Begin forwarded message:

From: "Werner, Sharon (OAG)" <SWerner@jmd.usdoj.gov>
Date: January 14, 2017 at 8:14:18 PM EST
To: "Axelrod, Matthew (ODAG)" <maaxelrod@jmd.usdoj.gov>, "Kadzik, Peter J (OLA)" <pkadzik@jmd.usdoj.gov>, "Pokorny, Carolyn (OAG)" <cpokorny@jmd.usdoj.gov>, "Franklin, Shirlethia (OAG)" <shfranklin@jmd.usdoj.gov>, "Newman, Melanie (OPA)" <mnewman@jmd.usdoj.gov>, "Lewis, Kevin S. (OPA)" <kslewis@jmd.usdoj.gov>
Subject: Fwd: Letter for AG Lynch

FYI. Mel/Kev - not sure if you expect this topic (even if not this specific letter) to come up tomorrow.

Begin forwarded message:

From: Winnie Stachelberg <wstachelberg@americanprogress.org>
Date: January 14, 2017 at 11:16:11 AM EST
To: "Sharon.Werner@usdoj.gov" <Sharon.Werner@usdoj.gov>
Subject: Letter for AG Lynch

Sharon – I am sorry to intrude on your weekend but I wanted to send the attached letter to you from Neera Tanden at the Center for American Progress.

Like you, we are very disturbed by the Intelligence Community assessment that Russian President Vladimir Putin ordered an influence operation targeting the presidential election. In our letter, we ask
that AG Lynch exercises her statutory authority and appoint an independent Special Counsel to investigate Russian government interference in the 2016 presidential election and allegations that the Trump campaign colluded with Russia in their activities.

Please do not hesitate to call me at [REDACTED] to discuss. We are happy to get on the phone at any point today or this weekend.

Winnie

Winnie Stachelberg

EVP, External Affairs

[REDACTED]
January 14, 2017

Honorable Loretta E. Lynch
Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Lynch:

The Center for American Progress requests that you exercise your statutory authority and appoint an independent Special Counsel to investigate Russian government interference in the 2016 presidential election and allegations that the Trump campaign colluded with Russia in their activities.

We are deeply disturbed by the Intelligence Community assessment that Russian President Vladimir Putin ordered an influence operation targeting the presidential election and that he and the Russian government acted to harm Secretary Clinton's campaign and help President-elect Trump win. We are also gravely concerned about allegations that Americans associated with the election campaign of President-elect Trump may have colluded with the Russian government in these operations.

I. The Intelligence Community has concluded that the Russian government interfered with the 2016 presidential election and serious allegations have been made that the Trump campaign colluded with Russia in its operation

The Intelligence Community has concluded that Russian President Putin “ordered an influence campaign in 2016 aimed at the US presidential election. . . . to undermine public faith in the US democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency."  

Activities in this Russian influence operation included, but were not limited to, the unlawful theft of private documents and electronic communications of American citizens and the dissemination of that material to the public.

We are also gravely concerned about allegations that Americans associated with the election campaign of President-elect Trump may have colluded with the Russian

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2 Ibid.
government in these operations. 3 Specifically, it has been reported that intelligence
officials have briefed President Obama, President-elect Trump, and Members of
Congress that there are serious allegations of communication between Trump campaign
officials and agents of the Russian government to coordinate activities around Russia’s
influence operation. 4 Furthermore, media reports indicate that the Federal Bureau of
Investigation (FBI) is investigating two Russian banks for potential illegal financial
transactions related to the presidential campaign. 5

II. The Department should appoint a Special Counsel to investigate this matter

We believe that the imminent inauguration of President-elect Trump and the likely
confirmation of his campaign supporter, Senator Sessions, as Attorney General, present
both a conflict of interest and constitute extraordinary circumstances that require the
appointment of an outside Special Counsel to assume responsibility for this
investigation. It is most assuredly in the public interest of all Americans to appoint a
Special Counsel to handle this incredibly sensitive and important case.

Department of Justice regulations set forth in 28 CFR 600.1 provide that the attorney
general “will appoint a Special Counsel when [you] determine that criminal investigation
of a person or matter is warranted and,

(a) That investigation or prosecution of that person or matter by a United States
Attorney’s Office or litigating Division of the Department of Justice would
present a conflict of interest for the Department or other extraordinary
circumstances; and

(b) That under the circumstances, it would be in the public interest to appoint an
outside Special Counsel to assume responsibility for the matter.”

A. Conflicts of Interest

In seven days, President-elect Trump will be sworn in as the 45th President of the United
States. It is likely that on that day or very soon thereafter, Senator Sessions will be
sworn in as Attorney General. Senator Sessions was the first senator to endorse then-
candidate Trump and was an official surrogate for the Trump campaign through the
primary and general election. 6 President-elect Trump then nominated Senator Sessions
to become attorney general. 7

The investigation of the Russian operation and any possible collusion directly involves
investigation of President-elect Trump’s campaign. It is possible that President-elect
could be required to answer questions during the investigation. This poses a clear

3 Evan Perez, Jim Sciutto, Jake Tapper, and Carl Bernstein, “Intel chiefs presented
Trump with claims of Russian efforts to compromise him,” CNNPolitics.com, January 12,
2017.
4 Ibid.
5 Paul Wood, “Trump ‘compromising’ claims: How and why did we get here?,” BBC
6 Niels Lesneiwski, “Sessions First Senator to Endorse Trump,” Roll Call, February 28,
2016.
7 Julie Hirschfeld Davis, “Trump Turns to His Right Flank to Fill National Security Posts,”
conflict of interest for the Department in having responsibility for the investigation. Moreover, the relationship between the campaign and Senator Sessions also poses a clear conflict of interest for the incoming attorney general.

Additionally, just yesterday, the Department of Justice Inspector General announced that he was conducting an investigation into FBI Director James Comey’s public statements during the election campaign regarding the investigation into Hillary Clinton and her aides stemming from her use of a private email server while Secretary of State. The Inspector General will examine allegations that Director Comey violated long-standing Justice Department rules and procedures limiting public statements on investigations, especially close to an election.

Many Americans believe that Director Comey’s public statements had an impact on the outcome of the election and are concerned about the effect on our democracy. President-elect Trump himself during the campaign praised the letter sent by Director Comey to Congress in October and relied upon it during the latter stages of his campaign. Given these concerns and that the Director’s conduct during the election is under investigation, we believe that the FBI has a conflict of interest in conducting the investigation into the Russian operation and the Trump campaign which requires an outside Special Counsel to be responsible for the investigation.

B. Extraordinary Circumstances

The extensive operation by the Russian government to interfere in our election is unprecedented and extraordinary. There are credible press reports, which if true, are also extraordinary. The press reports that the intelligence community has determined that there are allegations that the Russian government has compromising information about President-elect Trump and that the Russian government colluded with the Trump campaign in stealing and disclosing emails from the Democratic National Committee and Hillary Clinton’s campaign officials. Those allegations have been determined to be of sufficient seriousness that they warranted the intelligence community officially briefing President Obama, President-elect Trump and Members Congress on the allegations.

President-elect Trump’s reaction to the work of the intelligence community in countering Russian disinformation operations aimed at our democracy and their conclusion that Russian did in fact conduct a wide-ranging operation intended to Interfere in and discredit our democratic elections makes appointment of a Special Counsel essential. President-elect Trump did not condemn Russia’s actions, he did not

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9 Ibid.
12 Perez, et al.
13 Ibid.
endorse a full investigation or promise consequences for Russia or any American who may have been involved.  

To the contrary, he repeatedly denied Russian involvement and tried to deflect even any criticism of Russia.  During the campaign, he called for the Russians to steal and release more of Hillary Clinton’s emails. Even after public statements from U.S. government officials and private briefings from the intelligence community, the President-elect did not condemn the Russian activities, but instead attacked the integrity of the Intelligence Community.

Even after receiving a full briefing on the classified evidence and conclusions about the Russian operation, President-elect Trump belittled the significance of the attack by the Russian government and deflected inquiries about the operation. President-elect Trump has frequently talked about the content of the emails stolen by the Russians, blamed the Democratic National Committee and other victims for being hacked by the Russians, and attacked both the Intelligence Community and the press reporting on the subject.

President-elect Trump’s reaction to the conclusion of the Intelligence Community about this attack by a foreign power on the integrity of our democracy creates extraordinary circumstances necessitating appointment of an outside Special Counsel.

C. In the Public Interest

President-elect Trump’s reaction to the findings of the intelligence community threatens to precipitate a crisis between the American people and their institutions of government. Supporters of the President-elect are unconcerned about Russia’s actions and believe accusations against Russia are an attempt to undermine Mr. Trump’s victory. Supporters of Hillary Clinton are deeply concerned that the outcome of the election was influenced by the intervention of the FBI Director, the criminal Russian operation, and the possible collusion by the Trump campaign.

An investigation by an outside independent and impartial Special Counsel is essential to reach a conclusion that the American people can have confidence in. It should be welcomed by the incoming administration as a way to address the concerns of the

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14 Steve Benen, “Donald Trump sidesteps key questions on Russia scandal,” MSNBC.com, January 11, 2017
15 Chuck Todd, Mark Murray, Carrie Dann, “Trump has been strikingly consistent in denying Russian hacking role,” NBC News, January 6, 2017.
American people in a way that an investigation by the administration of its own campaign will not be able to.

III. Conclusion

We request that you exercise your authority under section 600.1 of the Department of Justice’s regulations to appoint a Special Counsel to undertake an investigation of the Russian government influence operation targeting the 2016 presidential election and whether Trump campaign officials colluded with the Russians in this operation.

Sincerely,

Neera Tanden
President & CEO
Center for American Progress
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<td><strong>Date:</strong> Thu Jan 19 2017 22:20:23 EST</td>
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<td><strong>Attachments:</strong></td>
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Begin forwarded message:

From: "McCord, Mary (NSD)" <mmccord@jmd.usdoj.gov>
Date: January 19, 2017 at 9:32:48 PM EST
To: "Axelrod, Matthew (ODAG)" <maaxelrod@jmd.usdoj.gov>, "Toscas, George (NSD)" <gtoscas@jmd.usdoj.gov>
Subject: NYTimes: Intercepted Russian Communications Part of Inquiry Into Trump Associates

smprod=nytcore-iphone&smid=nytcore-iphone-share

It is not clear whether the communications had anything to do with Donald J. Trump or his campaign.