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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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August 26, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable John F. Kerry
Secretary of State
Office of the Secretary
United States Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Kerry:

In June 2013, I wrote to the State Department regarding Huma Abedin's simultaneous employment with the Department of State, Teneo, and the Clinton Foundation while a Special Government Employee (SGE). To date, the Department has not replied in full. On July 30, 2015, the Judiciary Committee sent the Department a letter with respect to allegations that the Department of State Inspector General (State OIG) opened a criminal investigation in 2013 related to Ms. Abedin's time and attendance as well as an inquiry into her overlapping employment as an SGE for the State Department, Teneo, and the Clinton Foundation. As is often the case, it is necessary to ask about such allegations in order to assess them, which is no comment on their truth or falsehood. Thus, the Committee sought documents or other evidence about those claims from the State OIG, from the FBI (which reportedly received notice of the inquiry), and from the Department.

On August 21, 2015, Ms. Abedin's attorney, Mr. Miguel Rodriguez, sent a letter to the Department of State asserting that the Committee's July 30 letter damaged her reputation because it contained "unfounded allegations" and "misinformation." Yet, she has not responded substantively to the questions in the July 30 letter. The intent of the questions is merely to gather information to help assess the accuracy of the preliminary information provided to the Committee regarding State OIG's investigation. First hand documentation from the full set of emails requested two years ago would obviously be much better evidence than second hand descriptions of what is allegedly in those emails. However, Ms. Abedin and the State Department have thus far refused to provide them.

In fact, it remains unclear whether responsive emails from Ms. Abedin's account on Secretary Clinton's non-government server even exist or whether she has made any efforts to

search for and produce them to the Committee. Secretary Clinton recently swore in an affidavit submitted to a federal court that Ms. Abedin did have an account on that server and used it for official government purposes.¹ However, there has been no clear explanation of what steps, if any, she took to preserve those federal records before the server was reportedly “wiped.”² Former Secretary Clinton reportedly provided the State Department with copies of approximately 30,500 official emails from the server, but it is unclear whether Ms. Abedin similarly turned over official records or, if not, why not.³

Last week, the State Department did finally provide to the Committee a limited production of emails from Ms. Abedin’s government account, but only after it had already produced them in the course of FOIA litigation with Citizens United. The documents indicate that while she was an SGE she participated in email discussions with multiple personnel from Teneo, the Clinton Foundation, and the State Department. These emails illustrate why there are legitimate concerns about the Department’s use of the SGE designation and the blurring of the lines between the official business of the State Department, the private interests of Teneo, and the fundraising interests for various entities under the personal control of Secretary and former President Clinton.

By way of example, on September 21, 2012, Amitabh Desai, former President Clinton’s Foreign Policy Director at the Clinton Foundation, sent an email to Ms. Abedin’s government email address and to a number of Teneo, Clinton Foundation, and Department officials, including Ms. Cheryl Mills, Mr. Jacob Sullivan, Mr. Doug Band, Mr. Justin Cooper, Mr. Bruce Lindsey, and Ms. Laura Graham, regarding the “Clinton Centre” in Ireland. The body of the email includes a discussion about Stella O’Leary, founder of Irish American Democrats, a political action committee formed in 1996 to support the re-election of President Clinton. The email says that Ms. O’Leary spoke with Secretary Clinton the week of September 21, 2012, and was “firmly instructed” to set up a non-profit entity called “Friends of the Clinton Centre,” and that Ms. O’Leary had already taken substantial steps to set up the organization including working with counsel to create it. In a return email, Ms. Abedin noted that Secretary Clinton reportedly denied making “commitments” to Ms. O’Leary. However, Mr. Desai, on behalf of the Clinton Foundation, noted that he requested copies of the final legal documents prior to execution. Mr. Desai also noted that he made sure that the new Clinton Centre would be set up in a way that would be,

flexible so that any funding raised could be used in whatever manner WJC and HRC wish in Ireland and Northern Ireland, and not restricted to support only the current iteration of the Clinton Centre in Enniskillen (which I think needs some more thought and development and after CGI we’ll prepare options for WJC’s review).

¹ Josh Gerstein, “Hillary Clinton email certification released,” POLITICO (August 10, 2015). Accessible at <http://www.politico.com/blogs/under-the-radar/2015/08/hillary-clinton-email-certification-released-212156.html>

² Stephen Braun, “Clinton Lawyer Says Her Email Server Was Wiped Clean,” ASSOCIATED PRESS (August 19, 2015). Accessible at <http://abcnews.go.com/Politics/wireStory/clinton-lawyer-email-server-wiped-clean-33186513>

³ Amy Choziak, Michael S. Schmidt, “Hillary Clinton Tries to Quell Controversy Over Private Email,” NEW YORK TIMES (March 10, 2015). Accessible at http://www.nytimes.com/2015/03/11/us/hillary-clinton-email.html?_r=0

According to the email, Ms. O’Leary reportedly assured him that the new center would be flexible and the American Ireland Fund could provide financial support. In addition, a U.S. based “Friends of the Clinton Centre” was registered in New York in April 2013 and is registered at the address of O’Dwyer & Bernstein.⁴

Emails from late November 2012 and early December 2012 regarding Secretary Clinton’s impending visit to Dublin and Belfast indicate that in anticipation of her arrival, Ms. Abedin made sure that employees of Teneo and the Clinton Foundation were invited to one of Secretary Clinton’s speaking events and an “Ireland Fund Lunch” at the Belfast Titanic. The emails show Ms. Abedin emailing from a government email account to Teneo and Clinton Foundation employees including the CEO of Teneo, Declan Kelly, who was also an SGE for the Department of State in 2009. The emails included Ms. Abedin and Mr. Kelly working to set up a time and place for dinner where Teneo, Department, and Clinton Foundation officials could meet. Mr. Kelly even requested the names of Secretary Clinton’s logistics and advance team to properly finalize dinner arrangements. Once finalized, Ms. Abedin emailed a number of Department, Teneo, and Clinton Foundation donors and officials including, Kris Balderston, Elizabeth Bagley, Paul McElearney, Melanne Verveer, Brian J. O’Dwyer, John Fitzpatrick, and Declan Kelly to apprise them that dinner had been set at “Restaurant 41” at the Residence Club.

All of this raises fundamental questions about not just Ms. Abedin’s employment arrangements but the overall use of SGE designations by the Department. How can the taxpayer know who exactly SGEs are were working for at any given moment? How can the ethics officer at the State Department know?

In a letter provided to the Department of State on July 5, 2013, Ms. Abedin wrote: “I was not asked, nor did I undertake, any work on Teneo’s behalf before the Department (and I should note that it is my understanding that Teneo does not conduct business with the Department of State). I was also not asked, nor did I provide, insights about the Department, my work with the Secretary, or any government information to which I may have had access.” However, these emails raise a number of questions about the intersection of official State Department actions, private Teneo business, and Secretary Clinton’s personal interest in fundraising for the Clinton Foundation and related entities.

Accordingly, please respond to the following:

1. Multiple emails appear to indicate that Ms. Abedin, and other Department personnel, used an email distribution list called the “ClintonGroup.” Please provide the names and email addresses of all individuals on that distribution list.
2. While Ms. Abedin was an SGE and simultaneously worked for the Department, Teneo, and the Clinton Foundation, what Department guidance did she follow, if any, regarding the use of her official email to communicate with her private sector employers, their clients, and donors? Please provide copies of any relevant State Department guidance.

⁴ New York Department of State, Division of Corporations. Accessible at http://appext20.dos.ny.gov/corp_public/CORPSEARCH.ENTITY_INFORMATION?p_nameid=4391248&p_corpid=4387481&p_entity_name=Friends%20of%20the&p_name_type=A&p_search_type=BEGINS&p_srch_results_page=6

3. Was Ms. Abedin compensated by Teneo, the Clinton Foundation, the State Department, or some combination of the three for her work in relation to the early December 2012 meeting with Secretary Clinton in Ireland?
4. Since Ms. Abedin was compensated hourly as an SGE, was she compensated for travel by the federal government during the early December 2012 Ireland trip? Was she paid as an SGE during the Ireland trip?
5. While Ms. Abedin was an SGE, were all of her travel expenses paid by the federal government? Please list all travel paid for by the federal government.
6. While Ms. Abedin was an SGE, did Teneo and/or the Clinton Foundation pay for any of her travel expenses? Please list the travel expenses paid by each of these entities.
7. Did the Department of State provide travel to and from Ireland for Ms. Abedin in early December 2012?
8. Ms. Abedin's attorney's letter to the Department of State noted that her trip to France and Italy in 2011 was "intended to be a vacation, and Ms. Abedin personally paid for it." What events occurred that transformed the vacation into a work period? At what point in the vacation did she decide that it was no longer a vacation but a work period?
9. Ms. Abedin's attorney's letter notes that he believed specific questions posed in the July 30 letter are best suited for the Department of State to respond to. Please list each question that her attorneys have requested the Department of State to answer on her behalf.
10. Ms. Abedin stated in a letter to the Department of State in July 2013: "I was not asked, nor did I undertake, any work on Teneo's behalf before the Department (and I should note that it is my understanding that Teneo does not conduct business with the Department of State)." What was the purpose of the meeting in Ireland between Teneo, Clinton Foundation, and Department officials?
11. Former Secretary Clinton recently stated in a sworn declaration that Ms. Abedin had an account on the Secretary's non-government server and that she used it for official purposes. Has Ms. Abedin provided the State Department with any federal records from that account or a description of what efforts, if any, she took to preserve federal records from that account? Please provide all records related to communications with Ms. Abedin or her representatives about her account on Secretary Clinton's non-government server.

Please number your responses according to their corresponding questions. Thank you in advance for your cooperation with this request. Please respond no later than September 9, 2015. If you have questions, please contact Josh Flynn-Brown of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary