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ONE HUNDRED FOURTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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October 3, 2016

Dear Attorney General Lynch:

As part of the Judiciary Committee's ongoing oversight of Secretary Clinton's unauthorized use of a private email server during her tenure as Secretary of State, the Justice Department (DOJ) provided *in camera* review<sup>1</sup> of certain immunity agreements.<sup>2</sup> After a specific request from the Committee, based on references made in the immunity agreements to certain "side agreements," DOJ subsequently provided *in camera* review of those "side agreements" between DOJ, the Federal Bureau of Investigation (FBI), and Beth Wilkinson, the lawyer representing both Cheryl Mills and Heather Samuelson. Like many things about this case, these new materials raise more questions than answers. Please provide a written response to the below questions and make DOJ staff available for a briefing on this matter no later than October 10, 2016.

1. Why did the FBI agree to destroy both Cheryl Mills' and Heather Samuelson's laptops after concluding its search?
2. Doesn't the willingness of Ms. Mills and Ms. Samuelson to have their laptops destroyed by the FBI contradict their claim that the laptops could have been withheld because they contained non-relevant, privileged information? If so, doesn't that undermine the claim that the side agreements were necessary?
3. Have these laptops, or the contents of the laptops, in fact been destroyed, thereby making follow up investigations by the FBI, or Congressional oversight, impossible?
4. For both the Mills and Samuelson laptops please provide individual numbers on the following:

<sup>1</sup> The Committee reserves the right at any time, to request copies of these agreements to be stored in Committee records as part of its constitutionally protected investigative and oversight powers.

<sup>2</sup> Pagliano Immunity Agreements, 12/22/2015 & 12/28/2015; Combetta Immunity Agreement, 5/3/2016; Bentel Immunity Agreement, 6/10/2016; Samuelson Immunity Agreement, 6/10/2016; Mills Immunity Agreement, 6/10/2016; Samuelson Side Agreement, 6/10/2016; Mills Side Agreement, 6/10/2016.

- a. How many total documents were reviewed by the FBI filter review team from the Mills and Samuelson laptops?
  - b. How many documents did the FBI filter review team deem to be privileged and withhold from the FBI investigative team?
  - c. How many documents were ultimately turned over from the Mills and Samuelson laptops to the FBI investigative team?
  - d. How many documents were withheld from the FBI investigative team from each laptop for lack of relevancy?
  - e. How many documents were withheld from the FBI investigative team because they fell outside the date range agreed to between DOJ and Ms. Wilkinson in the side letters dated June 10, 2016?
  - f. Please indicate how many documents were withheld from the FBI investigative team because they were both not relevant AND outside the agreed upon date range.
  - g. How many classified documents, broken down by national security classification level, were on each of the Mills and Samuelson laptops?
5. Please provide the privilege log for all documents withheld by the filter review team from the FBI investigative team for both the Mills and Samuelson laptops. If no such log was created, please create one in the same manner the Department requires private parties to satisfy their obligations under Fed. R. Civ. P. 26.
6. Please provide any opinion, memo, or other materials, whether formally endorsed or not, from the DOJ Office of Legal Counsel, or the FBI Office of the General Counsel related to the following:
  - a. DOJ and FBI procedures on privilege review.
  - b. The validity of Cheryl Mills and Heather Samuelson's claim of attorney client privilege with respect to Secretary Clinton.
  - c. The ability of Cheryl Mills and Heather Samuelson to sit in on the investigative interview of Secretary Clinton.
7. Please explain why DOJ agreed to limit their search of the Mills and Samuelson laptops to a date no later than January 31, 2015 and therefore give up any opportunity to find evidence related to the destruction of evidence or obstruction of justice related to Secretary Clinton's unauthorized use of a private email server during her tenure as Secretary of State.
8. Why was this time limit necessary when Ms. Mills and Ms. Samuelson were granted immunity for any potential destruction of evidence charges?

9. Please confirm whether a grand jury was convened to investigate Secretary Clinton's unauthorized use of a private email server. Disclosure is authorized under Fed. R. Crim. P. 6(e)(3)(A)(i) and (e)(3)(D).
  
10. Please confirm whether the immunity agreements listed on n. 2 and the "side agreements" between Beth Wilkinson and DOJ, dated June 10, 2016, are the entirety of the immunity agreements granted as part of the Department's investigation into Secretary Clinton's unauthorized use of a private email server during her tenure as Secretary of State.

Sincerely,



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Bob Goodlatte  
Chairman  
House Judiciary Committee