INBOX	Gotta see Bill. Ttyl.
2016-08-05 22:05:41, Fri	OUTBOX	Jesus, are you STILL talking to Bill? \U0001f612
2016-08-05 22:10:10, Fri	INBOX	He is FREAKING out
2016-08-05 22:34:13, Fri	OUTBOX	Think I'm going in on Sunday. 2-3 hours. I just NEED to read that LHM or I'm not going to be able to.
2016-08-05 22:41:05, Fri	INBOX	Of course if you do, I'll try, too \U0001f636

Exhibit 38

be a violation of law.... So when I see menace, I, you know, is that Trump, is that Russian interference, is it the combination of the two?"

August 8, 2016: In a text message on August 8, 2016, Page stated, "[Trump's] not ever going to become president, right? Right?!" Strzok responded, "No. No he's not. We'll stop it."²⁰³

When asked about this text message, Strzok stated that he did not specifically recall sending it, but that he believed that it was intended to reassure Page that Trump would not be elected, not to suggest that he would do something to impact the investigation. Strzok told the OIG that he did not take any steps to try to affect the outcome of the presidential election, in either the Midyear investigation or the Russia investigation. Strzok stated that had he—or the FBI in general—actually wanted to prevent Trump from being elected, they would not have maintained the confidentiality of the investigation into alleged collusion between Russia and members of the Trump campaign in the months before the election. Page similarly stated that, although she could not speak to what Strzok meant by that text message, the FBI's decision to keep the Russia investigation confidential before the election shows that they did not take steps to impact the outcome of the election.

August 15, 2016: In a text message exchange on August 15, 2016, Strzok told Page, "I want to believe the path you threw out for consideration in Andy's office—that there's no way he gets elected—but I'm afraid we can't take that risk. It's like an insurance policy in the unlikely event you die before you're 40...." The "Andy" referred to in the text message appears to be FBI Deputy Director Andrew McCabe. McCabe was not a party to this text message, and we did not find evidence that he received it.

In an interview with the OIG, McCabe was shown the text message and he told us that he did not know what Strzok was referring to in the message and recalled no such conversation. Page likewise told us she did not know what that text message meant, but that the team had discussions about whether the FBI would have the authority to continue the Russia investigation if Trump was elected. Page testified that she did not find a reference in her notes to a meeting in McCabe's office at that time.

Strzok provided a lengthy explanation for this text message. In substance, Strzok told us that he did not remember the specific conversation, but that it likely was part of a discussion about how to handle a variety of allegations of "collusion between members of the Trump campaign and the government of Russia." As part of this discussion, the team debated how aggressive to be and whether to use overt investigative methods. Given that Clinton was the "prohibitive favorite" to win,

²⁰³ Although we received Page's August 8 text message to Strzok from the FBI as part of its production of text messages in 2017, Strzok's response to Page was not among those preserved by the FBI's text message preservation software, and therefore was not produced to us. The OIG's Cyber Investigations Office recovered this text message, along with others, in May 2018 through forensic analysis of a folder found on Page's and Strzok's Samsung S5 devices.

Exhibit 39

2016-08-14 20:27:02, Sun	INBOX	
2016-08-14 20:36:27, Sun	OUTBOX	In 302s, you mean? I just think no. But we can discuss.
2016-08-14 21:20:01, Sun	INBOX	Hey. So Rybicki just emailed me about briefing D on [REDACTED] tomorrow at 330. If not then, Wed. I said we could do either. Dont know Andy's availability / desire to svtc in. Assume you can, right?
2016-08-14 21:23:09, Sun	OUTBOX	Andy not going to. Either is fine for me.
2016-08-14 21:25:25, Sun	INBOX	Jim proposing D dd add ead GC Trisha [REDACTED] you him bill me jon
2016-08-14 21:27:55, Sun	OUTBOX	Fine, I suppose. Don't love add obviously, but so be it.
2016-08-14 22:56:30, Sun	INBOX	And uh, yeah, I then forgot to actually ADD him to the distro.\n\n So I just forwarded to him. Good work, Pete. \U0001f612
2016-08-14 23:34:36, Sun	INBOX	So it's a little weird to me that Jason, a subordinate a week ago, will be the one discussing with Toscas amd OLA as well as with Steinbach and everyone else at the 8... fine, I guess, but weird...
2016-08-15 10:29:55, Mon	INBOX	I want to believe the path you threw out for consideration in Andy's office - that there's no way he gets elected - but I'm afraid we can't take that risk. It's like an insurance policy in the unlikely event you die before you're 40...
2016-08-15 10:41:11, Mon	OUTBOX	I really should take off the whole damn day. \U0001f621
2016-08-15 10:48:42, Mon	INBOX	So go ahead! We'll get the production done.\n\nI'd obviously love to have you at the D brief, but if not, I'll stop by and give you an in-person debrief.
2016-08-15 10:51:45, Mon	OUTBOX	Oh, crap, has that been scheduled?
2016-08-15 11:15:01, Mon	INBOX	Not that I've seen. JR said he'd get with [REDACTED] this morning
2016-08-15 11:17:03, Mon	OUTBOX	Are you still acting DAD?
2016-08-15 11:17:28, Mon	INBOX	No. Why?
2016-08-15 11:18:05, Mon	INBOX	I ask because that will change whenever board is official
2016-08-15 12:59:00, Mon	INBOX	OMG this production alone is going to kill my inbox....
2016-08-15 21:16:52, Mon	INBOX	Going to talk to [REDACTED] Call me here when you're done...\U0001f60a
2016-08-15 21:48:55, Mon	OUTBOX	Herring here.

Exhibit 40

Date UTC	Type of Message	Body
2016-06-12 01:45:59, Sun	INBOX	These two are being held up because of the broader issue. Distill the calculus, and the argument. What is the value of diversity such that we can measure it against other qualifications? Like being young and rooting for Bernie until you start earning a paycheck, I find my views on admissions / hiring have been changed by watching [REDACTED]
2016-06-12 01:46:58, Sun	INBOX	I'm not lumping them in. They are a great success story. But the question of their story is whether or not the process unduly weights the decision.
2016-06-12 01:47:10, Sun	INBOX	Take the two of them out of it
2016-06-12 01:47:25, Sun	INBOX	Should race play an additional plus in admission?
2016-06-12 01:47:35, Sun	INBOX	Should economic background?
2016-06-12 01:47:40, Sun	OUTBOX	I get that. But a classroom filled with kids with only one experience is not education. They necessarily bring a different outlook, and their race, and status, are a part of that.
2016-06-12 01:47:46, Sun	OUTBOX	ABSOLUTELY!
2016-06-12 01:48:02, Sun	INBOX	Has affirmative action been positive, in the final analysis? Has it gone on too long?
2016-06-12 01:48:25, Sun	OUTBOX	And I won't take them out of it. I started this discussion about them!
2016-06-12 01:48:45, Sun	INBOX	Look, I'm not some freaky Ayn Rand disciple.
2016-06-12 01:48:52, Sun	OUTBOX	We'll have to answer that last question in person. It's too complicated to do over text.
2016-06-12 01:49:23, Sun	INBOX	I'm happy for the two of them
2016-06-12 01:49:23, Sun	INBOX	Fine
2016-06-12 01:49:47, Sun	INBOX	They fully deserve to go, and demonstrate the absolute bigoted nonsense of Trump
2016-06-12 01:49:47, Sun	INBOX	Truly.
2016-06-12 02:02:01, Sun	INBOX	I have no idea if this is accurate, but clearly, she deserves to go to Yale if it is. I stand by my broader questions about whether we have the appropriate weighting of diversity in the educational application process. \n\n Larissa Martinez Wiki & Bio Everipedia, the encyclopedia of everything\nhttps://www.everipedia.com/larissa-martinez-1/

2016-07-19 00:12:19, Tue	INBOX	And are you kidding me? Duck Dynasty now Scott Baio? Ridiculous.
2016-07-19 00:26:49, Tue	OUTBOX	What are you talking about?
2016-07-19 00:27:05, Tue	OUTBOX	Wait, is that who is speaking at the convention?!
2016-07-19 00:27:27, Tue	OUTBOX	Charles in Charge?! That's the best they can do?! Lmfao
2016-07-19 00:27:37, Tue	INBOX	It's PATHETIC!
2016-07-19 00:27:59, Tue	OUTBOX	That unbelievable. My god. Thank god it's not on.
2016-07-19 00:28:44, Tue	INBOX	It's on! PBS!
2016-07-19 00:29:07, Tue	OUTBOX	Yeah, no thanks.
2016-07-19 00:29:56, Tue	INBOX	What did you do? Republican snark. \U0001f636
2016-07-19 00:36:18, Tue	INBOX	AND COME ON!!!! TURN ON THE CONVENTION!!!!
2016-07-19 00:37:04, Tue	INBOX	Pbs/npr joint broadcast sucking so far \U0001f615
2016-07-19 00:37:52, Tue	OUTBOX	NO! I WILL NOT BE SUCKED IN!
2016-07-19 00:43:55, Tue	INBOX	TURN IT ON. PBS. [REDACTED]
2016-07-19 00:46:31, Tue	OUTBOX	[REDACTED] [REDACTED]
2016-07-19 00:48:44, Tue	INBOX	[REDACTED]
2016-07-19 00:57:55, Tue	INBOX	Oooh, TURN IT ON, TURN IT ON!!! THE DOUCHEBAGS ARE ABOUT TO COME OUT. \n\nYou can tell by the excitable clapping.
2016-07-19 00:59:52, Tue	INBOX	Aaaaand Mara Liaison is destroying whatever pedestrian respect I had left...
2016-07-19 01:02:24, Tue	INBOX	OOOHHHHH. Now, Antonio Sabato, Jr
2016-07-19 01:03:14, Tue	OUTBOX	[REDACTED]
2016-07-19 01:04:46, Tue	OUTBOX	My god, I'm so embarrassed for them. These are like second-run stars. Nothing the B-list to relate to the kids these days...
2016-07-19 01:05:04, Tue	INBOX	[REDACTED]
2016-07-19 01:05:38, Tue	INBOX	And oh, Bob Dole!\n\nTHIS IS PATHETIC!!!!
2016-07-19 01:06:55, Tue	INBOX	And God production of PBS sucks tonight.

2016-08-24 23:38:56, Wed	OUTBOX	We can be wherever you want. Thunder dome is fine. Early is fine. He should be able to log on to his fbi net terminal and do whatever he needs. I'll send an email to [REDACTED] now letting her know we will need a/V.
2016-08-24 23:38:57, Wed	INBOX	No. Not worth it.\n\nYep! Everyone loves a video, even if the subj is wildly uncooperative. Great tech work, shows competence and urgency. Plus [REDACTED] is kind of a douche.
2016-08-24 23:39:37, Wed	INBOX	Thank you\n\nWe can do video in his office but figure that would be weird/awkward....
2016-08-24 23:40:09, Wed	INBOX	Am I still buying you and [REDACTED] lunch tomorrow? \U0001f60a\U0001f60a\U0001f60a
2016-08-24 23:40:34, Wed	OUTBOX	Will probably depend on his schedule. It's his only day in the office.
2016-08-25 14:08:20, Thu	OUTBOX	I'm here. Also, let's meet at my ofc at 1130 for lunch. [REDACTED] is still good.
2016-08-25 14:39:47, Thu	INBOX	No to [REDACTED], have been talking to Legat Canberra
2016-08-25 19:30:56, Thu	INBOX	What do you have after [REDACTED] brief? [REDACTED] U0001f636
2016-08-25 19:33:14, Thu	OUTBOX	Oh crap. I'm sorry. Been in back to back mtgs. Have a mtg with kerry sleeper now.
2016-08-26 02:13:49, Fri	INBOX	It's ok. It's nothing compared to your night. \n\nAnd Gowdy is really starting to p*ss me off. I'm going to need to stop reading the news.
2016-08-26 15:29:45, Fri	OUTBOX	302 and lhm going to be further delayed. I love my job.
2016-08-26 15:34:48, Fri	INBOX	Sweet Jesus. OGA?
2016-08-26 16:25:27, Fri	OUTBOX	And just had an hour long conversation with [REDACTED] re nsls. It's really never going to end...
2016-08-26 16:41:51, Fri	INBOX	What? Trnsparency crap?
2016-08-26 16:42:07, Fri	INBOX	Good lord. Talk about an unexpected and unpleasant blast from the past....
2016-08-26 16:42:40, Fri	INBOX	Just went to a southern Virginia Walmart. I could SMELL the Trump support....
2016-08-26 16:54:18, Fri	OUTBOX	Yup. Out to lunch with [REDACTED] We both hate everyone and everything.
2016-08-26 17:02:52, Fri	INBOX	I want to be there and hate with you, or charm you back to happy \n\nLooked for the two trump yard signs I saw on the way out to take a picture, but couldn't see them
2016-08-26 18:43:35, Fri	OUTBOX	Going to another meeting. Glad you're having a good time.
2016-08-26 20:49:14, Fri	OUTBOX	Actually, Jon Moffa just made me chuckle. First time all day. I like that kid.
2016-08-26 20:50:09, Fri	INBOX	What'd he say?

Exhibit 41

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OGC) (FBI)
Sent: Monday, August 29, 2016 6:58 PM
To: [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI)
Subject: Clinton --- UNCLASSIFIED//FOUO
Attachments: MYE - Disposition Chart.pdf; MYE - Relevant Correspondence.pdf

Classification: UNCLASSIFIED//FOUO

~~ATTORNEY WORK PRODUCT/DELIBERATIVE PROCESS PRIVILEGED DOCUMENT~~
=====

Hi Lisa

Please see attached a chart which identifies the relevant media obtained during the Clinton email investigation and highlights the scope of consent for each item and potential disposition of the material. I've also attached the relevant legal correspondence referenced in the chart. Please let us know if you have any questions about this.

Thanks,

[REDACTED]

[REDACTED]
Assistant General Counsel
National Security Law Branch
[REDACTED]

Confidentiality Statement:

This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [REDACTED]

=====
Classification: UNCLASSIFIED//FOUO

UNCLASSIFIED//FOR OFFICIAL USE ONLY

~~ATTORNEY-CLIENT WORK PRODUCT/DELIBERATIVE PROCESS-PRIVILEGED DOCUMENT~~**Digital Equipment and Devices for Disposition**

Device(s)	Date Acquired	Material on Device(s)	Scope of Consent and Potential Disposition Restrictions
Lexar Micron 16GB flash drive Lexar Micron 8GB flash drive Kingston 8GB flash drive	08/06/15	Each contains a copy of the 30,524 emails given to DoS	Consent: W&C (8/10/15): Full consent for HRC's account
Lenovo ThinkPad T420 laptop [REDACTED]	08/06/15	Williams & Connolly attorney laptop	Consent: W&C (8/10/15): Full consent for HRC's account
Dell PowerEdge 2900 Server	08/12/15	Pagliano Server	Consent: W&C (8/10/15): Full consent for HRC's account; Search Warrant for entire server obtained for the domain - items to be seized limited to evidence, contraband, fruits, or other items illegally possessed in violation of 18 USC 793(e) and (f) including data and information associated with HRC's email account(s) on @clintonemail.com domain and data and information that might identify a computer intrusion (08/25/15)
Apple MacBook Air laptop [REDACTED]	08/25/15	Paul Weiss attorney laptop	Consent: Only Consent to Store
Apple MacBook Air laptop [REDACTED]	08/25/15	Paul Weiss attorney laptop	Consent: Only Consent to Store
Lexar 16GB flash drive	08/25/15	Williams & Connolly attorney device	Consent: Only Consent to Store
Kingston 8GB flash drive	08/25/15	Williams & Connolly attorney device	Consent: Only Consent to Store
Apple MacBook Air laptop [REDACTED]	08/25/15	Paul Weiss attorney laptop	Consent: Only Consent to Store
Lenovo Yoga 2 Pro laptop [REDACTED]	08/25/15	Heather Samuelson's laptop	Consent: Only Consent to Store
Lenovo ThinkPad T420 laptop [REDACTED]	08/25/15	Williams & Connolly attorney laptop	Consent: Only Consent to Store
Lenovo ThinkPad T420 laptop [REDACTED]	08/25/15	Williams & Connolly attorney laptop	Consent: Only Consent to Store
Monster 16GB flash drive	09/03/15	Nothing relevant to the information on device	Consent: Full consent provided by CHS
Apple MacBook Air laptop [REDACTED]	09/24/15	Justin Cooper's laptop; BlackBerry Backups	Consent: WH (09/10/15): Cooper's personal and business files were required to be deleted before production to the FBI. Search consent limited to BlackBerry backups files; separate consent from HRC to search files. Disposition: W&C (09/25/15): "at the conclusion of your inquiry you will return to us the former Secretary's non-federal record, personal e-mails"; W&C (10/28/15): "we provide these devices with the understanding that ... all items voluntarily produced to the FBI will be returned to the owners or disposed of consistent with FBI policies and procedures at the conclusion of its investigation"
Seagate external hard drive (HD)	10/03/15	Pagliano Server Component	Consent: W&C (8/10/15): Consent for HRC's account. Disposition: None identified.

~~ATTORNEY-CLIENT WORK PRODUCT/DELIBERATIVE PROCESS-PRIVILEGED DOCUMENT~~

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~~ATTORNEY-CLIENT WORK PRODUCT/DELIBERATIVE PROCESS PRIVILEGED DOCUMENT~~

Device(s)	Date Acquired	Material on Device(s)	Scope of Consent and Potential Disposition Restrictions
Supermicro 2U server	10/03/15	PRN Datto server (local backup)	Consent: W&C (10/01/15): search period limited to 01/21/09 to 02/01/13; procedures Disposition: W&C (10/01/15): "at the conclusion of your inquiry you will return to us the former Secretary's non-federal record, personal e-mails"; DOJ (10/04/15): "at the conclusion of this investigation, all items voluntarily produced to the FBI will be returned to the owners or disposed of consistent with FBI policies and procedures"
Dell PowerEdge 1950 server	10/03/15	Pagliano Blackberry Enterprise Server (BES); BES had no email content, only device and log information	Consent: FBI authorized to only review for cyber intrusion analysis
Apple MacBook Pro laptop [REDACTED]	10/05/15	Justin Cooper's laptop	Consent: WH (09/10/15): Cooper's personal and business files were required to be deleted before production to the FBI. Search consent limited to BlackBerry backups files; separate consent from HRC to search files; Disposition: W&C (10/28/15): "at the conclusion of your inquiry you will return to us the former Secretary's non-federal record, personal e-mails"
Server 882	10/06/15	PRN Datto Server (cloud storage)	Consent: Limited to HRC accounts (W&C and Datto). Disposition: Content from other clients is on device.
Cisco Network Attached Storage	10/08/15	Pagliano Server NAS	Consent: W&C (8/10/15): Full consent for HRC's account; Disposition: W&C (10/18/15): "at the conclusion of your inquiry you will return to us the former Secretary's non-federal record, personal e-mails"
Dell PowerEdge R620 Server	10/08/15	PRN Server; includes 3 virtual machines, 1 administrative server, 2 exchange servers	Consent: W&C (10/01/15): search period limited to 01/21/09 to 02/01/13; Disposition: DOJ (10/04/15): "at the conclusion of this investigation, all items voluntarily produced to the FBI will be returned to the owners or disposed of consistent with FBI policies and procedures"; W&C (10/01/15): "at the conclusion of your inquiry you will return to us the former Secretary's non-federal record, personal e-mails"; Latham (10/07/15): "we understand the FBI will return or dispose of all of our clients' personal data, consistent with its policies and procedures, as soon as possible after the close of this investigation"
BlackBerry Curve 8310	10/16/15	Did not contain emails.	Consent: W&C (10/16/15): provided full consent for HRC, no consent with regard to files of other individuals on the device; Disposition: W&C (10/16/15): "we provide these devices with the understanding that ... all items voluntarily produced to the FBI will be returned to the owners or disposed of consistent with FBI policies and procedures at the conclusion of its investigation"
BlackBerry Curve 8700G	10/16/15	Only contained 2007-08 emails	Consent: W&C (10/16/15): provided full consent for HRC, no consent with regard to files of other individuals on the device; Disposition: W&C (10/16/15): "we provide these devices with the understanding that ... all items voluntarily produced to the FBI will be returned to the owners or disposed of consistent with FBI policies and procedures at the conclusion of its investigation"
Apple iPad Gen 2 [REDACTED]	10/16/15	Monica Hanley's iPad	Consent: W&C (10/16/15): provided full consent for HRC, no consent with regard to files of other individuals on the device; Disposition: W&C (10/16/15): "we provide

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Device(s)	Date Acquired	Material on Device(s)	Scope of Consent and Potential Disposition Restrictions
			these devices with the understanding that ... all items voluntarily produced to the FBI will be returned to the owners or disposed of consistent with FBI policies and procedures at the conclusion of its investigation"
HP DS5850 desktop PC	10/16/15	Pagliano's DoS PC	Consent: Full consent provided by DoS (10/16/15); Disposition: None identified.
Western Digital external HD	11/25/15	Provided by Justin Cooper; 7 emails were identified.	Consent: WH (09/10/15): Search consent limited to responsive accounts; separate consent from HRC to search files; Disposition: W&C (10/28/15): "at the conclusion of your inquiry you will return to us the former Secretary's non-federal record, personal e-mails"
SanDisk 16GB flash drive	01/11/16	Provided by Justin Cooper; 44 emails were identified.	Consent: WH (09/10/15): Search consent limited to responsive accounts; separate consent from HRC to search files; Disposition: W&C (10/28/15): "at the conclusion of your inquiry you will return to us the former Secretary's non-federal record, personal e-mails"
Apple iPad Gen 1 [REDACTED]	02/23/16	Contained 3 draft emails	Consent: W&C (02/23/16): Limited consent for HRC's accounts; specifically excluded hrcoffice emails (or other domains created after 02/01/13 from review, even by Filter Team; Disposition: W&C (02/23/16): "we request and anticipate that the device, as well as any of Secretary Clinton's non-federal record e-mails or files on the device, will be returned to us at the conclusion of the inquiry"
Apple iPad Mini Gen 1 [REDACTED]	4/18/16	Contained no emails	Consent: W&C (02/23/16): Limited consent for HRC's accounts; specifically excluded hrcoffice emails (or other domains created after 02/01/13 from review, even by Filter Team; Disposition: W&C (02/23/16): "we request and anticipate that the device, as well as any of Secretary Clinton's non-federal record e-mails or files on the device, will be returned to us at the conclusion of the inquiry"
Dell Latitude E6330 laptop [REDACTED]	6/10/16	Used by Mills for sort of full 60k email dataset	Consent: WW&E (06/10/16): Limited to HRC accounts within 01/21/09 to 02/01/13; Disposition: WW&E (06/10/16): Mills does not relinquish ownership or control over the device except for the investigation; the FBI does not assert custody and control over the device or its contents for any other purpose, including FOIA; as soon as the investigation is completed, and to the extent consistent with all FBI policies and applicable laws, including the Federal Records Act, the FBI will dispose of the device and any printed or electronic materials resulting..."
Lenovo Yoga 2 Pro laptop [REDACTED]	6/10/16	Used by Samuelson for sort of full 60k email dataset	Consent: WW&E (06/10/16): Limited to HRC accounts within 01/21/09 to 02/01/13; Disposition: WW&E (06/10/16): Samuelson does not relinquish ownership or control over the device except for the investigation; the FBI does not assert custody and control over the device or its contents for any other purpose, including FOIA; as soon as the investigation is completed, and to the extent consistent with all FBI policies and applicable laws, including the Federal Records Act, the FBI will dispose of the device and any printed or electronic materials resulting..."

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Exhibit 42

2016-09-02 01:55:38, Fri	OUTBOX	Forgot to show you this text from Eric, who is essentially blaming me for Andy's late hours:\n\nGood deal. I also want to stay a little tighter in the future so we can ensure Unity of effort for both Andy and the whole floor. This will also help in streamlining any after wrap discussions with Andy as I want to try and get him out the door at a more reasonable hour than what he has been doing. And that goes for you too! [REDACTED]
2016-09-02 01:58:21, Fri	INBOX	Andy's the DD. He's going to be late. You've got nothing to do with it. \U0001f612
2016-09-02 01:59:49, Fri	OUTBOX	What I wanted to respond is how is staying tighter going to allow Andy to get out earlier? Is Eric going to cover my questions?
2016-09-02 01:59:56, Fri	INBOX	Streamlining after wrap discussions? How about Andy decides whether he wants that?
2016-09-02 02:00:21, Fri	INBOX	Exactly. No. Maybe it will allow him to understand the depth of what you're doing.
2016-09-02 02:01:09, Fri	OUTBOX	Which I'm fine with. So just sit down with us after wrap. But don't make more goddamn work for me.
2016-09-02 02:07:01, Fri	INBOX	Yeah I'm not sure what he thinks he's accomplishing other than understanding what you're doing. At which point he'll say (if he's smart), oh, wow, that's a lot, and then let you go. After wasting your time. [REDACTED]
2016-09-02 13:41:30, Fri	INBOX	Checkout my 9:30 mtg on the 7th
2016-09-02 13:42:40, Fri	OUTBOX	I can tell you why you're having that meeting.
2016-09-02 13:42:46, Fri	OUTBOX	It's not what you think.
2016-09-02 13:49:39, Fri	INBOX	TPs for D?
2016-09-02 13:50:29, Fri	OUTBOX	Yes, bc potus wants to know everything we are doing.
2016-09-02 13:55:21, Fri	INBOX	I'm sure an honest answer will come out of that meeting...\U0001f612
2016-09-02 15:38:05, Fri	OUTBOX	[REDACTED] never knocks on the door. It's kind of weird.\n\nWhat are you doing? Why are you gone so much? God! \U0001f61d\U0001f61d\U0001f61d\U0001f61d\U0001f61d
2016-09-02 16:04:46, Fri	INBOX	Thoughts on [REDACTED] email? Maybe just send her a copy of FOIA?
2016-09-02 16:05:34, Fri	OUTBOX	There's more to discuss. Don't feel like typing.
2016-09-02 16:07:35, Fri	INBOX	Work call after lunch? I also have 5 now before food arrives
2016-09-02 16:09:10, Fri	INBOX	Just tried calling...will hit you after lunch

Exhibit 43

2016-09-10 00:25:43, Sat	OUTBOX	No prob. Just calling to say I called jason, told him everything, including having a call without him. He totally agreed. Told him I would draft TPs this weekend too, he's grateful for it.
2016-09-10 00:27:32, Sat	INBOX	\u263a thanks. I'd like to help, obviously
2016-09-10 00:28:24, Sat	OUTBOX	I'd appreciate it, obviously. Going to send an email to mye core team to tell them I'll draft TPs this weekend, but will likely need a look Sunday night.
2016-09-10 00:30:29, Sat	INBOX	\u263aStill thinking to draft on Sunday?
2016-09-10 00:36:47, Sat	OUTBOX	Yeah, think so. Maybe Saturday night. We'll see.
2016-09-10 00:51:21, Sat	OUTBOX	If [REDACTED] sets up the call the real test will be whether he sends me the call in info. I am angry, Pete. \U0001f621
2016-09-10 00:56:08, Sat	INBOX	Just ask Andy, no? The problem is no one on that call has knowledge of the case anywhere near you. Face it, [REDACTED] was utterly absent for it. Not saying he shouldn't be there, but include Bill. And, obviously, you.
2016-09-10 01:01:49, Sat	OUTBOX	Oh, I'll get the info. I just have a feeling I'm going to be left off "accidentally."
2016-09-10 01:04:58, Sat	OUTBOX	God, I'm really in a bad mood now.
2016-09-10 01:05:07, Sat	OUTBOX	I hope I'm wrong.
2016-09-10 01:06:19, Sat	INBOX	[REDACTED]
2016-09-10 11:50:25, Sat	INBOX	Re call, Bowdich won't set it up, [REDACTED] or whoever will. And you want to bet if he calls in?
2016-09-10 11:56:35, Sat	OUTBOX	[REDACTED]
2016-09-10 11:58:56, Sat	OUTBOX	Re [REDACTED] I'm not sure he has the intellectual curiosity to call in. How's that for an insult?
2016-09-10 12:16:16, Sat	INBOX	And re my last, I'd add that at this point the questions at this point are organizational risk best answered by people with thoughtful smarts. And I'm not sure about the group on there, either.
2016-09-10 12:37:16, Sat	INBOX	B) thing is, there are VERY inflammatory things in the 302s we didn't turn over to Congress (because they weren't relevant to understanding the focus of the investigation) that are going to come out in FOIA and absolutely inflame Congress. I'm sure Jim and Trisha and Dave and Mike are all considering how things like that play out as they talk amongst themselves.
2016-09-10 12:37:38, Sat	INBOX	You never told me what she said; when I asked you pushed back a little.
2016-09-10 12:37:47, Sat	INBOX	So I didn't press you on it.

Exhibit 44

- 09/26/2016 - NYO obtains SW for Weiner laptop
- 09/28/2016 - ADIC NY notes potential MYE-related material following weekly SAC SVTC
- 09/29/2016 - Conference call between NYO and MYE team
- NYO notes [REDACTED]
 - [REDACTED] observes material potentially related to MYE (clintonemail.com and state.gov domains) seen during course of review
 - No numbers/volume available
 - Discussion about ability to search for material determines such activity would be outside scope of warrant
 - Request to NYO to gather basic facts (numbers, domains, etc) based on their review
- Approx. 10/19/2016 - NYO [REDACTED]
- NYO observes SBU attachment
- 10/21/2016 - 6:00 PM DOJ/NSD advises MYE leadership that SDNY informed them of MYE-related media on Weiner media
- 10/25/2016 - DOJ-DD conversation re material
- 10/26/2016 - DOJ-MYE-NYO conference call
- DD advised of results of call with MYE team conclusion material should be looked at; DD directs briefing to D
- 10/27/2016 - Briefing to D; D concurs with conducting investigation to obtain data
- 10/30/2016 - SW sworn out at SDNY
- Copy of media obtained by MYE SAs, entered into evidence, and provided to OTD for processing

Exhibit 45

- 09/26/2016 - NYO obtains SW for Weiner laptop
- 09/28/2016 - ADIC NY notes potential MYE-related material following weekly SAC SVTC
- 09/29/2016 - Conference call between NYO and MYE team
- NYO notes [REDACTED]
 - [REDACTED] observes material potentially related to MYE (clintonemail.com and state.gov domains) seen during course of review
 - No numbers/volume available
 - Discussion about ability to search for material determines such activity would be outside scope of warrant
 - Request to NYO to gather basic facts (numbers, domains, etc) based on their review
- Approx. 10/19/2016 - NYO [REDACTED]
- NYO observes SBU attachment
- 10/21/2016 - 6:00 PM DOJ/NSD advises MYE leadership that SDNY informed them of MYE-related media on Weiner media
- 10/25/2016 - DOJ-DD conversation re material
- 10/26/2016 - DOJ-MYE-NYO conference call
- DD advised of results of call with MYE team conclusion material should be looked at; DD directs briefing to D
- 10/27/2016 - Briefing to D; D concurs with conducting investigation to obtain data
- 10/30/2016 - SW sworn out at SDNY
- Copy of media obtained by MYE SAs, entered into evidence, and provided to OTD for processing

Exhibit 46

This timeline entry was consistent with testimony by the case agent and AUSAs during their interviews with the OIG.

II. Reporting of Clinton-Related Emails to FBI Headquarters

A. AD Secure Video Teleconference on September 28

As noted above, ADIC Sweeney and the A/SAC both told us that, just before the start of the weekly AD SVTC on September 28, the A/SAC briefed Sweeney about the discovery of emails on the Weiner laptop that were potentially relevant to the Clinton email investigation. The AD SVTC typically includes the FBI Director, the Deputy Director (DD), the Associate Deputy Director (ADD), the General Counsel, all Executive Assistant Directors (EAD), all ADs, and the ADICs of the New York, Los Angeles, and Washington Field Offices. However, on September 28, Comey testified in front of the House Judiciary Committee until approximately 1 p.m. Comey and others told us that Comey was not present for the SVTC, and the SVTC was also not included on his calendar for September 28. Instead, the SVTC was chaired by then DD McCabe, which McCabe told us would be the typical practice in the absence of the Director. McCabe's calendar for September 28 included time for the weekly SVTC at 3 p.m. The FBI was unable to provide the OIG with a roster of attendees for the September 28 SVTC. However, based upon the leadership structure of the FBI at the time, there would have been approximately 39 FBI executives on the SVTC, including the DD, the ADD, 6 EADs, 28 ADs, and 3 ADICs. Any executive on leave or travel would have typically been replaced by a subordinate.

Sweeney stated that, during the September 28 AD SVTC, he reported that NYO agents involved in the Weiner investigation had discovered 141,000 emails on Weiner's laptop that were potentially relevant to the Clinton email investigation. Paul Abbate, then the ADIC for the Washington Field Office, recalled Sweeney stating that NYO had discovered "a large volume of emails that might be relevant to the Clinton email matter" on a computer in the Weiner investigation. Abbate told us that he believed Sweeney also provided specific numbers and added that Sweeney "very much emphasized the significance of what he thought they had there." Abbate described the moment as like "dropping a bomb in the middle of the meeting" and stated that "everybody realized the significance of this, like, potential trove of information."

Sweeney told the OIG that McCabe responded to his briefing by stating, "Hey, I'm going to Quantico. I'll call you en route." Abbate also recalled someone, possibly McCabe, telling Sweeney that they would "talk offline afterwards." McCabe's Outlook calendar for September 28 showed that he was scheduled to be at Quantico at 6:00 p.m. that evening.

McCabe told us that he did not remember Sweeney briefing the Weiner laptop issue on a SVTC, although he said it was possible that Sweeney had done so. McCabe explained that the reports by the ADICs on the SVTC are usually "like 10 seconds." We showed McCabe his notes from September 28, which contained the

following entry: "NY - ... Weiner – atty took data off cloud – 2007 emails." McCabe told us the notes did not refresh his recollection but agreed that they "would be a pretty good indication" that he was made aware of the issue.

Other witnesses also provided recollections of this briefing. Counterintelligence Division AD Priestap (one of the 39 FBI executives who regularly participated in the weekly AD SVTC) told us he vaguely recalled Sweeney mentioning the discovery of emails on the Weiner laptop that were potentially relevant to the Midyear investigation in a forum similar to the AD SVTC. The Human Resources Division AD told us that he recalled Sweeney mentioning "emails relevant to the Clinton investigation" that had been discovered on a laptop associated with Anthony Weiner. He added, "I remember Bill saying like hey, we think there's some stuff on here you guys may not have seen."

Comey, who was not present for the SVTC, stated that he was unaware that Sweeney had reported the discovery of Clinton emails on the Weiner laptop during the September 28 AD SVTC. When asked if this was information he would have expected to have been told, he stated, "Yeah, I would think so," adding that he was surprised that he had not been informed.

B. McCabe Post-SVTC Phone Call and Meeting on September 28

1. Phone Call with Sweeney

Sweeney told us that he had not heard back from McCabe after the September 28 SVTC, so he called McCabe on his drive home that evening. Phone records show two calls from Sweeney to McCabe on September 28. The first occurred at 4:51 p.m. and lasted for 9 minutes and 50 seconds, and the second occurred at 5:03 p.m. and lasted for 56 seconds. In addition, Sweeney's Outlook calendar for that day contained the following entry at 5:00 p.m.: "Telcal w/DD re: Weiner invest & Garner." Sweeney stated that NYO personnel had continued processing the laptop in the time since the initial notification on the AD SVTC and he had been informed there were now 347,000 emails on the laptop. Sweeney told us that he informed McCabe that there were now 347,000 emails.

McCabe, who told us that his earliest recollection of learning about the Weiner laptop was in a telephone call with Sweeney in late September or early October, recalled Sweeney informing him that NYO had seized a laptop from Anthony Weiner "and they thought there would be Clinton stuff in it." When asked what Sweeney specifically told him, McCabe stated, "I just remember him saying we think, you know, like, we've got this laptop and we opened it up, and it looks like there's stuff on there from Clinton, and, you know. Oh, my gosh, what do we do kind of thing." McCabe also recalled that Sweeney made "very clear" that "it was a large volume" of emails. McCabe stated that he understood "large volume" to mean "like many thousands of emails." McCabe recalled telling Sweeney that Counterintelligence Division personnel and NYO personnel should connect "[t]o figure out, like, what do we have or what do we do with this?"

McCabe stated that shortly after this call he contacted Priestap and said, “[Y]ou need to get somebody up to New York right away to take a look at what they have because it might be Clinton emails.” Priestap told us that he did not recall either this conversation or McCabe telling him to send a team to New York to examine the Weiner laptop. As described below, Priestap’s emails on the evening of September 28 reflect that he spoke with Sweeney and then instructed Strzok to have someone from his team contact NYO regarding the information.

2. Meeting with Strzok and Priestap

Our review of Strzok’s text messages revealed that McCabe discussed the Weiner laptop with Strzok and Priestap on September 28. Later that same day, Strzok and Page discussed the meeting in a series of text messages. Their exchange is quoted below. The sender of each text message is identified after the timestamp.

7:25 p.m., Strzok: “Got called up to Andy’s earlier...hundreds of thousands of emails turned over by Weiner’s atty to sdny, includes a ton of material from spouse. Sending team up tomorrow to review...this will never end....”

7:27 p.m., Page: “Turned over to them why?”

7:28 p.m., Strzok: “Apparently one of his recent texting partners may not have been 18...don’t have the details yet”

7:29 p.m., Page: “Yes, reported 15 in the news.”

7:31 p.m., Strzok: “And funny. Bill [Priestap] and I were waiting outside his door. He was down with the director....”

7:51 p.m., Strzok: “So I kinda want to go up to NY tomorrrw [sic], coordinate this, take a leisurely Acela back Friday....”

Strzok stated that he was sure that “got called up to Andy’s” referred to McCabe’s office, but he had no recollection of that meeting. Strzok could not recall who first told him about the Weiner laptop, only recalling that someone told him that some “Clinton-type emails” had been discovered in New York. Strzok’s notes from September 28 stated, “NY invest Weiner sexting 15 y’o. Weiner atty produces copy of everything Weiner has on iCloud to SDNY. Significant email from Huma [NFI – their email vs. her independent email]? Relevance to MYE, Clinton Foundation? MYE go review.” Strzok stated that he initially planned to send a team to New York to review the emails, but that a conference call with NYO was scheduled instead. (This conference call, which occurred on September 29, is discussed below.)

Strzok told us that he did not consider the new information all that noteworthy because “throughout the summer [we had] retired Foreign Service officers...any number of people coming and saying, hey, I’ve got, you know, a handful of emails related to, you know, the Secretary or Cheryl Mills or something. And so we would run if they, we thought they had potential merit. We would track them down.” Strzok conceded that this lead was more credible since it came from

an FBI field office and involved information obtained from Abedin's husband. He added, though, "[T]here is no inkling, there is not a shadow of the, you know, what's going to unfold a month later."

Page said she believed the September 28 text message from Strzok was the first time she heard about the emails on the Weiner laptop and told us that she knew little information about it. Page explained that she was "not really that involved" in "most of the October stuff." Page stated her lack of involvement was due in part to the FBI's Russia investigation. Page explained that the many of the supervisors on the Midyear team were also assigned to the Russia investigation and they were "super-occupied" with the Russia investigation during October. Page stated that most of her information about the Weiner laptop came from either Strzok or FBI Attorney 1.

We showed McCabe these text messages and he said he did not recall talking to Strzok about the Weiner laptop on September 28. McCabe also did not recall Sweeney describing the quantity of emails numerically, other than to say there were a "large volume." When asked about Strzok's text message that he was "sending [a] team up tomorrow to review," McCabe noted that the text message would be consistent with what McCabe told Priestap. McCabe told us that the issue of the Weiner laptop "kind of falls off my radar" at this point, but when he reengaged with the team at a later point (he could not recall the amount of time that had elapsed), he discovered, "that [the team] did go up, but there [was] a problem, a legal, you know, an access problem because what they want to look for [was] not covered within the warrant, and yada, yada, yada." McCabe could not recall who told him this information about the trip to New York, but speculated it was Priestap.

C. Comey and McCabe Communications After AD SVTC on September 28

Phone records show two phone calls between McCabe and Comey on the evening of September 28. The first call was from McCabe to Comey at 7:34 p.m. for 1 minute and 31 seconds. The second call was from Comey to McCabe at 8:36 p.m. for 8 minutes and 13 seconds. McCabe told us he could not recall the content of either phone call. When asked specifically if they discussed the issue of the Clinton emails on the Weiner laptop, McCabe said he did not recall and noted that he would talk with Comey at the end of the day on an almost daily basis. Additionally, as noted above, Strzok's text message on September 28 reflected that, while Strzok was waiting outside McCabe's office to meet with him regarding the Weiner laptop emails, McCabe "was down with the director." McCabe told us that he did not recall that and noted that the text message did not "seem consistent" with McCabe's calendar, which showed that he was at Quantico the evening of September 28.

McCabe said he recalled talking to Comey about the Weiner laptop issue "right around the time [McCabe] found out about it." McCabe described it as a "fly-by," where the Weiner laptop was "like one in a list of things that we discussed." McCabe continued, "[A]nd it would have been like, hey, Bill Sweeney called. This is

what he has. I'm going to have [the Counterintelligence Division] take a look at it. I'll let you know." McCabe stated that he would have told Comey about the importance of sending a team up the next day in order "to get eyes on this thing and figure out what we have." McCabe did not recall Comey "weighing in on it at all." Given the scrutiny of the Clinton email server investigation, we asked McCabe why he believed Comey did not have a stronger reaction to this information and whether this was considered a "big deal." McCabe responded:

Well, it was a big deal to me. I can't tell you what he was thinking when I told him about it. But I, I represented to him that we were taking steps to figure out what we had and would come back with some sort of an assessment as to what we need to do. So, I mean, there's, I'm not sure that there's anything else that he would have said to do.

Comey told the OIG that he recalled first learning of the presence of the additional emails on the Weiner laptop at some point in early October 2016, although Comey said it was possible this could have occurred in late September. Comey explained:

I was aware sometime in the first week or two of October that there was a laptop that a criminal squad had seized from Anthony Weiner in New York and someone said to me that—and I'm thinking it might have been Andrew McCabe, but someone said to me kind of in passing, they're trying to figure out whether it has any connection to the Midyear investigation. And the reason that's so vague in my head is I think—I never imagined that there might be something on a guy named Anthony Weiner's computer that might connect to the Hillary Clinton email investigation, so I kind of just put it out of my mind.

Comey described himself as having a "reasonably good memory" and speculated, "[T]he reason I didn't index it is, it was a passing thing that almost seemed like he might be kidding, and so I don't think I indexed it hard. And I think it was the beginning of October and then I think it disappears from my memory. And then I remember for certain when Andy emails me, I think it's the 27th [of October] saying, the Midyear team needs to meet with you urgently or right away or something."

We asked Comey to explain why this initial information about the Weiner laptop did not "index" with him given that Abedin was closely connected to Clinton. Comey stated, "I don't know that I knew that [Weiner] was married to Huma Abedin at the time." Comey told us that even if he had had known that Abedin was married to Weiner "it wouldn't have been [at the] top of [my] mind." Comey also stated that the manner in which he was informed of this information affected his reaction. Comey told us that he was "quite confident" that he was not told this information in a "sit down" briefing in his office. Instead, Comey thought it most likely that McCabe was "passing the office" and said, "hey Boss, I just want you to know that the criminal squad in New York has got Anthony Weiner's laptop and I think it may have some connect to Midyear." Comey said he knew that "if it's

important, Andy [McCabe] will make sure that I focus on it.” Comey said that it “could be” that whoever told him about the Weiner laptop “understated the significance of the information.” He said, “The notion that I knew something important was on that laptop and did what—concealed or hid it or something?—is crazy.”

We asked Comey if McCabe told him that Sweeney had called McCabe about the emails on the Weiner laptop. Comey responded, “No.” We also showed Comey the Strzok text messages and asked him if he recalled being briefed in person by McCabe on September 28. Comey said he did not recall that occurring. Comey stated that he would have expected to be briefed if NYO had discovered a large volume of Hillary Clinton’s emails. However, if NYO had only discovered a large volume of Abedin’s emails, he was not sure that information would be briefed to him since there would not necessarily be a connection to Midyear. He acknowledged, however, that it “would be significant” if the laptop contained Abedin’s emails on a clintonemail.com domain.

We asked Comey, “[I]f [McCabe] had been told on September 28th that there were...at one point 141,000 and at another 347,000 emails related to the Clinton investigation and didn’t tell you, would you be concerned by that?” Comey responded, “Sure, I’d want to know why, what the thinking was.” Since Comey told us he did not recall being told this information, we asked for his reaction. Comey stated:

I’m mystified. First of all doubting, worried that I’m crazy is my first instinct, but I don’t think I’m crazy. You said and I think I would remember if I were being told, so the question is, why wouldn’t you tell me. I always try and keep an open mind and maybe some explanation and one I can’t see, but I’d want to know, why, what’s the thinking. Why didn’t the, given the Director is closely associated with this, why, what’s the reasoning. Maybe there is one I can’t see, but I certainly would want to ask.

As detailed in the next section, Sweeney told us he also called EAD Coleman, EAD Steinbach, and AD Priestap on September 28 regarding the Weiner laptop emails. We asked Comey if any of those officials or anyone else informed him at this time (late September) of Sweeney’s report that Midyear-related information had been discovered on the Weiner laptop. Comey responded, “Unless I’m having a stroke, no. I don’t remember any of that.” We also asked Comey if he would have expected someone on his leadership team other than McCabe to bring this to his attention. Comey stated that he would “not necessarily” have expected this if “they were assuming that the Deputy Director is briefing the Director.” He described the FBI as “a big chain of command place.”

D. Sweeney Calls Other FBI Executives on September 28

In addition to the phone call with McCabe detailed above, Sweeney told us that on September 28 he also called Criminal EAD Randy Coleman, National Security Branch EAD Mike Steinbach, and Counterintelligence AD Bill Priestap with

Exhibit 47

2016-09-28 16:17:54, Wed	INBOX	Your sacs badge is in here ..
2016-09-28 19:07:56, Wed	INBOX	Cyber fucked everything up with Iris and [REDACTED] I have calls in to both
2016-09-28 19:10:07, Wed	OUTBOX	You are kidding me. \U0001f621 How so?
2016-09-28 19:28:47, Wed	OUTBOX	Hey, just called you back.
2016-09-28 19:31:36, Wed	INBOX	Sorry talking to Iris, [REDACTED] calling 3:30. Which I guess was 2 minutes ago.
2016-09-28 21:28:23, Wed	INBOX	Sorry. A lot of people want a lot of time. Not all of them need it. Didn't gatekeep for Andy as EAD, or was it better at that level? Can't imagine it would be
2016-09-28 21:28:54, Wed	OUTBOX	No, he had [REDACTED] to do that for him.
2016-09-28 21:28:56, Wed	INBOX	[REDACTED]
2016-09-28 21:29:12, Wed	OUTBOX	[REDACTED]
2016-09-28 23:25:31, Wed	INBOX	Got called up to Andy's earlier...hundreds of thousands of emails turned over by Weiner's atty to sdny, includes a ton of material from spouse. \U0001f628\n\nSending team up tomorrow to review...this will never end....
2016-09-28 23:27:03, Wed	OUTBOX	Turned over to them why?
2016-09-28 23:28:24, Wed	INBOX	Apparently one of his recent texting partners may not have been 18...don't have the details yet
2016-09-28 23:29:00, Wed	OUTBOX	Yes, reported 15 in the news.
2016-09-28 23:31:15, Wed	INBOX	And funny. Bill and I were waiting outside his door. He was down with the director. [REDACTED] saw us from the inner hallway, made a point of coming over to see what it was that we were talking about. We didn't know. I think [REDACTED] is a little bit of a busybody.
2016-09-28 23:32:17, Wed	OUTBOX	He us a busy body. Not to be trusted.
2016-09-28 23:34:14, Wed	INBOX	Tell me.....
2016-09-28 23:51:57, Wed	INBOX	[REDACTED] [REDACTED] [REDACTED]
2016-09-29 01:08:50, Thu	OUTBOX	And suddenly I'm realizing, they're like Trump demographic people, just democrats. \U0001f612
2016-09-29 01:10:29, Thu	INBOX	[REDACTED] I need to send you what my [REDACTED] has been sending. The liberal media is all in the tank for Hillary. Because, you know, Trump isn't batsh*t crazy for our country...

Exhibit 48

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 - NYO notes [REDACTED]
 - [REDACTED] observes material potentially related to MYE (clintonemail.com and state.gov domains) seen during course of review
 - No numbers/volume available
 - Discussion about ability to search for material determines such activity would be outside scope of warrant
 - Request to NYO to gather basic facts (numbers, domains, etc) based on their review
- Approx. 10/19/2016 - NYO [REDACTED]
 - NYO observes SBU attachment
- 10/21/2016 - 6:00 PM DOJ/NSD advises MYE leadership that SDNY informed them of MYE-related media on Weiner media
- 10/25/2016 - DOJ-DD conversation re material
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 - DD advised of results of call with MYE team conclusion material should be looked at; DD directs briefing to D
- 10/27/2016 - Briefing to D; D concurs with conducting investigation to obtain data
- 10/30/2016 - SW sworn out at SDNY
 - Copy of media obtained by MYE SAs, entered into evidence, and provided to OTD for processing

Exhibit 49

2016-10-06 23:20:17, Thu	202 [REDACTED]	OUTBOX	<pre> [{"modified": [REDACTED], "uniqueid": "804", "firstName": "Peter", "last Name": "P. II Strzok", "notes": [], "orga nizations": [], "numbers" : ["202 [REDACTED]", "(202) [REDACTED]", "emails": [REDACTED] </pre>	We got a list of kids with their parents' names. How many Matt Apuzzo's could there be in DC? Showed J a picture, he said he thinks he has seen a guy who kinda looks like that, but always really schlubby. I said that sounds like every reporter I have ever seen.	sms
2016-10-06 23:21:08, Thu	202 [REDACTED]	OUTBOX	<pre> [{"modified": [REDACTED], "uniqueid": "804", "firstName": "Peter", "last Name": "P. II Strzok", "notes": [], "orga nizations": [], "numbers" : ["202 [REDACTED]", "(202) [REDACTED]", "emails": [REDACTED] </pre>	Found what I think might be their address too.	sms
2016-10-06 23:21:37, Thu	202 [REDACTED]	INBOX	<pre> [{"modified": [REDACTED], "uniqueid": "804", "firstName": "Peter", "last Name": "P. II Strzok", "notes": [], "orga nizations": [], "numbers" : ["202 [REDACTED]", "(202) [REDACTED]", "emails": [REDACTED] </pre>	He's TOTALLY schlubby! Dont you remember?	sms
2016-10-06 23:22:31, Thu	202 [REDACTED]	OUTBOX	<pre> [{"modified": [REDACTED], "uniqueid": "804", "firstName": "Peter", "last Name": "P. II Strzok", "notes": [], "orga nizations": [], "numbers" : ["202 [REDACTED]", "(202) [REDACTED]", "emails": [REDACTED] </pre>	Wife is [REDACTED] Found address looking for her. Lawyer.	sms

2016-10-06 23:24:01, Thu	202 [REDACTED]	INBOX	(202) [REDACTED] [REDACTED] [REDACTED]	[{"modified": [REDACTED], "uniqueid": "804", firstName": "Peter", "las tName": "P. II Strzok", "notes": [], "orga nizations": [], "numbers" : ["202 [REDACTED] (202) [REDACTED]", "emails": [REDACTED]	Address?	sms	[REDACTED]
2016-10-06 23:24:34, Thu	202 [REDACTED]	OUTBOX	(202) [REDACTED] [REDACTED] [REDACTED]	[{"modified": [REDACTED], "uniqueid": "804", firstName": "Peter", "las tName": "P. II Strzok", "notes": [], "orga nizations": [], "numbers" : ["202 [REDACTED] (202) [REDACTED]", "emails": [REDACTED]	They met at [REDACTED] Good on him, he started writing at the school paper.	sms	[REDACTED]
2016-10-06 23:24:58, Thu	202 [REDACTED]	OUTBOX	(202) [REDACTED] [REDACTED] [REDACTED]	[{"modified": [REDACTED], "uniqueid": "804", firstName": "Peter", "las tName": "P. II Strzok", "notes": [], "orga nizations": [], "numbers" : ["202 [REDACTED] (202) [REDACTED]", "emails": [REDACTED]	[REDACTED] think.	sms	[REDACTED]
2016-10-06 23:26:39, Thu	202 [REDACTED]	OUTBOX	(202) [REDACTED] [REDACTED] [REDACTED]	[{"modified": [REDACTED], "uniqueid": "804", firstName": "Peter", "las tName": "P. II Strzok", "notes": [], "orga nizations": [], "numbers" : ["202 [REDACTED] (202) [REDACTED]", "emails": [REDACTED]	Just have to look up if it is inbounds for [REDACTED]	sms	[REDACTED]

2016-10-06 23:26:41, Thu	202 [REDACTED]	INBOX	(202) [REDACTED] [REDACTED] [REDACTED]	[[{"modified": [REDACTED], "uniqueId": "804", firstName": "Peter", "lastName": "P. II Strzok", "notes": [], "organizations": [], "numbers": :["202 [REDACTED]", "(202) [REDACTED]", [REDACTED], "emails": [REDACTED]	I wouldn't search on your work phone....no idea what that might trigger in [REDACTED] shop....;	sms	[REDACTED]
2016-10-06 23:27:31, Thu	202 [REDACTED]	OUTBOX	(202) [REDACTED] [REDACTED] [REDACTED]	[[{"modified": [REDACTED], "uniqueId": "804", firstName": "Peter", "lastName": "P. II Strzok", "notes": [], "organizations": [], "numbers": :["202 [REDACTED]", "(202) [REDACTED]", [REDACTED], "emails": [REDACTED]	Oops. Too late.	sms	[REDACTED]
2016-10-07 10:02:33, Fri	202 [REDACTED]	INBOX	(202) [REDACTED] [REDACTED] [REDACTED]	[[{"modified": [REDACTED], "uniqueId": "804", firstName": "Peter", "lastName": "P. II Strzok", "notes": [], "organizations": [], "numbers": :["202 [REDACTED]", "(202) [REDACTED]", [REDACTED], "emails": [REDACTED]	Yeah and I made the mistake of reading some stupid NY Post article about how agents are ready to revolt against D because of MY...now I'm really angry....	sms	[REDACTED]
2016-10-07 10:03:33, Fri	202 [REDACTED]	INBOX	(202) [REDACTED] [REDACTED] [REDACTED]	[[{"modified": [REDACTED], "uniqueId": "804", firstName": "Peter", "lastName": "P. II Strzok", "notes": [], "organizations": [], "numbers": :["202 [REDACTED]", "(202) [REDACTED]", [REDACTED], "emails": [REDACTED]	There are a bunch of really ignorant people out there blinded by their politics	sms	[REDACTED]

Exhibit 50

- 09/26/2016 - NYO obtains SW for Weiner laptop
- 09/28/2016 - ADIC NY notes potential MYE-related material following weekly SAC SVTC
- 09/29/2016 - Conference call between NYO and MYE team
 - NYO notes [REDACTED]
 - [REDACTED] observes material potentially related to MYE (clintonemail.com and state.gov domains) seen during course of review
 - No numbers/volume available
 - Discussion about ability to search for material determines such activity would be outside scope of warrant
 - Request to NYO to gather basic facts (numbers, domains, etc) based on their review
- Approx. 10/19/2016 - NYO [REDACTED]
 - NYO observes SBU attachment
- 10/21/2016 - 6:00 PM DOJ/NSD advises MYE leadership that SDNY informed them of MYE-related media on Weiner media
- 10/25/2016 - DOJ-DD conversation re material
- 10/26/2016 - DOJ-MYE-NYO conference call
 - DD advised of results of call with MYE team conclusion material should be looked at; DD directs briefing to D
- 10/27/2016 - Briefing to D; D concurs with conducting investigation to obtain data
- 10/30/2016 - SW sworn out at SDNY
 - Copy of media obtained by MYE SAs, entered into evidence, and provided to OTD for processing

Exhibit 51

- 09/26/2016 - NYO obtains SW for Weiner laptop
- 09/28/2016 - ADIC NY notes potential MYE-related material following weekly SAC SVTC
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 - NYO notes [REDACTED]
 - [REDACTED] observes material potentially related to MYE (clintonemail.com and state.gov domains) seen during course of review
 - No numbers/volume available
 - Discussion about ability to search for material determines such activity would be outside scope of warrant
 - Request to NYO to gather basic facts (numbers, domains, etc) based on their review
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 - No numbers/volume available
 - Discussion about ability to search for material determines such activity would be outside scope of warrant
 - Request to NYO to gather basic facts (numbers, domains, etc) based on their review
- Approx. 10/19/2016 - NYO [REDACTED]
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 - Copy of media obtained by MYE SAs, entered into evidence, and provided to OTD for processing

Exhibit 53

2016-10-27 16:25:15, Thu	INBOX	Just spoke with JB...he relayed your convo...
2016-10-27 16:33:42, Thu	INBOX	D is going to call Andy, we should talk before then. Have you talked with Andy, particularly w/r/t what JB subsequently told me?
2016-10-27 16:36:11, Thu	OUTBOX	He already did.
2016-10-27 16:38:06, Thu	INBOX	JB told me there was no requirement to recuse you, that is was optics, we went round and round playing that out.
2016-10-27 18:03:22, Thu	OUTBOX	Please, let's figure out what it is we HAVE first. What if we can't make out PC? Then we have no further investigative step.
2016-10-27 18:05:29, Thu	INBOX	Agreed
2016-10-27 18:25:56, Thu	OUTBOX	Going to the scif, brb, in case you come by.
2016-10-27 19:01:23, Thu	INBOX	I've got a 345 with Bill...
2016-10-27 20:38:14, Thu	INBOX	K. There's stuff from discussion today we haven't covered but you have the big stuff. Will think and write down anything else
2016-10-27 21:08:18, Thu	INBOX	God I am aggravated. Call me...now have a 530 re-group.
2016-10-27 21:08:58, Thu	OUTBOX	On with Devlin still.
2016-10-27 21:09:48, Thu	INBOX	Hope it's going well...
2016-10-27 21:21:08, Thu	OUTBOX	I'm done.
2016-10-27 21:30:44, Thu	INBOX	I'm 20 feet from you and this feels unnatural.
2016-10-27 21:31:09, Thu	OUTBOX	I just walked in on Jim to force the issue. Me: "I'm not recused, but I'm not sitting in on this meeting."
2016-10-27 21:31:19, Thu	OUTBOX	He told me to just go chill out for a while, so that's what I'm doing.
2016-10-27 21:33:01, Thu	INBOX	That's good advice. [REDACTED]
2016-10-27 22:32:14, Thu	INBOX	In the hallway with everyone incl Jason, just thinking he's going to try and stop by
2016-10-27 22:33:39, Thu	OUTBOX	You should not come by. We should talk by phone.
2016-10-28 00:18:45, Fri	INBOX	Do you have George's cell?
2016-10-28 02:09:04, Fri	INBOX	I do now kinda love George
2016-10-28 02:10:06, Fri	OUTBOX	Glad to hear it. We should talk before your 7:30. Also sent a couple of things on gtown.

Exhibit 54

2016-10-28 02:46:34, Fri	INBOX	Of course. Let me know when. I'll be driving in by 7.\n\nStill conference calling, 1:15 in...
2016-10-28 03:11:49, Fri	OUTBOX	Conference call with whom? This late?
2016-10-28 03:13:23, Fri	INBOX	George David [REDACTED] Jon [REDACTED] \n\nYes. \n\nMany feelings. \U0001f612
2016-10-28 07:50:42, Fri	OUTBOX	Any plan to tell the case agents? You know, since so much of this has hinged on the credibility of "the team." \U0001f621
2016-10-28 14:11:26, Fri	INBOX	Never mind Conf call now
2016-10-28 14:31:36, Fri	OUTBOX	Frankly didn't want to. I don't need to be privy when I had no role in the decision.
2016-10-28 14:47:09, Fri	OUTBOX	I cancelled lunch with Trisha. I'm in no mood.
2016-10-28 17:19:06, Fri	OUTBOX	Still on with devlin. Mike's phone is ON FIRE.
2016-10-28 17:19:38, Fri	INBOX	It's on news
2016-10-28 17:29:58, Fri	INBOX	You may wanna tell Devlin he should turn on CNN , there's news going on ; (
2016-10-28 17:30:13, Fri	INBOX	Sorry ;)
2016-10-28 17:30:17, Fri	OUTBOX	He knows. He just got handed a note.
2016-10-28 17:33:54, Fri	INBOX	Ha. He asking about it now?
2016-10-28 17:34:44, Fri	OUTBOX	Yeah. It was pretty funny. Coming now.
2016-10-28 19:24:48, Fri	INBOX	News picked up Weiner source
2016-10-28 22:02:21, Fri	OUTBOX	Christ. It's there led on freaking MARKETPLACE.
2016-10-28 22:27:32, Fri	OUTBOX	Rybicki just called to check in. He very clearly 100% believes that Andy should be recused because of the "perception."
2016-10-28 22:30:57, Fri	INBOX	God. \U0001f621
2016-10-28 22:34:58, Fri	OUTBOX	Our statement affected the stock market. \U0001f621
2016-10-29 00:52:04, Sat	OUTBOX	Don't understand your email, if it's a matter similar to those we've been talking about lately, why no recusal before? Something different?
2016-10-29 01:21:48, Sat	INBOX	I assume McAuliffe picked up. But that doesn't make sense. \n\nHe said he was interviewing, maybe he's headed into private sector?
2016-10-29 02:05:35, Sat	INBOX	Talking to [REDACTED]
2016-10-29 02:06:47, Sat	INBOX	Can talk if you want. Not that that would make any sense.

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Exhibit 56

intended to address a “persistent frustration” he had over not receiving timely notice by OPA of news articles of interest. McCabe told us he did not know if he had a subsequent conversation with Kortan in which Kortan provided an explanation for why OPA did not send him the article. However, McCabe said that Kortan may not have brought the November 3 WSJ article to his attention in the first place because McCabe had recused himself from the Clinton Foundation investigation. When we asked McCabe whether in retrospect he should have asked Kortan to be briefed or kept up to speed on matters he was recused from, he said, “no, no” and reiterated that may have been why Kortan did not bring the article to his attention.

F. Decision Not to Disclose McCabe’s Recusals to Congress

Soon after the publication of the October 23 WSJ article, the FBI received three Congressional requests for information regarding the facts and allegations in the article. One was a letter from Senator Charles E. Grassley to Director Comey dated October 28, 2016, requesting answers to 12 questions, including one which stated: “What steps are you taking to mitigate the appearance of a conflict of interest in the Clinton email investigation and to reassure Congress and the American people that the investigation was not subject to political bias?”

On December 14, 2016, the FBI sent its response to Senator Grassley’s letter, signed by the then-Acting Assistant Director (AAD) for the FBI’s Office of Congressional Affairs (OCA). The December 14 letter did not explicitly address Senator Grassley’s question concerning mitigation steps taken or otherwise disclose McCabe’s November 1 recusal from the Clinton email investigation. Instead, the last two sentences of the corresponding paragraph in the final December 14 letter stated:

Dr. McCabe lost the election for state senate on November 3, 2015, months before Mr. McCabe, as DD, assumed responsibility for the Clinton email investigation. Based on these facts, it did not appear that there was a conflict of interest – actual or apparent – that required recusal or waiver.

We attempted to determine who made the decision not to disclose the November 1 recusal of McCabe from the Clinton email investigation in the December 14 response to Senator Grassley, and for what reason.

Beginning in early December 2016, the OCA AAD and another OCA staff member circulated several drafts of the response to Senator Grassley. One draft included the sentence: “On October [?], 2016, out of an abundance of caution, Mr. McCabe recused himself from further participation in the [Clinton email] investigation.” Lisa Page responded in an email that stated, “No way on [that] sentence. During our conversation with Jim [Baker] last week, both of us express[ed] our overwhelming interest in protecting that fact as long as possible.” Page told us she believed the “both of us” reference was to herself and McCabe, but was not sure. Page told us she believed that McCabe’s recusal, if revealed, would have been misused for political purposes and further inflamed the claims that Comey and McCabe were biased in favor of Clinton. Page also said she was not

sure who made the ultimate decision on whether to disclose McCabe's recusal. She said that she did not know whether McCabe weighed in on this decision.

McCabe told us he did not have a recollection of any discussion, including with Comey, regarding whether to reveal his recusal from the Clinton email investigation in the December 14 letter. He said Page's "protect the fact" comment in her email reflected their thinking at the time that to reveal that information would create a "potentially damaging misimpression of the case" and that although he did not recall specifically discussing this issue with Comey, he believed Comey was also of that view.

Comey said he had "some recollection" that his Chief of Staff, James Rybicki, presented him with two options being considered, one sentence urged by McCabe and his staff would respond narrowly, the other would volunteer the fact of McCabe's recusal. Comey told us he did not recall the details of his participation in the decision on how to answer, but he said he recalled seeing the proposed language and hearing about an internal conflict that McCabe did not want the FBI to volunteer that he had recused from the Clinton email investigation. Comey told us that although he does not recall how he responded to the issue as it was presented to him, he assumes he would have agreed to the final language so long as it was "technically accurate I'm okay with answering it narrowly." Rybicki told us he had a vague recollection of the Grassley letter, but could not recall any discussions regarding whether to disclose McCabe's November 1 recusal to Congress or whether the issue was presented to Comey.

The OCA AAD told us he did not specifically recall who made the decision not to disclose McCabe's recusal, but that he believes McCabe likely made the decision. However, the OCA AAD said he did not remember having a conversation with McCabe about disclosing his recusal in the December 14 letter or providing him a draft with the proffered recusal language in it.

V. OIG Analysis

A. Recusal Issues

In this section we analyze whether McCabe should have been recused from the Clinton investigations prior to November 1, 2016 and whether he adhered to the terms of his recusal once he was recused.

1. Summary of Findings

We found that McCabe was not required to recuse from the Clinton-related investigations under section 502(a) or any of the other relevant authorities. We also determined that, at the time McCabe became Deputy Director and thus had authority over Clinton-related investigations, no one in the FBI considered the question of whether Dr. McCabe's campaign raised recusal concerns as to Clinton-related investigation. This issue was not considered until after publication of the October 23 WSJ article and led to McCabe recusing himself from Clinton-related investigations on November 1, 2016. We found that McCabe did not fully comply

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

Robert L. Davis, Chief Counsel and Staff Director
Kristen A. Lucas, Democratic Chief Counsel and Staff Director

October 28, 2016

VIA ELECTRONIC TRANSMISSION

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

Dear Director Comey,

On October 23, 2016, the Wall Street Journal reported a set of troubling facts about potential conflicts of interest in the criminal investigation into Secretary of State Hillary Clinton. That news article noted that Virginia Governor Terry McAuliffe's political action committee donated \$467,500 to Dr. Jill McCabe's state Senate campaign in 2015.¹ In addition, the Wall Street Journal reported that the Virginia Democrat Party, "over which Mr. McAuliffe exerts considerable control," also donated \$207,788 to her campaign.² Dr. McCabe is married to Andrew McCabe who is currently deputy director of the FBI, and became part of the leadership that oversaw the Clinton email investigation in 2016. Gov. McAuliffe is long-time confidant of Bill and Hillary Clinton and served as President Clinton's chief fundraiser in the 1990s. It is well reported and known that Gov. McAuliffe and the Clintons have been close associates for decades and it begs the question why Mr. McCabe was allowed to be in a position to exert oversight upon the Clinton investigation knowing that his wife was provided over half a million dollars by entities tied so closely to Gov. McAuliffe and the Clintons.

The Wall Street Journal has reported that the FBI did not see Mr. McCabe's position as a conflict of interest concerning the Clinton email investigation because his wife's campaign had ended by the time he stepped into a supervisory position in the investigation, which seems to concede any involvement during her campaign could have been a conflict.³ Notably, even before his supervisory position as deputy director, Mr. McCabe was in charge of the FBI's Washington, D.C. field office which, according to the Wall Street Journal, "provided personnel and resources

¹ Devlin Barrett, "Clinton Ally Aided Campaign of FBI Official's Wife," Wall Street Journal (October 23, 2016). Available at <http://www.wsj.com/articles/clinton-ally-aids-campaign-of-fbi-officials-wife-1477266114>

² *Id.*

³ *Id.*

Director Comey
 October 28, 2016
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to the Clinton email probe.”⁴ In July 2015, around the time the FBI’s Clinton investigation began, Mr. McCabe was promoted to associate deputy director at FBI headquarters – the number three in the chain of command.⁵ The FBI asserts that Mr. McCabe did not have an “oversight role” in the Clinton investigation until he became the number two in command in 2016.⁶ However, the FBI’s statement does not foreclose the possibility that Mr. McCabe had a non-oversight role while associate deputy director. Thus, even during the time period in which his wife’s political campaign received approximately half a million dollars from Gov. McAuliffe’s political action committee, and over \$200,000 from the Virginia Democrat Party, he may have had a role in the investigation and did not recuse himself.

In October 2015, several months after his promotion, Gov. McAuliffe’s political action committee made three donations of more than \$100,000 to his wife’s campaign.⁷ Prior to October, and prior to his promotion, the largest donation was \$7,500.⁸ The Wall Street Journal has reported that 98% of the Gov. McAuliffe related donations to his wife came after the FBI launched the investigation into Secretary Clinton.⁹ Given these facts, the FBI must provide a more detailed explanation as to why it determined that it was appropriate for Mr. McCabe to participate in that investigation in any way.

Also, separate and distinct from the Clinton investigation, it has been reported that the FBI’s Washington field office, the same one which Mr. McCabe led, started an investigation into Gov. McAuliffe for allegedly receiving over \$100,000 in campaign contributions from foreign entities.¹⁰ The FBI has stated that Mr. McCabe was recused from the McAuliffe investigation when his wife chose to run for office.¹¹ It is unclear as to whether Mr. McCabe returned to the investigation when the campaign ended.¹²

As a general matter, all government employees must avoid situations that create even the appearance of impropriety. Specifically, 5 C.F.R. § 2635.502, advises that a government employee should seek clearance before participating in any matter that could cause his or her

⁴ Devlin Barret, “Clinton Ally Aided Campaign of FBI Official’s Wife,” Wall Street Journal (October 23, 2016). Available at <http://www.wsj.com/articles/clinton-ally-aids-campaign-of-fbi-officials-wife-1477266114>.

⁵ *Id.*

⁶ *Id.* The FBI released a statement saying, “[m]onths after the completion of her campaign, then-Associate Deputy Director McCabe was promoted to Deputy, where, in that position, he assumed for the first time, an oversight role in the investigation into Secretary Clinton’s emails.” See Devlin Barret, “Clinton Ally Aided Campaign of FBI Official’s Wife,” Wall Street Journal (October 23, 2016). Available at <http://www.wsj.com/articles/clinton-ally-aids-campaign-of-fbi-officials-wife-1477266114>

⁷ October 1, 2015 - \$150,000; October 27, 2015 - \$125,000; October 29, 2015 - \$175,000. See VPAP.org, http://www.vpap.org/donors/248345/recipient/257117/?start_year=2015&end_year=2015&recip_type=all

⁸ *Id.*

⁹ Wall Street Journal Editorial, “The FBI’s Clinton Probe Gets Curiouser,” (October 24, 2016). Available at <http://www.wsj.com/articles/the-fbi-clinton-probe-gets-curioser-1477352522>

¹⁰ Devlin Barret, “FBI Investigating Donations to Virginia Gov. Terry McAuliffe,” Wall Street Journal (May 23, 2016). Available at <http://www.wsj.com/articles/fbi-investigating-donations-to-virginia-gov-terry-mcauliffe-1464046899>

¹¹ Gregory S. Schneider, “Why the latest Hillary Clinton conspiracy might not be what it seems,” The Washington Post (October 24, 2016.) Available at <https://www.washingtonpost.com/news/post-politics/wp/2016/10/24/why-the-latest-clinton-conspiracy-might-not-be-what-it-seems/>

¹² *Id.* The article notes the FBI said, “[w]hen she chose to run . . . McCabe and FBI lawyers implemented a system of recusal from all FBI investigative matters involving Virginia politics, a process followed for the remainder of her campaign.” The implication is that he returned to the investigation when the campaign ended.

Director Comey
 October 28, 2016
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impartiality to be questioned. In addition, when impartiality is at issue, the employee should obtain a formal determination from the component superior that participation outweighs the concern that the FBI's integrity would be questioned.¹³ The Wall Street Journal reports that Mr. McCabe did seek ethics advice in March 2015 after he and his wife met with Gov. McAuliffe. However, it is not clear from which officials he sought advice, what guidance he received from the FBI, and whether he sought additional guidance after he was twice promoted to a position that had an apparent increased role in the Clinton investigation.¹⁴ In addition, with respect to the McAuliffe investigation, it is unclear whether he returned to the investigation after recusal and, if so, what ethics guidance he received.

Executive Order 12674, "Principles of Ethical Conduct for Government Officers and Employees," makes clear that "[e]mployees shall not hold financial interests that conflict with the conscientious performance of duty," "[e]mployees shall act impartially and not give preferential treatment to any private organization or individual," and "[e]mployees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order."¹⁵ Importantly, the FBI Ethics and Integrity Program Guide cites 28 C.F.R. § 45.2 which states that,

no employee shall participate in a criminal investigation if he has a personal or political relationship with [...] [a]ny person or organization substantially involved in the conduct that is the subject of the investigation or prosecution; or [a]ny person or organization which he knows has a specific and substantial interest that would be directly affected by the outcome of the investigation or prosecution.¹⁶

In complying with this rule, the employee must report the matter to his supervisor. If the supervisor determines that a personal or political relationship exists the employee shall be relieved unless the supervisor determines, in writing, the relationship will not "render the employee's service less than fully impartial and professional" and the employee's participation "would not create an appearance of a conflict of interest likely to affect the public perception of the integrity of the investigation or prosecution."¹⁷ As applied to Mr. McCabe's role in the Clinton email investigation and McAuliffe investigation, these rules demand that he and the FBI take steps to ensure that not even the appearance of a loss of impartiality is present. Further, given Mr. McCabe's potential role in both investigations, which has not been fully explained by the FBI, his wife's substantial campaign donations from Gov. McAuliffe's political action

¹³ 5 C.F.R. § 2635.502(d).

¹⁴ For example, it is not clear whether or not Mr. McCabe sought guidance from you or the Designated Agency Ethics Official regarding his potential conflict of interest or whether he sought a waiver to continue in his role in the Clinton investigation. The FBI Ethics and Integrity Policy Guide Section 4.6.1.2 notes that an employee who is concerned that circumstances would cause questions as to his impartiality should speak with ethics officials.

¹⁵ FBI Ethics and Integrity Program Policy Guide, p. 29 and 30, citing Executive Order 12674. Emphasis added.

¹⁶ *Id.* at 30. Emphasis added.

¹⁷ *Id.* Emphasis added.

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committee and the Democrat party potentially create the appearance of a conflict of interest that has affected the public perception of the integrity of both investigations. This is problematic and the rules are designed to prevent these types of issues from occurring.

The FBI has repeatedly stated that the Clinton investigation was apolitical and you have said that FBI personnel “don’t give a rip about politics.”¹⁸ Further, you have stated, “I want the American people to know we really did this the right way. You can disagree with us, but you cannot fairly say we did it in any kind of political way.”¹⁹ The FBI’s Ethics and Integrity Policy Guide specifically notes that “[w]hether particular circumstances created an appearance that the law or [FBI ethical standards] have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.”²⁰

Since the Clinton investigation ended, the public’s knowledge of the relevant facts has rightfully increased substantially. The public now knows that the investigation’s scope was arbitrarily limited to classifications issues, with little or no effort to make a case against anyone for intentionally alienating federal records and subverting the Freedom of Information Act process. Moreover, the Justice Department apparently failed to authorize any compulsory process through search warrants or grand jury subpoenas.²¹ This resulted in generous grants of immunity to Secretary Clinton’s associates because of their refusal to cooperate voluntarily except under the terms and limitations most favorable to them—including an inexplicable agreement for the FBI to destroy laptops that contained records subject to congressional subpoenas and preservation letters. On top of these circumstances, now the public learns that the wife of the FBI’s second in command accepted more than half a million dollars from a close associate of Secretary Clinton, with 98% of the donations received after the FBI began its investigation. And, separate from the Clinton investigation, it is not clear whether Mr. McCabe has rejoined the investigation into Mr. McAuliffe after his wife’s campaign received substantial donations. Accordingly, it is reasonable for the public to question the impartiality of the process.

In order to better understand the context of the facts reported in the press about Mr. McCabe, please answer and provide the following:

1. Please describe Mr. McCabe’s role in the Clinton investigation as assistant director in charge of the FBI’s Washington, D.C. field office, associate deputy director, and as deputy director of the FBI.

¹⁸ Evan Perez, “FBI chief on Clinton investigation: My people ‘don’t give a rip about politics,’” CNN (October 1, 2015). Available at <http://www.cnn.com/2015/10/01/politics/james-comey-fbi-hillary-clinton/>

¹⁹ Everett Rosenfeld, “FBI Director Comey says ‘nobody would’ bring a case against Clinton,” CNBC (July 7, 2016). Available at <http://www.cnbc.com/2016/07/07/fbi-director-comey-our-recommendation-was-apolitical.html>

²⁰ FBI Ethics and Integrity Program Policy Guide, p. 35.

²¹ Malia Zimmerman and Adam Housley, “FBI, DOJ roiled by Comey, Lynch decision to let Clinton slide by on emails, says insider,” FoxNews (October 13, 2016). Available at <http://www.foxnews.com/politics/2016/10/13/fbi-doj-roiled-by-comey-lynch-decision-to-let-clinton-slide-by-on-emails-says-insider.html>

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2. Please provide all records relating to communications between and among FBI officials relating to the conflict of interest issues pertaining to the candidacy of Mr. McCabe's wife for public office or his involvement in the Clinton email investigation.
3. The Wall Street Journal reported that Mr. McCabe met with Gov. McAuliffe and then sought ethics advice from the FBI. When did he meet with Gov. McAuliffe, where, and under what circumstances? What ethics components did he contact? What was the FBI's advice to Mr. McCabe? Did he follow that advice? Please explain.
4. After Mr. McCabe was promoted twice, did he seek further ethics advice after each promotion? If so, please detail each instance in which he sought advice from the FBI and which FBI component and employees provided the ethics guidance.
5. Were you aware of Mr. McCabe's potential conflicts? If so, when and how did you become aware? If not, why not?
6. Did the FBI perform a conflicts analysis under 28 C.F.R. § 45.2? If so, when and what was the conclusion? If not, why not?
7. Was a waiver analysis under 5 C.F.R. § 2635.502(d) performed? If so, when? In addition, please provide all records relating to the analysis and issuance of the waiver(s), including copies of the written waivers. If no analysis was performed, why not?
8. Did Mr. McCabe have a political or personal relationship with Gov. McAuliffe or his political action committee as defined in 28 C.F.R. § 45.2? If not, why not?
9. Did Mr. McCabe's involvement in the Clinton investigation as the assistant director in charge of the Washington, D.C. field office, as associate deputy director, and as the deputy director of the FBI create the appearance of a loss of impartiality? Please explain.
10. Did Mr. McCabe's involvement in the Clinton investigation as the assistant director in charge of the Washington, D.C. field office, as associate deputy director, and as the deputy director of the FBI affect the public perception of the investigation? Please explain.
11. What steps are you taking to mitigate the appearance of a conflict of interest in the Clinton email investigation and to reassure Congress and the American people that the investigation was not subject to political bias?
12. It is not clear when the investigation into Gov. McAuliffe's foreign campaign donations started, and which FBI officials have been involved. However, given Mr. McCabe's position at the FBI in the last two years, it is imperative that the FBI inform Congress about his potential role in this investigation. Please answer the following:

Director Comey
October 28, 2016
Page 6 of 6

- a. Please describe Mr. McCabe's role in the Gov. McAuliffe investigation.
- b. When was Mr. McCabe recused from the McAuliffe investigation? Please provide exact dates and provide all records relating to the recusal.
- c. When Mr. McCabe and his wife met with Mr. McAuliffe in March 2015, did Mr. McCabe have a role in the McAuliffe investigation at that time? If so, what was his role and at what point thereafter did Mr. McCabe recuse himself?
- d. Did Mr. McCabe return to the McAuliffe investigation after his wife's campaign ended? If so, please explain why his participation does not cause the appearance of a loss of impartiality or a conflict of interest. In addition, please note exactly when Mr. McCabe returned to the investigation.
- e. Did Mr. McCabe report any ethical issues to FBI officials relating to the McAuliffe investigation? If so, provide all records relating to his reports and the FBI's final determination, to include all waivers.
- f. Was a waiver analysis under 5 C.F.R. § 2635.502(d) performed? If so, when? In addition, please provide all records relating to the analysis and issuance of the waiver(s), including copies of the written waivers. If no analysis was performed, why not?
- g. Did the FBI perform a conflicts analysis under 28 C.F.R. § 45.2? If so, when and what was the conclusion? If not, why not?

Please answer the questions according to their corresponding questions. I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you in advance for your cooperation with this request. Please respond no later than November 14, 2016. If you have questions, contact Josh Flynn-Brown of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

December 14, 2016

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This is in response to your letter to Director Comey dated October 28, 2016 concerning a potential conflict of interest related to the state Senate campaign of Deputy Director (DD) McCabe's wife, Dr. Jill McCabe.

By way of overview and as the FBI stated previously, when Dr. McCabe first considered running for the state Senate seat, then-Assistant Director in Charge (ADIC) McCabe consulted with top FBI headquarters and field office ethics officers for guidance.¹ When she chose to run, ADIC McCabe and FBI lawyers implemented a system of recusal from all FBI investigative matters involving Virginia politics, a process followed for the remainder of her campaign. Months after the completion of her campaign, which ended on November 3, 2015, then-Associate Deputy Director (ADD) McCabe was promoted to Deputy Director. In that position, he assumed for the first time, an oversight role in the investigation into Secretary Clinton's emails.

Your letter requests information concerning ethics guidance received by Mr. McCabe regarding his wife's state Senate campaign. On or about February 25, 2015, the Lt. Governor of Virginia called Dr. McCabe to ask her to consider a run for a Virginia state Senate seat. On or about March 7, 2015, Dr. and Mr. McCabe traveled to Richmond to further discuss the possibility of Dr. McCabe running for the seat. Dr. and Mr. McCabe met with Governor Terry McAuliffe. It is the only time that Mr. McCabe ever met with or spoke to the Governor. On March 11, 2015, Mr. McCabe met with the FBI's Deputy Designated Agency Ethics Official, Patrick Kelley, the Assistant Director (AD) of the Office of Integrity and Compliance; James Baker, the General Counsel (GC) of the FBI; and a WFO lawyer. AD Kelley and GC Baker discussed the Hatch Act with Mr. McCabe and the prohibitions contained therein. They also provided specific parameters under which Mr. McCabe could be involved in his wife's campaign, if he so chose. Mr. McCabe and the WFO lawyer also discussed with AD Kelley and GC Baker the potential for conflicts of interest that might arise in WFO operations and investigations.

¹ Mr. McCabe served as ADIC of the Washington Field Office from August 10, 2014 until September 5, 2015. He served as FBI Associate Deputy Director (ADD) from September 6, 2015 until January 31, 2016. He began his tenure as FBI Deputy Director (DD) on February 1, 2016 and continues to serve in that position.

The Honorable Charles E. Grassley

Dr. McCabe announced her candidacy for the Virginia state Senate on March 12, 2015. Mr. McCabe engaged in no prohibited political activity of any kind. To the best of his recollection, Mr. McCabe's only activities related in any way to the campaign included providing transportation to his spouse in their personal vehicle on two occasions to public events; attending one public debate as a spectator; and appearing in a family photo which was used in a campaign mailer, all of which are permissible under the Hatch Act.²

Immediately following the March 11, 2015 meeting described above, Mr. McCabe recused himself from all public corruption investigations arising out of or otherwise connected to the Commonwealth of Virginia. He recused himself from, and further took the step of moving management and oversight of one public corruption investigation from WFO to the Richmond Field Office. ADIC McCabe took the additional step of asking the WFO lawyer involved in the March 11 meeting to work with WFO's Criminal Division to conduct a review of all pending investigations to identify other cases which may present a conflict of interest, and to establish a protocol for the review of any new or existing investigations from any WFO division which may pose a potential conflict of interest. The recusal and protocols are documented in a communication dated April 29, 2015 which was provided to each of the Special Agents in Charge (SACs) at WFO. A copy of the communication is enclosed.

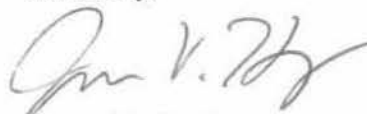
Your letter requests information concerning Mr. McCabe's role in the FBI's investigation of former Secretary Clinton's use of a personal email server. As ADIC of WFO, Mr. McCabe had no role in the FBI's investigation. Late in the summer of 2015, while serving as ADIC, Mr. McCabe recalls learning that one of WFO's Assistant Special Agents in Charge (ASACs) was being detailed to FBI Headquarters for a special assignment. The request for personnel did not go to Mr. McCabe, nor was he told the nature or subject of the special assignment. Ultimately, over the course of the investigation and at various times, a total of approximately 22 personnel were detailed from WFO to FBI Headquarters to work on the Clinton email investigation, but ADIC McCabe was not involved in these assignments. The WFO personnel detailed to FBI Headquarters for purposes of the Clinton email investigation worked under the supervision of the Headquarters' Counterintelligence Division and were not supervised by Mr. McCabe.

Mr. McCabe's recollection is that he first became aware of the Clinton email investigation sometime after becoming ADD on September 6, 2015. The ADD is responsible for the Bureau's non-operational divisions. Mr. McCabe had no supervision over the Clinton email investigation as ADD and did not personally receive regular briefings on the matter; however, he was occasionally present when the topic was discussed at senior level meetings. Mr. McCabe was not formally briefed on the investigation until after he assumed the role of DD on February 1, 2016. Dr. McCabe lost the election for state Senate on November 3, 2015, months before Mr. McCabe, as DD, assumed responsibility for the Clinton email investigation. Based on these facts, it did not appear that there was a conflict of interest – actual or apparent – that required recusal or waiver.

² See 5 CFR 734.405.

This information is provided to the Committee in furtherance of oversight activities. This letter and the enclosure are non-public and contain personal and other sensitive information. For that reason, these materials may not be further disseminated or disclosed, in part or in full, without obtaining the FBI's concurrence. The production of these materials does not waive any applicable privilege.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jason V. Herring".

Jason V. Herring
Acting Assistant Director
Office of Congressional Affairs

Enclosure

1 – The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

2016-10-28 02:46:34, Fri	INBOX	Of course. Let me know when. I'll be driving in by 7.\n\nStill conference calling, 1:15 in...
2016-10-28 03:11:49, Fri	OUTBOX	Conference call with whom? This late?
2016-10-28 03:13:23, Fri	INBOX	George David [REDACTED] Jon [REDACTED] \n\nYes. \n\nMany feelings. \U0001f612
2016-10-28 07:50:42, Fri	OUTBOX	Any plan to tell the case agents? You know, since so much of this has hinged on the credibility of "the team." \U0001f621
2016-10-28 14:11:26, Fri	INBOX	Never mind Conf call now
2016-10-28 14:31:36, Fri	OUTBOX	Frankly didn't want to. I don't need to be privy when I had no role in the decision.
2016-10-28 14:47:09, Fri	OUTBOX	I cancelled lunch with Trisha. I'm in no mood.
2016-10-28 17:19:06, Fri	OUTBOX	Still on with devlin. Mike's phone is ON FIRE.
2016-10-28 17:19:38, Fri	INBOX	It's on news
2016-10-28 17:29:58, Fri	INBOX	You may wanna tell Devlin he should turn on CNN , there's news going on ; (
2016-10-28 17:30:13, Fri	INBOX	Sorry ;)
2016-10-28 17:30:17, Fri	OUTBOX	He knows. He just got handed a note.
2016-10-28 17:33:54, Fri	INBOX	Ha. He asking about it now?
2016-10-28 17:34:44, Fri	OUTBOX	Yeah. It was pretty funny. Coming now.
2016-10-28 19:24:48, Fri	INBOX	News picked up Weiner source
2016-10-28 22:02:21, Fri	OUTBOX	Christ. It's there led on freaking MARKETPLACE.
2016-10-28 22:27:32, Fri	OUTBOX	Rybicki just called to check in. He very clearly 100% believes that Andy should be recused because of the "perception."
2016-10-28 22:30:57, Fri	INBOX	God. \U0001f621
2016-10-28 22:34:58, Fri	OUTBOX	Our statement affected the stock market. \U0001f621
2016-10-29 00:52:04, Sat	OUTBOX	Don't understand your email, if it's a matter similar to those we've been talking about lately, why no recusal before? Something different?
2016-10-29 01:21:48, Sat	INBOX	I assume McAuliffe picked up. But that doesn't make sense. \n\nHe said he was interviewing, maybe he's headed into private sector?
2016-10-29 02:05:35, Sat	INBOX	Talking to [REDACTED]
2016-10-29 02:06:47, Sat	INBOX	Can talk if you want. Not that that would make any sense.

Exhibit 57

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH	PATRICK J. LEAHY, VERMONT
JEFF SESSIONS, ALABAMA	DIANNE FEINSTEIN, CALIFORNIA
LINDSEY O. GRAHAM, SOUTH CAROLINA	CHARLES E. SCHUMER, NEW YORK
JOHN CORNYN, TEXAS	RICHARD J. DURBIN, ILLINOIS
MICHAEL S. LEE, UTAH	SHELDON WHITEHOUSE, RHODE ISLAND
TED CRUZ, TEXAS	AMY KLOBUCHAR, MINNESOTA
JEFF FLAKE, ARIZONA	AL FRANKEN, MINNESOTA
DAVID VITTER, LOUISIANA	CHRISTOPHER A. COONS, DELAWARE
DAVID A. PERDUE, GEORGIA	RICHARD BLUMENTHAL, CONNECTICUT
THOM TILLIS, NORTH CAROLINA	

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
KRISTINE J. LUCIUS, *Democratic Chief Counsel and Staff Director*

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

November 2, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Dear Inspector General Horowitz:

The public's lack of confidence in the Justice Department's ability to handle investigations related to former Secretary of State Hillary Clinton impartially ought to be of grave concern for its leadership. The entire matter is in desperate need of independent, objective, non-partisan oversight. As the Inspector General, that is your statutory duty.

The Department has utterly failed to manage the significant appearances of conflicts of interest. The leadership of the Department has stuck their heads in the sand, assuming that their reputations and silence would be enough to insulate them. The American people are all too aware of the troubling meeting between Attorney General Lynch and former President Bill Clinton on the tarmac of a Phoenix airport and the Justice Department's acceptance of the FBI's recommendation not to prosecute a little over a week later.

However, the potential conflicts are much deeper and broader than that one meeting.¹

Attached please find two previous letters that I sent to the FBI relating to Attorney General Lynch's potential conflicts and the FBI's second in command, Andrew McCabe and his potential conflicts related to Clinton fundraiser, Gov. Terry McAuliffe. Additionally recent

¹ Letter from Charles Grassley, S. Comm. on the Judiciary, to James Comey (May 17, 2016). Available at [https://www.judiciary.senate.gov/imo/media/doc/2016-05-17%20CEG%20to%20FBI%20\(Clinton%20Investigation%20Special%20Counsel\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2016-05-17%20CEG%20to%20FBI%20(Clinton%20Investigation%20Special%20Counsel).pdf). Letter from Charles Grassley, S. Comm. on the Judiciary, to James Comey (October 28, 2016). Available at [https://www.judiciary.senate.gov/imo/media/doc/2016-10-28%20CEG%20to%20FBI%20\(Clinton%20Investigation%20Conflicts\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2016-10-28%20CEG%20to%20FBI%20(Clinton%20Investigation%20Conflicts).pdf)

reports have also illustrated long running, close ties between Peter Kadzik and the Clinton's inner circle.²

It is vital that the American people have confidence in the ability of the Department to be impartial with regard to criminal inquiries related to senior officials and candidates for high office. Yet, the Justice Department has failed to appoint a special counsel to ensure that these inquiries are insulated from the appearance that decisions are being made based on political considerations rather than on the merits.

Attorney General Lynch has professional associations with the Clintons that created the appearance of a conflict long before her meeting on an airplane with the former President. President Clinton appointed her to be the U.S. Attorney for the Eastern District of New York. She was a partner at a law firm that represented both President and Secretary Clinton. In addition, reports around the time of Attorney General Lynch's meeting with President Clinton indicate that Secretary Clinton was considering keeping her on as Attorney General.³ Executive Order 12674 demands that "[e]mployees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standard promulgating pursuant to this order."⁴

As the senior official in the Office of Legislative Affairs, Mr. Kadzik is being allowed to participate in decisions about what information on these matters will be disclosed to Congressional oversight committees. Reports have noted that Mr. Kadzik continues a very close relationship with John Podesta, the Chairman of Secretary Clinton's presidential campaign. For instance, news reports have noted:⁵

- Mr. Kadzik represented Mr. Podesta during the Monica Lewinsky investigation.
- Mr. Kadzik lobbied Mr. Podesta for then-President Bill Clinton to pardon Marc Rich. On this point, the House Committee on Government Reform found that Mr. Kadzik was hired by Marc Rich because of his connections with Mr. Podesta.
- Mr. Podesta emailed Obama campaign officials to recommend Mr. Kadzik for a role in the Obama campaign and called Mr. Kadzik a "fantastic lawyer" that "kept me out of jail."

² Chuck Ross, "Clinton Campaign Chairman Had Multiple Dinners With Top DOJ Official During Clinton Email Investigation," Daily Caller (October 25, 2016). Available at <http://dailycaller.com/2016/10/25/clinton-campaign-chairman-had-multiple-dinners-with-top-doj-official-during-clinton-email-investigation/>

³ Patrick Healy, "President Hillary Clinton? She Wants Progress on Immigration and to Drink with G.O.P." New York Times (July 3, 2016). Available at http://www.nytimes.com/2016/07/04/us/politics/hillary-clinton-president.html?_r=1

⁴ FBI Ethics and Integrity Program Policy Guide, p. 29 and 30, citing Executive Order 12674. Emphasis added.

⁵ Chuck Ross, "Clinton Campaign Chairman Had Multiple Dinners With Top DOJ Official During Clinton Email Investigation," Daily Caller (October 25, 2016). Available at <http://dailycaller.com/2016/10/25/clinton-campaign-chairman-had-multiple-dinners-with-top-doj-official-during-clinton-email-investigation/>

- Mr. Kadzik met with Mr. Podesta for dinner one day after Secretary Clinton's Benghazi testimony. Mr. Kadzik also met at Mr. Podesta's home for dinner on January 13, 2016. During both times the FBI was still investigating Secretary Clinton.
- On May 5, 2015, Mr. Kadzik's son asked Mr. Podesta for a job on the Clinton campaign.
- On May 19, 2015, Mr. Kadzik emailed Mr. Podesta and warned, "[t]here is a HJC oversight hearing today where the head of our Civil Division will testify. Likely to get questions on State Department emails. Another filing in the FOIA case went in last night or will go in this am that indicates it will be awhile (2016) before the State Department posts the emails."⁶

Given these facts, Mr. Kadzik's relationship with the Clintons and their associates is incompatible with the ability of Congress to have any confidence in his ability to be fair and impartial in advising on decisions about how to respond to Congressional oversight inquiries related to these matters.

At the FBI, Mr. McCabe's wife accepted more than half a million dollars from entities associated with Gov. Terry McAuliffe for her political campaign. Given Gov. McAuliffe's ties to the Clintons and the control Mr. McCabe later exerted over the Clinton investigation, some have suggested that there is at least the appearance of a conflict. All government employees must avoid situations that create the appearance of impropriety. Specifically, 5 C.F.R. § 2635.502, advises that a government employee should seek clearance before participating in any matter that could cause his or her impartiality to be questioned.

Against the backdrop of these apparent conflicts, the public has also learned that the Justice Department entered into unusual immunity agreements with all of Secretary Clinton's close associates. These immunity agreements inexplicably limited the scope in which the FBI could review relevant emails. For example, the immunity agreements between Cheryl Mills and Heather Samuelson only permitted the FBI to review email archives from Platte River Networks created after June 1, 2014, and before February 1, 2015, that included emails sent or received from Secretary Clinton's four email addresses during her tenure as Secretary of State. That limitation in scope would have excluded any emails from Cheryl Mills to Paul Combetta in late 2014 or early 2015 touching on the destruction or concealment of federal records being sought by Congress. Further, the scope would preclude the FBI from reviewing any of Secretary Clinton's emails if they were not from the four listed in the agreement. Finally, the agreements included an inexplicable agreement to destroy laptops that contained records subject to congressional subpoenas and preservation letters.

These unusual limitations, coupled with the sheer number of immunity agreements, without any charges being filed, seems to indicate that the Justice Department likely refused to

⁶ Emily Zanotti, "WIKILEAKS: Assistant AG Gave Podesta a 'Heads Up' on Hearings," (November 2, 2016). Available at <http://heatst.com/politics/wikileaks-assistant-ag-gave-podesta-a-heads-up-on-hearings/>

authorize any compulsory process, such as search warrants or grand jury subpoenas.⁷ Not until October 30, 2016, did the first reports surface that the Justice Department obtained a warrant to search the laptop associated with Huma Abedin and Anthony Weiner in the context of the FBI's investigation into Secretary Clinton.⁸ That appears to be the first compulsory process authorized in the matter, and it appears to have been authorized only after the FBI Director informed Congress of the need to obtain the information.

In addition, the public now knows that the investigation's scope was arbitrarily limited to classifications issues, with little or no effort to make a case against anyone for intentionally alienating federal records to subvert the Freedom of Information Act process and potentially obstruct Congress.

In light of all of this, an independent, objective, non-partisan review is vital. The American people deserve to know whether political considerations have improperly affected the handling of this inquiry and understand why key officials failed to recuse themselves to protect the public's confidence in a fair and impartial inquiry based on merits and the evidence rather than on politics.

Accordingly, please conduct a review sufficient to answer the following questions:

1. In light of Attorney General Lynch's previous history with the Clintons, does her involvement in the Clinton investigation create, at the minimum, the appearance of a conflict of interest? If not, why not?
2. In light of Mr. Kadzik's previous history with the Clintons, does his involvement in the Clinton investigation create, at the minimum, the appearance of a conflict of interest? If not, why not?
3. In light of Mr. McCabe's wife's relationship with a close ally of the Clintons, does his later involvement in the Clinton investigation create, at the minimum, the appearance of a conflict of interest? If not, why not?
4. When individuals such as Attorney General Lynch, Mr. Kadzik, and Mr. McCabe fail to recuse themselves for prudential reasons to avoid the appearance of a conflict, what policies and procedures exist to protect the Department from the consequences of those individual decisions and how can they be improved?

⁷ Malia Zimmerman and Adam Housley, "FBI, DOJ roiled by Comey, Lynch decision to let Clinton slide by on emails, says insider," FoxNews (October 13, 2016). Available at <http://www.foxnews.com/politics/2016/10/13/fbi-doj-roiled-by-comey-lynch-decision-to-let-clinton-slide-by-on-emails-says-insider.html>

⁸ Matt Apuzzo, Michael S. Schmidt, and Adam Goldman, "Justice Department Obtains Warrant to Review Clinton Aide's Emails," New York Times (October 30, 2016). Available at http://www.nytimes.com/2016/10/31/us/politics/justice-department-warrant-clinton-abedin-fbi.html?_r=0

5. Prior to Director Comey's October 28, 2016 letter to Congress did the FBI ever seek from the Justice Department any compulsory process in the Clinton email investigation? If so, please describe each request and note which requests were denied by the Department. For those that were denied, what were the reasons given for the denial?
6. In what ways, for what reasons, and by whose decision was the scope of the FBI's investigation and prosecutorial recommendation narrowed to only national security matters, with relatively little time or attention devoted to determining whether there were criminal violations for intentional alienation of federal records, perjury, or obstruction of Congress?
7. Why were the searches of the laptops of Clinton aides Cheryl Mills and Heather Samuelson limited to the timeframe that Secretary Clinton was in office, excluding potential evidence about the intent behind decisions to delete emails after Secretary Clinton was out of office even though they were subject to Congressional subpoenas?

I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you in advance for your cooperation with this request. Please respond no later than November 7, 2016. If you have questions, contact Josh Flynn-Brown of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

Exhibit 58

2016-11-08 01:32:02, Tue	OUTBOX	Impressive in its accuracy. \U0001f612\n\nHow the F.B.I. Reviewed Thousands of Emails in One Week http://nyti.ms/2egA2sg
2016-11-08 01:56:33, Tue	INBOX	OMG THIS IS F*CKING TERRIFYING:\nA victory by Mr. Trump remains possible: Mrs. Clinton\u2019s chance of losing is about the same as the probability that an N.F.L. kicker misses a 38-yard field goal.
2016-11-08 02:05:51, Tue	OUTBOX	Yeah, that's not good.
2016-11-08 02:42:03, Tue	INBOX	I'm sorry. Managed to get into a huge fight here about the Bu and Clinton. Because [REDACTED] just can't stop at fair observations. She has to assert mastery of things about which she has NO knowledge.
2016-11-08 02:43:40, Tue	OUTBOX	She does realize you've been in EVERY conversation that has been had about this case, right?
2016-11-08 02:44:54, Tue	INBOX	That we should have gone on the record saying Kallstrom and others are not credible (which may be valid), but then saying we could pull his tolls if we wanted to. Because she knows all about our policy regarding investigations of members of the media. \U0001f621
2016-11-08 02:45:31, Tue	INBOX	Yes. But she's an expert who knows everything. \n\nI'm telling you, it's wildly infuriating. She has good points but then assumes wildly impossible understanding of things to make groundless assertions.
2016-11-08 02:46:06, Tue	OUTBOX	Uh, what crime are we investigating?\n\nAnd I'm sorry, that's a terrible idea. Go to war with the formers?
2016-11-08 02:47:53, Tue	INBOX	Leaking information about ongoing investigations. Which is incorrect information. By agents who don't know about things talking to him. \n\nSee? That's the thing. Her initial point, that we should have gone after the agents talking harder and sooner, is not unreasonable. But the subsequent discussion falls into uninformed assertions.
2016-11-08 02:49:08, Tue	OUTBOX	If it's not classified, what's the crime though?
2016-11-08 02:49:26, Tue	INBOX	Maybe we should go to war with them, if they're spouting bile like Kallstrom. He's really out of bounds. That is a valid debate. Talking - telling - me how we should have done it is what's infuriating.
2016-11-08 02:50:35, Tue	INBOX	There's not a crime. So you publicly shame or disavow him. And you find out who's talking to him and go after them with opr. It's a legitimate criticism that we might have looked sooner at all these people running their mouths to the press.
2016-11-08 02:50:52, Tue	OUTBOX	I get it. I'm not trying to fight with you too. I'm sorry.

Exhibit 59

[REDACTED] (CyD) (FBI)

From: [REDACTED] (CyD) (FBI)
Sent: Tuesday, November 08, 2016 6:46 PM
To: [REDACTED] (WF) (FBI)
Cc: [REDACTED] (WF) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (CYD) (FBI); YEARWOOD, RONALD J. (CYD) (FBI); [REDACTED] (CYD) (FBI)
Subject: RE: Intrusion Analysis --- UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO

=====

TRANSITORY RECORD

Good to hear from you. We should be able to accommodate your request with the same personnel that assisted previously. I am including my immediate chain (who is already aware of the matter), and our MPA [REDACTED] who handles intake for TAU. She will work with your folks to get a formal RFA and in-process the evidence to our unit. Can you also advise us of the urgency of the request? We can still accommodate you guys if the request is immediate, but our unit is still in standup mode with only 3 analysts so we will have to shuffle some other things around internally if we need to get right on this. If the urgency is not immediate then we would queue it as a normal request, which would take several weeks for our folks to get to. Either is doable, just let us know what you need. Also let us know if the media need to be treated as TS again, so that we can prep our analysis environment.

[REDACTED] - We will need to assign this to either [REDACTED] or [REDACTED] since they were read in and worked on the previous round of media.

Thanks

From: [REDACTED] (WF) (FBI)
Sent: Tuesday, November 08, 2016 11:38 AM
To: [REDACTED] (CyD) (FBI)
Cc: [REDACTED] (WF) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI)
Subject: Intrusion Analysis --- UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO

=====

TRANSITORY RECORD

[REDACTED]

As you know, we obtained additional media in the Midyear Exam case and require assistance for intrusion analysis. The Weiner laptop was processed and reviewed by the team and we are ready to proceed with assistance from CyD. OTD is preparing a copy for CyD and we think you and [REDACTED] would be the best option. Please advise if you can conduct the intrusion analysis as you did previously in the case.

Also, this is close hold as always so please limit this within CyD to those with a need to know within your chain of command. Please contact me to discuss. Thanks

[REDACTED]

=====
Classification: UNCLASSIFIED//FOUO

=====
Classification: UNCLASSIFIED//FOUO

FBI-NOT FOR PUBLIC RELEASE-PRODUCED TO SJC-FBI-NOT FOR PUBLIC RELEASE-PRODUCED TO SJC

Exhibit 60

2016-11-17 09:35:52, Thu	INBOX	@ P/ @ think he has any idea what he's doing from one day to the next.
2016-11-17 19:22:30, Thu	INBOX	Re your email, [REDACTED] know [REDACTED] briefed Pence, right (just so there are no surprises)?
2016-11-17 19:23:24, Thu	OUTBOX	I don't know if they would recall who did, but they know we sent someone. I spoke to [REDACTED] about it. We both think there's no action for us to take.
2016-11-17 19:32:32, Thu	OUTBOX	Re above re email, it might be more important for Evanina to know that [REDACTED] briefed Pence, no?
2016-11-17 19:33:48, Thu	INBOX	I think that's a good idea. I'll talk with [REDACTED] so they build messaging/don't overlap
2016-11-17 19:46:00, Thu	INBOX	Harumph. I want to see you. Is Andy on/regular length wrap?
2016-11-17 19:46:19, Thu	OUTBOX	Yes, so far as I know.
2016-11-17 19:47:10, Thu	INBOX	Talking with Bill. Do we want [REDACTED] to go with Evanina instead of [REDACTED] for a variety of reasons?
2016-11-17 19:47:52, Thu	OUTBOX	Hmm. Not sure. Would it be unusual to have show up again? Maybe another agent from the team?
2016-11-17 19:49:43, Thu	INBOX	Or, he's "the CI guy." Same might make sense. He can assess if there are any news Qs, or different demeanor. If [REDACTED] husband is there, he can see if there are people we can develop for potential relationships
2016-11-17 19:50:33, Thu	OUTBOX	Should I ask Andy about it? Or Bill want to reach out for andy?
2016-11-17 19:52:09, Thu	INBOX	I told him I'm sure we could ask you to make the swap if we thought it was smart. It's not until Mon so Bill can always discuss with him tomorrow.
2016-11-17 19:53:02, Thu	OUTBOX	It's the regular mtg with Jim and Andy.
2016-11-17 19:54:54, Thu	INBOX	Oh. No you cant. WAH-wah.
2016-11-18 01:12:18, Fri	OUTBOX	Ha. This gave me a chuckle.\n\nNYTimes: A Trumpian Silver Lining\nA Trumpian Silver Lining http://nyti.ms/2f37625
2016-11-18 01:47:35, Fri	INBOX	Nope. Fixed it. Fly Tues, arr Wed. Meet Thurs and Fri. Fly back Sat. All that assuming the other side can do those dates.
2016-11-18 11:18:07, Fri	INBOX	[REDACTED] Was just reading NYT. Apparently Mike Rogers has been to NY to visit Trump
2016-11-18 12:40:45, Fri	INBOX	Sessions for AG
2016-11-18 12:49:19, Fri	OUTBOX	Good god.
2016-11-18 21:22:11, Fri	INBOX	Disagree with Bill on last topic
2016-11-18 21:45:39, Fri	OUTBOX	Just hit you in lync but need to go see andy
2016-11-18 21:48:17, Fri	INBOX	Ok guess I missed you. Talking with [REDACTED] and [REDACTED]

Exhibit 61

Date UTC	Type of Message	Body	Type
2017-05-19 00:11:58, Fri	INBOX	And that's what I wanted to talk about!!!!\n\nMy answer is no way, sac then AD and lead the Division	sms
2017-05-19 00:12:09, Fri	INBOX	And then I think..	sms
2017-05-19 00:13:43, Fri	INBOX	A case which will be in the history books. A chapter - much like you tell me about my extra time in the field and all the cases ("would you trade it"?). \n\nA million people sit in AD and staff jobs. This is a chance to DO. In maybe the most important case of our lives.	sms
2017-05-19 00:13:54, Fri	INBOX	What did Andy say about [REDACTED] going?	sms
2017-05-19 00:19:05, Fri	OUTBOX	No way dude. I really don't think you should do it..	sms
2017-05-19 00:19:17, Fri	INBOX	You would obviously excel on the team. \n\nIn a thousand ways they need someone EXACTLY like you	sms
2017-05-19 00:19:43, Fri	OUTBOX	I don't really know what she meant when she said on the team. Full time, part time, I got home so our convo was cut short.	sms
2017-05-19 00:22:03, Fri	OUTBOX	Why? I don't understand what they need me for! Not when they have someone like Aaron. Or [REDACTED] or [REDACTED]	sms
2017-05-19 00:22:49, Fri	OUTBOX	And [REDACTED] said some really outrageous complements to me. I just don't get what she even means.	sms
2017-05-19 00:24:26, Fri	INBOX	Ok I obviously want to hear what [REDACTED] said	sms
2017-05-19 00:25:28, Fri	OUTBOX	I won't be able to repeat. Something about being the second smartest lawyer she has ever worked with besides comeey. It can't be true.	sms
2017-05-19 00:26:41, Fri	OUTBOX	And how I lean in and have a stronger work ethic than anyone she knows. And more but I don't remember.	sms
2017-05-19 00:29:27, Fri	INBOX	You're in an entirely different class than [REDACTED] or [REDACTED]	sms
2017-05-19 00:30:08, Fri	INBOX	You see the future. You assimilate and combine things in an uncanny way.	sms
2017-05-19 00:32:35, Fri	INBOX	And re your attorney image of yourself, that's because you equate brilliant lawyer with [REDACTED] or Trisha sitting in a room writing something as a clerk. \n\nREAL law is the application in a complex, dynamic environment. And you're astoundingly good at that	sms
2017-05-19 00:32:54, Fri	INBOX	Plus you have passion and curiosity, which is more than half of the battle anyway	sms
2017-05-19 00:33:34, Fri	OUTBOX	I am so not in a different class from [REDACTED] and [REDACTED] That is crazy.	sms
2017-05-19 00:35:40, Fri	INBOX	They don't get the big picture like you do [REDACTED] is operationally amazing. But scaling law up rapidly and with agility is something that makes you special. THAT'S the mark of a brilliant mind.	sms
2017-05-19 00:36:15, Fri	INBOX	For me, and this case, I personally have a sense of unfinished business. \n\nI unleashed it with MYE. Now i need to fix it and finish it	sms
2017-05-19 00:37:23, Fri	OUTBOX	What does that even mean, scaling up?	sms

Exhibit 62

Date UTC	Type of Message	Body	Type
2017-05-19 00:37:51, Fri	OUTBOX	You shouldn't take this on. I promise you, I would tell you if you should.	sms
2017-05-19 00:39:44, Fri	INBOX	It means you can see a small point of law and know it, rapidly understand the strategic importance of it not just on that issue but intuitively get the value or role of it in a much broader context. \n\nYou're not constrained to an issue. Your mind rapidly makes valid and important connections and associations in a way most people don't. Can't.	sms
2017-05-19 00:39:47, Fri	INBOX	Why not, re me?	sms
2017-05-19 00:40:50, Fri	INBOX	Who gives a f*ck, one more AD like [REDACTED] or whoever. \n\nAn investigation leading to impeachment?	sms
2017-05-19 00:41:45, Fri	INBOX	And with D gone, and Andy leaving, all these [REDACTED] \n\nWho says I get another promotion from DAD?!?	sms
2017-05-19 00:45:57, Fri	OUTBOX	We should stop having this conversation here. Just tell bill you need another day and we can discuss tomorrow.	sms
2017-05-19 00:47:33, Fri	OUTBOX	And certainly, that would certainly impact my thinking too. We can't work closely on another case again, though obviously, I want you to do what is right for you.	sms
2017-05-19 00:54:23, Fri	INBOX	A) ok. Though now I'm curious. \n\nB) sigh. Yeah I suppose that's right. But god we're a good team. \U0001f636\U0001f614 Is that playing into yur decision/your advice to me?	sms
2017-05-19 00:54:34, Fri	INBOX	Chaffetz stepping down June 30....	sms
2017-05-19 00:55:13, Fri	OUTBOX	No. Not at all. I just think we are both ready for a change. Truly.	sms
2017-05-19 00:55:59, Fri	OUTBOX	A) is just about the different realistic outcomes of this case.	sms
2017-05-19 00:56:37, Fri	INBOX	B) that's definitely true. I want/need you to give me your old resume. \n\nC) I think I'll wait and see what happens with sac wfo. I'm not expecting to get it, I just want to see what I feel like after the decision.	sms
2017-05-19 00:57:39, Fri	INBOX	A) you and I both know the odds are nothing. If I thought it was likely, I'd be there no question. I hesitate in part because of my gut sense and concern there's no big there there.	sms
2017-05-19 00:58:32, Fri	OUTBOX	A) Pete. Let's talk about this tomorrow. \U0001f621	sms
2017-05-19 00:58:59, Fri	INBOX	Regardless of the outcome, I think there's a certain savvy business decision for you to do it \n\n600k/year + doing white hat corporate investigations isn't a bad exit strategy.	sms
2017-05-19 00:59:12, Fri	OUTBOX	C) Is that going tomorrow?	sms
2017-05-19 00:59:52, Fri	INBOX	A) fine! Didn't think I said anything wrong. But fine. \n\nC) yep. Is Andy going to the board?	sms
2017-05-19 01:00:40, Fri	INBOX	C) I suppose he can't. He has to sign as D so I don't know if that means he can't chair the board.	sms

Exhibit 63

Date UTC	Type of Message	Body
2016-05-06 00:42:35, Fri	OUTBOX	Not gonna be charged isn't anyone at the fbi, that's for sure
2016-05-06 00:42:56, Fri	INBOX	I might disagree slightly
2016-05-06 00:44:39, Fri	OUTBOX	Okay. Not anyone informed at the fbi.
2016-05-06 01:15:15, Fri	INBOX	[REDACTED]
2016-05-06 01:17:03, Fri	OUTBOX	[REDACTED]
2016-05-06 01:19:16, Fri	INBOX	[REDACTED]
2016-05-06 01:19:45, Fri	INBOX	[REDACTED]
2016-05-06 02:26:14, Fri	OUTBOX	[REDACTED] is a wussy with a p.
2016-05-06 02:52:58, Fri	INBOX	Ha re your first 1026
2016-05-06 03:14:49, Fri	INBOX	Also, Andy's conference room is too big. Way too big. [REDACTED] [REDACTED] \n\nLeave the monitor wall in place. Too expensive to change. Move where he was sitting 15-20 closer to the screens. Liberate the remaining space. \n\nIt's too big. \n\nAnd it may be \$\$, but it's ridiculously too big. [REDACTED]
2016-05-06 08:52:58, Fri	OUTBOX	No way to change the room. The table alone was 70k. (You can't repeat that!) No, instead it just means we now have to get a small conference table for his actual office, so that he can actually have a meeting that is intimate.
2016-05-06 09:01:30, Fri	INBOX	Does [REDACTED] go to all the wraps, or was he sitting in for Eric?
2016-05-06 09:06:19, Fri	OUTBOX	Sitting in for Eric now.
2016-05-06 09:08:13, Fri	INBOX	Eric essentially done?
2016-05-06 09:08:18, Fri	OUTBOX	And yes, re the room. But [REDACTED] an idiot.

Exhibit 64



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

May 2, 2018

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am responding to your January 25, 2018 letter and several requests therein.

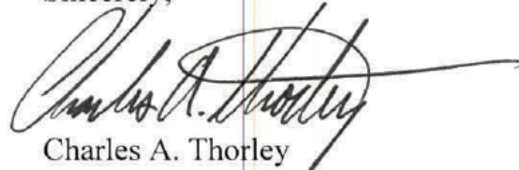
With respect to your questions regarding the FBI's consideration of the appointment of a special counsel for the investigation related to former Secretary Clinton's private email server, and the recusal of former Deputy Director Andrew McCabe, the FBI expects that the forthcoming report by the Department of Justice's Office of the Inspector General (OIG) will address these issues. Given that individuals previously employed by the FBI – including former Director Comey, former Deputy Director McCabe, and former Assistant Director of the Office of Integrity and Compliance Patrick Kelly – are the persons most knowledgeable about these issues, the FBI defers to those individuals and the OIG's forthcoming report.

In response to your requests related to text messages between Ms. Page and Mr. Strzok, as well as communications that may have occurred via their personal email accounts, the FBI provides the following information. Any communications described in your questions 6 and 7, if collected and retained, have been or will be produced as part of the ongoing production of documents in response to your previous request. Additionally, as explained in the OIG's January 25, 2018, letter, the OIG has apparently succeeded in using forensic tools to recover some number of text messages from FBI devices, including text messages between Mr. Strzok and Ms. Page sent and/or received between December 14, 2016 and May 17, 2017. Please note that FBI employees are required to adhere to record keeping policies in place where communications constitute records under the Federal Records Act (FRA), irrespective of transmission medium; however, the FBI is not otherwise obligated to collect and/or retain all communications between its employees. Thus, the FBI has not requested from Ms. Page or Mr. Strzok any information from their personal email accounts, nor has the FBI conducted searches of non-FBI-issued communications devices or non-FBI email accounts associated with Mr. Strzok or Ms. Page.

Honorable Charles E. Grassley

Thank you for your continued support of the FBI, its mission, and its people.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles A. Thorley", with a long horizontal flourish extending to the right.

Charles A. Thorley
Acting Assistant Director
Office of Congressional Affairs

1 - Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

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United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

January 25, 2018

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Wray:

The Committee on the Judiciary is conducting oversight of the Department of Justice (DOJ), Federal Bureau of Investigation (FBI) and their investigation of classified information on former Secretary of State Hillary Clinton's private email server. On January 19, 2018, in response to previous requests from the Committee, DOJ produced to Congress 384 pages of text messages exchanged between Peter Strzok and Lisa Page.¹ However, according to a cover letter accompanying the production, the FBI did not preserve text messages between Mr. Strzok and Ms. Page between December 14, 2016 and May 17, 2017. The text messages that were provided raise serious concerns about the impartiality of senior leadership running both the Clinton and Trump investigations.

Pulling Punches in the Clinton Investigation.

On February 25, 2016, Strzok and Page discussed via text how many personnel from DOJ and FBI would be included in the Clinton investigation and what the best ratio should be. In that discussion, Ms. Page issued the following warning to Mr. Strzok, about dealing with Secretary Clinton:

Page: One more thing: she might be our next president. The last thing you need us going in there loaded for bear. You think she's going to remember or care that it was more doj than fbi?

Strzok: Agreed. I called Bill and relayed what we discussed. He agrees. I will email you and [redacted] same.²

¹ Letter from Stephen Boyd, Assistant Attorney Gen. for Legislative Affairs, Dep't of Justice, to Sen. Charles Grassley, Chairman, S. Comm. on the Judiciary (Jan. 19, 2018). The letter also included 384 pages of text messages between Mr. Strzok and Ms. Page.

² DOJ-PROD-0000060. Emphasis added.

Consideration of a Special Counsel.

On May 17, 2016, I wrote to FBI Director James Comey, expressing my concern that conflicts of interest existed between Attorney General Lynch and the Clintons due to her firm's prior representation of the Clintons in tax matters and the fact President Clinton nominated Ms. Lynch to be U.S. Attorney for the Eastern District of New York.³ In that letter I also asked then-Director Comey how Attorney General Lynch's conflicts in the Clinton investigation were any different than those of Attorney General Ashcroft's for which he recused himself. In the Plame matter, Ashcroft had prior professional associations with one of the suspects, just like Attorney General Lynch had in the Clinton investigation. Department regulations make clear that when there is a conflict of interest or "other extraordinary circumstances," and it is in the public interest, a special counsel should be appointed.⁴ In the Plame matter, then-Deputy Attorney General Comey believed a special counsel was necessary. However, to this day, Comey has failed to adequately explain the difference between the Plame and Clinton investigations.

Further, Attorney General Lynch's meeting on the tarmac with President Clinton days before Comey announced his decision not to recommend charges was described by Comey as the moment that "capped" his decision to publicly announce the closing of the investigation due to concerns about Lynch's independence.⁵ In public testimony, Comey voiced concerns that Lynch required him to refer to the Clinton investigation as a "matter," a term that matched the public position of the Clinton campaign at that time. Comey testified that Lynch's directive "confused and concerned me" and that it was "one of the bricks in the load that led me to conclude, 'I have to step away from the department if we're going to close this case credibly.'"⁶ On March 18, 2016, Strzok and Page engaged in a discussion about the possibility of a special counsel in the Clinton investigation and referenced Patrick Fitzgerald, who was the Special Counsel in the Valerie Plame matter:

Strzok: Thought of the perfect person D can bounce this off of[.]

Page: Who?

Strzok: **Pat** [] You gotta give me credit if we go with him. And delay briefing him on until I can get back and do it. Late next week or later.

Page: We talked about him last night, not for this, but how great he is. He's in private practice though, right? Suppose you could still bring him back. And yes, I'll hold.

³ Letter from Senator Chuck Grassley, Chairman, Senate Committee on the Judiciary, to James B. Comey, Jr., Director, FBI (May 17, 2016).

⁴ 28 C.F.R. § 600.1.

⁵ Peter Baker, *Comey Raises Concerns About Loretta Lynch's Independence*, New York Times (June 8, 2017).

⁶ *Id.*

Strzok: Yes, he's at Skadden in Chicago. I haven't talked to him for a year or two. **Don't forget that Dag Comey appointed him as special counsel in the Plame matter, and that he was there for Comey's investiture.**

Strzok: I could work with him again. And damn we'd get sh*t DONE.

Page: I know. Like I said, we discussed boss and him yesterday.

Strzok: And it frustrates me, because Bill at his 7:15, brings up the whole matter in front of his DADs. One who is acting for Dina. **Who immediately goes to John and tell[s] him how Bill is stressed because all the stuff is going on about a special prosecutor.** Bill needs to learn to not talk to everybody about this when he's upset about it. And I guarantee that agent, while discreet, is certainly going to tell at least a few other people.⁷

Strzok: I'm sending [redacted] to the 8:30 with Jones so that I can meet with John.

Page: **Did he go so far as to talk about why we started talking special prosecutor?!**

Strzok: Don't think so. In my office talking to John[.]

Page: [redacted]⁸

Later, on May 13, 2016, Page texted Strzok:

Hey forgot to ask if you mentioned the whole special counsel thing to andy?⁹

Congress, and the American public, have a right to know whether the DOJ and FBI considered the appointment of a special counsel. Accordingly, please answer the following:

1. Did the FBI ever recommend a special counsel for the Clinton investigation? If not, why not? If so, did DOJ ever explain why it did not appoint one? Did Attorney General Lynch refuse?
2. Were there any legal memoranda or analyses of the issue prepared? Please provide all records relating to DOJ and FBI communications about the potential appointment of a special counsel for the Clinton investigation.

⁷ DOJ-PROD-0000072. Emphasis added.

⁸ DOJ-PROD-0000073. Emphasis added.

⁹ DOJ-PROD-0000127.

The FBI Chief of Staff Believed McCabe Should Recuse Himself from the Clinton Investigation.

On October 28, 2016, I wrote to then-Director Comey regarding a Wall Street Journal news article that reported a set of troubling facts about potential conflicts of interest in the criminal investigation into Secretary Clinton.¹⁰ That news article noted that Mr. McCabe's wife's political campaign received over half a million dollars from entities tied to Virginia Governor Terry McAuliffe.¹¹ It is well known that Gov. McAuliffe is a close friend and confidant of Hillary Clinton. The Wall Street Journal reported that 98% of the Gov. McAuliffe related donations to his wife came after the FBI launched the investigation into Secretary Clinton.¹²

In a reply to our letter, the FBI responded, “[b]ased on these facts, it did not appear that there was a conflict of interest – actual or apparent – that required recusal or waiver.”¹³ However, text messages on October 28, 2016, indicate that contrary to the FBI's December 2016 response, the Director's Chief of Staff apparently believed that Mr. McCabe actually did need to be recused at a later date. McCabe's recusal did not take place until one week before the presidential election – a fact that the FBI failed to disclose in its December 2016 response to the Committee.

Page: Rybicki just called to check in. **He very clearly 100% believes that Andy should be recused because of the “perception.”**

Strzok: God.

Page: Our statement affected the stock market.

Page: **Don't understand your email, if it's a matter similar to those we've been talking about lately, why no recusal before? Something different?**

Strzok: **I assume McAuliffe picked up.** But that doesn't make sense. He said he was interviewing, maybe he's headed into private practice.¹⁴

3. As Ms. Page asked, “why no recusal before? Something different?” If McCabe eventually recused himself one week before the election, why did he not do so sooner?
4. Why did the FBI fail to disclose McCabe's November 1, 2016 recusal in its December 14, 2016 response letter?

¹⁰ Follow up letters were also sent on May 2, 2017 and June 28, 2017.

¹¹ Devlin Barret, “Clinton Ally Aided Campaign of FBI Official's Wife,” Wall Street Journal (October 23, 2016). Available at <http://www.wsj.com/articles/clinton-ally-aids-campaign-of-fbi-officials-wife-1477266114>

¹² *Id.*

¹³ Letter from FBI to Senator Chuck Grassley, Chairman, Senate Committee on the Judiciary (December 14, 2016).

¹⁴ DOJ-PROD-0000305. Emphasis added.

5. Did Mr. McCabe's recusal have any relation to the reported McAuliffe investigation? Or was it related to private sector employment negotiations, and if so, with whom was he negotiating that would have triggered the recusal?

Transmitting Government Records on Non-Government Systems.

In addition, I have raised concerns in multiple letters to the FBI about whether the FBI's investigation was improperly narrow, focusing only on issues related to classified information, and not considering the alienation or destruction of federal records, whether classified or not, which is a crime under 18 U.S.C. § 2071.¹⁵ On April 10, 2016 and on June 3, 2017, respectively, Strzok said the following to Page:

Gmailed you two drafts of what I'm thinking of sending Bill, would appreciate your thoughts. Second (more recent) is updated so you can skip the first.¹⁶

...

Type on home computer and email to yourself.¹⁷

Additionally, in many messages they refer to related conversations they were having via iMessage, presumably on their personal Apple devices. It appears that Strzok and Page transmitted federal records pertaining to the Clinton investigation on private, non-government services. It is important to determine whether their own similar conduct was a factor in not focusing on and developing evidence of similar violations by Secretary Clinton and her aides.

In October 2015, then-Director Comey said, "If you know my folks...they don't give a rip about politics."¹⁸ Mr. Comey's statement may be true of the vast majority of rank and file agents. However, the more we learn about the Clinton investigation and how the DOJ and FBI handled it, the more clear it becomes that Director Comey was dead wrong about the key senior officials who were responsible for the investigation. They cared very much about politics, to the detriment of the Bureau's mission and objectivity.

¹⁵ On September 13, 2017, E.W. Priestap, the Assistant Director of the FBI's Counterintelligence Division, submitted a sworn declaration under penalty of perjury in two cases in the United States District Court for the District of Columbia. That sworn declaration attests that the FBI's Clinton Server Investigation was limited in scope to determining: 1) whether classified information was transmitted or stored on unclassified systems in violation of federal statutes; and 2) whether classified information was compromised by unauthorized individuals, to include foreign governments or intelligence services, via cyber intrusion or other means. The scope of the FBI's investigation was further limited to former Secretary Clinton's tenure at the Department of State (January 21, 2009 to February 01, 2013). ... In addition, the FBI also utilized legal process, to include grand jury subpoenas, to obtain additional repositories of e-mail. The FBI's use of legal process was limited due to the scope of the investigation[.] See also, Letter from Chairman Grassley to Director Comey (May 17, 2016), available at [https://www.judiciary.senate.gov/imo/media/doc/2016-05-17%20CEG%20to%20FBI%20\(Clinton%20Investigation%20Special%20Counsel\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2016-05-17%20CEG%20to%20FBI%20(Clinton%20Investigation%20Special%20Counsel).pdf); Letter from Chairman Grassley to Director Comey (Nov. 3, 2016), available at [https://www.judiciary.senate.gov/imo/media/doc/2016-11-03%20CEG%20to%20FBI%20\(Clinton%20Investigation%20Scope%20Limitation\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2016-11-03%20CEG%20to%20FBI%20(Clinton%20Investigation%20Scope%20Limitation).pdf).

¹⁶ DOJ-PROD-00000102.

¹⁷ DOJ-PROD-00000356.

¹⁸ Evan Perez, *FBI chief on Clinton investigation: My people 'don't give a rip about politics*, CNN (Oct. 1, 2015).

In addition to the aforementioned questions, please answer the following no later than February 8, 2018:

6. Please provide all records of communication, including emails, between Strzok and Page from July 10, 2015 to his removal from Special Counsel Mueller's office, relating to either the Clinton or Trump campaigns, or any related FBI investigations.
7. Does the FBI have any records of communication, including emails, between Strzok and Page from December 14, 2016 to May 17, 2017? If so, please provide those communications. If not, please explain why not.
8. Has the FBI been able to obtain texts between Strzok and Page from any other source, such as physical phones, carrier records, or any other source? Please explain.
9. Has the FBI asked Mr. Strzok or Ms. Page to voluntarily provide any information from their personal accounts? If so, have they been cooperative? If the FBI has not asked, please explain why not.
10. Has the FBI performed any voluntary searches of Strzok or Page's non-government phones or email accounts to determine whether federal records exist? Please explain why or why not?
11. How and on what date did the FBI discover that messages were missing?

I anticipate that your written reply and most responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents; provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions.

Should you have any questions, please contact Josh Flynn-Brown of my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

Date UTC	Type of Message	Body
2015-09-15 22:19:33, Tue	INBOX	I think he more wants insight now that Cornyn has called for a special prosector...anyway, should be able to imsg from 7-8 or so, [REDACTED]
2015-09-15 22:20:17, Tue	OUTBOX	Yeah, it is, but I'll try. :(
2015-09-15 22:34:13, Tue	INBOX	No worries. I feel badly even mentioning because I don't want you to change a thing. Only letting you know in case you ordinarily would find yourself free... \U0001f636
2015-09-15 23:25:10, Tue	INBOX	Yep. Until work Conf call at 815
2015-09-15 23:29:04, Tue	OUTBOX	I hit you there.
2015-09-16 12:22:46, Wed	OUTBOX	You still have your 830?
2015-09-16 13:05:08, Wed	OUTBOX	Called Jim baker 30 minutes ago. Still haven't heard anything from him. [REDACTED]
2015-09-16 14:39:00, Wed	OUTBOX	And even more \U0001f621, just went to log into eras and discovered some certificate was expired. So now I need to bring it in today. \U0001f621\U0001f621\U0001f621
2015-09-16 15:21:58, Wed	INBOX	Although I know you're p*ssed about the eras stuff. Sorry about that. :(
2015-09-16 15:22:18, Wed	OUTBOX	Super annoying, yes.
2015-09-16 15:22:59, Wed	INBOX	Jims heading up to Harvard now. So he can't talk to you. Or the Director at 2:00. \U0001f612
2015-09-20 22:26:48, Sun	INBOX	I know. I'm being awfully weak and needy. \n [REDACTED]
2015-09-20 22:27:29, Sun	OUTBOX	[REDACTED]
2015-09-21 11:16:42, Mon	OUTBOX	I can't get my eras to play sound. Going to be a real impediment to getting my trainings done. \U0001f621
2015-09-21 11:38:51, Mon	INBOX	You don't need the sound. Will take you longer to read, anyway. ;)\n\nLet me know when I can imsg something
2015-09-21 13:29:14, Mon	OUTBOX	Emailed eras lady, got sound working.
2015-09-21 13:29:41, Mon	OUTBOX	Procurement training is fascinating! And so relevant!
2015-09-21 13:59:30, Mon	OUTBOX	Was looking at the directors award winners. What was [REDACTED] ?\n\nAnd did you notice that there is an agent with the last name of ' [REDACTED] ' I found that somewhat spectacular. \U0001f60a
2015-09-21 14:02:37, Mon	INBOX	Will till you at lunch. And you're showing as "away" - are you pulling a [REDACTED] trick?
2015-09-21 14:03:06, Mon	INBOX	And I did not know that re SA [REDACTED]

Date UTC	Type of Message	Body
2015-10-02 00:12:51, Fri	INBOX	[REDACTED] [REDACTED] [REDACTED] Been on the phone with [REDACTED] so just as well. Going to start cooking in earnest now.
2015-10-02 00:15:26, Fri	OUTBOX	[REDACTED] Everything cool re [REDACTED]
2015-10-02 00:18:52, Fri	INBOX	Yes\n\nAnd yeah, he just wanted to vent about main justice being dicks
2015-10-02 00:18:57, Fri	INBOX	Political dicks
2015-10-02 00:19:38, Fri	OUTBOX	Got it. \n\nCan imsg now, but it's okay if you can't.
2015-10-04 20:23:09, Sun	OUTBOX	[REDACTED] I don't want to go back to work. I feel lost in a way. I've truly never felt this way before. I work, that's who I am, what I do. God. :{
2015-10-04 21:13:01, Sun	INBOX	[REDACTED] [REDACTED] \n\nRe work, that will come. Once you figure out what you're going to be doing, you'll throw yourself into it like you always have and you'll be fine. Trust me on that. There's enough complex work for good attorneys, and you'll get it.
2015-10-04 22:32:40, Sun	OUTBOX	Hey also heads up if you've emailed me today, I haven't been able to get it. I'm guessing my unet password has expired.
2015-10-04 22:52:06, Sun	INBOX	It's going to be ok at work. And haven't emailed you here, although I just did on gmail
2015-10-05 14:17:52, Mon	OUTBOX	My unet not working. [REDACTED]
2015-10-05 18:09:02, Mon	INBOX	K, then I'm going to walk into sioc quickly
2015-10-05 18:16:34, Mon	OUTBOX	Leaving now. Also, play dumb with [REDACTED] he's going to schedule lunch for tomorrow.
2015-10-05 18:53:26, Mon	INBOX	You clearly haven't read the email repartee yet. You update your password on samsung?
2015-10-05 18:54:10, Mon	OUTBOX	I did. I don't give a hoot about the email repartee. [REDACTED]
2015-10-05 22:29:50, Mon	INBOX	No, just long. JG wants to go to mtg at State tomorrow...certainly changes dynamic. \n\n[REDACTED]
2015-10-05 22:35:00, Mon	OUTBOX	Who was going to be ranking? Randy? Jg certainly tougher, may be a good thing. \n\nK. \n\n[REDACTED]
2015-10-05 22:38:11, Mon	INBOX	Yep. He's doing whatever here with dd. I guess, but hope we're not over playing our hand. [REDACTED]

Date UTC	Type of Message	Body
2015-11-26 19:30:00, Thu	INBOX	C) not yet.
2015-11-28 22:38:23, Sat	OUTBOX	[REDACTED] [REDACTED] And what does [REDACTED] have to say?
2015-11-28 22:39:54, Sat	INBOX	[REDACTED] just wanted to shoot the shit. Talked about [REDACTED] and everyone leaving, catching hell about trying to get in to his place in CT, etc
2015-11-29 13:18:26, Sun	INBOX	And my unet password expired, this is buzzing every 15 minutes saying login failure. Highly annoying. Also aggravating because I keep thinking it's you...\U0001f636
2015-11-30 13:16:26, Mon	INBOX	Yay. \u263a\n\nJust heard from [REDACTED] D is coming down at 11:30, so won't be able to leave for lunch until noon.
2015-11-30 22:22:26, Mon	INBOX	So IOD Ops 2 SC just posted as well....
2015-11-30 22:32:42, Mon	OUTBOX	You're telling me. \U0001f636\U0001f636\U0001f636\U0001f636\U0001f636\U0001f636\U0001f636\U0001f636
2015-11-30 22:36:37, Mon	INBOX	You didn't say anything!!\U0001f636
2015-12-01 22:31:52, Tue	INBOX	Sent you an article on Gmail
2015-12-01 22:40:41, Tue	INBOX	[REDACTED] Talk about \U0001f61d\U0001f61d\U0001f61d\U0001f61d!
2015-12-01 23:05:11, Tue	INBOX	So there's my serious proposal: figure out when you can and want to go, and I'll set it up...
2015-12-01 23:05:38, Tue	INBOX	'Cause that's not future doing it wrong insurance....
2015-12-01 23:52:33, Tue	INBOX	Sorry. And got a 20 minute call from Gregg to come work for him and "run the Bureau's 140 airplane Air Force." \n\nThen dealing with stupid doj hesitancy to get us SW
2015-12-02 13:21:14, Wed	INBOX	\U0001f636\n\nHeading into sioc for 8:30. Hit me on email or I will check back here as soon as I'm done.
2015-12-02 23:16:15, Wed	INBOX	Omg have a [REDACTED] story. Let me know if you can talk. It can also wait until tomorrow.
2015-12-02 23:27:05, Wed	INBOX	Also remind me about Harbachs replacement
2015-12-02 23:45:42, Wed	OUTBOX	He's not a mountain man looking guy, is he? \n\nAnd sorry, just got home.
2015-12-02 23:47:44, Wed	OUTBOX	Harbach's replacement. Saw [REDACTED] and Rybicki with a huge strange man today. No introductions were made, but he was clearly with them.
2015-12-02 23:49:15, Wed	INBOX	Hmm. No, I don't think so. But that discussion not for here. [REDACTED] [REDACTED] so I can imsg, too.
2015-12-02 23:50:04, Wed	OUTBOX	So who is his replacement? What do you know?
2015-12-02 23:50:52, Wed	INBOX	I just told you, not for here! \u263a\n\nAnd cone of silence, obviously.

Date UTC	Type of Message	Body
2015-12-20 23:42:29, Sun	INBOX	Yeah and they slip into slugitude without oversight \U0001f612
2015-12-20 23:44:34, Sun	OUTBOX	Didn't you say you had to be in the ofc for something on Monday?
2015-12-20 23:53:24, Sun	INBOX	[REDACTED] I hope not otherwise....
2015-12-20 23:54:36, Sun	INBOX	Oh sh*t. And the meeting between the Office of Partner Engagement and CD at 10.
2015-12-20 23:54:53, Sun	INBOX	I can miss that without a big problem.
2015-12-21 00:01:21, Mon	OUTBOX	So why not switch it around? [REDACTED] [REDACTED] Go into the office then head back home midday.
2015-12-21 00:58:52, Mon	INBOX	What's better for you?
2015-12-21 01:19:12, Mon	OUTBOX	What an utter idiot.\n\nAn article to share: Donald Trump on Putin: \u2018Nobody has proven that he\u2019s killed anyone\u2019\nDonald Trump on Putin: \u2018Nobody has proven that he\u2019s killed anyone\u2019\nhttp://wapo.st/1PjfMkv
2015-12-21 01:47:08, Mon	INBOX	No doubt. \U0001f612\n\nOk to gmail some pics?
2015-12-21 01:57:34, Mon	OUTBOX	Yeah right no blech! Especially the last, likely initiated by her... \U0001f61d\U0001f61d\U0001f61d\U0001f61d\U0001f61d
2015-12-21 18:09:20, Mon	INBOX	At hq..dropping off [REDACTED] present
2015-12-21 18:19:52, Mon	INBOX	Done. Just did TWO things to your office. \n\nThats what you get for your long executive lunches.... :D
2015-12-22 01:44:42, Tue	INBOX	Serious question, is that a bad thing? \n\nAlso, remind me best quote ever from [REDACTED] at his SSA meeting
2015-12-22 15:46:44, Tue	OUTBOX	Ho boy. We are SUPER early. Been wandering the 7th floor for like 20 minutes.
2015-12-22 16:50:40, Tue	INBOX	Wow...there's a pretty cool hallway that I think may be the Secretary's corridor. AS [REDACTED] couldn't get Giacalone in. \n\nIs there a snackbar?
2015-12-22 16:59:03, Tue	OUTBOX	Yup, we saw it, though we didn't try to get in, obviously.\n\nAnd Jesus, we need the next section chief engaged, and frankly the dad. Those folks care about rank, and we are definitely not sending the right level folks.
2015-12-22 17:29:29, Tue	INBOX	Sounds about right...
2015-12-22 18:31:17, Tue	OUTBOX	And [REDACTED] with with me now. \U0001f621

2016-01-09 15:49:58, Sat	INBOX	And I had a sudden sad and true realization. You're going to leave the Bu after Andy leaves. As hard as it was to go back to ogc last time, how do you ever go do something outside of (and below) that level? \n\nAnd that makes me deeply sad. \U0001f61f
2016-01-09 15:54:48, Sat	OUTBOX	I know [REDACTED] That's what I've been trying to tell you. Let's pretend for a moment that they didn't all hate me. Even without that, it would be hard to go back. But with it, it's pretty impossible. I won't be gone forever, you never know.
2016-01-09 15:55:43, Sat	INBOX	Damn right if I make it to DD I'll bring you back as GC.
2016-01-12 22:33:58, Tue	INBOX	THAT SUCKS!!!!\n\nKeep your head up though, it will work itself out in a few months. Plus remember, job is going to be AWESOME.
2016-01-12 23:17:45, Tue	OUTBOX	I know. It will. It just sucks when it's otherwise so undeserving. [REDACTED] [REDACTED] [REDACTED]
2016-01-14 03:23:16, Thu	INBOX	And remind me what [REDACTED] said about what she needs to do for herself -- detail, special assistant, etc
2016-01-14 15:59:03, Thu	INBOX	Andy (he chaired it, he was there), Mark, [REDACTED] Randy, [REDACTED]
2016-01-14 15:59:25, Thu	OUTBOX	Wow that that was quick
2016-01-14 15:59:26, Thu	INBOX	Others maybe offscreen but I didn't see.
2016-01-14 15:59:44, Thu	INBOX	15 minutes top. No idea how I did. Don't feel like I was a total idiot, so I guess that's good.
2016-01-14 15:59:56, Thu	INBOX	I know. Makes me worried too quick. ..
2016-01-14 16:00:08, Thu	INBOX	Of course they got started late so maybe they're hurrying.
2016-01-14 16:00:36, Thu	INBOX	Talked about [REDACTED] figured that was something of personal interest and discomfort to four of them...
2016-01-14 16:00:43, Thu	OUTBOX	No chance. They have their decision. That's a good sign..
2016-01-15 10:53:29, Fri	OUTBOX	The Brutalism of Ted Cruz http://nyti.ms/1mSbi92
2016-01-15 11:55:15, Fri	OUTBOX	And I was thinking, don't you think the D will tell you in person, since you're meeting with him anyway? Ooh, I really hope he does.\U0001f60a\U0001f60a\U0001f60a
2016-01-15 12:00:45, Fri	OUTBOX	And oh holy sh*t, I forgot I had huge single source reporting that I was going to mention in the car! Remind me, though it may have to wait until this afternoon.
2016-01-15 12:09:12, Fri	INBOX	Ooh. Can you imsg it? I will tell you what I was going to imsg, scrambling to get out the door right now.\n\nAnd yeah, I thought about that with D. Don't know if it will travel that fast.
2016-01-15 12:12:10, Fri	OUTBOX	Nope, too much detail, better to tell. But it involves [REDACTED] \U0001f60a

2016-09-10 12:39:01, Sat	OUTBOX	I'll tell you. Just didn't feel like talking about it that time you brought it up. [REDACTED]
2016-09-10 12:40:05, Sat	INBOX	B) and as they prep Jason. Who is going to be the first person they call. That settles it - I'm calling him, or at least giving you material so he's aware of it (which I GUARANTEE didn't come up yesterday).
2016-09-10 12:40:30, Sat	INBOX	Want to imsg it to me, or want to do it in person?
2016-09-10 12:41:05, Sat	OUTBOX	It's not that sensitive.
2016-09-10 12:41:50, Sat	INBOX	Ok. You can imsg just for convenience of typing, too, if you want.
2016-09-10 12:44:22, Sat	OUTBOX	I know the material. The [REDACTED] stuff, right? I know it.
2016-09-10 12:45:16, Sat	OUTBOX	And the state shenanigans stuff. Anything else?
2016-09-10 12:48:26, Sat	INBOX	Certainly those. Probably others. All the laptops and media voluntarily turned over to us by the attorneys ("why didnt you ever serach this"? "Why isnt this relevant to our oversight responsibilities"?) I want to go read through the ones we didn't produce. The point is Reps will try and spin and attack whatever is in the ones not initially turned over to them.
2016-09-10 12:53:04, Sat	INBOX	Re 302s, didn't search the laptops given to us voluntarily by various attorneys.
2016-09-10 12:53:49, Sat	OUTBOX	Why not? Decision that it was unlikely to contain info relevant to our case in like of time constraints?
2016-09-10 12:55:59, Sat	INBOX	They would not consent and we did not have probable cause to get on them.
2016-09-10 12:56:47, Sat	INBOX	I will go review the 302s we didn't turn over and send thoughts to everyone except the O corridor recipients. You or Trisha or Jason can mention to them.
2016-09-10 12:57:00, Sat	OUTBOX	Oh well that's totally defensible. Why did they give them to us?\n\nYeah, but I think that was the context in which it was meant. I.e., like who sucks more, me or her?
2016-09-10 12:57:21, Sat	OUTBOX	[REDACTED] it's not worth your time. I've got it. Truly.
2016-09-10 12:57:48, Sat	OUTBOX	I'll put a placeholder in - there may be more unsavory facts, these are the ones I'm aware of.
2016-09-10 12:58:32, Sat	INBOX	Because they had classified on them. Classified we already had in our possession. \n\nLisa, it's a mistake not to have someone from the investigative team not quietly back benching on these conversations. I know you may not disagree. I will prep you as best I can.
2016-09-10 12:59:27, Sat	OUTBOX	I know that! What am I supposed to do about it?!
2016-09-10 13:00:10, Sat	OUTBOX	Call for one minute? Question about the laptops.

Exhibit 65

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

May 4, 2018

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation

Dear Director Wray:

Yesterday, the FBI provided a response to my January 25, 2018, letter.¹ That response failed to answer the vast majority of questions posed.² However, your letter did mention that the “FBI has not requested from Ms. Page or Mr. Strzok any information from their personal email accounts, nor has the FBI conducted searches of non-FBI-issued communications devices or non-FBI email accounts associated with Mr. Strzok or Ms. Page.”³ Although, as your letter notes, the FBI is not “obligated” to collect all communications between employees, it is obligated to collect and preserve federal records. Text messages produced to the Committee show substantial reason to believe government work was performed on non-government systems during the course of a high-profile investigation.⁴ The work-related communications on non-government systems could shed more light on how the FBI handled the Clinton investigation and would constitute federal records that the FBI would be obligated to retrieve and preserve under the Federal Records Act.

For example, in two text messages Strzok said to Page:

Gmailed you two drafts of what I’m thinking of sending Bill, would appreciate your thoughts. Second (more recent) is updated so you can skip the first.⁵

...

Yep. Sent something to your gmail, work-related. Think I’m going to pull here and send to Kortan....⁶

¹ The FBI’s letter was dated May 2, 2018, but was received on May 3, 2018 by the Committee.

² The FBI’s May 3, 2018, response letter failed to answer questions 1-5 and 8-11.

³ Letter from Charles Thorley, Acting Assistant Director, FBI, to Senator Charles Grassley, Chairman, Sen. Comm. on the Judiciary (January 25, 2018).

⁴ DOJ-PROD-0000040; DOJ-PROD-0000055; DOJ-PROD-0000102; DOJ-PROD-0000169; DOJ-PROD-0000321; DOJ-PROD-0000003; DOJ-PROD-0000004; DOJ-PROD-0000012; DOJ-PROD-0000016; DOJ-PROD-0000017; DOJ-PROD-0000018; DOJ-PROD-0000022; DOJ-PROD-0000023; DOJ-PROD-0000025; DOJ-PROD-0000033; DOJ-PROD-0000034; DOJ-PROD-0000045; DOJ-PROD-0000065.

⁵ DOJ-PROD-0000102.

⁶ April 26, 2018 production (p.18).

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In another text message, Strzok and Page appear to use the encrypted iMessage application on their personal Apple devices to discuss work-related material:

Strzok: Want to imsg it to me, or want to do it in person?

Page: It's not that sensitive.

Strzok: Ok. You can imsg just for convenience of typing, too, if you want.⁷

...

Strzok: And I have no good, awful, sh*tty terrible (work) news. I can't say it here, and you can't share with Andy (yet). I'm upset.

Page: Can you share it on imsg?

Strzok: Yes just sent[.]⁸

Under 18 U.S.C. § 2071, it is illegal to willfully and unlawfully conceal, remove, or destroy a federal record. Secretary Clinton alienated thousands of federal records when she used a non-government server and email for official work, many of which were deleted rather than returned to the State Department when the Department requested them. Ironically, as FBI employees tasked with investigating Clinton's similar conduct, Strzok and Page appear to have used non-government systems for official work as well. This Committee has yet to receive a satisfactory explanation as to why the FBI apparently let Secretary Clinton off the hook for multiple § 2071 violations. It is disturbing that even at this late date, and with all the litigation surrounding Secretary Clinton's use of a private email server for official business, the FBI seems similarly uninterested in even attempting to retrieve federal records of its own employees that appear to have been alienated as well. Accordingly, please answer the following no later than May 18, 2018:

1. Why has the FBI not requested from Ms. Page or Mr. Strzok any official work-related material from their personal devices and email accounts?
2. Why has the FBI not conducted searches of non-FBI-issued communications devices or non-FBI email accounts associated with Mr. Strzok or Ms. Page for official work-related material?
3. The FBI's May 3, 2018, response letter also failed to answer questions 1-5, 8, and 11. Please provide answers and the requested documentation by the deadline.

I anticipate that your written reply and most responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents; provide all

⁷ DOJ-PROD-0000251.

⁸ DOJ-PROD-0000258.

Director Wray

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unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions.

Should you have any questions, please contact Josh Flynn-Brown of my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Rod Rosenstein, Deputy Attorney General

The Honorable Dianne Feinstein, Ranking Member