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To: Moffa, Jonathan C. (CD) (FBI) [REDACTED] (OGC) (FBI); Page, Lisa C. (OGC) (FBI)
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Good job, State... \u-10179 ?

<http://www.thedailybeast.com/articles/2016/08/29/fbi-vs-state-department-over-hillary-clinton-s-secrets.html>

FBI vs. State Department Over Hillary Clinton's Secrets

The FBI and the State Department are at odds over whether Hillary Clinton's personal lawyers had the proper government-issued security clearances that they needed to keep copies of her emails in a Washington, D.C., law office last year.

Some of those emails contained classified information, which the lawyers and State Department officials knew at the time.

The issue has become a flashpoint in the broader controversy over Clinton's private email server. Republican lawmakers are pressing the FBI on whether it investigated the State Department's decision to give security clearances to Clinton's attorneys and let them store copies of the emails on a thumb drive. And statements from FBI and State Department officials show that there's no clear agreement on whether Clinton's attorneys were appropriately cleared to handle the material.

In July, FBI Director James Comey testified before the House Oversight and Government Reform that Clinton's attorneys didn't have the security clearances they needed. The FBI elaborated in a statement this week to The Daily Beast, saying "most of the attorneys representing former Secretary of State Clinton in this matter did not have the appropriate security clearances to review special access program material," which is highly secret information that is restricted only to a few people based on their need to know.

Seven email chains, which included messages sent and received by Clinton, contained such material, the FBI found.

The bureau didn't specify which lawyers didn't have the right clearances, but Clinton has been represented by at least two lawyers in matters related to her email, including her longtime personal attorney, David Kendall, of Williams & Connolly, and his colleague, Katherine Turner.

Kendall, who has previously said he and Turner hold a top secret clearance from the State Department, didn't respond to a request for comment.

But the State Department says Clinton was represented by appropriately cleared lawyers. A department spokesperson defended the decision in 2015 to let the attorneys keep the thumb drive in a government-issue safe, which department security officers provided after visiting Williams & Connolly's offices. At the time, Clinton's lawyers said they needed a full record of the emails in order to respond to questions from the House committee investigating the Benghazi, Libya, terrorist attacks, which happened on Clinton's watch.

"It's routine for individuals outside government to have temporary security clearances to work on a range of issues," State Department spokesperson Elizabeth Trudeau told The Daily Beast. "This includes legal representatives who may need it to better represent their clients appropriately. The Department does not confirm individuals' security clearance status, however, as we have confirmed in the past, former Secretary Clinton has counsel with clearance."

While Clinton's lawyers won't face any criminal prosecution over the issue, legal and security experts say giving them access to classified emails in their own offices was an unorthodox decision that appeared to give preferential treatment to the former secretary of state. Keeping classified information stored outside a government facility increases the possibility that it could be seen or stolen by people who aren't authorized to have it.

Rep. Jason Chaffetz, the chairman of the powerful House Oversight Committee, held Clinton personally responsible for the matter.

"Hillary Clinton gave her private attorneys, without proper security clearance, access to classified information. This once again illustrates Secretary Clinton's cavalier and sloppy behavior in handling highly sensitive information," Chaffetz told The Daily Beast. Earlier this week, Chaffetz asked Comey in writing whether law enforcement officials had "investigated the possibility that Secretary Clinton's classified emails were improperly stored or accessed" either