

UNCLASSIFIED

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC

AUG 26 2022

The Honorable Mark R. Warner
Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

The Honorable Marco Rubio
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

Chairman Warner and Vice Chairman Rubio:

Thank you for your August 14, 2022 letter regarding a recent court-approved search conducted by the Federal Bureau of Investigation (FBI).

The Department of Justice (DOJ) and the Office of the Director of National Intelligence (ODNI) are working together to facilitate a classification review of relevant materials, including those recovered during the search. ODNI will also lead an Intelligence Community (IC) assessment of the potential risk to national security that would result from the disclosure of the relevant documents. ODNI will closely coordinate with DOJ to ensure this IC assessment is conducted in a manner that does not unduly interfere with DOJ's ongoing criminal investigation.

If you have further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Avril D. Haines', with a stylized flourish at the end.

Avril D. Haines

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DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC

AUG 26 2022

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

The Honorable Adam B. Schiff
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Chairwoman Maloney and Chairman Schiff:

Thank you for your August 13, 2022 letter regarding a recent court-approved search conducted by the Federal Bureau of Investigation (FBI).

The Department of Justice (DOJ) and the Office of the Director of National Intelligence (ODNI) are working together to facilitate a classification review of relevant materials, including those recovered during the search. ODNI will also lead an Intelligence Community (IC) assessment of the potential risk to national security that would result from the disclosure of the relevant documents. ODNI will closely coordinate with DOJ to ensure this IC assessment is conducted in a manner that does not unduly interfere with DOJ's ongoing criminal investigation.

If you have further questions, please do not hesitate to contact me.

Sincerely,



Avril D. Haines

Cc:
The Honorable James Comer
The Honorable Michael R. Turner

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DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC

AUG 26 2022

The Honorable Michael R. Turner
Ranking Member
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Ranking Member Turner:

Thank you for your August 19, 2022 letter regarding a recent court-approved search conducted by the Federal Bureau of Investigation (FBI).

The Department of Justice (DOJ) and the Office of the Director of National Intelligence (ODNI) are working together to facilitate a classification review of relevant materials, including those recovered during the search. ODNI will also lead an Intelligence Community (IC) assessment of the potential risk to national security that would result from the disclosure of the relevant documents. ODNI will closely coordinate with DOJ to ensure this IC assessment is conducted in a manner that does not unduly interfere with DOJ's ongoing criminal investigation.

If you have further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Avril D. Haines', with a stylized flourish at the end.

Avril D. Haines

UNCLASSIFIED

From: (b)(3),(b)(6)
To:
Cc: Christopher C. Fonzone-DNI-; Michael Orlando-DNI- (b)(3),(b)(6) Morgan Muir-DNI- (b)(3),(b)(6)
Subject: (U) REPLY: EXTREMELY CLOSE HOLD -- REQUEST YOUR REVIEW BY COB TOMORROW: Draft IC Risk Assessment Protocols
Date: Wednesday, September 14, 2022 6:19:07 AM

Classification (b)(3)

(b)(3),(b)(6) Mike,

I'll be in the DNI's office at 0900 this morning with (b)(1),(b)(3) OGC to discuss (b)(1),(b)(3) internal process with her.

My key concern is that this reads, with my 0550 1 cup of coffee eyes, we are going straight to damage assessment. Which is not the normal process for mishandling classified information.

This review could be done at a very high level, based on the classification of the information, but I think very unlikely it wouldn't devolve into statements that would be very harmful - ie, we don't see reflections of this in intel, so therefore no impact/damage. We need to tread lightly.

(b)(3),(b)(6) - Please work a VTC with (b)(3),(b)(6) for 1100. (b)(3),(b)(6) and myself.

(b)(3),(b)(6)

(b)(3),(b)(6)

Chief (b)(3)

(b)(3),(b)(6)

From: (b)(3),(b)(6)

Sent: Tuesday, September 13, 2022 6:00 PM

To: (b)(3),(b)(6)

Cc: Christopher C. Fonzone-DNI- (b)(3)

Michael Orlando-DNI-

(b)(3),(b)(6)

Morgan Muir-DNI-

(b)(3)

Subject: EXTREMELY CLOSE HOLD -- REQUEST YOUR REVIEW BY COB TOMORROW: Draft IC Risk Assessment Protocols

(b)(3)
(b)(3)

Classified By: (b)(3)
Derived From:
Declassify On:
=====

Good afternoon (b)(3),(b)(6)

If it's not too much trouble, we would very much appreciate your quick review of the attached draft protocols for an IC risk assessment concerning the FBI's recent recovery of documents. These protocols are currently being reviewed by DOJ and within ODNI, but we would welcome your take on the way we have framed the approach. As you'll see, we've tried to keep these basic for now, recognizing that the assessment team may need to add more detail as they begin their work. We're on a fast timeline, so any thoughts you can give us by COB tomorrow would be most appreciated. I understand from your Front Office that you might have some time tomorrow at 1100 in case you want to discuss.

Kindly request that you treat this email and attachment as extremely close hold and not disseminate further.

Thank you!

(b)(3),(b)(6)

Assistant Director

National Counterintelligence Directorate

National Counterintelligence and Security Center

Nonsecure: (b)(3),(b)(6)

Secure: (b)(3),(b)(6)

Personal cell: (b)(3),(b)(6)

IC email: (b)(3),(b)(6)

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Classification: (b)(3)

(b)(3)

Classification: (b)(3)

From: (b)(3),(b)(6)
To: (b)(3),(b)(6)
Cc: (b)(3),(b)(6)
Subject: Follow-up Meeting
Date: Tuesday, November 8, 2022 4:03:04 PM

Classification: (b)(3)

Classified By: (b)(3)

Derived From:

Declassify On:

=====

(b)(3),(b)(6) and (b)(3),(b)(6)

Thanks again for the time on the phone with both of you individually. As discussed, I'd like to schedule a call with you and/or the right folks on your teams to discuss in further detail the TOR and the way forward. Again, my sense is that we can collectively make more rapid progress in a smaller group setting.

I'd like to try to meet before the long weekend. I'd ask that you respond back and CC your designated rep(s) (if not you). I'll then work with them directly (or whomever you prefer) to lock in a date and time. I've CC'ed (b)(3),(b)(6) from DNI OGC. While certainly not required, I'd welcome your OGC participation as well.

Thanks,

(b)(3),(b)(6)

=====
Classification: (b)(3)

From: (b)(3),(b)(6)
To: (b)(3),(b)(6)
Cc: [Michael Orlando-DNI-](#)
Subject: FW: (U) RE: CLOSE HOLD -- REQUEST CRITICAL COMMENTS BY COB MONDAY, 26 Sep: Updated Draft IC Risk Assessment Protocols
Date: Friday, October 14, 2022 2:59:40 PM

Classification: (b)(3)

(b)(3)

Comments (b)(1),(b)(3)

(b)(3),(b)(6)

Assistant Director
National Counterintelligence Directorate
National Counterintelligence and Security Center
Nonsecure (b)(3),(b)(6)
Secure (b)(3),(b)(6)
Personal cell: (b)(3),(b)(6)
IC email: (b)(3),(b)(6)

From: (b)(3),(b)(6)

Sent: Monday, September 26, 2022 6:03 PM

To: (b)(3),(b)(6)

(b)(3),(b)(6)

Cc: Christopher C. Fonzone-DNI- (b)(3)

Michael Orlando-DNI-

(b)(3),(b)(6)

Morgan Muir-DNI-

(b)(3)

Matthew C. Rhoades-DNI-

(b)(3)

Subject: (U) RE: CLOSE HOLD -- REQUEST CRITICAL COMMENTS BY COB MONDAY, 26 Sep: Updated Draft IC Risk Assessment Protocols

Classification: (b)(3)

(b)(3),(b)(6)

Thanks for forwarding. These protocols look much improved and we do not have any additional comments or concerns.

We did note that the following language may appear to approach a damage assessment (which I know we are avoiding here): **what is the potential risk to U.S. national security that would result from the disclosure of relevant documents?**

But our sense is that "potential risk to US national security" actually tracks very well to the classification levels under EO 13526- and that may be a seamless/comprehensive way to address the requests from our overseers without trending towards a damage assessment.

Thanks again for the collaboration and discussion on these protocols and talk to you soon.

v/r

(b)(3),(b)(6)

Office of the General Counsel

Secure (b)(3),(b)(6)

Outsid

(b)(3)

From: (b)(3),(b)(6)

Sent: Friday, September 23, 2022 1:56 PM

To: (b)(3),(b)(6)

(b)(3),(b)(6)

Cc: Christopher C. Fonzone-DNI-(b)(3)

Michael Orlando-DNI-

(b)(3),(b)(6)

Morgan Muir-DNI-

(b)(3),(b)(6)

Matthew C. Rhoades-DNI-

(b)(3)

Subject: CLOSE HOLD -- REQUEST CRITICAL COMMENTS BY COB MONDAY, 26 Sep: Updated Draft IC Risk Assessment Protocols

(b)(3)

(b)(3)

(b)(3)

(b)(1),(b)(3) colleagues -- many thanks for your suggested edits to the draft risk assessment protocols. We have done our best to address (b)(1),(b)(3) comments along with those we received from (b)(1),(b)(3) and the DNI Front Office. As you might imagine there is a range of views on how best to frame our approach and we believe the attached draft accommodates those varying perspectives. That said, we kindly request that you take one final look at the attached and let us know by **COB Monday, 26 Sep.** if there are any remaining CRITICAL comments that must be addressed.

Thank you again for the input, and have a great weekend!

(b)(3),(b)(6)

Assistant Director

National Counterintelligence Directorate

National Counterintelligence and Security Center

Nonsecure (b)(3),(b)(6)

Secure: (b)(3),(b)(6)

Personal cell: (b)(3),(b)(6)

IC email (b)(3),(b)(6)

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Classification: (b)(3)

(b)(3)

Classification: (b)(3)

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Classification: (b)(3)

From: (b)(3),(b)(6)
To: (b)(3),(b)(6)
Cc: Christopher C. Fonzone-DNI-; Michael Orlando-DNI-; (b)(3),(b)(6) Morgan Muir-DNI-; (b)(3),(b)(6)
(b)(3),(b)(6) Matthew C. Rhoades-DNI-
Subject: (U) RE: CLOSE HOLD -- REQUEST CRITICAL COMMENTS BY COB MONDAY, 26 Sep: Updated Draft IC Risk Assessment Protocols
Date: Monday, September 26, 2022 6:02:37 PM

Classification: (b)(3)

(b)(3),(b)(6)

Thanks for forwarding. These protocols look much improved and we do not have any additional comments or concerns.

We did note that the following language may appear to approach a damage assessment (which I know we are avoiding here): **what is the potential risk to U.S. national security that would result from the disclosure of relevant documents?**

But our sense is that "potential risk to US national security" actually tracks very well to the classification levels under EO 13526- and that may be a seamless/comprehensive way to address the requests from our overseers without trending towards a damage assessment.

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Office of the General Counsel

Secure: (b)(3),(b)(6)

Outside (b)(3)

(b)(3)

From: (b)(3),(b)(6)

Sent: Friday, September 23, 2022 1:56 PM

To: (b)(3),(b)(6)

(b)(3),(b)(6)

(b)(3),(b)(6)

Cc: Christopher C. Fonzzone-DNI (b)(3)

Michael Orlando-DNI-

(b)(3),(b)(6)

Morgan Muir-DNI-

(b)(3),(b)(6)

Matthew C. Rhoades-DNI-

(b)(3)

Subject: CLOSE HOLD -- REQUEST CRITICAL COMMENTS BY COB MONDAY, 26 Sep: Updated Draft IC Risk Assessment Protocols

(b)(3)

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Assistant Director

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