

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Fourteenth Congress

December 20, 2016

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

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C., 20535

Dear Attorney General Lynch and Director Comey:

We write concerning efforts by the Russian government to disrupt our recent federal elections. In that regard, we strongly and urgently request that safeguards be put in place—prior to the completion of the presidential transition—to ensure that any criminal investigation into these matters is conducted in an independent manner and free of improper partisan influence.

In addition, to begin, we ask that you confirm that there is, in fact, a criminal investigation into the activities of the Russian government and the start date of any such investigation. To the extent that this investigation extends to any U.S. persons—including any associate of President Elect Donald Trump -- we ask that you confirm this as well. We also ask that the investigation receive all necessary financial and personnel resources, and that it be treated as the highest priority for the Department of Justice and the FBI. At the conclusion of this investigation and any related enforcement actions, we ask that your offices provide the House Judiciary Committee with copies of all relevant investigative materials, from the start date forward -- including copies of any primary evidence or interview notes, a summary of resources and agents devoted to the investigation, and preexisting instances of political or related cyberattacks involving the Russian government or its agents — in a similar manner as you did relating to your investigation into Secretary Clinton’s private email server.

We make these requests for several reasons. First, as you are no doubt aware, a series of recent reports and disclosures have made clear that Russia was seeking to not only diminish our democratic process, but to influence specific electoral outcomes. The Washington Post reported on December 16 that the FBI and Director of National Intelligence are in agreement with the

CIA that there is a “strong consensus ... on the scope, nature, and intent of Russian interference in our presidential election.” It was also reported by The New York Times last week that Russian President Vladimir Putin was directly involved in this effort, and that Russian cyberattacks were also directed at several Democratic U.S. House candidates as well as Secretary Clinton. Prior to the election, Mr. Trump appeared to encourage hacking by the Russian government, when he declared “I will tell you this, Russia: If you’re listening, I hope you’re able to find the 30,000 emails that are missing.”

This occurs at a time when there are also concerns that President Elect Trump may have a number of financial and other conflicts involving Russian entities. Although he has not yet released his tax returns, which would include specific information on financial entanglements, Mr. Trump’s son Donald Trump, Jr. stated in 2008 that “Russians make up a pretty disproportionate cross-section of a lot of our assets. We see a lot of money pouring in from Russia.” It also has been reported that former Trump campaign Chairman Paul Manafort has received millions of dollars in payments from pro-Russian elements in the Ukraine, and maintained connections to Russian and Ukrainian oligarchs, including one with ties to organized crime and Vladimir Putin. Following the election, Sergei A. Ryabkov, Russia’s deputy foreign minister, acknowledged that the Russian government had maintained contacts with members of Mr. Trump’s “immediate entourage” during the American presidential campaign, informing the Interfax news agency “There were contacts ... we continue to do this and have been doing this work during the election campaign.”

Taken at face value, these facts could implicate a variety of U.S. criminal statutes within your purview, including: the Computer Fraud and Abuse Act (18 USC 1030), which prohibits accessing or conspiring or attempting to access a computer network without authorization, or exceeding authorization to do so; the Logan Act (18 USC 953), which prohibits U.S. citizens from working with foreign governments to influence “disputes or controversies within the United States”; and 18 USC 373(a), which prohibits solicitation to commit a crime against property located in the United States.

Second, President Elect Trump has taken a number of public positions that would seem to threaten the impartiality of any investigation carried out under his administration. Upon initially learning of the CIA’s determination that Russia was responsible for disruptive hacking in an effort to influence the outcome, Mr. Trump characterized such assertions as “ridiculous” and “just another excuse.” Last week, Mr. Trump went so far as to praise the hacks when he tweeted: “Are we talking about the same cyberattack where it was revealed that the head of the DNC illegally gave Hillary questions to the debate?”

Third, your investigations will be taking place at a precarious moment for federal law enforcement and the public’s perception of its commitment to impartiality. Testifying before our Committee in September, Director Comey took the position that “exceptional circumstances,” including “where there is a need for the public to be reassured” warrant additional transparency regarding federal law enforcement investigations. At the same time, he refused to confirm whether the FBI was investigating illegal hacking by Russia and possible connections with the Trump campaign. Director Comey then decided in late October to forward a letter to Congress

that the FBI had re-opened its investigation of Secretary Clinton's private email server, directly contravening long standing DOJ policy to not comment on investigations so close to an election.

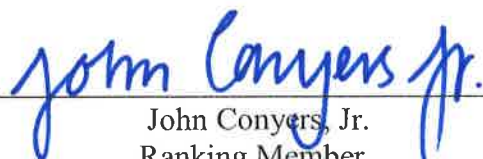
By contrast, last week, The New York Times reported that when the FBI learned of the Russian cyberattack on the DNC in September 2015, it somehow failed to personally follow up on the breach in security with senior DNC representatives. And it was disclosed on Sunday that the Russian cyberattacks on the DNC continued right up through Election Day. These and other incidents concerning investigatory actions—or lack thereof—in the run up to the recent election have deeply shaken the reputation for fairness previously enjoyed by federal law enforcement and reinforce the need to appropriately handle any pending criminal investigation.

Covert efforts by the Russian government to disrupt our elections undermine confidence in our electoral system and, if not met with a proper response, constitute a direct threat to our democratic form of government. That is why it is vital that, among other things, Congress create an independent and bipartisan commission to fully examine the breadth of Russian interference into the U.S. election and make policy recommendations going forward. At the same time, these are unquestionably “exceptional circumstances” requiring your agencies work to fully and fairly mete out justice with regard to any criminal misconduct associated with these events, including reassuring the public that you are doing so.

For these reasons, the Department and the Bureau must take immediate actions to ensure that your criminal investigators are free to proceed wherever the facts and law may take them, and that they have all necessary resources to complete their work expeditiously and fairly. Justice demands – and the American people deserve -- no less.

We thank you for your time and attention to this request and look forward to your prompt response.

Sincerely,



John Conyers, Jr.
Ranking Member
House Committee on the Judiciary



Shelia Jackson Lee
Ranking Member
Subcommittee on Crime, Terrorism,
Homeland Security, and Investigations

cc: The Hon. Bob Goodlatte, Chairman, House Committee on the Judiciary