

# United States Senate

WASHINGTON, DC 20510

September 14, 2016

The Honorable James R. Clapper  
Director  
Office of the Director of National Intelligence  
Washington, DC 20511

Dear Director Clapper:

A spokesperson for your office, Mr. Joel D. Melstad, recently stated, "ODNI is not leading an [intelligence community]-wide damage assessment"<sup>1</sup> regarding the unauthorized disclosure of sensitive and classified information emanating from the use of a private email server by former Secretary of State Hillary Clinton. Mr. Melstad also indicated that no individual member of the Intelligence Community (IC) is conducting such a review.

According to press reporting, the rationale of intelligence leaders for this decision is that much of the sensitive and classified information disclosed in Mrs. Clinton's email correspondence has been inappropriately disclosed previously and, therefore, it will be difficult and unnecessary to assess the damage done by her specific unauthorized disclosures.<sup>2</sup> Is this true? Are the ODNI and other intelligence agencies declining to conduct an assessment of the national security implications of unauthorized disclosures of sensitive and classified information by former Secretary Clinton's use of a private, insecure email server? And, if so, what are the reasons for this decision?

As a member of the Senate Homeland Security and Governmental Affairs Committee, I take these unauthorized disclosures of sensitive and classified material very seriously and I am concerned about our Nation's ability to secure its interests and its secrets. If Mr. Melstad's statement is true, I also am alarmed by the ODNI's apparent unwillingness to abide by its own policies, such as Intelligence Community Directive-732, which explicitly states, "...damage assessments *shall* be conducted when there is an actual or suspected unauthorized disclosure or compromise of classified national intelligence that may cause damage to U.S. national security" (emphasis added).

Even if information has been previously exposed, is it not prudent to understand the implications of this specific disclosure in terms of who gained access to the information and how they might leverage these insights? Also, it seems prudent to have an assessment of how Mrs.

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<sup>1</sup> "DNI Declines Damage Assessment of Clinton's Leaked Email Secrets - Washington Free Beacon." 2016. 14 Sep. 2016 <<http://freebeacon.com/national-security/dni-declines-required-damage-assessment-clintons-leaked-email-secrets/>>

<sup>2</sup> Ibid.

Clinton's disclosures might be understood as confirming previous disclosures and how such confirmations might impact our national security. In short, the lack of a formal assessment of these matters risks tarring your organization, and possibly the broader IC, with accusations of partisanship or incompetence. I believe both of these critiques are wrong; but, I request your timely answers to these questions in order to maintain this view.

Sincerely,

A handwritten signature in blue ink that reads "Ben Sasse". The signature is written in a cursive, flowing style.

Ben Sasse  
United States Senator