

United States Senate

WASHINGTON, DC 20510

December 7, 2015

Mr. Justin Cooper
c/o Aaron M. Zebley, Esq.
WilmerHale
1875 Pennsylvania Avenue, NW
Washington, DC 20006

Dear Mr. Cooper:

The Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary are examining former Secretary of State Hillary Clinton's use of a private email account and server during her time leading the State Department. According to reports, you were responsible for setting up Secretary Clinton's server in 2008.¹ In January 2009, on behalf of the Clinton family, you reportedly bought the Internet domain name clintonemail.com.² That domain was registered under your name.³ Based on these reports, it appears that you have unique, firsthand information relevant to the Committees' inquiry and we therefore request that you reconsider your decision to decline to cooperate in this important matter.

On September 8, 2015, Homeland Security Committee staff contacted you to seek your cooperation with the Committee's examination. Your attorney, Aaron Zebley, responded on your behalf on September 9, 2015. Over the ensuing weeks, Committee staff engaged Mr. Zebley in an extensive discussion about the Committee's request to speak with you. Mr. Zebley relayed your concerns about publicity surrounding your involvement with Secretary Clinton's email account and server. To assuage your concerns, Committee staff agreed to not disclose publicly that Mr. Zebley was engaging in discussions with the Committee or that you would appear before the Committee. The Homeland Security Committee has upheld its commitment to you over the course of two months since Mr. Zebley first conveyed your concerns about cooperating with this inquiry.

On October 6, 2015, following extensive discussions with Homeland Security Committee staff, Mr. Zebley notified the Committee that you had agreed to appear for a staff interview. The interview was scheduled for October 15, 2015.

¹ Carol D. Leonnig, Rosalind S. Helderman and Tom Hamburger, *FBI looking into the security of Hillary Clinton's private e-mail setup*, The Washington Post (August 4, 2015).

² Scott Shane & Michael S. Schmidt, *Hillary Clinton Emails Take Long Path to Controversy*, NEW YORK TIMES (Aug. 8, 2015).

³ Chris Frates & Jose Pagliery, *Hillary Clinton's home server hard to trace*, CNN (Mar. 20, 2015).

Late on October 14, 2015, Mr. Zebley telephoned Homeland Security Committee staff to inform them that you had chosen to cancel the interview scheduled for the next day. Mr. Zebley could not articulate a precise reason for your change of heart, other than to reiterate the concerns he had relayed previously. During the conversation, Committee staff offered several additional proposals to further assuage your concerns about appearing before the Committee. Mr. Zebley agreed to discuss these proposals with you and committed to follow up with the Committee the next day. In the evening of the next day, October 15, Mr. Zebley informed Committee staff that he would telephone the following day. Mr. Zebley, however, never telephoned Committee staff and has not returned several phone messages left for him. His only communication since October 15—via email on October 19—was that he would “be in touch” if anything changed.

In addition, on October 16, 2015 and several times thereafter, the Judiciary Committee separately attempted to contact you and your attorney to discuss a possible interview regarding your involvement in setting up Secretary Clinton’s email and server arrangement. After repeated phone calls and messages, your attorney has yet to respond.


The Committees continue to believe that you possess unique and relevant information pertinent to the Committees’ inquiry of Secretary Clinton’s use of a private email account and server while she served as Secretary of State. And that information falls squarely within the jurisdiction of the Committees. As such, in order to properly exercise our constitutional oversight functions, we again express our desire to meet with you. We would, of course, prefer that you meet with us in a voluntarily and informal manner, but we will consider other options if faced with a continuing lack of cooperation.

We are troubled by your attorney’s complete refusal to engage the Committee in a discussion about how to further assuage your concerns. Our staff stands ready to continue their discussion with Mr. Zebley. Accordingly, we ask that you reconsider your decision to decline to appear for an informal interview with our respective Committee staff and that you direct Mr. Zebley to contact our staff to arrange for a meeting. Thank you for your assistance in this important matter.

Sincerely,



Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs



Charles E. Grassley
Chairman
Committee on the Judiciary

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cc: The Honorable Thomas R. Carper
Ranking Member
Committee on Homeland Security and Governmental Affairs

The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary