

Congress of the United States
Washington, DC 20515

November 3, 2016

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue N.W.
Washington, D.C. 20530

Dear Madam Attorney General:

We write to supplement our previous request that you preserve all documents referring or relating to Secretary Clinton's use of a personal email server.

On October 28, 2016, Director Comey notified Congress that the FBI was investigating a new source of emails related to the Clinton email server investigation.¹ Subsequent reports indicate that these new sources of emails are previously-unexamined devices from Huma Abedin, Secretary Clinton's advisor, and her husband, Anthony Weiner.² Reports also suggest that these emails number 650,000 and are from multiple devices related to the FBI's criminal investigation of Mr. Weiner.³

As the respective Chairmen of the committee of jurisdiction over the Department of Justice and the FBI, and the principal oversight committee for the House of Representatives, we hereby request that you preserve all documents, communications, and other records or data obtained in the course of that investigation. Specifically, preserve any information found on Ms. Abedin's and Mr. Weiner's devices, in email accounts referring or relating to those devices and/or their owners, and on any other source that the Department or the FBI reviews that is related to this case. This request includes, but is not limited to, all emails, documents, files, and metadata, regardless of relevancy or claims of privilege, and should be construed in the broadest possible form, understanding that Congressional oversight powers are broader and more far-reaching than those permitted by Department policy, and the limits of subpoenas in the oversight versus the investigatory context are substantially different. Moreover, pursuant to 18 U.S.C. § 2704, we expect that you have sought backup preservation of email contents from Yahoo and any other service over which Ms. Abedin and Mr. Weiner communicated. This request necessarily includes, but is not limited to, any and all documents reviewed or sorted by FBI and DOJ pre-reviewers (i.e., the "taint team" or "filter team"), before they are handed over to the investigative team.

In ensuring compliance with this request, it is your responsibility to make sure that anyone who is coming into contact with documents related to this investigation is aware of the preservation

¹ Letter from FBI Director Comey, to Chairmen Goodlatte, Chaffetz, Grassley, and Nunes (Oct. 27, 2016).

² "FBI in Internal Feud over Hillary Clinton Probe", Devlin Barrett, Wall Street Journal, (Oct. 30, 2016).

³ *Id.*

order, and that all documents are preserved in their initial form, including all markings, notes, and metadata. As in our previous request, “preserve” means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation, of records in any form, as well as negligent handling that would make such records incomplete or inaccessible. Preservation also includes any evidence related to tampering, hacking, or exploitation of the emails by foreign adversaries or other outside parties. Further, we request that you:

1. Exercise reasonable efforts to identify and notify former employees and contractors, subcontractors and consultants who may have access to such electronic records that they are to be preserved;
2. Exercise reasonable efforts to identify, recover, and preserve any electronic records which have been deleted or marked for deletion but are still recoverable; and
3. If it is the routine practice of any agency employee or contractor to destroy or otherwise alter such electronic records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production, if requested.

We also reiterate our previous request of October 5, 2016, to preserve all records related to the initial Clinton investigation,⁴ and the preservation request discussed in the email conversation with your staff on October 27, 2016. At both of those points, Department staff informed Committee staff that you would preserve materials related to the Clinton investigation, including, but not limited to, the laptops of Heather Samuelson and Cheryl Mills.⁵

Thank you for your prompt attention to and compliance with this request. If you have questions or require additional information, please contact Christopher Grieco of Chairman Goodlatte’s staff at (202) 225-7869 or Liam McKenna of Chairman Chaffetz’s staff at (202)-225-5074.



BOB GOODLATTE
Committee on the Judiciary

Sincerely,



JASON CHAFFETZ
Committee on Oversight and
Government Reform

⁴ Letter to Attorney General Lynch from Chairmen Goodlatte, Chaffetz, Grassley, and Nunes (Oct. 5, 2016).

⁵ Your letter of October 26 confirmed that you still are in possession of those laptops, and have not yet destroyed them, despite an agreement with the attorney representing Ms. Mills and Ms. Samuelson that DOJ would take possession of those laptops and destroy them.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
5. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
6. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee,

part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

7. The term “preserve” means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation, of records in any form, as well as negligent handling that would make such records incomplete or inaccessible. Preservation also includes any evidence related to tampering, hacking, or exploitation of the emails by foreign adversaries or other outside parties.