

United States Senate

WASHINGTON, DC 20510

February 14, 2017

COMMITTEES:
ARMED SERVICES
ENERGY AND NATURAL RESOURCES
INTELLIGENCE
JOINT ECONOMIC

Mr. Mike Dempsey
Acting Director
Office of the Director of National Intelligence
Washington, DC 20511

Dear Mr. Dempsey:

I write today to request details concerning a number of incidents that have called into question the manner in which President Trump and White House staff have been accessing and handling sensitive and classified information.

On February 13th, Lt. General Michael Flynn resigned from his position as President Trump's National Security Advisor after it was revealed that he may have illegally discussed the status of the United States sanctions on Russia with that country's ambassador, and then subsequently lied about it, including to Vice President Pence. Before his resignation, there were concerns related to Lt. General Flynn's history of mishandling classified information, including having been found to have inappropriately shared classified material with foreign military officers and, reportedly, secretly installing a forbidden internet connection in his Pentagon office.^[1]

On February 11th, President Trump coordinated his initial response to North Korea ballistic missile tests in an unsecure location at his Mar-a-Lago resort, including the review of potentially classified information. A guest at Mar-a-Lago reportedly took photographs of this conduct and a military aide to the President who he claimed transported the President's nuclear "football," later posting these photos on his personal Facebook page.

On February 8th, President Trump hosted a press conference in the Oval Office with non-cleared individuals, including members of the press and a U.S. corporation, while leaving on his desk, in plain sight, a lockbag used to transport classified information with the key still inside it.

As the acting Director of National Intelligence, you serve as the Security Executive Agent of the Suitability and Security Clearance Performance Accountability Council, with responsibilities including the "oversight of investigations and determinations of eligibility for access to classified information." Accordingly, it is your responsibility to ensure that national security is protected in all access determinations.

The safety and security of the United States and the lives of our citizens depend on the responsible handling of sensitive information. The policy of the United States Government has long been to restrict access to sensitive information to only those for whom access is truly

^[1] *Trump's National Security Adviser Shared Secrets without Permission, Files Show*, Washington Post (Dec. 14, 2016); *The Disruptive Career of Michael Flynn, Trump's National Security Adviser*, The New Yorker (Nov. 23, 2016).

necessary, and only so long as they are thoroughly vetted and have been determined to meet strict eligibility requirements. At the very least, these recent events have called into question whether the White House is taking adequate steps to protect classified information and to determine the suitability and eligibility of staff with access to sensitive national security information.

For these reasons, I request the following information regarding the process used to grant access to classified information for staff of the Executive Offices of the President, including the National Security Council (NSC) and the Office of the Vice President:

1. The number of individuals that have been screened for their eligibility to access classified or controlled access information, and the number that have been determined ineligible;
2. Whether President Trump, you, or any of your designees have granted any waivers or exceptions that would allow individuals who have otherwise not been determined eligible (for instance being determined ineligible or not receiving a determination) for a security clearance to access classified or controlled access information;
3. The number of individuals in the Executive Office of the President who have been granted access to classified or controlled access information and have subsequently had their access subject to review, suspension or revocation;
4. The details of the policies and procedures that are in place to ensure that classified or controlled access information that is accessed by White House or NSC staff is not inappropriately shared with other staff or individuals that have not been granted access or with non-White House or NSC staff outside of official government sites, such as the President's multiple private residences;
5. With regards to Lt. General Flynn please provide the following details: the dates of his most recent security clearance investigation, the date of his last polygraph screening, the agency that conducted the investigation, the agency that adjudicated and approved his clearance, and whether or not the investigation uncovered derogatory information with respect to his contact with foreign nations of concern or their agents, including Russia.

Please submit your responses in writing by February 28, 2017. If you have any questions about this request, please contact Virgilio Barrera at 202-224-5521. Thank you for your attention to this matter.

Sincerely,



MARTIN HEINRICH
United States Senator