

Congress of the United States
Washington, DC 20515

August 22, 2016

Mr. Treve Suazo
Chief Executive Officer
Platte River Networks
5700 Washington Street
Denver, CO 80216

Dear Mr. Suazo:

The House Committee on Science, Space, and Technology and the Senate Committee on Homeland Security and Governmental Affairs are examining former Secretary of State Hillary Clinton's use of a private email account and server during her time at the State Department. According to information obtained by the Committees, Secretary Clinton hired Platte River Networks to provide information technology services for Secretary Clinton's private server and email account. Platte River Networks (PRN) declined to comply in full with the Committees' requests for documents and interviews.¹ Therefore, in order to enable the Committees to fully examine the circumstances surrounding Secretary Clinton's private server and email account, Chairman Smith has issued the enclosed subpoena for documents.

For several months, we have sought PRN's voluntary cooperation with congressional efforts to understand the policy consequences of Secretary Clinton's use of a private server and email account. This effort, undertaken concurrently with a federal criminal investigation, has a different focus than the criminal inquiry and derives from different authority. "The scope of [Congress's] power of inquiry . . . is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution."² The congressional investigatory power "encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes."³ The Committees have particular jurisdiction in this inquiry pursuant to House Rule X and Senate Rule XXV, respectively.

¹ On August 11, 2015, Senator Ron Johnson, chairman of the Senate Homeland Security and Governmental Affairs Committee, wrote to you seeking information and a staff briefing about services provided by PRN relating to Secretary Clinton's private server. After an initial production of documents, Chairman Johnson's staff requested the opportunity to speak directly with PRN employees familiar with Secretary Clinton's servers' configuration. PRN, through its counsel, refused. Separately, on January 14, 2016, Congressman Lamar Smith, chairman of the House Committee on Science, Space, and Technology, wrote to you seeking similar information. PRN declined to provide complete responses to the Chairman Smith's inquiry and declined to provide relevant employees to be interviewed by Chairman Johnson's staff. On July 12, 2016, Chairman Smith and Chairman Johnson jointly reiterated their previous requests for information and materials, but PRN again declined through counsel to produce the requested information.

² *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 504, n. 15 (1975) (quoting *Barenblatt v. United States*, 360 U.S. 109, 111 (1959)).

³ *Watkins v. United States*, 354 U.S. 178, 187 (1957).

Following the Committees' July 12, 2016, letter, your attorney has refused to cooperate with the Committees' ongoing investigation. Science Committee staff attempted to reach out to your attorney on multiple occasions through phone calls, voicemails, and e-mails to learn about the status of providing information responsive to the Committees' requests. Yet, instead of providing a timely and substantive response to the Committees' requests, your attorney sent an e-mail nearly one month following the Committees' letter, criticizing Science Committee staff's efforts to reach him via phone and demanding only to communicate in writing, which he apparently does not believe includes e-mail. When asked again by Science Committee staff to have a phone conversation regarding the ongoing inquiry, your attorney refused to provide a response, citing that he was traveling in Europe. Finally, over a month after the Committees' July 12, letter, your attorney unequivocally refused to accept electronic service on your behalf, stating in a subject line of an e-mail, "Platte River Networks REJECTS electronic service," providing no explanation or text in the body of the e-mail.⁴

PRN is uniquely situated to provide firsthand information about Secretary Clinton's private server and email account. The timeline of PRN's involvement with Secretary Clinton's email systems suggests that PRN has unique knowledge about the state of Secretary Clinton's system at the time she left the State Department. In addition, at least two PRN employees had repeated and detailed communications with representatives of Secretary Clinton about the email system for a period of several years.⁵

On July 5, 2016, Federal Bureau of Investigation (FBI) Director James Comey announced the conclusion of the FBI's investigation into Secretary Clinton. Although the FBI did not recommend criminal charges against Secretary Clinton, Director Comey explained that Secretary Clinton's actions handling classified information were "extremely careless."⁶ In addition, as we noted in our previous letter to you, the FBI identified numerous security concerns regarding Secretary Clinton's use of a private server and email account that could merit changes to federal law. While the FBI's criminal investigation is instructive for the Committees' examination, it does not substitute for the Committees' fact-finding. Among other topics, the Committees have questions about the structure and security of the email system, whether it was comparable to the cybersecurity standards prescribed by the NIST Framework, and the preservation of records on the system.

The information sought by the Committees is crucial in furthering the Committees' understanding of Secretary Clinton's private server and informing policy changes to prevent similar email arrangements in the future. Please provide the documents responsive to the enclosed subpoena by September 9, 2016. Please contact Drew Colliatie of Chairman Smith's

⁴ E-mail from Kenneth Eichner, Attorney, Eichner Law, to Committee Staff (Aug. 19, 2016, 10:33 p.m.).

⁵ See Letter from Sen. Ron Johnson, Chairman, U.S. Senate Homeland Security & Governmental Affairs Committee, to Austin McChord, CEO, Datto, Inc. (Oct. 5, 2015); Letter from Sen. Ron Johnson, Chairman, U.S. Senate Homeland Security & Governmental Affairs Committee, to Victor Nappe, CEO, SECNAP Network Security Corp. (Oct. 5, 2015).

⁶ Fed. Bureau of Investigation, Statement by FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal Email System (July 5, 2016).

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staff with any questions about the subpoena. Thank you for your attention to this important matter.

Sincerely,



Lamar Smith
Chairman
Committee on Science, Space,
and Technology
U.S. House of Representatives



Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs
U.S. Senate

cc: The Honorable Eddie Bernice Johnson
Ranking Minority Member
Committee on Science, Space, and Technology

The Honorable Thomas R. Carper
Ranking Member
Committee on Homeland Security and Governmental Affairs

Enclosures