

LAW OFFICES
WILLIAMS & CONNOLLY LLP

725 TWELFTH STREET, N.W.

WASHINGTON, D. C. 20005-5901

(202) 434-5000

FAX (202) 434-5029

DAVID E. KENDALL
(202) 434-5145
dkendall@wc.com

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

August 24, 2015

BY ELECTRONIC MAIL

The Honorable Charles E. Grassley
United States Senate
Committee on the Judiciary
Washington, DC 20510-6275

Dear Mr. Chairman:

Thank you for your letter dated August 14, 2015.

As you are aware, I serve as personal counsel to former Secretary Clinton.

I received a TS/SCI clearance in November 2013 from the Department of Justice. In November 2014, I also was issued a Top Secret clearance by the Department of State. My law partner, Katherine Turner, obtained a Top Secret security clearance from the Department of State in December 2014. These State Department security clearances remain active. We obtained them in order to be able to review documents at the Department of State, to assist former Secretary Clinton in preparing to testify before the House Select Committee on Benghazi. I had told the Committee in November 2014 that the former Secretary would be happy to testify prior to year's end, but the Committee did not schedule her appearance. Our obtaining these clearances was unrelated to the 30,490 e-mails provided to the State Department on December 5, 2014; none of those e-mails was classified. As I am sure you are aware, it was not until nearly six months later that the first email in this group was retroactively classified as "Secret."

Please be assured that my firm has followed the guidance provided by the Department of State, which even provided physical equipment necessary to safeguard the thumb drive at issue. Subsequent to that guidance and as this matter unfolded, we have received further guidance from the Department of Justice. As you know, as a result of these discussions, we have voluntarily provided to the FBI the .pst file containing electronic copies of the 30,490 emails provided to the State Department in December, 2014 (along with two copies) and the server equipment on which these emails were stored during the former Secretary's term in office. The Department gave us

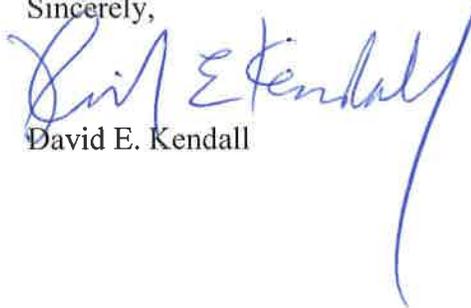
WILLIAMS & CONNOLLY LLP

The Honorable Charles E. Grassley
August 24, 2015
Page 2

its opinion that it would maintain this material in an appropriately secure manner so as to satisfy any preservation requirements we may have.

I also attach a letter I sent to Senator Johnson on August 12, 2015, which I believe provides further information responsive to your inquiry.

Sincerely,

A handwritten signature in blue ink, appearing to read "David E. Kendall". The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

David E. Kendall

Enclosure

cc: Hon. Patrick J. Leahy

LAW OFFICES
WILLIAMS & CONNOLLY LLP

725 TWELFTH STREET, N.W.

WASHINGTON, D. C. 20005-5901

(202) 434-5000

FAX (202) 434-5029

DAVID E. KENDALL
(202) 434-5145
dkendall@wc.com

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

August 12, 2015

BY HAND

The Honorable Ron Johnson
United States Senate
Committee on Homeland Security and Government Affairs
Washington, DC 20510

Dear Mr. Chairman:

Thank you for your letter dated July 29, 2015.

On December 5, 2014, in response to an October 28, 2014 letter request from the Department of State for assistance in ensuring its records were complete, attorneys for Secretary Clinton provided the Department with the 30,490 e-mails (approximately 55,000 pages) from the Secretary's hdr22@clintonemail.com e-mail account that were identified as related or potentially related to Secretary Clinton's work at the Department of State. That set was produced in paper, as provided for in Department guidance, while the electronic copies of the e-mails were preserved on a thumb drive, kept in secure storage. Not a single e-mail was marked as classified. The set of emails provided to the State Department was demonstrably over-inclusive, since we are informed that the Department and the National Archives and Records Administration determined that at least 1246 of the emails we submitted were not in fact federal records.

On March 3, 2015, I received a preservation notice from the House Select Committee on Benghazi concerning the documents relevant to that Committee's work, and I assured the Committee on March 6, 2015, that I would take such measures as were, in my judgment, and in my role as personal counsel to former Secretary Clinton, reasonably necessary to preserve the materials identified. We continued to preserve the original .pst file thumb drive in compliance with subsequent preservation notices we have received, including from the Department of State and the Intelligence Community Inspectors General.

Recently, the Department of State has retroactively classified certain information in the emails we provided to the Department on December 5, 2014. When this information was upgraded to classified on May 22, June 30, and July 31, 2015, we consulted with the State Department and took appropriate measures to ensure the security of the newly classified information.

WILLIAMS & CONNOLLY LLP

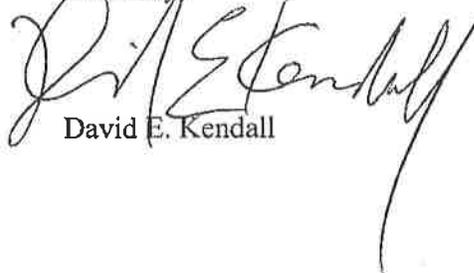
The Honorable Ron Johnson
August 12, 2015
Page 2

In connection with our preservation of the thumb drive, we consulted with the Department of State concerning appropriate measures to ensure the security of that thumb drive. As a result, the thumb drive was stored in a safe provided by the Department and installed at Williams & Connolly on July 8, 2015, for this purpose. I and my law partner, Katherine M. Turner, who represent former Secretary Clinton, are the only two individuals who were authorized to access the safe. We both hold Top Secret security clearances issued by the Department of State.

As we advised the Department of State's Inspector General in a June 24, 2015 letter, Platte River Networks retained the server equipment that hosted Secretary Clinton's hdr22@clintonemail.com account during her tenure as Secretary of State and stored it in a secure data center. Neither Ms. Turner nor I have had access to this server equipment. That equipment is no longer active and, we understand, no longer contains data from Secretary Clinton's hdr22@clintonemail.com account. All preservation notices related to the equipment were shared with the Platte River Networks, which confirmed its acceptance of and compliance with such notices.

In light of the State Department's recent retrospective classification of some of the information in the 55,000 pages, all of which had previously been unclassified, we voluntarily transferred to the Department of Justice on August 6, 2015, the thumb drive containing the .pst file of the 30,490 emails (and two copies) from the State Department-provided safe after receiving from the Department of Justice an assurance that it would maintain this file in an appropriately secure manner and the Department's opinion that such maintenance would satisfy any preservation obligations I am under. Similarly, Platte River Networks is today transferring to the Department of Justice the server and related equipment on which emails to and from Secretary Clinton's clintonemail.com account were stored from 2009 to 2013 and which PRN took possession of in 2013. This transfer is occurring after the Department of Justice's assurance to us and counsel for PRN that it would maintain the server equipment in an appropriately secure manner. The Department also gave counsel its opinion that such maintenance would satisfy any preservation obligations we have.

Sincerely,



David E. Kendall

DEK/bb