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WASHINGTON, DC 20510-6275

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March 30, 2017

**VIA ELECTRONIC TRANSMISSION**

The Honorable Rex W. Tillerson  
Secretary  
U.S. Department of State  
Washington, D.C. 20520

Dear Secretary Tillerson:

The Bureau of Diplomatic Security is the administrative body within the State Department that handles security clearance investigations, suspensions, and if needed, revocations. During the course of the Committee's investigation into Secretary Clinton's mishandling of classified information and the impact of her private server on the Freedom of Information Act, on February 16, 2016 then-Assistant Secretary of State for Diplomatic Security Greg Starr met with Committee staff. Assistant Director Starr informed my staff that Secretary Clinton's security clearance, and those of her staff, had not been suspended or revoked because Diplomatic Security was waiting until the FBI concluded its criminal investigation before beginning an administrative review. On March 24, 2016, Committee staff met again with Mr. Starr and asked the same questions and received the same responses. I have repeatedly asked the State Department whether Secretary Clinton and her associates had their clearances suspended or revoked to which the Obama Administration refused to respond.<sup>1</sup> Recently, the State Department informed the Committee that six additional Secretary Clinton staff at State were designated as her research assistants which allowed them to retain their clearances after leaving the Department.

On July 5, 2016, Director Comey announced that "[a]fter a tremendous amount of work over the last year, the FBI is completing its investigation and referring the case to the Department of Justice for a prosecutive decision."<sup>2</sup> Director Comey stated that Secretary Clinton

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<sup>1</sup> Letter from Senator Charles E. Grassley, Chairman, U.S. Senate Comm. on the Judiciary, to John Kerry, Secretary, U.S. Dep't. of State (August 24, 2015); Letter from Senator Charles E. Grassley, Chairman, U.S. Senate Comm. on the Judiciary, to John Kerry, Secretary, U.S. Dep't. of State (May 19, 2016).

<sup>2</sup> Statement by Director James Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System (July 5, 2015). 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>

and staff were “extremely careless in their handling of very sensitive, highly classified information” and “there is evidence of potential violations of the statutes regarding the handling of classified information...”<sup>3</sup> Director Comey said,

There is evidence to support a conclusion that any reasonable person in Secretary Clinton’s position, or in the position of those with whom she was corresponding about the matters, should have known that an unclassified system was no place for that conversation.<sup>4</sup>

However, Director Comey did not recommend criminal prosecution. In announcing that decision, he also noted that “[t]o 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.”<sup>5</sup>

It is unclear what steps the State Department has taken to impose administrative sanctions.

Any other government workers who engaged in such serious offenses would, at a minimum, have their clearances suspended pending an investigation. The failure to do so has given the public the impression that Secretary Clinton and her associates received special treatment.

Please provide answers to the following questions:

1. Does the State Department agree with the FBI’s finding that Secretary Clinton and her staff were “extremely careless in their handling of very sensitive, highly classified information” and that “there is evidence of potential violations of the statutes regarding the handling of classified information...”?
2. Does the State Department agree with the FBI’s finding that “[t]here is evidence to support a conclusion that any reasonable person in Secretary Clinton’s position, or in the position of those with whom she was corresponding about the matters, should have known that an unclassified system was no place for that conversation”?

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<sup>3</sup> *Id.*

<sup>4</sup> Statement by Director James Comey on the Investigation of Secretary Hillary Clinton’s Use of a Personal E-Mail System (July 5, 2015). Available at <https://www.fbi.gov/news/pressrel/press-releases/statement-by-fbi-director-james-b-comey-on-the-investigation-of-secretary-hillary-clinton2015s-use-of-a-personal-e-mail-system>

<sup>5</sup> *Id.*

3. Does the State Department agree with the FBI's finding that despite not recommending criminal prosecution, "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"?
4. As a result of the FBI investigation, has the State Department begun a security review due to the mishandling of classified information by Secretary Clinton and her colleagues and associates? If so, which individuals' clearances are part of the review? If not, why not? Please explain.
5. As a result of the FBI investigation, has the State Department suspended or revoked Secretary Clinton's clearance or that of any of her colleagues or associates, to include her subordinates at State and her attorneys? If so, which individuals? If not, why not? Please explain.

Please number your answers according to their corresponding questions. 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.

Thank you in advance for your cooperation with this request. Please respond to this request by April 13, 2017. Should you have any questions, please contact Josh Flynn-Brown of my Judiciary Committee staff at (202) 224-5225. Thank you for your cooperation.

Sincerely,



Charles E. Grassley  
Chairman  
Committee on the Judiciary