

EXECUTIVE SESSION
PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: LORETTA LYNCH

Friday, October 20, 2017

Washington, D.C.

The interview in the above matter was held in Room HVC-304, the Capitol,
commencing at 10:14 a.m.

Present: Representatives Stefanik, and Schiff.

[REDACTED]

Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

FOR LORETTA LYNCH:

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[REDACTED]

[REDACTED] All right let's begin. Thanks to all. Good morning. This is a transcribed interview of Attorney General Loretta Lynch. Thank you for speaking to us today.

For the record, I am [REDACTED], [REDACTED] for the House Permanent Select Committee on Intelligence for the majority. Also present are a number of members and staff who will introduce you as they speak.

Before we begin, I want to state a few things for the record. The questioning will be conducted by members and staff. During the course of this interview, members and staff may ask questions during their allotted time period. Some questions may seem basic, but that is because we need to clearly establish facts and understand the situation. Please do not assume we know any facts you have previously disclosed as part of any other investigation or review.

The interview will be conducted at the Top Secret SCI level. During the course of this interview, we will take any breaks that you desire. We ask that you give complete and fulsome replies to questions based on your best recollections. If a question is unclear or you are uncertain in your response, please let us know. And if you do not know the answer to a question or cannot remember, simply say so. You are entitled to have counsel present for you for this interview, though you are not required to do so. I see that you have brought counsel with you.

For the record, would counsel please state their names for the record.

MR. WELLS: Theodore V. Wells, Junior.

MR. TARLOWE: Richard Tarlowe.

MR. LERER: Justin Lerer.

[REDACTED] Thank you. The interview will be transcribed. There is a

[REDACTED]

reporter making a record of these proceedings so we can easily consult a written compilation of your answers. Because the reporter cannot record gestures, we ask that you answer verbally. If you forget to do this, you might be reminded to do so. You may also be asked to spell certain terms or unusual phrases.

Consistent with the committee's rules of procedure, you and your counsel, upon request will have a reasonable opportunity to inspect a transcript of this interview in order to determine whether your answers were correctly transcribed. The transcript will remain in the committee's custody. The committee also reserves the right to request your return for additional questions should need arise.

The process for the interview is as follows: The majority will be given 45 minutes to ask questions. Then the minority will be given 45 minutes to ask questions. Immediately thereafter, we will take a 5-minute break if you wish, after which time the majority will be given 15 minutes to ask questions, and the minority will be given 15 minutes to ask questions. And those rounds will continue until questioning is complete. However, these time limits for the rounds will be strictly adhered to by all sides, with no extensions being granted. Time will be kept for each portion of the interview, with warnings given at the 5- and 1-minute mark respectively. I will do so. I apologize in advance for interrupting any question or answer period, but we just want to stay on time.

To ensure confidentiality, we ask that you do not discuss the interview with anyone other than your attorney. You are reminded that it is unlawful to deliberately provide false information to Members of Congress or staff.

Lastly, the record will reflect that you are voluntarily participating in this interview, which will be under oath.

Madam Attorney General if you would raise your right hand to be sworn.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth.

MS. LYNCH: I do.

And also, thank you Madam Attorney General. Please make sure the microphone button is pressed and the green light is on so the court reporter can hear all the commentary today.

And I will turn it over to Chairwoman, Ms. Stefanik.

MS. STEFANIK: Thank you, Madam Attorney General, for being here today. As I mentioned, my name is Elise Stefanik. I represent New York's 21st district. I am a member of the majority on the House Permanent Select Committee on Intelligence. And I thought it would be helpful if we outlined the scope of this investigation, and then I will start with the questioning.

So the scope of this investigation has four key points agreed to by both the majority, Chairman Nunes, and Congressman Conaway, who is leading this on behalf of the majority, and Ranking Member Schiff. Those four questions that we seek to answer are as follows: What Russian cyber activity and other active measures were directed against the United States and its allies?

Two, did the Russian active measures include links between Russia and individuals associated with political campaigns or any other U.S. persons?

Three, what was the U.S. Government's response to these Russian active measures, and what do we need to do to protect ourselves and our allies in the future?

And four, what possible leaks of classified information took place related to the Intelligence Community assessment of these matters? So that is the scope of this investigation.

[REDACTED]

I wanted to start off with a very broad question. As Attorney General, can you outline the counterintelligence investigation process from start to finish? How you would open an investigation? Who that would be delegated to? Just so we have an understanding for follow-up questions as to specifics.

MS. LYNCH: Well, thank you and good morning. With respect to the initiation of a counterintelligence investigation, I don't know if I am actually the best person to start that process with you, because it is multi-layered. And I am drawing on my experience both as Attorney General and as a former United States attorney who had contact with intelligence investigations in connection with terrorism cases.

My understanding is that counterintelligence investigations can be initiated any number of ways. Sometimes we learn information from already established intercepts. Sometimes information is brought to the attention of the Intelligence Community. It is really very similar to the initiation and predication for other types of investigations as well. There is no one way to say how information would come to the attention of the Intelligence Community that would lead it to feel that it sufficient predication to start an investigation.

Some situations there are long term sources in place. Some situations people walk in with information that has to be vetted and determine whether or not it is valid. So it is really difficult for me to really say that there is one straight path to beginning a counterintelligence investigation. But what I would say is that similar to any other investigation, information would come to the Intelligence Community's attention by any number of sources, means, or methods. And based upon the information that was given and whether or not the initial reviewing person thought there was sufficient predication, an investigation would begin.

[REDACTED]

[REDACTED]

Similar to other investigations also, it could take several forms. Investigations in the counterintelligence community are typically, however, covert. That differs greatly from other investigations say in the criminal arena, where they are covert or overt depending upon whether it is financial fraud or the like. But in the counterintelligence world, they are typically covert. They are typically long term because they will involve transmitting information sometimes from foreign countries, sometimes from individuals who are cooperating with the Intelligence Community who may be living overseas or may have contacts there. There is just really a variety of ways.

So I don't want to give the impression that there is one straight linear path to how a counterintelligence investigation in general would begin. Typically, the counterintelligence investigations are handled by agents in the counterintelligence and counterespionage section for the Department of Justice. It would be within the FBI. And that is really one of the few times where you will have a lot of activity for the FBI that may be at the outset coming from overseas. The FBI does a lot of international work, as does the entire Department of Justice, but counterintelligence often has that component depending, again, upon the types of investigative techniques that are determined to be necessary, whether it is human sources, whether it is documents, whether it is electronic surveillance.

Again, there would be an agent or a group of agents really assigned to work with that. Depending upon how far the information comes, depending upon the nature of it and what might be needed in terms of process, attorneys from the National Security Division who work on counterespionage matters are often assigned to work with agents, again speaking from the DOJ's perspective, from the FBI. And they would assist with preparing legal process as needed. There

[REDACTED]

might be the need for electronic surveillance. Certainly there would be the need for legal advice about the parameters of investigations, what is allowed, what is not allowed.

These investigations typically are not part of criminal investigations. The times when they overlap typically are the terrorism matters that we investigate. And there I am drawing upon my experience as a United States attorney for the Eastern District of New York. Because a number of our terrorism investigations drew upon and received information from the Intelligence Community. There is a process by which approval is sought to utilize information from the Intelligence Community in a criminal terrorist investigation.

MS. STEFANIK: So you talk about the approval process. How does that work in terms of making a decision to open a counterintelligence investigation? Knowing that no two investigations are alike. But is there a set process and a set of protocols in terms of is the Attorney General made aware? Is it the Deputy Attorney General that is made aware? Is it within the National Security Division of the Department of Justice?

MS. LYNCH: I would have to refer you to the U.S. Attorney's manual that would speak to that, as well as to the FBI's manual. I wouldn't want to try and give you chapter and verse without having reviewed those things, which I haven't done, since that was not what I thought you wanted to focus on. But I do believe that you would be able to find within operational manuals those answers. I just don't want to give you misinformation or inaccurate information.

MS. STEFANIK: Well, the reason I am asking is to tie it to the counterintelligence investigation which falls under the scope of this regarding Russia. Before I go to the specific, I want to ask is there a notification procedure

in terms of notifying Congress of any counterintelligence investigation?

MS. LYNCH: Well certainly there are notification procedures for a variety of the investigative techniques that we use. There is an annual notification to Congress about FISA warrants, for example, the number requested, granted, initial as well as renewal. That is something that the Attorney General signs every year. I signed it on at least two occasions when I was in office. Again, within the FBI I would have to refer you to the specific procedures there for the steps that are taken to open something literally within the Bureau's computers. I wouldn't want to misstate that.

MS. STEFANIK: Again, just to provide context around this line of questioning, when Director Comey testified in the open hearing, so this was widely reported in the media, he, quote, said, "I have been authorized by the Department of Justice to confirm that the FBI as part of our counterintelligence mission is investigating the Russian Government's efforts to interfere in the 2016 Presidential election."

How did that authorization work? Did that come from you directly? Is that atypical in terms of how you notify Congress of the existence of that counterintelligence investigation.

MS. LYNCH: So my recollection of the public reporting that you are referring to was that it occurred in I believe in the spring of this year, 2017. I was no longer the Attorney General at that time, so I wasn't involved in any discussion or decision as to what the director would be saying before Congress. So I can't speak to that.

MS. STEFANIK: Going back to when the counterintelligence investigation was opened, because it wasn't opened in spring of this year, we have to look back

[REDACTED]

to 2016, when you were the Attorney General, was there a notification process in place? Again, how does that typically work in terms of notifying Congress when a CI investigation is opened?

MS. LYNCH: You know, again, I don't have the specifics of that, so I wouldn't want to misspeak.

MS. STEFANIK: So as Attorney General you are not aware of what the process is to notify Congress of a counterintelligence investigation? Or is it delegated?

MS. LYNCH: If I were still in the position and the question were put to me, I would have someone research that so I could give you an accurate answer.

MS. STEFANIK: Okay. Let's talk about specifically the counterintelligence investigation regarding Russia. How was that opened? When did that begin?

MS. LYNCH: I am not able to give you a specific date as to when that began. I can give you my recollection of when I was informed of certain issues that were included within it. But I am not able to give you the actual date when it would have been opened, for example, you know, when was a file opened in the computer. I don't have that information, so I wouldn't be able to give that to you.

MS. STEFANIK: When were you made aware to your recollection?

MS. LYNCH: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I was informed by then-Director Comey and Deputy Director McCabe that the Counterintelligence Division had essentially uncovered some information or received information involving Russian intelligence operatives.

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

MS. STEFANIK: Based upon your recollection, it sounds like you did not make the decision to authorize and open the counterintelligence investigation, that you were being briefed on the fact that it already had been opened. Is that correct?

MS. LYNCH: [REDACTED]

[REDACTED] We did not discuss the timing or the opening of the investigation per se. So I would say that is not correct.

MS. STEFANIK: Who opened the investigation?

MS. LYNCH: Again, I would refer you to the FBI's procedures on that, because I wouldn't want to give you a speculative answer on that.

MS. STEFANIK: So you weren't made aware when the investigation was opened?

MS. LYNCH: I was made aware of the information that I just relayed to you, but I wouldn't be able to give you a date relative to that as to when the exact investigation was opened.

MS. STEFANIK: Okay. But just to clarify, you didn't open the investigation. As Attorney General you didn't make the decision to open the

[REDACTED]

investigation?

MS. LYNCH: As the Attorney General, that is not my role. That is accurate.

MS. STEFANIK: And you were notified after the fact when the investigation was opened?

MS. LYNCH: I just want to be specific in terms of what was said to me. I don't want to give you a misimpression as to what was said to me. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

But the nature of the discussions I would have at that level would not be about the specifics of the opening and timing of that.

MS. STEFANIK: In terms of they informed you of [REDACTED]

[REDACTED]

MS. LYNCH: I wouldn't be aware of that, because I don't recall [REDACTED]

[REDACTED] And I don't think I was given the [REDACTED]

[REDACTED] So I wouldn't be able to give you that.

MS. STEFANIK: Is that an authority that -- I mean is that something that is delegated to the Deputy Attorney General, to the National Security Division within the Department of Justice? Who is that delegated to?

MS. LYNCH: Within the Department of Justice, the authority to sign FISA warrants rests within the Attorney General, and it is delegated to -- or delegable, and has been delegated to the Deputy Attorney General and to the head of the



National Security Division, as long as the head of the National Security Division has been Senate confirmed.

So if for example there is a situation where the head of the NSD, as we call it, were to depart, if the person who took over is acting, were not confirmed to that position, that person would not be signing the FISAs, just by way of example.

MS. STEFANIK: At the beginning you talked about how there are different processes and procedures for opening a counterintelligence investigation. To your knowledge, were there any different ways in which the opening of the counterintelligence investigation regarding Russia differed from other examples within the Department of Justice?

MS. LYNCH: You know, in my role as Attorney General, those matters wouldn't have been brought to me, so I am not able to respond to that question.

MS. STEFANIK: Did the FBI request FISA authorization from the Department of Justice, or is that something that you had delegated to the National Security Division or the Deputy Attorney General in this particular case regarding the Russia investigation?

MS. LYNCH: Can you give me some context? When you say did they request FISA authorization for --

MS. STEFANIK: [REDACTED]

MS. LYNCH: [REDACTED]

[REDACTED] There is a number of ways in which information is provided. So I don't have that information for you.



[REDACTED]

MS. STEFANIK: What was the role of Deputy Attorney General Yates in this process specifically?

MS. LYNCH: When you say this process --

MS. STEFANIK: In the Russia investigation, this CI investigation.

MS. LYNCH: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] that information was also provided to a principals group within the National Security Council. At the time, I was the only principal from the Department of Justice who was attending the meetings or on the secure calls that we had to have.

I am aware that later in the fall, I believe that Deputy Attorney General Yates certainly was aware of subsequent developments that occurred after the election. But she was not involved in the discussions or reviews that I was having in the spring and summer and early fall. It was a principals only series of discussions at that time.

MS. STEFANIK: And who were those principals?

MS. LYNCH: They were principals from within the National Security Council. So the meetings that I was having were -- and I will apologize for not being able to necessarily recall everyone. Typically, if we had a meeting on the issue it would have been led by Susan Rice, myself, Jeh Johnson as the Secretary of Homeland Security, CIA Director Brennan. Then-FBI Director Comey would be present because he would provide the counterintelligence information from the FBI's standpoint. And I believe that after the election there were some meetings when Deputy Director McCabe provided information.

[REDACTED]

But before the election, my recollection is it was primarily Director Comey. And I don't recall the names of -- well, Admiral Rogers from NSA. And if there was ever anyone who sat in for him, I don't recall the name of that person. And I also don't recall if this is an exhaustive list.

MS. STEFANIK: So the spring of 2016, was there a process to notify Congress or congressional leadership or, you know, the ranking member and the majority chairman of the House Intelligence Committee, the Speaker of the House, the majority leader -- I am sorry, Leader Pelosi? Was there a process to notify leadership of this counterintelligence investigation?

MS. LYNCH: You know, again, I would have to refer you back to the procedures that were present within FBI and DOJ at that time. And since I am not there, I don't have access to those materials, so I wouldn't want to speculate.

MS. STEFANIK: But do you recall? I mean at that time you were Attorney General. Was there a congressional notification process for this investigation?

MS. LYNCH: Again, I would have to refer you back to the procedures that were in place at that time. I think that is going to be the most accurate description of how any information would have been provided.

MS. STEFANIK: And you don't recall those procedures? What are those typical procedures?

MS. LYNCH: Again, I am not in that capacity right now, so it is not something that is within my recollection at this time.

MS. STEFANIK: Okay. Turning to the dossier, which has been in the news quite a bit, were you involved in the decision to brief the President-Elect on January 6th on the existence of the dossier?

[REDACTED]

MS. LYNCH: No, I was not involved in that decision.

MS. STEFANIK: Okay. Are you aware of who paid for it, or what role did the Department of Justice have regarding the decision to pursue the dossier?

MS. LYNCH: To pursue it?

MS. STEFANIK: To either pay for it or -- obviously, this was something that the FBI Director briefed the President-Elect on. Was the Department of Justice involved in that decision-making process to either brief the President or treat it as a piece of intelligence?

MS. LYNCH: I was not involved in the decision, so I am not able to speak to anyone else that the then-director might have spoken to about it.

EXAMINATION:

BY [REDACTED]

Q Good morning, Madam Attorney General. Nice to see you again.

A Good morning.

Q I would like to just circle back real quick to Chairwoman Stefanik's line of questioning regarding how counterintelligence investigations are opened. While I understand that information regarding a counterintelligence investigation can come from any number of areas or sources or what have you, the FBI picks up that information and brings it to the attention of the National Security Division of the Department of Justice. Is that not correct?

A Are you referring to the opening of the counterintelligence investigation within the FBI?

Q No. Once the FBI opens it, in order to connect the FBI with the Department of Justice and the attorneys of the counterespionage section of the National Security Division, what is the process by which that bridge is gapped?

[REDACTED]

[REDACTED]

A Well, again, I think there would be specific procedures in place. The process that you have outlined could be one way of doing that. Also, you could have a situation where information in an ongoing case could reveal something that could lead to the view that it needed to be reviewed. And it could go the other way as well.

Q And that is fair. So my question is obviously only we want to bookend it with your time as Attorney General. Could you just give us those dates real quick, approximate dates that you served as the Nation's number one law enforcement officer?

A I was confirmed in April of 2015, and I served until January -- the end of the -- I think it was end of January 19th. The inauguration I believe was the 20th.

Q I understand.

A Yes. 2017, I am sorry.

Q With counterintelligence investigations under your leadership, was it the practice of the FBI and then-Director Comey to notify the National Security Division and/or your designees within the Department of Justice that they had obtained information regarding a matter and that matter needed to be pursued further?

A Well certainly that would have been one way. I can't tell you -- I can't cabinet as to the only method in which an investigation would have been begun.

Q Okay.

A And again, I am sorry to cut you off, I apologize for that, is I don't want to give you the impression that there is only one linear way in which things as diffuse and diverse as counterintelligence matters are handled. And that is why I

[REDACTED]

am just not able to --

Q No, and I think you hit it right on the head, there is absolutely not one way to do that sort of work. And what I am trying make the connection specifically is how this relates to the Russia investigation and this committee's open investigation on that.

Because Director Comey testified in an open hearing that counterintelligence investigations that he starts within the FBI under his leadership as director could only go to a certain point, unlike counterterrorism investigations, which could go past that point, without the express permission of the Department of Justice. So what we would like to know is who obtained or who issued that express permission to Director Comey and his FBI to continue the investigation into the Russia hacking?

A I think you have to speak to then-Director Comey and the people who were working on the case at that time. That type of -- because again, it is a multi-layered system and process, as in the National Security Division has a number of outstanding lawyers there. That type of managerial issue would not have come to my attention.

Q Okay. So in this instance, and I think that is what we are trying to get to, in this instance that fact that the investigation was started, however it started in the FBI under then-Director Comey, in regards to the Russia investigation, would not have been brought to your attention for authorization to continue the investigation as then-Director Comey stated was necessary pursuant to the USAM and the FBI manual?

A That is correct. For this matter as well as for counterintelligence matters in general, they would not need to come to the Attorney General for that.

again, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q And just so I have an understanding, was it the briefing that you received from then-Director Comey and Deputy Director McCabe that the

[REDACTED]
[REDACTED]
[REDACTED]

A [REDACTED]

Q [REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED]
[REDACTED]

Q [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]



A [REDACTED]

Q [REDACTED]

A [REDACTED]

Q [REDACTED]

A [REDACTED]

Q And given that as Attorney General you have a myriad of investigations going at any one time, since this information was brought to you during a Presidential election cycle possibly involving Russians attacking our election system, at that time did this receive any priority in your Department of Justice as Attorney General for you as something that you wanted to continue to be briefed on or was it handled in the regular fashion under your stewardship?

A Well what I would say is that every counterintelligence investigation, the regular fashion for it is to give it priority, is to give it importance, and is to essentially pursue it with diligence and all due efforts. So the distinction you are drawing is not one that I would recognize at the outset. I would also say that in



[REDACTED]

conjunction with the conversation that I had with then-Director Comey and Deputy Director McCabe, we discussed what, if anything, to do with the information. And they informed me that they intended to continue to see if further information developed, but that one of the possibilities the three of us discussed was whether or not to provide what is called a defensive briefing to the campaign, wherein there would be a meeting with a senior person within the Trump campaign to alert them to the fact that someone -- [REDACTED]

[REDACTED] It is not an uncommon thing to do both in intelligence matters as well as in certain criminal investigation matters as well.

[REDACTED]

And we again discussed the possibility of a defensive briefing to the campaign. I do not recall the timing, just because, again, I don't have any specifics on that -- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q And so whose decision is it ultimately in order to provide a defensive briefing to a candidate for President? Who makes that call?

A It would depend upon the facts of the situation. It would depend upon what the information or what the issue was. And it would be a decision that would be made in conjunction with the agents who were looking at the matter and their supervisors, as well as anyone from NSD who would be handling the matter and their supervisors.

Q In this instance in this investigation who made that decision?

A You know, I don't have specifics on that, and I don't recall -- I don't recall the result of it. That is to say I don't recall if a defensive briefing was given or not. I just don't have that recollection now.

Q And I am sure as Attorney General and sitting with the Principals Committees and on the National Security Council, they would have sought your opinion on the matter. Did you provide one as to whether or not a defensive briefing should have been given to then-candidate Trump?

A I concurred with the director's view it was something that we should consider.

Q And did you provide an ultimate answer as to yes or no that at some point in time a defensive briefing --

A We didn't have that question at the principals level thereafter. I don't recall being asked that question in the context of the discussions we had at the PCs.

Q So I mean obviously we now know that eventually a defensive briefing was issued and given to the President-Elect. Was that done without your

[REDACTED]

notification? That is to say did other folks make that decision and that decision occurred?

A Are you referring to the discussion that you just referenced recently where then-Director Comey spoke to the President-Elect --

Q Right.

A -- or something else?

Q Yes.

A Again, that was -- I was not involved in that decision.

Q Okay. You referenced, Madam Attorney General, you referenced the USAM, the United States Attorneys Manuals. The rules and regulations within that govern, obviously, national security investigations and processes and procedures, but those rules are subject to each Attorney General's authorization and approval of those rules. My question to you is did you adopt those rules under the USAM in full for National Security Division from your predecessor, Attorney General Holder, or did you make any material alterations?

A You know, I don't recall whether I made any alterations or not, but there would be a record of it if I did. So you would have to refer to that record.

Q Sure. And the record would be where?

A Within the Department of Justice. You would have to check with them.

Q And you would have signed off on those alterations within the USAM, and they would contain your signature, obviously?

A If that was required and if it was presented to me, and if I did that, those records would be there. But I don't have a recollection right now as to whether I was presented with alterations or changes. I just don't have that

recollection.

Q Sure. Right. That is what I am asking. You don't remember now whether the USAM was changed in any way, shape, or form as it relates to National Security Division investigations in CI matters?

A You would have to check with those records. And that would essentially follow the path of any changes that were made.

Q Okay. I would like to turn your attention, Madam Attorney General, over to what we commonly refer to as FISA, the Foreign Intelligence Surveillance Act. Within the Department of Justice, I think you mentioned this, there are -- correct me if I am wrong -- only three individuals that can authorize a FISA: That is the Attorney General, Deputy Attorney General, and the Senate-confirmed Assistant Attorney General for the National Security Division. Is that correct?

A Well, to authorize the request of a FISA. It is the FISA court that actually authorizes the surveillance.

Q Right. Thank you. And are there any other individuals at DOJ who can make that authorization to the FISC?

A No.

Q No.

A Well, attorneys present it to the FISC after --

Q Sure, sure. No, no, I understand. But they can't go in there before your say so?

A Correct.

Q In this instance, let's keep it on scope here, we now know that there was information briefed to you by the FBI regarding Russian entities, Carter Page and contacts and whatnot. When do you recall was the first presentation of a

FISA application to the FISC in relation to this subject matter?

A You know, I don't have a recollection of signing that. And again, you would have to look at whatever documents exist to see whether -- if a FISA warrant was requested, whether it was signed by myself, the deputy, or the head of the National Security Division. But as I sit here today, I don't have a recollection of being briefed and having a presentation to sign that.

Q Were you made aware of, at any point in time, because as we now know there was in fact a FISA issued by the FISC, were you made aware of that timeline that this was occurring while were you Attorney General, that this investigation was ongoing? Were you kept up to speed about the ongoings of the FISA and the FISC orders?

A No. And I typically would not be. In terms of the various investigative techniques that are done within an investigation, they wouldn't have to be briefed to the Attorney General.

Q Sure. And in this instance, just so we are clear, in this instance with the Russia investigation, they were not briefed to you as the Attorney General?

A I don't have a recollection that they were.

Q Okay. Do you have a recollection that once this investigation came in you delegated it down to then-AAG John Carlin or then-DAG Sally Yates?

A When the investigation came in?

Q When the investigation came into the Department of Justice and then FISA applications were sought and then ultimately presented to the FISC, did you delegate the authority or the supervision of this investigation from the Department's perspective to DAG Yates or AAG John Carlin?

A Again, I think the construct of your question is a little difficult because,

again, the investigation would not be presented to the Attorney General for intake so to speak --

Q Okay.

A -- and then delegated down to anyone. It would come up through the usual processes. So again, I want to make sure that I am clearly answering your question, and I don't want to give you information that isn't responsive to that. So the construct of your question doesn't really apply to the premise.

Q Okay. Fair enough. Let me clarify. And I appreciate your response. Is it your understanding that the investigation came in through the normal sort of stovepipes that DOJ has, for lack of a better word, was entered into the National Security Division, was raised through the Assistant Attorney General, then John Carlin, then up to the Deputy Attorney General's office, and then finally up to the Attorney General's office? Is that what happened in this investigation?

A I don't have a recollection of that being the process that would happen in any event. Again, you know, it wouldn't be presented to me for intake is the point that I am trying to make. It would be handled and worked on, and if something required my attention as Attorney General, it would be brought to my attention. But it is not the case with any investigation in the Department of Justice that every step of every investigation be vetted up the chain that you have described.

Q No, of course not. So I am trying to focus it to just this one investigation. And as you mentioned, maybe intake is not the right word, but were there certain aspects, as you just said, that might require your notification because those working for you thought it important enough and timely enough to notify you? So were there any subjects that were brought to your attention in relation to

[REDACTED]

this investigation at this time?

A As I described, the information that I received in the spring was brought to my attention. But again, with respect to investigative techniques, those were not, and nor would I expect them to be.

Q Okay. Fair enough. Are you aware how many FISAs were authorized ultimately in relation to this investigation, how many were put before the FISC? Do you have a ballpark number there?

A No.

Q Do you recall if you were briefed on -- because as FISC -- so the FISA authorities are either 90- or 180-day extensions depending on who the person is and the subject of the FISA. Do you recall being briefed over the course of those re-approvals and reauthorizations?

A No. That would have only happened if I had been needed to actually sign the document. And in instances when either the head of the National Security Division or the deputy AG was not available, NSD would request time on my calendar. I would then be briefed on whatever those FISAs were. Sometimes they were original, sometimes they were renewals. But I don't recall being briefed on FISAs involving this investigation that we are talking about today.

Q Okay. Thank you. I just have two more subject matters, ma'am, and a few minutes to try to get through them. I am sure you have heard of the company Fusion GPS either in press reporting or in your time as the Attorney General. Were you ever briefed by or did you ever learn of the processes in which by Fusion GPS and its employees and/or relationship with Christopher Steele, that information they cultivated was utilized in a FISA application on an American citizen?

[REDACTED]

[REDACTED]

A I don't have any information on Fusion GPS, so I would say no.

Q Okay. So during no point in the investigation under your leadership as Attorney General you had any information on Fusion GPS?

A I don't have a recollection of anyone bringing that to me. But again, this is my recollection as I sit here today, but I don't have a recollection of being briefed on matters involving Fusion GPS.

Q Sure. And would the same answer be for former [REDACTED] Christopher Steele, who is widely reported to in public reporting to have created the so-called Trump dossier and the salacious allegations therein? Was any of that information utilized in a FISA application for an American citizen under your leadership as Attorney General?

A You know, I don't have any recollection of being briefed on any matters involved Mr. Steele in terms of things that were brought to my attention. And so since I did not review and wasn't briefed on the FISA applications that may or may not have been authorized in this case, I am not able to speak to the information contained in them.

Q Okay. And did then-Director Comey and Deputy Director McCabe or any other representatives of the United States Government ever brief you or provide you with information as to the relationship between the United States Government as a whole and Fusion GPS and/or Christopher Steele?

A I don't have a recollection of briefings on Fusion GPS or Mr. Steele.

Q So you have no knowledge, as you sit here today, during your time as Attorney General that the United States Government had a relationship with Fusion GPS or Christopher Steele?

A I don't have any information on that and I don't have a recollection of

[REDACTED]

being briefed on that.

Q Okay. Did you, as your time as Attorney General, ever request sort of in your position which you may or may not have chosen to do, request out, down the chain of command so to say, for lack of a better expression, I would like more information on the Russia investigation on this component or on Fusion GPS and on this component or anything like that? Was that request ever made by you as Attorney General to those working for you?

A No, I did not make that request because I was receiving regular briefings as part of the PCs on the information both from the FBI and from the CIA as to the larger issue of Russian attempts to interfere with the election. So I was receiving briefings on a fairly regular basis. And I did not have the need to request further briefings on that.

Q And those were occurring at the Principals Committees meetings that you referenced. Is that correct?

A Yes, they were. They were either meetings, and sometimes they were secure either video or phone calls, depending upon where people were located.

Q Fair enough. And can you tell us, as it relates to this subject matter, approximately how many or how frequently those were occurring?

A No. I would have to refer you to the notes of the NSC. I am sure they have a record and a calendar of that. They were certainly fairly frequent, but I don't want to misspeak and say it was once a month or once every 6 weeks, because as I sit here now, I am just not able to recall with enough specificity there. But I will say that my recollection is that the briefings were frequent throughout the late spring and throughout the summer and into the fall. And so to say that they

[REDACTED]

would have been every few weeks is my recollection. But I am not going to be able to give you the dates, unfortunately.

[REDACTED] Of course. Madam Chairwoman?

MS. STEFANIK: Understanding that you can't give the dates, one of my questions, which our counsel was getting at, you have talked about the briefing you received in the early spring when you were made aware by Director Comey of evidence regarding the counterintelligence investigation. You talked about the Principals Committee in late spring, where it was considered whether a defensive briefing should be presented to the Trump campaign. What other specific topics were touched upon? Understanding that you can't get into the specifics of when those PCs happened, whether they were phone calls or in person, what other specific subject matters were discussed? Because that is a lot of specificity for the first two. What was discussed? Summer, early fall? Can you expand upon that?

MS. LYNCH: Yes. And there were several strands that were discussed throughout at almost every PC. And my recollection is at the very first PC that we had, which again I am thinking was late spring -- and again, I apologize for not having that date -- but in addition to the FBI raising the information that they had relayed to me, then director of the CIA, Director Brennan raised information, although not with a great deal of specificity, about information that the CIA had obtained -- and again without specificity as to how -- that the Russian Government as an entity was interested in the 2016 Presidential election, or had an interest in it, and was going to, and likely was already making attempts to try and have some sort of influence there.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] At the outset, we had several strands of thought, as I had mentioned. One was to receive the information. During the course of the summer, Director Brennan provided more specifics of the information.

MS. STEFANIK: Can you get into what those specifics were?

MS. LYNCH: Surely. But as I said, we had several strands. First was to

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

So over the course of the summer, we looked at those three main issues. I am sorry the fourth issue, and I am sorry about this, was -- and this is primarily at

[REDACTED]

[REDACTED]

[REDACTED] So over the course of the

summer we got information about that as well. And that was also part of the strand of discussion of what action should be taken and how should this information be made public? How and what format, et cetera. So those were the main issues that were under discussion at pretty much every PC or phone call that we had. And sometimes these were longer meetings like over an hour, sometimes they were shorter if it was just to update someone on -- update the group on something.

With respect to Director Brennan's information, over the course really of the

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

That during Secretary Clinton's time as Secretary, the interaction there had led Vladimir Putin to have negative views of her and the United States. It was of the entire country. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We again received information primarily from Director Brennan -- I don't believe he had anyone else doing the briefings for him -- this was still at the principals level at this time -- that --

MS. STEFANIK: This is late summer again?

MS. LYNCH: Early summer.

MS. STEFANIK: Early summer. PC meeting in early summer. Okay.

MS. LYNCH: This is Late spring, early summer. This is over the course of the summer.

MS. STEFANIK: Okay.

MS. LYNCH: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] And I didn't get the specifics of for example what someone was supposed to say, but it was that

[REDACTED]

strand [REDACTED]

And there may have been one other that I can't recall right now in terms of

[REDACTED]

[REDACTED]

[REDACTED] And my recollection is that it was [REDACTED]

[REDACTED]. And while that was mentioned as something that

was being reviewed, it was not part of the PC discussion. However, it is something that from DOJ's perspective would be considered part of an investigation into Russian attempts to somehow impact something that was going on during the campaign. That is why I raised it, so you have that information was well. But again it wasn't part of the PC's.

MS. STEFANIK: Our time has expired.

MR. SCHIFF: Madam Attorney General, thank you for coming in, and thank you for your service to the country.

MS. LYNCH: Good morning. Thank you.

[REDACTED]



MR. SCHIFF: Good morning. I want to go through the timeline you have been discussing with a few more questions, just to see if we can flesh this out any further. When did you first become aware of what we have been describing as the Russian active measures campaign, either in the form of the hacking and dumping operation or social media or other operation or outreach to the Trump campaign? What was the first you learned that the Russians may be seeking to influence our electoral process?

MS. LYNCH: [REDACTED]

But I was aware that the FBI and DOJ were looking into attempts to hack into the DNC and that there was a concern that it was coming from Russia. Again, kept on a separate track, but I was aware of that.

[REDACTED]

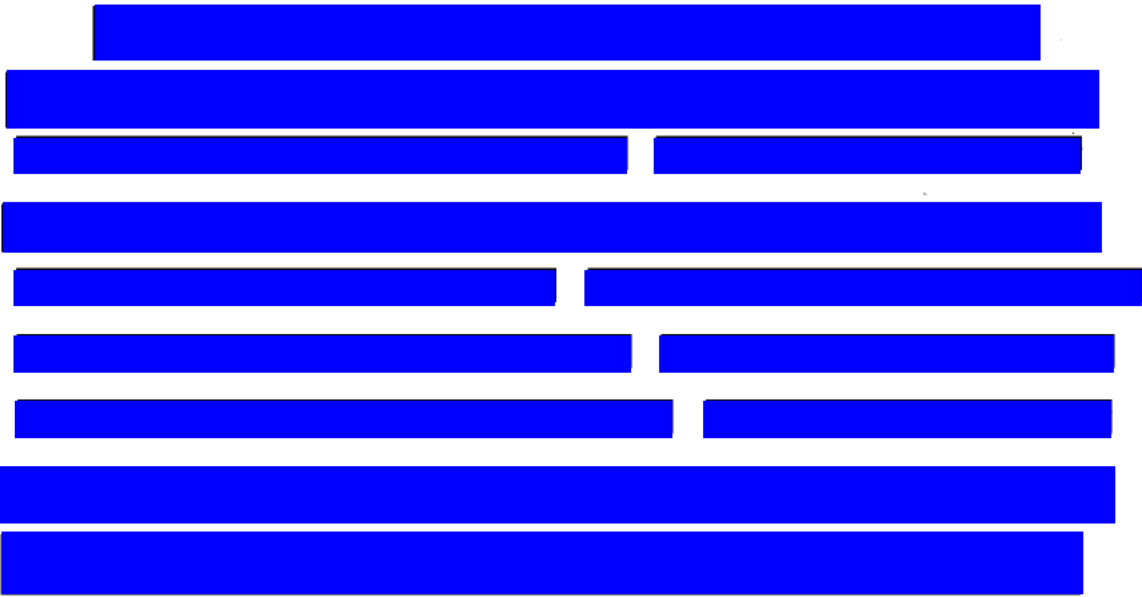




And that this was very much a goal of the Soviet Union, and particularly a goal of Putin.



And certainly it was being reviewed with a view towards the fact that it was likely part of the overall Russian campaign to influence the election.



That is to say if in fact the election went a different route and Secretary Clinton became the President, that it would still be considered a victory if people did not have faith in the democratic process, if they did not trust the veracity of the results. And also if they could undermine Secretary Clinton's future Presidency if she were to attain that office.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Department of Homeland Security was offering assistance. And my understanding, again from the information he was providing, that sometimes the States came to DHS for assistance and sometimes this activity was detected, as is often the case, in cyber reviews during information that DHS was gathering sort of from its own processes. Much as when the Department of Justice, through the FBI, sees intrusion activity and notifies a company or an entity or the like.

Initially, Secretary Johnson reported that the States were eager to work with the Department of Homeland Security in terms of requesting assistance, which could be forensic or it could be economic to support their own efforts to allow them to conduct forensic analysis. And over the course of mid-summer, Secretary Johnson indicated that he wanted to propose designating the national elections system, Statewide system, as a critical infrastructure, which would allow more Federal funds to flow and would streamline processes for sharing information about what was being seen on a State by State basis so that the States could share that information more easily. And he began to take those steps to try and craft a proposal to do that. That was something that was discussed at the PCs also.

MR. SCHIFF: Going back to when you first learned of the Russian actions, were you aware of the hacking of the DNC or the DCCC prior to knowing that it might be the Russians that were the actors? In other words, were you made

[REDACTED]

[REDACTED]

aware that there had been a break-in and there was an investigation to determine who was responsible or at the point you found out the attribution had already been made?

MS. LYNCH: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: And at the point that you first learned that it was a Russian source that was involved in the hacking of the computers, was it the sense of the principals that this was an information gathering operation or was there a suspicion that the information might later be dumped or weaponized?

MS. LYNCH: Well, just to be accurate, this wasn't discussed at Principals Meetings. This would have been discussed within DOJ leadership meetings, because it was kept separate from the intelligence side of the house, so to speak. And so my recollection is that initially I was informed of the attempted hacking and the case that we were opening -- the investigation we were opening into that. And then later --

MR. SCHIFF: Do you recall when that would have been?

MS. LYNCH: I don't recall with specificity. I am sorry. I do know that it was [REDACTED]. And as I think back, I am just not able to peg it to a specific event. So I don't have a recollection as to that. And that then -- in fact, I think it may have been [REDACTED] but I don't have a specific recollection.

MR. SCHIFF: So you were initially informed of the break-in. You were

[REDACTED]

later informed that it was likely attributed to the Russians.

MS. LYNCH: Correct. Yes.

MR. SCHIFF: And at the point you learned that the Russians were involved in the hacking, was there a sense in those meetings that it was merely the same kind of information gathering as in the past, or was there, by virtue of other information coming from Director Brennan, the concern that this may be different in kind?

MS. LYNCH: You know, I didn't discuss the hacking case with Director Brennan. So I didn't get his views on it and didn't ask for his views on that. Initially, I think the review or the investigation was to see what was going on. What, if anything, had been exfiltrated from the DCCC and the DNC. When documents began to be leaked, emails that were purporting to be from those organizations, then I believe the investigation would have expanded to see what, if anything, we could uncover about that. But again, that wasn't something that I would have discussed with Director Brennan.

MR. SCHIFF: [REDACTED]

MS. LYNCH: You know, what I would say is that with respect to the discussions I had about the DCCC and DNC leak, those were separate from the Trump campaign. When we discussed it at the PC, we discussed that case as part of the efforts we were seeing, but we didn't get into specifics at the PC level because it was being handled on the criminal side. But it was considered as part of Russia's overall efforts I would say. And that is why it was brought up at the PC level.

[REDACTED]

MR. SCHIFF: The conversations you mentioned earlier with Director Brennan, though, where he first alerted you to the Russians may be interested in playing a role in the election, would that have taken place before or after the attribution was made in terms of the DNC hack?

MS. LYNCH: I don't recall in time when it occurred relative to that event. I just don't. I do remember that it would have been a few weeks after I had been notified of it [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I am not able to pin that down with specificity.



[11:17 a.m.]

MR. SCHIFF: Would you have had that conversation with Director Brennan, though, before the Russians started to dump the documents?

MS. LYNCH: I just cannot recall with specificity enough to say.

MR. SCHIFF: [REDACTED]

[REDACTED]

[REDACTED]

MS. LYNCH: [REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

MS. LYNCH: [REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

[REDACTED]

MS. LYNCH: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]



[REDACTED]

MS. LYNCH: [REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

[REDACTED]

MS. LYNCH: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: When Director Comey raised this with you, this was by way of informing you of what the FBI had seen. It was not by way of seeking authorization to open a counterintelligence investigation?

MS. LYNCH: That is correct.

MR. SCHIFF: And Director Comey testified at our open hearing in March that he opened a counterintelligence investigation in July.

Did you have any advance knowledge that he would be opening the investigation in July? Did he seek permission from you to open the -- to do the formal opening of the counterintelligence investigation?

MS. LYNCH: No, and he ordinarily would not have had to do that. It

[REDACTED]

[REDACTED]

would not have come to the Attorney General for that.

MR. SCHIFF: Even in the case where you're talking about a campaign for President?

MS. LYNCH: No. And I can't recall if it was discussed or not. I just don't have a recollection of that in the meetings that I had with him.

MR. SCHIFF: At some point, did you become aware that he had opened the counterintelligence investigation?

MS. LYNCH: Certainly it was my view that there was one, so it certainly was not something that I viewed as unusual or even inappropriate. I thought -- my view certainly was that it warranted -- the information that I had been given warranted a counterintelligence investigation. So it did not -- it would not have surprised me had that been relayed to me.

I don't have a recollection of it being relayed to me, though.

MR. SCHIFF: Were there other times, during your tenure as AG, after that initial conversation with Director Comey, where he shared other information that may have been uncovered in the counterintelligence investigation, other [REDACTED] [REDACTED] or other evidence that had been uncovered to keep you apprised of developments in the case?

MS. LYNCH: I can't recall with specificity any further updates from Director Comey. I do know that from the discussions we were having at the PC level, that because the [REDACTED] [REDACTED] and I believe they may have been having discussions, but I wouldn't have been privy to them, and so I don't have any direct knowledge of that in terms of learning the larger scope of it.

So I don't have a specific recollection of any further briefings, but again,

[REDACTED]

there -- I just don't have a specific recollection.

MR. SCHIFF: [REDACTED]

Do you recall getting any information from Director Brennan on the issue Director Comey had raised, that is, information that had come to his attention indicating a link between the Russian effort and the campaign?

MS. LYNCH: No. I don't recall that coming from Director Brennan, no.

MR. SCHIFF: You mentioned a couple of occasions where you discussed having a defensive briefing or giving a defensive briefing at the campaign. And if I recall your testimony correctly, during those discussions, there was no ultimate decision made to provide a defensive briefing.

What was the nature of the discussion, as you recall it, in terms of the pros or cons of providing a briefing?

MS. LYNCH: Initially, when I was in the room with just myself, then Director Comey, and Deputy Director McCabe, when they first brought the matter to my attention, we raised the possibility of a defensive briefing to campaign, and I don't recall the specificity of the language, but we all discussed the fact that it was so preliminary that while that was certainly an option, we could not make that call at that time because we didn't have much more to tell them.

And typically, when you provide a defensive briefing, you like to provide as much context as possible so that people can be really alerted to concerns, and they may also be able to provide information as well.

When the issue was raised again at the PC level later in the spring and early summer, at the time it was director -- then Director Comey briefing the group,



the principals group and saying that we were still considering a defensive briefing. I think, again, my recollection is that one of the issues that was raised at that time was trying to determine who would be given that kind of defensive briefing.

And my recollection is it was because at the time staffing at the Trump campaign was changing a great deal in terms of the leadership of the campaign, and so it was unclear who would be the person to whom you would give that briefing, and so that was one of the issues raised, but it wouldn't have been the only issue under consideration.

MR. SCHIFF: Was there concern, in terms of the defensive briefing, that individuals that you might give the defensive briefing to might be implicated in the case, for example, Mr. Manafort, who became the campaign manager?

MS. LYNCH: We did not have that specific discussion about Mr. Manafort, but that is always a concern with defensive briefings. And so we did not have a specific discussion along the lines of we're concerned that Mr. Manafort might not be the person. I don't recall that level of specificity.

But I do recall then Director Comey saying that one of the concerns was to whom would the briefing be given, and we did not have, at the PC level, at that time, a lot of discussion about specific people and problems they might impose, but the concern you raise is always a concern.

MR. SCHIFF: 







MS. LYNCH: Not to my recollection, no.

MR. SCHIFF: The Clinton email investigation is beyond the scope of our



[REDACTED]

committee, but there is one element that may or may not have been part of a Russian active measures campaign that I wanted to ask you about.

[REDACTED]

MS. LYNCH: So I was briefed, and my recollection is this was around August of last year of 2016. I received a request for a confidential meeting from Deputy Director McCabe. And he came to my office at DOJ, and which we -- which is a SCIF, and he asked for a SCIF meeting, and he was accompanied by one of the lawyers from the FBI general counsel's office, and he indicated he needed to give me some information.

[REDACTED]

[REDACTED]



[Redacted text block containing approximately 25 lines of obscured content]



[REDACTED]

[REDACTED]

And I believe he said -- he, meaning Deputy Director McCabe. I believe at that time he indicated that they had spoken with then Deputy AAG Margolis, but I don't have the strongest recollection of that. But I believe they said they had spoken with Deputy AAG Margolis, but that the FBI had looked at this determined that it had no investigative value, and he repeated that. And he also repeated that we're not recommending that you do anything about this either.

And so with that information, I said: Well, I appreciate the briefing. And again, this was the type of defensive briefing that sometimes we would provide to other agency heads or different people that you had intercepted information, people were saying things about them. And I said: But I do want to inform you that with respect to what purports to be the substance of this, I know that you've determined it doesn't have any value, but I do want to assert to you that I don't

[REDACTED]

[REDACTED]

[REDACTED]

And I said: I don't know [REDACTED] if that helps you in your analysis, and I've never had a

[REDACTED]

[REDACTED]

I then asked the question, again, relative to the translation issue and the sourcing issue, and I said: However, as we all know, sometimes there are people who will speak to someone in your office or someone who knows you and then make a statement that, oh, the Attorney General will do or has said something,

[REDACTED]



and they are relying on someone else.

And I asked if Deputy Director McCabe wanted to either speak to or have anyone from the Bureau speak to my staff, and I said I will make them available to you up to and including myself, if that's something that you want to do.

And he said: No, I thank you for that offer, but no. We've determined that it has no investigative value, and we're not going to be taking any steps with respect to this. And he said: And we don't recommend that you do either.

MR. SCHIFF: [REDACTED]

[REDACTED]

[REDACTED]

MS. LYNCH: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

MS. LYNCH: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: So was this then [REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

MS. LYNCH: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

[REDACTED]

MS. LYNCH: Uh-huh.

MR. SCHIFF: Did you ever receive any further information during your

[REDACTED]

[REDACTED]

MS. LYNCH: No, I did not receive any information about it.

MR. SCHIFF: I want to turn to the point where you and other members of the administration began discussing what action to take in response to what the Russians were doing.

Do you recall when you had the first discussions, and in what form would that have been?

MS. LYNCH: Those first discussions would have been at the PC level, and they would be in the [REDACTED] after we had received -- I do recall that they occurred after we had received at least two briefings from Director Brennan, because the first briefing from then Director Brennan was more general, and the second one gave more specifics about the attempts that Russia was planning to start utilizing.



[Redacted text block consisting of multiple lines of blue and red bars.]

One of the things we -- so we discussed several things. We discussed whether or not if we saw cyber activity directed at systems within the U.S., either political parties or campaigns, we also, as part of the briefings, received information that cyber activity had been directed against campaigns in previous presidential years as well, that this was something that the Intelligence Community was aware of.

[Redacted text block consisting of multiple lines of red bars.]

But we also considered how and in what format we should make



information public, that the issue of whether or not and how Russia was going to attempt to provide misinformation about Secretary Clinton was something that was sort of endemic to the political process, that that was -- that that happened in campaigns and might in fact -- and could come from any source, and that to focus on that issue would not be the appropriate view of the administration, that we should be -- we, as an administration, should be concerned about attempts to influence the process, writ large, about attempts to influence the voting systems, about attempts to influence the electorate. And the very fact of Russia trying to reach in, regardless of whom they were trying to help or hurt, was a problem that needed to be dealt with.

Ultimately, we discussed a number of options and adopted a number of options. I would say, first and foremost, one of the first options that we adopted and that did in fact occur was to have the President of the United States speak directly to President Putin, confront him with knowledge that we were aware of his efforts on a variety of fronts and that it was unacceptable, and that that discussion took place during a pull-aside, I believe, at one of the G- either 7 or 20 meetings in the early fall.

We also discussed -- again, Secretary Johnson is working with the States on that process, and that continued. But we also discussed notifying the American people and what format should that take, that the populace could take in whatever information it took in but that this information that a foreign government that was not our friend, not an ally, was actually seeking to influence the campaign should be discussed.

And we talked about how to discuss that without politicizing it, which was a challenge and a concern because we discussed the fact that we, as an

[REDACTED]

administration, did not want to appear to be putting our thumb on the scale for either candidate, and the concern that actions that we took could be taken in that light and what's the best way to provide the information so people can take it into account as objectively as possible.

We talked about, you know, essentially having some sort of document released on behalf of the administration that would talk about Russian attempts to influence the election. Ultimately, we did that in October.

There were a lot of discussions about how much information could be placed in a document for the general public. [REDACTED]

[REDACTED]

MR. SCHIFF: It became pretty clear in [REDACTED] that the Russians were doing this and that -- and this was being ordered by Putin.

What accounted for the delay [REDACTED] and the October attribution? Why wasn't attribution made earlier, and why was a decision made to put it in a memo rather than have the President speak to the country about it?

MS. LYNCH: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

But that the agency was working to find ways to -- you know, you look to find the information in other places. [REDACTED]

[REDACTED]

[REDACTED]

So discussions were about that, and my understanding was that they were being had within the Intelligence Community outside of the PC meetings, because the goal was very much to get to a place where there could be a public discussion about it.

But similarly, with respect to the President's role, I recalled specifically discussions about having the President, then President Obama directly confront President Putin.

MR. SCHIFF: Let me ask you about that first point. It was fairly clear in late July, when the documents started being dumped, that the Russians were both involved in the hacking and that the information they had stolen was being used to influence the election. [REDACTED]

[REDACTED] CrowdStrike had already done a public analysis, and so why wasn't that addressed earlier?

MS. LYNCH: You know, my recollection was that that certainly was in the public domain, and I think I do have a recollection that, if not CrowdStrike, that some entity was working on that.

My recollection of the discussions in August specifically was we had more information -- we had that information, but I believe our view was we had more information, and how much more could we say. And the goal was to try and be as open as possible, but again, protect the law enforcement and Intelligence Community interests there.

And so the discussions throughout September were about what document could we produce. Also, in August, though, with respect to public notification, and I believe that during the -- during a PC in August, Dennis McDonough (ph.), then

[REDACTED]

chief of staff, indicated that there was also a plan to try and get congressional support and a congressional statement out.

Because the view was that this was certainly something worthy of the President making an address to. But because it really went beyond just one administration, just one party, that the best approach would be a bipartisan statement about the dangers and alerting the American public.

And so I believe, over the course of one, if not two PCs that were very close -- these were very close together -- we had discussions about, at the time I believe it was going to be then Director Comey and Lisa Monaco. I don't know if Jeh Johnson was involved, but having meetings with congressional leadership, the so-called Gang of Eight, as has been termed, to brief them on what we knew to date in a classified manner and to discuss -- and so these briefings were going to be had.

And then I believe that the President was going to have a discussion with congressional leadership and the ask was going to be a bipartisan document from both the House and Senate to the American people raising these issues, discussing it, saying this is a matter of grave concern, and that having it be -- having it come from joint leadership would help alleviate the politization that we feared would occur.

And my recollection is that there was a schedule set up. I was not involved in the briefings, but it was reported to me that the briefings did take place and that -- this, again, would have been late August, early September, that at the time, I believe that Leader McConnell did not want to sign onto a draft after discussions with the briefers and the President, expressed some concerns that even that approach was a political one coming from the administration and that the staffers

who were talking had proposed a number of modifications to the type of document that we thought should be generated as to render it generally too vague and not helpful.

MR. SCHIFF: Let me ask you about that, if I could. I haven't been a participant in that meeting. I'm very interested in what your understanding was that was going to take place.

Was it your understanding that what the leadership was going to be asked to do was to make its own statement of attribution about what the Russians were doing in a bipartisan way, or was it your understanding that what the leadership was going to be asked to do was to inform the States that they should take advantage of the services offered by DHS to protect their computers and engage in best practices?

MS. LYNCH: As I think back on it, I believe that the latter was part of it, but my understanding was also that the request was for leadership to have a statement about the importance of the process and the importance of not letting a foreign entity gain access to that process.

But again, I wasn't involved in those briefings, and so I can't -- I can only report what I recall about what was briefed back to me.

MR. SCHIFF: Okay. And the decision to have the statement be a written statement from two agency heads as opposed to the President talking about it directly?

MS. LYNCH: Well, I believe that -- my understanding is that after that, after the larger bipartisan group was not able to come to accord, I believe that two democratic leaders did issue a statement about the importance of working with the administration. I believe that happened first.

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And then with respect to the October statement, we discussed who should be the source, and we felt that the Intelligence Community, you know, which comprised a number of agencies, and then also DHS had the information and would be seen as more objective. There was concern that, again, overtures directly from -- and I don't want to say the President being him alone, but there was a concern that -- and I believe this discussion was had at the PC level after the briefings on the Hill and the response that came back about the view that -- and in conjunction with Secretary Johnson's report back to us that his desire to designate State systems as critical infrastructure had been described as some sort of Federal takeover of the State process.

So it was concerning. That was very concerning. And so I believe that played into it. I wasn't privy to the discussions with the President about what he would say to Vladimir Putin or whether or not he would speak publicly, so I don't have insight into that, beyond that.

MR. SCHIFF: Was there a discussion about whether to impose sanctions at that time over the Russian activity or take other steps as a deterrent to further Russian interference?

MS. LYNCH: The discussion about sanctions was an ongoing one because in response to previous Russian cyber activity, there were a number of entities that we had been considering imposing sanctions on for some time. That discussion was primarily led by Treasury Secretary Lu and also Secretary of the State Kerry, but I was present for some of the those discussions at earlier PCs unrelated to this.

We did have discussions again prior to the election about whether or not sanctions would be an appropriate response as well, and I don't recall those

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discussions with specificity. I do know that right after the election, we began to focus primarily on what should the response be subsequent to the President speaking to Putin and the IC issuing their statement, and sanctions were discussed at great detail then and ultimately proposed, I believe.

MR. SCHIFF: Was there a proposal to impose sanctions prior to the election, and were there reasons why that was ruled out?

MS. LYNCH: I don't recall. I know there was discussion about it, but I just cannot recall with specificity whether there was an actual proposal made.

MR. SCHIFF: You mentioned the concern that the administration had about not wanting to be perceived as putting its hand on the scale. Were there any other considerations that stayed the administration's hand from either making attribution earlier or the level of response that the administration would take to what the Russians were doing?

MS. LYNCH: The primary issue with respect to attribution was whether or not the relevant intelligence agencies that were going to be tasked with signing off on that all could have enough of a degree of certitude to make the assertion. And because there was different -- and we discussed this also. Because there was different sourcing of different information, different agencies would say to their colleagues, you know, I believe you, but the information that I have would only let me come to a certain level of certainty, and we all want to be at a higher level of certainty.

So how do we provide information or have discussions that would allow us all to have enough of a degree of certitude, I should say, to make the attribution that it was in fact Russia.

That was a significant part of the discussions in the summer, as well,

leading into the early fall.

MR. SCHIFF: Was there a concern that attribution itself or steps beyond attribution would cause the Russians to escalate their actions?

MS. LYNCH: There was a discussion about that. But with respect to that, that was a concern, but one -- but a larger concern and one that we spent a lot of time talking about was not that it would cause Russia to accelerate its actions, but if we revealed information or talked about the matter, would that in fact do Russia's work for it?

You know, sometimes the view, for example, if there is some sort of pandemic, when do you alert people to advise them but also avoid panic, that sort of thing, by way of analogy. And so we did have a discussion, at least once, maybe twice, about would we be actually furthering Russia's goal of sowing distrust in the system by raising the issue.

But ultimately our view was that notifying the American public was too important, and that we -- that you have to trust people, that people can sift through these things, and regardless of what conclusion they come to, they need to have that information as part of the sifting process.

MR. SCHIFF: I'm going to turn it over to my counsel at this point.

██████████ We can go off the record. I think we are actually out of time.

MR. SCHIFF: We are. Oh, okay. Would you like to take a break then before we --

MS. LYNCH: I'm fine. Thank you. If you all do, it's fine, but I'm fine.

██████████ Thank you, ma'am. We will now go to 15-minute rounds, ma'am.

[REDACTED]

BY [REDACTED]

Q Just a couple of questions, a couple of followups, ma'am. You mentioned previously the summer of 2016 meeting where Director Brennan

[REDACTED]

A No.

Q -- did Director Brennan provide you?

A No, and I certainly regret any confusion. The information that Director Brennan was providing was not about -- to my recollection, was not about the

[REDACTED]

I don't recall Director Brennan speaking on a connection [REDACTED]

[REDACTED]

Q Oh, that was the prior meeting, I'm sorry.

A Yes.

Q Thank you for clarifying.

With relation to the conversation with Director Brennan, what specific information was he providing you at that time that the Russians were looking or have been interfering with our election?

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

And I recall there were some other things. I just can't call them to mind right now. I'm sorry.

Q No, fair enough.

Was it your understanding or was it the -- Director Brennan provided you with examples that that was occurring or how it was occurring, how the Russians were can getting into media markets, how they were going to supposedly portray Secretary Clinton with, as you say, [REDACTED] or the like, was there very specifics on that?

A During that summer, I don't recall, in those PCs, getting specifics on how they were going to gain access to the media markets. It wasn't discussion about media buys or other avenues or anything like that. So not to that level of specificity.

Q Did you ever learn any specifics on that? Not just the media markets, but just the whole approach of with suggesting that Secretary Clinton might have [REDACTED] when she doesn't and things like that, did you ever learn of the specifics of how that was executed by the Russians?

A I don't recall discussions about those specifics, no.

Q Okay. And circling back with your clarification of your meeting then

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A Well, just the information that I provided you.

Q Right, but nothing -- nothing more than that. Is there any other

[REDACTED]

[REDACTED]

[REDACTED]

A I just don't have that recollection right now. And it's not something that I would have any documents or information to use to look back on, so I don't have that recollection.

Q Okay. And was there any information, albeit from Director Brennan, Director Comey -- then Director Comey, Deputy Director McCabe, or any other individuals in the IC that you spoke with that had or showed specific information that Putin and Russia had a connection or relationship with anyone in the Trump campaign or Trump affiliates?

A Well, other than the information I provided?

Q Right.

A You know, I don't have a recollection of that being briefed up to me, but -- so I would say I don't have that recollection.

Q Fair enough. And I think, ma'am, one of the -- to sort of close the loop on this part of the questioning. One of the things that we're charged with investigating and trying to write a report on is whether or not there was any actual collusion, conspiracy, or coordination between the Russian Government and the Trump campaign or the Trump affiliates at any time, and as former prosecutors, those words may or may not have different meanings for you. If they do, please clarify or just let me know during the following line of questioning.

[REDACTED]

[REDACTED]

But during your time as Attorney General, did you come across any specific information that would show that the Russian Government and/or its affiliates had any coordinated activities with any members of the Trump campaign or the Trump campaign for President?

A Well, certainly the information that I was given in the [REDACTED] was concerning to me and indicated that there was a goal to have coordinated activity.

But I do want to be clear that there's certainly -- my view was that that was the beginning of the inquiry, and so I would not have been making a determination with finality at that point in time about this is this or the other thing.

But certainly I thought that the information conveyed to me in the [REDACTED] [REDACTED] was concerning and was troubling and was leaning in that direction.

Q Sure. And so that information, you said, sort of outlined the basis that that was a goal from the sort of -- and correct me if I'm wrong -- from the Russian perspective of things?

A Yes.

Q That their goal was to establish a relationship with folks that may or may not be involved directly or indirectly with the Trump campaign.

Then my followup question, ma'am, is: During your tenure as AG, going through the spring and summer of 2016, all the way up until 2017, did you come across any information that would show an actual coordinated effort between the Russian Government and their affiliates and the Trump campaign and his affiliates?

A Yeah. I don't recall anything being briefed up to me, and it's just my recollection at this point is not.

[REDACTED]

Q And the same line of questioning, ma'am, then for, you know, for conspiracy and collusion.

A For?

Q For conspiracy and collusion. Did you receive any information, during your tenure as Attorney General, from anyone or anywhere that would show a level of conspiracy between the Russian Government and its affiliates and the Trump campaign or Trump campaign affiliates for President?

A Well, you know, I wouldn't have been drawing those legal conclusions at that time, in any event, so regardless of what information that I gave, because you would have to wait.

Q Sure.

A And sort of look at a whole host of things. And again, I don't recall that being briefed up to me, which isn't to say -- so I can't say that it existed or not.

Q No. Just for your --

A I can't give you that definitive answer.

Q Of course, just as far as you knew. I mean, did you ever -- were you ever called upon or did you ever make a determination or conclusion, based upon all the information you did receive, that there was some level of conspiracy between the Russian Government and its affiliates and the Trump campaign for President?

A I was not called upon to give a legal opinion in the PCs as to that. We were not at that stage yet. But -- so I was not called upon to give that opinion, so I wouldn't have had that discussion or provided that level of analysis.

Q And then the last portion of this line of questioning as it relates to collusion, which is a term that has been used a lot in the public as it relates to

possible activities that may or may not have occurred between the Russians and the Trump campaign for President.

Did you ever receive any specific information as Attorney General to show that there was a demonstrable level of collusion between the Russian Government and its affiliates and Trump and Trump candidacy for President?

A You know, I think that -- again, I was not asked to draw that conclusion, and so I would not have done that level of analysis. [REDACTED]

[REDACTED]

But at that time, you know, you would not have been looking to draw a legal conclusion at that point in time because you were still seeing things happen. So I don't think that you would be able to say -- you certainly should not say: My legal conclusion in the middle of this is X. You certainly may have a view or a concern, but I would not have drawn that legal conclusion because things were still occurring.

Q And did you ever draw a legal conclusion, taking you up to January 19, 2017, on the matter?

A Well, certainly I agreed with the Intelligence Community assessment. Based on everything that had been presented to me, I agreed with the assessment that came out in October, I agreed with the assessment that was released in I think early January. I agreed with those conclusions, and they were -- they were based on things that had been presented to me in the PCs, and I thought that they were well founded conclusions and concerns.

Q Were there any portions of the IC -- the ICA that you did not agree with?

A No.

Q Okay. Fair enough.

And then, ma'am, you raised the hacks of the political organizations, the DNC hacking and whatnot. Do you recall how that was -- you said that communicate -- or that information was communicated to you about the same time, and correct me if I'm wrong, as the Russia, quote, unquote, investigation?

A




And then over time, during discussions about that case, just as part of being briefed about the status of cybersecurity issues in general, being informed that the forensic view was that Russia was behind that as well.

But as I mentioned, the discussions about that case, while we raised it in the PC as an issue, we didn't go into specifics at the PC because we keep the criminal cases separate from the Intel matters.

Q Fair enough. And what information -- when you received the information about the DNC hack, what information was presented to you about it?

A My recollection is that I was presented information over a series of brief discussions that the Bureau had evidence that activity had occurred, intrusive activity had occurred, and an investigation had begun, and they were going to be looking to see -- looking into it. That's very general, and again, very preliminary.



And then over the course of subsequent weeks, being told that the forensic analysis indicated that it was likely a Russian actor behind that particular hack. And again, that case just proceeded at pace.

Q Did the Department of Justice, after you were made aware of that information, they ever open up a criminal investigation, a CI investigation, or what have you, on the DNC hack?

A Well, as I mentioned, the investigation of the DNC hack was opened when -- had been opened when the Bureau informed me that they were investigating it in conjunction with the Department of Justice in the general sense. That there had been this hack -- that there had been intrusive activity, I should say, and that the Bureau and our cyber department were going to be conducting an investigation. So that was presented to me as: This is what we have begun.

So -- and then later on, again, just as a report, that the forensic analysis had revealed Russian activity.

Q And then what did the -- I should narrow my question better for you, ma'am. What did the Department of Justice, not the FBI, end up doing with that information and that investigation as it relates to the DNC hack while you were Attorney General?

A What did the Department of Justice, not the FBI do?

Q What was the decision or the result of the investigation that was undertaken by the Department of Justice, once the FBI brought that information to you, that the DNC had been hacked by Russian entities, what was the end result there?

A Well, the FBI is the Department of Justice.

Q That's what I'm trying to delineate. I know they opened the

[REDACTED]

investigation and brought it over to the Department of Justice. Did the Department of Justice ever open up a criminal investigation? Were there charges brought? Were there entities found that there were responsible directly for that hack at the DNC?

A Oh, you know, I don't recall if that was resolved before I left or not, with charges. I just don't recall.

Q Okay. Fair enough.

A Let me just clarify. Are you asking did we ever charge anyone with criminal responsibility for the DNC and DCCC hack; is that your question?

Q Yes, ma'am, thank you.

A Okay. I just want to be clear on that.

Q No.

A I don't recall if we brought charges, thinking back to my time, before I left the Department.

Q Do you recall either you or your designees making consideration or recommendation of charges? Was that discussion ever had at your level or below your level that you're aware of?

A Well, if -- it was not had in my level. I can't say whether it was had at the specific case investigative level, which is where those discussions would have begun.

Q Okay. Thank you, ma'am.

[REDACTED] I'll turn it over to my colleague, [REDACTED]

MR. SCHIFF: I just had one or two more questions, and then I want to pass it over to my staff.

You mentioned that Director Brennan had told you the Russians were intent

[REDACTED]

[REDACTED]

on inserting negative information or misinformation about Secretary Clinton into the political bloodstream.

At the time you were in office, were you informed that one of the vehicles they would use for this would be social media?

MS. LYNCH: At the time that I was in office, I don't recall social media being part of the discussion?

MR. SCHIFF: In January, the Intelligence Community assessment included their use of social media, the use of their paid propaganda, RT and Sputnik. Had come to your attention during your tenure or was not part of the discussions that you were present for?

MS. LYNCH: I think it was part of the discussions in a general sense that there was going to be -- that as we compiled, for public consumption, this list of means and methods, for lack of a better term, that there would be a media component, but I just can't recall the specifics of it, so it may have been, and I just don't recall.

MR. SCHIFF: But at the time the campaign was ongoing, you personally didn't become aware of the Russian, use of paid advertising and social media, or their other tactics on social media?

MS. LYNCH: I don't have that recollection. I just don't recall that being the main thing. There was a lot of discussion about RT, and again I just don't recall. I'd have to go back and look at the IC document actually.

MR. SCHIFF: Okay. I'll pass it off to my counsel now.

EXAMINATION:

BY [REDACTED]

Q Madam Attorney General, I just have a few questions, and then I'll turn

[REDACTED]

it over to my colleague.

On March 2 of this year -- so this would be after you left the administration -- Attorney General Sessions recused himself from the FBI investigation after facing criticism for undisclosed contacts, meetings with the Russian Ambassador during the election season.

Do you recall his recusal?

A I recall the press reports about it.

Q Would Senator Sessions' meetings with the Russian Ambassador during the election amount to contacts between a senior Russian official and a senior adviser to the Trump campaign?

A You know, I don't have enough information to come to that conclusion in terms of the --

Q If those meetings took place, would those conversations be of interest to the FBI and their investigation?

A Well, when you say "of interest," I think when we look -- when -- let me back up a minute. I'm sorry for not giving you a complete response.

[REDACTED]

And so I'm not able to draw that -- draw a conclusion one way or the other about the nature of those contacts to say -- to describe or characterize them in response to your question.

Q Did you believe it appropriate for Attorney General Sessions to recuse himself?

A Well, I wasn't involved in the review, so I wasn't involved -- I didn't have the information that his team reviewed. I'd have to defer to their analysis.

Q On May 9 of this year, President Trump fired Director Comey, and then on May 17, Deputy Attorney General Rosenstein announced the appointment of former FBI director Robert Mueller to serve as special counsel. Did you believe it appropriate to appoint someone to take over that investigation?

A Well, again, I wasn't involved in the decisionmaking process there. I certainly think -- I certainly felt it was appropriate that the continuity of the investigation be considered and that the Department take steps to ensure that work that had been done was not lost, that work that needed to be done could be carried out going forward, and certainly thought that that was appropriate and responsible for the Department to consider, but I don't have the information that they were using when they made their decisions.

Q And if you could tell us why the independence of the FBI and also the special counsel is important?

A Well, as a general matter, as I noted, the FBI is part of the Department of Justice but with a great deal of independence built in. There are -- as with other law enforcement components, they do have reporting lines to the Hill, both to this committee and its Senate counterpart, as well as Appropriations and Judiciary and the like. They do have separate budget issues that come before Congress.

And the underlying view as to why the FBI should be independent, as well as the Department of Justice in the work that it does in every arena is that it should be free of political influence or any type of influence that might either actually affect

[REDACTED]

the case or give the perception that a case or investigation was impacted.

That could be political, it could be economic, it could be a perception issue or the like, and so the independence of the entire Department, including the FBI, is very important.

[REDACTED]

[12:15 p.m.]

[REDACTED] I will turn it over to my colleague.

BY [REDACTED]

Q Hi. My name is [REDACTED]. I am the [REDACTED] for the minority.

These are mostly cleanup questions just to have your views on the record.

On March 4th, 2017, President Trump issued a series of tweets claiming that President Obama tapped his phones. On March 20th, 2017, in sworn testimony before this committee, then-FBI Director James Comey stated that neither the FBI nor the Justice Department had information to support President Trump's tweets. And then on September 1st, 2017, the Department of Justice stated in a motion filed in Federal court that there was no evidence to support President Trump's claim that President Obama ordered the wiretapping of Trump Tower during the 2016 presidential campaign.

To your knowledge, during your time in office, are you aware of whether the Obama administration tapped President Trump's phones during the transition or at any other time?

A To my knowledge, no such wiretapping occurred.

Q Thank you.

To the extent that you are able to discuss, it would be helpful for us, in our review of all the information that we are receiving, whether there are any lessons learned that you may be willing to share with the committee; in particular, given the fact that information has come to light, both in the committee privately, but also much of it publicly, about various developments with regard to Russia's active measures, efforts, for example, Ranking Member Schiff mentioned the use of

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social media platforms by Russian-linked entities to affect the public debate around the elections, the various meetings that have come to light, including Russian-linked individuals meeting with the son of Donald Trump and high-level campaign officials, and also another thread that we are looking into, with regard to an effort by an individual named Peter Smith, who was trying to, based on information reported publicly and that we are looking into, trying to identify missing Hillary Clinton emails on the dark web.

Given the discussions you were in at the Principals Committee level with your Department of Justice and FBI colleagues, and information that has come to light, are there any lessons learned that you think we should take into account as we develop our report with regard to how the U.S. Government as a whole, how the Department, or the FBI in particular, should be approaching developments of this sort moving forward?

A Well, yes. In my view, and based on the discussions we had at the Principals meeting, and based on the actions that we did take, I do think that there are several lessons to be learned.

One of the discussions that we had at the PC level, this would have been after the election, was whether or not to recommend a bipartisan, 9/11-type commission to review this issue such that there could be a full and open airing of it to the extent that things could be discussed publicly, should we recommend that to either Congress or the incoming administration. And I believe the consensus was that it would be part of things we would recommend, but I did not see the final recommendations that went over, so I don't know what happened to that.

I do think that, particularly given the sensitive nature of the information that supports what we know, the Intelligence Community has to be a part of it going

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forward, obviously, but I do think that, my view has always been that the American people deserve information, as much as can be provided to them consistent with law enforcement and Intelligence Community safeguards; that the view that, you know, you don't know what people are going to do with information exists, but does not mandate not trusting them with that; and you can't control how someone is going to take or receive something, but you do have to trust that they deserve it, that they deserve to know as much as possible about attacks on our system writ large, whether that is from Russia or any other country, or whether it is in another context.

To me, this is consistent with what we have done since 9/11 in trying to advise people about terrorism; not that we would have terror alerts for Russian interference, for example, but we talk about it, we provide information about it. We at the Department of Justice talk about cases in a way, as you saw with San Bernardino, for example, and Orlando, you know, providing information beyond what we usually would do, so that people would have as much context for things. So that is very much my view in general.

I think that we need to think about avoiding the politicization that occurs with that. I would involve the States in that process.

Based on the information I received, I am very concerned about the safety of our State election systems both in terms of vulnerability, and just sheer age and capacity. I think that needs national attention.

I would still support setting up some sort of commission to examine these issues and look at them, starting in nonelection years, so that this could be part of political discussion that exists separate and apart from the political campaign season.

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[REDACTED]

We have to have vigorous campaigns, that is also part of our democracy, but we do need to have some sort of independent body, and I do think it should be bipartisan in terms of participation, but also not just people from the political arena, we need people from the scientific arena, as well as people who have experience with intelligence issues to be a neutral arbiter, so to speak, and provide information so that we can consider these issues going forward and take action. That, to me, would be very important.

With respect to things that were not discussed greatly in the PCs, but have been of great discussion most recently, which is the use of social media, and, again, I just don't recall the level of specificity about that, but certainly there has been a great deal of discussion about it now. This, to me, needs to be part of a larger discussion of how we manage social media and privacy issues, free speech issues and political speech issues here. These are difficult discussions, but I believe they have to be had as well.

We routinely provide more private information to commercial entities like social media organizations than the government is ever able to obtain through warrants or otherwise, and the vulnerabilities are only just now beginning to be appreciated by individuals, but also our vulnerability to being manipulated and influenced makes these platforms something that has to be considered as we talk about how to handle political speech; not to suppress it in any way at all, I do not believe in that, but I do think we have to have a discussion about how our social media platforms are going to handle certain types of speech going forward, whether the broadcast model is appropriate, or whether that model also needs to be considered and thought through.

Q I believe the ranking member has a question.

[REDACTED]

[REDACTED]

MR. SCHIFF: I just have one other question going back to your days as a U.S. Attorney.

One of the persons of interest to our committee is Felix Sater. Were you involved in your capacity as U.S. Attorney in any investigation involving Mr. Sater? Is there anything you can tell us about him that would be pertinent to our investigation?

MS. LYNCH: So Mr. Sater was a defendant in the Eastern District of New York, but the investigation and conclusion of his case occurred before I returned to the Office as U.S. Attorney in 2010.

When I returned to the U.S. Attorney's Office in 2010, he had already been sentenced pursuant to a cooperation agreement. The issues that arose about Mr. Sater during my tenure as U.S. Attorney were about ancillary civil lawsuits, the nature of which I don't really recall right now, but I was briefed on at the time, and attempts by either him or other people to make his cooperation public.

So the litigation that we were involved in was involving the nature and extent of public disclosure of his cooperation and documents about his cooperation. I wasn't involved in the initial investigation about Mr. Sater, didn't supervise it, and don't recall the specifics of that.

MR. SCHIFF: Was your office involved in any allegations concerning Russian entities laundering money through the Trump organization?

MS. LYNCH: Not to my recollection. My former office does and did have an active practice working with the FBI's New York office looking at Russian organized crime and cyber entities, but I don't recall those having a connection to the Trump organization or Trump entities.

[REDACTED] I think we will pass. I yield back. Thank you.

[REDACTED]

BY [REDACTED]

Q Attorney General Lynch, I am [REDACTED], a staffer for the majority. And I certainly want to be conscious of your time, we appreciate the time you have already spent with us, but also if I may, I wanted to follow up on several of the topics that we have discussed today.

Also, I just want to say, to echo my colleagues, that we certainly appreciate your long, public service and your willingness to come and sit with Congress for several hours even after that service has concluded, so thank you for being here today.

A Thank you.

Q We discussed the Intelligence Community assessment that was published in early January. Can you briefly describe what, if any, role DOJ had with respect to that ICA?

A Yes. At the PC level, we began discussing producing a more comprehensive document about the Intelligence Community's assessment of activities involving Russian efforts to influence the election. Primarily, the DOJ involvement would have been through the FBI, because for counterintelligence, the FBI is DOJ's agency that covers those issues. So the information that came from DOJ would have been provided by the FBI for that.

Q Once that ICA was prepared, did you or anyone within DOJ review it at the sort of draft stage?

A I don't recall reviewing a draft, no. I recall receiving the document, but I just don't recall reviewing the draft.

Q Do you recall when you received the document or what form it was in when you received it?

[REDACTED]

A I believe that I would have received it in document form as noted as opposed to electronic, for example. I believe it looked very much like the ultimate published version, although the published version was unclassified.

Q Do you recall any differences between what you reviewed and the version that was either published or briefed to the appropriate officials, not in terms of classification level, but in terms of changes to the substance?

A With the exception of the removal of certain classified materials? Do you mean anything beyond that?

Q Correct.

A I don't recall differences, and would have to have a comparative review of the documents to be able to say one way or the other.

Q Understood. One thing that is notable about the ICA is how quickly it was -- the time -- how quickly it was produced from when the review was publicly announced by then-President Obama.

Did you have any role as a member of the Principals Committee in determining the timeline for the ICA?

A Only in general discussions about the need to move quickly, because it was something that -- because it was based upon information that had been gathered and discussed and reviewed over the course of the summer, even though information was continuing to come in, that it needed to be provided to the American people in an expeditious way.

Q And with understanding there was a desire for sort of an accelerated timeline, do you recall any particular discussions about the need to have this document completed prior to President Obama leaving office on January 20th?

A Well, I wouldn't use the phrase "accelerated timeline," because that

[REDACTED]

[REDACTED]

implies that there is already a timeline and we changed it. So this was a very unique sui generis situation. So I wouldn't say accelerated, again, because --

Q Understood.

A And I just don't want to, you know, mischaracterize it.

Q So let me rephrase: With respect to the desire to produce this document quickly, do you recall any particular discussions to have it finished prior to January 20th?

A Not with specificity. I just don't recall. I can't say whether there were or there weren't. Certainly for it to have been issued by the Obama administration, it would have to be, but beyond that, I don't recall with specificity.

Q Our understanding is that the ICA was briefed personally to President Obama on or about January 5th, 2017. Were you present for that briefing?

A No, I was not present for that.

Q Was DOJ represented at that briefing?

A I do not know. I just don't recall if the FBI would have participated or not. I just don't have that recollection.

Q Did DOJ send any representatives to brief then-President-Elect Trump on this document on January 6th, 2017?

A I just don't have a recollection to any degree of specificity.

Q Understood. I wanted to follow up a little bit on Carter Page, who has been discussed previously.

Going back to the [REDACTED]
to Mr. Page [REDACTED] you
had mentioned that he was characterized as somehow being affiliated with the Trump campaign. Do you recall, sort of precisely how he or his role, vis-à-vis the

[REDACTED]

[REDACTED]

Trump campaign was described to you at that time?

A I don't recall the description. I think I knew from press reports that he was affiliated with it, but I could not tell you with specificity. I would have to defer you to the campaign, actually.

Q But in terms of whether he was characterized as having a senior role or a junior role or what his portfolio was, or anything along those lines, you don't recall anything specific that was briefed to you about that?

A I don't recall specifics as to that.

Q When Mr. Page's name came up, was there any reference made to any past relationship that he might have had with DOJ or FBI?

A I do not recall that being briefed up to me, and I just don't recall with specificity. And I don't want to let, you know, subsequent press reports influence my memory. I just want to think about what I remember from that time period.

Q Do you recall anything specific you were briefed on relating to past FBI interviews of Mr. Page?

A I don't have a recollection as to that briefing, no.

Q Do you have any recollection of being briefed on Mr. Page's

[REDACTED]

[REDACTED]

A I just don't recall if my conversation went into that level of specificity in the spring.

Q If you had known -- well, you mentioned earlier the topic or possibility of providing a defensive briefing with respect to Mr. Page. If, at the time, you had been briefed that Mr. Page [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A It is impossible to speculate, and I -- I don't speculate, so I am not able to provide you with a response there.

I can say that all information would be relevant when you are making a determination like that.

Q Beyond that initial briefing, what additional briefings, if any, do you recall [REDACTED]

[REDACTED]

A You know, I recall the Director briefing the principals group about the same information he gave to me, and I just don't recall with any specificity further briefings that involved Mr. Page.

Q [REDACTED]

[REDACTED]

[REDACTED]

A I don't have a recollection to that, so I am just not able to say with specificity.

Q Thank you. Changing topics, in response earlier to questions from Ranking Member Schiff, you discussed a meeting in the summer with Deputy Director McCabe that sort of took the nature of a defensive briefing that you were given. And I don't want to be redundant of those questions, but I just want to make sure I have everything clear, since there are a lot of kind of pieces to the potential players involved in this kind of chain of events.

[REDACTED]

So, just so I have it straight, Deputy Director McCabe briefed you on a

[REDACTED] Is that correct?

A I would say yes, that would be accurate.

Q And he did not disclose, or you do not recall that he disclosed the [REDACTED] that information?

A He did not disclose [REDACTED] it at that time.

Q Did he disclose, or do you recall him disclosing that the ultimate

[REDACTED]
[REDACTED]
[REDACTED]

A [REDACTED] I don't have that recollection.

Q So he just [REDACTED] And as far as what the [REDACTED] then-DNC

Chairperson Debbie Wasserman Schultz and somebody else. Is that correct?

A My recollection, yes, it was [REDACTED] And since I didn't see it, I don't want to, you know, say [REDACTED] when it wasn't.

Q Right. [REDACTED]

referencing a communication to which Debbie Wasserman Schultz was a party, that communication to which she was a party referenced some communication

[REDACTED] Is that correct?



A [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Q [Redacted]

[Redacted]

A [Redacted]

[Redacted]

[Redacted]

[Redacted]



[REDACTED]

information. So I can't tell you how long they had it.

Q So your response was to offer to allow the FBI to interview other people in your office to see if they had made these representations on your behalf. Is that correct?

A Well, my first response was to ask further questions about what Deputy Director McCabe meant about sourcing issues and translation issues, because it was unclear to me whether or not this was a total fabrication. Although the information was a fabrication, I did not know whether or not someone had generated a document that purported to say this. I mean, did a piece of paper literally exist that purported to say this.

I did not know who the people were involved. The only name that was familiar to me was Congresswoman Debbie Wasserman Schultz. So I did not know if there was -- if there was any connection to the person who purported to be speaking to me and my office that should be of concern to me and/or the FBI.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I asked questions about the translation, and they said, because it has gone through, again, I thought one, and possibly two translations, and then Deputy Director McCabe repeated that they felt the document had no investigative value, they were not going to take any steps, they did not recommend that I take any steps.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] So I provided that information, that not only did I not know the person involved and had not made the representations, if they wanted to speak to my staff on the off chance that Mr. Renteria knew someone in my office that had said something that got picked up and got sent through the system, that they could eliminate that possibility also.

[REDACTED] Thank you.

BY [REDACTED]

Q Ma'am, we just have a couple questions related to my colleague's questions regarding this alleged document.

Did any of the communications alleged take place?

A No, none that were attributed to me.

Q Have you ever met [REDACTED]

A No.

Q Have you ever spoken with [REDACTED]

A No. I don't know [REDACTED]

Q Have you ever had conversations remotely similar to what this alleged memo implied?

A No.

Q Did you discuss ever the FBI investigation into Secretary Clinton's private email use with anyone at the Democratic National Committee?

A No.

[REDACTED] Thank you.

MR. SCHIFF. I think we are concluded.

[REDACTED]

[REDACTED]

[REDACTED] Thank you very much, ma'am, for your time today. I will turn it over to my colleagues from the majority.

BY [REDACTED]

Q I have just a few further follow-up questions, but, again, recognizing you have spent quite a bit of time with us, I want to move through them as quickly as possible.

Can you briefly describe the DOJ's role, and particularly the AG's role, in compliance with the Foreign Agents Registration Act?

A Well, you have asked -- do you want me to talk about DOJ's role or specifically just the Attorney General's role? The Department administers that.

Q Right.

A It is done through various offices. And, again, it does not come to the Attorney General, you know, for the vetting and the review.

Q Understood. So the average FARA enforcement action or investigation would not necessarily come to your attention. Is that correct?

A It would just depend upon the investigation.

Q Do you recall any FARA complaints or investigations that did come to your attention during the time you served as Attorney General?

A That is -- that is very broad, and I don't want to misspeak, and so I would -- I would not be able to really give you an answer.

Q Do you recall a [REDACTED]

[REDACTED]

[REDACTED]

A Again, it is -- I would have to be shown something. I just -- without really seeing something, I am not able to say whether or not that

[REDACTED]

[REDACTED]

was ever briefed up to me.

Q Turning to the briefings that you have described that you received from then-CIA Director Brennan at the Principals Committee, you talked about Russian sort of misinformation campaign that was sort of authorized or approved at the highest levels. [REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED]

Q [REDACTED]

A I just can't recall with specificity. I just can't recall with specificity, no.

Q Understood. You did sort of specify, I think very helpfully, some very particular areas in which, [REDACTED] Russia was attempting to spread misinformation regarding Secretary Clinton, namely with respect [REDACTED] [REDACTED] I believe you described it.

During the course of your discussions through the summer and fall, understanding that was the Russian intent, was the Principals Committee made aware of actual examples of this misinformation being disseminated, or put into the media stream, as you referred to it?

A You know, it is -- I am not able to really answer with specificity, because those allegations did come into the media stream, and so I just don't -- I am not able to really separate, you know, what I heard in the media from my underlying knowledge about Russia's purposes there, and so I am not able to

[REDACTED]

answer with that degree of specificity.

Q So in other words, if I understand you correctly, there were such allegations that were made, but as far as being able to attribute that, specifically to this Russian effort, that is not attribution that you or perhaps even you recall Director Brennan making in your time in office. Is that correct?

A Well, I would not be able to make the attribution, because I didn't have access to the sourcing information, and I can't speak for Director Brennan.

Q My colleagues earlier asked about lessons learned, and you sort of made reference to counterterrorism and, you know, that perhaps we should begin thinking about counterintelligence and some of the ways that we have begun to think about counterterrorism after September 11th.

Are there any particular -- beyond the possibility of a commission, are there any particular structures or protocols that we currently employ in the counterterrorism space that we ought to employ in the counterintelligence space?

A You know, I don't have specifics on that. I think one of the things that we have done well in the counterterrorism world is to build structures that allow for the sharing of information from the Intelligence Community on the terrorism issues with the larger prosecutive community and then oftentimes with the public, and so, I would look to those structures to see if, as we look at issues about the election, they could be useful as well.

Q We have also talked about the investigation of the sort of cyberattack on the Democratic National Committee and the regular briefings you received. Could you characterize, sort of, as it was briefed to you, the degree and level of cooperation of the DNC with that investigation?

A So initially when I first learned of the investigation, it was briefed up to

me, as many cases are, as something that we were investigating, and the focus was on the substance of what the investigation was finding.

Late in 2016, there were some media reports and I had been receiving questions during press interviews about the DNC's response at the time of the initiation of the investigation, which is not something that would ordinarily be brought to my attention before something is involved, but I did ask for a briefing on that, because there were numerous press reports about that.

And I did receive a briefing from the FBI that outlined their outreach to the DNC at the time and the first outreach, the second outreach, I believe there might have been a third outreach to the DNC, the ultimate responses and then the information they received from the DNC about the DNC having hired their own forensic analysis company to work with them to try and ameliorate the problem and deal with it.

Q Do you happen to recall when that briefing was?

A The briefing would have been, I believe it was late in 2016, but I don't have the specific date. I would need to see something.

Q Either at that time or any time during your tenure, what was your understanding as to whether the DNC had physically turned over its servers to the FBI?

A You know, that type of investigative technique wouldn't necessarily be briefed to the Attorney General. I was made aware in the briefing that I did receive that when the FBI initially offered an analytic review, which would require giving access to the Bureau of the computer systems, that the DNC, like a lot of companies, declined that, and that they did hire an outside company, but with respect to working with them on a go-forward basis, I wasn't briefed on the

particulars of how they worked together and whether or not servers were actually exchanged.

Q Thank you. The very last topic I wanted to ask about, which is within the scope of our investigation, is purportedly sort of classified information, now, that DOJ has a sort of mandate in investigating and, as appropriate, prosecuting leaks of classified information. Is that correct?

A Yes, it does.

Q Similar to the other topics we have discussed, what are the circumstances under which those leak investigations or prosecutions would have been sort of raised to your level as attorney general?

A Well, one circumstance, due to a protocol that was put in place shortly before I became the Attorney General, would be if a leak investigation involved a journalist. Because of cases that had been handled, again, before I became the Attorney General, the Department had regular discussions with a journalist committee about educating them and also getting input from the journalism community about how journalists would be regarded and viewed in the context of leak investigations.

And so, part of that protocol for really almost any investigation touching on journalistic activity would involve it being brought to, if not me, then to the Deputy Attorney General if the Attorney General was not available, but there is a group that looks at those matters. So that will be one way in which a leak investigation would come to the attention of the Attorney General.

Whether they have kept that protocol, I do not know. So that would -- but, again, that is because of the specific First Amendment issues raised there.

Q Understood. Sitting here today, do you recall any reported leaks of classified information related to Russian meddling in the election that occurred while you were Attorney General and were brought to your attention in your role as AG?

A In terms of an investigation or a case? If you can give me a little bit more context.

Q Well, I guess it could have been the publication of an article that purported to -- contained classified information, referral of that, or a subsequent investigation or decision on an investigation, but related specifically to Intel on Russian meddling in our election.

A You know, I don't have a recollection to any degree of specificity as to that.

Q Do you recall any purported leaks of classified information relating to the findings of the January 2017 Intelligence Community assessment?

A Do I recall leaks or do I recall -- again, are you -- just give me a little bit more context. I am not really sure whether you are asking me if something was referred to me or if I heard something in general. I am not really sure of the focus of your question.

Q Just what -- I guess the question is whether you recall being briefed or otherwise made aware of articles or reports that purported to contain classified information pertaining to the findings of the ICA, and then if so, whether you took any action on that information.

A Yeah. I don't recall specific briefings on that topic.

Q Are you aware of press reports concerning a purported late December

[REDACTED]

phone call between then National Security Advisor designate Flynn and then Ambassador to the United States from Russia Kislyak?

A Yes, I was aware of those press reports.

Q And during your time as AG, were you made aware of information concerning the call itself?

A During my time as AG, toward the very end of my time as AG, I was made aware of more specifics about the call.

Q Do you happen to recall --

A I don't recall if there was one call or more than one. I don't recall.

[REDACTED] Is it okay if I finish on this and then turn it over?

[REDACTED] Please, finish this.

BY [REDACTED]

Q And do you happen to recall when that was?

A Well, I recall having a discussion with Deputy AG Yates on the 19th of January, and the issue we were discussing -- she had brought to my attention was that she was going to be reaching out to then Director Comey and initiating a discussion between Director Comey and I believe the deputy director of the CIA, but I don't recall with specificity that person's name right now. And the issue we were discussing was, due to information that had been received in the course of an investigative nature about these phone calls, that information conflicted with what then Vice-President-Elect Pence reported about the calls publicly, and the concern that we had that the incoming administration needed to be aware of this information so that they could do what they chose with it.

Q Understood. Do you recall whether or not you were made aware of the calls between General Flynn and Ambassador Kislyak before or after such

[REDACTED]

calls were referenced in a Washington Post article on or about January 12th of 2017?

A I cannot recall when I learned of the calls in terms of them being mentioned to me in my official capacity relative to that article. I recall the press about it and I accept that that is the date, and I just can't remember whether it was shortly before or shortly after. I just don't have that specific a recollection of it.

Q And do you remember who first told you about the existence or content of these calls?

A I do not. I recall the discussion I had with then DAG Yates on the 19th about how to handle the information subsequent to, as I mentioned, Vice-President-Elect Pence's assertions and just how to handle that within the Intelligence Community, you know, could the information be disclosed, or were we ready, you know, in terms of protecting the integrity of any investigations, but I -- and I had heard of the information prior to that, I had received information about it, but I can't recall with specificity when. I can place it in January, but unfortunately, I am just not able to place it with specificity around that article.

Q And do you have any idea how the author of that article, David Ignatius (ph.), learned about these calls?

A No.

Q And when you had this discussion with Deputy Attorney General Yates and others on January 19th, and in light of the comments that Vice-President-Elect Pence had made, I believe, a few days prior, what was your -- did you offer a recommendation as to what action you thought should be taken?

A Well, it was just myself and DAG Yates.

Q Okay.

[REDACTED]

A It wasn't myself, DAG Yates, and others. It was just myself and Deputy AG Yates, and she said that she had been having discussions with, I believe, it was the deputy director of the CIA, but, again, I am not exactly sure whether it might have been someone else at the CIA, for example, but --

Q So deputy director of the CIA, or that person from the CIA wasn't in the meeting. She was relaying to you --

A That is correct.

Q -- discussions that she had had with a high ranking official at the CIA?

A Yes. That is correct; about the timing of being able to notify the incoming administration of the concerns that we had over the information that Vice-President-Elect Pence had and was stating publicly and the actual facts, given the specific nature of this.

Because the FBI was looking into General Flynn's contacts with Ambassador Kislyak, at that time, certainly on the 19th, my understanding was that the investigation was not over at that time. I do not believe that General Flynn had been interviewed, and I believe that DAG Yates told me that had not been interviewed and I think I knew that in general.

And she relayed to me that the FBI had expressed a concern about essentially alerting General Flynn to the investigation prematurely. And so she indicated that she was going to call then Director Comey and initiate discussions about where the investigation was and essentially when could they provide the information to the incoming administration.

Q Did you provide her any feedback or recommendations with respect to that course of action?

A I thought it was the appropriate course of action. I felt that although

[REDACTED]

[REDACTED]

we certainly couldn't say with specificity, having had the vice-President-Elect make certain representations that we knew not to be accurate was not a situation that we wanted to place him in, quite frankly, or the incoming administration as they made whatever choices they made going forward, and that we should devise a way to provide that information.

I agreed with her decision to speak out, to speak with then Director Comey. I advised her that if she needed me to make any calls, to let me know. I had about 6 hours left in office at that time, but I was working until midnight, I mean -- and everyone knew that. Whether or not she -- you know, we thought we could, in fact, call someone on the transition team, for example, or someone in -- incoming in, whether we would do it that night or not, I didn't have the view that we would likely be making a call that evening, it was the day before the inauguration, but we definitely had -- she and I definitely had the view that this was information that the new administration needed soon.

Q Did you take any further action on this issue before leaving office following that conversation?

A No. I asked her to let me know if she needed me to take any action, and she said that she would. And so I did not hear from her before midnight.

[REDACTED] Thank you.

BY [REDACTED]

Q I just have one follow-up question, ma'am, in relation to a line of questioning my colleagues from the minority asked about surveillance at Trump Tower.

During your time as attorney general, was Paul Manafort ever placed under electronic surveillance while you were attorney general by the Department?

[REDACTED]

[REDACTED]

A I don't have any information, so I am not able to answer with specificity.

Q So you say you don't know if he was or wasn't?

A I do not know. I do not know. It wouldn't necessarily have come to my attention.

[REDACTED] That is it, ma'am. I greatly appreciate your time today. It was a pleasure speaking with you.

MS. LYNCH: All right. Thank you all.

[Whereupon, at 1:03 p.m., the interview was concluded.]

[REDACTED]

