

OVERSIGHT OF THE DEPARTMENT OF JUSTICE

HEARING BEFORE THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTEENTH CONGRESS FIRST SESSION

NOVEMBER 14, 2017

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OVERSIGHT OF THE DEPARTMENT OF JUSTICE

TUESDAY, NOVEMBER 14, 2017

HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

Washington, DC.

The committee met, pursuant to call, at 10:03 a.m., in Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte [chairman of the committee] presiding.

Present: Representatives Goodlatte, Sensenbrenner, Smith, Chabot, Issa, King, Franks, Gohmert, Jordan, Poe, Marino, Gowdy, Labrador, Farenthold, Collins, DeSantis, Buck, Ratchliffe, Bishop, Roby, Gaetz, Johnson of Louisiana, Biggs, Rutherford, Handel, Conyers, Nadler, Lofgren, Jackson Lee, Cohen, Johnson of Georgia, Deutch, Gutiérrez, Bass, Richmond, Jeffries, Cicilline, Swalwell, Lieu, Raskin, Jayapal, and Schneider.

Staff Present: Shelley Husband, Staff Director; Branden Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian and General Counsel; Bobby Parmiter, Chief Counsel, Subcommittee on the Constitution and Civil Justice; Perry Apfelbaum, Minority Chief Counsel, Chief of Staff, and Staff Director; Danielle Brown, Minority Parliamentarian and Chief Legislative Counsel; Aaron Hiller, Minority Chief Oversight Counsel; Joe Graupensperger, Minority Chief Counsel, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations; Monalisa Dugue, Minority Deputy Chief Counsel, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations; David Greengrass, Minority Counsel; Maunica Sthanki, Minority Counsel; Arya Hariharan, Minority Counsel; and Veronica Eligan, Minority Professional Staff Member.

Chairman GOODLATTE. The Judiciary Committee will come to order. And, without objection, the chair is authorized to declare recesses of the committee at any time.

We welcome everyone to this morning's hearing on oversight of the Department of Justice. I will begin by recognizing myself for an opening statement.

Good morning. Today, we welcome Attorney General Jeff Sessions for the Judiciary Committee's annual Department of Justice oversight hearing.

Mr. Attorney General, you have a long and distinguished career in public service. You've continued that service by leading the Department of Justice, an agency that, by its very nature, is prone to controversy because of the public's varied opinions on what it seeks to see—what it means to seek and obtain justice. However,

you clearly understand that the department you lead must have the confidence of the American people, even when your decisions are not always well-received.

Your first year leading the Department of Justice has not been without difficulty, which is expected at the outset of a new administration. While much has been done to correct the improper political engagement by the Department of Justice under the Obama administration, more work must be done to ensure the Department is operating to impartially administer justice.

Our last DOJ oversight hearing was beyond disappointing. Attorney General Loretta Lynch gave the least fulsome and least transparent testimony that I can recall in my time in Congress. It was plainly a disservice to the American people. Ms. Lynch failed to respond substantively to nearly every question posed by members of this committee.

Before Ms. Lynch, former Attorney General Eric Holder became the first Attorney General in history to be held in contempt by the House of Representatives for his own stonewalling with regard to documents connected to the reckless operation Fast and Furious.

I expect, Mr. Attorney General, that you will be more willing to candidly answer questions from members on both sides of the aisle.

You are going to hear question after question today concerning your knowledge of or involvement with Russia and its alleged efforts to interfere in the 2016 Presidential election. Whether it concerns your work on behalf of now-President Trump during the campaign or your service in the Senate, I suspect this theme will be a constant refrain from my friends on the other side of the aisle.

While I understand your decision to recuse yourself was an effort by you to do the right thing, I believe you, as a person of integrity, would have been impartial and fair in following the facts wherever they led.

I have chosen, as chairman of this committee, to let Special Counsel Robert Mueller do his job, free from undue political influence. At the same time, however, this committee will do its duty and conduct oversight of the Department of Justice.

To that end, we sent two letters to you, one in July and another in September, calling on you to name a second special counsel to restore the public's confidence in our justice system. Numerous matters connected to the 2016 election remain unresolved. To date, the Department has not appointed a second special counsel.

Consequently, this committee had no choice but to open our own joint investigation with the House Oversight and Government Reform Committee to review DOJ and FBI's handling of the investigation into former Secretary Hillary Clinton and her mishandling of classified information.

As we said earlier this year, it is incumbent on this committee, in its oversight capacity, to ensure that the agencies we oversee are above reproach and that the Justice Department, in particular, remains immune to accusations of politicization. Whoever is Attorney General, the Justice Department must evenhandedly administer justice.

You have recused yourself from matters stemming from the 2016 election, but there are significant concerns that the partisanship of the FBI and the Department has weakened the ability of each to

act objectively. I look forward to hearing your thoughts on this and what steps you are taking to remove politics from law enforcement.

However, these investigations are but a few of the many important issues we need to discuss today. For instance, we just overwhelmingly reported the USA Liberty Act out of committee last week. This bipartisan legislation would reauthorize section 702 of the Foreign Intelligence Surveillance Act.

The administration has chosen to oppose any reform of the law. I understand the desire for a clean reauthorization of this vital program. However, I believe this stance is a miscalculation that risks further eroding trust in our intelligence apparatus. We hope we can work with you, now that the USA Liberty Act, which reauthorizes a law that is vital to our Nation's battle against terrorism while protecting American civil liberties, has been reported out the committee.

This is especially important given the ongoing threat of terrorist attacks in the United States. As we all know, not 2 weeks ago, eight people were killed and almost a dozen injured when an ISIS-inspired jihadist drove a rented pickup truck into a crowded bicycle path near the World Trade Center in New York. The terrorist threat is real and ongoing. We can not afford to play politics with national security.

I also look forward to continuing to work with you on efforts to reform our Nation's criminal justice system. There is bipartisan support to do this in Congress, and, with your help, we can make changes that crack down on violent offenders while also doing more to rehabilitate Federal prisons and curb abuses in the system as well as excessive punishments.

To your credit, since you assumed leadership of the Department of Justice, there has been a significant increase in the prosecution of firearms offenses in the United States. For years, I have criticized lax enforcement of the gun laws already on the books. Enforcing these laws is the most effective way to combat violent crime in our cities and neighborhoods.

Under your leadership, the number of defendants charged with unlawful possession of a firearm has increased by nearly 25 percent; the number of defendants charged with armed drug trafficking has increased 10 percent. I commend you for your focus on these prosecutions, because they will help make our streets safer.

There are many other matters on which we share common ground, especially when it comes to rectifying the failures of the Obama administration.

For example, earlier this year, the House passed legislation to ban settlement payments to non-victim third parties following your policy directive to shut down the use of such mandatory donations. These reform initiatives followed a concerted effort by the Obama administration to use settlements to benefit its political allies.

We commend your efforts to combat illegal immigration, protect our citizens from criminal aliens, and to fight back against so-called sanctuary cities. More than 2 years has passed since Kate Steinle was murdered by an illegal immigrant who had been deported five times. We have addressed this issue head-on by moving legislation to combat sanctuary cities and find and remove criminal gang members.

Mr. Attorney General, our country is at a crossroads. Our constituents are gravely concerned that our justice system does not work for them. Under your leadership, the Justice Department has taken strides to mitigate the harms done in the prior administration. I implore you to work with us to continue that trend, and I thank you sincerely for your appearance here today.

I now recognize the ranking member of the committee, the gentleman from Michigan, Mr. Conyers, for his opening statement.

Mr. CONYERS. Thank you, Mr. Chairman.

Top of the morning.

In the ordinary course of business, any one of the dozen topics related to the Department of Justice would be worthy of its own hearing. And, to be clear, I would rather spend our time today discussing the upkeep of the criminal justice system, the enforcement of civil rights, and the work we must all do to ensure access to the ballot box.

Instead, we must spend our time debating the troubles of a wayward administration, how the Attorney General conducts himself before Congress, how President Trump undermines the integrity of the justice system, and how the Department continues to ignore the oversight requests of this committee.

Although this is the Attorney General's first appearance before the House, he's already made three visits to our colleagues in the Senate.

At his confirmation hearing, he testified that he did not have communications with the Russians. Last month, he testified that a continuing exchange of information between Trump surrogates and intermediaries for the Russian Government "did not happen, at least to my knowledge, and not with me."

We now know, of course, that neither of these statements is true. Shortly after the Attorney General made the first comment, The Washington Post reported that he met with the Russian Ambassador at least twice during the campaign. In the past month, we've also learned that the Attorney General must have been very much aware of a continuing exchange of information between the Trump campaign and the Russian Government.

In charging documents unsealed last month, George Papadopoulos, a foreign policy adviser to the Trump campaign, admits to extensive communications with Russian contacts. At a March 31, 2016, meeting of the campaign's national security advisory committee, attended by candidate Trump and chaired by Senator Sessions, Mr. Papadopoulos stated, in sum and substance, that he had connections that could help arrange a meeting between then-candidate Trump and President Putin.

It does not matter and has been reported that the Attorney General remembers this meeting after the fact—remembers it so vividly, in fact, that two unnamed sources say the Senator "shot George down."

Under oath, knowing in advance that he would be asked about this subject, the Attorney General gave answers that were, at best, incomplete. I hope the Attorney General can provide some clarification on this problem in his remarks today.

I also hope that he can assure us that the Department is weathering near-daily attacks on its independence by President Trump

and that no office of the Department is being used to pressure the President's political enemies.

In recent months, President Trump has attacked the "beleaguered" Attorney General and criticized his "very weak position on Hillary Clinton crimes," in quotation.

The President has talked openly about firing the leadership of the Department, including the Attorney General, the Deputy Attorney General, the former Acting Director of the FBI and Special Counsel, Robert Mueller.

He did fire former FBI Director Comey, in his own words, quote, because of that "Russia thing with Trump and Russia," end quotation, as well as Acting Attorney General Sally Yates and all 46 sitting United States attorneys.

Last year, he denigrated a Federal judge because of his, quote, "Mexican heritage," end quote. And Judge Curiel was born in Indiana, by the way.

Last month, in a radio interview, President Trump said he was "very unhappy" with the Justice Department. Hours later, he proclaimed the military justice system "a complete and total disgrace."

But the one that sticks with me is the President's July interview with The New York Times. In that interview, he begins by once again attacking the Attorney General's credibility. "Sessions never should have recused himself," the President complains. Then the conversation takes a sinister turn. "When Nixon came along, out of courtesy, the FBI started reporting to the Department of Justice, but the FBI person really reports directly to the President of the United States." He goes on, "I could have ended [the Flynn investigation] just by saying—they say it can't be obstruction because you can say: 'It's ended. It's over. Period.'"

As is often the case, the President requires some correction. The Director of the FBI reports directly to the Attorney General, and, since the founding of the Bureau, it can be obstruction of justice if the President orders an investigation closed with a corrupt motive.

But what strikes me about these comments is the President's view that the criminal justice system serves him and not the public. President Trump seems to believe that on a whim he can bring pressure to bear on his enemies, dismiss charges against his allies, and insulate himself and his family from any consequence. I cannot overemphasize the danger this perspective poses to our Republic.

And I have served on this committee long enough to remember another President who shared this view. I was, myself, on Richard Nixon's enemies list. And although we worked to hold that administration accountable, our work is not complete. We must all remember our common responsibility to prevent that kind of abuse from happening again.

I will look to the Attorney General's partnership in this effort, but I have begun to worry about his resolve. Last night, in a letter sent by the Department to Chairman Goodlatte—without so much as a copy to the ranking member, by the way—the Assistant Attorney General seems to leave the door open to appointing a new special counsel to cater to the President's political needs. The fact that this letter was sent to the majority without the customary and ap-

appropriate notice to me indicates that the charge given to the Department officials to evaluate these issues has political motivations.

Now, in his own words, the Attorney General is recused from any questions involving investigations that involve Secretary Clinton. Further, we cannot refer an investigation to a second counsel if we lack the evidence to predicate a criminal investigation in the first place.

Virtually every Clinton-related matter that President Trump complains about has been long litigated, carefully examined, and completely debunked. Still, to quote former Attorney General Michael Mukasey, "putting political opponents in jail for offenses committed in a political setting is something that we don't do here." The threat alone resembles, in his words, a "banana republic."

Finally, there is the matter of routine oversight between hearings. In the recent history of this committee, new Attorneys General usually come to see us within 2 or 3 months of taking office. No Attorney General in recent memory has taken more than 6 months before making an appearance here. Attorney General Sessions has broken that norm. He has had more than 10 months to settle in, making our communications with the Department between hearings that much more important.

To date, my colleagues and I have sent more than 40 letters to the Trump administration asking for information necessary to carry out our oversight responsibilities. We have sent more than a dozen of these letters directly to the Attorney General. To date, we have not received a single substantive response.

We can disagree on matters of policy, Mr. Attorney General, but you cannot keep us in the dark forever. When we make a reasonable oversight request, we expect you to reply in a prompt and responsive manner. And I hope you can explain why your Department has chosen to ignore these letters.

More importantly, I hope that you will be more forthcoming with your answers, both in your testimony today and in the weeks to come. And I look forward to your testimony.

And, Mr. Chairman, I thank you and yield back the balance of my time.

Chairman GOODLATTE. Thank you, Mr. Conyers.

Without objection, all other members' opening statements will be made a part of the record.

We welcome our distinguished witness.

And if you would please rise, I'll begin by swearing you in. Please raise your right hand.

Do you solemnly swear that the testimony that you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Attorney General SESSIONS. I do.

Chairman GOODLATTE. Thank you.

Let the record show that the witness answered in the affirmative.

Mr. Jeff Sessions was sworn in as the 84th Attorney General of the United States on February 9, 2017. From 1996 to his confirmation to lead the Department of Justice, Mr. Sessions served as a United States Senator for Alabama.

Previously, Attorney General Sessions served as an assistant United States attorney and United States attorney for the Southern District of Alabama, Alabama attorney general, and captain in the United States Army Reserve.

Attorney General Sessions is a graduate of Huntington College and the University of Alabama Law School.

Welcome, Attorney General Sessions. Your entire written statement will be entered into the record, and we ask that you summarize your testimony in 5 minutes. But I noted that the ranking member took a few more minutes than that. If you find that necessary, please feel free to do that as well.

Welcome.

**TESTIMONY OF THE HONORABLE JEFFERSON B. SESSIONS III,
ATTORNEY GENERAL, UNITED STATES DEPARTMENT OF
JUSTICE**

Attorney General SESSIONS. Thank you very much.

Mr. Chairman, it's an honor to be before this distinguished committee, having served 20 years on your counterpart in the Senate, the Senate Judiciary Committee.

Mr. Chairman, I must note that I note with regret your announcement of retirement. And I know that our relationship has been good in the past, and I hope it will continue to be good after you serve here. You've done a fabulous job in leading this committee.

On my first day as Attorney General, I spoke about, quote, "the critical role we at the Department play in maintaining and strengthening the rule of law, which forms the foundation of our liberty, our safety, and our prosperity. In this rule of law, we are blessed beyond all nations"—and I truly believe that—"and at this department, we must do all we can to ensure that it is preserved and advanced. Such ideals transcend politics."

From that day to today, we at the Department of Justice have worked to be faithful to that mission. Let me share some things we've done initially.

The President sent us an order to reduce crime, not to allow crime to continue to increase, and we embraced that mission. The violent crime rate has risen and the homicide rate has risen by more than 20 percent in just 2 years, really after 30 years of decline in violent crime.

After a careful review, we have established a reinvigorated Project Safe Neighborhood program as the foundational policy for public safety. It has been proven to get results. In its first 7 years of implementation, PSN reduced violent crime by 4.1 percent, with case studies showing reductions in certain areas where it was intensely applied of up to 42 percent.

So we're also focusing on criminals with guns. As you mentioned, Mr. Chairman, we've seen a 23-percent increase in gun prosecutions in the second quarter of this fiscal year, my first year.

And I'm honored to lead the superb men and women of the FBI, the Drug Enforcement Administration, ATF, and the United States Marshals Service, who work together every day with our State and local partners in this core crime-fighting mission that is the responsibility of the Department.

Last year, we saw a staggering 61-percent increase in the number of law enforcement officers killed in the line of duty because of a felony. And, on average, more than 150 officers were assaulted every single day. These numbers are unacceptable.

Fortunately, the President understands this. He's directed us at the beginning of my administration to back our men and women in blue. We are making it clear that we stand with our law enforcement partners 100 percent. They are the solution to crime, not the problem.

We've also protected the rule of law in our own department. We've prohibited so-called third-party settlements that were being used to bankroll special interest groups. We've settled civil cases regarding the Affordable Care Act's birth control mandate; settled the cases of many groups, tax-exempt groups, whose status was significantly and wrongfully delayed by the Internal Revenue Service.

We've also provided legal counsel to this administration in favor of ending several other unlawful policies. This includes President Trump's order ending billions in funding for insurance companies that were not appropriated by Congress under the Affordable Care Act.

This action, which the House had filed a lawsuit to stop, put an end to one of most dramatic erosions of the congressional appropriations power in our history. House Members, you are correct to challenge that. You won in the district court. We believed you were correct, and we had that—we reversed the policy and had that matter withdrawn—the policy withdrawn.

We put an end to actions by the previous administration to circumvent Congress' duly passed immigration laws on the DACA. The policy gave individuals that were here illegally certificates of lawful status, work permits, and the right to participate in Social Security. We withdrew that unlawful policy, and now the issue is in the hands of Congress—really where it belongs.

We have filed briefs defending properly enacted State voter identification laws, lawful redistricting plans, religious liberty and free speech on college campuses.

In short, it is our mission to restore the American people's confidence in the Department of Justice by defending the rule of law and enforcing the laws as you have passed them. And it is a mission we are honored to undertake.

In response to letters from this committee and others, I've directed senior Federal prosecutors to make recommendations as to whether any matters not currently under investigation should be open, whether any matters currently under investigation require further resources, and whether any matters under consideration may merit the appointment of a special counsel.

And, as you are aware, the Department's inspector general has an active review of allegations that FBI policies and procedures were not followed last year in a number of matters that you have addressed. And, Mr. Chairman, the letter was addressed to you because it was a response to your letter, and that's how it was sent.

We will make such decisions without regard—hear me—without regard to politics, ideology, or bias.

As many of you know, the Department has a longstanding policy not to confirm or deny the existence of investigations. This policy can be frustrating, I understand, especially when there's great public interest about a matter, but it enhances justice when we act under the law with professionalism and discipline.

This policy necessarily precludes any discussion on cases I may be recused from, because to do so would confirm the existence of underlying investigations. To the extent a matter comes to the attention of my office that may warrant consideration of recusal, I review the issue, consult with the appropriate Department ethics officials, and make my decision, as I promised the Senate committee when I was confirmed.

Lastly, I would like to address the false charges made about my previous testimony. My answers have not changed. I have always told the truth. And I have answered every question as I understood them, to the best of my recollection, as I will continue to do today.

I would like to address recent news reports regarding meetings during the campaign attended by George Papadopoulos and Carter Page, among others.

Frankly, I had no recollection of this meeting until I saw these news reports. I do now recall the March 2016 meeting at the Trump Hotel that Mr. Papadopoulos attended, but I have no clear recollection of the details of what he said at that meeting. After reading his account and to the best of my recollection, I believe that I wanted to make clear to him that he was not authorized to represent the campaign with the Russian Government or any other foreign government, for that matter.

But I did not recall this event, which occurred 18 months before my testimony of a few weeks ago. And I would gladly have reported it had I remembered it, because I pushed back against his suggestion that I thought may have been improper.

As for Mr. Page, while I do not challenge his recollection, I have no memory of his presence at a dinner at the Capitol Hill Club or any passing conversation he may have had with me as he left the dinner.

All of you have been in campaigns, let me just suggest, but most of you have not participated in a Presidential campaign, and none of you had a part in the Trump campaign. And it was a brilliant campaign, I think, in many ways, but it was a form of chaos every day from day one. We traveled sometimes to several places in one day. Sleep was in short supply. And I was still a full-time Senator with a very full schedule.

During this year, I've spent close to 20 hours testifying before Congress before today. I have been asked to remember details from a year ago, such as who I saw on what day in what meeting and who said what to whom. In all of my testimony, I can only do my best to answer your questions as I understand them and to the best of my memory.

But I will not accept, and reject, accusations that I have ever lied. That is a lie. Let me be clear: I have at all times conducted myself honorably and in a manner consistent with the high standards and responsibilities of the office of Attorney General, which I revere. I spent 15 years in that department. I love that depart-

ment. I honor that department and will do my dead-level best to be worthy of your Attorney General.

So, as I said before, my story has never changed. I've always told the truth. And I've answered every question to the best of my recollection, and I will continue to do so today.

With that, Mr. Chairman, I'm honored to take your questions.

Chairman GOODLATTE. Well, thank you, General Sessions.

We will now proceed under the 5-minute rule with questions, and I will begin by recognizing myself.

Under your leadership, the prosecution of firearms offenses have increased 23 percent over the same period of the previous year. Furthermore, the number of defendants charged with using a firearm in violent crimes of drug trafficking rose 10 percent over the previous year.

We have a slide which shows the increase as compared to the Obama-era numbers.

What do these increased prosecutions of firearms offenses indicate about the Department of Justice's commitment to fighting violent crime, particularly with the use of firearms, in this country?

Attorney General SESSIONS. Mr. Chairman, as a former Federal prosecutor who emphasized gun prosecutions, I've long believed that they have a significant impact in reducing violent crime. Professors, earlier this year, have explained that they share that view based on scientific analysis. It will be a high priority of ours. You are correct that prosecutions fell.

One instance that was raised during the Texas—terrific, horrible shooting at the church there in Sutherland, Texas, was the ability of an individual to get a firearm and whether or not they filed correctly their form before you get one that—it requires questions about criminal convictions and court marshals.

Those prosecutions, I've noticed, have dropped by over 50 percent in the last 3 or 4 years. I think those are worthy prosecutions. And when a criminal is carrying a gun during a criminal act of some other kind, that is a clear and present danger to the public. And those cases are important, and the impact: reduction of crime.

Chairman GOODLATTE. As you're aware, I and a majority of the members of this committee have on multiple occasions requested a special counsel to investigate former Secretary Hillary Clinton's mishandling of classified information and the actions of former Attorney General Lynch with respect to former FBI Director Comey's decision not to prosecute former Secretary Clinton.

I am in receipt of the Department's letter from yesterday stating that senior Federal prosecutors will review our letters and make recommendations as to whether any matters not currently under investigation should be open, require further resources, or merit the appointment of a special counsel.

Do I have your assurance that these matters will proceed fairly and expeditiously?

Attorney General SESSIONS. Yes, you can, Mr. Chairman. And you can be sure that they will be done without political influence and they will be done correctly and properly.

Chairman GOODLATTE. You also reference an ongoing inspector general investigation into many of the matters we have raised. Will

you ensure that the I.G. briefs this committee on his finding, in closed session if necessary?

Attorney General SESSIONS. I will do my best to comply with that. The inspector general is able to announce investigations in a way that we do not on the normal criminal side of Department of Justice, and I assume he would be able to do that.

Chairman GOODLATTE. Over the past year, we have seen numerous apparent disclosures of unmasked names of U.S. citizens in the context of intelligence reports.

Which crimes are violated when these unmasked names are disclosed, for example, to the press? How does the Department of Justice investigate such unauthorized disclosures?

Attorney General SESSIONS. Mr. Chairman, that could implicate a number of legal prohibitions. It could be clearly a release of classified information contrary to law. And it's a very grave offense and certainly goes against the core policies of this government to protect those matters from disclosure.

And the second part of your question was—

Chairman GOODLATTE. How the Department investigates such unauthorized disclosures.

Attorney General SESSIONS. We have—members of the committee, we had about nine open investigations of classified leaks in the last 3 years. We have 27 investigations open today. We intend to get to the bottom of these leaks. I think it reached—has reached epidemic proportions. It cannot be allowed to continue, and we will do our best effort to ensure that it does not continue.

Chairman GOODLATTE. And on April 11 you issued a memorandum to all Federal prosecutors requesting that they make prosecution of certain immigration offenses a higher priority.

To your knowledge, have the number of Federal prosecutions increased nationwide for offenses such as harboring aliens, improper entry, and illegal reentry?

Attorney General SESSIONS. I do not have the statistics on that, but I believe there have been some increases in those cases.

One thing we've seen is a reduction of attempts to enter the country illegally, and that is good news and should result in some decline in some prosecutions.

Chairman GOODLATTE. And, finally, as you know, this committee did a great deal of work to enact criminal justice reform legislation last Congress.

Will you continue to work in good faith with me and the members of this committee on both sides of the aisle to identify and craft responsible reforms?

Attorney General SESSIONS. I certainly will, Mr. Chairman.

Chairman GOODLATTE. Thank you, General Sessions.

I now recognize the ranking member of the committee, Mr. Conyers, for 5 minutes.

Mr. CONYERS. Thank you, Mr. Chairman.

And welcome again, Mr. Attorney General.

I'd like to begin by putting a few statements by the President up on the screen.

The first, from July 24, 2017: "So why aren't the Committees and investigators, and of course our beleaguered [Attorney General], looking into Crooked Hillarys crimes & Russia relations?"

The second, from November the 3rd: "Everybody is asking why the Justice Department (and the FBI) isn't looking into all of the dishonesty going on with Crooked Hillary & the Dems."

The third, also from November 3rd: "Pocahontas just stated that the Democrats, lead by the legendary Crooked Hillary Clinton, rigged the Primaries! Lets go FBI and Justice Dept."

I believe he is referring to Senator Elizabeth Warren in that last one. When Richard Nixon spoke about us that way, at least he had the courtesy to do it behind closed doors.

Mr. Attorney General, a few questions for you. "Yes" or "no," please.

In a functioning democracy, is it common for the leader of the country to order the criminal justice system to retaliate against his political opponents?

Attorney General SESSIONS. Is that a question?

Mr. CONYERS. Yes, that's the question.

Attorney General SESSIONS. Is it proper? Is that what you were—

Mr. CONYERS. No. You answer to me whether it is, "yes" or "no." Your response?

Attorney General SESSIONS. But I didn't quite catch the beginning of the question. I'm sorry.

Mr. CONYERS. All right. In a functioning democracy, is it common for the leader of the country to order the criminal justice system to retaliate against his political opponents?

Attorney General SESSIONS. Mr. Conyers, I would say that it's—the Department of Justice can never be used to retaliate politically against opponents, and that would be wrong.

Mr. CONYERS. I interpret that as "no." You—

Attorney General SESSIONS. My answer stands for itself, I guess.

Mr. CONYERS. Well, I would just—that would make it a little easier, if you just responded "yes" or "no," if you can.

Here's another: Should the President of the United States make public comments that might influence a pending criminal investigation?

Attorney General SESSIONS. Take great care in those issues.

Mr. CONYERS. Could you respond "yes" or "no"?

Attorney General SESSIONS. Well, I don't know exactly the facts of what you're raising and what amounts to the concern you have. I would say it's improper to influence—it would be—a President cannot improperly influence an investigation.

Mr. CONYERS. Okay.

Attorney General SESSIONS. And I have not been improperly influenced and would not be improperly influenced.

Mr. CONYERS. All right.

Attorney General SESSIONS. The President speaks his mind.

Mr. CONYERS. Yes, sir.

Attorney General SESSIONS. He's bold and direct about what he says.

Mr. CONYERS. But—

Attorney General SESSIONS. The people elected him. But we do our duty every day based on the law and facts.

Mr. CONYERS. Reclaiming my time, I'm not impugning these comments to you or what you would do in advance.

Last night, sir, the Assistant Attorney General sent the chairman a letter suggesting that the Attorney General has directed senior Federal prosecutors to evaluate certain issues, like the sale of Uranium One in 2010.

Now, at your confirmation hearing, you said, “I believe the proper thing for me to do would be to recuse myself from any questions involving those kinds of investigations that involve Secretary Clinton and that were raised during the campaign or to be otherwise connected to it.”

Now for my “yes” or “no” question. Are you recused from investigations that involve Secretary Clinton?

Attorney General SESSIONS. Mr. Chairman, it’s—I cannot answer that “yes” or “no,” because, under the policies of the Department of Justice, to announce recusal in any investigation would reveal the existence of that investigation, and the top ethics officials have advised me I should not do so.

Chairman GOODLATTE. The time of the gentleman has expired.

Mr. CONYERS. You—

Chairman GOODLATTE. The chair recognizes the gentleman from Wisconsin, Mr. Sensenbrenner, for 5 minutes.

Mr. SENSENBRENNER. Thank you very much.

Welcome, Mr. Attorney General.

We’re debating whether section 702 should be reauthorized, and I want to talk about that issue.

At the beginning, let me show you a poster that my campaign committee put up on the University of Whitewater campus in the 2014 election during a debate on the USA Liberty Act. And it says, “The GOVERNMENT knows what you did LAST NIGHT! The NSA has grabbed your phone calls, texts, Facebook posts, and emails. Jim Sensenbrenner thinks that’s an outrageous invasion of your privacy.” And it shows that I passed the bill and asked the students to vote for me. It worked. My percentage on that campus went up 20 points from the previous election.

Now, we’re talking about many of the same issues in terms of section 702. And the Foreign Intelligence Surveillance Act was designed to collect foreign intelligence, not domestic intelligence, but, in reality, we know that a vast number of Americans’ communications are also collected.

The committee took a great step in trying to balance security and privacy last week when we reported out the USA Liberty Act, which made significant changes to the program. Notably, this legislation specifies two ways the government can query the information under section 702: either foreign intelligence or evidence of a crime. USA Liberty Act ensures that the government does not abuse 702 by requiring that a warrant be issued to access content after querying information for evidence of a crime.

Now, Attorney General Sessions, you have stated on several occasions that you believe that a warrant requirement would hinder the government’s ability to detect and stop terrorists. Yet this bill already provides the government to move forward without a warrant on foreign intelligence in emergency situations.

Why can’t the USA Liberty Act be the compromise? Can’t we allow the intelligence community to stop terrorists while protecting the constitutional rights of Americans?

Attorney General SESSIONS. Well, we can. And the constitutional rights of Americans should be protected. And I know you worked on the PATRIOT Act when it came up, with Senator Hatch and Senator Leahy and others. And I know you're a champion of civil liberties.

So I would just say that we can do that. The act, as written, as in law today, has been approved by the courts and has not been found to be in violation of the law. And so that's first and foremost.

I know the committee has decided to put some additional restrictions on the way the act is conducted. We did not think that was lawfully required. Congress can make its own decisions, and we will continue to be able to share our thoughts about how the legislation should be crafted.

Mr. SENSENBRENNER. Well, Mr. Attorney General, the day before the committee marked up this bill, the Justice Department was actively lobbying members of the committee to oppose the measure, stating that it would dismantle section 702.

Now, this is a huge gamble, because 702 expires at the end of the year. We have a very short timeline. And I want to ask you, with a "yes" or "no," following my friend from Michigan, do you want to risk the real possibility that this program will expire by insisting upon a clean reauthorization without a sunset?

Attorney General SESSIONS. No, we don't want to take that risk.

Mr. SENSENBRENNER. Will you commit to working with Congress, and not against us, to make sure that section 702 is reauthorized, either the way you want it or the way we want it?

Attorney General SESSIONS. Mr.—I almost said "Mr. Chairman." I know you've held that office. Congress gets to dispose; we get to give our opinion.

Mr. SENSENBRENNER. Okay.

Attorney General SESSIONS. I believe the act, as passed—and it had been reauthorized with an even larger vote last time—is constitutional. I believe it works. And I am worried about additional burdens, particularly a warrant requirement, which could be exceedingly damaging to the effectiveness of the act.

We are willing to talk to you about some of the concerns that exist out there. Hopefully we can work our way through it and accept the concerns and fix the concerns you have without going too far.

Mr. SENSENBRENNER. But, with all due respect, there is an emergency exemption in the USA Liberty Act, as reported from the committee, and that should take care of the problem. And yet people in your department were saying this was no good.

You know, I take your offer, you know, at face value. And I will let you know if I hear of members of your department actively lobbying to defeat the bill rather than to work something out.

And I yield back the balance of my time.

Attorney General SESSIONS. I know you'll let us know, Mr. Sensenbrenner.

Chairman GOODLATTE. The chair recognizes the gentleman from New York, Mr. Nadler, for 5 minutes.

Mr. NADLER. Thank you.

Mr. Attorney General, following up on the questions from Mr. Conyers, at your confirmation hearing, you said, "I believe the

proper thing for me to do would be to recuse myself from any questions involving these kinds of investigations that involve Secretary Clinton and that were raised during the campaign or to be otherwise connected to it," close quote.

Do you stand by that statement, "yes" or "no"?

Attorney General SESSIONS. Yes.

Mr. NADLER. Thank you.

Now, I want to show you an image from March 31, 2016, of a meeting of the Trump campaign national security advisory committee, which you chaired, with yourself in attendance, along with then-candidate Donald Trump and Mr. George Papadopoulos. Mr. Papadopoulos pled guilty on October 5 to making false statements to the FBI.

The charging papers filed by Special Counsel Mueller describe the March 31 meeting, where Mr. Papadopoulos told the group that he had connections and could help arrange a meeting between Donald Trump and Vladimir Putin. After the meeting, Mr. Papadopoulos continued to communicate with the Russian Government on behalf of the Trump campaign and appears to have told several senior campaign officials about it.

Now, here is the problem. On October 18 of this year, you said under oath in front of the Senate Judiciary Committee, quote, "A continuing exchange of information between Trump's surrogates and intermediaries for the Russian Government did not happen, at least not to my knowledge and not with me."

Senator Franken asked, "You don't believe that surrogates from the Trump campaign had communications with the Russians?", to which you responded, "I did not, and I'm not aware of anyone else that did," unquote.

Now, we now know that, one, the campaign had communications with the Russians through Mr. Papadopoulos and others, and, two, you seem to have been aware of the fact at the time. So let's try and correct the earlier testimony now for the record.

"Yes" or "no," did you chair the March 31, 2016, meeting of the national security advisory committee?

Attorney General SESSIONS. I did chair that meeting.

Mr. Nadler. Thank you.

"Yes" or "no," did Mr. Papadopoulos mention his outreach to the Russian Government during that meeting?

Attorney General SESSIONS. He made some comment to that effect—

Mr. NADLER. "Yes." Thank you.

Attorney General SESSIONS [continuing]. As I remember—

Mr. NADLER. I don't have—

Attorney General SESSIONS [continuing]. After having read it in a newspaper—

Mr. NADLER. I asked for "yes" or "no." I don't have time.

Attorney General SESSIONS. All right.

Mr. NADLER. There are reports that you "shut George down," unquote, when he proposed that meeting with Putin. Is this correct, "yes" or "no"?

Attorney General SESSIONS. Yes. I pushed back, I will just say it that way, because it was—

Mr. NADLER. "Yes." Your answer is "yes."

So you were obviously concerned by Mr. Papadopoulos' connections and his possibly arranging a meeting with Putin.

Now, again, "yes" or "no," did anyone else at that meeting, including then-candidate Trump, react in any way to what Mr. Papadopoulos had presented?

Attorney General SESSIONS. I don't recall.

Mr. NADLER. Okay. So your testimony is that neither Donald Trump nor anyone else at the meeting expressed any interest in meeting the Russian President or had any concerns about communications between the campaign and the Russians?

Attorney General SESSIONS. I don't recall.

Mr. NADLER. Okay.

Now, we know from multiple sources, including the Papadopoulos guilty plea, Carter Page's interview with the Intelligence Committee, and Donald Trump, Jr.'s emails, among others, that, contrary to your earlier testimony, there were continued efforts to communicate with the Russians on behalf of the Trump campaign.

We have established that you knew about at least some of these efforts. They caused you such concern that you, quote, "shut George down." I want to know what you did with this information.

"Yes" or "no," after the March 31 meeting, did you take any steps to prevent Trump campaign officials, advisers, or employees from further outreach to the Russians?

Attorney General SESSIONS. Mr. Nadler, let me just say it this way. I pushed back at that. You made statements that he, in fact—

Mr. NADLER. But did you—

Attorney General SESSIONS. At the meeting, I pushed back.

Mr. NADLER. We know that. But did you—

Attorney General SESSIONS. All right.

Mr. NADLER [continuing]. After the meeting?

Attorney General SESSIONS. I have to be able to answer. I can't—I can't be able to—

Mr. NADLER. I only have 5 minutes. I'm asking you—

Attorney General SESSIONS. I'm not going to be able to answer if I can't answer completely.

Mr. NADLER. You said you pushed back. We accept that. After the meeting, did you take any further steps to prevent Trump campaign officials, advisers, or employees from further outreach to the Russians after you stopped it or pushed back at that meeting?

Attorney General SESSIONS. What I want to say to you is you allege there were some further contacts later. I don't believe I had any knowledge of any further contacts—

Mr. NADLER. Okay.

Attorney General SESSIONS [continuing]. And I was not in regular contact with Mr. Papadopoulos.

Mr. NADLER. So your answer is "no" because you don't think there were any such contacts. So you—

Attorney General SESSIONS. I'm not aware of it.

Mr. NADLER. Okay. So I was going to ask you a question of did you raise the issue with various people, but your answer is "no."

Attorney General SESSIONS. To the best of my recollection.

Mr. NADLER. Okay.

So your testimony today is that you communicated with nobody in the campaign about this matter after the March 31 meeting because nothing happened.

Attorney General SESSIONS. Repeat that.

Mr. NADLER. Your testimony, therefore, is that you communicated with nobody in the campaign about this matter after the March 31 meeting—

Attorney General SESSIONS. I don't recall it.

Mr. NADLER. You don't recall.

At some point, you became aware that the FBI was investigating potential links between the Trump campaign and the Russian Government. After you became aware of the investigation, did you ever discuss Mr. Papadopoulos' effort with anybody at the FBI?

Attorney General SESSIONS. Did I discuss the matter with the FBI?

Mr. NADLER. Yes.

Attorney General SESSIONS. To ask them questions about what they may have found?

Mr. NADLER. Did you discuss the Papadopoulos question with the FBI?

Attorney General SESSIONS. I have not had any discussions with Mr. Mueller or his team or the FBI concerning any factors with regard to this—

Mr. NADLER. Nobody else at the FBI either?

Attorney General SESSIONS. No.

Mr. NADLER. At the Department of Justice?

Attorney General SESSIONS. No.

Mr. NADLER. At the White House?

Attorney General SESSIONS. No.

Mr. NADLER. Any Member of Congress?

Attorney General SESSIONS. Well, I don't know if these conversations may have come up at some time, but not to obtain information. In any—let—

Mr. NADLER. Okay.

Attorney General SESSIONS. With regard to your broad question, I don't recall at this moment, sitting here, any such discussion.

Mr. NADLER. All right. I have one further—

Attorney General SESSIONS. It's important for me to say that.

Chairman GOODLATTE. The time of the gentleman has expired. We've got a lot of people waiting to ask questions.

And the chair recognizes the gentleman from Ohio, Mr. Chabot, for 5 minutes.

Mr. CHABOT. Thank you, Mr. Chairman.

Mr. Attorney General, does your recusal from investigations related to the interference by Russia in the 2016 Presidential campaign apply to any investigations regarding efforts by the Democratic National Committee and the Clinton campaign to secretly fund a scurrilous and widely discredited dossier on candidate Donald Trump?

Attorney General SESSIONS. Mr. Chairman, anything that arises in this nature that may be or may not be connected to my recusal on the question of the campaign and Russia would be discussed between me, the senior ethics adviser at the Department of Justice, and that's how I make my decision. That's what I promised to do

when I was confirmed before the Senate Judiciary Committee, and that's what I will do. And I'm unable to provide information to you as to what decision has been made in this matter.

Mr. CHABOT. Great. Thank you very much.

I'm not and never was a prosecutor, but I did some criminal defense work back in the day when I practiced law for almost 20 years. It seems to me that a Presidential campaign using a law firm as a conduit to pay for activities with which the campaign itself doesn't want to be directly associated is more than just dirty politics; it's also, quite possibly, illegal. To me, it seems that this is at least a violation of campaign finance laws for failure to accurately disclose the actual recipients of campaign disbursements.

However, this type of arrangement is not illegal—if it's not illegal under current law, I fear that we're risking opening Pandora's box with all sorts of underhanded activities by campaigns being laundered through law firms and shielded under attorney-client privilege.

As the chief law enforcement official in this country, do you share similar concerns? And, in your opinion, is it legal under current law for a Presidential campaign to hide its funding of the compilation and dissemination of political dirt on its opponent by using a law firm to directly pay for the work?

Attorney General SESSIONS. I would think that those matters are worthy of consideration. But as to the details of them and for me to express an ultimate comment today, I'm unable to so.

Mr. CHABOT. Okay. Thank you.

Let me shift over to something entirely different. Federal law currently still cites marijuana as a dangerous drug. It's still prohibited. It's still illegal under Federal law. Yet a number of States have, for both medical purposes and now even for recreational purposes, have basically made it legal.

What is your department's policy on that relative to enforcing the law?

Attorney General SESSIONS. Our policy is that the same, really, fundamentally, as the Holder-Lynch policy, which is that the Federal law remains in effect, and a State can legalize marijuana for its law enforcement purposes, but it still remains illegal with regard to Federal purposes.

Mr. CHABOT. Okay. It seems to me that there's always been a tremendous amount of gray area in that whole field, which I think, as a Nation, you know, we need to look much more closely at, both from the State's point of view and the Federal Government point of view. But that's just my feeling on that.

I'm running out of time. I had about four other things, but let me just go to one final thing here.

I've been very involved in the area of victims' rights. I was the—following Henry Hyde's leadership on this, introduced a victims' rights constitutional amendment years back, various pieces of legislation on victims' rights. And I've also worked closely with the parents of murdered children. And when you talk about something that affects one's family, there's nothing that affects a family more adversely than something like that happening.

And we still have capital punishment on the books, both at the Federal level and many of our States. Yet these families are

dragged left and right, up and down, back and forth, into hearing after hearing. These cases can drag on for more than 20 years before the imposition of capital punishment actually occurs. And, in many instances, obviously, it never does.

And while these people are behind bars, oftentimes they attack, sometimes kill guards, attack, sometimes kill other inmates.

So what is—I'd be interested to see, what is your—what is your intentions relative to capital punishment in this country?

Attorney General SESSIONS. Well, many States have capital punishment. The Federal Government has capital punishment for a number of offenses, and it is specifically controlled. We have within the Department a recommendation process through our appointed committee to seek or not seek a death penalty when a case is charged. Sometimes it's a complex thing.

But I believe the death penalty, the Federal death penalty, is a part of our law. I think it's a legitimate penalty. It's constitutional. And we will do our duty, even in those circumstances that require the imposition of the death penalty.

Mr. CHABOT. Thank you very much. My time has expired.

Chairman GOODLATTE. The chair recognizes the gentlewoman from California, Ms. Lofgren, for 5 minutes.

Ms. LOFGREN. Thank you, Mr. Chairman.

And thank you, Mr. Attorney General, for being here today.

Former National Security Advisor Michael Flynn is under investigation because of his work and ties to foreign governments. According to various reports, much of his work with these foreign governments went unreported when Mr. Flynn was required to make certain disclosures by law.

Now, as chairman of the Trump campaign national security advisory committee and lead adviser on the Trump transition team, I think you worked closely with Mr. Flynn, and I'd like you to answer a few yes-or-no questions about Mr. Flynn. And knowing that Mr. Flynn is under investigation, I'm going to stick to subject matter that predates both the special counsel's investigation and your appointment as attorney general.

Now, the foreign policy platform at the Republican National Convention undertook dramatic changes. Did you discuss changes to the Republican foreign policy platform with Mr. Flynn at any point during the campaign?

Attorney General SESSIONS. I don't recall it. I was not at the convention when the platform committee met.

Ms. LOFGREN. You were the lead of the campaign, but you don't recall discussing it with him?

Attorney General SESSIONS. Well, that may be a bit of a stretch. I was asked to lead, inform, and find some people who would join and meet with Mr. Trump to give him advice and support regarding foreign policy, and I did so, although, we were not a very effective group, really.

Ms. LOFGREN. You met with Ambassador Kislyak in November of 2016. Did you discuss your meetings with Ambassador Kislyak with Mr. Flynn?

Attorney General SESSIONS. Did I discuss Mr. Flynn with him?

Ms. LOFGREN. Did you discuss your meeting with the Ambassador with Mr. Flynn?

Attorney General SESSIONS. No. The Ambassador—I met with, I think, some 25 ambassadors that year. I did meet once in my office with Mr. Kislyak. And I do not recall and don't believe I communicated any of that information to Mr. Flynn.

Ms. LOFGREN. Are you aware of any meetings between Ambassador Kislyak and Mr. Flynn that might have occurred around the time of your meeting with the Ambassador?

Attorney General SESSIONS. I do not.

Ms. LOFGREN. Okay. In her testimony before the Senate in May, former Acting Attorney General Sally Yates testified that 1 week into the Trump administration she notified the administration that Mr. Flynn had lied to Vice President Pence about discussing sanctions with Ambassador Kislyak.

As part of the transition team and the President's pick for attorney general, in January were you notified when the administration was notified of Mr. Flynn's lie and his susceptibility to Russian blackmail?

Attorney General SESSIONS. I don't believe so.

Ms. LOFGREN. All right. We now know that you were aware of the efforts of Carter Page and George Papadopoulos to meet and establish communications with the Russian Government. Did you at any point—

Attorney General SESSIONS. Well, that's not necessarily so, at least from what Mr. Carter Page says, and I don't recall that.

Ms. LOFGREN. All right. Did you at any point discuss with Michael Flynn the possibility of then-candidate Trump or his surrogates meeting with the Russian Government?

Attorney General SESSIONS. I do not recall such a conversation.

Ms. LOFGREN. Did you know that Flynn was working for the Turkish Government while acting as a surrogate for the Trump campaign?

Attorney General SESSIONS. I don't believe I had information to that effect.

Ms. LOFGREN. Did you know that he was working for the Turkish Government at any point after the election?

Attorney General SESSIONS. I don't believe so.

Ms. LOFGREN. Were you or anyone on the Trump campaign aware of Mr. Flynn's efforts to extradite Turkish cleric Gulen?

Attorney General SESSIONS. I've read that in the paper recently, but I don't recall ever being made aware of that before this recent release in the paper.

Ms. LOFGREN. So you just read about it in the newspaper afterwards?

After the inauguration you did not know that the FBI was requested to conduct a new review of Turkey's 2016 extradition request for Mr. Gulen?

Attorney General SESSIONS. The FBI was—

Ms. LOFGREN. Do you know about that?

Attorney General SESSIONS. I'm aware that the Turkish Government continued to press the Federal Government with regard to seeking the return of Mr. Gulen to Turkey.

Ms. LOFGREN. Did you know—

Attorney General SESSIONS. And our Department had a role to play in that, although I'm not at liberty to discuss the details of that.

Ms. LOFGREN. Did you know that the Turkish Government allegedly offered \$15 million for Mr. Flynn to kidnap Mr. Gulen?

Attorney General SESSIONS. Absolutely not.

Chairman GOODLATTE. The time of the gentlewoman has expired.

The chair recognizes the gentleman from Iowa, Mr. King, for 5 minutes.

Mr. KING. Thank you, Mr. Chairman.

And thank you, General Sessions, for your testimony here today and your service to our country over the years that you have been front and center.

A number of things I wanted to discuss. One of them is the DACA situation. And it seems, as I recall, that you had made a public statement some time back about the constitutionality of the policy that was implemented by President Obama. Would you care to reiterate that position today?

Attorney General SESSIONS. Well, the President—President Obama—indicated multiple times that he felt that DACA—he didn't have the power to do DACA in the way it was done. And eventually they must have changed their mind and executed this policy to take persons who were in the country unlawfully and to give them lawful status, work permits, and even participation in Social Security.

So I felt, for some time, that that was not proper. A Federal district court in Texas so held, and the Fifth Circuit Court of Appeals also so held that it was unlawful. So what happened was, we helped work on the research, but the Department of Homeland Security withdrew the policy because it was not defensible, in my view.

Mr. KING. And established a date to close it down of March 5, I think, of next year?

Attorney General SESSIONS. That's right. The Homeland Security asked for time to wind this program down, and I thought that was appropriate.

Mr. KING. And there's a lot of public dialogue about what kind of legislation might be passed in conjunction with the DACA policy, and that's up in the air right now. I'm noticing that Democrats are saying: We're going to have everything we want on DACA or we'll shut the government down. So it causes me to think about what should happen if Congress reaches an impasse and there is no passage of any legislation to extend the DACA policy.

If the President should decide on or before that March 5 date, around that period of time, that he wants to extend the DACA policy, what would your position be at that time?

Attorney General SESSIONS. Well, that's hypothetical Senator King. I'm not—I don't think I should speculate on that. But I do think Congress will have to give it thought. We have a law now, it's in place, as Congress passed, and Congress would have to change it.

Mr. KING. And I would just remark that I'm watching a lot of people be rewarded for the violation of the rule of law, and I appre-

ciate your emphasis on rule of law in your testimony today, multiple times coming back to that point.

Attorney General SESSIONS. Mr. King, I would just say, it is correct, in my view, and I think you'd probably share it, that something is lost whenever you provide an amnesty. It's a price that will be paid if that's done, but sometimes circumstances are such it may need to be done. But we need to be careful.

Mr. KING. Thank you.

And it's been—we've been made aware in this committee that there's a significant backlog in immigration cases. Have you presented any requests to Congress or a statement that could inform us as to how many resources you might need, how many judges you might need to get this backlog caught up, and then an idea how many we might need to maintain an anticipated level?

Attorney General SESSIONS. That's a very good question. Yes, we've worked on it, we have some preliminary information. We're seeking a total of about 360, 370 judges. We've added about 50 to the total. We've shortened the time process for selecting people—not shorting the training program—and we are adding judges.

I would say on the backlog, it's gone up dramatically. It's now over 600,000. But the last 2 or 3 months we're almost not adding to the backlog. And I'm told, by the additional work we're doing, by January we will not be adding to the backlog, but hopefully reducing it. That would be a real change in the trends that we were heading on.

Mr. KING. Well, thank you.

Then I'd just ask you to reflect, as this committee anticipates the potential of a special counsel, to broaden this look that I think is forced upon us in a reluctant way. But I certainly support the special counsel to look back at some times here that I believe should be incorporated into this.

And that is, I look back at October 16, 2015, when Barack Obama was speaking of Hillary Clinton and whether she might have violated any security clauses in our statute, in particular 18 U.S.C. 793, when he said that he had no impression that Mrs. Clinton had purposely tried to hide something or to squirrel away any information. Made the point of intent.

Behind that, in April, after that, April 10, a similar statement: She would never—meaning Hillary Clinton—she would never intentionally put America in any kind of jeopardy.

Those words of intent caught my attention when I heard James Comey use that very word July 5 of 2016. And it seems as though he latched on to the statements made by President Obama, and a more or less implied, and implemented it into an interpretation of the statute, that word “intent,” as if it were a condition before there could be any prosecution for a violation of 18 U.S.C. 793.

And I don't know that I have a question on that. I wanted to make sure that I put that into the record so that it's under consideration by the DOJ.

Chairman GOODLATTE. The time of the gentleman has expired.

The chair recognizes the gentlewoman from Texas, Ms. Jackson Lee, for 5 minutes.

Ms. JACKSON LEE. I thank you very much.

Mr. General, do you believe in this book, the Constitution of the United States?

Attorney General SESSIONS. Yes.

Ms. JACKSON LEE. And will abide by it with all of your intentions?

Attorney General SESSIONS. That is exactly correct.

Ms. JACKSON LEE. I thank you so very much.

I took the liberty of reviewing Federal crimes against children, particularly those dealings with sexual or physical abuse. As you well know, Leigh Corfman, Wendy Miller, Debbie Watson Gibson, Gloria Thacker Deason, and Beverly Young Nelson, these young women have accused this individual, Judge Moore, who is running for a Federal office, the United States Senate, of child sexual activity.

Do you believe these young women?

Attorney General Sessions. I have no reason to doubt these young women.

Ms. JACKSON LEE. And with that in mind, if you believe these young women, do you believe Judge Moore should be seated in the Senate if he wins? And would you introduce investigations by the DOJ regarding his actions?

Attorney General SESSIONS. We will evaluate every case as to whether or not it should be investigated. This kind of case would normally be a State case.

I would say, Representative Jackson Lee, that the Ethics people at the Department of Justice, and I've talked to them about that when this campaign started, it's the seat I used to hold, they advised me that the Attorney General should not be involved in this campaign. I have friends in the campaign.

Ms. JACKSON LEE. Thank you. Thank you, Mr. General. I have a short period of time. I want to make sure that if he comes to the United States Senate—

Attorney General SESSIONS. I have steadfastly adhered to that view. And I think I should continue to do so.

Ms. JACKSON LEE [continuing]. If he comes to the United States Senate, that there would be the possibility of referring his case for at least a Federal review by the Department of Justice.

Attorney General SESSIONS. We will do our duty.

Ms. JACKSON LEE. Let me also refer you back to the meeting on March 31, 2016, with Mr. Papadopoulos. You well know that Mr. Papadopoulos, in addition to his comments in the meeting regarding a meeting between Trump and Mr. Putin, had a series of meetings dealing with—and as you can see, Trump, Mr. Papadopoulos, and you leading that committee. I cannot imagine your memory would fail you so much.

But moving on, he was in that meeting, but you also had Stephen Miller, who was a senior policy adviser, who was noted in the stipulated statement of offense to receive conversations from Mr. Papadopoulos about his constant interaction with the Russians to intrude in the 2016 election.

You continued in the October 18 meeting before the Judiciary Committee or hearing in the Senate to not answer the question. Now, in light of the facts that are now part of the record, do you wish to change your testimony before the Senate Intelligence Com-

mittee on June 13, 2017, where you said, “I have never met with or had any conversation with any Russians or any foreign official”?

Let me jump to the final part: “I have no—I have no knowledge of any such conversations by anyone connected to the Trump campaign.”

Do you want to admit under oath that you did not tell the truth or misrepresented, or do you want to correct your testimony right now?

Attorney General SESSIONS. You’re referring to my testimony at confirmation?

Ms. JACKSON LEE. Before the Senate Intelligence Committee. My time is short and I have two more questions, please.

Attorney General SESSIONS. Well, I’m not able to respond because I don’t think I understand what you were saying.

Ms. JACKSON LEE. I’m asking, your Intelligence Committee testimony, do you want to change it, where you indicated you had no knowledge of involvement of the Trump individuals involved in conversations regarding the Trump campaign and Russians? And Mr. Miller gave—supported Mr. Trump’s press conference where he said, “Russia, if you’re listening, I hope you’ll be able to find the 30,000 emails.”

Do you want to change your testimony that was—where you said, I have no knowledge of any such conversations by anyone connected to the Trump campaign regarding Russians involved in the campaign? That was a testimony on June 13.

Attorney General SESSIONS. I’m not able to understand—

Ms. JACKSON LEE. All right. Let me move forward to the—

Attorney General SESSIONS. Let me say this, Mr. Chairman. Can I—

Ms. JACKSON LEE. The Black identity. Let me move to a document that you have prepared.

Chairman GOODLATTE. The witness will be allowed to answer the question.

Ms. JACKSON LEE. The gentleman keeps saying he cannot recall, he cannot recall. So I am reclaiming my time.

Chairman GOODLATTE. The gentlewoman will suspend. The witness wants to answer the question she asked him.

Ms. JACKSON LEE. Then I should be given extra time and I do not have extra time. Let me move to the Black identity—

Chairman GOODLATTE. Will the gentlewoman suspend?

Ms. JACKSON LEE. I will suspend.

Chairman GOODLATTE. The witness will answer the question.

Ms. JACKSON LEE. Yes or no, does he want to change his testimony in the Intelligence Committee?

Attorney General SESSIONS. I would just say this. I stand by this testimony at the Intelligence Committee. I have never met with or had any conversation with any Russians or any foreign officials concerning any type of interference with the campaign or election in the United States. Further, I have no knowledge of any such conversations by anyone connected to the Trump campaign.

Ms. JACKSON LEE. Thank you very much for that.

Attorney General SESSIONS. What I did say in my opening statement, I explained that when I was asked in October, just a few weeks ago, when I was asked about the matter, did I have any

knowledge of anyone who had talked to the Russians. I indicated that I had not recalled that meeting when that occurred. But I would have been pleased to have responded and explained it if I had recalled it.

I've tried to be honest about that and give you my best response and did throughout all the testimony I've given, Ms. Lee.

Ms. JACKSON LEE. You stand by your testimony. Thank you very much.

Are you familiar with the names Eric Garner, Walter Scott, Tamir Rice? My question is, as I hold up the poster dealing with the report under your jurisdiction, Black identity extremists, it is interesting to me that you are opposing individuals who are posing lethal force similar to the attack on Reverend Dr. Martin Luther King on COINTELPRO, but there seems to be no report dealing with the tiki torch parade in Charlottesville, chanting, "Jews will not replace us."

Why is there an attack on Black activists versus any reports dealing with the alt-right and the White nationalists? Can you answer that question quickly?

Attorney General SESSIONS. I'm not aware—

Ms. JACKSON LEE. Is anyone investigating that?

Attorney General SESSIONS. When was that report completed?

Ms. JACKSON LEE. In August of 2017.

Attorney General SESSIONS. I am not aware. I have not studied that report.

Ms. JACKSON LEE. I ask you to because it's an attack on individuals who are simply trying to petition the government in the redress of grievances.

Let me move to criminal justice reform. We have found that mandatory minimums and over-incarceration has been the history of criminal justice. We were moving toward criminal justice reform, which you opposed as a United States Senator, and now you intend to return toward discredited Nixon-era law and order criminal justice policies going to make American great or waste precious taxpayer dollars.

Do you have any interest in rehabilitating those incarcerated, recognizing that mandatory minimums created the opportunity for over-incarceration, rather than telling your prosecutors to prosecute on every single crime? Is there any opportunity to work with your office to deal with progressive ways of dealings with criminal justice reform at this time, yes or no?

Attorney General SESSIONS. Yes.

Ms. JACKSON LEE. All right.

Attorney General SESSIONS. I would just respond and say that Senator Durbin and I worked together to reduce the crack cocaine penalties some years ago. It probably remains the largest single—

Ms. JACKSON LEE. Will you pull back on—

Chairman GOODLATTE. The time of the gentlewoman has expired.

Ms. JACKSON LEE. Will you pull back on your position on mandatory minimums?

Chairman GOODLATTE. The time of the gentlewoman has expired. The witness is allowed to answer the last question.

Attorney General SESSIONS. I'm sorry.

Chairman GOODLATTE. The time of the gentlewoman has expired. The chair recognizes the gentleman from California, Mr. Issa, for 5 minutes.

Mr. ISSA. Thank you, Mr. Chairman.

General Sessions, it's good to see you again.

Attorney General SESSIONS. Yes, sir.

Mr. ISSA. I don't speak Russian and I don't meet with Russians and I don't really want to ask about those questions today. But I do have some very important questions.

Attorney General SESSIONS. Well, Congressman Issa, you said that, but I bet you have met with some Russian, and if you—in your lifetime—and taking those words at face value, somebody might accuse you of not being honest.

Mr. ISSA. You're absolutely—

Attorney General SESSIONS. That's what they have done to me.

Mr. ISSA. You're absolutely right, General Sessions, that that is the challenge, that as a member of the Foreign Affairs Committee, I met with a lot of ambassadors. And I don't want to try to remember everyone and everything that was discussed in what I thought was a pro forma meeting.

But there are a couple of areas that are left over from the previous administration that I would like to talk to you about. One of them is we sent Loretta Lynch, General Lynch, a letter related to sober homes and a predicament. And the predicament is fairly straightforward. And her answer, to be honest, to Chairman Goodlatte and the rest of us was not satisfactory, and we have given your staff a copy of it.

Essentially sober living homes are nothing but boarding houses. They are required to provide no care whatsoever to the alcoholic or recovering drug abuser because that has to be done somewhere else, so they don't qualify as sober homes.

And yet, currently, there are in the Ninth Circuit decisions that cause cities to be unable to regulate them in a way that would prevent people from simply buying houses in a row in a very prestigious neighborhood and turning them into these, if you will, sober living homes, which are, again, boarding houses with 15 or more people.

Will you agree to work with us to try to find an appropriate way to align your enforcement of the Americans with Disability Act and your enforcement of the Fair Housing Act with the necessity for cities to be able to essentially regulate how many people live in a home?

Attorney General SESSIONS. Yes, I would be pleased to do that. These are important issues because a lot of money is being spent, and some of it not wisely, in these areas.

Mr. ISSA. A lot of it is Federal dollars being squandered to the benefit of people that are speculating.

The second one is a trial court ruling in the Duarte Nursery v. the Army Corps of Engineers case. Are you even familiar with this case?

Attorney General SESSIONS. I'm not.

Mr. ISSA. Well, I would like you to become familiar, because during your administration an Assistant U.S. Attorney on your behalf argued that the Waters of the U.S., which is not a valid regulation

delivered to Congress and eligible under CRA to be considered or rejected, continued to argue that that was law.

Would you agree that your attorneys, on your behalf, should not argue regulations which have not been delivered to Congress and as a result are not eligible for CRA review?

Attorney General SESSIONS. Mr. Issa, I have now recalled the case. I didn't recall it by name.

That matter was intensely reviewed by a new Assistant Attorney General for the—acting, at least—for the Environment and Natural Resources Division. After great consideration, we felt—it was advised to me and I approved going forward with that position in court. So I will take responsibility for it. But I got to tell you, we did look at it very hard.

Mr. ISSA. But, in general, you would agree that if a regulation is created or some other words of the executive branch, they don't have the weight of law unless they're delivered to Congress so we have an opportunity to review them under the Congressional Review Act.

Attorney General SESSIONS. That would sound correct.

Mr. ISSA. Thank you.

My last question is less of a softball, and neither one of these are softballs, they are very important to California. But in the previous Congress, the Ways and Means Committee of the United States House voted for and referred criminal charges against Lois Lerner. I also was involved in investigating her wrongful activity.

They referred criminal charges, and they did so under a statute that says, and I'll paraphrase it as well as I can, that the U.S. Attorney for the District of Columbia shall present to the grand jury the following—and then they laid out the criminal charges.

The previous Attorney General ordered the U.S. Attorney, or the U.S. Attorney in the District, made a decision not to enforce that. Now, the statute, as we understand it, is not a statute that says, you will look at this and decide independently. It actually says, it shall be presented to the grand jury.

Will you commit to review that, and if you agree with us as to what the statute says, and we think it's pretty plain English, order a U.S. Attorney to present to a grand jury—and if they "no bill" it, fine—but, in fact, to present it consistent, with congressional and statutory law?

Attorney General SESSIONS. I will review that more personally. But the Department of Justice view has been it takes a full vote of the House to accomplish that act. And I'm not sure where that leaves us. But I will give it a personal review, which I have not done at this point.

Mr. ISSA. Mr. Chairman, if you can stop the clock for 1 second. If the entire House voted to—

Chairman GOODLATTE. The time of the gentleman has expired.

The chair recognizes the gentleman from Tennessee, Mr. Cohen, for 5 minutes.

Mr. COHEN. Thank you, sir.

Mr. Attorney General, first, I noted that you went to the 50th anniversary of the Selma, Alabama, Selma/Montgomery, I want to commend you for that, and you were a sponsor of the gold medal for those folks that marched.

Having done that, I would like to ask you, what you have done as Attorney General to see to it that African Americans and others who have been discriminated for years in voting have more access to the ballot box?

Attorney General SESSIONS. We will absolutely, resolutely defend the right of all Americans to vote, including our African American brothers and sisters. It cannot ever be suggested that people are blocked from voting. And we have done a number of things in the Department of Justice.

Mr. COHEN. Let me ask you this, Mr. Attorney General. It is a fact, there have been studies to show that voter ID is more discriminatory in its effect on African Americans and Latinos than anything else. Will you stop defending voter ID law cases?

Attorney General SESSIONS. No. The Supreme Court has approved voter ID, if properly done. Other courts have, too. It can be done in a discriminatory way, which is not proper and should not be approved. But I believe it's settled law that a properly handled and written voter ID law is lawful.

Mr. COHEN. Let me suggest, sir, with all due respect, we come from the similar region. I think we have a greater responsibility than anybody else in this country to see to it that African Americans get a chance at the ballot. When they were discriminated against, they were slaves for 200-plus years, they were under Jim Crow, they weren't allowed to vote, and they're still being discriminated against.

And I would submit to you and ask you to look at voter ID laws, access to ballot, election day voting, early voting, and other indices that will allow people to vote that have been stopped.

Secondly, on marijuana, you said that you are basically doing the same as Holder and Lynch. I believe General Holder and General Lynch abided by congressional appropriations that limited the Justice Department in enforcing marijuana laws where States had passed laws on medical marijuana and others.

Will you abide by congressional appropriations limitations on marijuana when it would conflict with State laws?

Attorney General SESSIONS. I believe we are bound by that.

Mr. COHEN. Thank you, sir. That's great.

I saw what you did on crack cocaine was good. It wasn't as good as it could have been. Your proposal was a 20 to 1 ratio, Mr. Durbin's was a 10 to 1 ratio, you all decided on 18 to 1. You were a good negotiator. Mr. Durbin took what he could get. But it should have been 1 to 1. But you admitted in that hearing that it could discriminate against the disparity against African Americans and minorities, and you ought to look at that.

Attorney General SESSIONS. Well, I'll just say that the net effect of that legislation was to significantly reduce—

Mr. COHEN. It was good, sir.

Attorney General SESSIONS [continuing]. The penalty one is subjected for dealing with crack cocaine.

Mr. COHEN. Yes, sir, and that was good.

Attorney General SESSIONS. That may be a better analysis than the 18 to 1 or whatever it is. It's generally considered a more dangerous drug.

Mr. COHEN. Marijuana is not as dangerous as heroin. Would you agree with that?

Attorney General SESSIONS. I think that's correct.

Mr. COHEN. Well, thank you, sir. I would hope that in your enforcement that you would look at the limitation that you've got. There's always an opportunity cost, and put your opportunity cost, your enforcement on crack, on cocaine, on meth, on opioids, and on heroin. Marijuana is the least bothersome of all.

Twenty-eight States or 29 States and the District of Columbia have legalized it for medical purposes, eight States and the District of Columbia for recreational purposes. Justice Brandeis famously said that the States are the laboratories of democracy. I would hope you'd look at marijuana and look at the States as laboratories of democracy and see how they've helped.

In States where they've got medical marijuana, they have 25 percent less opioid use. It gives people a way to relieve pain without using opioids, which inevitably leads to death and crime. And so I would hope you'd take a look at that.

Attorney General SESSIONS. We will take a look at it, and we'll be looking at some rigorous analysis of the marijuana usage and how it plays out. I'm not as optimistic as you.

Mr. COHEN. You said one time that good people don't smoke marijuana. Which of these people would you say are not good people?

Attorney General SESSIONS. Well, let me explain how that occurred.

Mr. COHEN. All right. Quickly.

Attorney General SESSIONS. I talked about——

Mr. COHEN. Is John Kasich a good person? George Pataki, Rick Santorum, Newt Gingrich, Ted Cruz, Jeb Bush, George Bush, Arnold Schwarzenegger, Judge Clarence Thomas, which of those are not good people?

Attorney General SESSIONS. Let me tell you how that came about, Congressman. So the question was, what do you do about drug use, the epidemic we're seeing in the country, and how you reverse it. Part of that is a cultural thing. I explained how when I became a United States Attorney in 1981 and the drugs were being used widely over a period of years, it became unfashionable, unpopular, and people were seeing—and it was seen as such that good people didn't use marijuana. That was the context of that statement.

Mr. COHEN. It might have affected your short-term memory. What years were those.

Chairman GOODLATTE. The time of the gentleman has expired.

The chair recognizes the gentleman from Ohio, Mr. Jordan, for 5 minutes.

Mr. COHEN. One last question. Alabama or Auburn?

Chairman GOODLATTE. The gentleman's time has expired.

Attorney General SESSIONS. War Eagles. I went to law school. I love Alabama.

Chairman GOODLATTE. The chair recognizes the gentleman from Ohio, Mr. Jordan, for 5 minutes.

Mr. JORDAN. Mr. Attorney General, did the FBI pay Christopher Steele?

Attorney General SESSIONS. Where am I?

Mr. JORDAN. Right here. Did the FBI pay Christopher Steele, the author of the dossier?

Attorney General SESSIONS. Those are matters you'll have to direct to the—I think maybe the special counsel.

Mr. JORDAN. And why is that? I'm just asking if someone paid, it was the FBI.

Attorney General SESSIONS. But I'm not able to reveal intel on investigatory matters here that is under the investigation of anybody, but particularly, I think, the—

Mr. JORDAN. This happened in the summer of 2016. We know the Clinton campaign, the Democrat National Committee, paid through a law firm, Fusion GPS, to produce the dossier. We know the author was Christopher Steele. It's been reported that he was on the payroll of the FBI. I'm just wanting to know if, in fact, that is the case.

Attorney General SESSIONS. I'm not able to provide an answer to you.

Mr. JORDAN. Did the FBI present the dossier to the FISA court?

Attorney General SESSIONS. I'm not able to answer that.

Mr. JORDAN. Do you know if the FBI did the established process protocol in evaluating claims made in the dossier?

Attorney General SESSIONS. I'm not able to answer that.

Mr. JORDAN. On January 6, then FBI Director James Comey briefed President-Elect Trump up in New York about the dossier. Shortly thereafter, that—the fact that that meeting took place, and the subject of the meeting was the dossier, was leaked to CNN. Do you know who leaked that information?

Attorney General SESSIONS. I do not.

Mr. JORDAN. Are you investigating who leaked that information?

Attorney General SESSIONS. That would be a matter within the investigatory powers of the special counsel or the Department of Justice.

Mr. JORDAN. You've got a number of investigations going on, Mr. Attorney General, regarding leaks. Is that likely one of those that you're investigating?

Attorney General SESSIONS. I'm not able to reveal the existence of investigations or not.

Mr. JORDAN. Mr. Attorney General, I appreciate your service in the Senate, I appreciate your service at the Justice Department, I consider you a friend. And, frankly, I appreciate yesterday's letter saying you were considering appointing a special counsel, that you sent to us.

But my concern is we sent you a letter 3½ months ago asking for a second special counsel. And if you're now just considering it, what's it going to take to get a special counsel?

We know that former FBI Director James Comey misled the American people in the summer of 2016 when he called the Clinton investigation a matter. It was obviously an investigation.

We know FBI Director Comey was drafting an exoneration letter before the investigation was complete.

We know, Loretta Lynch, 1 day before the Benghazi report came out, 5 days before Secretary Clinton was scheduled to be inter-

viewed by the FBI, met with former President Bill Clinton on a tarmac in Phoenix.

We know after that meeting, when she was corresponding with public relations people at the Justice Department, she was using the name Elizabeth Carlisle. As I've said before, it seems to me if you're just talking gold and grandkids, you can probably use your real name.

We know that Mr. Comey publicized the investigation and we know he made the final decision on whether to prosecute or not.

And then, when he gets fired, he leaks a government document through a friend to The New York Times, and what was his goal? To create momentum for a special counsel. And, of course, it can't just be any special counsel, it has got to be Bob Mueller, his best friend, his predecessor, his mentor; the same Bob Mueller who was involved, we've now learned, in this whole investigation with the informant regarding Russian businesses wanting to do business in the uranium business here in the United States regarding the Uranium One Deal.

So I guess my main question is, what's it going to take, if all of that, not to mention the dossier information, what's it actually going to take to actually get a special counsel?

Attorney General SESSIONS. It would take a factual basis that meets the standards of the appointment of a special counsel.

Mr. JORDAN. And is that analysis going on right now?

Attorney General SESSIONS. It's in the manual of the Department of Justice about what's required. We've only had two. The first one was the Waco, Janet Reno, Senator Danforth who took over that investigation as special counsel, and Mr. Mueller. Each of those are pretty special factual situations.

Mr. JORDAN. Let me ask it this way.

Attorney General SESSIONS. And we will use the proper standards. And that's the only thing I can tell you, Mr. Jordan.

Mr. JORDAN. Well, I appreciate that, but—

Attorney General SESSIONS. You can have your idea, but sometimes we have to study what the facts are and to evaluate whether it meets the standard that requires a special counsel.

Mr. JORDAN. Well said, but let me ask you this. If in fact—well, we know one fact. We know the Clinton campaign, the Democrat National Committee paid for, through the law firm, paid for the dossier. We know that happened. And it sure looks like the FBI was paying the author of that document. And it sure looks like a major political party was working with the Federal Government to then turn an opposition research document, the equivalent of some National Enquirer story, into an intelligence document, take that to the FISA court, so that they could then get a warrant to spy on Americans associated with President Trump's campaign. That's what it looks like.

And I'm asking you, doesn't that warrant—in addition to all this things we know about James Comey in 2016—doesn't that warrant naming a second special counsel, as 20 members of this committee wrote you 3-½ months ago asking you to do?

Attorney General SESSIONS. Well, Mr. Comey is no longer the Director of the FBI.

Mr. JORDAN. Thank goodness.

Attorney General SESSIONS. We have an excellent man of integrity and ability in Chris Wray, and I think he's going to do an outstanding job. And I'm very happy about that. And I would say—

Mr. JORDAN. He's not here today, Attorney General Sessions, you are, and I'm asking for a special counsel.

Chairman GOODLATTE. The time of the gentleman has expired.

Attorney General SESSIONS. And I would say "looks like" is not enough basis to appoint a special counsel.

Chairman GOODLATTE. The time of the gentleman has expired.

The chair recognizes the gentleman from Georgia, Mr. Johnson, for 5 minutes.

Mr. JOHNSON of Georgia. Thank you.

General, you have let a remarkable and notable career over the last 42 years as an attorney in private practice, as the Attorney General of Alabama, then the U.S. Attorney in Alabama, later the U.S. Senator of Alabama, and now the Attorney General of the United States of America.

And you made a professional judgment call when you recused yourself from the investigation of the Russian interference in the 2016 elections, and you've caught a lot of flak for that decision.

What I want to know is, why did you recuse yourself?

Attorney General SESSIONS. Well, thank you very much.

I told the Senate Judiciary Committee when I was confirmed that I would evaluate those matters, I would seek the counsel of the senior ethics adviser—

Mr. JOHNSON of Georgia. My question is, why did you recuse yourself?

Attorney General SESSIONS. I'll get there.

Mr. JOHNSON of Georgia. I don't want you to filibuster.

Attorney General SESSIONS. Okay. I did do that. I evaluated that. And they showed me something I was not familiar with, one of the Code of Federal Regulations. It says, if you participate in a substantial role in a campaign, a Department of Justice employee should not participate in investigating that campaign.

Mr. JOHNSON of Georgia. All right. Thank you.

Attorney General SESSIONS. I felt that was correct. It was not because I had any concern about anything I had done previously, but it was, to me, if I were not bound by that, I don't see how other people in the Department of Justice could be expected to follow the rules of the Department either.

Mr. JOHNSON of Georgia. Thank you, sir.

And after you recused yourself, you did participate in the firing of the FBI Director who was leading the investigation into the Russian interference with the 2016 elections.

Prior to Jim Comey's termination, were you contacted by the Donald Trump administration, anyone in that administration, Donald Trump himself or any of his political or campaign officials, about their quest to fire Jim Comey?

Attorney General SESSIONS. I am not able to and cannot reveal conversations with the President of the United States or his top advisers.

Mr. JOHNSON of Georgia. Let me ask you this question. With regards to the AT&T proposed acquisition of Time Warner, which owns CNN, it appears to be a vertical merger much like the

Comcast-NBCUniversal merger that DOJ approved. But unlike its treatment of Comcast-NBCUniversal, DOJ has suggested strongly that it will not approve the AT&T-Time Warner merger unless Time Warner sells off CNN's parent company, Turner Broadcasting.

It's well known that your boss, President Trump, has great disdain for CNN, which he calls fake news. And what I want to know is, has the White House or any individual in or on behalf of the Trump administration or the Trump political team or campaign, excluding staff from FCC or DOJ, has anybody contacted you, your office or your assigns, regarding that AT&T-Time Warner acquisition?

Attorney General SESSIONS. First, I would say that I don't accept and cannot accept the accuracy of that news report. We have a professional——

Mr. JOHNSON of Georgia. Your Department has not told Time Warner and AT&T that they must shed Turner Broadcasting?

Attorney General SESSIONS. Our work is professional. They do meet with the——

Mr. JOHNSON of Georgia. Is that a false report or is it a true report?

Attorney General SESSIONS. I just would tell you, I don't think it's—I'm able to accept as accurate the news reports that have been coming out on that.

Mr. JOHNSON of Georgia. Let me ask you this question. On October the 18th, when testifying before the Senate Judiciary Committee, Senator Sasse asked you if the Department had taken adequate action to prevent election meddling in the future. You stated that there was no review underway of the cybersecurity vulnerabilities.

Have you requested a review of what laws need to be updated in order to protect our elections from foreign influence?

Attorney General SESSIONS. We have discussed those matters, but no completion has been done at the——

Mr. JOHNSON of Georgia. Are you conducting a review at this time?

Attorney General SESSIONS. Yes. Our team is looking at that. The FBI has real skills in that area, and I think we are not anywhere near where I would like us to be yet, Mr. Johnson.

Mr. JOHNSON of Georgia. All right. Let me ask you this question. What individual with your Department is leading that inquiry?

Attorney General SESSIONS. We would be working with our Voting Rights Section, our Criminal Section. Our National Security Section probably is the most knowledgeable in the hacking area, as well as the expertise in the FBI.

Chairman GOODLATTE. The time of the gentleman has expired.

Mr. JOHNSON of Georgia. Thank you.

Chairman GOODLATTE. The chair recognizes the gentleman from Texas, Mr. Smith, for 5 minutes.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Attorney General, first of all, I want to thank you for all your efforts to restore the rule of law. Nothing could be more important to our justice system, and nothing could be more important

to protecting the lives of Americans, and, frankly, not just protecting the lives, but keeping all Americans safe.

In particular, many of us appreciate your efforts to crack down on sanctuary cities that blatantly ignore Federal immigration laws, to combat criminal gangs that prey on our communities, to return to robust prosecutions of drug cases, to protect children from dangerous child predators, and to safeguard religious liberties that are enshrined in our Constitution.

I'd like to go back for a second to sanctuary cities. I have been waiting 20 years for a President and an administration that would enforce current immigration laws. It so happens that I introduced a bill in 1996 with Senator Al Simpson that, among other things, outlawed sanctuary cities. So the law is there, and I want to thank you for being willing to enforce that law, which will protect many innocent Americans from harm and perhaps save their lives.

More generally, I'd like to ask you if you feel that there are any immigration laws, and if so, which ones, that need to be better enforced?

Attorney General SESSIONS. There absolutely are, and maybe even some improved. I know you've worked on that and the chairman has worked on that with some excellent legislation. I totally believe that the professional legislation I know the chairman has worked on and you've worked on would be tremendously helpful.

We've got to deal with numbers. And so when you create a mechanism by which whole—we had 5,000 people in 2005 who claimed a credible fear. Last year it was 95,000. This is creating hearings and backlogs that were never intended to be part of the system. It did not happen before.

And so there's so many things out there that burden our law enforcement officers, make it more difficult, more expensive, more lengthy to complete these things. We've just got to make up our mind. We've got to make up our mind, do we want a lawful system of immigration that serves the national interest or do we want open borders and we are not going to enforce it?

Thank you for your leadership, Mr. Smith. I know you'll be leaving this body also. And I've enjoyed so much the honor of working with you.

Mr. SMITH. Thank you, Mr. Attorney General.

I'm not going to ask any questions, and I'm going to end with that, Mr. Chairman. I'll yield back. Thank you.

Chairman GOODLATTE. The chair thanks the gentleman.

We're going to take a break, Attorney General Sessions. So the committee will stand in recess for 10 minutes.

Attorney General SESSIONS. Thank you.

Chairman GOODLATTE. The committee will reconvene.

And the chair recognizes the gentleman from Florida, Mr. Deutch, for 5 minutes.

Mr. DEUTCH. Thank you, Mr. Chairman.

Attorney General Sessions, thanks for being here.

General Sessions, who do you work for? Do you work for the American people or do you work for the President of the United States?

Attorney General SESSIONS. Well, I'm a member of executive branch and I work for the American people.

Mr. DEUTCH. And it's with that in mind, your work on behalf of the American people, that I want to ask you some questions about facts in public media reports.

On February 14, the President asked FBI Director about the Flynn investigation, and I quote, he said, "I hope you can see your way clear to letting this go, to letting Flynn go. He's a good guy. I hope you can let this go," close quote.

On May 9, the President fired Comey. On May 11, he went on television and announced that he fired Comey because of, and I quote again, "the Russia thing with Trump and Russia," close quote.

General Sessions, do you think it would be reasonable for the members of this committee to conclude that the President by first interfering in one investigation and then interfering in an investigation into himself committed obstruction of justice?

Attorney General SESSIONS. I don't believe that's a fair conclusion. But it's a matter that, I guess, would be in the breast of the special counsel.

Mr. DEUTCH. And the obstruction of justice being any, among other definitions, the most popular one in statute, any communication that endeavors to influence, obstruct, or impede the due administration of justice. That's exactly what the President did in both of those cases.

And in spite of moving on to the special counsel, you brought up, in spite of efforts, bipartisan efforts to protect the special counsel, Mr. Mueller, Republican leadership and this committee have refused to take action to ensure that he's protected.

Do you believe that the President has the legal authority to fire Special Counsel Mueller?

Attorney General SESSIONS. I'm not able to express an opinion on that.

Mr. DEUTCH. Can he fire members of the special counsel's team?

Attorney General SESSIONS. I'm not able—I'm not able to answer that.

Mr. DEUTCH. General Sessions, do believe that the President should have the authority to be able to block investigations into his own campaign?

Attorney General SESSIONS. Investigations have to be conducted by the appropriate law enforcement officers without fear and favor, without politics or bias.

Mr. DEUTCH. Right. And without fear of being dismissed by the President in order to block that investigation, because, again, that would certainly appear to represent obstruction of justice. And when you fail to acknowledge that, it is essentially a green light to the President to go ahead and do that.

I wanted to talk about the special counsel's investigation. Thus far there have been some indictments, there's a guilty plea.

Can you tell me, in your opinion, does the President have the power to pardon George Papadopoulos?

Attorney General SESSIONS. It would be premature for me to comment on that, I believe.

Mr. DEUTCH. Because?

Attorney General SESSIONS. The President has the power to pardon, there is no doubt about that.

Mr. DEUTCH. Right. Does he have the power to pardon Paul Manafort and Rick Gates ahead of a trial and a conviction?

Attorney General SESSIONS. I'm not able to comment on that. I haven't researched that question. I think it's settled—maybe settled law, but I'm not—

Mr. DEUTCH. What do you think the settled law is?

Attorney General SESSIONS. I don't know.

Mr. DEUTCH. And does he have the power to pardon Michael Flynn, any other member of the President campaign?

Let me ask you this. Does the President have the power to pardon his own family member? Could the President today pardon Donald Trump, Jr., for, among other things, being in contact with WikiLeaks regarding these emails? Can he make those pardons today before there is anything further that comes from the special counsel's investigation?

Attorney General SESSIONS. I would not be able to answer that at this moment with any authority.

Mr. DEUTCH. General Sessions, you started by telling us that you're the American people's lawyer. Now you're not recused from giving us answers on these. You're not comfortable giving us answers on these.

But here's the problem that we have. You said when you started your testimony today that there is nothing more important than advancing the rule of law. And when you answer the way you have, it suggests that the rule of law is crumbling at our feet.

You took an oath to uphold the Constitution. We took an oath to uphold the Constitution. And while members of this committee in the majority may choose to abdicate their responsibility with regard to these very important matters, you cannot.

And the interference—what you've told us today in just this exchange, what we should all be concerned about is another Saturday Night Massacre, if you can't tell us that the President shouldn't fire or can fire the special counsel and everyone who works for him.

We should be worried if you're telling us that the President may be able to pardon in advance all of those who are being investigated. We should be worried about the pursuit of the rule of law.

General Sessions, again, we may in this committee—

Chairman GOODLATTE. The time of the gentleman has expired. The Attorney General can respond if he chooses to do so.

Attorney General SESSIONS. Well, just briefly. One of the things if you respect the rule of law is the Attorney General should not be giving legal opinions from the seat of his britches. So you need to be careful about that, and that's what I'm saying to you today.

Mr. DEUTCH. I do appreciate that, General Sessions.

Chairman GOODLATTE. The time of the gentleman has expired. The chair recognizes the gentleman from Texas, Mr. Poe.

Mr. DEUTCH. These are not new issues that I would think require you to give these opinions from the rule of your britches.

I yield back.

Mr. POE. Thank you, Mr. Chairman.

Mr. Sessions, I'm over here on this side.

If pursuant to a warrant there is a wiretapped conversation seized under the Foreign Intelligence Surveillance Act and one person is a foreign agent, the other person is an American citizen, is

the release of the information regarding who the American citizen is and/or the conversation of the American citizen a violation of Federal law?

Attorney General SESSIONS. I believe it is.

Mr. POE. And if somebody releases that information——

Attorney General SESSIONS. May be a factual distinction.

Mr. POE. I know. It's a hypothetical.

If somebody releases the information of the name of that person and/or the information contained by that person, that is a Federal offense.

Attorney General SESSIONS. Unacceptable, and it could be a Federal offense.

Mr. POE. So has anybody been prosecuted under your regime for doing that, whether it's been in the White House or some other government agency where we hear about leaks of classified information? Are you prosecuting anybody for that?

Attorney General SESSIONS. For release of FISA-obtained information?

Mr. POE. Release of the information of who the American is and/or the conversation by the American, that's classified information, is your Department investigating anybody for that?

Attorney General SESSIONS. I cannot confirm or deny the existence of——

Mr. POE. Are you prosecuting anybody for that?

Attorney General SESSIONS. Nobody is under indictment. Although we've got at least four indictments this year of leaks of classified information. And we will continue to press those cases.

Mr. POE. All right. Good.

I want to talk about the Foreign Intelligence Surveillance Act. Secret courts, issuing secret warrants to get information on terrorists overseas, that's generally the purpose of the FISA law and FISA courts. Would you agree with that?

Attorney General SESSIONS. Well, it's not a perfect summary, but it's——there's substance to it.

Mr. POE. It's too short. It's too short.

We know we can't trust the NSA. James Clapper testified before this committee in 2013 that the NSA was not spying on Americans. Then all of a sudden this guy named Snowden showed up and we found out—I don't like Snowden at all, he ought to be prosecuted, I think. But anyway we learned that the American public was being spied on by the NSA.

Part of the Foreign Intelligence Surveillance Act gives the NSA authority to seize information like emails, text messages, communications by these bad guys, foreign agents or terrorists overseas, to collect their information to make sure that America is safe.

During that process, as you know, incidentally—they call it incidental information—information on Americans, who they are, and what those conversations may be is also seized. NSA says that's incidental information.

Now, it's my understanding that the Justice Department is opposed to the USA Liberty Act, which would require that before government goes into that information on Americans, where they are not the target, the target's these terrorists, goes into that information on Americans, that there has to be a warrant signed by a real

judge that states probable cause before that information can be seized.

Now, my understanding is the Justice Department under your leadership is opposed to that warrant requirement. Is that correct?

Attorney General SESSIONS. That is absolutely correct.

Mr. POE. So you're a former judge.

Attorney General SESSIONS. A would-be judge.

Mr. POE. Pardon?

Attorney General SESSIONS. A would-be judge.

Mr. POE. A wannabe judge. Yeah, I'm a former judge too.

You don't think probable cause and a warrant requirement is required to go into that information that is—first of all, the seizure is done by government without a warrant. So it's seized already. And before it can be then searched you also don't require or believe that a warrant should be required by any court to go into that information.

Attorney General SESSIONS. Well—

Mr. POE. I'm just asking the same question.

Attorney General SESSIONS. The courts have so held.

Mr. POE. I'm not asking that question.

Attorney General SESSIONS. Well, I agree with the courts, not you, Congressman, on that. You get lawfully obtained records, documents—

Mr. POE. Don't you think—reclaiming my time.

Attorney General SESSIONS. All right.

Mr. POE. You agree with the courts on that, not me. But let me tell you something. It is the responsibility of Congress to set the privacy standard for Americans.

Attorney General SESSIONS. That is correct.

Mr. POE. It's my personal opinion, and I think the Constitution supports it, that before the government can go in and seize something and then search it on an American citizen that is incidental to the search on the target, the government should get a warrant for that conduct. That's spying on Americans. And we know that we can't trust the NSA to keep from doing that.

Is that data ever, ever destroyed on Americans or is it kept forever?

Attorney General SESSIONS. I believe it definitely has a limited time span. I think it's 5 years.

Mr. POE. So Americans shouldn't be concerned that information is being collected on them—

Chairman GOODLATTE. The time of the gentleman has expired.

Mr. POE [continuing]. But you don't have any say-so about a warrant?

Chairman GOODLATTE. The time of the gentleman has expired.

The chair recognizes the gentleman from Illinois, Mr. Gutiérrez, for 5 minutes.

Mr. GUTIÉRREZ. Mr. Chairman, before I begin, I think I have a solution that could allow the committee to move on to other important national matters like gun control and immigration.

Your side clearly wants an investigation of Hillary Clinton, and our side has been begging for months to hold hearings and start an investigation of the Trump administration and campaign's improper ties to Mr. Putin and the Russian Government.

My solution would save the American taxpayers a lot of grief and a lot of money by eliminating the need for the investigation. I propose we simply go to the President and the former Secretary of State and ask them both to resign. I'll go to Hillary Clinton, and you can go to Donald Trump, and we'll tell them both to resign. Then we can move on as a Nation from an election that just never seems to end.

Now, I did Google organizations that Hillary Clinton leads and it came out zero, so I'm not quite sure what you're going to get her to resign from, because she doesn't appear to be in charge of anything. Last time I checked, she got 3 million more votes than Donald Trump, but she lost the election. So I don't know why don't we move on and really look at the Nation.

So, Attorney General, I'd like to ask you, you said earlier today it was a brilliant campaign, referring to the Donald Trump campaign. Is that true? Do you feel that?

Attorney General SESSIONS. It was a remarkable thing. It overcame a lot of obstacles——

Mr. GUTIÉRREZ. Remarkable, brilliant campaign.

Now, in campaigns, candidates make promises during campaigns. Do you think candidates should fulfill the promises they make during campaigns?

Attorney General SESSIONS. People make a lot of promises and you should strive to honor your promises.

Mr. GUTIÉRREZ. Do you think they should fulfill those promises? It was a brilliant campaign, remarkable campaign. And as a member of the Cabinet of President Trump, do you feel an obligation to fulfill those campaign promises? When he asked you to come on, did you think you should fulfill the campaign promises?

Attorney General SESSIONS. I believe the Attorney General should enforce the law first and foremost.

Mr. GUTIÉRREZ. I understand enforce the law, but he said—you're helping him on the Muslim ban, on immigration issue. I mean, you think he should fulfill those promises?

Attorney General SESSIONS. The President makes decisions, and if it's lawful we defend it.

Mr. GUTIÉRREZ. If it's lawful. If it's lawful. Okay, I like that, if it's lawful. But you said it was a remarkable and brilliant campaign.

He said, quote, during the second debate, "If I win, I'm going to instruct my Attorney General"—that would be you, because he chose you—"to get a special prosecutor to look into your situation"—referring to Hillary Clinton—"because there's never been so many lies, so much deception," end quote. And when Hillary Clinton responded, she said, "Because you'd be in jail."

Are you going to fulfill that campaign promise that he made during the second debate, because he did say he'd put her in jail. He said he'd asked the Attorney General, you, to set a special prosecutor. That's what he says, it's a quote. I didn't make it up. What do say you, are you going to keep that campaign promise?

Attorney General SESSIONS. I'll fulfill my responsibilities under the law.

Mr. GUTIÉRREZ. Are you going to keep the campaign promise, yes or no? It's a promise that your boss, he hired you to fulfill. Are you going fulfill that?

Attorney General SESSIONS. We will comply with the law with regard to special prosecutor appointments.

Mr. GUTIÉRREZ. Are you going to appoint one as he promised during the campaign? He's reminded you a couple of times in a few of his tweets that that's what he wants to you do.

Attorney General SESSIONS. I will fulfill my duty as Attorney General.

Mr. GUTIÉRREZ. So the brilliant campaign, remarkable campaign, big smile on your face, you love the campaign, but you're not going to fulfill his campaign promises? I hope you don't in this particular case, so I'm kind of happy with your answer up to now.

So, Mr. Attorney General, I'm going to ask you another series of questions, and I'd like to go back to the beginning of the hearing and get you to answer the following question.

Are you aware that you are under oath and that your answers must be the truth, the whole truth, and nothing but the truth, Mr. Attorney General.

Attorney General SESSIONS. I'm aware of that.

Mr. GUTIÉRREZ. Okay. Good. So I brought this little salt shaker here, and you'll forgive me if I just put a little bit of doubt into that answer and just to remind myself that I might need this.

And I ask unanimous consent that this article from Mother Jones magazine be entered into the record with the headline, "Three Times Jeff Sessions made False Statements Under Oath to Congress."

I ask this because I don't want to hear in a few days or in a few weeks that your answers, Mr. Attorney General, have changed based on newly uncovered evidence that what you told us before was in fact false, misleading, or something other than the truth, the whole truth, and nothing but the truth. I ask unanimous consent.

Chairman GOODLATTE. Without objection, it will be made a part of the record.

This material is available at the committee and can be accessed online at: <https://docs.house.gov/meetings/JU/JU00/20171114/106709/HHRG-115-JU00-20171114-SD001.pdf>.

Mr. GUTIÉRREZ. Thank you.

Under oath in the Senate you said as a surrogate, quote, "a time or two for the Trump campaign," you did not have communication with Russians, but in March it was revealed you did.

Did you have campaign communications with the Russians? Because it appears you have had campaign communications with the Russians, Mr. Attorney General.

Attorney General SESSIONS. That is—I'd like to respond to that. I thought I had the paper right here. And surely—here it is.

Mr. Chairman, take a couple of minutes. I'd like to respond to that.

Chairman GOODLATTE. The gentleman may respond to that.

Attorney General SESSIONS. Colleagues—I guess say former colleagues—Senator Franken asked me this question. "Okay, CNN has just published a story, and I'm telling you about a new story

that's just been published. I'm not expecting you to know whether or not it's true, but CNN just published a story alleging that the intelligence community of the United States of America, the intelligence community provided documents to the President-elect last week that included information that, quote, 'Russian operatives claim to have compromising personal and financial information about Mr. Trump,' close quote.

"These documents also allegedly say, quote, 'There was a continuing exchange of information during the campaign between Trump's surrogates and intermediaries for the Russian Government,' close quote.

He goes on to say, "Now, again, I am telling you this is all coming out, so, you know, but if it's true it's obviously extremely serious. And if there is any evidence that anyone affiliated with the Trump campaign communicated with the Russian Government in the course of this campaign, what will you do?"

I was taken aback by this. I'd never heard. This happened while I was testifying, I suppose. And I said, "Senator Franken, I'm not aware of any of those activities. I have been called a surrogate a time or two in the campaign and I didn't have—did not have communications with the Russians and I'm unable to comment on it."

Mr. GUTIÉRREZ. And you're not going to correct that today?

Attorney General SESSIONS. My answer was responsive to his charge about a continuing—

Mr. GUTIÉRREZ. But do you want to correct it or clarify it today for us?

Chairman GOODLATTE. The time of the gentleman has expired. The attorney general can answer the question, but then we're moving on.

Attorney General SESSIONS. So this is really important, I appreciate the opportunity to share it.

So my focus was on responding to the concern that I as a surrogate was participating in a continuing series of meetings with intermediaries for the Russian Government. And I certainly didn't mean I'd never met a Russian in the history of my life.

So I didn't think to—didn't think it was responsive, and my response was according to the way I heard the question as honestly I could give it at the time. I hope you will treat me fairly when you evaluate that.

Chairman GOODLATTE. The chair recognizes the gentleman from Pennsylvania, Mr. Marino, for 5 minutes.

Mr. MARINO. Thank you, Chairman.

Thank you, General, for being here. I appreciate it.

I'm going to ask you some questions because I am the chairman of the Regulatory Reform and Antitrust Subcommittee on Judiciary, and antitrust is an issue that is now surfacing moreso than it ever has in the past. And the Justice Department's role is very critical in antitrust issues to determine whether there is an antitrust violation.

I understand that the Justice Department's position on the AT&T merger will require divestment of some assets. Behavioral conditions have been used in vertical mergers since they pose a lesser danger to competition than horizontal mergers. Is it the

structural condition in vertical mergers a policy for DOJ at this point?

Attorney General SESSIONS. Antitrust policy is important. I've never been an expert at it. It was one subcommittee of the Judiciary I never chose to be a part of.

But we have an experienced team in the Department of Justice. We do try to handle each case professionally. We have a good chief now of the Antitrust Division. And I am not able to announce any new policies at this time, Congressman.

Mr. MARINO. Will there be a discussion concerning vertical and horizontal mergers when it comes to the so-called term behavioral conditions where two companies that are merging may have to divest? Could there be future discussion as to when this behavioral condition would be implemented?

Attorney General SESSIONS. Well, the vertical, horizontal issue is something that has always been part of the discussion. I don't think it's dispositive of any final decision. But I'm really not able at this time to comment on anything that would be part of an ongoing matter.

Mr. MARINO. I understand.

Attorney General Sessions. And I appreciate you giving me an opportunity to not attempt to answer that.

Mr. MARINO. I'm going to switch to human trafficking now. When I was an U.S. attorney, we handled some very heartbreaking and very severe situations concerning human trafficking. And I know that you understand, like I understand, the challenges involved there.

What can you tell me what DOJ has done in upping the prosecutions, the investigations for antitrafficking?

Attorney General SESSIONS. We believe strongly that we can do even more. It's been a priority for a number of years. I was recently in the Minnesota United States Attorney's Office. They had a major international case and I was surprised how much money was involved, almost as much as drug dealers may make.

We have a recent report of our people meeting with the child exploitation group. My Associate Attorney General, number three, Rachel Brand, is very interested in this. And I've empowered her to be engaged in advancing our efforts in this regard, and she's enthusiastically responding to that.

Mr. MARINO. If I may make a suggestion as well. Several years ago we in the Middle District of Pennsylvania prosecuted one of the biggest sex trafficking cases on the East Coast, obviously, for the most part, involving women and very young girls. We had a good conviction. These people went away for 30 or 40 years.

But one of the areas that we have to help more with the victims is the protection side of things, of course during the investigation and during the trial, but subsequent to the convictions that these people are—these women and children aren't forgotten and there are protections there to keep them from anybody else attempting to do what's been done in the past.

And I thank you so very much for your service to us.

And I yield back.

Attorney General SESSIONS. Thank you, thank you for your service.

Chairman GOODLATTE. The chair recognizes the gentlewoman from California, Ms. Bass, for 5 minutes.

Ms. BASS. Thank you. Thank you, Mr. Chair.

Between 1956 and 1971 the FBI ran a counterintelligence program named COINTELPRO that was initiated by J. Edgar Hoover. COINTELPRO mainly targeted civil rights leaders such as Martin Luther King, and it's commonly understood that this was an abuse of its surveillance power in a manner to suppress a peaceful movement.

So I would like to ask, Mr. Chair, unanimous consent to enter this report into the record, which is "Black Identity Extremists Likely Motivated to Target Law Enforcement Officers."

Ms. BASS. I believe earlier you said you were not familiar with the report. Is that correct?

Attorney General SESSIONS. Well, I haven't read it. I know some of the alleged targeting of officers by a certain group.

Ms. BASS. So I would like to know—and I'll ask you about that in a minute. So you are somewhat familiar with it. Who had the power in your Department to order a report like this?

Attorney General SESSIONS. I'm not sure how that report got ordered. I don't believe I explicitly approved it or directed it.

Ms. BASS. Okay. So you haven't necessarily read the record, but you are familiar with the term "Black identity extremists"?

Attorney General SESSIONS. Well, I think so, yes.

Ms. BASS. So could you tell me what that term means to you? Do you believe that there is a movement of African Americans that identify themselves as Black identity extremists and what does that movement do?

Attorney General SESSIONS. Well, it would be interesting to see the conclusions of that report. But I'm aware that there are groups that do have an extraordinary commitment to their racial identity, and some have transformed themselves even into violent activists.

Ms. BASS. Are you aware of White organizations that do this as well? Given that White supremacy is well-documented, well-researched movements, such as the neo-Nazis, the Ku Klux Klan, et cetera, are they White identity extremists?

Attorney General SESSIONS. I didn't follow that question. Please again.

Ms. BASS. Is there a term or a report on White identity extremists? You mentioned you were familiar with Black people who identified with their racial identity.

Attorney General SESSIONS. Yes, but it is not coming to me at this moment.

Ms. BASS. It is not coming to you?

Attorney General SESSIONS. It's—

Ms. BASS. Certainly a group such as the Ku Klux Klan would be—

Attorney General SESSIONS. Yes. And then the skinhead movements. But there are racial identity White movements that have been identified for sure.

Ms. BASS. Well, has the FBI done a report on White identity extremists that are likely motivated to target law enforcement officers?

Attorney General SESSIONS. I'm not aware of that.

Ms. BASS. Okay. Are you aware of a group called the Sovereign Citizens?

Attorney General SESSIONS. I've heard that group, yes.

Ms. BASS. And I believe that the Sovereign Citizens is primarily a White organization that absolutely has targeted police officers and killed police officers. You're not aware of that?

Attorney General SESSIONS. I'm not aware of all their crimes, but I know they are a group that's known to have violent tendencies.

Ms. BASS. Could you name an African American organization that have committed violent acts against police officers? Could you name one today? In this report they name organizations from 30, 40 years ago, but can you name one today that has targeted police officers in a violent manner?

Attorney General SESSIONS. I believe I could, but I would want to be—to confirm that and submit it to you in writing. But I believe we had within the last year or so four police officers killed by a group that some have described as extremists.

Ms. BASS. So what has happened is, is that there have been a couple of incidents in which African Americans did kill police officers who were not associated with a Black organization. And so one, for example, in Baton Rouge was associated with Sovereign Citizens, which is primarily a White group.

So you should know that there is a lot of concern in the community, especially from organizations such as Black Lives Matter. By the way, would you consider Black Lives Matter a Black identity extremist group?

Attorney General SESSIONS. I'm not able to comment on that. I'm not—I have not so declared it.

Ms. BASS. So you should know that a lot of activists around the country are very concerned that we're getting ready to repeat a very sad chapter of our history, where people who are rightfully protesting what they consider to be an injustice in their community, which is their relationship with police officers, are now being targeted and labeled as extremists and are going through periods of surveillance and harassment.

And so I would like to know, what is your Department going to do to protect the rights of average citizens to protest if they have a concern about police officers?

Attorney General SESSIONS. This Department will not unlawfully target people.

Ms. BASS. So if that's the case, then, I would ask that you review this report, "Black Identity Extremists Likely Motivated to Target Law Enforcement Officers," because I personally don't believe that any such organizations exist. The organizations that are referred to in this report are organizations from decades ago.

And so I would like to know what will you do to essentially roll back what is listed in this report, because it's not accurate. Sir?

Attorney General SESSIONS. We will look at the report. I actually would be interested in reading it. But they usually do an excellent job, objective and fair, on those kinds of reports.

Ms. BASS. Okay, well—

Chairman GOODLATTE. The time of the gentlewoman has expired.

The chair recognizes the gentleman from South Carolina, Mr. Gowdy, for 5 minutes.

Mr. GOWDY. Thank you, Mr. Chairman.

Thank you, Mr. Attorney General.

I want to cover a couple of areas, but I want to start with something that's very important to me. I think it's important to all people in this country of good conscience, irrespective of their political ideation, and that is the independence of the Department of Justice. And in my judgment, 2016 and 2017 have been challenging years for the Department of Justice.

You know, the decision to charge someone carries with it multiple layers of review. There's a grand jury, there's a petit jury, there is a trial judge, there are post-trial motions, there is appellate courts, there are courts of habeas corpus. And then there's the media and then there's Congress.

But the decision not to charge someone does not carry with it the same corresponding layers of review. But in some instances it's every bit as important to understand why law enforcement did not do something and why prosecutors did not do something.

I'm not interested in relitigating the FBI's decision not to charge Secretary Clinton. That decision's been made, it's been explained, and I'm not interested in relitigating it.

I am, however, interested in reviewing 2016 and 2017 with respect to the Department of Justice. And, Mr. Attorney General, there was a time when my colleagues on the other side of the aisle were interested in having some of these questions answered as well. It wasn't a year ago that some of my Democratic friends wanted Jim Comey investigated and prosecuted for a Hatch Act violation. That was 12 months ago. And it was absurd then and it is absurd now.

But what's not absurd is when my Democratic colleagues ask: Why did you decide to publicize one investigation but not another? Why did you decide to appropriate a decision away from the Justice Department, which is very unusual for the head of the FBI to serve as both the investigator and the decisionmaker?

Just like Republicans wanted to know, Mr. Comey, did you reach your conclusions before the end of the investigation? Did you make decisions whether to charge or not to charge before you interviewed all of the witnesses?

These are questions that to me go to the core of whether or not the Department can be respected separate and aside from politics. I mean, I get, I guess, that certain departments are just inherently political, but the Department of Justice should not be.

And so I tell you that up front, that Chairman Goodlatte and I are going to be looking into the decisions made in 2016 and 2017. And I think I can speak for him and I know I can speak for myself, my motivation is a love for that Department and a love for the concept of blind justice that doesn't care whether it's an even-numbered year or an odd-numbered year.

And to the extent that there were decisions made, including the decision to write a public letter in October of last year and follow that up with another public letter in November, those are legitimate questions.

And I hope that the Department will cooperate both with respect to making witnesses available, but also with respect to documents, so Congress can better understand the decisions that were made

and not made and restore some modicum of trust that all people, whether they agreed with the decisions or not, at least understand why they were made.

Now, Mr. Conyers asked you whether or not it was appropriate for the President to——

Attorney General SESSIONS. May I respond briefly to that?

Mr. GOWDY. Yes, sir.

Attorney General SESSIONS. You're familiar with the inspector general.

Mr. GOWDY. I am meeting with him——

Attorney General SESSIONS. And they make public their investigations. And several of the matters that involve the FBI are under full and intense review by the inspector general and perhaps they can—under their rules of disclosure, perhaps you can inquire more about how that's ongoing. But I'm not able to give the details to you at this time. That's a serious matter, it's in my response to the chairman of yesterday.

Mr. GOWDY. Well, I didn't intend to ask you to respond to it, because you're right, Mr. Horowitz is looking into it. In fact, I'm meeting with Mr. Horowitz this afternoon, not in that capacity, but in another. And you're right, at some point he's going to let Congress know what he found. But that does not absolve us of our responsibility to also look into it.

Mr. Conyers asked you whether or not it was appropriate for the President to weigh in on an ongoing investigation, and of course the answer to that is no. It is not appropriate. It's not appropriate in 2017. It wasn't appropriate when President Obama did it in the IRS targeting scandal. It wasn't appropriate when President Obama did it in the ongoing investigation into Hillary Clinton's server.

It is never appropriate for a President to tell a Department of Justice what outcome it should research. I just wish my friends on the other side had the same outrage when President Obama did it as they do now.

I mean, I guess that's what I'm—this will be my last question to you. You're nominated by a President, you're approved by a Senate, but yet you work for a virtue. You work for a blindfolded woman holding a set of scales. And that is what makes our culture different.

How do you restore people's trust, Republicans and Democrats, confidence in a Department of Justice when it seems like different rules apply depending on who's in power?

Chairman GOODLATTE. The time of the gentleman has expired. The Attorney General will be permitted to answer.

Attorney General SESSIONS. Well, it's a good question and an important question.

We intend to do our work according to the established principles of the Department of Justice. We will not be infected by politics or bias. We will make only decisions we believe are right and just. And we're not going to use the Department to unlawfully advance a political agenda. We're going to enforce the laws of this country effectively as Congress has passed them.

And I am determined that when the years go by that people will say, this Department of Justice did not crumble, it stayed firm and

true to the great principles that I was taught in the 15 years I served in the Department of Justice, 2½ as an assistant, 12 as a United States attorney, and looking up to the Attorney General as somehow so far removed from me that it was beyond recognition.

But now I'm in that position. I think I understand the gravity of it. I think I understand the importance of responding to your question. And we'll do our best.

Mr. GOWDY. Thank you.

Chairman GOODLATTE. The chair recognizes the gentleman from Louisiana, Mr. Richmond, for 5 minutes.

Mr. RICHMOND. Mr. General, I have the honor of serving as chair of the Congressional Black Caucus. You were not there, but I'm sure you are aware—and if you're not aware, I'm telling on myself—that I testified against your nomination.

And I did so because I was afraid that we would go back to a time where discrimination was rampant, and that diversity was not appreciated, and that the right to vote for minorities and African Americans would be further—more obstacles would be set up.

And I listened to your opening statement and I listened to your remarks since then and you talked about voter ID. The Veasey case, which in Texas ruled that their vote—the Texas voter identification law had discriminatory portions against African Americans, the district court ruled that way, the appellate court affirmed that ruling, and then you withdrew from the case after two courts ruled that it was discriminatory.

How does that mesh—and then argued on the side of Texas—how does that mesh with the right to make sure that African Americans had unfettered access to the voting polls?

Attorney General SESSIONS. Congressman, the way that happened was that Texas had passed a voter ID law that the courts did not approve but struck down. An election was coming up, I believe, and the court approved a voter ID procedure that they approved for that election. And the Texas Legislature then repealed its previous law that had been found to be unconstitutional or improper and passed the one that the court had approved.

So we felt that the voter ID law has been approved—a proper voter ID law is constitutional, and we believe that one is constitutional, and that's why the position was changed.

Mr. RICHMOND. And also in judging the Department of Justice, in terms of nominating judges to the bench, our information tells us that out of all the judges that have been nominated, I think 91 percent have been White males. Does that foster diversity?

Attorney General SESSIONS. I'm not aware of the numbers, but we should look for quality candidates, and I think diversity is a matter that has significance.

Mr. RICHMOND. Well, the National Bar Association could recommend and has recommended a number of African American and minority attorneys who are qualified.

So let me just ask you, and if you don't know the answer to these, just let me know that you'll get me the information, but how many African Americans do you have on your senior staff?

Attorney General SESSIONS. I do not have a senior staff member at this time that's an African American.

Mr. RICHMOND. Out of all—

Attorney General SESSIONS. I would note in Alabama, I participated in recommending an African American judge, and I've had African American judges before and—

Mr. RICHMOND. We're talking about this administration, though. Of all of the U.S. attorneys that have been nominated or confirmed, how many have been African American?

Attorney General SESSIONS. One in Alabama that I've recommended that I've recommended that I knew, he's been confirmed.

Mr. RICHMOND. And I believe it's—I believe it's only that one.

Out of all of the special agents in charge of FBI bureaus around the country, how many are African American?

Attorney General SESSIONS. I do not know.

Mr. RICHMOND. Would you get that for me?

And here is the gist of what I'm saying. For a lot of people who objectively look from the back, like I do and many people where I live, the question is whether we're going towards inclusion and diversity or whether we're going back.

So I applaud the President for his approach to the opioid epidemic which everyone in this room is concerned about. We're losing over 100 people a day. But your decision to reverse Eric Holder's Smart on Crime Initiative goes back to the crack tough on crime. And I think you specifically said that you wanted U.S. attorneys to charge and pursue the most serious readily provable offenses and sentences. But with opioids, we are treating it as a mental health crisis.

And the question becomes, from the outside looking in, is it because of who the opioid crisis is affecting as opposed to crack? Our answer to crack cocaine was mandatory minimum sentences.

So the question is, how does an outside observer reconcile how we treated crack, which led to mass incarceration, which now with an epidemic we're losing thousands and thousands of people a year and we're treating it with hugs and kisses and treatment as opposed to tough on crime, lock 'em up? How do I reconcile that and not conclude that the only difference is race and income?

Attorney General SESSIONS. Well, I would say that the Federal court focuses on serious offenders, not users. We talk about international drug cartels, we talk about distribution networks, serious gangs, MS-13. We focus aggressively on that.

But the PSN, the new reinvigorated crime problem, focuses more, and I've been convinced of this, on the leading criminals in a neighborhood. And the Federal Government will not seek mass incarceration so much as we will be focusing on identifying the people who really are the driving force, maybe sucking other young people into crime that would never have been brought in there if they hadn't had this leadership drive. It's worked in New York, it's worked in other agencies, and I think it will work here.

And, Congressman, I would note that the average Federal sentence in the last 3 or 4 years has dropped 19 percent and the Federal prison population is down 14 percent, while we are beginning to see a spike in homicides, the likes of which we hadn't seen since the 1960s.

Chairman GOODLATTE. The time of the gentleman has expired.

The chair recognizes the gentleman from Texas, Mr. Farenthold, for 5 minutes.

Mr. FARENTHOLD. Thank you, Mr. Chairman.

Mr. Attorney General, thank you for being here.

Before I got to Congress, I was a computer consultant, so I'm a little—I sometimes dive into the nerdier end of things. The incursion into the DNC servers is back in the news recently.

My question is, can you tell us if anyone at the DOJ, FBI, or any other Federal law enforcement agency has been able to take a look and forensically examine that server to determine who hacked it, whether it was the Russians, an inside job, or somebody else?

Attorney General SESSIONS. You said the DS—

Mr. FARENTHOLD. DNC.

Attorney General SESSIONS. DNC. I'm not able to comment on that. It's an ongoing investigation.

Mr. FARENTHOLD. I appreciate that.

We've also talked a little bit today about the FISA court and 702 and surveillance. And one of the things that I don't think has been completely answered is, why does the DOJ think it's so problematic to require a warrant from the FISA court before—or any court—before accessing or disseminating the contents of communications that aren't related to foreign intelligence that deal with American citizens?

Attorney General SESSIONS. Well, the way—maybe I should explain this. When you have a warrant or you have a surveillance on a foreign individual that may be connected to terrorism or any foreign individual, you listen to who they talk to. And if they call an American and you have a terrorist on the phone in Syria, you want to know who that American is.

Mr. FARENTHOLD. But the USA Liberty Act includes exceptions for emergencies and for individuals who are reasonably believed to be engaged in international terrorism or foreign—or furthering their goals.

Attorney General SESSIONS. Well, I'm not sure I understand that.

Mr. FARENTHOLD. There is an exception for dealing with emergencies and people believed to be terrorists.

Attorney General SESSIONS. All right. So let me just say this. So if we get a lawful intercept from a Federal judge of a Mafia person in New York, he is not likely to be talking about to many people not in the United States. And we are listening to the conversations of the people he talks to and they are American citizens. And if they are talking about a crime, you can use that evidence against them and you don't have to have a separate warrant to access it.

We're talking about in the 702—I hope you will think through with me now. So you lawfully obtained this information. You could do it by hand in the old days, but now the computers do much of the work for us. So you know the names of the people that may be involved in this activity and you can access those records just like you could access bank records that you got.

Mr. FARENTHOLD. But if it came up in any other way you would have had to have gotten a warrant to get that wiretap?

Attorney General SESSIONS. But the problem with the warrant is—let's say this. Let's say you have information from an airport

that somebody wants to learn to fly a plane but does not want to learn how to land the plane, as we saw one time.

Mr. FARENTHOLD. And you go to the court and you can get a warrant in a matter of hours.

Attorney General SESSIONS. That does not give probable cause to search, tap that person's phone.

Mr. FARENTHOLD. I've got a couple of other questions. I appreciate your answer on that.

Attorney General SESSIONS. Okay. I'm sorry.

Mr. FARENTHOLD. I do want to talk—in the last Congress we passed and enacted into law the Stop Advertising Victims of Exploitation Act, or the SAVE Act. This legislation makes it a criminal offense to advertise for commercial sex acts.

Has the DOJ used this provision to prosecute online sex traffickers or websites they use, and if not, why not?

Attorney General SESSIONS. I'm not sure about that, Congressman. I'll have to—maybe I can get back to you on that?

Mr. FARENTHOLD. I would appreciate that.

Attorney General SESSIONS. Thank you.

Mr. FARENTHOLD. All right. I've got a couple more here I want to hit. But I'm going to kind of take a step back and look at the big picture.

I'm a lawyer, I went to law school. I've always considered the Attorney General to be the people's attorney. And I feel like over the past few years under previous Attorney Generals that the Attorney General has been more the President's attorney rather than the people's attorney.

Can you tell me what you are doing in office to restore the confidence in the American people, both in the office of the Attorney General and agencies like the FBI? Which most people used to have a very high respect for, but I believe that level of respect and trust has dropped dramatically in recent times.

Attorney General SESSIONS. These are serious questions. I believe as you get to know the FBI Director, Chris Wray, the new Director, you will find him to be a man of high intelligence, great integrity, great character, and great capability. Clearly, one of the Nation's great lawyers in private practice, but many years in the Department of Justice as a prosecutor working with the FBI agents. That's one thing we've got. I can tell you I have great confidence in him.

My deputy, 27 years of professional—that I chose to be my primary deputy, my Associate Attorney General, likewise is a woman of the highest character and academic excellence and experience in the Department. We are setting a tone of professionalism every day in what we do. So I think that's something we need to do.

There are some matters that do need to be completed. The inspector general is doing investigations of some significance, as in my letter, I believe you received a copy, involving the FBI and the allegations that are there. We intend to make sure that no agency of the government, not just the FBI, is not following the kind of disciplines and practices they should follow.

So I guess I would say to you watch what we do. We're not going to be driven by politics. We're going to try to do the right thing. And I believe that time will show that to be true.

Mr. FARENTHOLD. I see my time has expired. Thank you, Mr. Chairman.

Chairman GOODLATTE. The chair recognizes the gentleman from New York, Mr. Jeffries, for 5 minutes.

Mr. JEFFRIES. Mr. Sessions, I have a copy of the transcript of your testimony before the Senate Judiciary Committee in October. You stated under oath, "I don't recall," in some form or fashion 29 times. Is that correct?

Attorney General SESSIONS. I have no idea.

Mr. JEFFRIES. I have a copy of the transcript of your testimony before the Senate Intelligence Committee in June. You stated under oath, "I don't recall," in some form or fashion approximately 36 times. Is that correct?

Attorney General SESSIONS. I don't know.

Mr. JEFFRIES. In your testimony today you have stated, "I don't recall," at least 20 times. Is that fair to say?

Attorney General SESSIONS. I have no idea.

Mr. JEFFRIES. Now, on October 4, 2016, during a TV interview with Lou Dobbs, you criticized Hillary Clinton for telling FBI investigators, "I can't remember," approximately 35 times. You also stated during that Lou Dobbs interview that the intentional failure to remember can constitute perjury.

Mr. Attorney General, do you still believe that the intentional failure to remember can constitute a criminal act?

Attorney General SESSIONS. If it's an act to deceive, yes.

Mr. JEFFRIES. Okay. Now, you testified in January that you had no contact with Russian operatives during the Trump campaign. Earlier today you testified that your story has, quote, "never changed." Is that correct? That was your testimony earlier today, that your story has never changed, correct?

Attorney General SESSIONS. I believe that's fair to say.

Mr. JEFFRIES. Okay.

Attorney General SESSIONS. We might could—we've added things that I did not recall at the time.

Mr. JEFFRIES. Right.

Attorney General SESSIONS. But my statement at the time was my best recollection of the circumstances, and I, as things are brought up—

Mr. JEFFRIES. Reclaiming my time. I understand.

Attorney General SESSIONS. All right.

Mr. JEFFRIES. Sir, you now acknowledge meeting with Ambassador Kislyak during the Republican National Convention, correct?

Attorney General SESSIONS. I remember I made a speech. He came up to me afterwards. I was standing in front of a speaker, Corker, and did chat with him.

Mr. JEFFRIES. Okay. Thank you. And you also—

Attorney General SESSIONS. And it was an encounter, not a meeting. It was just an encounter at that time.

Mr. JEFFRIES. Okay. And you also met with the Ambassador in September of 2016 in your office, as you've acknowledged, correct?

Attorney General SESSIONS. He asked for an appointment. I had two senior staffers, both full colonels in the United States Army, retired, in the meeting—

Mr. JEFFRIES. Now, you testified—I'm sorry—you testified in June before the Senate Intelligence Committee that you had not heard even a whisper about possible Russian involvement in the Trump campaign. Yet we understand that you attended this March 31 meeting with George Papadopoulos, talked about potential communications with Russian operatives.

But also, according to your third quarter 2016 FEC filing, you hosted a Trump campaign dinner meeting on June 30, 2016, at the Capitol Hill Club. Is that right?

Attorney General SESSIONS. That's correct, I believe.

Mr. JEFFRIES. And your Senate reelection campaign paid for that meeting. Is that right?

Attorney General SESSIONS. I think that may be so.

Mr. JEFFRIES. Okay. And Carter Page and George Papadopoulos both attended that June 30 meeting, correct?

Attorney General SESSIONS. That has been reported.

Mr. JEFFRIES. And at that meeting Carter Page told you that he was going to Moscow in a few days. Is that right?

Attorney General SESSIONS. Yes.

Mr. JEFFRIES. Okay.

Attorney General SESSIONS. And he——

Mr. JEFFRIES. Thank you. Thank you.

Attorney General SESSIONS [continuing]. He said it was a brief meeting as we were walking out the door. I don't recall that conversation, but I'm not able to dispute it.

Mr. JEFFRIES. Understood. Reclaiming my time. I've got limited time available.

Attorney General SESSIONS. That does not—does that establish a—some sort of improper contact with a Russian?

Mr. JEFFRIES. I think you understand—I think you understand——

Attorney General SESSIONS. He's not Russian either, you know.

Mr. JEFFRIES. You understand, sir, I get to ask the questions and you provide the answers in this capacity. You're no longer in the United States Senate.

You voted in 1999 to remove Bill Clinton from office on charges of perjury, correct?

Attorney General SESSIONS. That is correct. There were other charges.

Mr. JEFFRIES. Simple question.

Attorney General SESSIONS. I voted for impeachment, yes.

Mr. JEFFRIES. Yes, I understand. To remove him, actually. Impeachment's in the House.

In connection with that vote to remove President Clinton from office, you gave this speech on the Senate floor on February 29, 1999, and in it you acknowledged that while serving as U.S. attorney you once prosecuted a young police officer who lied in a deposition. And in that speech you decided to prosecute that young police officer, even though he corrected his testimony.

Now, you've testified under oath before the Senate Judiciary Committee in January. You subsequently corrected that testimony in a March 6 written submission and have been forced repeatedly to come back to the Senate and now the House to clarify.

When explaining your vote on the Senate floor to remove Bill Clinton from office, you stated that you refused to hold a President accountable to a different standard than the young police officer who you prosecuted.

Let me be clear, the Attorney General of the United States of America should not be held to a different standard than the young police officer whose life you ruined by prosecuting him for perjury.

I yield back.

Chairman GOODLATTE. The gentleman may respond, if he chooses to.

Attorney General SESSIONS. Mr. Jeffries, nobody, nobody, not you or anyone else, should be prosecuted, not me, or accused of perjury for answering the question the way I did in this hearing. I've always tried to answer the questions fairly and accurately.

But to ask, did you ever do something, did you ever meet with Russians and deal with the campaign, you're saying Mr. Carter Page, who left that meeting, according to the press reports and all—and I guess his deposition or interview—has been reported as saying, I'm going to Russia. I made no response to him, didn't acknowledge it. And you're accusing me of lying about that?

I say that's not fair, Mr. Jeffries. I would say that's not fair, colleagues. That's not any indication that I in any way participated in anything wrong.

And the same with Mr. Papadopoulos. He talked about—it's reported in the paper that he said something about going to Russia and dealing with the Russians. And I pushed back and said, you shouldn't do it.

So I don't think I'm—it is right to accuse me of doing something wrong. I had no participation in any wrongdoing with regard to influencing this campaign improperly.

Chairman GOODLATTE. The chair recognizes the gentleman from Florida, Mr. DeSantis, for 5 minutes.

Mr. DESANTIS. Well, thank you.

Mr. Attorney General, you didn't do anything wrong in that testimony. This question was jarbled. That's just not giving you any benefit of the doubt at all, to do what these guys are doing to you. So I hear what you're saying, and you didn't do anything wrong there.

I do want to talk to you about your recusal from the Russian case. You cited 28 CFR 445.2, saying you were involved with the campaign; that triggered recusal. However, that regulation only applies to criminal prosecutions or investigations. When you recused yourself under James Comey's admission, that was a counterintelligence investigation, not a criminal investigation.

So why did you cite that regulation to recuse from a counterintelligence investigation when its only applicability is for a criminal investigation?

Attorney General SESSIONS. I'm not sure that that was expressed to me when I was given advice about it, in those terms, number one. Number two, it could likely be interpreted as both. And so I felt—

Mr. DESANTIS. Comey said that he—after you were recused, he testified March 20. He said, "I'm authorized to say there's a counterintelligence investigation." He was telling the President, "You're

not under investigation.” So that’s what he said. So I think that that may have been misapplied. But I understand what you’re saying. You——

Attorney General SESSIONS. I did follow the advice I was given.

Mr. DESANTIS. No, I know you did. I know you did.

You’ve talked about you can’t confirm or deny investigations. I think that’s a good policy.

Why was Comey allowed to confirm that investigation on March 20, which invited all kinds of irresponsible speculation? You were recused. Somebody in the Department authorized him to do that. Why did they break with the policy?

Attorney General SESSIONS. This was—this is March 20 you’re talking about?

I’m not—I don’t recall how that exactly occurred. But I do agree with you, Congressman, that Mr. Comey talked more than he should. And he had no power, right, or justification in announcing the conclusion of a criminal investigation. He was the investigator, not the——

Mr. DESANTIS. I agree. I don’t want to—I’m sorry to interrupt, but I’ve got limited time. I agree with you.

Let me move on. Uranium One case, I know you’ve been asked about it. Can you say—forget about whether it’s under investigation. In the past, did the FBI or DOJ inform either President Obama, Secretary Clinton, or any Cabinet Secretary that it had uncovered evidence that Rosatom’s main U.S. executive, Vadim Mikerin, was engaged in bribery, kickbacks, and money laundering before the Obama administration approved the Uranium One sale in 2010?

Attorney General SESSIONS. It—that Mikerin matter is prosecuted in Maryland, and——

Mr. DESANTIS. 2014. But there was an informant in 2009–2010. The FBI had evidence of bribery, kickbacks, and money laundering. Was that information conveyed to any of the relative people on the CFIUS board—Clinton, other Cabinet Secretaries—or was it given to the President?

Attorney General SESSIONS. The way I understand that matter is that the case in which Mr. Mikerin was convicted was not connected to the CFIUS problem that occurred 2 to 3 years before. When the case came to the United States attorney’s office, Mr. Rosenstein’s office in Maryland, CFIUS had already been approved by 2 years or more.

Mr. DESANTIS. There was an FBI informant starting in 2009. Have you——

Attorney General SESSIONS. Well, you’re going to—I have not talked with him, but Department of Justice, I understand, has approved him providing information to the Congress. And he’s—I understand it’ll be set up in a few days, and you’ll be able to hear from him directly.

Mr. DESANTIS. Well, I think you should, too, because, you know, from everything I’ve been proffered, he has evidence of illegal conduct, 2009 and 2010, before this deal was agreed to, involving Uranium One. It was all connected. And so I think that that’s something that we need to do.

And let me move on. The leaking you mentioned. You can't confirm or deny the existence of the leaks, Michael Flynn, some of these other leaks used politically against the administration.

So let me ask you this. Since the President was elected, has anybody been held accountable, criminally or administratively, for leaking information against the administration in a political—with a political motive?

Attorney General SESSIONS. Well, I think the individual in Georgia had a motive that's been charged. And—but a number—we have 27 ongoing investigations. Some of those involve leaks before President Trump took office and some after.

Mr. DESANTIS. Final question—

Attorney General SESSIONS. But, before that, there was only three per year, only nine. There's three times as many this year as the entire 3 years before being investigated.

Mr. DESANTIS. Final question, very—why can't you just tell us whether or not the FBI expended resources to give money to Christopher Steele? It's not about going into the investigation. We have oversight over your department. Were taxpayer dollars used to give to Christopher Steele, yes or no?

Attorney General SESSIONS. I'm not able to do that, I think, for several reasons. It's an ongoing matter, and also it may well involve classified information.

Mr. DESANTIS. Thank you, Mr. Attorney General.

Chairman GOODLATTE. The chair recognizes the gentleman from Rhode Island, Mr. Cicilline, for 5 minutes.

Mr. CICILLINE. Thank you, Mr. Chairman.

And I apologize in advance, Mr. Attorney General. I'm going to try to go through some questions quickly.

Multiple trustworthy reports revealed last week that the Justice Department may require AT&T to sell CNN, among other assets, as a requirement for the approval of its proposed acquisition of Time Warner. Subsequently, more reports have surfaced that Rupert Murdoch, the chairman of 21st Century Fox and a confidant of President Trump, has twice contacted AT&T in an effort to buy CNN. This is, of course, very disturbing to those of us that are responsible for oversight of these issues.

And my first question is, has any White House employee or official, including the President, contacted the Justice Department regarding the AT&T-Time Warner transaction or any other transaction?

Attorney General SESSIONS. I'm not able to comment on the conversations or communications the Department of Justice top people have with top people at the White House.

Mr. CICILLINE. Well, Mr. Chairman, I'd ask that the witness be directed to answer the question.

Either you're invoking the Fifth Amendment or you're invoking executive privilege. You just can't decline to answer because it's uncomfortable.

So I would ask, Mr. Chairman, that the witness be directed to answer my question.

Chairman GOODLATTE. The witness can answer the question in the fashion that he has determined.

Mr. CICILLINE. Well, reserving my right, Mr. Chairman, I'll move on.

Mr. SESSIONS, are you not going to answer the question, whether any White House or—any White House officials have attempted to interfere or speak to the Justice Department about this transaction?

Attorney General SESSIONS. According to longstanding Department of Justice policy, the Department of Justice does not reveal privileged conversations or conversations—

Mr. CICILLINE. Okay. Reclaiming my time, then, Mr.—

Attorney General SESSIONS [continuing]. Between the White House and Department of Justice.

Mr. CICILLINE. I'm going to move on to a new area. The Foreign Agents Registration Act, you're familiar with it?

Attorney General SESSIONS. Right.

Mr. CICILLINE. Do you think it's good policy?

Attorney General SESSIONS. I think it's a good law—

Mr. CICILLINE. You enforce it, correct?

Attorney General SESSIONS [continuing]. And it has value. Yes.

Mr. CICILLINE. In addition to Paul Manafort and Michael Flynn, have any other Trump campaign advisers or senior administration officials lobbied for foreign governments without disclosing it under the Foreign Agents Registration Act?

Attorney General SESSIONS. I'm not able to comment on that.

Mr. CICILLINE. Why not?

Attorney General SESSIONS. Repeat the question. Perhaps I misunderstood it.

Mr. CICILLINE. In addition to Paul Manafort and Michael Flynn, have any Trump campaign advisers or senior administration officials lobbied for foreign governments without disclosing it under the Foreign Agents Registration Act?

Attorney General SESSIONS. That would be a matter that should be directed to Mr. Mueller, I believe.

Mr. CICILLINE. Moving to a new question, on October 6, the Department of Justice—actually, you, on the behalf of the Department of Justice, issued a 25-page memo to all Federal agencies, purporting to provide guidance on religious liberty protections under Federal law.

In the guidance, you direct—you indicate that an exemption or accommodation for religious organizations from anti-discrimination law might be required even where Congress has not expressly exempted religious organizations.

You remember that, right?

Attorney General SESSIONS. Yes.

Mr. CICILLINE. Would that mean, under your interpretation, that an employee of FEMA could refuse to provide disaster assistance to an unmarried couple who live together based on the employee's religious belief that men and women should not cohabit before marriage?

Attorney General SESSIONS. I don't believe that it could be interpreted that way. It's just a—

Mr. CICILLINE. Would—

Attorney General SESSIONS [continuing]. Policy document. We didn't try to write it—

Mr. CICILLINE. Thank you. Reclaiming my time, I'd really like to—

Attorney General SESSIONS. I'm just trying to answer.

Mr. CICILLINE. This is a "yes" or "no." Would the guidance you provided permit a HUD-funded shelter to refuse to house an unmarried pregnant woman based on the grant recipient's belief that sex outside of marriage is a sin?

Attorney General SESSIONS. Every—

Mr. CICILLINE. Yes or no?

Attorney General SESSIONS. Every manner—first, I don't think so, number one, under the guidance. But, also, the guidance does not repeal established laws that are in place. And it was written, that guidance was, to clarify the established—

Mr. CICILLINE. Thank you, Mr. Sessions.

Attorney General SESSIONS [continuing]. Principles of religious freedom.

Mr. CICILLINE. I have very limited time. I appreciate your—

Attorney General SESSIONS. Well—

Mr. CICILLINE [continuing]. Answer.

Attorney General SESSIONS. Thank you.

Mr. CICILLINE. Now, returning to the Papadopoulos issue, in your October 18 testimony, you purport to have forgotten this conversation about—by Mr. Papadopoulos about Russia that you put an end to. You said you weren't being dishonest, you weren't making false—you simply forgot it. Do you remember that testimony?

Attorney General SESSIONS. Something like that, yes.

Mr. CICILLINE. Okay. When did you remember the remarks of Mr. Papadopoulos? When did that memory come back to you?

Attorney General SESSIONS. I think it was when the press came up with it or some—it was revealed in the press.

Mr. CICILLINE. That was the first time you remembered it?

Attorney General SESSIONS. I would recall that my October statements was a broad question.

Mr. CICILLINE. No, I understand. I'm just—

Attorney General SESSIONS. And I'm—

Mr. CICILLINE. I have a limited time. Reclaiming my time, you were a senior—

Attorney General SESSIONS. This event occurred over—

Mr. CICILLINE. Mr. Sessions, you were a senior—

Attorney General SESSIONS. It was over 18 months before—

Mr. CICILLINE [continuing]. Campaign official and a member of the national security team. Did you ever exchange any email, text message, or any other communication to or from Mr. Papadopoulos about Russia or any other subject?

Attorney General SESSIONS. Repeat the category—the list of things.

Mr. CICILLINE. Did you exchange any email, text message, or any communication to or from Mr. Papadopoulos about any subject?

Attorney General SESSIONS. I do not believe so. I'm confident I—

Mr. CICILLINE. Did anybody—

Attorney General SESSIONS [continuing]. Did not.

Mr. CICILLINE. Did anybody every forward to you a communication from Mr. Papadopoulos?

Attorney General SESSIONS. I don't recall it.

Mr. CICILLINE. Did anybody from the campaign ever communicate with you about Mr. Papadopoulos?

Attorney General SESSIONS. I can't say that there were no conversations about him before or after this event.

Mr. CICILLINE. Were you told about the——

Attorney General SESSIONS. I did push back at him——

Chairman GOODLATTE. The time of the gentleman has expired. The witness can answer the question.

Attorney General SESSIONS. I don't have a specific recollection, Mr. Chairman.

Mr. CICILLINE. Mr. Chairman, I'd ask to make a unanimous consent request.

I would ask unanimous consent to insert the following materials into the record: a letter from me and Ranking Member Conyers requesting a hearing on the President's interference with antitrust enforcement matters before the Justice Department; a letter from Senators Amy Klobuchar, Dianne Feinstein, and several others to the Justice Department urging it to oppose any attempt by the White House to interfere with antitrust laws, enforcement decisions, particularly for political reasons; a July article in The New York Times reporting that senior White House advisers have discussed using the AT&T-Time Warner merger as a potential point of leverage over CNN; and nine letters from as far as back as February of this year from various members of the Judiciary Committee seeking information on a wide range of subjects, addressed to the Attorney General of the United States, that have been ignored, that we have received no response on. And I ask——

Chairman GOODLATTE. Without objection, the documents will be made part of the record.

This information is available at the Committee and can be accessed online at: <https://docs.house.gov/meetings/JU/JU00/20171114/106709/HHRG-115-JU00-20171114-SD002.pdf>

Chairman GOODLATTE. The chair recognizes the gentleman from Texas, Mr. Ratcliffe, for 5 minutes.

Mr. RATCLIFFE. Thank you, Mr. Chairman.

Mr. Attorney General, good to see you.

If FBI Director Chris Wray held a press conference tomorrow without your knowledge to announce a charging decision in a major Federal investigation, would you consider that an inappropriate departure from longstanding Department of Justice and FBI policies?

Attorney General SESSIONS. Under the situation today, under the letter that Deputy Attorney General Rosenstein wrote with regard to Mr. Comey, I think it would be a terminable offense.

Mr. RATCLIFFE. All right.

Attorney General SESSIONS. That is not disciplined. We need to be disciplined in this department. We don't need to be leaking, and we don't need to have people taking actions outside their realm. Maybe sometimes people make an honest mistake, but that would be a very dramatic thing, which he would never do.

Mr. RATCLIFFE. So I'll take that as an emphatic "yes."

Now, to your knowledge, are there currently Federal prosecutors in your office that are predetermining cases prior to the inter-

viewing of key witnesses, to include the subjects or targets of those investigations?

Attorney General SESSIONS. I don't believe so.

Mr. RATCLIFFE. Is it a practice in your Department of Justice to allow immunized witnesses to sit in the interviews of the subject or target of Federal investigations?

Attorney General SESSIONS. That would not be a normal process, for sure.

Mr. RATCLIFFE. Mr. Attorney General, these are just a few of the irregularities or anomalies that have taken place in how the Department of Justice and the FBI have handled these investigations and prosecutions prior to 2016, and, now, apparently, a departure from how you're handling them. It's also these irregularities that have shaken the faith and trust of people in our Department of Justice.

Look, I'm of the opinion that for the last 8 years we have survived the worst Presidency of my lifetime. My colleagues on the other side of the aisle have spent their time today trying to convince you that we have to survive a bad President right now. That's okay. For 240 years, our Republic has withstood that. Elected officials come and go.

But, right now, where we are and what our history won't tell us is, what happens to our Republic if people lose all faith and trust in the Department of Justice and the FBI to fairly investigate and to prosecute violations of the rule of law?

Now, at one point in time, you and I held the same position in the Department of Justice. I was a U.S. attorney, as were you. You've obviously been promoted. If public opinion polls tell us anything, the chair that I hold right now signals that I've been demoted. But my time as U.S. attorney taught me something that you said in your opening, which is that the Department of Justice must always transcend politics to uphold the rule of law.

I think, more than anything else, what the American people want to hear from you today is that that is, in fact, the case. As Mr. Gowdy said in his line of questioning, Lady Justice is supposed to be holding a set of scales, wearing a blindfold; she is not supposed to have her finger on the scales. And I think that the American people have every reason to question whether or not that's where we are right now.

So, more than anything else, what I'm asking from you is to hear from you that you are prepared—no, that you are committed to go wherever the facts and evidence lead you, regardless of the political consequences for any political party or any person, to include Donald Trump or Hillary Clinton or yourself.

Attorney General SESSIONS. Yes, I am and the Department of Justice is. You will soon have Director Wray, I believe, coming before your committee. I hope you'll ask him these questions, and I think you'll be impressed with his commitment in that regard.

As United States attorneys, it was—we were raised in that idea. I've never forgotten—I'm glad I had my 15 years in the Department of Justice before I came to Congress. You get your values shaped maybe at a younger age. But I think I understand the role I have, the responsibility we have to do justice.

And I would say this, that, in the long run, if I want the respect of this body, both sides of the aisle, I've got to follow the rules in the Department. And it may frustrate you that I can't answer questions or confirm you or other members on this side, it may frustrate people on this side, but if I'm not prepared to do that, then I don't think I'll ever restore the Department of Justice.

And that's what our goal would be, to hopefully—hopefully it's not as bad as you say, but I think there's danger out there, and we want to fix it.

Mr. RATCLIFFE. Mr. Attorney General, thank you for your continued service.

I yield back.

Chairman GOODLATTE. The chair would advise members of the committee that there are about 8½ minutes remaining in this vote. The gentleman from California has persuaded me that we'll permit him to proceed, but other members are advised we will reconvene immediately following this vote series.

And the gentleman from California, Mr. Swalwell, is recognized for 5 minutes.

Mr. SWALWELL. Thank you, Mr. Chairman.

Thank you for appearing, Mr. Attorney General. And please express my gratitude to the men and women who serve the Department of Justice.

You stated in your opening statement that "my story has never changed." But, Mr. Attorney General, it's changed three times, and today we heard the third edition when you told us that you do now recall Mr. Papadopoulos mentioning that he had contacts in Russia.

And so I have a slide for you that I'd like to display. It's a January 10, 2017, exchange with Senator Franken where he asks about campaign communications with Russia. And you stated, "Senator Franken, I'm not aware of any of these activities."

Mr. Attorney General, if were you asked that question today, recalling that you are now aware of what Mr. Papadopoulos said on March 31, would you answer that question differently?

Attorney General SESSIONS. All I would say to you, Congressman, is, if you fairly treat the exchange I had with Senator Franken, I think you can understand where, when I answered the question, I felt like I was answering it properly.

Mr. SWALWELL. But you would agree, today, it should be answered differently, if it was asked in the same form today, considering your recollection that you just gave us.

Attorney General SESSIONS. I believe that when I was—you're asking me today, explicitly, did you meet with any other Russians—

Mr. SWALWELL. Today—

Attorney General SESSIONS [continuing]. I am prepared to say I did. I met with the Ambassador in my office with at least two of my staff, senior, respected patriots, colonels, retired, in the Army.

Mr. SWALWELL. And, Mr. Attorney General—

Attorney General SESSIONS. And nothing improper occurred at all.

Mr. SWALWELL [continuing]. Once and for all, can we answer the question?

Attorney General SESSIONS. I am once and for all answering the——

Mr. SWALWELL. Well——

Attorney General SESSIONS [continuing]. Question, Congressman. I don't understand why you won't take my answer.

Mr. SWALWELL. Well, we're on the third edition, Mr. Attorney General.

So, during your time on the campaign, did any person on Earth state that they were communicating with Russians, traveling to Russia, or ask the campaign to meet with Russians, to your recollection?

Attorney General SESSIONS. Did you get—was I asked that question?

Mr. SWALWELL. No. I'm asking you today, to your knowledge, did any person on the campaign tell you they were going to Russia——

Attorney General SESSIONS. I'm prepared to answer the question, but I just will not answer it in a way that suggests that I in any way intentionally misled anyone when I answered the question. And——

Mr. SWALWELL. What's the answer to the question, Mr. Attorney General?

Attorney General SESSIONS. The answer is I met with the Ambassador in my office for less than an hour, I believe. And I met—he came up to me after a speech at the convention. When it was raised to me that this—months later. Nobody said immediately it was an error. By a press—I immediately revealed and acknowledged or told them the meetings I'd had.

Mr. SWALWELL. With respect to Carter Page, he told you, as you just acknowledged, that he was going to Russia. He was also on the national security team. And this is the second person within about 3 months now that is bringing up Russian contacts. And you did not tell him to not go to Russia. Is that correct?

Attorney General SESSIONS. No, I didn't tell him not to go to Russia.

Mr. SWALWELL. And you didn't tell anyone else on the campaign that he'd told you that——

Attorney General SESSIONS. I don't recall him saying that, but—so am I supposed to stop him from taking a trip?

Mr. SWALWELL. Well, at that point, did you think that, now that two people have talked about either going to Russia or having contacts with Russia, that the campaign, where you were the chairman of the national security team, might have a Russia problem?

Attorney General SESSIONS. Well, if I read what's been said about the Papadopoulos meeting, the one that was a little—something earlier than that, I did say, don't—you don't represent—something to that—I pushed back at his trip and was concerned that he not go off somewhere pretending to represent the Trump campaign. He had no authority for that. This young man didn't have any ability and ought not to be going off representing the campaign.

Mr. SWALWELL. Mr. Attorney General——

Attorney General SESSIONS. Then the next one—the next one is Carter Page, and he says, from what I see in his testimony—interviews, he said, after the meeting was over, he goes out and he——

Mr. SWALWELL. Moving on, Mr. Attorney General——

Attorney General SESSIONS. He goes out, and he says he's going to Russia. I made no response.

Mr. SWALWELL. CIA Director Pompeo has called——

Attorney General SESSIONS. What does that mean?

Mr. SWALWELL. Well, Mr.—the American people——

Attorney General SESSIONS. I don't think it means that I've done anything dishonest——

Mr. SWALWELL. Mr. Attorney General——

Attorney General SESSIONS [continuing]. And certainly doesn't——

Mr. SWALWELL [continuing]. The CIA Director has judged that WikiLeaks is a hostile nonstate intelligence service. Do you agree?

Attorney General SESSIONS. I'm not able to disagree with that.

Mr. SWALWELL. But candidate Trump, who you were working for——

Attorney General SESSIONS. He's more aware of its activities, perhaps, than I.

Mr. SWALWELL. But candidate Trump said throughout the campaign, "I love WikiLeaks."

Do you love WikiLeaks, Mr. Attorney General?

Attorney General SESSIONS. I'm not a fan of WikiLeaks.

Mr. SWALWELL. Do you think it was appropriate that Donald Trump, Jr., communicated with WikiLeaks during the course of the campaign?

Attorney General SESSIONS. I'm not able to make a judgment about that.

Mr. SWALWELL. Thank you again for appearing.

Chairman GOODLATTE. The time of the gentleman has expired.

The committee will stand in recess until immediately after this vote.

[Recess.]

Chairman GOODLATTE. The committee will reconvene.

And the chair recognizes the gentleman from Florida, Mr. Gaetz, for 5 minutes.

Mr. GAETZ. Thank you, Mr. Chairman.

On how many investigations have you recused yourself?

Attorney General SESSIONS. I don't have the number of that. I'll recuse whenever it's appropriate. Doesn't mean there's anything improper, of course. It just means that——

Mr. GAETZ. Not to—have you reused on more than one investigation since you've been Attorney General?

Attorney General SESSIONS. Yes.

Mr. GAETZ. More than 10?

Attorney General SESSIONS. No more—I don't—could be close to that number.

Mr. GAETZ. On all of the matters in which you've recused yourself, is Mr. Rosenstein functionally the Attorney General for those matters?

Attorney General SESSIONS. Yes.

Mr. GAETZ. Are there any matters where you've recused yourself where Mr. Rosenstein has also recused himself?

Attorney General SESSIONS. I'm not aware of it.

Mr. GAETZ. If there was such a circumstance, would you be aware of it?

Attorney General SESSIONS. Probably.

Mr. GAETZ. You're aware of the July 27 letter that the Judiciary chairman and 20 members of the committee sent demanding a special counsel?

Attorney General SESSIONS. Yes.

Mr. GAETZ. And you're aware of the November 13 response that we received late last evening provided by the Assistant Attorney General?

Attorney General SESSIONS. Yes.

Mr. GAETZ. Did you correct Mr. Boyd to draft that response?

Attorney General SESSIONS. We discussed that, and he drafted it, yes.

Mr. GAETZ. Did anyone else direct Mr. Boyd to draft this response, or was it just you?

Attorney General SESSIONS. I think it would've been a direction from me.

Mr. GAETZ. Did you review the letter before it was sent?

Attorney General SESSIONS. Yes.

Mr. GAETZ. And you agree with what's laid out in the letter?

Attorney General SESSIONS. I think so.

Mr. GAETZ. So I'm going to now quote—I think it's in the third paragraph. It says, "The Attorney General has directed senior Federal prosecutors to evaluate certain issues raised in your letters. These senior prosecutors will report directly to the Attorney General and the Deputy Attorney General."

When you say the Deputy Attorney General, you're referring to Mr. Rosenstein?

Attorney General SESSIONS. I'm impressed with Mr. Rosenstein. Yes. He's a friend.

Mr. GAETZ. So, in this circumstance, you contemplate where senior prosecutors are doing the analysis of the issues raised in Chairman Goodlatte's letter and then reporting back. Do you contemplate, by using the conjunction "and," that you and Mr. Rosenstein would be briefed simultaneously?

Attorney General SESSIONS. I would think so.

Mr. GAETZ. Who is the final decisionmaker, you or Mr. Rosenstein, on these matters?

Attorney General SESSIONS. I would make a—the final decision, I would assume, unless it implicates an issue that I'm not—that I'm recused in or it'd be improper for me to be involved with.

Mr. GAETZ. And that goes to the very basis of my questions. I'm trying to find out, on the very issues raised in Chairman Goodlatte's letter, on the very issues referenced in this response, it is stated in this response that it is the Attorney General and the Deputy Attorney General that make a decision. So are you saying that it is the Attorney General, it is your decision that is dispositive on those matters?

Attorney General SESSIONS. Yes, unless there's a conflict or—that I would make a decision, yes. But he would report to both of us.

Mr. GAETZ. Do you see such a conflict as we sit here now?

Attorney General SESSIONS. Well, some of the matters could implicate matters that Mr. Mueller has, for example, that I have recused myself from—

Mr. GAETZ. Well, let's go——

Attorney General SESSIONS [continuing]. And other matters.

Mr. GAETZ. Other than the matters that Mr. Mueller is dealing with, are there any other matters that you would see a circumstance where the issue has been raised in Chairman Goodlatte's letter where you would anticipate a recusal on your part?

Attorney General SESSIONS. I won't prejudge that, but it's possible.

Mr. GAETZ. Do you have the authority today, subject to your recusal, to appoint a special counsel to investigate the Uranium One matter?

Attorney General SESSIONS. I believe I do.

Mr. GAETZ. Do you have the authority to appoint a special counsel to investigate the Fusion GPS dossier?

Attorney General SESSIONS. I don't believe that I should be talking about evaluating cases here today.

Mr. GAETZ. I'm not asking you to evaluate——

Attorney General SESSIONS. Well, you basically are.

Mr. GAETZ. I'm asking you to evaluate your authority to appoint a special counsel, not the—I don't want to know anything about the investigations. I don't even want to know if the investigations are happening or not happening.

Attorney General SESSIONS. So if I'm not recused, I have the authority, yes, and the duty and the responsibility to make that decision.

Mr. GAETZ. Okay.

As it relates to Loretta Lynch using the pseudonym "Elizabeth Carlisle," are you recused on that matter?

Attorney General SESSIONS. I don't think so. And—but——

Mr. GAETZ. Are you recused in the Fusion GPS matter?

Attorney General SESSIONS. There, again, I'm not able to comment about that.

But I would say, in defense of Attorney General Lynch, I use the same—I have a pseudonym also. I understand all Cabinet officials do, and maybe some sub-Cabinet officials do. So she would——

Mr. GAETZ. Well, let's go back to——

Attorney General SESSIONS [continuing]. Probably have been following the advice——

Mr. GAETZ. I understand.

Attorney General SESSIONS [continuing]. Of the Department of Justice. I'm just saying——

Mr. GAETZ. That's fine.

Attorney General SESSIONS [continuing]. We have to be careful——

Mr. GAETZ. I'm no longer interested in that.

So you—I just want to be clear that, as it relates to the Uranium One matter, you do believe you have the authority to appoint a special counsel, and you do not believe that that authority that you have is subject to any recusal at this time.

Attorney General SESSIONS. I cannot say that.

Chairman GOODLATTE. The time of the gentleman has expired.

The chair recognizes the gentleman from California, Mr. Lieu, for 5 minutes.

Mr. LIEU. Thank you, Mr. Chair.

Hello, Mr. Sessions.

Attorney General SESSIONS. Yes.

Mr. LIEU. Donald Trump has asked various individuals to pledge an oath of loyalty to him. Did Donald Trump ever ask you to pledge an oath of loyalty to him?

Attorney General SESSIONS. No.

Mr. LIEU. If Donald Trump were to ask you to pledge loyalty to him or to take such an oath, would you do so?

Attorney General SESSIONS. Well, I don't know what a pledge-of-loyalty oath is. We all owe loyalty to our supervisors. I've always done that to my bosses and supervisors. So, you know, people are expected to be loyal to their——

Mr. LIEU. The correct answer is——

Attorney General SESSIONS [continuing]. Executive branch head. But if you're——

Mr. LIEU. Reclaiming my time——

Attorney General SESSIONS [continuing]. Talking about some sort of improper loyalty oath that goes beyond a commitment to——

Mr. LIEU. Thanks you, Mr. Sessions. Let's——

Attorney General SESSIONS [continuing]. Following a law, I have not.

Mr. LIEU. Thanks you, Mr. Sessions.

Reclaiming my time, let's talk about your contacts with a foreign power.

So, last year, how many interactions did you have with the Russian Government official Sergey Kislyak? I just need a number. Is it three?

Attorney General SESSIONS. Well—of all foreign officials or just——

Mr. LIEU. Russian Government official Ambassador Sergey Kislyak. Last year, how many interactions did you have with him?

Attorney General SESSIONS. I spoke at the Republican convention. I came off the platform, and people were there, and we chatted a moment, had an encounter. Several—a couple months later, I believe in September, he asked for a meeting, and I provided that. I met with over—approximately 25 ambassadors——

Mr. LIEU. Thank you. So——

Attorney General SESSIONS [continuing]. Last year. And I had that same day—well, excuse me. Go ahead.

Mr. LIEU. Thank you, Mr. Sessions. Thank you.

As Attorney General, you have a security clearance, correct?

Attorney General SESSIONS. Yes.

Mr. LIEU. And to get that security clearance, you submitted a security clearance application, also known as an SF-86 Form, correct?

Attorney General SESSIONS. That's correct.

Mr. LIEU. I submitted such a form when I served on Active Duty in the U.S. Air Force, and the form requires you to certify, under penalty of perjury, that information submitted was true, complete, and correct, to the best of your knowledge.

You certified your security clearance form, correct?

Attorney General SESSIONS. That is correct.

Mr. LIEU. All right.

I'm going to, on the video screen, show you a question from that form. And it says, "Have you or any of your immediate family in the past 7 years had any contact with a foreign government, its establishment, such as embassy, consulate agency, military service, intelligence, or a security service, et cetera, or its representatives, whether inside or outside the U.S.?"

The answer that you gave was "no." What you just told us under oath was exactly the opposite. So I'm going to ask you, Mr. Sessions, were you lying then when you filled out the form or are you lying now?

Attorney General SESSIONS. What I was told by my executive assistant when we did this form earlier and then again when I was nominated for Attorney General, that the FBI authority said Members of Congress and, effectively, government officials meeting people on an official basis, you were not required to list all these contacts.

Mr. LIEU. Nothing in that question says you get to answer any differently because you're a U.S. Senator rather than, say, a young police officer. Isn't that right?

Attorney General SESSIONS. Well——

Mr. LIEU. Nothing in that question authorizes you to answer any differently. Isn't that right?

Attorney General SESSIONS. I would say that nobody at the FBI or any other place, to my knowledge, said, "You left that blank. Surely you've met with some foreign officials in the last 7 years."

I have not had any private business dealings or any things of that nature. My contacts would be in the normal course of——

Mr. LIEU. Let me ask you——

Attorney General SESSIONS [continuing]. Senatorial business.

Mr. LIEU. Let me ask you about one——

Attorney General SESSIONS. So I thought that was a reasonable answer.

Mr. LIEU. You said under oath today that you had a meeting with Ambassador Kislyak of under an hour. That's pretty long. Was it more than 50 minutes?

Attorney General SESSIONS. I doubt it was 50 minutes, but it may have been.

Mr. LIEU. Forty-five?

Attorney General SESSIONS. Forty-five, 50 minutes.

Mr. LIEU. All right. Did you discuss campaign——

Attorney General SESSIONS. The Ambassador of——

Mr. LIEU. Did you discuss campaign-related items, such as Ukraine, with an Ambassador?

Attorney General SESSIONS. Well, that's not campaign-related.

Mr. LIEU. All right. I'm going to ask you two simple questions——

Attorney General SESSIONS. Yes, we did talk about Ukraine. We actually had an argument about the Ukraine, because, the day before, the Ukrainian Ambassador was in my office making his case against Russia. And I raised those issues with Mr. Kislyak, and he was, as I referred to it, I think, the classic, "We did nothing wrong, and Ukraine did everything wrong." That was his——

Mr. LIEU. Let me ask you two simple questions, because, in a sense, you've already answered it.

You did have communications with the Russians last year. Isn't that right?

Attorney General SESSIONS. Repeat that.

Mr. LIEU. You did have communications with the Russians last year. Isn't that right? Just "yes" or "no."

Attorney General SESSIONS. I had a meeting with the Russian Ambassador, yes.

Mr. LIEU. Great. That is exactly the opposite answer you gave under oath to the U.S. Senate. So, again, either you're lying to the U.S. Senate or you're lying to the U.S. House of Representatives.

Attorney General SESSIONS. Well, that's—

Chairman GOODLATTE. The time of the gentleman has expired. The witness can answer it any further if he chooses to.

Attorney General SESSIONS. I won't repeat it, Mr. Chairman. But I hope the Congressman knows and I hope all of you know that my answer to that question, "I did not meet with the Russians," was explicitly responding to the shocking suggestion that I, as a surrogate, was meeting on a continuing basis with Russian officials, and the implication was to impact the campaign in some sort of nefarious way. And all I did was meet in my office with the Ambassador, which we didn't discuss anything like that.

So I just want to say, I appreciate the Congressman's right. I guess he can say it's free speech, he can't be sued here. So I just—my response—and I'm sorry that—that's my response.

Chairman GOODLATTE. The chair recognizes the gentleman from Louisiana, Mr. Johnson, for 5 minutes.

Mr. JOHNSON of Louisiana. Thank you, Mr. Chairman.

And, Mr. Attorney General, thank you for your service to this country. Thank you for being here today.

Much has been said in recent months about the aggressive agendas of hostile foreign actors to undermine our Nation's democratic process, as we've talked a lot about today. The American people are rightfully concerned about these subversive efforts, because it seems to taint our public policy and our elections. That's at least the agenda that some have.

And it's been almost 70 years since Congress first enacted the Foreign Agents Registration Act to limit and keep track of outside influences. And, as you know, that law created critical disclosure requirements for any lobbying group that works on behalf of foreign interests here in the U.S. so their advocacy and activities can be properly evaluated in light of their associations.

General Sessions, the question today is: As you know, the current special counsel investigation has revealed several high-profile Washington elites, on both sides of the aisle—for example, Mr. Podesta and Mr. Manafort—who have violated the Foreign Agents Registration Act. Would you agree that without the special investigation these cases would likely not have become public?

Attorney General SESSIONS. Perhaps. But I—let me back off of that to say, I really have not followed that closely, and I'm not have—I do not have privy to the information and that it would be inappropriate, really, for me to express an opinion.

Mr. JOHNSON of Louisiana. I accept that. The point is that a lot of these things have stayed below the radar because there's not been appropriate focus and attention on it, and the special inves-

tigation has brought that. And, in the view of many of us, it's long overdue.

There's historical evidence, going back as far as the administration of George H.W. Bush, highlighting failed attempts to reform the law in this area. And this is despite repeated recommendations to develop a strategy integrated with the DOJ's overall national security efforts and similar calls for higher means of enforcement. But there's been no substantive action by any Congress over all that time. And there's been a sharp decline, a corresponding decline, in compliance over the last two decades.

So, clearly, everybody can agree much has changed in the world since the FARA law first was enacted in 1938. The question is, would you agree to work with us—us, me, and this committee—to correct these very serious problems so we can update our disclosure laws so that the American people can see what's going on behind the veil?

Attorney General SESSIONS. I would. I believe our professional staff, who've been at this for some time, have communicated with some Senators who've got ideas and probably have communicated with you, and I would be glad to continue that.

Mr. JOHNSON of Louisiana. And we appreciate it. Senator Grassley—

Attorney General SESSIONS. We have taken some action. I think it's only seven cases in, what, years?

Mr. JOHNSON of Louisiana. Yes.

Attorney General SESSIONS. Decades?

Mr. JOHNSON of Louisiana. In decades.

Attorney General SESSIONS. And so we've brought one enforcement action against RT—Russian TV, I guess it is—

Mr. JOHNSON of Louisiana. Right.

Attorney General SESSIONS [continuing]. In effect, some part of that. And so it's a matter worth serious consideration. I thank you for giving it that.

Mr. JOHNSON of Louisiana. Yes, sir. Senator Grassley and I have filed companion bills to clear up the ambiguities in existing law and allow DOJ more oversight. So we do appreciate your attention.

Another issue. On September 5, I led a letter to your office, with 17 other Members from Louisiana and Texas, requesting a thorough investigation of Planned Parenthood Gulf Coast actions, harvesting and transferring fetal tissue for financial gain.

And I would ask, Mr. Chairman, for unanimous consent to enter a copy of that letter into the record.

Chairman GOODLATTE. Without objection, it will be made a part of the record.

This material is available at the Committee and can be accessed online at: <https://docs.house.gov/meetings/JU/JU00/20171114/106709/HHRG-115-JU00-20171114-SD003.pdf>

Mr. JOHNSON of Louisiana. Specifically, we requested that your office look into the congressional findings of the Select Investigative Panel on Infant Lives from last year. The panel stated that this was just 1 of 15 criminal and regulatory referrals made to various State and Federal agencies, 4 of which were referred to the Justice Department.

So the question is, do you have any updates on that today, on those issues or our request? And if not, could we get one of those soon?

Attorney General SESSIONS. I will review the letter. I do not have it at the top of my head, I'm sorry to say, but we'll look at it.

And I believe that Congress, Mr. Chairman and members here, are entitled to a prompt response from the Attorney General and the Department of Justice. We've already reduced a backlog of some 400 letters by half. And we're going to—when the dust settles on our time here, I think you'll see we far—were more responsive than you've in the past. Because I was in your shoes, and I had, as Chairman Grassley reminded me, letters that I had had pending for a long time not answered, so—

Mr. JOHNSON of Louisiana. Fair enough. And I know you've been busy.

Third issue. I'm almost out of time. But October 12, you made remarks to the Executive Office for Immigration Review, and you stated how the immigration court system is being gamed in many ways. Today, you mentioned again about the “credible fear” process being abused.

Is it your belief that Congress should act to enhance the “credible fear” standard? And if we do that, what impact would it have on fraudulent and dilatory claims filed in immigration courts?

Attorney General SESSIONS. It could have a very significant impact. We have—about 90 percent of the people who make those claims are referred for some sort of hearing. Many of those are quickly determined not to be substantial.

I remember when the bill passed, and I remember an experienced Senator—I will say—Senator Jon Kyl of Arizona, he said, “This is a huge thing. You don't know how big this is going to turn out to be.” And it took a number of years, but it certainly proved to be—his prediction proved to be correct. We did not need to do that then, and we ought to go—we need to curtail it.

Mr. JOHNSON of Louisiana. We filed some legislation—

Attorney General SESSIONS. At least Chairman Goodlatte's proposals will fix some of that.

Mr. JOHNSON of Louisiana. We're working on that.

Appreciate your time, and I yield back.

Attorney General SESSIONS. Thank you.

Chairman GOODLATTE. The chair thanks the gentleman.

The chair recognizes the gentleman from Maryland, Mr. Raskin, for 5 minutes.

Mr. RASKIN. Thank you, Mr. Chair.

Mr. Attorney General, President Trump has called the press the “enemy of the people,” although I think the Founders probably thought that a free press was the people's best friend.

As Attorney General, will you commit not to prosecute investigative journalists for maintaining the confidentiality of their professional sources?

Attorney General SESSIONS. I will commit to respecting the role of the press and conducting my office in a way that respects that and the rules within the Department of Justice.

Mr. RASKIN. But nothing specific—

Attorney General SESSIONS. We have not had a conflict in my term in office yet with the press, but there are some things that the press seems to think they have an absolute right to they—

Mr. RASKIN. Gotcha.

Attorney General SESSIONS [continuing]. Do not have an absolute right—

Mr. RASKIN. Thank you very much.

Does your May 10, 2017, memorandum instructing Federal prosecutors to seek the most serious possible charges for criminal defendants and the longest possible sentences extend to defendants who are charged by Special Counsel Mueller, like Paul Manafort, Rick Gates, George Papadopoulos, and so on?

Attorney General SESSIONS. I would think so. I haven't given that much thought.

I would say it's not—it does not call for the most maximum sentence. It simply calls for charging the crime—the most serious crime and—

Mr. RASKIN. With the highest sentence.

Attorney General SESSIONS [continuing]. The minimum sentence for that most serious crime.

Mr. RASKIN. Gotcha.

I was confused about one thing that came up in the various questioning about the meetings with Mr. Papadopoulos. At one point, I heard you to say that you told him essentially, "No, don't go." You tried to shut it down, the trip. At another point, I thought I heard you to say, "Don't represent yourself as speaking for the campaign."

And I'm just wondering whether you could clarify that. Were you telling him not to go or just not to go and officially speak for the Trump campaign?

Attorney General SESSIONS. I have no specific—I remember the pushback. I remember that he suggested an ability to negotiate with Russians or others, and I thought he had no ability or it would not be appropriate for him to do so. And I was pretty clear about that he shouldn't be pretending to represent—

Mr. RASKIN. And were you equally clear with Mr. Gates at the June meeting, not to go to Russia and not to represent the campaign? Or Mr. Page, rather.

Attorney General SESSIONS. Mr. Page?

Mr. RASKIN. Mr. Page, yeah.

Attorney General SESSIONS. Well, let me tell you what he says. I don't recall it. He says he was in the dinner, and as he walked out, he told me, "I'm going to Russia," that I made no response whatsoever. He said it looked like it went in one ear and out the other, and that he did nothing improper when he went to Russia.

So I don't know what he did and have no knowledge of it. He didn't report to me and didn't act for me, and, so far as I know, he didn't act for the campaign.

Mr. RASKIN. Fair enough.

You've taken the position that Members of Congress have no standing to sue in Federal court to challenge President Trump's continuing receipt of foreign government payments at the Trump Hotel, the Trump Tower, the Trump golf courses, and so on.

As Attorney General, our leading law enforcement official, what is the appropriate constitutional remedy for a President who col-

lects foreign emoluments without obtaining congressional permission to do so? As a matter of law, what is the appropriate remedy?

Attorney General SESSIONS. I would have to take a look at that. I'm not prepared to give you an answer. Our people have vastly—

Mr. RASKIN. Well, you've taken the position that we don't have any standing to raise it in court. So I guess what—in taking that position, that we don't have standing to raise it, what is the appropriate constitutional remedy?

This was very serious business for the Founders of the country, who didn't want the President compromised by foreign government payoffs and by the intervention of foreign governments. So what do we do?

Attorney General SESSIONS. The Emoluments Clause has not been the subject of a great deal of litigation. The Department of Justice has longstanding rules about standing and raised the defense of standing against Congress, against private parties, against groups, and it's pretty well-established law. I'd have to get you information—

Mr. RASKIN. Would you clarify that for us? Thank you.

So, as Attorney General, you said you'd be a defender of the voting rights of the people. And America faces a number of voting rights crises today. We've got millions of people who are disenfranchised in Puerto Rico and the other territories. We have 650,000 people right here in Washington, D.C., who have no voting representation in Congress. We've got continuing voter purges and suppression at the State level. And we've got warnings from our intelligence community that there will be further attempts at cyber sabotage of our elections.

What do you consider the most serious threat to our voting rights, and what are you doing about it?

Attorney General SESSIONS. Well, we will not accept suppression and illegal activities against voters. So, if you have any, I'd appreciate you sending it to me.

Mr. RASKIN. We will absolutely will.

Attorney General SESSIONS. We will make sure it's investigated by career attorneys in our Civil Rights Division.

Mr. RASKIN. And on the cybersecurity side, what are you doing to protect us from another hacking of our election, attempts to infiltrate with political sabotage, essentially?

Attorney General SESSIONS. I believe that this is a danger, that I believe investigations have been ongoing and it's being considered. But, Congressman, I have to say, I'm not up to date on the latest of that. And I would be pleased to try to get you something in writing as to what we need to do—or, at least, what we are doing and what we may need to do to protect the integrity of our elections.

Mr. RASKIN. Thank you.

I yield back, Mr. Chairman.

Chairman GOODLATTE. The chair recognizes the gentleman from Arizona, Mr. Biggs, for 5 minutes.

Mr. BIGGS. Thank you, Mr. Chairman.

Chairman GOODLATTE. Please turn on your microphone.

Mr. BIGGS. Thanks.

Thank you, Mr. Attorney General. Appreciate you being here today. Appreciate your frank testimony.

And I'm going to try to go over some ground that's been covered without plowing it too much deeper. But please help me understand, what's Rod Rosenstein's role at the Department right now?

Attorney General SESSIONS. The Department of Justice has a number of key positions. The Deputy Attorney General has supervisory control—responsibility for all of our investigative agencies and, basically, the most of—well, the entire Department.

The Associate handles a part of that, and the Deputy—and the Associate reports through the Deputy to the Attorney General. And the Deputy—the FBI Director, for example, reports through the and to the Deputy, not directly to the Attorney General.

Mr. BIGGS. Okay. And so what's Andrew McCabe's responsibility and role?

Attorney General SESSIONS. I think he's classified as the number-two guy at the FBI.

Mr. BIGGS. Okay. And in their positions—for instance, when Mr. Comey's position was terminated, Mr. McCabe was Acting Director, I think, for a period of time until a new Director was nominated, and Mr. Rosenstein's been serving with you and had served previously—was anything done to question or vet any potential conflicts those two gentlemen might have had with things like the Mueller investigation, with the Russia investigation, or anything like that?

Attorney General SESSIONS. It's the responsibility, I guess, of a person involved in an investigation to be sure that nothing they do has a conflict of interest or that should require recusal.

Mr. BIGGS. So I appreciate that that's an individual responsibility, but—so I guess nothing formally or from the Department was done to vet—say, you know, we've got this going on, there's potential questions, particularly with regard to Mr. Rosenstein's and Mr. McCabe's roles all the way back to the Fusion One investigations and continuing on for that period of 10 years. I suppose, if I understand you correctly, there was nothing done there formally to vet them.

Attorney General SESSIONS. I think I understand you correctly, and I think that's correct.

Mr. BIGGS. Okay.

And I know that you've answered this, so I'm going to go very quickly with these.

With regard to the Fusion GPS dossier, it's been reported widely in the media that the FBI at least paid for some portion of it or reimbursed some expenses for that document. Do you know whether that's accurate or not, accurate reporting in the media?

Attorney General SESSIONS. I do not.

Mr. BIGGS. And I guess it's also been widely reported in the media that the FBI at some point reviewed that dossier, particularly under Mr. Comey. So do you know if that ever occurred?

Attorney General SESSIONS. I'm not able to comment on that.

Mr. BIGGS. Okay. When you say you're not able to comment, that means—

Attorney General SESSIONS. Well, I don't—

Mr. BIGGS. You may not know, or there's an investigation—

Attorney General SESSIONS. I have not been involved——

Mr. BIGGS. Okay.

Attorney General SESSIONS. In that investigation, and I don't even read the newspapers that closely.

Mr. BIGGS. Good for you, I must say.

And then we had an exchange earlier today with you and the Representative from Ohio, the gentleman from Ohio, Mr. Jordan, and he said, seems like this, it seems like that, seems like this.

And at the end of that, you made a comment, and I don't want—I can only paraphrase, because I didn't write down the exact comment. My note just says "seems like." You were saying, well, you can't base a case on something that "seems like" something.

But, in essence, the notion—very notion of probable cause indicates that something seems like something and it seems like that person probably committed that act which seems like it's in violation of the law.

And so I guess I'm trying to get clarification of that.

Attorney General SESSIONS. This Congress has a right to ask for information, and it has a right to express its opinion about whether special counsel should be appointed, but it's my responsibility to evaluate it. And I would have to feel or, in some cases, the Deputy would have to feel that there are the kind of circumstances that would justify.

And we just have to know that—I want you all to know that if a special counsel is required, I or, I'm sure, anyone else in the Department that had the responsibility would name one. If not, we have to say it is not required.

I would say that our department, with Chris Wray at the FBI and our team at the Department of Justice, I feel like we can do work, but there are some cases that get so significant and have such a level that it becomes a public interest question that has to be evaluated.

So I have no prejudgment. And——

Mr. BIGGS. Sure.

Attorney General SESSIONS [continuing]. I really hope you'll give me—the chairman might have to give you a second.

I did not mean to suggest I was taking a side, one way or the other, on that subject. I was simply responding that we would have to have full and effective and detailed, factual evaluation before we make a decision on whether or not a special counsel is required. And I make no—I have made no prejudgment.

Mr. BIGGS. And I appreciate that. But I guess what I'm getting at, in particular: Is that so, even with the idea that many people are questioning the impartiality of Mr. Rosenstein, who would be ostensibly in line to help make that decision on special counsel?

Attorney General SESSIONS. I'm not aware that he has a problem in that regard. But, if so, we have senior counsels in the Department who would give advice on that. So I—and we all have to be sure that we're not crossing that line.

Mr. BIGGS. Thank you.

And thank you, Mr. Chairman, for indulging me.

Chairman GOODLATTE. The chair recognizes the gentlewoman from Washington, Ms. Jayapal, for 5 minutes.

Ms. JAYAPAL. Thank you, Mr. Chairman.

And thank you, Mr. Attorney General, for being with us.

I'd like to go back to some of your testimony on contacts with Russia. At the beginning, in your opening statement, you said, "My testimony has not changed." Later, in response to some questions, you said, "I do now recall."

And, Mr. Attorney General, with all due respect, it's difficult to take your assurances under oath when you seem to change your testimony each time new evidence emerges.

And, specifically, you denied contact with Russians under oath during your confirmation hearings. That was revealed to be untrue, given multiple meetings with an ambassador.

Later, you refined your response to more narrowly focus on discussion of campaign-related matters, but you denied that campaign surrogates communicated with Russian agents. That was revealed to be untrue, given the sworn statement offered by George Papadopoulos.

You later again refined your answer, saying that you didn't remember Papadopoulos raising the issue in the March 2016 meeting, but, once you remembered the meeting, you then remembered telling Papadopoulos to cease those conversations.

You say that you cannot be expected to remember the details of what happened a year ago, but you are, in fact, a very seasoned prosecutor and a 20-year Member of the United States Senate—United States Congress, who is presumably capable of mind and memory.

So, Attorney General Sessions, did you as a prosecutor accept a defense of lack of recall?

Attorney General SESSIONS. Well, absolutely, people have a lack of recall—

Ms. JAYAPAL. Thank you. And would you—

Attorney General SESSIONS [continuing]. In the environment that we were operating in, with so much happening and meetings occurring. You assume a lot of matters that aren't accurate—

Ms. JAYAPAL. Thank you, Mr. Sessions.

Attorney General SESSIONS [continuing]. I would suggest, in the—

Ms. JAYAPAL. Would you instruct the—

Attorney General SESSIONS [continuing]. Nature of the question that—

Ms. JAYAPAL. Would you instruct the attorneys who work for you at the Department of Justice to take at face value a defense of "I don't recall"?

Attorney General SESSIONS. If a person says they don't recall and has a justified reason for it, I certainly do.

Ms. JAYAPAL. And that was not the case in the situation of the police officer that Mr. Jeffries referred to.

Let me move on to another matter. On November 11, President Trump not only trusted the word of Vladimir Putin over the brave men and women who serve in our intelligence community, he proceeded to trash the reputations of its leaders. And I quote here, he said, "Give me a break. They are political hacks."

The President went on to say that he believes that Vladimir—he believes Vladimir Putin when Putin says he absolutely did not meddle in our elections.

Mr. Sessions, do you consider the leaders of our intelligence community, past and present, as political hacks?

Attorney General SESSIONS. I would say to you the President speaks his mind as he chooses.

Ms. JAYAPAL. Is that a “yes” or a “no”?

Attorney General SESSIONS. He also says he accepts their position.

Ms. JAYAPAL. I’m not asking about the President, Mr. Sessions.

Attorney General SESSIONS. I’m not giving a “yes” or “no.” I’m giving you my answer.

Ms. JAYAPAL. So you have no opinion on whether they’re political hacks or not?

Attorney General SESSIONS. I’m saying to you—I respect and value our intelligence community.

Ms. JAYAPAL. Great. That’s good to hear.

And when President Trump said that he believes Vladimir Putin when Putin says he absolutely did not meddle in our election, help me refresh my memory: In January of this year, was it the unanimous opinion of our intelligence community that the Russian Government did, in fact, meddle in our election?

Attorney General SESSIONS. I believe an opinion was expressed, and——

Ms. JAYAPAL. That was a “yes”?

Attorney General SESSIONS [continuing]. I’m not aware of any dissent from that.

Ms. JAYAPAL. Okay. And, to your knowledge, in the months since, has the intelligence community in any way changed its conclusion?

Attorney General SESSIONS. I’m not aware of it.

Ms. JAYAPAL. And on October 18, when testifying before the Senate Judiciary Committee, Senator Sasse asked you if the Department had taken adequate action to prevent election meddling in the future. You just said in response to some questions that you do believe this is a danger.

Have you requested a review of what laws need to be updated in order to protect our elections from foreign interference?

Attorney General SESSIONS. I have not and would be pleased to work with you to deal with the deficiencies we have.

Ms. JAYAPAL. That’s great.

Attorney General SESSIONS. It would be—Congress would have to deal with that, not the—have to pass the laws.

Ms. JAYAPAL. You would want to appoint a special counsel on that issue?

Attorney General SESSIONS. On what—maybe I misunderstood your question. What—special counsel? I thought you were asking, should we have laws, new laws to deal with——

Ms. JAYAPAL. Well, I’m asking if you’re going to investigate what has happened with the meddling in our elections.

Attorney General SESSIONS. Well, that’s part of the special prosecutor.

Ms. JAYAPAL. Great.

Attorney General SESSIONS. It’s not—I’m not participating in that. He has responsibility for——

Ms. JAYAPAL. Let me move on to Mr. Miller, because I just have a few seconds here.

Considering your prominent role in the Trump campaign, did you work closely with and communicate with Stephen Miller when he worked on the campaign?

Attorney General SESSIONS. I worked with him. He'd worked with me previously.

Ms. JAYAPAL. Thank you. And did Mr. Miller tell you that he was working on a letter with President Trump which detailed the President's reasons for firing then-FBI Director Comey?

Attorney General SESSIONS. Mr. Miller is a high government official close to the President of the United States, and I'm not at liberty to reveal the nature of any conversations we may have had.

Ms. JAYAPAL. Are you claiming executive privilege then?

Attorney General SESSIONS. I'm not claiming executive privilege.

Ms. JAYAPAL. So I'm not—

Attorney General SESSIONS. I'm following the long-established policies of the Department of Justice.

Ms. JAYAPAL. The President has not invoked executive privilege. And so I understand your—

Chairman GOODLATTE. The time of the gentlewoman has expired.

Mr. CICILLINE. Parliamentary inquiry, Mr. Chairman.

Chairman GOODLATTE. The gentleman will state his parliamentary inquiry.

Mr. CICILLINE. Is there authority in this committee to permit a witness to refuse to answer a question without properly invoking a privilege?

Chairman GOODLATTE. The—

Mr. CICILLINE. And, if not, what is the appropriate response from the chairman to enforce the committee's ability to do proper oversight?

Chairman GOODLATTE. The chair recognizes that senior officials from both administrations, the current and past, and longstanding before that, have long stated their ability to not answer questions regarding communications at the highest level of our government.

Mr. CICILLINE. Well, Mr. Chairman, if I may be heard, I do not believe there is any such privilege or any right to assert a refusal to answer a question simply because—

Chairman GOODLATTE. If the gentleman is not stating a parliamentary inquiry, the gentleman will suspend.

Mr. CICILLINE. Well, I'm asking the chairman to rule so we can appeal the ruling of the chair if you're going to prevent us from getting answers to these questions.

Chairman GOODLATTE. There is no ruling of the chair, and the gentleman is out of order.

Mr. CICILLINE. Then I would ask that the witness be directed to answer the gentlelady from Washington's questions.

Chairman GOODLATTE. That is not a parliamentary inquiry.

The gentlewoman from Georgia, Mrs. Handel, is recognized for 5 minutes.

Mrs. HANDEL. Thank you, Mr. Chairman.

And thank you, Attorney General Sessions, for being here.

And I want to say a special thank you to Mrs. Sessions for being here, as well, and for, frankly, your patience and commitment through the many chapters of General Sessions' distinguished career. So thank you.

Attorney General SESSIONS. Thank you for those comments.

Mrs. HANDEL. I wanted to ask a pretty direct question, because there's been so much said here today about Russia and what you've testified to and not testified to and a great deal of parsing of words, along with what I would call not-so-veiled comments that, frankly, are an attempt to impugn your candor, your integrity, and your reputation.

So I will ask very bluntly, have you ever deliberately lied or sought to deliberately mislead the United States Senate or this body here today?

Attorney General SESSIONS. No, I have not.

Mrs. HANDEL. Thank you.

Let the record show that it was a direct "yes" or "no" on that, and it was an emphatic "no."

I want to ask about the civil asset forfeiture program. As you know, under your leadership, the program was reinstated back in July, and you started some additional practices there.

In March, the inspector general had a report and offered several different suggestions that might be put in place, recommendations put in place for the program. Can you give an update on that? Or if you don't have it today, you can send it to me.

Attorney General SESSIONS. Well, thank you. I can.

We spent considerable time evaluating the program. We recognized the concerns expressed in Congress, and I have been well aware of that, having seen it come up in the Judiciary Committee in the Senate. So we worked hard to produce a policy that had—reproduce, I guess, the policy that had been in place for as much as 40 years, that only recently, in the last 3 or 4 years, 2 or 3 years, had been reversed.

The law enforcement community was very concerned about the reversal of the sharing and the partnership that we have established. Every Federal agency and every U.S. attorney has to work closely every day with our State and local law enforcement. Eighty-five percent of all law enforcement in America is State and local. This has been one of the glues that hold that team together.

So I would say that we've given—also, when we reinstated it, I appointed—directed the appointment, which will occur soon, of an individual to be an accountability officer for the whole forfeiture process—

Mrs. HANDEL. Oh, great. Okay.

Attorney General SESSIONS [continuing]. To receive any complaints we get from Congress or judges or lawyers or victims that claim victimhood and make sure we are doing it in a right way.

We've added—we've shortened the time for the government to respond. We've said that we won't partner with a local law enforcement agency if they don't undergo training from the Federal Government to ensure they know how to handle forfeitures. And I've cautioned against seizing of homes and real estate unless people know—have clear proof.

Mrs. HANDEL. Super. Thank you.

Moving to a different topic, as you probably know, there was a recent media firestorm around what was a bipartisan piece of legislation, the Ensuring Patient Access and Effective Drug Enforcement Act, a 2016 law which, as I said, had great bipartisanship.

It raised the standard for DEA to issue immediate suspension orders against pharmacies and prescription drug distributors who might be contributing to the opioid epidemic.

From your viewpoint, however, have you seen—what have been the actual effects on prosecution and administrative actions around the drug distributors? And has the DEA been negatively impacted by that particular law?

Attorney General SESSIONS. First, we would use the laws we have aggressively, both as to physicians and pharmacies and also distribution companies for Big Pharma, and we will hold them to account. Congress will establish the laws.

So this bill passed with both DEA and Department of Justice acknowledgement or acquiescence, and I'm not sure to what extent it may have had a negative impact. I would have to get back with you to make sure I'm accurate in my statements.

Mrs. HANDEL. Thank you very much.

Mr. Chairman, I yield back.

Chairman GOODLATTE. The chair recognizes the gentleman from Illinois, Mr. Schneider, for 5 minutes.

Mr. SCHNEIDER. Thank you, Chairman.

Thank you to the Attorney General, General Sessions, for coming here today. I wish you had been here earlier, but we're glad you're here. I appreciate your patience and giving us all the opportunity to speak very much.

As I've sat, listening to the hearing today, there were a number of things that I was looking to hear or better understand.

First, this was, I believe, an opportunity for you to set the record straight on contacts between the Trump campaign and Russia. As has been noted by others, we continue to learn new evidence that demonstrates previous answers have been at best incomplete, at worst inaccurate. And I think there are still some questions around that.

Second, I'm looking to understand what steps the Department of Justice is taking to protect our elections from foreign interference in the future.

Mr. SCHNEIDER. Two thousand sixteen wasn't the first time, it won't be the last time, that Russian and others will try to interfere in our elections. And we have to take steps to make sure that the integrity of our elections remains solid and that we thwart any efforts, regardless of where they are coming from, from foreign entities to undermine our elections.

And third, I've been looking for answers on policies pursued by this Department of Justice that I believe are taking aim at the rights of Americans, from undermining voting rights, to restricting LGBTQ rights, to targeting immigrants.

We've talked about a lot of things. I would really like to turn my attention, though, to the idea of ensuring the integrity of our elections, protecting them from foreign influence.

You've been asked a couple times today, I believe, what steps you've taken since you spoke a couple weeks ago, October 18, in the Senate Judiciary Committee, what you were doing. Senator Sasse asked you there if the Department is doing enough to prevent foreign interference on our elections.

Just to repeat what you said, and I'll quote, "Probably not. We're not. And the matter is so complex that for most of us, we are not able to grasp the technical dangers that are out there." These are real dangers to our elections, and our elections are the foundations of our democracy.

You also said at that time, several weeks ago, it requires a real review. But today you said there is no review taking place.

So my first question is—I'm very concerned. With the 2018 elections less than 1 year away, and given your acknowledgment that this is a serious, complex matter that is deserving of a real review, specifically what steps have you taken to protect our elections next year?

Attorney General SESSIONS. You raise a good point. I have not followed through to see where we are on that. And I will personally take action to do so.

There are a lot of things that have been happening. We're working on a lot of great agenda items. But this one is important and I acknowledge that. And I'm not—I should be able to give you better information today than I am.

Mr. SCHNEIDER. And I appreciate that there are many things that are important, but I would hazard to state nothing more important to our democracy than the integrity of our elections. And as the head of the Department of Justice, it is important that as a Nation, as others have said, that justice remained blind, carrying the balanced scale, without a finger on the scale. We need do that. But protecting our elections is important.

What steps does the Department need to do to address these issues? What can we be looking forward as the next steps?

Attorney General SESSIONS. Well, one of things that needs to be done is our States need to review their own vulnerabilities. I would say our FBI has extraordinary capabilities when it comes to hacking and those kind of issues. We probably need to work on that with them. They should have a very important role. They are highly sophisticated in that.

And then our intelligence communities also. To the extent that this is driven by some foreign power, then we're dealing with international—potential international involvement.

So all of those agencies and the States need to be involved, I would think. And Congress. I appreciate your interest, because if we need legislation, it'll take some aggressive push to get anything through.

Mr. SCHNEIDER. Hold that thought. I'm going to come back to that.

Attorney General SESSIONS. At least through the Senate.

Mr. SCHNEIDER. Another question. But you said earlier that—others have touched on this—that the intelligence community has said Russia has tried—did try to interfere in our elections in 2016. Do you feel that that is still a statement of truth or is it open for question?

Attorney General SESSIONS. I have no basis to dispute that. I do think they have said that they don't believe votes were changed.

Mr. SCHNEIDER. As I see I'm about to run out of time, my last question, I'll jump to the end, is to what you were just touching on. Can I ask for your commitment to provide a briefing to those of us

on this committee that are interested in addressing this problem, making sure, irrespective of whether it's a Democratic or Republican State, community, that we have safe, sound elections with integrity, will you meet with us?

Attorney General SESSIONS. I would be glad to. I think that would be valuable.

Mr. SCHNEIDER. With that, I yield back.

Chairman GOODLATTE. The chair recognizes the gentleman from Idaho, Mr. Labrador, for 5 minutes.

Mr. LABRADOR. Thank you, Mr. Chairman.

Attorney General Sessions, thank you for appearing before our committee today. It's always great to talk to you and it's always great to have the opportunity to communicate.

As a foundational principle of our great American experiment enshrined in our Constitution, religious liberty ought to be protected at every turn in our Nation's history, under every administration. Last month you issued a memo which focused on ensuring First Amendment protections for religious groups and individuals.

The last two Congresses Senator Lee and I introduced the First Amendment Defense Act, which you were a cosponsor of. As you know, this legislation ensures the fundamental right to exercise one's religion by prohibiting the Federal Government from denying or excluding a person from receiving a Federal grant, contract, loan, license, certification, accreditation, employment, or other similar position or status based on their religious belief in marriage.

Can you explain to us what inspired your October 6 memo and why you think it is important for the Department of Justice to issue such guidelines?

Attorney General SESSIONS. Well, I've cared about this for a long time, and there's a lot of work has been done. I felt that there's some abuses that have occurred pretty clearly. We've had to settle some lawsuits because the government overreached.

And I would say we will—what we need to understand at the most fundamental level is the First Amendment allows the free exercise of religion. It doesn't just allow you to think what you want to think, to meet in a closet somewhere and never express yourself. It allows the free exercise. And I think to a degree we've not respected that in recent years.

And our opinion is based on the law. We believe it is based on the Constitution. And it's a guidance to ensure that the agencies of our government know what the fundamental principles are when they issue regulations and cite people for wrongdoing.

Mr. LABRADOR. So what more could Congress do to protect the First Amendment and religious liberty?

Attorney General SESSIONS. Repeat that.

Mr. LABRADOR. What more could Congress do to protect the First Amendment and religious liberty?

Attorney General SESSIONS. Thank you. We've got religious liberty, and also in the First Amendment is speech.

Mr. LABRADOR. Yes.

Attorney General SESSIONS. And I think it's time for us to take seriously the erosion it seems of the fundamental respect for the right of people to express differing views that's occurring today.

We've seen it on the college campuses. We believe that free speech is a civil right, and the Department of Justice will not stand idly by if Federal constitutional rights are being constricted by unwise activities limiting speech.

Mr. LABRADOR. So just as important to me as the First Amendment is also the Fifth Amendment to our Constitution, which prohibits the government from depriving the people of their property without due process. I'm concerned that the practice of civil asset forfeiture is increasingly threatening rights guaranteed under the Fifth Amendment to every American.

While forfeiture can be an important tool for law enforcement, it has been abused. Unfortunately, in Idaho and throughout the country you have some—a number of cases where the practice of civil asset forfeiture has been used to improperly deprive individuals of their homes, their cash, and their property.

Because of this, I have supported several pieces of legislation and floor amendments that make reforms to the Federal civil asset forfeiture.

In light of the mounting evidence that civil asset forfeiture is being used improperly, how do you think we can strike the proper balance between justice and making sure criminal laws are being followed and preventing harm to innocent Americans?

Attorney General SESSIONS. I know you care about that, Congressman Labrador, and other Members of Congress have expressed concerns to me. I do not take them lightly.

I truly believe that if there is probable cause to believe that an item of value—often for police officers it's a stash of cash that they may catch in an automobile—if there's probable cause to believe it's connected to a drug enterprise, they have a right to seize it. Then we need to give the person who claims it a prompt and fair hearing.

You can arrest a person on probable cause and put them in jail. I think it's appropriate to hold proceeds of a drug deal, at least for a trial.

Mr. LABRADOR. I think it is appropriate to hold them.

Attorney General SESSIONS. With probable cause.

Mr. LABRADOR. But I don't think it's appropriate to take them until there has been guilty funding. In fact, Justice Thomas recently criticized the forfeiture laws.

And I hope we can have a longer conversation about this, because I think this is an important issue. I've always found you to be very fair in our communications. And I think we need to reform the asset forfeiture laws in the United States and we need to make sure that people are protected.

The Fifth Amendment is, to me, it's just as important as the First Amendment and every other amendment of the Constitution. I think that we should work together to make sure that we strengthen it.

Attorney General SESSIONS. Some of the complaints that you've read about are State and local forfeitures and not Federal. We believe our people are operating at a high standard. I'm going to have an accountability office on all of these cases and we will not accept abuses of the law.

Mr. LABRADOR. Thank you very much.

Chairman GOODLATTE. The chair recognizes the gentlewoman from Alabama, Mrs. Roby, for 5 minutes.

Mrs. ROBY. Thank you, Mr. Chairman.

This is so great to have you here today. We are really excited to have you, Attorney General Sessions. And we just thank you for your many years of service to the State of Alabama and now your continued work for our Nation as our Attorney General.

And I've known you for a very long time, and you've served our State for a very long time, and the people of Alabama know you well.

So we've heard a lot about Russia today and things you may or may not have heard and that somehow you're guilty of collusion with Russia. So I have two questions for you.

Have you ever worked with Russians to influence an election?

Attorney General SESSIONS. No.

Mrs. ROBY. Have you ever, in any capacity, personally, politically, or officially, done anything to hurt or harm the national security of the United States of America?

Attorney General SESSIONS. I don't believe I have. I've tried to protect the national security of our country.

Mrs. ROBY. Thank you.

Attorney General SESSIONS. Thank you.

Mrs. ROBY. I want to move on to a different subject.

I was pleased to see that your first act, official act after being sworn in as Attorney General, was to present President Trump an executive order to strengthen the enforcement of Federal law on transnational criminal organizations. And since this is an important initiative to curtail the international trafficking of drugs, weapons, and human beings, often victims of sex trafficking, including young children.

One of the reasons that I was eager when asked to join the Judiciary Committee earlier in this Congress was to work towards making a difference on this issue. And we have worked with the Department of Justice already on some very important policy changes, particularly to our criminal code, to that effect.

Both the House and the Senate Judiciary Committees have held hearings regarding specifically the legal liability of websites hosting advertisements for prostitution, to include the prostitution and abuse of children.

Section 230 of the Communications Decency Act shields websites such as Backpage, Craigslist, Facebook, and many others from legal liability regarding content posted by their users.

So I'm interested—we had a hearing just recently on this, and I'm really interested in finding the right balance between protecting the freedom of expression and protecting the rights of these young children who are victims, who are being abused, without impacting the innovation of the internet. And so I would appreciate your thoughts on this issue.

I know that Mr. Farenthold already asked you a question specific to the SAVE Act, but I think this is very important for us to get this right and to do so working together. Because at the end of the day, we have to find a solution and we all want to do everything that we can to protect these children from these horrible, horrible abuses.

Attorney General SESSIONS. Thank you very much. I think that's a valuable thing for us to address.

In recent days I've talked about it with my staff. We haven't formed a clear picture of where we will go. But to the extent to which we could work with you on that, I would be pleased to.

Mrs. ROBY. Well, I do want to. And like I said, I think the most important thing here is that we get this right and strike that balance. Again, as a member of this committee, to have this opportunity to fight for those who are unable to fight for themselves is a tremendous privilege. And I appreciate the partnership with the Department on making sure that we get this right.

So thank you so much. We appreciate you. And thank you for your service.

Attorney General SESSIONS. Thank you. Thank you for your excellent service to the State of Alabama.

Mrs. ROBY. Thank you.

I yield back.

Attorney General SESSIONS. No doubt. And the United States.

Chairman GOODLATTE. The chair recognizes the gentleman from Texas, Mr. Gohmert, for 5 minutes.

Mr. GOHMERT. Thank you.

And, Attorney General Sessions, always good to see you.

Attorney General SESSIONS. Thank you.

Mr. GOHMERT. And it's end of a short hearing, looks like, unless somebody else come in.

First of all, you know, it seemed like to me you got mistreated a little bit. There were questions about your answer to Senator Franken's question. And I've got a copy of what he said.

Now, he is explaining his question, he said: If there is evidence that anyone affiliated with the Trump campaign communicated with the Russian Government in the course of this campaign, what will you do? And we even had somebody offer into the record that Mother Jones basically said you lied. And I would submit this committee doesn't need Mother Jones to inaccurately describe, or depict, or tell us what happened when we can look at the conversation to see for ourselves.

So let me ask you, was your meeting with the Russian diplomats, was that in the course and scope of your obligations with the campaign or in the course and scope of your duties as a United States Senator?

Attorney General SESSIONS. Well, really they were mostly official business.

Mr. GOHMERT. As a U.S. Senator.

Attorney General SESSIONS. I did speak at the Republican convention, but the conversation on the floor after I finished my remarks were brief. And I was in—and then with regard to the meeting in my office, it was substantively, essentially about foreign relations between the United States and—

Mr. GOHMERT. So what you talked about with them there are at the convention, it was not about the Presidential campaign of Donald Trump, it was as—in your capacity as a United States Senator, correct?

Attorney General SESSIONS. Well, I think—so, you could say, I guess, that I was invited for other reasons, but—

Mr. GOHMERT. When you had talked before about that you had consulted with the career people about whether or not to recuse yourself, can you tell us whether or not one of those people with whom you consulted was Rod Rosenstein?

Attorney General SESSIONS. Yes, I could say how that occurred.

Mr. GOHMERT. But did you—no, I'm just asking if you did.

Attorney General SESSIONS. I understand. So I was just thinking out loud whether that's the kind of consultative relationships that I should—

Mr. GOHMERT. I'm not asking you to reveal what was said.

Attorney General SESSIONS. I talked to another senior official in the Department of Justice who holds a position, and he also consults others within the Department before he makes opinions.

Mr. GOHMERT. Well, were you aware when you recused yourself of the investigation by the Justice Department into Yandex email account Slapai2009@Yandex(ph)? Are you—Google email account Marvajodo@gmail.com (ph). Are you aware of those, the criminal complaint and all?

Attorney General SESSIONS. No.

Mr. GOHMERT. All right. Were you aware that—and I've got a motion to seal here—

Attorney General SESSIONS. I don't think so, I'll just say it that way.

Mr. GOHMERT. Yeah. Well, this was an investigation into Russia trying to corner the market with U.S. uranium. And there is actually a motion to seal—I'm sure you've filed them many times as a U.S. attorney—and this one is: Respectfully submitted, Rod J. Rosenstein, U.S. attorney, and Adam Hickey is the assistant U.S. attorney, asking Judge William Connelly to have this Russian investigation, the investigation into the Russian effort to corner our market, to seal those records.

So you were not aware that Rosenstein had had this prior dealing with Russian uranium before you recused yourself, had you? You weren't aware of that, right?

Attorney General SESSIONS. Well, my recusal that we made public was for the Mueller investigation, the campaign, Russian interference.

Mr. GOHMERT. Right. But that's—Mueller was appointed, but you weren't aware that Mueller had been central in the investigation before Jim Comey took over at the FBI, September of 2013. So you were not aware of the Mueller, Comey investigation into Russian uranium, were you, before you recused yourself?

Attorney General SESSIONS. I don't think so. No, I was not of course. I wasn't in the Department of Justice and wasn't unaware of that when it was going on.

Mr. GOHMERT. Well, my time is running out, but we've got a chart here that shows just how integral the relationship is with Mr. Rosenstein, Mr. Mueller into this whole Uranium One thing. It sure stinks to high heaven and it doesn't appear to me they ought to be involved in investigating.

But my time has run out, and I sure appreciate your service.

Attorney General SESSIONS. Thank you. I appreciate your service.

Mr. Chairman, I would just note that the matter that was prosecuted concerning uranium and Russian business companies was 2 years after this CFIUS investigation. That's when Mr. Rosenstein handled—it was brought to his office. It didn't hit his office until 2 years afterwards. And it is really unrelated to the allegations about Uranium One, as I understand it.

Ms. JACKSON LEE. Mr. Chairman.

Mr. FRANKS [presiding]. The gentleman from Florida, Mr. Rutherford, is recognized for 5 minutes.

Mr. RUTHERFORD. Thank you, Mr. Chairman.

Mr. Attorney General, thank you very much for service and your time here today. I'll try to make this as short as I can.

But representing and speaking for the sheriffs across the country and other chiefs of police as well, one of the issues that I know that they have great concern about is through your grant process, if you could just have someone look at this situation where nonrelevant criteria are placed on grants to require agencies to meet some performance criteria.

For example, one that I was familiar with was NIMS compliant, National Incident Management System. Had absolutely nothing to do with the grant, but they put that on as a criteria for grant application. And what that does is it takes away home rule from local law enforcement. And I know several sheriffs and chiefs are very concerned about that.

Have you had any issues with that that you're aware of?

Attorney General SESSIONS. Well, the statute Congress passed for the grant program allows the Department of Justice to place special conditions on grants. But the one we placed that deals in the future with sanctuary cities does—is minimal. It simply requires a cooperative relationship where Federal officials can go to the jail and that the people at the jail can communicate with the Federal law enforcement officers. It does not require the States to go arrest people or hold them past their release date, none of those things.

We think it is a very reasonable thing. May still be some conditions on those grants from previous administrations. But that's the one I think that we have added to it.

Mr. RUTHERFORD. Well, I can tell you that's not the one that I'm concerned about.

Attorney General SESSIONS. Okay.

Mr. RUTHERFORD. In fact, the sheriffs and the chiefs that I was talking to support that wholeheartedly.

Attorney General SESSIONS. All right. Well, thank you. I will be glad to look at that.

Mr. RUTHERFORD. The other issue dealing with—you know, if they can force you to be NIMS compliant, they can force you to carry revolvers versus semiautomatics, you know, it just goes down a slippery slope.

But more important than that I want to talk to you briefly about the VIPR program under TSA. That's the Visible Intermodal Prevention and Response teams that work surface transportation around—some around our rail, our buses, our subways, those sorts of things.

But there was a move at one time to actually—by TSA—to actually move those VIPR operation out on to public roads and highways. And there's a lot of pushback within local law enforcement on those issues as well.

Have you looked into that, the legality of it? Because clearly those suspicionless searches that you go through—and every air traveler in America has been through that, they get the suspicionless search as you go through at the airport, as you know.

And it's based on special needs out of a Supreme Court decision that suspends the Fourth Amendment under those special needs, and that is you have a significant threat, you have a verifiable threat to public safety. And none of that exists out on those public roads.

Now, if there was a specific threat, then I don't think anybody would have issue with that. However, that's never been the case. And in fact I was told they want do that for training purposes within TSA, and that I think should be unacceptable.

Attorney General SESSIONS. I have not looked at that. Of course they are not in the Department of Justice, but we may have legal opinions that could be relevant to that. But I have not engaged in that issue, Congressman.

Mr. RUTHERFORD. Right. And that's why I bring it up here today to see what is your legal opinion of those suspicionless searches by TSA without the special needs concerns out of that Supreme Court decision about significant risk and the verifiable public safety threat.

If you could look into that, I would appreciate it.

Attorney General SESSIONS. I will ask about it, I sure will. Thank you.

Mr. RUTHERFORD. Thank you.

Mr. Chairman, I yield back.

Mr. FRANKS. I thank the gentleman.

I now recognize the gentleman from New York; he has something to place in the record.

Mr. NADLER. Mr. Chairman, I ask unanimous consent to place in the record an article from today's Washington Post entitled, "Has Jeff Sessions Got the World's Worst Memory or What?"

Mr. FRANKS. Without objection.

This material is available at the Committee and can be accessed online at: <https://docs.house.gov/meetings/JU/JU00/20171114/106709/HHRG-115-JU00-20171114-SD004.pdf>.

Mr. FRANKS. And I understand the gentlelady from Texas has something to place in the record.

Ms. JACKSON LEE. Yes, sir. And a parliamentary inquiry. I just want to put in the record a January 10, 2017, Senate Judiciary hearing on the nomination of the Attorney General, and October 18, 2017, Senate Judiciary hearing on oversight of the Justice Department.

Parliamentary inquiry is to—

Ms. FRANKS. Without objection.

Ms. JACKSON LEE. Thank you.

The General said a number of things that I hope we can work together on, but in particular a parliamentary inquiry to be able

to put in the record and require an answer to the creation of a task force on sexual crimes against children by the DOJ.

Mr. FRANKS. I don't think that's a parliamentary objection.

Ms. JACKSON LEE. If I could put it in the record, please. And then also a——

Mr. FRANKS. I don't think that's a parliamentary objection.

Ms. JACKSON LEE. I'm sorry. Pardon me?

And then also the parliamentary inquiry is that we will have opportunity for questions to be put in the record and one on the 702 reauthorization regarding sharing information with a foreign entity that interfered with the election.

Mr. FRANKS. The gentlelady can submit questions for the record.

Ms. JACKSON LEE. I thank the gentleman.

I thank the General for his kindness.

I yield back.

Mr. FRANKS. Thank you.

I now recognize myself for 5 minutes.

General Sessions, you have to know that I hold you in tremendously high regard. I know you've had a bumpy ride, but there are some of us who truly appreciate who you are.

With that, as the Justice Department knows, the House and the Senate have conducted investigations into the illegal sale of little body parts of little babies by some Planned Parenthood executives, as made clear via undercover videos that surfaced 2 years ago.

And according to a report yesterday published in The Hill, the FBI sought documents the Senate obtained from abortion providers as a result of their investigation into illegal sale of these little body parts. And so if the FBI has requested several what is now several thousand pages of testimony and findings the Senate has gathered through their investigation of Planned Parenthood, that may mean that they could be readying indictments against individuals who have committed the sale of these little body parts for profit.

So I want to ask a question that you can answer and not put you in an impossible spot. But generally speaking, are findings made by any Senate investigation, any subsequent referral sufficient evidence for the Justice Department to bring charges upon any party guilty of violating Federal law?

Attorney General SESSIONS. Well, it depends on the substance of those congressional findings, but they certainly can provide a basis for starting an investigation, verifying the findings of the Congress, and could provide a basis for charges.

Mr. FRANKS. Well, I hope that——

Attorney General SESSIONS. I think that's an appropriate way for us to relate to one none.

Mr. FRANKS. Yes, sir. Well, I hope the Justice Department obviously will take a very close look at the evidence that the Senate is providing to the FBI.

Given the standard that you have personally demonstrated for recusal to avoid even the appearance of partiality, it seems clear to me, this is my opinion, that Mr. Mueller should recuse himself based on your standard here from investigating involving Russian collusion a long time ago. That's my perspective.

I've suggested many times that the existing Russia-Trump investigation that Mr. Mueller is conducting is a snipe hunt. And as

many of the members of this committee have indicated, however, there does seem to be damning evidence related to Russia and Hillary Clinton's State Department.

If there had been as much evidence, in my judgment, against the President as we have against the Obama administration and Mrs. Clinton, I'm afraid Mr. Trump would have been burned at the stake by now.

There is a clear inequity. The FBI and the Department of Energy court documents detail an extensive, coordinated scheme of kick-backs, bribery, extortion threats, and general wrongdoing related to the acquisition of an American uranium trucking firm and the Canadian mining company Uranium One by the Russian nuclear giant, Rosatom. The FBI investigation obtained an eyewitness account, backed by documents indicating Russian nuclear officials, of routing millions of dollars to the U.S. which benefited the Clinton administration—or Clinton Foundation, the Clinton Foundation.

Despite this evidence, rather than to bring charges in 2010—that was not on your watch—the FBI continued the investigation for 4 more years and allowed the acquisition of 20 percent of our strategic uranium supply to take place without informing Congress. The head of the FBI at that time was Robert Mueller.

So, General Sessions, I guess my question is really sort of just one for the record here. I think the committee is about to close up here.

What do you think the Justice Department can do to correct this seeming lack of or reversal of priority here and what appears to be to some to be an injustice? How can we just look at the evidence and the facts for what they are and do what appears to be the right thing?

Attorney General SESSIONS. Well, you raised a question that we have much, much going on in the Department of Justice.

Yesterday, I sent, I believe to you and to the chairman, 15 or more members of this committee, a response to a request that you've made some time ago, that we are going to bring an independent prosecutors to review a host of matters out there so I can look you in the eye and tell you that we've done the right thing and we've done an objective evaluation of matters that have been raised, and raised by this committee.

And hopefully, we can decide if there are some matters that need to be investigated. Some may need to be closed. Some need to be opened. Some may need more money and resources and agents.

So I feel like that's my responsibility. I don't believe that is a giving in to politics. I believe that I should evaluate your request on the merits. And you raised some matters that I think I'm duty bound to respond to.

Mr. FRANKS. Well, General Sessions, I'll just put it like this. That sounds pretty good to me. And I appreciate you appearing before the committee today.

Are there other—oh, we have other—I'm sorry.

Mr. GOHMERT. Well, I don't have a question.

Mr. FRANKS. After the battle is over, they always show up for dinner, you know?

Mr. GOHMERT. I just was going to ask unanimous consent, since there's been all this stir about Senators meeting or not meeting

with Russians, I would ask to have this part of the record. It is an article from March 3, 2017, 17 by Katie Pavlich. It is a list of Democrats who also met with the Russian ambassador.

And then also this article from June 26 regarding Senator McCaskill's tweet that she got no call or meeting with the Russian ambassador ever. And then it turns out, the article points out, actually she met with the Russian ambassador at his home.

And I would like those in the record.

Mr. FRANKS. Without objection.

This material is available at the Committee and can be accessed online at: <https://docs.house.gov/meetings/JU/JU00/20171114/106709/HHRG-115-JU00-20171114-SD005.pdf>.

Mr. FRANKS. And now the gentleman from Georgia is recognized for 5 minutes. I'm sorry you snuck up on me there.

Mr. COLLINS. No. Thank you, Mr. Chairman. I've been in that other little thing we've got going on tax reform. Getting ready to do that tonight.

Attorney General Sessions and Mary, thank you for being here.

Now, I will say I'm from Georgia. There was something that was said earlier in this hearing that I was going to just pass by, was going to let it go. But that sound of fingernails on a chalkboard, especially this week, when I heard War Eagle.

Congratulations. Y'all did well and we didn't.

But I think the biggest thing is, one, I want to thank you for coming. I want to thank you for answering. I've listened to your questions. I have listened to the answers. I appreciate your honesty, even if we disagree, because I sat here before and talked to previous Attorney Generals that I couldn't even get them to admit that 65 in a 55 was against the law.

You would agree that is against the law, correct?

Attorney General SESSIONS. It is against the law.

Mr. COLLINS. There we go. We are far ahead of where we were last time.

But I do have an interesting issue and it is bipartisan, because I believe that this committee actually works, and I do believe your work in the Senate shows that we can come together and there is compromise.

One of the areas that is very important to this committee, but it is very important to our chairman, also bipartisan and important to me, is criminal justice reform. One of the problems we always have, though, is we seem to go to the—we seem to gravitate toward the sticking points instead of finding areas where we can work together.

Wouldn't you say that an approach in which we can start finding solutions would help us get to those points maybe where we have sticking points? Do you think that would be a good thing?

Attorney General SESSIONS. Yes. I think there are things that definitely are doable that we all could agree need to be fixed.

Mr. COLLINS. Well, I think so. And I have worked across the aisles, and we've worked from a very conservative to a very liberal perspective, it doesn't matter. Because at the end of day, I believe that those in our system are valued human beings by the gift of God that's given to each. They've made mistakes, they are paying for those mistakes many times. It's a money and moral issue: Are

we doing what we can to redeem the folks who are in there and actually give them a chance, if they choose to, to have a better life as they get out?

We have a bill called the Redemption Act, and it is bipartisan, we have been working on this. It is something that is for basically taking those once they get into the Federal system, starting them early, and making sure that they have a path toward getting back out and having a—lowering their recidivism rate.

What we've run into, though, and we've talked to the White House about this, and there seems to be always this knee-jerk, well, we'll just package it together with a bigger bill.

I believe, and I would love to get your work on this, that if we could work with the Bureau of Prison to start this one bill, this simple bill that doesn't deal with the sentencing, it just gives them time to get time off, transition earlier to work release, to give them settable, attainable goals that is about accountability and responsibility, so that when they come out the recidivism rate is lower because they have marketable skills and things that we can do.

What I would like to know is, do you think, if we could work that in the House and the Senate, get that to the President, who has been supportive of this and his administration, do you believe that is a workable solution, given your time in the Senate? We get so stuck on things we can't do, wouldn't it be good if we start on something we could do?

Attorney General SESSIONS. I believe a pre-release program can be effective. Most of the time, according to my experience, they don't achieve huge results, but if they achieve 10, 15, 20 percent improvement, that's of value.

What I have learned, and perhaps you'd like to examine it, the inspector general at the Department of Justice has done a review of pre-release programs and found some of them are not very effective, some of them are effective, and not enough attention has been put on it. And maybe the money could be better and more effectively spent.

And we got a new prison commissioner, Bureau of Prisons. He's open to this. We've talked about it. So I'm hopeful that we can improve that.

And fundamentally, we do need to make sure that anything that's done with regard to these reentry programs, that we studied the best ones and try to make sure our money is going to the better programs as opposed to some that may not be as efficient.

Mr. COLLINS. Well, thank you for the rousing endorsement of the bill, because that's exactly what it does. It gets the people from the minute they start in so that the Bureau of Prisons evaluates them and puts them on a plan while they are in still prison. We are not talking about this get them out quick. We are saying, here's while they are serving their sentence and earning that time up to where they are able to then have skills and skill sets so that when they do leave the recidivism rate is down.

It's based on science, it's based on an evidence-based approach. We're not saying just put them out because we're soft on crime or not soft on crime. This is an evidence-based approach that we've seen work in places like Georgia, Texas, Kentucky, I mean, all over

the place, conservative States that have said, this is something we need to do.

I appreciate your commitment to law and order. And my father's a Georgia State trooper, he was 31 years. Believe me, I fought the law every day and lost. But he's still my dad. And I understand law enforcement's role, but I also understand, after we get there, after they've paid for that crime, what can we do as a society to make sure our money is well spent, and also actually look into these folks eyes and say, we're going to give you a chance, but it's up to you.

And I appreciate your discussion on that. I want to see that move forward. It's something I think we can move forward both in the House and the Senate and gives the President and the Department of Justice something to build on as we get to the tougher issues of sentencing reform and mandatory minimums and those kind of things that we know always bog us down.

I appreciate you being here today, the President, and what you all are working on has been appreciated. And it is always good to see Mary as well. So thank you all for being here. Thanks much.

Attorney General SESSIONS. Thank you.

Mr. COLLINS. And, Chairman, I yield back.

Chairman GOODLATTE [presiding]. Thank you very much. I want to thank the gentleman from Georgia for ending on a high note.

And I will say that, General Sessions, Mr. Conyers and I both look forward to working with you and others in the administration on criminal justice reform. I think you'll find the approach here will be very bipartisan, perhaps in contrast to some of the other issues that have come up here today.

But I also want to say to you thank you for your time, thank you for the careful manner in which you have listened to questions and concerns here on this committee for the better part of 5-1/5 hours.

And I truly believe that this has been a very, very good hearing. Some of the members asked you questions for which answers have already been provided. Apparently, they've forgotten that those questions were asked and answered previously. But you've answered all of our questions here today in what I think is a manner that befits you as the Attorney General of the United States. I thank you very much for that.

And with that, I want to thank you, and I want to thank all the members for participating.

Without objection, all members will have 5 legislative days to submit additional written questions for the witness or additional materials for the record.

And the hearing is adjourned.

[Whereupon, at 3:30 p.m., the committee was adjourned.]

Congress of the United States
House of Representatives
Washington, DC 20515

December 15, 2017

The Honorable Jefferson B. Sessions
Attorney General
United States Department of Justice

Dear Attorney General Sessions,


The Committee on the Judiciary held a hearing on "Oversight of the Department of Justice," on Tuesday, November 14, 2017 in room 2141 of the Rayburn House Office Building. Thank you for your testimony.

Questions for the record have been submitted to the Committee within five legislative days of the hearing. The questions addressed to you are attached. We will appreciate a full and complete response as they will be included in the official hearing record.

Please submit your written answers to the Committee by Friday, February 2, 2018 via email or postal mail to the Committee on the Judiciary, Attention: Alley Adcock, 2138 Rayburn House Office Building, Washington, DC, 20515. If you have any further questions or concerns, please contact Alley Adcock on my staff at 202-225-3951 or by email: Alley.Adcock1@mail.house.gov.

Thank you again for your participation in the hearing.

Sincerely,



Bob Goodlatte
Chairman

Enclosure

Chairman Goodlatte Questions for the Record

Department of Justice Oversight Hearing

Settlements

- (1) On March 31, 2017, the Attorney General issued a memorandum requiring DOJ agency heads to review all Department activities, including “existing or contemplated consent decrees,” to ensure that they promote important legal principles, including cooperative federalism. We would like an update on the Department’s implementation of that memorandum as to existing consent decrees, particularly those entered into in the last Administration, some of which were clearly designed to secure policy objectives that the White House could not secure through Congress. Appendix C of the Consent Decree resolving the Volkswagen emissions fraud litigation is an example. What is the Department doing to roll back those commitments, which many believe violate constitutional separation of powers principles?
- (2) In 2013, a shocking *New York Times* exposé revealed that the Obama Administration bilked over a billion dollars from the taxpayer-funded Judgment Fund and handed it to special interests, including \$60 million to a lawyer who was on President Obama’s transition team the year before. In June 2017, a D.C. Circuit judge gave DOJ a roadmap to recover \$380 million of those funds for taxpayers. Chairman Goodlatte sent the Attorney General a letter on the issue. Did DOJ ever take action to recover the \$380 million in taxpayer money, and if not, why not?
- (3) Internal DOJ documents prove that the Obama DOJ used settlements to funnel money to liberal activist groups—while purposely excluding conservative groups. This abuse by the Obama Administration stands in stark contrast to the Attorney General’s integrity in prohibiting DOJ settlements from requiring donations to non-victim third-parties. On October 24, the House passed legislation to make the Attorney General’s ban binding on future Administrations. Will the Department commit to helping get this legislation passed in the Senate?

Operation Choke Point

- (1) Thank you for your August 16, 2017 letter repudiating Operation Choke Point. The letter noted that the Department will not discourage the provision of financial services to lawful industries. What specific steps has the Department taken to ensure that the policy adopted by DOJ in this directive is also followed by the financial regulatory agencies that participated in Operation Choke Point?

- (2) The Committee has received evidence of continued unexplained discontinuances of banking services in certain industries, such as arcade entertainment. Will the Department commit to conferring with the financial regulators that participated in Operation Choke Point to eliminate any lingering damage from what DOJ appropriately deemed a “misguided initiative?”

Congressional Review Act

The Congressional Review Act clearly provides that “[b]efore a rule can take effect,” the promulgating agency must report it to Congress. However, a multitude of regulations have never been submitted to Congress under the Act. For example, during just two years of the Obama Administration, 2014 through 2015, nearly 2,000 regulations were never submitted, including numerous major regulations.

- (1) To what extent are you aware of prior or pending enforcement actions based on rules that were never submitted and should not be considered in effect?
- (2) What is DOJ’s policy regarding pending or potential future enforcement actions on the basis of un-submitted rules?

Agency Guidance

- (1) Thank you for ending the Department’s practice of regulation by guidance. However, will DOJ refrain from bringing enforcement actions based only on other agencies’ guidance documents, as opposed to lawfully promulgated regulations issued by those agencies? What is DOJ’s policy on any pending cases based on agency guidance that seeks effectively to impose new regulatory requirements without procedures required for lawful promulgation of regulations?

Antitrust

- (1) Given your Antitrust Division chief’s stated opposition to behavioral merger conditions, is DOJ going to stop using behavioral merger conditions to address perceived concerns about a transaction?

Asbestos

- (1) A number of state Attorneys General are investigating asbestos trust fraud, including whether the submission of false claims to asbestos trusts, which takes money away from legitimate victims and their states, and the failure of attorneys to reimburse Medicaid programs violate state false claims acts. It is my understanding that the Department of

Justice is currently monitoring a case in which the Utah Attorney General filed actions against several asbestos trusts to determine whether there should be a federal role. Will the Department of Justice examine whether Medicare has been defrauded as a result of false asbestos claims and whether the federal False Claims Act provides a potential remedy?

- (2) It is my understanding that Clifford White, Director of the Executive Office for United States Trustees, previously acknowledged that there is a need for more oversight and accountability with asbestos trusts, but that he may lack legal authority to investigate. Would you support giving the United States Trustee Program such authority?

Rep. Collins Questions for the Record
Department of Justice Oversight Hearing

Intellectual Property Generally

1. To what extent do IP enforcement provisions in free trade agreements (FTA's) help the Justice Department combat counterfeiting, piracy, trade secrets misappropriation, and other IP theft?

Which countries provide the greatest cooperation in your efforts to promote strong global IP standards?
2. The Assistant Attorney General for the Antitrust Division recently highlighted the importance of IP law in supporting innovation and creativity, and the reality that companies and investors make their investments with no assurance or advance knowledge such investments will actually pay off. Do you agree that IP law is a keystone of innovation and creativity, and how will you utilize the resources of the Justice Department to help sustain a policy of American competitiveness through innovation?

Department of Justice IP Task Force

4. Piracy in the film and television business continues to be a significant issue, undermining American jobs and a significant sector of the US economy, driven by offshore infringing sites and supported by a web of enablers both foreign and domestic. The Department has done some meaningful work in this area in the past, and I urge you to continue enforcement actions against the ongoing threat of sophisticated online criminal enterprises as well as new and emerging threats such as device-enabled copyright piracy.

Specifically, I would ask you to reinvigorate the Department of Justice's IP Task Force, first constituted under Attorney General John Ashcroft. In the past, that Task Force has been chaired by the Deputy Attorney General, and staffed by key elements of the Justice Department with responsibilities for IP enforcement.

How can we work with you to strengthen and expand existing initiatives, and how we can collaborate with you to ensure you have the tools and resources to take action against the ongoing threat of sophisticated online criminal enterprises as well as new and emerging threats such as device-enabled copyright piracy?

Piracy of Live Sporting Events

5. In December 2009, this Committee held a hearing titled: *Piracy of Live Sporting Events Over the Internet*. At that time, streaming live sporting events was grainy and the

technology still improving. Today, pirated streams are delivered to Internet ready TV's in HD.

I continue to hear from a number of sports leagues and broadcasters about the economic harm that results from the piracy of their live telecast sporting events. I understand that such piracy is a misdemeanor, but that other similar forms of piracy can be punished as a felony. Please explain this anomaly in the law and whether you think Congress should harmonize the law to make this type of piracy of live streams a felony?

Federal Bureau of Prisons, Residential Reentry Centers

6. Recent news reports have highlighted the cancellation or non-renewal of numerous residential reentry center (RRCs, or halfway house) contracts by DOJ. These cancellations and non-renewals are already reportedly reducing RRC capacity overall, as well as reducing the length of stay for individual prisoners, including prisoners who have served many years in federal prison and may need lengthier stays in RRCs to assist in their successful reentry. Why is DOJ cancelling or failing to renew these contracts?
7. Recent news reports have also highlighted that DOJ is also changing the Statement of Work (SOW) for RRCs, including eliminating the requirement that RRCs hire a Social Services Coordinator (SSC) and provide cognitive behavioral programming (CBP) to RRC residents.

What other changes is DOJ currently making or planning to make to SOWs for RRC contractors? What is the justification for each of these changes?

Rep. Buck Questions for the Record

Department of Justice Oversight Hearing

Pipeline Terrorism

Q: Mr. Attorney General, I sent you a letter on October 23, 2017, regarding a recent uptick in attempts to disrupt the transmission of oil and natural gas through interstate and international pipeline infrastructure. In some instances, individuals have used blow torches to burn holes in pipelines or promoted violence against oil and gas company employees. Are you familiar with these attacks against oil and gas infrastructure?

Q: Does the DOJ expect an increase in attacks or vandalism by environmental extremists? Is the DOJ prepared to handle this likely increase in attacks?

Q: On November 10th, Reuters ran an article stating that “the U.S. Justice Department on Friday pledged to prosecute protestors who damage energy infrastructure.” The article goes on to say that the DOJ committed to “vigorously prosecuting those who damage ‘critical energy infrastructure in violation of federal laws.’” There was a highly publicized case on October 11, 2016, where individuals attempted to sabotage four major crude oil pipelines and posted a video of the crime online. Has the DOJ taken any prosecutorial or investigative action against those involved in this case?

Q: Does a State or local government having laws on the books that also criminalize this behavior affect your decision to pursue federal prosecution? What other factors would cause you to not pursue federal prosecution of these crimes?

Q: Do the attacks against our nation’s energy infrastructure, which can pose a significant threat to human life and the environment, and seem to be motivated by a desire to intimidate or coerce policy changes, fall within the DOJ’s understanding of domestic terrorism?

Q: Will the DOJ provide federal law enforcement resources to assist local law enforcement during situations in which protestors are in violation of the law while on federal lands?

Rep. Nadler Questions for the Record

Department of Justice Oversight Hearing

Thank you, Attorney General Sessions, for your testimony before the Committee. I regret that we were compelled to spend so much of our time discussing inconsistencies in your previous statements before Congress—instead of focusing on the many policy matters that also require our attention. My colleagues and I hope to address some of those issues here, and we look forward to your prompt response.

Hargan v. Garza

1. On November 3, 2017, Solicitor General Noel Francisco filed a petition for a writ of certiorari with the Supreme Court in the matter of *Hargan v. Garza*, a case revolving around efforts by the Department of Health and Human Services to prevent an undocumented 17-year-old girl (referred to as Jane Doe) in the custody of the Office of Refugee Resettlement from exercising her constitutionally-protected right to obtain an abortion. The petition included a suggestion that the Court take disciplinary action against Jane Doe’s attorneys for “what appear to be material misrepresentations and omissions to government counsel designed to thwart this Court’s review.”

As relevant context, prior to this filing, on October 24, 2017, the U.S. Court of Appeals for the D.C. Circuit, sitting *en banc*, denied the government’s motion to stay a temporary restraining order issued by the district court enjoining the government from interfering with Jane Doe’s decision to obtain an abortion in compliance with Texas law. On October 25, Jane Doe obtained an abortion.

- a. Please explain in detail the Department’s legal reasoning and any legal authority supporting what seems like the Solicitor General’s highly unusual decision to file a petition for writ of certiorari in a case involving an interlocutory appeal that would generate no legal precedent and had been rendered moot by Jane Doe’s obtaining an abortion 9 days prior to the filing of the petition.
- b. Please explain the law, legal duty, court rule, state bar rule, professional code of conduct, or any other authority governing attorney conduct that justifies the Solicitor General’s assertion that Jane Doe’s attorneys made “material misrepresentations and omissions to government counsel designed to thwart” the Supreme Court’s review of the case and the Solicitor General’s suggestion that

Jane Doe's attorneys should face disciplinary action, an effort that, disturbingly, appears intended to intimidate lawyers who bring legal challenges against the Administration and to dissuade others from bringing them in the future.

- c. Please provide examples of any past cases in which a petition for certiorari was filed under substantially similar circumstances.
- d. Please provide examples of any past cases where the Department suggested to the Supreme Court that sanctions be imposed against opposing counsel under circumstances substantially similar to this case.
- e. Please identify every Executive Branch official who was involved in the decision to file a petition for a writ of certiorari and to seek sanctions against opposing counsel in this case, including any officials from the White House or the Department of Health and Human Services.

Charging and Sentencing Policy

2. The United States is the world's leading incarcerator. Four decades after President Nixon declared a "war on drugs," America's prison population has grown more than 700%. Although the U.S. represents only 5% of the world's population, we house 25% of the world's prisoners—the highest incarceration rate in the world. That figure represents more than 2.2 million people behind bars in this country.

One of your first actions in office was to issue a memorandum to all federal prosecutors. That May 12, 2017 memorandum has been roundly criticized for rescinding the Holder Memo, which in 2013 directed prosecutors to avoid mandatory minimum sentences and sentencing enhancements based on prior felony convictions. Your memo, entitled "Department Charging and Sentencing Policy," now directs prosecutors to "charge and pursue the most serious, readily provable offense" which "carr[ies] the most substantial guidelines sentence, including mandatory minimum sentences." As you know, most of the mandatory minimum sentences applied in federal courts occur in drug cases.

- a. How does your new policy address our country's mass incarceration problem?
- b. How does this new "lock-them-up" policy, as embodied in your memo, address effectively our country's opioid epidemic and rampant addictions to other substances?

Faith-based Initiatives and Discrimination

3. On October 6, 2017, in a memorandum titled “Federal Law Protections for Religious Liberty,” you articulated 20 sweeping principles about religious freedom—among them, that freedom of religion extends to people and organizations; that religious employers are allowed to hire only those whose conduct is consistent with their beliefs; and that grants cannot require religious organizations to change their character. These principles could have a broad negative impact, permitting religious groups to impinge on the rights of gay, lesbian, and transgender Americans, women who seek basic reproductive healthcare, and others. What steps is the Department taking to prevent such discrimination based on religious beliefs?

Death in Custody Reporting Act

4. The Death in Custody Reporting Act (DCRA) was enacted almost three years ago, on December 18, 2014. If properly implemented, DCRA could yield the most accurate federal numbers on deaths in custody, including fatal police shootings, disaggregated by race, ethnicity, and other decedent demographics, to date. States should have begun compliance with DCRA on July 31, 2017.
 - a. What is the status of implementation of the Death in Custody Reporting Act?
 - b. When will DOJ issue final guidance around the implementation of the Death in Custody Reporting Act?
 - c. What percentage of states complied with the first reporting period by July 31, 2017?
 - d. Is the Bureau of Justice Assistance or another DOJ entity conducting open source review to ensure DCRA implementation and compliance?

Pattern or Practice

5. Over the last several months, the Department has been reviewing its procedures for addressing police misconduct in order to “effectively promote a peaceful and lawful society, where the civil rights of all persons are valued and respected.” However, there is broad concern within the civil rights community that DOJ is not actively defending civil rights and is instead dismantling critical structures and abandoning tools that, for decades, have been used by the Department to protect people from police brutality and discrimination. The public has been kept in the dark as to crucial details about the Department’s work around police misconduct.

- a. What is the status of the 18 open reform agreements, 5 open investigations, and 1 case in active litigation brought under Section 14141 managed by the DOJ Civil Rights Division (CRT)?
- b. Does the DOJ plan to amend any of the 18 existing consent decrees that were already negotiated, agreed to, and approved by the courts?
- c. How many police misconduct complaints has the DOJ received since January and how many of those complaints have been investigated?
- d. Has the DOJ sought the input of community organizations during its evaluation of existing consent decrees and other agreements that affect the civil rights and safety of the community?
- e. When will the DOJ's internal review process around policing, initiated on March 31, 2017, be completed, and when will initial findings and a final report be released to the public?

Collaborative Reform

- 6. On September 15, 2017, DOJ announced changes to the Office of Community Oriented Policing Services (COPS) Collaborative Reform Initiative for Technical Assistance. Collaborative reform has been a valuable tool for addressing police misconduct and improving the relationships between local law enforcement and the communities they serve. Critical collaborative reform efforts were underway in St. Anthony, Minnesota; North Charleston, South Carolina; and Milwaukee, Wisconsin—all localities that have experienced high profile fatal police shootings in recent years. DOJ says that its collaborative reform program will now focus on “fight[ing] violent crime.”
 - a. When will DOJ provide details to the public on the new scope and purpose of the collaborative reform program?
 - b. With the changes to collaborative reform, what DOJ resources will be available for law enforcement and local communities that solicit federal assistance to address police misconduct and advance community policing?
 - c. Will DOJ release the final reports for Milwaukee and North Charleston, and if so, when?

- d. Will DOJ release the outstanding final or draft progress reports for the other jurisdictions, and if so, when?
- e. Will DOJ release the draft initial reports for Chester, Commerce City, Fort Pierce, and Memphis, and if so, when?

Civil Asset Forfeiture

- 7. On July 19, 2017, DOJ announced an expansion of the use of civil forfeiture through equitable sharing “adoptions.” DOJ’s action was a reversal of a 2015 policy that prevented local law enforcement from using federal forfeiture laws to circumvent more restrictive state forfeiture laws. On September 12, 2017, the House adopted three bipartisan amendments to the appropriations bill that prohibit DOJ from using funds for an unwarranted expansion of civil forfeiture and protect the ability of states to enforce their own forfeiture laws.
 - a. Given the bipartisan support in the Congress for civil forfeiture reform, will DOJ work with Members on federal forfeiture reform as it did in the 114th Congress?
 - b. If appropriations legislation is enacted that prohibits DOJ from using federal funds to advance equitable sharing “adoptions,” will DOJ adhere to that restriction?

Militarization of Police

- 8. On August 28, 2017, President Trump issued an executive order eliminating oversight and restrictions on the federally resourced military weapons and equipment provided to local law enforcement. The executive order may have disassembled an interagency working group that was headed by DOJ’s Office of Justice Programs, and included the Departments of Defense and Homeland Security—the primary federal providers of military weapons and equipment to law enforcement. At a minimum, the working group ensured that the agencies providing military-grade weapons were communicating with one another, which proves to be a critical need in light of a July 18 Government Accountability Office (GAO) report that found the federal government gave over \$1 million worth of military weapons to a fake federal law enforcement agency.
 - a. What is the status of the Interagency Working Group on Federal Equipment?
 - b. Does DOJ have any policies in place around its resourcing of military weapons to local law enforcement, whether through Byrne JAG or other grants, federal civil forfeiture funds, or other DOJ programs?

- c. Has DOJ recently provided guidance to local law enforcement on how protests and other assemblies should be policed? If so, what is the guidance with respect to the use of military weapons and equipment?

U.S. Marshals

9. U.S. Marshals in the District of Columbia preside over housing evictions in the city. They are often charged by the Superior Court for the District of Columbia with physically removing tenants from their homes. A 2015 eviction in Southeast Washington highlighted the complications that can arise with the Marshals handling evictions. Although the Marshals had not obtained a warrant and had no reason to expect danger, they entered the home of a mother and her young daughter with guns drawn—then forced the mother outside in torn clothing, and verbally abused her about her appearance.
 - a. What oversight and training does the Department of Justice provide to the U.S. Marshals in the District of Columbia with regard to their policies and practices in handling housing evictions?
 - b. What protocols must the U.S. Marshals follow with respect to their execution of housing evictions? Are these protocols formalized, and if so, where? Are these protocols public, and if so, where?
 - c. What complaint process is in place specifically for concerns related to a U.S. Marshal's execution of a housing eviction in the District of Columbia? How is that complaint process accessible to the public?
 - d. Are U.S. Marshals subjected to discipline when they violate protocols pertaining to the execution of housing evictions in the District of Columbia? If so, what type of discipline is administered, and who or what entity oversees that discipline?

DOJ Politicization

10. On several matters before the federal courts, including the U.S. Supreme Court, the Department of Justice has submitted amicus briefs supported only by political appointees. Career lawyers are not represented as signatories on these briefs—suggesting that the arguments made in the briefs may run counter to the Department's precedent and policies. In other cases, the Department's position appears to have been directly influenced by the White House.

- a. As DOJ works to reach a position on an amicus brief, when and how do career attorneys provide advice and counsel?
- b. Under what circumstances will DOJ submit a brief that represents a position held exclusively by political appointees?
- c. Has the Department ever submitted a brief or taken a specific litigating position at the direction of the White House? How do you ensure that the Department's decision are not subject to undue or inappropriate political influence?
- d. Have political or ideological affiliation been considered in employment decisions at DOJ?

Rep. Lofgren Questions for the Record

Department of Justice Oversight Hearing

- I. On November 7th, Federal Bureau of Investigation (FBI) Special Agent Christopher Combs announced that investigators had recovered a device belonging to Devin Patrick Kelley, the deceased 26-year old gunman accused of a devastating mass shooting in Sutherland Springs, Texas. Special Agent Combs stated that the FBI could not access the phone because of encryption. It has been reported that the FBI had not contacted the device manufacturer for assistance at the time of Combs' statement, three days after the shooting. It has also been reported that even after Combs' statement, authorities did not contact the device manufacturer for assistance and that the phone's maker proactively contacted the FBI and offered assistance.

As you may recall, during the investigation of the San Bernardino attack, the FBI made technical mistakes that could have prevented investigators from accessing the attacker's device or the data on it. One of the lessons learned from that investigation, is that the FBI should develop forensic best practices to ensure that field agents can appropriately handle devices during an investigation. It is particularly troubling in this instance that the FBI seems not to have learned from those mistakes and instead of working with the phones' manufacturer to learn how to appropriately handle the device and learn what data might be available despite encryption, it held an inflammatory press conference.

- a. Did the FBI contact the device manufacturer for assistance when it recovered the suspect's device? If not, when did the FBI request assistance?
- b. The House Working Group on Encryption recommended the development of improved processes for preserving and analyzing digital data for investigations. In the past year, what relevant standards has the FBI developed and how were those applied by investigators immediately after they recovered the phone and throughout the next 72 hours to preserve opportunities to access the device or recover data on the device?
- c. Prior to Special Agent Combs' press statement, had the FBI worked with the device manufacturer to identify relevant metadata or content from any commercial service providers?

2. You have stated that technology companies do not cooperate with law enforcement. Have you personally reached out to technology company CEOs to discuss enhanced cooperation? If not, why?
3. In recent remarks, the Deputy Attorney General said that over the past year, the FBI was unable to access “about 7,500 mobile devices submitted to it its Computer Analysis and Response Team.” Please provide information on the following:
 - a. Of the devices the FBI was unable to open, how many were related to an active counterterrorism investigation?
 - b. Of the devices the FBI was unable to open, for how many did the FBI request, through lawful process, relevant metadata or content from the commercial service provider? And of those devices, for how many were you able to obtain relevant metadata or content from the provider?

Rep. Jackson Lee Questions for the Record
Department of Justice Oversight Hearing

Criminal Justice: Recent Policy Reversals

1. Under your leadership, the Department of Justice has taken a radical approach on criminal justice reform, cradivating much of the progress made under the Obama Administration.

On February 21, 2017, you issued a rescission of memorandum on use of private prisons. The memo, authored by former Deputy Attorney General Sally Q. Yates, directed that, “as each contract reaches the end of its term, the Bureau should either decline to renew that contract or substantially reduce its scope in a manner consistent with law and the overall decline in the Bureau’s inmate population.”

- a. Was there an increase in prison population for the time period of time after the former Deputy Attorney General Sally Yates left DOJ and before you became Attorney General?
 - b. If so, please submit for the record your findings.
 - c. Despite declining inmate populations and decreased concern about public safety and security — you felt it necessary to abruptly reverse a directive that had been in place for just six months?
2. On May 10, 2017, you issued a memo that established a charging and sentencing policy for the Department of Justice, thereby abandoning the Smart on Crime Initiative. The Smart on Crime Initiative, which was implemented under the Obama administration, sought to target the most serious crimes and reduce the number of defendants charged with nonviolent drug offenses that would otherwise trigger mandatory minimum sentences. Your May 10 memo essentially takes away the prosecutorial discretion on which our federal system relies, in exercising fairness.
 - a. Is it not true that this new “crackdown on crime,” as you put it, could lead to more arrests, which in turn could result in more people in prison and add to mass incarceration?

- b. Isn't it true that even Members of your own party oppose this directive?
- c. What is the goal of incarceration, punishment, and rehabilitation?
- 3. Do you have any opinion on the effectiveness of specialty courts, i.e. drug courts, mental illness courts, PTSD, and prostitution courts?
- 4. In a March 31 memo, you ordered a sweeping review of consent decrees with law enforcement agencies relating to police conduct—a crucial tool in the Justice Department's efforts to ensure constitutional and accountable policing. The Department also tried—unsuccessfully—to block a federal court in Baltimore from approving a consent decree with the city on police practices, arguing that there were “grave concerns” with an agreement that the Department itself had negotiated over a multi-year period. Isn't it true that many police departments continue to advocate for these consent decrees despite your memo?
- 5. On September 15, the Department ended the Community Oriented Policing Services' Collaborative Reform Initiative, a Justice Department program that aimed to help build trust between police officers and the communities they serve. Do you believe that police and community relations are damaged when police officers shoot and kill innocent unarmed young men and women?

Black Identity Extremism

- 6. On August 3, 2017, the FIB released its “Intelligence Assessment” report entitled “Black Identity Extremists (BIE) Likely Motivated to Target Law Enforcement Officers”, which states: “it is very likely that BIE perceptions of police brutality against African Americans spurred an increase in premeditated, retaliatory lethal violence against law enforcement and will very likely serve as justification for such violence.”
 - a. How would you characterize the African American community's reality, where young men and women of color are gunned down by law enforcement? Does it constitute mere “perception,” given the racism and injustice that plague communities of color?
 - b. On the basis of what evidence did the FBI conclude that so-called BIEs engage in terrorist activities?
 - c. Given what we know about the abuse of power in COINTELPRO under former FBI Director Edgar Hoover, are you prepared to engage in COINTELPRO 2.0?

- d. Did you order the FBI to conduct this assessment? If yes, what was the basis for your directive to do so and how long did it take to develop this report?
- 7. Do you intend to criminalize, apprehend or use lethal force against any members of the Black Lives Matter movement or any other political movements within the African American community as a result of this report?
- 8. Do you believe these surveillance are lawful, appropriate and a matter of national security when an individual exercises their 1st amendment rights?

George Papadopoulos

The Trump Administration continues to portray George Papadopoulos' role in the 2016 presidential campaign as insignificant, calling him a low-level staffer/volunteer lacking substantive responsibility. We now know that Mr. Papadopoulos, who served as a foreign policy advisor for Trump's presidential campaign, pled guilty on October 5, 2017 to making material false statements and material omissions to the FBI in the course of its Russian investigation.

- 9. Do you agree with President Trump that Mr. Papadopoulos was a low-level staffer/volunteer/employee?
- 10. Have you communicated with Papadopoulos regarding his conversations with anyone in the Russian government?
- 11. While serving as the Chairman of the national security advisory Committee to President Trump, did you discuss foreign policy matters with Papadopoulos?

Rep. Cohen Questions for the Record
Department of Justice Oversight Hearing

1. According to the Drug Policy Alliance, the drug war is costing tax payers more than \$51 billion each year in investigations, arrests, prosecutions, and incarceration. Marijuana is the least dangerous of all of the Schedule I drugs under the Controlled Substances Act.
 - a. Do you agree that marijuana is less dangerous than Heroin, LSD, Ecstasy, and other highly addictive drugs? Do you agree that Marijuana is less dangerous than Schedule II drugs such as crystal methamphetamine, crack cocaine, cocaine, and OxyContin for which people rob, murder, and kill to get money to supply their habit when they become addicted unlike marijuana?
 - b. Do you agree with my statement during the Judiciary Committee hearing on November 14, 2017 that enforcement of marijuana takes away from the Department of Justice's ability to do enforcement on more dangerous drugs?
 - c. If you agree, do you believe that the Department of Justice should prioritize enforcement resources to target drugs that are more dangerous than marijuana?
2. In 2015, you participated in the commemoration of the "Bloody Sunday" march for voting rights in Selma, Alabama. You also sponsored a Senate resolution awarding the Congressional Gold Medal to the "foot soldiers" of the civil-rights movement. I hope you and everyone at the Department of Justice have learned the lessons from Selma and the struggle of African Americans for the right to vote and for civil rights.

A recent NAACP study found that Alabama's voter ID law hurt minority turnout in the 2016 presidential race. Minority turnout fell 4.1 points more in Alabama than in similar states around the country.

- a. What affirmative litigation has the U.S. Department of Justice undertaken to protect the rights of African American, Asian, and Latino voters since you became Attorney General?
- b. What are you directing the Department of Justice to do to ameliorate the effects of voter ID laws and federal actions that adversely impact African American and Latino voters?

3. In September 2017, the Justice Department filed an amicus curiae brief before the Supreme Court on behalf of the petitioner in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, who refused to sell a wedding cake to a same-sex couple, in violation of a Colorado state antidiscrimination law, alleging that the state law violated his rights under the First Amendment's Free Exercise Clause and Free Speech Clause. The Department's brief argues primarily in support of the petitioner's Free Speech claim. In the brief, the Department writes, "that is not to say that every application of a public accommodations law to protected expression will violate the Constitution. In particular, laws targeting race based discrimination *may* survive heightened First Amendment scrutiny" (Emphasis added).

Additionally, the Department further argues that "[t]he same cannot be said for opposition to same-sex marriage. The Court has not similarly held that classifications based on sexual orientation are subject to strict scrutiny or that eradicating private individuals' opposition to same-sex marriage is a uniquely compelling interest."

Given the Department's role in enforcing our nation's civil rights laws, and that a Free Speech claim can implicate a Free Exercise claim, is the Department at all concerned that if the Supreme Court rules in favor of the petitioner that it will open the door once again to claims that persons must be allowed to discriminate against racial minorities in the provision of goods or services on religious and free speech grounds?

4. The number of murders and violent crime in American cities is unacceptable. That includes my district in Memphis, Tennessee. What help and support can the Department of Justice offer to cities such as mine to lower the rates of murder and violent crime?

Rep. Cicilline Questions for the Record
Department of Justice Oversight Hearing

1. During the hearing, you refused to answer whether “any White House employee or official, including the President, contacted the Justice Department regarding the AT&T-Time Warner transaction, or any other transaction,” claiming that these were “privileged conversations” and that “according to longstanding Department policy, the Department of Justice does not reveal privileged conversations or conversations between the White House and the Department of Justice.”
 - a. Please explain the legal basis for privileging these communications.
 - b. Please explain the legal basis for refusing to answer questions on this matter.
2. Under President George W. Bush, Attorney General Michael Mukasey issued Department guidelines stating that communications with the White House concerning “pending criminal or civil-enforcement matters . . . must be limited,” and should only be discussed “where it is important of the performance of the President’s duties and where appropriate from a law enforcement perspective.”^[1]
3. Please explain why the Department’s communications with the White House concerning mergers and acquisitions under review by the Department are “important to the performance of the President’s duties,” “appropriate from a law enforcement perspective,” and otherwise permissible under existing Department guidelines.
 - a. Does the Department preserve communications with the White House on mergers and acquisitions under review by the Department?
4. During his campaign, President Trump stated that “AT&T is buying Time Warner and thus CNN, a deal we will not approve in my administration.”^[2] In July, the President tweeted that he was “extremely pleased to see that @CNN has finally been exposed as #FakeNews and garbage journalism.”^[3] Just days later, a senior White House official referred to CNN as a “potential point of leverage” in the pending transaction.^[4]

^[1] Memorandum from the Attorney General for Dep’ts Components and U.S. Attorneys (Dec. 19, 2007), <https://www.documentcloud.org/documents/3371630-Mukasey-12-19-07.html>.

^[2] Brian Stelter, *Donald Trump rips into possible AT&T-Time Warner deal*, CNN (Oct. 22, 2016), <http://money.cnn.com/2016/10/22/media/donald-trump-att-time-warner/>.

^[3] Donald Trump (@realDonaldTrump), TWITTER (July 1, 2017), <https://twitter.com/realDonaldTrump/status/881138485905772549>.

^[4] Michael M. Grynbaum, *The Network Against the Leader of the Free World*, N.Y. TIMES (July 5, 2017), <https://nyti.ms/2iOh71B>.

- a. Do you agree that every transaction before the Justice Department should be considered on the basis of whether it may substantially lessen competition, as the Clayton Act instructs,^[5] and not whether it can be used as political leverage against the free and diverse press?^[6]
5. Has any White House employee or official, including the President, attempted to influence any *pending* or *future* antitrust enforcement action?
6. During your confirmation hearing, you testified that you would not allow external pressure to influence the Department's enforcement decisions.
 - a. What steps are you taking to ensure that decisions by the Department of Justice Antitrust Division are free from improper interference by the White House?
7. There is a disturbing pattern of political interference by President Trump and his Administration in the Department's review of proposed mergers, a civil law enforcement matter. For example, during the Justice Department's review of Bayer's proposed \$66 billion merger with Monsanto, President-elect Trump met with executives at both companies in the Trump Tower so that they could "make their case for the acquisition."^[7] Less than a week later, Sean Spicer, then-White House Press Secretary, announced the President-elect's support of the transaction.^[8] President Trump also met with Softbank's Chief Executive, Masayoshi Son, to discuss Softbank's interest in acquiring T-Mobile,^[9] a merger that would also have been reviewed by the Justice Department had it been proposed. In June, Department of Commerce Secretary Wilbur Ross spoke in favor of Amazon's proposed acquisition of Whole Foods, stating that it did not raise antitrust concerns even though the merger was under review by the Federal Trade Commission.^[10]

^[5] 15 U.S.C. § 18 (2017).

^[6] Steven Overly, *Sources: AT&T, Time Warner under pressure to dump CNN*, POLITICO (Nov. 8, 2017), <https://www.politico.com/technology/article/2017/11/sources-at-t-time-warner-under-pressure-to-dump-cnn-164725>.

^[7] Christopher Alessi, *Trump Backing for Bayer's Monsanto Deal Buys Investors*, WALL STREET JOURNAL (Feb. 20, 2017), <https://www.wsj.com/articles/trump-backing-for-bayers-monsanto-deal-buys-investors-1487592635>; Charlie Gasparino & Brian Schwartz, *Bayer, Monsanto CEOs Meet With Trump, Argue Merger Would Create U.S. Jobs*, FOXBUSINESS (Jan. 11, 2017), <http://www.foxbusiness.com/politics/2017/01/11-bayer-monsanto-ceos-meet-with-trump-argue-merger-would-create-u-s-jobs.html>.

^[8] Paul R. La Monica, *Trump takes credit for saving Monsanto jobs, but ...*, CNNMONEY (Jan. 17, 2017), <http://money.cnn.com/2017/01/17/investing/monsanto-bayer-trump-jobs/index.html>; Donald Trump (@realDonaldTrump), TWITTER (Jan. 18, 2017), <https://twitter.com/realdonaldtrump/status/821703902940827648>.

^[9] Alexander Martin, *SoftBank Chief's Meeting With Donald Trump Fuels Hopes of Telecom Megadeal*, WALL STREET JOURNAL (Dec. 10, 2016), <https://www.wsj.com/articles/softbank-investors-cheer-ceos-meeting-with-trump-1481095552>.

^[10] Henry Fernandez, *Amazon-Whole Foods deal is not an antitrust issue, Wilbur Ross says*, FOXBUSINESS (Jun 22, 2017), <http://www.foxbusiness.com/politics/2017/06/22/amazon-whole-foods-deal-is-not-antitrust-issue-wilbur-ross-says.html>.

- a. Do you believe that it is appropriate for the President to meet with the senior executives of merging companies under review by the Department?
 - b. What effect do statements by the President, White House officials, or members of the President's cabinet have on transactions under the Department's review?
 - c. Career staff at the Justice Department have commented that "[i]t is troubling that presidents of companies whose cases are before the Antitrust Division would be meeting with the president-elect. We're a law enforcement agency and we pride ourselves on enforcing the law and looking at a case objectively and deciding whether it would or would not violate the antitrust laws."^[11] Do you agree?
 - d. Larry Thompson, who served as Deputy Attorney General under President George W. Bush, has stated that the Department's enforcement decisions "should be free of direct political intervention."^[12] Do you agree?
8. Do you believe that the Department of Justice has all the tools it needs in order to investigate foreign influence thoroughly? And do you believe that DOJ should prioritize investigating whether lobbyists or other Americans are engaging in advocacy on behalf of a foreign government without properly registering?
 9. On October 6, 2017, the Department of Justice issued a 25-page memo to all federal agencies purporting to provide guidance on religious liberty protections in federal law. In the guidance, DOJ declares that the Religious Freedom Restoration Act "might require an exemption or accommodation for religious organizations from antidiscrimination law...even where Congress has not expressly exempted religious organizations."
 - a. Under this interpretation of the law, could an employer pay women less than men because the employer does not believe women should act as heads of household?
 - b. Would the guidance permit a federal employee, citing religious beliefs, to refuse to process spousal benefit paperwork for same sex couples?
 10. On October 4th, 2017 you issued a two-page memo reversing the position of the Department of Justice that Title VII prohibits discrimination on the basis of gender identity stating, "Title VII's prohibition on sex discrimination encompasses discrimination between men and women but does not encompass discrimination based on gender identity per se, including transgender status."

^[11] *Id.*

^[12] Justin Elliott & Jesse Eisinger, *Why Trump's Meetings With CEOs Seeking Mergers Trouble Observers*, PROPUBLICA (Jan. 25, 2017), <https://www.propublica.org/article/why-trumps-meetings-with-ceos-seeking-mergers-trouble-observers>.

- a. Do you believe that our nation's sex nondiscrimination laws currently prohibit discrimination between two men or two women? Simply, can a man engage in sex discrimination against a man?
 - b. Do you believe that those laws prohibit discrimination based on sex-stereotyping? When an individual discriminates against a transgender man because he doesn't behave in a "feminine manner" or dresses in "feminine clothing," isn't that a form of sex stereotyping?
 - c. Why does your two-page memo completely fail to address the decades of case law – in addition to the position of the EEOC – that have correctly held that discrimination against transgender people is a form of sex discrimination that is prohibited under federal laws like Title VII? For example, the memo fails to address, in any way, landmark rulings from the U.S. Courts of Appeals for the 1st (*Rosa v. Park West Bank & Trust Co.*), 6th (*Barnes v. City of Cincinnati* and *Smith v. City of Salem*), 9th (*Schwenk v. Hartford*), and 11th (*Glenn v. Brumby*) Circuits that have held that anti-transgender discrimination is unlawful under federal laws prohibiting sex discrimination? How can the Department of Justice describe this memo as a "conclusion of law, not policy" when it completely fails to address these rulings, not to mention many others from lower courts?
 - d. How many career attorneys in the Civil Rights Division were involved in the drafting and development of this memo?
11. Has the President or any current or former Member of the Trump Administration ever asked you to begin, alter, or end a criminal investigation into anyone?
 12. On August 4, 2017 you announced at a press conference on Friday morning that the DOJ is considering changing its policies for subpoenaing reporters as part of crackdown on government leaks. What is the status of this review into policies on subpoenaing reporters?
 13. Did you and President Trump discuss the FBI's investigation of Russian election interference led by FBI Director James Comey?
 14. Was the May 8, 2017 meeting between you, the President, and Deputy Attorney General Rosenstein the first time you discussed the President's plan to fire James Comey?
 15. Did you discuss the FBI investigation led by James Comey, during the May 8, 2017 meeting between you, the President, and Deputy Attorney General Rosenstein?
 16. The President reportedly drafted a letter in early May giving reasons for firing James Comey, which he composed with Stephen Miller. Did you talk with the President about this letter?

17. Were you aware when you approved James Comey's firing that the president was unhappy with his handling of the Russia case?
18. Were you aware you that anyone on the Trump campaign, including Donald Trump Jr., had contact with WikiLeaks?
19. Did you have contact with Wikileaks during or after the 2016 campaign?
20. There are longstanding Justice Department rules about limiting contact between White House officials and your department to prevent political interference. On July 27, Anthony Scaramucci, then the White House communications director, said he contacted you about investigating leaks. Did this conversation happen and have any other such contacts regarding criminal matters occurred?
21. On July 31, 2016, you gave an interview with CNN where you said: "What I want to tell you is Hillary Clinton left her email system totally vulnerable to Russian penetration. It's probably clear that they have what was on that system. I have people come up to me all the time and say, 'why don't you - if you want to find out where those 30,000 emails are, why don't you ask the Russians. They're the ones who have them.'" When did you first hear from the campaign about the emails and if the Russians had them?
22. In December of last year, after the election, the Athens *Daily Kathimerini*, a reputable newspaper in Greece, reported that George Papadopoulos had a 5-minute phone interview with candidate Trump several days before it was announced he was a member of the National Security Team in late March.
 - a. Was it common practice in the campaign for Candidate Trump to interview "low-level" staffers or "volunteers?"
 - b. Did you conduct interviews for the Trump Campaign and Transition National Security Team? Low-level volunteers?
 - c. Were you involved in the interview or selection process of Papadopolous?
23. The same *Daily Kathimerini* article has George Papadopoulos claiming that the "new president had given him a 'blank' check to choose any role he wanted in the government to be formed." Mr. Papadopolouos went on to claim that "he helped Trump win the presidency."
 - a. Are you aware of this conversation between Mr. Papadopoulos and President Elect Trump?
 - b. Did President Trump make such a promise to you?
 - c. Are you aware of anyone else receiving such a promise from the President or the Campaign? If yes, who and what do you think would lead to such a promise being made?

24. Was the March 31 meeting of the National Security Advisory Committee the first time you learned of George Papadopoulos's efforts to communicate with Russian officials? If not, when was the first time?
25. Did George Papadopoulos communicate with you in any fashion after the March 31 meeting?
26. Did you communicate with the campaign about George Papadopoulos at any point during the campaign?
27. Just before the 2016 Republican National Convention, you and other Trump campaign officials attended a dinner at the Capitol Hill Club. According to one report, George Papadopoulos "sat at the elbow of one of Trump's top campaign advisers, then-Senator Jeff Sessions."
 - a. During that dinner, did Mr. Papadopoulos, in fact, sit next to you? Who else was at the table?
 - b. During that dinner, did Mr. Papadopoulos discuss his connections to the Russian government?
 - c. During that dinner, did Mr. Papadopoulos mention the possibility of arranging the Trump campaign and the Russian government?
 - d. During that dinner, did Mr. Papadopoulos mention "U.S.-Russia ties under President Trump?"
28. On the third day of the 2016 Republican National Convention, George Papadopoulos spoke on an AJC panel with Reps. Tom Marino and Ted Yoho, and Sen. Bob Corker.
 - a. Were you aware he was involved in such events on behalf of the campaign?
 - b. Is this a responsibility you would assign to a low-level volunteer?
29. After the March 31 meeting, Mr. Papadopoulos traveled to Europe and the Middle East, holding himself out as a campaign surrogate to foreign governments and the media. Is it your position that Mr. Papadopoulos was *not* a surrogate for the Trump campaign?

Rep. Lieu Questions for the Record
Department of Justice Oversight Hearing

Cybersecurity Threats

Recent reports indicate that the FBI failed to notify scores of U.S. government officials that they were the targets of hacking attempts perpetrated by a malicious actor linked to Russian military intelligence known as APT28, or “Fancy Bear,” despite knowledge of efforts to break into officials’ personal Gmail accounts for over a year.¹

1. Does the DOJ, or specifically the FBI, have a comprehensive policy for determining when and how to notify U.S. officials – either current or former – that they have been targeted by a cyber threat actor?
2. Why did the FBI fail to notify dozens of U.S. government officials that they were the subjects of APT28’s attempts to compromise their personal Gmail accounts?
3. Do you believe the U.S. intelligence community’s assessment that Russian government actors – directed by President Vladimir Putin – ordered a multifaceted “influence campaign in 2016 aimed at the U.S. presidential election” to “denigrate Secretary Clinton, and harm her electability and potential presidency?”²
4. During your Senate confirmation hearing on January 10, 2017, Senator Lindsey Graham asked whether you thought the Russians were behind efforts to influence the 2016 election. You stated, *“I have done no research into that. I know just what the media says about it.”*³ Does this mean – at the time of your confirmation hearing – you hadn’t read the publicly available, unclassified U.S. intelligence community report entitled, “Background to ‘Assessing Russian Activities and Intentions in Recent U.S. Elections’: The Analytic Process and Cyber Incident Attribution?”
5. When asked by Senator Angus King during a June 13 hearing before the Senate Select Committee on Intelligence whether or not you believe the Russians interfered with the 2016 election, you said, *“It appears so. The intelligence community seems to be united in that, but I have to tell you, Senator King, I know nothing but what I’ve read in the*

¹ Raphael Satter, Jeff Donn, and Desmond Butler, “FBI gave heads-up to fraction of Russian hackers’ US targets” *Associated Press*, November 26, 2017.

<https://www.apnews.com/11a5570b7ce04d39bab00ac3a9041460/FBI-didn't-tell-US-targets-as-Russian-hackers-hunted-emails>

² “Background to ‘Assessing Russian Activities and Intentions in Recent US Elections’: The Analytic Process and Cyber Incident Attribution,” *Office of the Director of National Intelligence*, January 6, 2017.

³ Joe Uchill, “Sessions: ‘I have done no research into’ Russian hacking,” *The Hill*, January 1, 2017.

paper."⁴ In the intervening months, have you read the aforementioned intelligence report?

Consent Decrees and the Music Industry

The Department of Justice last updated ASCAP's and BMI's consent decrees 16 and 23 years ago, respectively. In 2014, songwriters and music publishers asked DOJ to conduct a review of the decrees and make modifications to their existing structure. After a two-year long process, they decided against pursuing changes.

Recently, Makan Delrahim, the new Assistant Attorney General for the Antitrust Division, said in an address that he is skeptical of behavioral remedies that require "centralized decisions instead of a free market"⁵ and sees his role as a "law enforcer, not a regulator through consents."⁶

6. Mr. Attorney General, do you agree with Mr. Delrahim's statement about the core purpose of the Department's Antitrust Division?
7. Should the DOJ periodically review and modernize consent decrees to account for changes in both technology and the global marketplace?

Compensation for songwriters has been subject to DOJ consent decrees – which operate in perpetuity – dating back to 1941. Since 1979, DOJ policy mandates the inclusion of sunset provisions in standard consent decrees. More recently, DOJ announced a streamlined process for those seeking to review and possibly terminate legacy decrees.⁷ Under this new policy, the DOJ will "advise courts that pre-1980 'legacy' decrees, except in limited circumstances, are presumptively no longer in the public interest."⁸ However, given recent court rulings, DOJ has presumably decided decrees governing ASCAP and BMI fall within the definition of "limited circumstances."

8. Is it reasonable for DOJ to maintain its current position on consent decrees governing musical compositions given the apparent new direction in which the Antitrust Division is headed, and changes in the marketplace since 1941?

⁴ "Senate Questions Jeff Sessions About Contacts with Russian Officials," *NPR*, June 13, 2017.

⁵ "Assistant Attorney General Makan Delrahim Delivers Keynote Address at American Bar Association's Antitrust Fall Forum," *Justice News*, Department of Justice, November 16, 2017.
<https://www.justice.gov/opa/speech/assistant-attorney-general-makan-delrahim-delivers-keynote-address-american-bar>

⁶ Matthew Perlman, "DOJ's Antitrust Chief Preaches Balance in First Speech," *Law360*, October 27, 2017.
<https://www.law360.com/articles/979071/doj-s-antitrust-chief-preaches-balance-in-first-speech>

⁷ "Antitrust Division Announces New Streamlined Procedure for Parties Seeking to Modify or Terminate Old Settlements and Litigated Judgments," *Department of Justice Office of Public Affairs*, March 28, 2014.
<https://www.justice.gov/opa/pr/antitrust-division-announces-new-streamlined-procedure-parties-seeking-modify-or-terminate>

⁸ *Ibid.*

Pretrial Detention

Presently, more than 60 percent of individuals detained in U.S. jails have not been convicted of a crime and are being held pretrial, in large part because they are unable to pay a bail bond. Under the previous Administration's Smart on Crime initiative at the Department of Justice, the Department provided grants to select cities to reform their pretrial detention systems using evidence-based practices. On May 10, you issued a memorandum amending previous sentencing policies that were implemented in concert with Smart on Crime.⁹

9. Does this reversal in policy affect DOJ's Smart Pretrial Initiative?
10. Is DOJ taking any additional steps to reduce the pretrial population at the state and federal levels?

Asset Forfeiture

On July 19, 2017, you issued Order No. 3946-2017 to expand the Department of Justice's Asset Forfeiture Program.¹⁰ Only four months earlier in March, the Office of Inspector General at the Department of Justice issued a report finding that officers using asset forfeiture were inadequately trained and that DOJ did not appropriately evaluate program data to determine if they benefited criminal investigations or threatened civil liberties.¹¹

11. What evidence do you have to suggest that asset forfeiture reduces crime?
12. Why have you not responded to my letter dated September 12 on this topic?

Marijuana

Under the Domestic Cannabis Eradication/Suppression Program (DCE/SP), the Drug Enforcement Agency uses funds from the Assets Forfeiture Fund to eradicate cannabis plants. In 2016, the *Washington Post* reported that in previous years several states receiving funds for the program failed to eradicate any plants, raising questions of its cost effectiveness.¹² In FY2016, the DCE/SP received \$18.4 million from the Assets Forfeiture Fund.

13. How does DEA make DCE/SP funding allocation decisions to state and local law enforcement agencies?
14. In how many states that participate in DCE/SP were zero cannabis plants eradicated?

⁹ "Jeff Sessions's criminal charging policy," *Washington Post*, May 10, 2017.

¹⁰ Office of the Attorney General of the United States, "Federal Forfeiture Of Property Seized By State And Local Law Enforcement Agencies," July 19, 2017.

¹¹ "Review of the Department's Oversight of Cash Seizure and Forfeiture Activities," *Office of the Inspector General of the U.S. Department of Justice*, March 2017.

¹² Christopher Ingraham, "The DEA spent \$73,000 to eradicate marijuana plants in Utah. It didn't find any," *Washington Post*, October 7, 2016.

15. What is the average cost of eradicating each cannabis plant?
16. What metrics does DEA use to determine the effectiveness of DCE/SP?

Rep. Raskin Questions for the Record
Department of Justice Oversight Hearing

Money Laundering

1. You have said that the Department of Justice is committed to cracking down on drug traffickers as a priority. As you know, however, the role played by money launderers is critical in facilitating drug trafficking. Will you commit the Department of Justice (DOJ) to ensuring that individuals who commit the crime of money laundering are treated with equal scrutiny and full accountability as the drug traffickers themselves? How will the Department of Justice take action to ensure that money laundering is treated as a high-priority offense?

Presidential Advisory Commission on Election Integrity

2. Have you or any employee or representative of the Department of Justice had any contact or communications with Hans von Spakovsky or any person employed by the Heritage Foundation regarding the Presidential Advisory Commission on Election Integrity? If the answer is yes, please provide the date, time, and party names for all communications and contacts, as well as a description of the content of these communications?
3. Did you or any employee or representative of the Department of Justice offer any formal or informal recommendation regarding the appointment of any Commissioners to the Presidential Advisory Commission on Election Integrity? If so, please provide details, including names of the individuals involved, dates, and a description of the actions taken.
4. Have you or any employee or representative of the Department of Justice had any contact or communications with the Members or staff of the Presidential Advisory Commission on Election Integrity regarding the functioning or work of the Commission? If so, please provide details, including names of the individuals involved, dates, and a description of the actions taken.
5. Does the Department of Justice have any role in overseeing, guiding, or advising the Presidential Advisory Commission on Election Integrity. If so, please provide details, including the divisions of the Department involved, the names of individuals, and a description of the actions taken.
6. Has the Presidential Advisory Commission on Election Integrity requested information from the Department of Justice? If yes, what is the nature of the information requested?

Has the Justice Department already provided the requested information? If it has not already provided this information to the Commission, does the Department of Justice plan to provide the requested information at a future date?

7. Is the Department of Justice investigating or planning to investigate potential violations of 18 U.S.C. §208 committed by Presidential Advisory Commission on Election Integrity Vice-Chairman Kris Kobach as it relates to his employment by Breitbart News Network?

Civil Asset Forfeiture

8. The Department of Justice reinstated a controversial civil asset forfeiture adoption program that allowed state and local law enforcement to receive funds seized by federal authorities under such adoptions. What, if any, additional oversight mechanisms are in place to ensure that funds are appropriately dispersed to state and local authorities to eliminate waste, fraud, and abuse?

Emoluments

9. The Constitution prohibits the President from receiving any benefit “of any kind whatever” from a foreign government. But President Trump appears to have violated the Foreign Emoluments Clause a number of times since he has taken office and he has enlisted the Department of Justice to aid him in his legal defense. Do you believe the President should be required to retain his own private counsel to represent him in any Emoluments lawsuits?
10. The Department of Justice submitted a brief in support of the President in the lawsuit before the U.S. District Court, Southern District of New York. The brief argued the Emoluments Clause only applies to “benefits arising from services the president provides to the foreign state.” Is it appropriate for the Department of Justice to use government resources to defend President Trump in a case that is ultimately about his extensive private business interests?
11. In regard to litigation against President Trump, is it the view of the Department of Justice that there are clear distinctions between the interests of the Federal Government and the private interests of President Trump? If yes, explain whether it is appropriate for the Department of Justice to represent President Trump in matters pertaining to his private interests. If no, explain why there is no distinction between the interests of the President and the interests of the Federal government.

12. Has the President influenced the decisions of the DOJ with respect to the lawsuit alleging that the continued ownership of the Trump International Hotel in Washington D.C. violates the foreign and domestic emoluments clauses of the United States Constitution, or the for or any other lawsuit involving government property that might interest the Trump Organization? If so, please explain how the President has influenced DOJ's actions or decisions pertaining to this lawsuit.
13. While you were still serving on President Trump's presidential transition team, did you discuss with him or any member of the transition team, any Trump campaign officials, any member of President Trump's family, or any person involved in the President's businesses at any point the issue of the Trump International Hotel lease?
14. There have been reports that State Department officials have been encouraging foreign diplomats to stay at or use Trump properties. Is the position of the Department of Justice that this is appropriate or that it is a violation of federal law? Is the Department examining whether it is a violation of federal law?

Rep. Jayapal Questions for the Record

Department of Justice Oversight Hearing

1. ICE's policy on sensitive locations states that the intention of the policy is, in part, "... to ensure that people seeking to participate in activities or utilize services provided at any sensitive location are free to do so, without fear or hesitation." Despite this, ICE enforcement activities at or near sensitive locations have a chilling effect, such as at our public health clinics. Additionally, Washington State Supreme Court Chief Justice Mary Fairhurst asked ICE to designate courts as sensitive locations, saying:

"When people are afraid to access our courts, it undermines our fundamental mission. I am concerned at the reports that the fear now present in our immigrant communities is impeding their access to justice. These developments risk making our communities less safe."

- a. As the federal government's chief law enforcement officer and chief legal advisor to the President, will you take a stand for respecting sensitive locations and support a policy that the current DHS policy not to engage in ICE enforcement activities at or near these locations?
 - b. Will you support the requests of judges across the country that courts be designated as sensitive locations?
2. I assume you are aware of the program in New York City that targeted Muslims and their mosques for suspicionless surveillance,¹³ a program that by the NYPD's own admission did not provide a single lead. In fact, the Third Circuit Court of Appeals ruled in 2015 that claims brought by Muslims in New Jersey that the program violated their rights under the First Amendment and the Equal Protection Clause were serious and could proceed. The conclusion of the court in that case, *Hassan v. City of New York*, was particularly striking:

"We have been down similar roads before. Jewish Americans during the Red Scare, African-Americans during the Civil Rights Movement, and Japanese-Americans during World War II are examples that readily spring to mind. We are left to wonder why we cannot see with foresight what we clearly see with hindsight—that "loyalty is a matter of the heart and mind, not race, creed or color."

¹³ A letter signed by more than 100 organizations was sent to DOJ requesting that the DOJ Civil Rights Division Special Litigation Section investigate the NYPD for their surveillance of Muslims.

What do you think of that decision? Would you agree that this decision argues strongly against the New York program and the proposals for surveillance of Muslims being considered by Mr. Trump?

3. Over the last year, there has been a dramatic rise in the number of hate crimes targeting the American Muslim community. In fact, the FBI has reported that hate crimes targeting Muslims increased by 67% between 2014 and 2015—this is a startling number.

What action would you take on this problem?

4. Since January of this year, there has been an alarming trend of attacks on houses of worship. In addition to a series of threatening letters sent to mosques around the country starting late last year and continuing into 2017, there have also been an alarming number of mosque arsons since the beginning of this year. To name a few examples:

January 7: Islamic Center of Lake Travis in Austin, TX was burned to the ground before its construction was fully complete;

January 14: The Islamic Center of Eastside in Bellevue, WA was set on fire intentionally;

January 27: Arson intentionally destroyed the Victoria Islamic Center in Victoria, TX;

February 24: The Islamic Society of New Tampa in Thonotosassa, FL was intentionally set on fire just months after a mosque in Fort Pierce, FL was set on fire;

April 22: A fire destroyed the Brooklyn Broadway Jame Masjid and Islamic Center early in the morning while worshipers were inside; while there were no injuries, the mosque's furniture and books were destroyed; and,

August 5: A mosque in Bloomington, Minnesota was hit by an explosion early in the morning while worshipers were inside for morning prayers. While there were no injuries, the mosque suffered significant damages.

What steps will you take to address this problem and provide support for the Muslim community? Will you be asking Civil Rights Division lawyers to directly participate in these prosecutions the way you have in cases affecting other communities?

5. Since 2001, the Civil Rights Division has convened quarterly interagency meetings with Muslim, Arab, South Asian, and Sikh community organization to discuss hate crimes and other issues affecting those communities. Will you commit to continuing these meetings throughout your tenure?
6. Stopbullying.gov has been a powerful resource for victims of bullying, their families, educators, and so many key stakeholders. In this time of rising hate violence against a number of communities, it is more important than ever for a website such as endhate.gov dedicated to informing the public about how to identify and report hate crimes. This website can serve as a one-stop shop for hate crime victims to learn about their rights and gain access to resources from DOJ and other law enforcement agencies.

Acting Assistant Attorney General for Civil Rights Tom Wheeler made a commitment to create this website. Will you honor this commitment?

7. In July 2016, the Civil Rights Division analyzed its enforcement of the Religious Land Use and Institutionalized Persons Act (RLUIPA) and determined that "RLUIPA has a significant impact on protecting the religious freedom of, and preventing religious discrimination against, persons exercising their religions through the construction, expansion, and use of property, and persons confined to institutions."¹⁴

The July 2016 CRT report makes clear that the Division regularly relied on consent decrees to ensure that municipalities and other defendants fully comply with the mandates of RLUIPA and federal law.

- a. Do you commit to robust and aggressive enforcement of RLUIPA, especially as it relates to the rights of religious minority groups and individuals?
- b. Will you commit to using all tools at your disposal, including consent decrees where appropriate, to ensure robust enforcement of the law?
8. The Terrorist Screening Center maintains a No Fly List of people prohibited from boarding commercial aircraft for travel within, into, or out of the United States. The No Fly List has been criticized for violating civil liberties and due process rights because the government refuses to provide individuals a rationale for the reasons for their placement on the list or a hearing before a neutral decision-maker. A federal judge said that placement on the No Fly List "transforms a person into a second class citizen, or worse."¹⁵

¹⁴ Dep't of Justice, *Update on the Justice Department's Enforcement of the Religious Land Use and Institutionalized Persons Act, 2010-2016* (July 2016) available at: <https://www.justice.gov/crt/file/877931/download>.

¹⁵ *Mohamed v. Holder* (E. Dt. of Virginia 2014) available at: <https://www.cair.com/images/pdf/Gulct-Order.pdf>.

- a. How many times has the federal watch list, including the No Fly list and Selectee list, prevented an act of terrorism?
 - b. How many persons on the federal watch list, including the No Fly list and Selectee list, have been charged, arrested or convicted of terrorism related crimes?
9. Domestic violence impacts one out of four women in the U.S. As seen as recently as (last week) in Texas, in cases where her current or former partner has access to guns, the risk of homicide either to the victim herself or others in the community increases exponentially, with the likelihood of fatality going up by 500% for female partners. Current federal law mandates that guns be removed from the perpetrator's possession in cases of domestic violence. However, enforcement rarely occurs on the state level, or in this instance, at the federal level, leaving victims of domestic violence at heightened risk of homicide.

What is the Department of Justice doing to help reduce access and possession of firearms by domestic violence abusers, and prevent domestic violence related homicide?
10. Recent surveys of victims' advocates have demonstrated that fear of immigration enforcement is a significant barrier to seeking protection from abuse from law enforcement. A recent report¹⁶ shows that greater numbers of immigrant survivors are declining to contact law enforcement, seek protection orders, and participate in domestic violence-related court proceedings as a consequence of the current Administration's heightened immigration enforcement activities, ultimately protecting perpetrators of violence. The immigration provisions of the Violence Against Women Act were enacted and reenacted to address how the immigration process can be used by abusers engaging in domestic violence, sexual assault, dating violence and stalking to further perpetrate abuse and maintain control and coerce their victims.

What is the Department of Justice's role in ensuring that victims of domestic violence, sexual assault, and stalking, including immigrant victims have access to the protections that Congress and States have worked so hard to implement?
11. When campus environments are hostile because of sexual harassment, assault, or violence, students cannot learn and miss out on true educational opportunities. Study after study shows that too many women experience sexual assault during their time in college. The Department of Education recently withdrew guidance to colleges and universities on how to handle sexual assault on campus. The Department of Justice plays a key role in helping address sexual violence in our schools – from enforcing Title IX to implementing grant programs on college campuses, such as the one OVW administers.

¹⁶ Tahirih Justice Center, *Key Findings: 2017 Advocate and Legal Services Survey Regarding Immigrant Survivors* (2017) available at: <http://www.tahirih.org/wp-content/uploads/2017/05/2017-Avocate-and-Legal-Service-Survey-Key-Findings.pdf>.

What is the Department of Justice doing to work to end campus sexual violence? What specific actions is the Department of Justice undertaking under your leadership to end campus sexual violence?

12. DOJ stopped reporting significant amounts of crime data through the Uniform Crime Reporting Program that is released annually by the FBI. As members of the Judiciary Committee, this raises concerns for us, as well as criminal justice researchers, public safety professionals, victim advocates, and others who use such data to inform policy and practice. Authorizers and appropriators alike look at this data to determine the extent of the problem and where best to target resources. Researchers rely on this data to guide their work and identify trends, and this data helps states determine where to focus their resources. Without regular and consistent reporting of data, it becomes increasingly difficult for Members of Congress and other stakeholders to understand where the gaps are and whether a problem is getting worse or better. This is important information as Congress, the Administration, and communities determine where to devote limited resources.

Please explain your decision to discontinue reporting significant types of data related to, for example, information on arrests, the circumstances of homicides (such as the relationships between victims and perpetrators, and the means of death, such as firearms, strangulation or deadly force, including intimate partner homicides), and the only national estimate of annual gang murders.

13. The medical marijuana amendment to the CJS appropriations bill,¹⁷ sometimes referred to as § 542, has been passed on the House floor and during Senate Appropriations Committee markup hearings since 2014, winning by greater margins each time it has come up for a vote. The amendment applies to 46 states, the District of Columbia, and several territories, including your home state of Alabama. It has been estimated that there are more than two million American citizens who are enrolled as patients in state medical marijuana programs.¹⁸ You have sought the removal of this amendment, as stated in your May 1, 2017 letter to House and Senate leadership.
 - a. What do you believe the amendment prevents the Department of Justice from doing?
 - b. Can you point to any specific occurrences where the Department was not able to investigate or prosecute individuals or businesses who were not in compliance with their state medical marijuana laws?

¹⁷ Consolidated Appropriations Act, 2016, Pub. L. No. 114-113, § 542, 129 Stat. 2242, 2332–33 (2015).

¹⁸ See David Downs, *Study: 2.2 Million Medical Marijuana Patients in U.S.*, SF GATE (Aug. 20, 2013) available at: <http://blog.sfgate.com/smellthetruth/2013/08/20/study-2-2-million-medical-marijuana-patients-in-u-s/>.

14. In *McIntosh vs. United States*, the 9th Circuit held that individuals asserting compliance with state medical marijuana laws are entitled to an evidentiary hearing to determine if their conduct was in violation with state law.¹⁹ Has the Department attempted to pursue an evidentiary hearing under the McIntosh decision? Please provide details on these hearings.

¹⁹ *United v. McIntosh*, Case No. 15-10117 (9th Cir. 2016), available at: <https://cdn.ca9.uscourts.gov/datastore/opinions/2016/08/16/15-10117.pdf>.

