

PRIESTAP, E W. (CD) (FBI)

From: PRIESTAP, E W. (CD) (FBI)
Sent: Tuesday, May 17, 2016 6:28 PM
To: STRZOK, PETER P. (CD) (FBI); [REDACTED] (OGC) (FBI); MOFFA, JONATHAN C. (CD) (FBI)
Subject: RE: Midyear Exam --- UNCLASSIFIED//FOUO

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Extremely thoughtful and well-said. Thank you! Bill

From: STRZOK, PETER P. (CD) (FBI)
Sent: Tuesday, May 17, 2016 4:35 PM
To: RYBICKI, JAMES E. (DO) (FBI)
Cc: MCCABE, ANDREW G. (DO) (FBI); PRIESTAP, E W. (CD) (FBI); MOFFA, JONATHAN C. (CD) (FBI); [REDACTED] (OGC) (FBI)
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TRANSITORY RECORD

Jim,

[REDACTED] Jon and I thought about and then spent a few hours talking about the Director's request. Some of our overarching observations follow; as he narrows down what he wants to say, we'll provide comment about specific numbers/fact checking:

Thematic Considerations:

- 1) We believe we need to more directly counter the continuous characterization by Hillary Clinton describing the emails involved in this investigation as having been classified after the fact. While the Director notes that many of the emails were classified when sent, we may want to include some final numbers to draw the distinction between her narrative and the (now) 45 email chains that we can say were classified when they hit the system. Furthermore, he may to highlight that the classified emails weren't simply State foreign policy deliberations or information. The TS emails and most of the Secret emails were classified by the USIC because they contained USIC equities. The mishandling of those emails put USIC sources and methods - not State equities - at risk. The Director notes in his remarks State's lack of care for classified information; we think a nuance to that point is their lack of care for information that wasn't theirs to begin with.
- 2) A central focus of media attention, as well as what we hear from employees who are not part of the investigation, frequently involves two observations/questions: a) if I did this, I'd be prosecuted, and b) we prosecuted Petraeus/Berger/Libby, etc., why is she getting different treatment? We believe it would be valuable to provide information responding to those observations. We'd draw the distinction in noting that we have no evidence classified information was ever shared with an unauthorized party, i.e., notwithstanding the server setup, we have not seen classified information shared with a member of the media, an agent of a foreign power, a lover, etc. Additionally, it's

important to note that had these same emails been sent on a state.gov system rather than a private one, it's not clear that the FBI would currently have an open investigation.

Accuracy/Clarification Considerations:

- 3) We don't think it is entirely accurate to reference the "providers" of her servers, and think it could deflect from the fact that the Clintons themselves essentially created and operated at least the two first server enterprises when she was Secretary of State. In other words, these were not professional server operations. PRN is the closest thing to a server provider, but it would be more accurate to state that there were different "administrators" (Pagliano and PRN) and "providers of services related to the operation of the servers" (i.e., DATTO, Infograte, Cloudjacket, etc.).
- 4) The statement that "we assess it is reasonably likely that hostile actors gained access to Secretary Clinton's private email account" is too strong. It is more accurate to say we know foreign actors obtained access to some of her emails (including at least one Secret one) via compromises of the private email accounts of some of her staffers. It's also accurate to say that a sophisticated foreign actor would likely have known about her private email domain, and would be competent enough not to leave a trace if they gained access. But we have seen no direct evidence they did.
- 5) We discussed with the Director last week that we can't easily provide the number of total work-related emails that we have found that were not part of the 30,000 she provided to the State Department (distinguished from the subset of potentially classified emails that we have identified that were not part of the 30,000). As we discussed, he would be able to say "thousands" of emails and be on solid ground as an alternative.

Topic for Further Discussion:

- 6) Whether her conduct rises to the legal definition of gross negligence.

Thanks for the opportunity to respond. We're happy to discuss further or clarify anything that might not make sense.

Pete, [REDACTED] and Jon

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