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INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY
WASHINGTON, DC 20511

14 January 2016

The Honorable Richard Burr
Chairman
Select Committee on Intelligence
U.S. Senate
Washington D.C. 20510

The Honorable Bob Corker
Chairman
Foreign Relations Committee
U.S. Senate
Washington D.C. 20510

SUBJECT: IC IG Response to Congressional Inquiry

Dear Chairman Burr and Chairman Corker:

Thank you for your recent inquiry regarding the classification determination processes used within the Intelligence Community (IC) for reviewing former Secretary of State Clinton's emails. In response to your inquiry, I requested sworn declarations from two IC elements involved in the Freedom of Information Act (FOIA) review process for these emails.

To date, I have received two sworn declarations from one IC element. These declarations cover several dozen emails containing classified information determined by the IC element to be at the CONFIDENTIAL, SECRET, and TOP SECRET/SAP levels. According to the declarant, these documents contain information derived from classified IC element sources. Due to the presence of TOP SECRET/SAP information, I provided these declarations under separate cover to the Intelligence oversight committees and Senate and House Leadership. The IC element is coordinating with State to determine how these documents should be properly treated in the FOIA litigation.

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I have yet to receive a declaration from the second classifying IC element, and have referred the matter to the IG of that IC element for follow-up.

You also requested that my office update you on the status of the two open recommendations made in our 15 June 2015 memorandum to State. There is no change since our last reporting. Recommendation 2 that State review the use of a SECRET-level IT system for the FOIA review remains unresolved. The State OIG is still assessing issues related to Recommendation 3 that the State FOIA office seek interagency classification expertise in applying appropriate FOIA exemptions.

If you have any questions or concerns, please contact me or my Legislative Counsel, Melissa H. Wright, at 571-204-8149.

Sincerely,



I. Charles McCullough, III

cc: The Honorable Dianne Feinstein
The Honorable Ben Cardin
The Honorable Devin Nunes
The Honorable Adam Schiff
The Honorable James Clapper, Director of National Intelligence
The Honorable Steve Linick, Inspector General, Department of State

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