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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR
GABRIELLE A. BATKIN, MINORITY STAFF DIRECTOR

November 7, 2016

The Honorable James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Director Comey:

The Committee on Homeland Security and Governmental Affairs continues to examine former Secretary of State Hillary Clinton's use of a private email system for official business. On July 5, 2016, you informed the American public that Secretary Clinton's use of a private email system was "extremely careless" and that you could not rule out the possibility that foreign adversaries gained access to her email system.¹ The Federal Bureau of Investigation's (FBI) examination found 81 email chains with 193 individual emails on Secretary Clinton's email system that contained information classified at the time the emails were sent or received.² The FBI also found that Secretary Clinton emailed directly with President Obama while outside the United States.³ You recommended against prosecution, however—a recommendation which the Attorney General accepted.

On October 28, 2016, you notified the Committee that "the FBI has learned of the existence of emails that appear to be pertinent to the investigation."⁴ You wrote that the FBI would take steps to obtain and review the new emails.⁵ On November 6, 2016, you again wrote to the Committee, writing "[b]ased on our review, we have not changed our conclusions that we expressed in July with respect to Secretary Clinton."⁶

Your two most recent letters to the Committee leave several unanswered questions about this new material and the FBI's review of it. Accordingly, in the interest of transparency, I ask that you please provide the following information and material as soon as possible:

¹ Fed. Bureau of Investigation, Statement by FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System (July 5, 2016).

² Fed. Bureau of Investigation, Clinton E-mail Investigation: Mishandling of Classified – Unknown Subject or Country (SIM) 20 (July 2016).

³ *Id.* at 15; *see also* Fed. Bureau of Investigation, Summary of Interview of Huma Abedin 10 (Apr. 5, 2016).

⁴ Letter from The Honorable James Comey, Director, Fed. Bureau of Investigation, to Sen. Ron Johnson, S. Comm. on Homeland Security & Gov't Affairs, et al. (Oct. 28, 2016).

⁵ *Id.*

⁶ Letter from The Honorable James Comey, Director, Fed. Bureau of Investigation, to Sen. Ron Johnson, S. Comm. on Homeland Security & Gov't Affairs, et al. (Nov. 6, 2016).

1. Within the material reviewed by the FBI since October 28, how many new emails did the FBI identify that were not duplicates of emails already reviewed? Has the FBI provided these new emails to the State Department?
2. Within the material reviewed by the FBI since October 28, how many emails contained information classified at the time the emails were sent or received? Please provide this information broken down by classification level.
3. Within the material reviewed by the FBI since October 28, did the FBI identify any new individuals who either sent or received classified information on an unclassified email system? Please provide the names of these individuals.
4. Your November 6 letter limits your conclusions “with respect to Secretary Clinton.”⁷ Is the FBI continuing to examine matters relating to other current or former State Department employees relating to the mishandling of classified information or the destruction of federal records? Please explain.
5. Did the FBI obtain the emails reviewed since October 28 via a search warrant or subpoena? Please explain.
6. Did the FBI consult or notify the Justice Department about its conclusion prior to your November 6 letter to Congress? If so, which Justice Department official(s) were notified?
7. News reports suggest that the FBI discovered the new emails relating to Secretary Clinton’s private email system during a separate investigation into former Congressman Anthony Weiner.⁸ Are these reports accurate?
8. According to a *Washington Post* report, “senior FBI officials” knew about the new emails related to Secretary Clinton’s email system “at least two weeks before Director James B. Comey notified Congress.”⁹ Please provide a detailed timeline of the FBI’s discovery of the new emails and the notification of FBI and Justice Department leadership.
9. Another recent news report suggests that “senior Justice Department officials” warned you against sending your October 28 letter to Congress.¹⁰ If this report is accurate, please identify the officials who attempted to persuade you not to communicate with Congress.
10. A recent news report suggests that Secretary Clinton allowed a member of her household staff who did not have a security clearance to handle classified information, and even

⁷ *Id.*

⁸ See, e.g., *FBI reported found new Huma Abedin emails on Anthony Weiner laptop*, *The Week*, Nov. 4, 2016.

⁹ Sari Horowitz & Ellen Nakashima, *Senior FBI officials were told of new emails in early October but wanted more information before renewing Clinton probe*, *Wash. Post*, Nov. 2, 2016.

¹⁰ Devlin Barrett, *Justice Department officials warned FBI’s Comey about sending letter on Clinton emails*, *Wall St. J.*, Oct. 29, 2016.

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allowed her to have access to the sensitive compartmented information facility in Secretary Clinton's home.¹¹ Did the FBI examine these facts? If so, did the FBI determine whether this individual in fact had access to classified information? Did the FBI take into account these facts when evaluating whether former Secretary Clinton was grossly negligent in the handling of classified information?

I ask that you please provide this information as soon as possible. Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Ron Johnson". The signature is stylized and written in a cursive-like font.

Ron Johnson
Chairman

cc: The Honorable Thomas R. Carper
Ranking Member

¹¹ Paul Sperry, *Clinton directed her maid to print out classified materials*, N.Y. Post, Nov. 6, 2016.