

There Was Much More to Those Immunity Deals Than You Were Told

In a Monday letter addressed to Attorney General Loretta Lynch, House Judiciary Chairman Bob Goodlatte (R-Va.) exposed new aspects of the Department of Justice's immunity deals with key figures in the Hillary Clinton email scandal.

The department gave limited immunity deals with five witnesses in the FBI's yearlong investigation. Two of them were to State Department aides Cheryl Mills and Heather Samuelson, who each had information pertinent to the investigation stored on their personal laptop computers.

In the letter, Goodlatte noted that committee investigators were granted *in camera* review of the agreements, which he said contained "side agreements" that limited the scope of what files the FBI could look at to the period prior to Jan. 31, 2015. The secret side agreements between the Justice Department, the FBI and Beth Wilkinson, the lawyer representing Mills and Samuelson, weren't the only subject of his inquiry.

After reviewing the side agreements, he said the committee learned the FBI agreed to destroy the laptops after inspecting them. Like many aspects of the case, he wrote, "these new materials raise more questions than answers."

Goodlatte listed a number of questions for Lynch to answer, giving her an Oct. 10 deadline:

1. Why did the FBI agree to destroy both Cheryl Mills' and Heather Samuelson's laptops after concluding its search?
2. Doesn't the willingness of Ms. Mills and Ms. Samuelson to

have their laptops destroyed by the FBI contradict their claim that the laptops could have been withheld because they contained non-relevant, privileged information? If so, doesn't that undermine the claim that the side agreements were necessary?

3. Have these laptops, or the contents of the laptops, in fact been destroyed, thereby making follow up investigations by the FBI, or Congressional oversight, impossible?

4. For both the Mills and Samuelson laptops please provide individual numbers on the following:

a. How many total documents were reviewed by the FBI filter review team from the Mills and Samuelson laptops?

b. How many documents did the FBI filter review team deem to be privileged and withhold from the FBI investigative team?

c. How many documents were ultimately turned over from the Mills and Samuelson laptops to the FBI investigative team?

d. How many documents were withheld from the FBI investigative team from each laptop for lack of relevancy?

e. How many documents were withheld from the FBI investigative team because they fell outside the date range agreed to between DOJ and Ms. Wilkinson in the side letters dated June 10, 2016?

f. Please indicate how many documents were withheld from the FBI investigative team because they were both not relevant *and* outside the agreed upon date range.

g. How many classified documents, broken down by national security classification level, were on each of the Mills and Samuelson laptops?

5. Please provide the privilege log for all documents withheld by the filter review team from the FBI investigative team for both the Mills and Samuelson laptops. If no such log was created, please create one in the same manner the Department requires private parties to satisfy their obligations under Fed. R. Civ. P. 26.

6. Please provide any opinion, memo, or other materials, whether formally endorsed or not, from the DOJ Office of Legal Counsel, or the FBI Office of the General Counsel related to the following:

a. DOJ and FBI procedures on privilege review.

b. The validity of Cheryl Mills and Heather Samuelson's claim of attorney client privilege with respect to Secretary Clinton.

c. The ability of Cheryl Mills and Heather Samuelson to sit in on the investigative interview of Secretary Clinton.

7. Please explain why DOJ agreed to limit their search of the Mills and Samuelson laptops to a date no later than January 31, 2015 and therefore give up any opportunity to find evidence related to the destruction of evidence or obstruction of justice related to Secretary Clinton's unauthorized use of a private email server during her tenure as Secretary of State.

8. Why was this time limit necessary when Ms. Mills and Ms. Samuelson were granted immunity for any potential destruction of evidence charges?

9. Please confirm whether a grand jury was convened to investigate Secretary Clinton's unauthorized use of a private email server. Disclosure is authorized under Fed. R. Crim. P. 6(e)(3)(A)(i) and (e)(3)(D).

10. Please confirm whether the immunity agreements listed on n. 2 and the “side agreements” between Beth Wilkinson and DOJ, dated June 10, 2016, are the entirety of the immunity agreements granted as part of the Department’s investigation into Secretary Clinton’s unauthorized use of a private email server during her tenure as Secretary of State.