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October 11, 2016

Dear Inspector General Horowitz and Inspector General Linick:

In continuing the House Judiciary Committee's ongoing oversight of Secretary Clinton's unauthorized use of a private email server to send and receive classified information, we write to question the propriety, impartiality, and legality of circumstances surrounding the Federal Bureau of Investigation (FBI) and Department of Justice (DOJ) interview of Secretary Clinton. The FBI and DOJ appear to have acquiesced in allowing two former State Department employees, Cheryl Mills and Heather Samuelson, to act as legal counsel for Secretary Clinton in order to influence an investigation into facts for which the former employees were substantially and personally involved. However, neither the FBI nor DOJ are in a position to investigate their own actions in connection with the Clinton interview, thus making this a tailor-made case for independent review.

We are particularly concerned by the fact that Ms. Mills and Ms. Samuelson, both of whom participated personally and substantially in matters that were the subject of the FBI's investigation, were permitted by both DOJ and the FBI to sit in on Secretary Clinton's interview. Ms. Mills and Ms. Samuelson were fact witnesses who had previously been interviewed by the FBI regarding the setup of Secretary Clinton's private server, theirs and Secretary Clinton's communications, and their own familiarity with classified information sent via unsecure means during Secretary Clinton's tenure. Allowing them to sit in on Secretary Clinton's interview raises questions as to whether a serious interview of Secretary Clinton was ever even contemplated. In fact, it offered Ms. Mills and Ms. Samuelson an opportunity to further corroborate their stories with the target of the FBI's investigation – Secretary Clinton – and have insight into questions being asked of Secretary Clinton regarding communications to which they may have been parties.

We are also very concerned about the FBI and DOJ's acceptance of Ms. Mills and Ms. Samuelson's assertions that they were serving as Secretary Clinton's attorneys.

- Did the FBI ask for an engagement letter?
- Did the FBI probe into when the attorney-client privilege purportedly began?

- Does the FBI have any record of investigating or internally deliberating on the patently absurd claim of attorney-client privilege?
- Did the FBI ever ask whether either Mills or Samuelson had professional liability insurance?
- Did the FBI consider whether 18 U.S.C. § 207 applies to the inappropriate representation of former Secretary Clinton by former State Department employees “personally and substantially” involved in matters pertaining to the Clinton investigation?
- Did the FBI ever broach the subject of a conflict of interest with Ms. Mills and Ms. Samuelson, or contemplate the fact that their representation of Secretary Clinton as counsel in her interview was a clear violation of long-standing canons of professional ethics?

Not only did Secretary Clinton have able-bodied counsel from Williams & Connolly, a very prestigious law firm, but Ms. Mills and Ms. Samuelson are not practicing attorneys in any sense of the term. Illustrative of the incongruous declarations of attorney-client privilege are current biographies of both Ms. Mills and Ms. Samuelson. Ms. Mills’ biography on the website for the BlackIvy Group, where she is currently CEO, states that she was Chief of Staff and Counselor during Secretary Clinton’s tenure,¹ neither of which are attorney positions.² In fact, the current Counselor of the Department, Ambassador Kenney, is not an attorney, and only one of the previous five Counselors of the State Department even possessed a law degree.

Similarly, Ms. Samuelson’s public LinkedIn profile lists, after her time spent on the 2008 Clinton campaign, “Senior Advisor/White House Liaison” at the State Department for the period of January 2009 to March 2013, corresponding with Secretary Clinton’s tenure.³ This was also not an attorney position. It seems clear that neither Ms. Mills nor Ms. Samuelson can credibly claim that they had an attorney-client relationship with Secretary Clinton while employed at the State Department. Rather, it is the duty of the Department’s Office of the Legal Adviser to “furnish[] advice on all legal issues, domestic and international, arising in the course of the Department’s work.”⁴

Ms. Mills’ profile at her current company indicates that she now sits on the Board of the Clinton Foundation. DOJ and the FBI have yet to confirm whether the Clinton Foundation is

¹ See <http://blackivygroup.com/cmills/> (last accessed October 3, 2016).

² See <http://www.state.gov/r/pa/ei/biog/155161.htm> (last accessed October 3, 2016).

³ See <https://www.linkedin.com/in/heather-samuelsan-223379a> (last accessed October 4, 2016).

⁴ See Office of the Legal Adviser, U.S. Department of State, *available at* <http://www.state.gov/s/l/> (last accessed October 5, 2016) (emphasis added).

under investigation for pay-to-play allegations and inappropriate foreign donations, but if it is the case that the Clinton Foundation is an FBI target, Ms. Mills' presence in the interview with Secretary Clinton is even more disconcerting considering her role on the Clinton Foundation's Board.

Suffice it to say, neither Ms. Mills nor Ms. Samuelson are currently practicing law in their post-State Department jobs, except for the specious claim of representing Secretary Clinton in an FBI criminal probe for which they were key players and witnesses. Ms. Mills and Ms. Samuelson were responsible for culling and shredding documents related to Secretary Clinton's tenure and, whether willfully or inadvertently, are responsible for the destruction of evidence and official records. As such, they were key witnesses who could not have ethically provided legal representation to Secretary Clinton after their departure from the State Department.

The evidence plainly demonstrates that Ms. Mills and Ms. Samuelson's claims of attorney-client privilege in the Clinton email investigation are wholly without merit. It appears increasingly clear that political considerations hijacked the criminal process in this case, and routine, longstanding policies and procedures were ignored. As such, we request that you open an investigation into this matter at your respective Departments.

Thank you for your attention to this important matter.

Sincerely,



BOB GOODLATTE
Chairman
House Judiciary Committee



JASON CHAFFETZ
Chairman
Oversight & Government Reform Committee



M. L. Sanchez

Just Thanks

Steve King

Just A

J. John

Raul R. Labrador

Dy Cella

Trey Bowly

John Ratcliffe

M. O. S.

Ken Buck

Tom Maris

[Signature]

[Signature]

J. R. Forbes

cc: The Honorable Loretta Lynch
Attorney General

The Honorable John Kerry
Secretary of State

The Honorable James Comey
Director, Federal Bureau of Investigation