

United States Senate

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

KEITH B. ASHDOWN, STAFF DIRECTOR
GABRIELLE A. BATKIN, MINORITY STAFF DIRECTOR

September 16, 2015

The Honorable James R. Clapper
Director of National Intelligence
Office of the Director of National Intelligence
Washington, DC 20511

Dear Director Clapper:

The Committee on Homeland Security and Governmental Affairs is examining former Secretary of State Hillary Clinton's use of a private email account and server during her time at the State Department. According to Charles McCullough, Inspector General for the Intelligence Community (IC IG), emails contained on the account and transmitted on the server include national security information collaterally classified as high as Top Secret and subject to Sensitive Compartmented Information control systems, which are reserved for the country's most sensitive intelligence.¹ The use of a non-official and unsecured platform could leave sensitive State Department information and intelligence from other agencies vulnerable to intrusion and removal. I write to request your assistance in understanding the steps that the intelligence community is taking to assess and mitigate any potential security damage caused by Secretary Clinton's use of a personal email account and server.

On March 12, 2015, I joined Chairman Bob Corker and Chairman Richard Burr in asking the Inspector General of the State Department to examine whether State Department employees sent or received classified information in an insecure manner.² We asked that the State Department IG coordinate with the IC IG in this review.³ On March 18, 2015, I wrote separately to the State Department IG to inquire whether Secretary Clinton's personal emails included any classified information.⁴ On July 23, 2015, the IC IG notified Congress that its limited sampling of a portion of Secretary Clinton's emails had revealed the presence of classified material.⁵ On August 11, 2015, the IC IG notified Congress that Secretary Clinton's emails included "information classified up to 'TOP SECRET//SI//TK//NOFORN.'"⁶

¹ Memorandum for Sen. Richard Burr et al. from I. Charles McCullough, III, Update Classified Material on Personal Electronic Storage Devices (Aug 11, 2015).

² See Letter from Senator Bob Corker et al., to U.S. Dep't of State, Office of Inspector Gen. (Mar. 12, 2015).

³ *Id.*

⁴ Letter from Senator Ron Johnson, S. Comm. on Homeland Sec. & Gov't Affairs, to Steve A. Linick, U.S. Dep't of State Office of Inspector Gen. (Mar. 18, 2015).

⁵ Memorandum for Sen. Richard Burr et al. from I. Charles McCullough, III, Update to IC IG support to State Department IG (July 23, 2015). The IC IG and State Department IG later clarified that the "emails contained classified information when they were generated and, according to IC classification officials, that information remains classified today." I. Charles McCullough, III, & Steve Linick, Statement from the Inspectors General of the Intelligence Community and the Department of State Regarding the Review of Former Secretary Clinton's Emails (July 24, 2015).

⁶ Memorandum for Sen. Richard Burr et al. from I. Charles McCullough, III, Update Classified Material on Personal

The existence of such sensitive information on an unofficial and unclassified server raises serious security concerns about whether that information was compromised. To date, reports indicate there are as many as 305 emails that potentially contained classified data that were once kept on Secretary Clinton's personal, unsecure server and transmitted on her personal email account.⁷ Another report indicates that some of Secretary Clinton's emails may have been exposed in the March 2013 Sidney Blumenthal hack, but that the State Department took no action to "shore up the security of the former secretary of state's private computer server."⁸ Given the recent cybersecurity breaches that have afflicted federal agencies, it is imperative that the State Department and the intelligence community continue to maintain stringent safeguards when receiving and transmitting classified data to ensure that our nation's most sensitive material remains secure.

In order to determine what actions the intelligence community is taking to assess and mitigate the potential security vulnerabilities relating to Secretary Clinton's use of a private email and server for official State Department business, I respectfully request the following information and materials:

1. What resources is the intelligence community putting into place to assess and mitigate the potential damage and security risks caused by Secretary Clinton's use of an unsecure sever to conduct official Department business? Please explain.
2. When did the intelligence community learn about the potential security vulnerabilities resulting from Secretary Clinton's use of an unsecure server and email account to conduct official State Department business? How soon did the intelligence community take action to begin to access and mitigate potential damage and security risks caused by the use of an unsecure server and email account?
3. Has the intelligence community conducted an assessment of the security vulnerabilities caused by Secretary Clinton's use of an unsecure server and email account to conduct official State Department business, including the transmission of classified and sensitive information over an unclassified email system? Please explain.
 - a. If so, please produce all communications, analyses, or findings referring or relating to the intelligence community's assessment of the potential security vulnerabilities caused by Secretary Clinton's use of an unsecure server and email account.

Electronic Storage Devices (Aug 11, 2015), available at
<http://www.grassley.senate.gov/sites/default/files/judiciary/upload/Classified%20docs%2C%2008-1115%2C%20ICIG%20CN%20-%20Update%20on%20Classified%20Materials%20on%20Personal%20thumb%20drive.%20Clinton%20server.pdf>

⁷ Stephen Braun, *US: Up to 305 Clinton emails might have classified data*, THE WASHINGTON POST (Aug. 18, 2015), http://www.washingtonpost.com/politics/us-up-to-305-clinton-emails-might-have-classified-data/2015/08/17/123bc3e2-4517-11e5-9f53-d1e3ddf0cda_story.html.

⁸ Anita Kumar, Marisa Taylor, & Greg Gordon, *State Department did nothing to protect Clinton emails after hack*, MCCLATCHY (Aug. 20, 2015), <http://www.mcclatchydc.com/news/politics-government/election/article31628900.html>.

- b. If the intelligence community has not conducted an assessment of the potential damage caused by Secretary Clinton's use of an unsecure server and email account, please explain why.
4. Please describe the potential physical security and cybersecurity vulnerabilities that could be exposed through the use of an unsecure server and email account to conduct official State Department business.
5. Is the intelligence community in the process of determining whether any information received or transmitted on Secretary Clinton's private server or email account was compromised by a hacker or foreign adversary? Please explain.
6. Is the intelligence community in the process of determining whether any classified information transmitted on Secretary Clinton's private server or email account was sent to a person, either directly or indirectly, without clearance to receive such information? Please explain.
7. Has the intelligence community changed or modified its sources, methods, or practices for intelligence gathering or review as a result of Secretary Clinton's use of a private server or email account? Please explain.
8. Is the intelligence community aware of whether any covert assets have been endangered as a result of classified information being transmitted on an unsecure server? Please explain.
9. What, if any, policies or procedures has the intelligence community changed or modified to ensure that all employees in the intelligence community receive or transmit classified information in a secure manner? Please explain.

Please provide this information and material as soon as possible, but no later than 5:00 p.m. on September 30, 2015. To the extent possible, please provide unclassified responses to these questions. Should a complete response require transmission of classified information, please send such information under separate cover, via the Office of Senate Security.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency, economy, and effectiveness of all agencies and departments of the Government."⁹ Additionally, S. Res. 73 (114th Congress) authorizes the Committee to examine "the efficiency and economy of operations of all branches and functions of the Government with particular reference to (i) the effectiveness of present national security methods, staffing, and processes"¹⁰ For purposes of this request, please refer to the definitions and instructions in the enclosure.

⁹ S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

¹⁰ S. Res. 73 § 12, 114th Cong. (2015).

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If you have any questions about this request, please ask your staff to contact Scott Wittmann of the Committee staff at (202) 224-4751. Thank you for your prompt attention to this matter.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Thomas R. Carper
Ranking Member

Enclosure