

# Congress of the United States

Washington, DC 20515

December 11, 2017

The Honorable Jefferson B. Sessions III  
Attorney General  
The Honorable Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Mr. Attorney General and Mr. Rosenstein:

We write concerning the Justice Department's longstanding commitment to equal treatment of the Minority and Majority in Congress with respect to document production in connection with committee investigations. We are disappointed that the Department has not honored this tradition with respect to the joint investigation initiated by Chairman Goodlatte and Chairman Gowdy on October 24, 2017.

As you know, on November 3, 2017, Chairman Goodlatte and Chairman Gowdy wrote to you to request certain documents related to the FBI's handling of its investigation into former Secretary of State Hillary Clinton's use of a private email server.<sup>1</sup> On December 6, 2017, Chairman Goodlatte wrote an additional letter to the Department referencing this investigation and requesting information involving a reported FISA warrant involving Carter Page and relating to Russian interference in the 2016 election. In between, the Department of Justice appears to have engaged in extensive correspondence with our Majorities, produced 1,100 pages of documents to our committees, and promised to provide 1.2 million additional records to the committees by January 15, 2018.

Unfortunately, we did not learn of your interactions with the Majority until after Chairman Goodlatte mentioned his efforts at last week's Judiciary Committee hearing with FBI Director Christopher Wray.<sup>2</sup> Your failure to treat us as an equal participant in this investigation,

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<sup>1</sup> Letter from Chairman Bob Goodlatte, H. Comm. on the Judiciary, Chairman Trey Gowdy, H. Comm. on Oversight and Gov't. Reform, et al. to U.S. Attorney General Jeff Sessions and Deputy Attorney General Rod Rosenstein, Nov. 3, 2017.

<sup>2</sup> "[W]e have asked the Department of Justice, and through them the Federal Bureau of Investigation, for all of the 1.2 million documents provided to the Inspector General . . . I have received back from the Assistant Attorney General . . . a letter indicating that they will make a fulsome response to that request." *Oversight of the Federal*

to simultaneously provide us with copies of that correspondence, or to produce these documents to our offices directly, is unacceptable and inconsistent with House rules.<sup>3</sup>

Deputy Attorney General Rosenstein is scheduled to testify before the House Judiciary Committee on December 13. It is important that you address the following requests before that hearing:

- Please provide us with copies of all correspondence to and from the Majority related to this inquiry—including any request for documents related to “FBI decisions in the investigation surrounding former Secretary of State Hillary Clinton’s private email server”<sup>4</sup> or “the decision to seek a FISA warrant based, at least in part, on politically-motivated opposition research.”<sup>5</sup>
- To the extent that you have already produced any documents to either of our committees, please provide us with copies of those documents.
- As you move forward with document production—in this investigation or any other—please deliver a separate set of documents directly to our offices as well.
- If you plan to meet with any of our Republican colleagues to discuss this investigation, we ask that you notify us in advance so that we may be included in those meetings.

Our committees are now engaged in an investigation of allegations of politically-motivated misconduct at the FBI. We have had similar concerns for some time. As Ranking Member Cummings and then-Ranking Member Conyers noted in a letter to Inspector General Horowitz on November 4, 2017, senior advisors to President Trump appear to have had knowledge of—and may have been accessories to—an effort to cast doubt on Hillary Clinton in the days before the November 2016 election.<sup>6</sup> The facts point to a coordinated effort by some in the FBI to change the course of the Clinton investigation by leaking sensitive information to the public, and by threatening to leak additional information after the investigation was closed.

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*Bureau of Investigation*, hearing before the H. Comm. on the Judiciary, Dec. 7, 2017 (statement of Chairman Bob Goodlatte).

<sup>3</sup> House Rule XI § 2(e)(1)(2).

<sup>4</sup> Letter from Assistant Attorney General Stephen E. Boyd, U.S. Dept. of Justice, to Chairman Trey Gowdy, H. Comm. on Oversight and Gov’t. Reform, Dec. 5, 2017.

<sup>5</sup> Letter from Chairman Bob Goodlatte, H. Comm. on the Judiciary, to FBI Director Christopher Wray, Dec. 6., 2017.

<sup>6</sup> Letter from Ranking Member John Conyers, Jr., H. Comm. on the Judiciary, and Ranking Member Elijah E. Cummings, H. Comm. on Oversight & Gov’t. Reform, to Inspector General Michael Horowitz, U.S. Dept. of Justice, Nov. 4, 2017.

We therefore ask that, in addition to any materials you may have provided to the Majority, you also provide us with copies of all documents and communications in your possession that may be related to any of the following:

- Fringe conspiracy website “True Pundit,” and any connection it may have to current or former agents at the FBI.<sup>7</sup>
- Any connection “True Pundit” may have to the Russian government, or to Russian-backed news outlets RT and Sputnik.<sup>8</sup>
- Any connection “True Pundit” may have to WikiLeaks.<sup>9</sup>
- Any connection “True Pundit” may have had to any government official with knowledge of the investigation into Hillary Clinton’s use of a private email server.<sup>10</sup>
- Any senior official’s knowledge of a “[h]eavyweight source” within the FBI who may have provided information to “True Pundit” about the Clinton investigation.<sup>11</sup>
- Former FBI Director James Comey’s acknowledgement that FBI agents are likely the source of information provided to “True Pundit,” even if they are only “lower level folks.”<sup>12</sup>

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<sup>7</sup> See, e.g., Seth Abramson, @SethAbramson, Twitter, Dec. 9, 2017, 5:29 AM (Screenshot of comments posted on True Pundit after the website reported several stories claiming to have sources within the FBI’s investigation of the Orlando nightclub shooting on June 12, 2016: “True Pundit has folks who worked for the FBI and other agencies on staff.”).

<sup>8</sup> Oren Dorell, *Breitbart, other ‘alt-right’ websites are the darlings of Russian propaganda effort*, USA TODAY, Aug. 24, 2017.

<sup>9</sup> “you’re telling me. i think our claims have been backed up and will be more so by Assange over the weekend. Stay tuned.” Thomas Paine, @Thomas1774Paine, Twitter, Nov. 4, 2016.

<sup>10</sup> See, e.g., *Hillary Clinton & GOOGLE Created Covert Server to Cloak Benghazi-era Emails from Lawmakers, FBI: Part 1*, TRUE PUNDIT, June 15, 2016 (“That clandestine move, by Clinton and Google, served to cloak her inner circle’s communications from lawmakers, public scrutiny, and criminal investigators, according to intelligence sources.”); *GOOGLE Built Hillary A Secret Server; Clinton Used Gmail for Benghazi-era Emails Before they Vanished: Part 2*, TRUE PUNDIT, June 16, 2016 (“True Pundit has found that there are untold number of emails Clinton has yet to turn over to regulators, despite swearing under oath in federal court that she is not withholding any additional emails. But intelligence sources cooperating with True Pundit say this is simply not true.”).

<sup>11</sup> See Press Release, *Judicial Watch: New FBI Records Show FBI Leadership’s Conflicts of Interest Discussions Clinton Email Investigation*, Judicial Watch, Nov. 21, 2017.

<sup>12</sup> *Id.*

- Any impact that knowledge of these leaks may have had on the FBI's decision to reopen the Clinton investigation on October 28, 2016.<sup>13</sup>
- Any connection between these leaks and the delay in official action from October 2, 2016, when the FBI seized a computer containing additional emails that might be relevant to the Clinton investigation, to October 30, 2016, when the FBI obtained a search warrant to review those emails.
- Former mayor Rudolph W. Giuliani's description of the state of the FBI in the summer and fall of 2016 as not just "angry" but "boiling" and on the brink of a "revolution."<sup>14</sup>
- Mayor Giuliani's repeated suggestion, over the course of several interviews prior to the FBI's reopening of the Clinton investigation, that the Trump Campaign has "a couple things up our sleeves that should turn things around."<sup>15</sup>
- Former National Security Advisor Michael Flynn's knowledge of the Clinton investigation.<sup>16</sup>
- Trump Campaign advisor Erik Prince's knowledge of the Clinton investigation.<sup>17</sup>
- Any evidence of political bias or personal animus against Hillary Clinton by any agent or official within the FBI and the Department of Justice who was involved in the Clinton investigation.

In addition, because Chairman Goodlatte has expanded the investigation to include matters involving Russian interference in the 2016 election,<sup>18</sup> we ask that you promptly review

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<sup>13</sup> Matt Apuzzo et al., *Justice Dept. Strongly Discouraged Comey on Move in Clinton Email Case*, N.Y. TIMES, Oct. 29, 2016 ("[H]e believed that if word of the new emails leaked—and it was sure to leak, he concluded—he risked being accused of misleading Congress and the public ahead of an election.").

<sup>14</sup> See, e.g., Ian Schwartz, *Giuliani: "There's a Revolution Going on inside the FBI and It's Now at a Boiling Point,"* REAL CLEAR POLITICS, Nov. 4., 2016.

<sup>15</sup> Interview with Martha MacCallum, FOX NEWS, televised Oct. 26, 2017. See also *FOX & Friends*, FOX NEWS, televised Oct. 25, 2016 ("And I do think that all of these revelations about Hillary Clinton are finally beginning to have an impact."); *FOX & Friends*, FOX NEWS, televised Nov. 4, 2016. ("Did I hear about it? You're darn right I heard about it."). See also Christina Manduley and Eugene Scott, *Giuliani changes story on FBI*, CNN, Nov. 5, 2016.

<sup>16</sup> See General Michael Flynn, @GenFlynn, Twitter, Nov. 2, 2016, 9:18PM.

<sup>17</sup> *Audio of Breitbart Interview w/ Navy Seal Eric Prince Re: NYPD Forcing James Comey to Re-Open Hillary Clinton Email Investigation*, BREITBART, Nov. 4, 2016.

<sup>18</sup> Letter from Chairman Bob Goodlatte, H. Comm. on the Judiciary, to FBI Director Christopher Wray, Dec. 6., 2017.

the various requests we have previously submitted to your office involving Russian interference, possible obstruction of justice within the Trump Administration, and related matters and confirm that you will respond to the same.

Again, we ask that you provide us with assurances that you will comply with our requests prior to the hearing scheduled with Deputy Attorney General Rosenstein on December 13, 2017. Please provide us with the specific information we have requested no later than December 21, 2017. Thank you for your prompt consideration of this matter.

Sincerely,



Jerrold Nadler  
Ranking Member  
Committee on the Judiciary



Elijah E. Cummings  
Ranking Member  
Committee on Oversight and  
Government Reform

cc: The Hon. Bob Goodlatte, Chairman, Committee on the Judiciary  
The Hon. Trey Gowdy, Chairman, Committee on Oversight and Government Reform  
The Hon. Michael E. Horowitz, Inspector General, U.S. Department of Justice