

The Atlantic: Loretta Lynch Can't Escape the Clinton Emails (Priscilla Alvarez, Nora Kelly)

TPM: Gohmert: Don't Accuse Me Of Obsessing Over Clinton! Now About Those Emails... (Caitlin Macneal)

AP: AG Lynch Defends Decision on Clinton Email Inquiry (Eric Tucker, Erica Werner)
<http://bigstory.ap.org/article/8d48f80b0cc042669bc6063848cb3982/lynch-face-questions-policing-clinton-investigation>

Attorney General Loretta Lynch steadfastly defended her decision to close the Hillary Clinton email investigation without criminal charges, insisting Tuesday that she simply accepted the unanimous recommendation of career FBI investigators and attorneys.

"I accepted that recommendation. I saw no reason not to accept it," Lynch told the House Judiciary Committee. "The matter was handled like any other matter."

The panel's chairman, Rep. Bob Goodlatte, R-Va., strenuously criticized Lynch over her decision, charging that it "does not seem to be a responsible way to uphold your constitutionally sworn oath."

"Secretary Clinton's 'extreme carelessness' possibly jeopardized the safety and security of our citizens and nation," Goodlatte said. "Her 'extreme carelessness' suggests she cannot be trusted with the nation's most sensitive secrets."

The election-year hearing played out amid a roiling national debate over police violence, and committee Democrats repeatedly tried to turn the conversation to that issue and others as they criticized Republicans for dwelling on the Democrats' likely presidential nominee and her email practices.

Republicans were furious last week that the FBI decided not to recommend charges against Clinton over her handling of classified information when she relied on a private email server during her tenure as secretary of state.

"Rome is burning, there is blood on the streets of many American cities and we are beating this email horse to death," said Rep. Cedric Richmond, D-La.

But Republicans kept the focus on Clinton, trying to draw Lynch out on whether Clinton lied to the public or to Congress, and on a couple of occasions turning the conversation to then-president Bill Clinton's impeachment proceedings 18 years ago.

"Are you aware that Hillary Clinton has repeatedly lied to the public about her emails and email servers?" Rep. Steve King, R-Iowa, asked. "Are you aware of that?"

Republicans on Monday formally asked the Justice Department to investigate whether Clinton perjured herself in earlier testimony to a congressional committee investigating the Benghazi, Libya, attacks that killed four Americans while Clinton was secretary of state. Clinton has said she did not send or receive emails marked classified when she sent them, claims that FBI Director James Comey contradicted last week.

Comey also said Clinton was "extremely careless" in her handling of classified emails on a private server, but said there was no evidence that she or her aides intended to violate laws governing classified actions, and therefore no reasonable prosecutor could bring a case. Comey testified in detail in his own appearance before Congress last week, and Lynch repeatedly referred Republicans to the FBI director's testimony, refusing to get drawn into debating Clinton's conduct or the facts of the case.

That approach irritated committee Republicans. At one point Goodlatte interrupted the hearing to admonish Lynch for refusing to answer, accusing her of an "abdication of your responsibility."

Lynch did say, in response to questioning from Rep. Lamar Smith, R-Texas, that she had never discussed Clinton's email practices with either Hillary or Bill Clinton, and she also said she had not discussed with either of them a position in the Hillary Clinton administration. "No conversation in that nature at all," she said.

She reiterated that a brief conversation she had with Bill Clinton at the Phoenix airport last month, after he saw her airplane and asked to board to greet her, was social in nature and "there was nothing about any investigations or any specific cases." Instead the former president spoke "at length" about his grandchildren, Lynch said.

Goodlatte questioned why Lynch hadn't recused herself after that meeting. Lynch said there was no need to. But she reiterated that her concerns over how the meeting could be perceived had led her to announce she would accept the recommendation of her investigative team in the Hillary Clinton case.

That decision was intended to remove the specter of political interference, but Republicans argued it the other way Tuesday, charging that the unusual step of announcing ahead of time that she would take her team's recommendation reinforced the perception of special treatment for Clinton.

"I think your actions made it worse, I really do," said Rep. Jim Jordan, R-Ohio.

Lynch touched on law enforcement and policing issues including last week's sniper shooting of five police officers in Dallas by a suspect who said he wanted to kill white officers. That followed police killings of black men near St. Paul, Minnesota, and in Baton Rouge, Louisiana. The nation's "sense of safety has been shaken by the series of devastating events that rocked our nation last week," Lynch said.

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Reuters: U.S. Attorney General Deflects Lawmakers' Questions on Clinton Emails (Julia Harte)

<http://www.reuters.com/article/us-usa-election-clinton-emails-idUSKCN0ZS1VI>

The top U.S. law enforcement official, under questioning from Republicans at a congressional hearing on Tuesday, shed no new light on the Justice Department's decision not to prosecute Hillary Clinton over her handling of sensitive emails.

Attorney General Loretta Lynch deflected questions about the department's inquiry into Clinton's use of a private email server while she was secretary of state, an issue that has hounded her campaign for the Democratic presidential nomination.

Republicans grilled Lynch at the House of Representatives committee hearing over Justice's decision not to charge Clinton, the presumptive Democratic nominee for the Nov. 8 election.

"Lynch has no intention of answering ... even the most basic questions about the legal elements the government is obligated to prove in a criminal prosecution," said House Judiciary Committee Chairman Bob Goodlatte, a Republican.

Democratic lawmakers at the hearing largely avoided the subject, asking Lynch about gun control and policing reforms.

Lynch referred questions about the department's decision to an FBI-led investigative team that recommended not bringing charges. She said she was "extremely proud" of the team's work, testifying one week after the FBI closed its year-long probe.

The emails case is a favorite target for presumptive Republican presidential nominee Donald Trump, as well as other Republican politicians.

Goodlatte and Republican Representative Jason Chaffetz asked the Justice Department on Monday to investigate whether Clinton committed perjury in testimony to Congress about the emails.

FBI Director James Comey told a congressional hearing last week that he recommended the department not charge Clinton. He said this was because the FBI lacked sufficient evidence that she acted with bad intent. He added that any of his employees who handled emails the way Clinton did could be subject to dismissal or loss of security clearance.

Democratic lawmakers on the committee asked Lynch about efforts to tighten gun control in the wake of shootings of clubgoers and police in Orlando and Dallas, as well as ways to reduce fatal police shootings of unarmed African Americans amid ongoing protests over the issue.

Representative Jerry Nadler asked Lynch what she thought of the pro-gun rights adage that "the only thing that can stop a bad guy with a gun is a good guy with a gun" in light of the fact that the Dallas police officers shot last week were armed.

“The issue, as usual, doesn’t really lend itself well to aphorisms and short statements,” Lynch replied.

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New York Times: House Panel Questions Loretta Lynch on Hillary Clinton’s Emails (Eric Lichtblau)

<http://www.nytimes.com/2016/07/13/us/politics/loretta-lynch-testify-hillary-clinton-email.html>

Under fire from Republicans for closing the investigation on Hillary Clinton’s emails, Attorney General Loretta E. Lynch told lawmakers Tuesday that she was “extremely proud” of the yearlong investigation, but she frustrated her interrogators by refusing to talk about the investigation’s details or conclusions.

The F.B.I. director, James B. Comey, “has chosen to provide detailed statements” on the investigation, Ms. Lynch noted tersely as she testified before the House Judiciary Committee, but she would not. Again and again, she deflected questions about crucial details that went into the decision not to bring charges in the case.

She also defended her decision not to recuse herself from the case even after her meeting on a tarmac in Phoenix with former President Bill Clinton. She deferred to the F.B.I. and experienced prosecutors, she said, and saw no need to step out of the case completely before accepting their recommendations.

Republicans were not swayed. While no charges were brought, Mr. Comey’s remarkably public comments last week on Mrs. Clinton’s mishandling of classified material on her email server, said Representative Bob Goodlatte of Virginia, the chairman of the House Judiciary Committee, amounted to “a public indictment of her conduct and character.”

Ms. Lynch heard sharp criticism from Republican lawmakers not only about the decision to close the investigation, but also about her meeting days earlier with Mr. Clinton.

She had previously acknowledged that her unscheduled 30-minute discussion with Mr. Clinton aboard her airplane at the Phoenix airport two weeks ago was a mistake that cast a cloud over her impartiality just as the Clinton investigation was winding up.

Ms. Lynch said after the meeting that she would accept whatever recommendation the F.B.I. and her career prosecutors made in the case. Just days later, James B. Comey Jr., the F.B.I. director, said at a dramatic news briefing that he was not recommending any charges because there was no clear evidence that Mrs. Clinton had intended to violate the law, and Ms. Lynch closed the case the next day.

The decision infuriated congressional Republicans, who have used the case for months to attack Mrs. Clinton’s presidential campaign. They accused the Justice Department of giving Mrs.

Clinton preferential treatment, saying that her mishandling of classified material warranted charges.

In a letter on Monday, House Republicans asked the Justice Department to mount a new investigation to determine whether Mrs. Clinton perjured herself last fall when she testified before Congress about her use of the private email system. Democrats denounced the latest tactic as another meritless attempt to drag out the email case.

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Los Angeles Times: Atty. Gen. Loretta Lynch deflects questions about Clinton emails (Jill Ornitz)

<http://www.latimes.com/nation/la-na-loretta-lynch-testimony-clinton-email-dallas-20160712-snap-story.html>

Republican lawmakers on Tuesday pushed Atty. Gen. Loretta Lynch to defend the Justice Department's decision not to prosecute Hillary Clinton over her use of a private email server as secretary of State.

But Lynch repeatedly refused to discuss the details of the email probe, saying only that she had accepted the unanimous recommendation of career agents and prosecutors, including FBI Director James Comey. She said it would be "inappropriate to comment further" on the specific facts of the case or the decision-making process.

Lynch also faced tough questions over her decision to meet with former President Clinton last month, which she has previously admitted cast a shadow over the Justice Department's probe.

Following the uproar over the meeting with Bill Clinton, Lynch publicly announced that she would remove herself from the final decision about whether to file charges, saying she would abide by the recommendation of Comey and career prosecutors.

But GOP lawmakers Tuesday accused Lynch of failing to live up to her constitutional duty by not personally analyzing the case.

Judiciary Committee Chairman Bob Goodlatte called it an "abdication of your responsibility."

"The buck stops with you," Rep. Jim Sensenbrenner (R-Wis.) said.

Rep. Steve Chabot (R-Ohio) said decision against filing charges gave the appearance of a double standard in Clinton's favor because of her political power.

Lynch said all of those reviewing the case and making the recommendation were career agents and prosecutors, not political appointees.

The committee quickly divided along party lines in its questioning, with Republicans focusing on Clinton's email server and Democrats instead focusing on the Orlando, Fla., terror attack, the

need for law enforcement reform highlighted by the recent police shootings of black men and strategies for repairing relationships with minority communities.

Democrats accused Republicans of politicizing the email scandal to hurt the presumed Democratic nominee.

“We are beating this email horse to death.” said Rep. Cedric Richmond (D-La.).

Comey, testifying last week before the House Oversight and Government Reform Committee, defended the agency’s investigation into Clinton’s email server and reiterated that a criminal case against the presumptive Democratic nominee would not hold up in court.

Comey stated there was “no basis to believe” Clinton lied to the FBI during its investigation and assured committee members there was no political motivation to the timing of Comey’s announcement or the agency’s decision to recommend charges not be filed.

Lynch was scheduled to testify before the House Judiciary Committee before Comey announced his decision. Her submitted testimony made no mention of the Clinton email controversy. She instead focused on the killings of five Dallas police officers by Micah Xavier Johnson, an Army veteran apparently angry over police shootings of black men in Louisiana and Minnesota.

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The Washington Post: Attorney General Declines to Provide Any Details on Clinton Email Investigation (Matt Zapposky)

https://www.washingtonpost.com/world/national-security/attorney-general-scheduled-to-testify-before-house-judiciary-committee-on-clinton-email-investigation/2016/07/11/2dfb746c-479e-11e6-90a8-fb84201e0645_story.html

U.S. Attorney General Loretta E. Lynch repeatedly declined to answer any questions on Tuesday about her department’s investigation into Hillary Clinton’s use of a personal email server while she was secretary of state, making for a bizarre congressional hearing in which she referred questions about the matter to a man lower than her on the organizational chart.

At the outset of her testimony Tuesday before the House Judiciary Committee, Lynch said it would be “inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team’s recommendation.” That put her in contrast with FBI Director James B. Comey, who answered questions for nearly five hours last week about how he concluded Clinton should not face criminal charges.

When Republican legislators pressed for details, Lynch directed their inquiries to Comey, who sits lower on the Department of Justice’s organizational chart.

“He’s chosen to provide detailed statements, and I would refer you to those statements,” Lynch said. “I as Attorney General am not able to provide any further comment on the facts or the substance of the investigation.”

Lynch's persistence drew critical rebukes from Republicans. Chairman Bob Goodlatte (R-Va.) said not offering more information was an "abdication of your responsibility." U.S. Rep. Jim Jordan (R-Ohio) said her actions on the Clinton email investigation broadly "contribute to this belief that the system is rigged."

For their part, Democrats bemoaned that the conversation was focused on the former secretary of state's email practices, rather than issues such as gun control and policing practices. "To some extent, we're beating a dead horse here, for political reasons," U.S. Rep. Zoe Lofgren (D-Calif.) said.

Lynch had announced last week that she was accepting the recommendation of the FBI director and federal prosecutors and closing the probe involving the presumptive Democratic presidential nominee, but the controversy is far from resolved. The hearing Tuesday marked the first time she has been questioned publicly about the decision.

Republicans have been waging an aggressive campaign to keep Clinton's email practices in the news, and the issue presents a challenge to her presidential aspirations. A recent Washington Post-ABC News poll found that a majority of Americans 56 percent disapproved of the FBI director's recommendation not to charge Clinton, and 57 percent said the issue made them at least somewhat worried about how she might handle her responsibilities as president.

When Comey publicly defended his recommendation that Clinton not face charges for mishandling classified information, he delivered a stinging public critique of her email practices and revealed facts that call into question her explanations of the matter.

He has said classified material traversed Clinton's private server, and at least three documents bore subtle classification markings. He has conceded that there was "evidence of mishandling" classified information in Clinton's setup and that an FBI employee who did the same thing "would face consequences for this." He also has said that he thought Clinton was "extremely careless" and "negligent."

A Clinton campaign spokesman has said of Comey's testimony: "While Republicans may try to keep this issue alive, this hearing proved those efforts will only backfire."

Unlike Comey, Lynch offered no new details on the investigation or explanations for the conclusion investigators drew, simply repeating the same talking points as Republicans launched different lines of attack. When Jordan asked her simply, "Who made the decision?" not to charge Clinton, Lynch offered only that she accepted the recommendation of a team of career prosecutors and agents, a point she had made previously. She said the team was led by the Justice Department's National Security Division, but would not specifically say whether no political appointees were involved.

At one point, U.S. Rep. Trent Franks said Lynch was so skilled at dodging questions that he was "going to simply capitulate" and not ask anymore.

U.S. Rep. J. Randy Forbes (R-Va.) asked if Lynch was legally prohibited in answering questions about the case in a way that Comey wasn't, and Lynch responded that she and the FBI director "had very different roles in this investigation, and therefore very different amounts of information about this investigation."

"Director Comey was speaking from his position as somebody who was more directly involved in the investigation," she said.

The hearing with Lynch, which began at 10 a.m., was scheduled before Comey made his recommendation not to charge Clinton. Goodlatte said in a statement that other issues would be discussed, including the mass shootings in Orlando and San Bernardino, Calif., as well as the effect of technological advancements on law enforcement.

But Goodlatte said the decision not to charge Clinton would be addressed because it raised "serious concerns," adding that it was "uniquely troubling" that Lynch met with former president Bill Clinton aboard her plane in Arizona before the decision had been made to close the case.

"No one is above the law, and the American people need to know that federal law enforcement is taking this misconduct seriously," Goodlatte said.

Lynch had already addressed the meeting with Bill Clinton, saying that it happened spontaneously because the two happened to be at the same airport in Phoenix at the same time.

She has asserted that no cases were discussed. Lynch has acknowledged, though, that questions about the encounter are "reasonable," and given a second chance, she would not do it again.

Soon after the airplane meeting was publicly reported, Lynch announced that she would accept the recommendation of the career prosecutors and FBI agents looking into Clinton's email use in a bid to quell concerns that politics were influencing the investigation. When Comey announced he was recommending no charges be filed, he said he was doing so without having told the attorney general beforehand.

Lynch repeated many of those same points Tuesday. She said she also had not discussed with Hillary Clinton the possibility of staying on as attorney general were the former secretary of state to be elected president.

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Wall Street Journal: Loretta Lynch Defends Hillary Clinton Email Investigation to House Lawmakers (Devlin Barrett, Kate O'Keeffe)

<http://www.wsj.com/articles/loretta-lynch-defends-hillary-clinton-email-investigation-to-house-lawmakers-1468337125>

Attorney General Loretta Lynch on Tuesday defended the investigation into Hillary Clinton's use of a private email server, as the chairman of the House Judiciary Committee said the conclusion reached in the probe "defies logic and the law."

Republican lawmakers repeatedly pressed her to explain in detail how she and her team decided not to file any criminal charges against Ms. Clinton or her staff, but Ms. Lynch refused to discuss specifics, saying she was “extremely proud of the tremendous work of the dedicated prosecutors and agents.”

Her posture at the hearing was in stark contrast to last week’s questioning of Federal Bureau of Investigation Director James Comey, who spoke at great length about the evidence reviewed and the legal conclusions that agents and prosecutors reached.

Asked about that contrast, Ms. Lynch said she did not believe it was appropriate in her role as attorney general to discuss the facts or the legal analysis of the case.

Rep. Bob Goodlatte (R., Va.), chairman of the committee, blasted her for “dodging any responsibility to be forthright to Congress by referring members to the statements of her subordinates.”

When she served as secretary of state, Mrs. Clinton used a private email system for work, prompting a yearlong criminal probe to see if anyone had criminally mishandled classified information. Last week Mr. Comey called that conduct by Mrs. Clinton and her aides “extremely careless” but said it did not rise to the level of criminal charges.

Ms. Lynch has been faulted by Republicans and Democrats for an impromptu private meeting aboard her plane with former President Bill Clinton at the Phoenix airport two weeks ago just days before Mrs. Clinton’s FBI interview and the announcement by authorities that the criminal probe would close without charges. Mrs. Clinton is the presumptive Democratic nominee for president.

At Tuesday’s hearing, Ms. Lynch repeated her past statements that she and the former president did not discuss the email case or any other matter before the Justice Department, but rather had a “social conversation.”

In response to the uproar over the meeting, Ms. Lynch said she would follow the recommendations of the career agents and prosecutors handling the case, as well as Mr. Comey.

Rep. Jim Jordan (R., Ohio) forced Ms. Lynch to admit Tuesday that the Clinton case was the first time she had ever made such an announcement about her intentions in a prosecution decision.

“I think your actions made it worse, I really do,” said Mr. Jordan. “Your actions contributed to a belief that the system was rigged. You made a bad situation worse.”

Democrats on the committee accused Republicans of trying to keep the email controversy alive as a way to hurt Mrs. Clinton’s chances in the presidential race, and said the government should focus instead on the issue of police shootings and the fatal shooting of five police officers in Dallas last week. Democrats on the panel largely asked about gun laws and police reforms, while Republicans focused on the email issue.

Rep. Cedric Richmond (D., La.) said the Republicans were ignoring recent police shootings of a man in Baton Rouge and another in St. Paul, Minn. Videos of those two confrontations have sparked protests around the country, including one in Dallas July 7, during which a gunman opened fire on officers before police were able to kill him with a robot-delivered bomb.

“Rome is burning. There’s blood on the streets of many American cities and we are beating this email horse to death,” said Mr. Richmond.

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Bloomberg: Lynch Spurns Republican Questions on Clinton E-Mail Decision (Chris Strohm, ben Brody)

<http://www.bloomberg.com/politics/articles/2016-07-12/lynch-spurns-republican-calls-to-discuss-clinton-e-mail-decision>

Attorney General Loretta Lynch rejected Republican demands to discuss her decision against prosecuting Hillary Clinton before a House panel whose chairman said the former secretary of state’s careless handling of official communications may have jeopardized U.S. national security. “She cannot be trusted with the nation’s most sensitive secrets” if elected president, Representative Bob Goodlatte of Virginia, chairman of the House Judiciary Committee, said of the presumptive Democratic presidential nominee at the opening of a hearing Tuesday. He said the Justice Department’s decision not to prosecute Clinton “defies logic and the law.”

Lynch, the sole witness, said she stood by the “unanimous recommendation” of FBI Director James Comey and “career independent investigators” and lawyers that charges shouldn’t be brought against Clinton or her aides for her use of a private e-mail server when she was secretary of state even though Comey said they had been “extremely careless in their handling of very sensitive, highly classified information.”

But Lynch also said repeatedly that “it would be inappropriate for me to comment further,” and she stuck to that position despite repeated challenges from Republicans, who grew increasingly testy as the hearing passed the two-hour mark.

‘An Abdication’

Goodlatte told Lynch it was “an abdication of your responsibility” to refuse to answer the committee’s questions.

Representative Louie Gohmert of Texas said Lynch hasn’t given any indication that she’d reviewed the facts underlying the FBI’s investigation or the bureau’s interview with Clinton. “I find it extraordinary that after a three-and-a-half hour interview so quickly a recommendation was made,” Gohmert said. “Your oath was not to follow the recommendation of some team. Your oath is your own responsibility to our Constitution and those working under you.”

“The buck stops with you,” Representative Jim Sensenbrenner of Wisconsin told Lynch earlier. “I’m concerned that you keep on saying that you have deferred the authority that by law is yours to director Comey.”

‘Investigated Thoroughly’

Lynch replied that her decision was “to accept the recommendation of the team of agents and investigators who worked on this.”

“All the relevant facts were considered and investigated thoroughly,” she said. Republicans also pressed Lynch on her meeting aboard a plane with former President Bill Clinton in the days before the e-mail investigation ended, a decision Lynch has acknowledged “cast a shadow” over her role.

She told the committee Tuesday that it was a “social conversation.”

“Nothing of any relationship to the e-mail investigation was discussed,” Lynch said of the meeting on the airport tarmac in Phoenix.

Questioning Clinton

The dispute over Hillary Clinton’s e-mails also persists in a civil suit by a conservative watchdog group. Clinton’s long-time lawyer, David Kendall, told a U.S. judge Tuesday that the group, Judicial Watch, doesn’t need to question her because of the surfeit of information already publicly available, including Comey’s comments and a report in May by the State Department’s inspector general.

The record “already answers those questions or makes clear that Secretary Clinton has no personal knowledge to provide,” Kendall said in court papers. U.S. District Judge Emmet Sullivan has scheduled a July 18 hearing on the question.

In its Freedom of Information Act lawsuit, Judicial Watch wants to take a deposition from Clinton as it pursues information about top aide Huma Abedin’s work for the State Department, the Clinton Foundation and an outside consulting firm.

Perjury Question

On Monday, Goodlatte and a fellow House Republican, Oversight Committee Chairman Jason Chaffetz of Utah, asked federal prosecutors to open an investigation into whether Clinton committed perjury before Congress.

“The evidence collected by the FBI during its investigation of Secretary Clinton’s use of a personal e-mail system appears to directly contradict several aspects of her sworn testimony,” states the letter, which is addressed to Channing Phillips, the U.S. attorney for the District of Columbia.

For a QuickTake Q&A on the Clinton e-mail controversy, [click here](#).

The lawmakers' letter doesn't specify any alleged incidents of perjury, instead referring to Comey's testimony last week before the Oversight Committee that the truthfulness of Clinton's remarks to Congress wasn't within the scope of the FBI's previous investigation.

Clinton has long maintained that she never sent or received e-mails "marked classified," a position she asserted during her almost 11 hours of testimony in October before a special House committee investigating the deadly 2012 attacks in Benghazi, Libya.

"That's not true," Comey said of the assertion when he was questioned at a hearing of Chaffetz's committee last week.

In a television interview last week, Clinton modified her standard answer on whether she had sent or received classified information on her private account, now saying she didn't "believe" she had done so.

"As I have said many times, I certainly did not believe that I received or sent any material that was classified," she told CNN.

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McClatchy DC: Attorney General Dismisses GOP Questions About Clinton Email Decision (Marisa Taylor)

<http://www.mcclatchydc.com/news/nation-world/national/article89077407.html>

Attorney General Loretta Lynch on Tuesday rebuffed Republicans who questioned the Justice Department's decision not to prosecute Hillary Clinton for her misuse of a private email server while she was secretary of state.

Despite facing persistent and sometimes impatient challenges from Republicans in the House of Representatives, Lynch testified that she thought it wouldn't be proper for her to discuss in detail the prosecution team's "unanimous recommendation" not to pursue charges against Clinton.

Lynch's testimony before the House Judiciary Committee came a day after House Republicans asked the Justice Department to investigate whether Clinton had lied to Congress.

"While I understand that this investigation has generated significant public interest, as attorney general it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation," Lynch told members of the committee.

Bob Goodlatte, R-Va., the Judiciary Committee chairman, told Lynch he remained troubled by FBI Director James Comey's conclusions that Clinton's mishandling of classified information was "extremely careless" but did not violate the law.

"This defies logic and the law," Goodlatte said of Comey's announcement, adding that he questioned the "timing and circumstances."

Before officially closing the investigation, Lynch had come under fire for meeting with Clinton's husband, former President Bill Clinton, when their planes were at the same airport.

Lynch then announced that she still would review Hillary Clinton's case but would accept the recommendation of investigators and prosecutors at the FBI and Justice Department. She declined to recuse herself.

Lynch told the committee Tuesday that she'd agreed to speak to Bill Clinton after he said he wanted to greet her. "We had a social conversation," she said. "Nothing related to the email (inquiry) was discussed."

Democrats criticized the committee's questions as political, given that the Justice Department was struggling to react to a string of shootings, including Friday's attack in Dallas that left five police officers dead and seven wounded. It was the deadliest attack on law enforcement officers since 9/11.

"We're in the middle of an election season," Rep. John Conyers Jr., D-Mich., said of the Republicans' questions. Two bailiffs were shot to death and a deputy was wounded in a courthouse shooting Monday in Berrien County, Michigan.

Hillary Clinton, who will officially accept the Democratic Party's nomination for president later this month at the convention, has been dogged for more than a year for exclusively using personal email routed through a private server while serving as the nation's top diplomat from 2009 to 2013.

Rep. Jason Chaffetz, R-Utah, the chairman of the House Oversight and Government Reform Committee, and Goodlatte sent a rare criminal referral Monday to the Justice Department asking investigators to review Clinton's sworn testimony that she hadn't jeopardize government secrets.

Chaffetz and Goodlatte said they were asking for the inquiry as a result of Comey's testimony that he had investigated the email matter but had not looked into whether Clinton had lied to Congress.

Comey faced intense questioning from Republicans in a nearly five-hour congressional hearing last week about his conclusion that Clinton hadn't violated the law.

Comey acknowledged, however, that several of Clinton's statements about the arrangement weren't accurate. She testified for 11 hours in a hearing last October on Capitol Hill about the 2012 fatal attacks in Benghazi, Libya, during which she said she'd turned over all her emails, she had not sent or received classified information with markings, she had used only one device and that neither she nor her aides had deleted work-related emails.

Lynch sidestepped questions Tuesday about the false-statement accusations, telling the committee it should direct its questions about Comey's conclusions to him.

Clinton's campaign has not responded to a request for comment on the criminal referral. But campaign spokesman Brian Fallon said last week that Republican actions on the email

investigation were “another taxpayer-funded sham of an inquiry to try to hurt Hillary Clinton politically.”

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Politico: Lynch Refuses to Answer Questions on Clinton Email Probe (Josh Gerstein)
<http://www.politico.com/story/2016/07/loretta-lynch-testimony-clinton-email-225415>

Attorney General Loretta Lynch stonewalled a House committee’s questions about the probe into Hillary Clinton’s email server Tuesday, steadfastly refusing to discuss the facts and legal standards involved even though FBI Director James Comey did so at length last week.

Under pointed questioning from Republicans, Lynch insisted it would be improper for her to make public comments about the evidence gathered during the almost year-long inquiry.

“While I understand that this investigation has generated significant public interest, as Attorney General, it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team’s recommendation,” Lynch said at the outset of the House Judiciary Committee hearing. “I can tell you that I am extremely proud of the tremendous work of the dedicated prosecutors and agents on this matter.”

Lynch refused even to say how long her meeting with Comey and other members of the investigative team on the Clinton email inquiry lasted.

“I don’t recall and would not be providing that information,” the attorney general said. Lynch’s reticence on the issue clearly irritated GOP lawmakers, who were intent on using the session to explore what they said were inaccurate statements Clinton the all-but-certain Democratic presidential nominee made about her use of a private email server during her tenure as secretary of state.

Republicans also criticized Lynch for deferring to Comey rather than making an independent decision about whether criminal charges against Clinton were warranted.

“You are in charge of the Department of Justice and the buck stops with you,” said Rep. James Sensenbrenner (R-Wis.) “Why did you defer to Director Comey when the decision was yours?”

Lynch stressed that she decided to agree to what her “team” of subordinates and career officials recommended and that their recommendation not to pursue charges was unanimous.

Rep. Steve Chabot injected an unexpected and jarring topic into the hearing by raising President Bill Clinton's false testimony under oath two decades ago in the civil sexual harassment lawsuit brought by Paula Jones. Chabot appeared to be arguing that Secretary Clinton was getting away scotfree with the kind of false testimony that resulted in her husband's impeachment years ago.

"He was accused of sexually harassing a number of women. He lied under oath about it," Chabot said. "A young intern came forward... There was physical proof. I won't go into exactly what that was. That's why articles of impeachment were voted."

Democrats denounced Chabot's comments as over the line.

"I think we've reached a low point on this committee," said Rep. Hank Johnson (D-Ga.), who criticized his colleague for digging up "salacious" and dated events.

And the attorney general repeatedly insisted that she did not benefit from a double standard.

"There's no separate method of enforcement for anyone here," Lynch said. "I understand the emotion that generates. I understand the frustration that it generates.....She received no treatment different from any other."

Lynch's appearance came one day after House Republicans sought to fuel the controversy over Clinton's email set-up by sending a pair of letters urging further investigation. One letter asked the U.S. Attorney in Washington to consider perjury charges against Clinton. Another asked Comey to provide detailed records of the criminal probe, including details of Clinton's three-and-a-half-hour interview with the bureau earlier this month.

"It appears Secretary Clinton testified falsely when appearing under oath before the select Committee on Benghazi," Judiciary Committee Chairman Bob Goodlatte (R-Va.). "Secretary Clinton's extreme carelessness possible jeopardized the safety and security of our national" secrets, he added.

Under questioning by Rep. Jim Jordan (R-Ohio), Lynch said it was her informal meeting with former President Clinton on her plane on an airport tarmac in Phoenix last month that led her to declare publicly that she had decided to defer to the FBI's recommendation on Clinton's case.

"I was concerned that the conversation I had with the former president might make people think there was some influence there," Lynch said.

Jordan said Lynch's public announcement of plans to defer to her subordinates was a mistake.

"Why announce ahead of time when you've never done it before...and still claim you're the ultimate decider?...I think your action made it worse," Jordan said.

Lynch's unwillingness to provide her views on the facts or how the law applied to Clinton's situation provoked considerable frustration from Republicans and, a couple hours into the session, a stern rebuke from the committee's chairman.

"Your refusal to answer questions about a person who seeks the most important office in this land is an abdication of your responsibility," Goodlatte said as he prodded Lynch to be more responsive.

Lynch wasn't appreciably more forthcoming after that, prompting one GOP lawmaker to declare he was giving up.

“I’m going to simply capitulate to your prodigious dissimulation skills,” said Rep. Trent Franks (R-Ariz.). “I’m going to suspend the remainder of my questions.”

It was unclear whether Lynch’s refusal to engage the email issue amounted to an implicit criticism of Comey for the extensive public comments he made about the Clinton email probe, both during a press statement last Tuesday and in testimony to the House Oversight and Government Reform Committee last Thursday.

At one point, the attorney general suggested she simply didn’t have the same detailed knowledge of the probe as did Comey, who said repeatedly in recent months that he was closely monitoring the inquiry.

“The director and I had very different roles in this investigation and, therefore, very different amounts of information about this investigation,” Lynch said.

At other moments, however, Lynch indicated her decision not to comment was driven by an ethical or policy concerns.

“It would not be appropriate in my role to discuss the specific facts and the law,” the attorney general said. “We typically actually do not provide the level of detail that Director Comey did.”

Some former prosecutors and Justice Department officials have criticized Comey for his detailed discussion of the FBI’s findings in a case that will not be prosecuted.

As employees of the Justice Department, both Lynch and Comey are subject to the same basic policies and regulations, including rules limiting public comment on investigations. Those regulations generally prohibit comment on evidence in a case, but there are exceptions for crimes of an “extraordinary nature.”

After an early afternoon break for a House floor vote, Lynch said she wanted to clarify that she was reluctant to discuss the information she had about the case because doing so could chill open discussion within the department.

“The information a team provides to me in this or any other case has to be given in a zone of confidentiality,” the attorney general said.

However, moments later, Lynch said disclosure of information about the investigation had been “frustrating” and she suggested it wouldn’t be fair to subjects of an investigation to characterize their behavior.

“Typically, we do not characterize the actions of individuals,” she said.

While Lynch offered no direct criticism of Clinton or her conduct, Benghazi Committee Chairman Rep. Trey Gowdy of South Carolina did manage to get the attorney general to say it’s her practice to use official email for work matters and only to use secure channels for classified communications.

“I believe it’s important to do that,” Lynch said. “It provides for a way of doing business in a secure system.”

The focus of lawmakers’ rhetoric Tuesday reflected a stark partisan divide. While Republicans bore down on Lynch over the Clinton email matter, Democrats accused their GOP colleagues of ignoring or downplaying more pressing issues such as gun violence and tensions between minority communities and police.

“Rome is burning. There is blood on the streets of many American cities and we are beating this email horse to death,” Rep. Cedric Richmond (D-La.) said.

“We’re in the middle of an election season,” the panel’s ranking Democrat Rep. John Conyers of Michigan declared, lamenting that the committee was missing “an opportunity to have engaged with you on more worthy subjects.”

“Apparently, Secretary Clinton’s email takes precedence over gun violence and civil rights,” Conyers said. “Let us be clear; the criminal investigation is closed there’re was no intentional wrongdoing...If any of my colleagues are not yet convinced, it is because they don’t want to be convinced.”

Some Republican lawmakers defended the hearing, saying it was evident to them that political influence had affected the decision not to prosecute Clinton over the presence of classified information on her private server.

“It is a very serious matter and it’s been covered up, General Lynch,” said Rep. Steve King (R-Iowa).

Another unexpected turn in the hearing came when Rep. Randy Forbes (R-Va.) faulted Lynch for prosecuting former Gov. Bob McDonnell (R-Va.) over allegations he took official actions in exchange for tens of thousands of dollars in gifts and loans for a local businessman.

“You launched everything this department had against him to destroy him and prosecute him. Can you tell me the federal nexus you had in that case and compare that to the federal nexus against Secretary Clinton in national security of this county, which you refused to bring to a grand jury or for indictment to see if, in fact, one is justified?” Forbes asked.

Lynch, who was sworn in as attorney general after McDonnell was charged and convicted, declined to comment on the comparison to the former governor. His corruption convictions were overturned by the Supreme Court last month.

Lynch was so tight lipped that one Republican lawmaker said near the end of the hearing he was longing for the unthinkable: the return of Attorney General Eric Holder, who was on the receiving end of intense ire from GOP lawmakers and was eventually held in contempt of Congress in a House floor vote.

“I miss Eric Holder. At least, when he came here he gave us answers we didn’t like...,” Rep. Doug Collins (R-Ga.) said. “The optics of this are bad and you, today, have made it worse.”

###

NBC News: GOP Grills Lynch Over Clinton Email Investigation (Aliyah Frumin)
<http://www.nbcnews.com/news/us-news/gop-grills-lynch-over-clinton-email-investigation-n607761>

Republican lawmakers grilled Attorney General Loretta Lynch on Tuesday about the Justice Department's decision not to bring charges against Hillary Clinton over her use of private email servers while secretary of state.

Democrats, meanwhile, skewered the GOP's inquisition as nothing more than campaign season posturing.

Lynch's appearance before the House Judiciary Committee was her first before Congress since the Justice Department's announcement last week that it was closing the Clinton email probe.

Lynch, who had removed herself from the case and said she would go with the recommendation of her team, repeatedly deflected questions on the decision not to prosecute Clinton, the presumptive Democratic presidential nominee. Instead, she referred to FBI Director James Comey's findings.

"While I understand that this investigation has generated significant public interest, as attorney general it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation," Lynch told the committee.

She also stressed that she was extremely "proud" of the "tremendous work" of career agents and prosecutors, including Comey.

Republicans weren't buying it.

House Judiciary Chairman Bob Goodlatte, R-Virginia, said the decision was "troubling" and argued Clinton was held to a different standard. He insisted in his opening statement that Clinton's "extreme carelessness" may have hurt the safety and security of the U.S., arguing "she cannot be trusted with the nation's most sensitive secrets" if she becomes commander-in-chief.

"You're in charge of the Department of Justice. The buck stops with you," said GOP Rep. James Sensenbrenner of Wisconsin.

Meanwhile, Democrats, including ranking member Rep. John Conyers, D-Michigan, scolded Republicans for focusing on Clinton's email probe during an election season, insisting the issue has "taken precedence over gun violence and civil rights. Let us be clear the criminal investigation is closed. There was no intentional wrongdoing."

Democratic Rep. Zoe Lofgren of California later added, "We're beating a dead horse here for political reasons."

Lynch's testimony follows Comey, who defended his decision not to recommend criminal charges against the presumed Democratic presidential candidate during a contentious, almost five-hour hearing in front of the House Oversight and Government Reform Committee last week.

Republicans also continued to pepper Lynch with questions over her recent private meeting at an airport in Phoenix, Arizona with former president Bill Clinton, arguing it raised questions about the integrity of the inquiry. While Lynch has repeatedly conceded that the ill-advised meeting "cast a shadow" over the FBI-led investigation, she has maintained that the conversation was social in nature.

Lynch stressed the same on Tuesday, insisting "nothing of any relationship to the email investigation was discussed."

Lynch also discussed last week's lethal police shootings of two black men — Philando Castile in Minnesota and Alton Sterling in Louisiana and the attack by a black sniper on five police officers in Dallas.

She stressed that the department would continue to provide support and resources to police and citizens "in their efforts to build strong and more united communities."

"As we grapple with the aftermath of these events, the Department of Justice will continue to do everything in our power to build bonds of trust and cooperation between law enforcement and the communities we serve," Lynch said. "That work has never been more difficult or more important."

Lynch's tenure as attorney general began the same week Baltimore erupted in riots following the death of Freddie Gray, a black man who died from spinal injuries sustained after being transported in a police van last year. Since then, several high-profile incidents have occurred between minorities and law enforcement, including the high profile deaths of several African Americans while in police custody or during arrest — an issue Lynch has promised to tackle.

###

The Atlantic: Loretta Lynch Can't Escape the Clinton Emails (Priscilla Alvarez, Nora Kelly)

<http://www.theatlantic.com/politics/archive/2016/07/loretta-lynch-bill-clinton/490907/>

Attorney General Loretta Lynch testified before the House Judiciary Committee on Tuesday in a hearing that vacillated between lawmakers expressing concern over the investigation of Hillary Clinton's email practices and their concerns about recent shootings.

House Judiciary Committee Chairman Bob Goodlatte kicked off the hearing with a moment of silence for the law-enforcement victims of last week's killings in Dallas and the shooting deaths of Alton Sterling in Louisiana and Philando Castile in Minnesota, both by police. Lynch followed with an acknowledgment of her own.

“Our hearts are literally broken for the families and loved ones of those we lost in these tragic events,” Lynch said in her opening statement. “As we grapple with the aftermath of these events, the Department of Justice will continue to do everything in our power to build the bonds of trust and cooperation between law enforcement and the communities that we serve. That has never been more difficult nor more important.” She added the department “will continue to give local departments the tools they need and training they require to come home safely, from funds for bulletproof vests to training in officer health, safety, and wellness.”

The Clinton email probe dominated much of the session, with House Republicans grilling Lynch about her relationship with the Clintons and pressing her on the FBI’s determination in the case. Last week, FBI Director James Comey announced he would not recommend charges against Clinton following his agency’s investigation, but noted that her email use was “extremely careless.” In short order, House Republicans called on Comey to appear at a congressional hearing on the investigation. This morning, Lynch, whose Justice Department closed the Clinton probe last week, was in a similar position.

She indicated in her opening statement she wouldn’t be particularly open to discussing the matter. “It would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team’s recommendation.” But Republicans ignored her intention. Virginia Representative Randy Forbes asked Lynch whether she was legally prohibited from answering lawmakers’ questions. She said that it “would not be appropriate in my role” to comment on some matters, and noted that Comey’s comments on the case weren’t typical. Goodlatte earlier asked Lynch if she agreed with the FBI’s conclusion. “I accepted that recommendation,” she said. “I saw no reason not to accept it. I reiterate my pride and faith in their work.” She confirmed that she hadn’t spoken with either of the Clintons about the FBI’s investigation, including during a conversation she had just days before Comey’s announcement with former President Bill Clinton. Goodlatte called that encounter “troubling” in his remarks at the top of the meeting.

Democrats seemed to have one goal throughout the meeting to stop talking about Clinton’s emails. Ranking Member John Conyers tried to focus lawmakers on criminal-justice reform. “I believe it’s more critical than ever that we reach a final agreement on police accountability and standards,” he said. Conyers noted the few working days left for Congress until it adjourns for the summer recess: “How will my colleagues on the other side of the aisle choose to fill that time? Today, apparently, Secretary Hillary Clinton’s e-mail takes precedence over gun violence and civil rights.”

###

TPM: Gohmert: Don't Accuse Me Of Obsessing Over Clinton! Now About Those Emails... (Caitlin Macneal)

<http://talkingpointsmemo.com/livewire/louie-gohmert-clinton-emails-dallas-shooting>

Rep. Louie Gohmert (R-TX) was outraged.

A Democratic congressman had just accused Republicans in a House Judiciary Committee hearing with Attorney General Loretta Lynch of caring more about Hillary Clinton's email use than the recent fatal shootings of Dallas police officers.

But Gohmert wasn't quite upset enough to question Lynch about anything other than the investigation into Clinton's email server.

Rep. Luis Gutierrez (D-IL) began his questions for Lynch by noting that Republicans spent more time in the hearing asking the attorney general about Clinton's emails than about shootings across the country, including the one that killed five police officers in Dallas last week. He said that to Republicans, the safety of Americans isn't important.

"What's important? Let's go talk about the emails once again," Gutierrez said, referring to Republicans.

He criticized Republican members for using the hearing to bring up the impeachment trial of former President Bill Clinton and the Supreme Court's decision to throw out the conviction of former Virginia Gov. Bob McDonnell (R).

Gohmert was next in line to question Lynch, and began by offering a rebuttal to Gutierrez. He said it was "an outrage" to accuse Republicans of not caring about the death of five police officers in Dallas.

The Republican congressman then proceeded to pepper Lynch with questions about the probe into Clinton's email use, and did not ask about any other topic.

###

Department of Justice
Press Clips- AG Lynch Hearing
As of July 12, 2016 at 3:25 p.m.

AP: AG Lynch Defends Decision on Clinton Email Inquiry (Eric Tucker, Erica Werner)

Reuters: U.S. Attorney General Deflects Lawmakers' Questions on Clinton Emails (Julia Harte)

New York Times: House Panel Questions Loretta Lynch on Hillary Clinton's Emails (Eric Lichtblau)

Los Angeles Times: Atty. Gen. Loretta Lynch deflects questions about Clinton emails (Jill Ornitz)

The Washington Post: Attorney General Declines to Provide Any Details on Clinton Email Investigation (Matt Zapotosky)

Wall Street Journal: Loretta Lynch Defends Hillary Clinton Email Investigation to House Lawmakers (Devlin Barrett, Kate O'Keefe)

Bloomberg: Lynch Spurns Republican Questions on Clinton E-Mail Decision (Chris Strohm, ben Brody)

McClatchy DC: Attorney General Dismisses GOP Questions About Clinton Email Decision (Marisa Taylor)

Politico: Lynch Refuses to Answer Questions on Clinton Email Probe (Josh Gerstein)

NBC News: GOP Grills Lynch Over Clinton Email Investigation (Aliyah Frumin)

The Atlantic: Loretta Lynch Can't Escape the Clinton Emails (Priscilla Alvarez, Nora Kelly)

TPM: Gohmert: Don't Accuse Me Of Obsessing Over Clinton! Now About Those Emails... (Caitlin Macneal)

AP: AG Lynch Defends Decision on Clinton Email Inquiry (Eric Tucker, Erica Werner)
<http://bigstory.ap.org/article/8d48f80b0cc042669bc6063848cb3982/lynch-face-questions-policing-clinton-investigation>

Attorney General Loretta Lynch steadfastly defended her decision to close the Hillary Clinton email investigation without criminal charges, insisting Tuesday that she simply accepted the unanimous recommendation of career FBI investigators and attorneys.

"I accepted that recommendation. I saw no reason not to accept it," Lynch told the House Judiciary Committee. "The matter was handled like any other matter."

The panel's chairman, Rep. Bob Goodlatte, R-Va., strenuously criticized Lynch over her decision, charging that it "does not seem to be a responsible way to uphold your constitutionally sworn oath."

"Secretary Clinton's 'extreme carelessness' possibly jeopardized the safety and security of our citizens and nation," Goodlatte said. "Her 'extreme carelessness' suggests she cannot be trusted with the nation's most sensitive secrets."

The election-year hearing played out amid a roiling national debate over police violence, and committee Democrats repeatedly tried to turn the conversation to that issue and others as they criticized Republicans for dwelling on the Democrats' likely presidential nominee and her email practices.

Republicans were furious last week that the FBI decided not to recommend charges against Clinton over her handling of classified information when she relied on a private email server during her tenure as secretary of state.

"Rome is burning, there is blood on the streets of many American cities and we are beating this email horse to death," said Rep. Cedric Richmond, D-La.

But Republicans kept the focus on Clinton, trying to draw Lynch out on whether Clinton lied to the public or to Congress, and on a couple of occasions turning the conversation to then-president Bill Clinton's impeachment proceedings 18 years ago.

"Are you aware that Hillary Clinton has repeatedly lied to the public about her emails and email servers?" Rep. Steve King, R-Iowa, asked. "Are you aware of that?"

Republicans on Monday formally asked the Justice Department to investigate whether Clinton perjured herself in earlier testimony to a congressional committee investigating the Benghazi, Libya, attacks that killed four Americans while Clinton was secretary of state. Clinton has said she did not send or receive emails marked classified when she sent them, claims that FBI Director James Comey contradicted last week.

Comey also said Clinton was "extremely careless" in her handling of classified emails on a private server, but said there was no evidence that she or her aides intended to violate laws governing classified actions, and therefore no reasonable prosecutor could bring a case. Comey testified in detail in his own appearance before Congress last week, and Lynch repeatedly referred Republicans to the FBI director's testimony, refusing to get drawn into debating Clinton's conduct or the facts of the case.

That approach irritated committee Republicans. At one point Goodlatte interrupted the hearing to admonish Lynch for refusing to answer, accusing her of an "abdication of your responsibility."

Lynch did say, in response to questioning from Rep. Lamar Smith, R-Texas, that she had never discussed Clinton's email practices with either Hillary or Bill Clinton, and she also said she had not discussed with either of them a position in the Hillary Clinton administration. "No conversation in that nature at all," she said.

She reiterated that a brief conversation she had with Bill Clinton at the Phoenix airport last month, after he saw her airplane and asked to board to greet her, was social in nature and "there was nothing about any investigations or any specific cases." Instead the former president spoke "at length" about his grandchildren, Lynch said.

Goodlatte questioned why Lynch hadn't recused herself after that meeting. Lynch said there was no need to. But she reiterated that her concerns over how the meeting could be perceived had led her to announce she would accept the recommendation of her investigative team in the Hillary Clinton case.

That decision was intended to remove the specter of political interference, but Republicans argued it the other way Tuesday, charging that the unusual step of announcing ahead of time that she would take her team's recommendation reinforced the perception of special treatment for Clinton.

"I think your actions made it worse, I really do," said Rep. Jim Jordan, R-Ohio.

Lynch touched on law enforcement and policing issues including last week's sniper shooting of five police officers in Dallas by a suspect who said he wanted to kill white officers. That followed police killings of black men near St. Paul, Minnesota, and in Baton Rouge, Louisiana. The nation's "sense of safety has been shaken by the series of devastating events that rocked our nation last week," Lynch said.

###

Reuters: U.S. Attorney General Deflects Lawmakers' Questions on Clinton Emails (Julia Harte)

<http://www.reuters.com/article/us-usa-election-clinton-emails-idUSKCN0ZS1VI>

The top U.S. law enforcement official, under questioning from Republicans at a congressional hearing on Tuesday, shed no new light on the Justice Department's decision not to prosecute Hillary Clinton over her handling of sensitive emails.

Attorney General Loretta Lynch deflected questions about the department's inquiry into Clinton's use of a private email server while she was secretary of state, an issue that has hounded her campaign for the Democratic presidential nomination.

Republicans grilled Lynch at the House of Representatives committee hearing over Justice's decision not to charge Clinton, the presumptive Democratic nominee for the Nov. 8 election.

"Lynch has no intention of answering ... even the most basic questions about the legal elements the government is obligated to prove in a criminal prosecution," said House Judiciary Committee Chairman Bob Goodlatte, a Republican.

Democratic lawmakers at the hearing largely avoided the subject, asking Lynch about gun control and policing reforms.

Lynch referred questions about the department's decision to an FBI-led investigative team that recommended not bringing charges. She said she was "extremely proud" of the team's work, testifying one week after the FBI closed its year-long probe.

The emails case is a favorite target for presumptive Republican presidential nominee Donald Trump, as well as other Republican politicians.

Goodlatte and Republican Representative Jason Chaffetz asked the Justice Department on Monday to investigate whether Clinton committed perjury in testimony to Congress about the emails.

FBI Director James Comey told a congressional hearing last week that he recommended the department not charge Clinton. He said this was because the FBI lacked sufficient evidence that she acted with bad intent. He added that any of his employees who handled emails the way Clinton did could be subject to dismissal or loss of security clearance.

Democratic lawmakers on the committee asked Lynch about efforts to tighten gun control in the wake of shootings of clubgoers and police in Orlando and Dallas, as well as ways to reduce fatal police shootings of unarmed African Americans amid ongoing protests over the issue.

Representative Jerry Nadler asked Lynch what she thought of the pro-gun rights adage that "the only thing that can stop a bad guy with a gun is a good guy with a gun" in light of the fact that the Dallas police officers shot last week were armed.

"The issue, as usual, doesn't really lend itself well to aphorisms and short statements," Lynch replied.

###

New York Times: House Panel Questions Loretta Lynch on Hillary Clinton's Emails (Eric Lichtblau)

<http://www.nytimes.com/2016/07/13/us/politics/loretta-lynch-testify-hillary-clinton-email.html>

Under fire from Republicans for closing the investigation on Hillary Clinton's emails, Attorney General Loretta E. Lynch told lawmakers Tuesday that she was "extremely proud" of the yearlong investigation, but she frustrated her interrogators by refusing to talk about the investigation's details or conclusions.

The F.B.I. director, James B. Comey, “has chosen to provide detailed statements” on the investigation, Ms. Lynch noted tersely as she testified before the House Judiciary Committee, but she would not. Again and again, she deflected questions about crucial details that went into the decision not to bring charges in the case.

She also defended her decision not to recuse herself from the case even after her meeting on a tarmac in Phoenix with former President Bill Clinton. She deferred to the F.B.I. and experienced prosecutors, she said, and saw no need to step out of the case completely before accepting their recommendations.

Republicans were not swayed. While no charges were brought, Mr. Comey’s remarkably public comments last week on Mrs. Clinton’s mishandling of classified material on her email server, said Representative Bob Goodlatte of Virginia, the chairman of the House Judiciary Committee, amounted to “a public indictment of her conduct and character.”

Ms. Lynch heard sharp criticism from Republican lawmakers not only about the decision to close the investigation, but also about her meeting days earlier with Mr. Clinton.

She had previously acknowledged that her unscheduled 30-minute discussion with Mr. Clinton aboard her airplane at the Phoenix airport two weeks ago was a mistake that cast a cloud over her impartiality just as the Clinton investigation was winding up.

Ms. Lynch said after the meeting that she would accept whatever recommendation the F.B.I. and her career prosecutors made in the case. Just days later, James B. Comey Jr., the F.B.I. director, said at a dramatic news briefing that he was not recommending any charges because there was no clear evidence that Mrs. Clinton had intended to violate the law, and Ms. Lynch closed the case the next day.

The decision infuriated congressional Republicans, who have used the case for months to attack Mrs. Clinton’s presidential campaign. They accused the Justice Department of giving Mrs. Clinton preferential treatment, saying that her mishandling of classified material warranted charges.

In a letter on Monday, House Republicans asked the Justice Department to mount a new investigation to determine whether Mrs. Clinton perjured herself last fall when she testified before Congress about her use of the private email system. Democrats denounced the latest tactic as another meritless attempt to drag out the email case.

###

Los Angeles Times: Atty. Gen. Loretta Lynch deflects questions about Clinton emails (Jill Ornitz)

<http://www.latimes.com/nation/la-na-loretta-lynch-testimony-clinton-email-dallas-20160712-snap-story.html>

Republican lawmakers on Tuesday pushed Atty. Gen. Loretta Lynch to defend the Justice Department's decision not to prosecute Hillary Clinton over her use of a private email server as secretary of State.

But Lynch repeatedly refused to discuss the details of the email probe, saying only that she had accepted the unanimous recommendation of career agents and prosecutors, including FBI Director James Comey. She said it would be "inappropriate to comment further" on the specific facts of the case or the decision-making process.

Lynch also faced tough questions over her decision to meet with former President Clinton last month, which she has previously admitted cast a shadow over the Justice Department's probe.

Following the uproar over the meeting with Bill Clinton, Lynch publicly announced that she would remove herself from the final decision about whether to file charges, saying she would abide by the recommendation of Comey and career prosecutors.

But GOP lawmakers Tuesday accused Lynch of failing to live up to her constitutional duty by not personally analyzing the case.

Judiciary Committee Chairman Bob Goodlatte called it an "abdication of your responsibility."

"The buck stops with you," Rep. Jim Sensenbrenner (R-Wis.) said.

Rep. Steve Chabot (R-Ohio) said decision against filing charges gave the appearance of a double standard in Clinton's favor because of her political power.

Lynch said all of those reviewing the case and making the recommendation were career agents and prosecutors, not political appointees.

The committee quickly divided along party lines in its questioning, with Republicans focusing on Clinton's email server and Democrats instead focusing on the Orlando, Fla., terror attack, the need for law enforcement reform highlighted by the recent police shootings of black men and strategies for repairing relationships with minority communities.

Democrats accused Republicans of politicizing the email scandal to hurt the presumed Democratic nominee.

"We are beating this email horse to death," said Rep. Cedric Richmond (D-La.).

Comey, testifying last week before the House Oversight and Government Reform Committee, defended the agency's investigation into Clinton's email server and reiterated that a criminal case against the presumptive Democratic nominee would not hold up in court.

Comey stated there was "no basis to believe" Clinton lied to the FBI during its investigation and assured committee members there was no political motivation to the timing of Comey's announcement or the agency's decision to recommend charges not be filed.

Lynch was scheduled to testify before the House Judiciary Committee before Comey announced his decision. Her submitted testimony made no mention of the Clinton email controversy. She instead focused on the killings of five Dallas police officers by Micah Xavier Johnson, an Army veteran apparently angry over police shootings of black men in Louisiana and Minnesota.

###

The Washington Post: Attorney General Declines to Provide Any Details on Clinton Email Investigation (Matt Zapotosky)

https://www.washingtonpost.com/world/national-security/attorney-general-scheduled-to-testify-before-house-judiciary-committee-on-clinton-email-investigation/2016/07/11/2dfb746c-479e-11e6-90a8-fb84201e0645_story.html

U.S. Attorney General Loretta E. Lynch repeatedly declined to answer any questions on Tuesday about her department's investigation into Hillary Clinton's use of a personal email server while she was secretary of state, making for a bizarre congressional hearing in which she referred questions about the matter to a man lower than her on the organizational chart.

At the outset of her testimony Tuesday before the House Judiciary Committee, Lynch said it would be "inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation." That put her in contrast with FBI Director James B. Comey, who answered questions for nearly five hours last week about how he concluded Clinton should not face criminal charges.

When Republican legislators pressed for details, Lynch directed their inquiries to Comey, who sits lower on the Department of Justice's organizational chart.

"He's chosen to provide detailed statements, and I would refer you to those statements," Lynch said. "I as Attorney General am not able to provide any further comment on the facts or the substance of the investigation."

Lynch's persistence drew critical rebukes from Republicans. Chairman Bob Goodlatte (R-Va.) said not offering more information was an "abdication of your responsibility." U.S. Rep. Jim Jordan (R-Ohio) said her actions on the Clinton email investigation broadly "contribute to this belief that the system is rigged."

For their part, Democrats bemoaned that the conversation was focused on the former secretary of state's email practices, rather than issues such as gun control and policing practices.

"To some extent, we're beating a dead horse here, for political reasons," U.S. Rep. Zoe Lofgren (D-Calif.) said.

Lynch had announced last week that she was accepting the recommendation of the FBI director and federal prosecutors and closing the probe involving the presumptive Democratic presidential nominee, but the controversy is far from resolved. The hearing Tuesday marked the first time she has been questioned publicly about the decision.

Republicans have been waging an aggressive campaign to keep Clinton's email practices in the news, and the issue presents a challenge to her presidential aspirations. A recent Washington Post-ABC News poll found that a majority of Americans 56 percent disapproved of the FBI director's recommendation not to charge Clinton, and 57 percent said the issue made them at least somewhat worried about how she might handle her responsibilities as president.

When Comey publicly defended his recommendation that Clinton not face charges for mishandling classified information, he delivered a stinging public critique of her email practices and revealed facts that call into question her explanations of the matter.

He has said classified material traversed Clinton's private server, and at least three documents bore subtle classification markings. He has conceded that there was "evidence of mishandling" classified information in Clinton's setup and that an FBI employee who did the same thing "would face consequences for this." He also has said that he thought Clinton was "extremely careless" and "negligent."

A Clinton campaign spokesman has said of Comey's testimony: "While Republicans may try to keep this issue alive, this hearing proved those efforts will only backfire."

Unlike Comey, Lynch offered no new details on the investigation or explanations for the conclusion investigators drew, simply repeating the same talking points as Republicans launched different lines of attack. When Jordan asked her simply, "Who made the decision?" not to charge Clinton, Lynch offered only that she accepted the recommendation of a team of career prosecutors and agents, a point she had made previously. She said the team was led by the Justice Department's National Security Division, but would not specifically say whether no political appointees were involved.

At one point, U.S. Rep. Trent Franks said Lynch was so skilled at dodging questions that he was "going to simply capitulate" and not ask anymore.

U.S. Rep. J. Randy Forbes (R-Va.) asked if Lynch was legally prohibited in answering questions about the case in a way that Comey wasn't, and Lynch responded that she and the FBI director "had very different roles in this investigation, and therefore very different amounts of information about this investigation."

"Director Comey was speaking from his position as somebody who was more directly involved in the investigation," she said.

The hearing with Lynch, which began at 10 a.m., was scheduled before Comey made his recommendation not to charge Clinton. Goodlatte said in a statement that other issues would be discussed, including the mass shootings in Orlando and San Bernardino, Calif., as well as the effect of technological advancements on law enforcement.

But Goodlatte said the decision not to charge Clinton would be addressed because it raised "serious concerns," adding that it was "uniquely troubling" that Lynch met with former president Bill Clinton aboard her plane in Arizona before the decision had been made to close the case.

“No one is above the law, and the American people need to know that federal law enforcement is taking this misconduct seriously,” Goodlatte said.

Lynch had already addressed the meeting with Bill Clinton, saying that it happened spontaneously because the two happened to be at the same airport in Phoenix at the same time.

She has asserted that no cases were discussed. Lynch has acknowledged, though, that questions about the encounter are “reasonable,” and given a second chance, she would not do it again.

Soon after the airplane meeting was publicly reported, Lynch announced that she would accept the recommendation of the career prosecutors and FBI agents looking into Clinton’s email use in a bid to quell concerns that politics were influencing the investigation. When Comey announced he was recommending no charges be filed, he said he was doing so without having told the attorney general beforehand.

Lynch repeated many of those same points Tuesday. She said she also had not discussed with Hillary Clinton the possibility of staying on as attorney general were the former secretary of state to be elected president.

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Wall Street Journal: Loretta Lynch Defends Hillary Clinton Email Investigation to House Lawmakers (Devlin Barrett, Kate O’Keeffe)

<http://www.wsj.com/articles/loretta-lynch-defends-hillary-clinton-email-investigation-to-house-lawmakers-1468337125>

Attorney General Loretta Lynch on Tuesday defended the investigation into Hillary Clinton’s use of a private email server, as the chairman of the House Judiciary Committee said the conclusion reached in the probe “defies logic and the law.”

Republican lawmakers repeatedly pressed her to explain in detail how she and her team decided not to file any criminal charges against Ms. Clinton or her staff, but Ms. Lynch refused to discuss specifics, saying she was “extremely proud of the tremendous work of the dedicated prosecutors and agents.”

Her posture at the hearing was in stark contrast to last week’s questioning of Federal Bureau of Investigation Director James Comey, who spoke at great length about the evidence reviewed and the legal conclusions that agents and prosecutors reached.

Asked about that contrast, Ms. Lynch said she did not believe it was appropriate in her role as attorney general to discuss the facts or the legal analysis of the case.

Rep. Bob Goodlatte (R., Va.), chairman of the committee, blasted her for “dodging any responsibility to be forthright to Congress by referring members to the statements of her subordinates.”

When she served as secretary of state, Mrs. Clinton used a private email system for work, prompting a yearlong criminal probe to see if anyone had criminally mishandled classified information. Last week Mr. Comey called that conduct by Mrs. Clinton and her aides “extremely careless” but said it did not rise to the level of criminal charges.

Ms. Lynch has been faulted by Republicans and Democrats for an impromptu private meeting aboard her plane with former President Bill Clinton at the Phoenix airport two weeks ago — just days before Mrs. Clinton’s FBI interview and the announcement by authorities that the criminal probe would close without charges. Mrs. Clinton is the presumptive Democratic nominee for president.

At Tuesday’s hearing, Ms. Lynch repeated her past statements that she and the former president did not discuss the email case or any other matter before the Justice Department, but rather had a “social conversation.”

In response to the uproar over the meeting, Ms. Lynch said she would follow the recommendations of the career agents and prosecutors handling the case, as well as Mr. Comey.

Rep. Jim Jordan (R., Ohio) forced Ms. Lynch to admit Tuesday that the Clinton case was the first time she had ever made such an announcement about her intentions in a prosecution decision.

“I think your actions made it worse, I really do,” said Mr. Jordan. “Your actions contributed to a belief that the system was rigged. You made a bad situation worse.”

Democrats on the committee accused Republicans of trying to keep the email controversy alive as a way to hurt Mrs. Clinton’s chances in the presidential race, and said the government should focus instead on the issue of police shootings and the fatal shooting of five police officers in Dallas last week. Democrats on the panel largely asked about gun laws and police reforms, while Republicans focused on the email issue.

Rep. Cedric Richmond (D., La.) said the Republicans were ignoring recent police shootings of a man in Baton Rouge and another in St. Paul, Minn. Videos of those two confrontations have sparked protests around the country, including one in Dallas July 7, during which a gunman opened fire on officers before police were able to kill him with a robot-delivered bomb.

“Rome is burning. There’s blood on the streets of many American cities and we are beating this email horse to death,” said Mr. Richmond.

###

Bloomberg: Lynch Spurs Republican Questions on Clinton E-Mail Decision (Chris Strohm, ben Brody)

<http://www.bloomberg.com/politics/articles/2016-07-12/lynch-spurns-republican-calls-to-discuss-clinton-e-mail-decision>

Attorney General Loretta Lynch rejected Republican demands to discuss her decision against prosecuting Hillary Clinton before a House panel whose chairman said the former secretary of state's careless handling of official communications may have jeopardized U.S. national security. "She cannot be trusted with the nation's most sensitive secrets" if elected president, Representative Bob Goodlatte of Virginia, chairman of the House Judiciary Committee, said of the presumptive Democratic presidential nominee at the opening of a hearing Tuesday. He said the Justice Department's decision not to prosecute Clinton "defies logic and the law."

Lynch, the sole witness, said she stood by the "unanimous recommendation" of FBI Director James Comey and "career independent investigators" and lawyers that charges shouldn't be brought against Clinton or her aides for her use of a private e-mail server when she was secretary of state even though Comey said they had been "extremely careless in their handling of very sensitive, highly classified information."

But Lynch also said repeatedly that "it would be inappropriate for me to comment further," and she stuck to that position despite repeated challenges from Republicans, who grew increasingly testy as the hearing passed the two-hour mark.

'An Abdication'

Goodlatte told Lynch it was "an abdication of your responsibility" to refuse to answer the committee's questions.

Representative Louie Gohmert of Texas said Lynch hasn't given any indication that she'd reviewed the facts underlying the FBI's investigation or the bureau's interview with Clinton. "I find it extraordinary that after a three-and-a-half hour interview so quickly a recommendation was made," Gohmert said. "Your oath was not to follow the recommendation of some team. Your oath is your own responsibility to our Constitution and those working under you."

"The buck stops with you," Representative Jim Sensenbrenner of Wisconsin told Lynch earlier. "I'm concerned that you keep on saying that you have deferred the authority that by law is yours to director Comey."

'Investigated Thoroughly'

Lynch replied that her decision was "to accept the recommendation of the team of agents and investigators who worked on this."

"All the relevant facts were considered and investigated thoroughly," she said. Republicans also pressed Lynch on her meeting aboard a plane with former President Bill Clinton in the days before the e-mail investigation ended, a decision Lynch has acknowledged "cast a shadow" over her role.

She told the committee Tuesday that it was a "social conversation."

"Nothing of any relationship to the e-mail investigation was discussed," Lynch said of the meeting on the airport tarmac in Phoenix.

Questioning Clinton

The dispute over Hillary Clinton's e-mails also persists in a civil suit by a conservative watchdog group. Clinton's long-time lawyer, David Kendall, told a U.S. judge Tuesday that the group, Judicial Watch, doesn't need to question her because of the surfeit of information already publicly available, including Comey's comments and a report in May by the State Department's inspector general.

The record "already answers those questions or makes clear that Secretary Clinton has no personal knowledge to provide," Kendall said in court papers. U.S. District Judge Emmet Sullivan has scheduled a July 18 hearing on the question.

In its Freedom of Information Act lawsuit, Judicial Watch wants to take a deposition from Clinton as it pursues information about top aide Huma Abedin's work for the State Department, the Clinton Foundation and an outside consulting firm.

Perjury Question

On Monday, Goodlatte and a fellow House Republican, Oversight Committee Chairman Jason Chaffetz of Utah, asked federal prosecutors to open an investigation into whether Clinton committed perjury before Congress.

"The evidence collected by the FBI during its investigation of Secretary Clinton's use of a personal e-mail system appears to directly contradict several aspects of her sworn testimony," states the letter, which is addressed to Channing Phillips, the U.S. attorney for the District of Columbia.

For a QuickTake Q&A on the Clinton e-mail controversy, [click here](#).

The lawmakers' letter doesn't specify any alleged incidents of perjury, instead referring to Comey's testimony last week before the Oversight Committee that the truthfulness of Clinton's remarks to Congress wasn't within the scope of the FBI's previous investigation.

Clinton has long maintained that she never sent or received e-mails "marked classified," a position she asserted during her almost 11 hours of testimony in October before a special House committee investigating the deadly 2012 attacks in Benghazi, Libya.

"That's not true," Comey said of the assertion when he was questioned at a hearing of Chaffetz's committee last week.

In a television interview last week, Clinton modified her standard answer on whether she had sent or received classified information on her private account, now saying she didn't "believe" she had done so.

"As I have said many times, I certainly did not believe that I received or sent any material that was classified," she told CNN.

###

McClatchy DC: Attorney General Dismisses GOP Questions About Clinton Email Decision (Marisa Taylor)

<http://www.mcclatchydc.com/news/nation-world/national/article89077407.html>

Attorney General Loretta Lynch on Tuesday rebuffed Republicans who questioned the Justice Department's decision not to prosecute Hillary Clinton for her misuse of a private email server while she was secretary of state.

Despite facing persistent and sometimes impatient challenges from Republicans in the House of Representatives, Lynch testified that she thought it wouldn't be proper for her to discuss in detail the prosecution team's "unanimous recommendation" not to pursue charges against Clinton.

Lynch's testimony before the House Judiciary Committee came a day after House Republicans asked the Justice Department to investigate whether Clinton had lied to Congress.

"While I understand that this investigation has generated significant public interest, as attorney general it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation," Lynch told members of the committee.

Bob Goodlatte, R-Va., the Judiciary Committee chairman, told Lynch he remained troubled by FBI Director James Comey's conclusions that Clinton's mishandling of classified information was "extremely careless" but did not violate the law.

"This defies logic and the law," Goodlatte said of Comey's announcement, adding that he questioned the "timing and circumstances."

Before officially closing the investigation, Lynch had come under fire for meeting with Clinton's husband, former President Bill Clinton, when their planes were at the same airport.

Lynch then announced that she still would review Hillary Clinton's case but would accept the recommendation of investigators and prosecutors at the FBI and Justice Department. She declined to recuse herself.

Lynch told the committee Tuesday that she'd agreed to speak to Bill Clinton after he said he wanted to greet her. "We had a social conversation," she said. "Nothing related to the email (inquiry) was discussed."

Democrats criticized the committee's questions as political, given that the Justice Department was struggling to react to a string of shootings, including Friday's attack in Dallas that left five police officers dead and seven wounded. It was the deadliest attack on law enforcement officers since 9/11.

“We’re in the middle of an election season,” Rep. John Conyers Jr., D-Mich., said of the Republicans’ questions. Two bailiffs were shot to death and a deputy was wounded in a courthouse shooting Monday in Berrien County, Michigan.

Hillary Clinton, who will officially accept the Democratic Party’s nomination for president later this month at the convention, has been dogged for more than a year for exclusively using personal email routed through a private server while serving as the nation’s top diplomat from 2009 to 2013.

Rep. Jason Chaffetz, R-Utah, the chairman of the House Oversight and Government Reform Committee, and Goodlatte sent a rare criminal referral Monday to the Justice Department asking investigators to review Clinton’s sworn testimony that she hadn’t jeopardize government secrets.

Chaffetz and Goodlatte said they were asking for the inquiry as a result of Comey’s testimony that he had investigated the email matter but had not looked into whether Clinton had lied to Congress.

Comey faced intense questioning from Republicans in a nearly five-hour congressional hearing last week about his conclusion that Clinton hadn’t violated the law.

Comey acknowledged, however, that several of Clinton’s statements about the arrangement weren’t accurate. She testified for 11 hours in a hearing last October on Capitol Hill about the 2012 fatal attacks in Benghazi, Libya, during which she said she’d turned over all her emails, she had not sent or received classified information with markings, she had used only one device and that neither she nor her aides had deleted work-related emails.

Lynch sidestepped questions Tuesday about the false-statement accusations, telling the committee it should direct its questions about Comey’s conclusions to him.

Clinton’s campaign has not responded to a request for comment on the criminal referral. But campaign spokesman Brian Fallon said last week that Republican actions on the email investigation were “another taxpayer-funded sham of an inquiry to try to hurt Hillary Clinton politically.”

###

Politico: Lynch Refuses to Answer Questions on Clinton Email Probe (Josh Gerstein)
<http://www.politico.com/story/2016/07/loretta-lynch-testimony-clinton-email-225415>

Attorney General Loretta Lynch stonewalled a House committee’s questions about the probe into Hillary Clinton’s email server Tuesday, steadfastly refusing to discuss the facts and legal standards involved even though FBI Director James Comey did so at length last week.

Under pointed questioning from Republicans, Lynch insisted it would be improper for her to make public comments about the evidence gathered during the almost year-long inquiry.

“While I understand that this investigation has generated significant public interest, as Attorney General, it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team’s recommendation,” Lynch said at the outset of the House Judiciary Committee hearing. “I can tell you that I am extremely proud of the tremendous work of the dedicated prosecutors and agents on this matter.”

Lynch refused even to say how long her meeting with Comey and other members of the investigative team on the Clinton email inquiry lasted.

“I don’t recall and would not be providing that information,” the attorney general said. Lynch’s reticence on the issue clearly irritated GOP lawmakers, who were intent on using the session to explore what they said were inaccurate statements Clinton the all-but-certain Democratic presidential nominee made about her use of a private email server during her tenure as secretary of state.

Republicans also criticized Lynch for deferring to Comey rather than making an independent decision about whether criminal charges against Clinton were warranted.

“You are in charge of the Department of Justice and the buck stops with you,” said Rep. James Sensenbrenner (R-Wis.) “Why did you defer to Director Comey when the decision was yours?”

Lynch stressed that she decided to agree to what her “team” of subordinates and career officials recommended and that their recommendation not to pursue charges was unanimous.

Rep. Steve Chabot injected an unexpected and jarring topic into the hearing by raising President Bill Clinton's false testimony under oath two decades ago in the civil sexual harassment lawsuit brought by Paula Jones. Chabot appeared to be arguing that Secretary Clinton was getting away scotfree with the kind of false testimony that resulted in her husband's impeachment years ago.

"He was accused of sexually harassing a number of women. He lied under oath about it," Chabot said. "A young intern came forward... There was physical proof. I won't go into exactly what that was. That's why articles of impeachment were voted."

Democrats denounced Chabot's comments as over the line.

"I think we've reached a low point on this committee," said Rep. Hank Johnson (D-Ga.), who criticized his colleague for digging up "salacious" and dated events.

And the attorney general repeatedly insisted that she did not benefit from a double standard.

“There’s no separate method of enforcement for anyone here,” Lynch said. “I understand the emotion that generates. I understand the frustration that it generates.....She received no treatment different from any other.”

Lynch’s appearance came one day after House Republicans sought to fuel the controversy over Clinton’s email set-up by sending a pair of letters urging further investigation. One letter asked the U.S. Attorney in Washington to consider perjury charges against Clinton. Another asked

Comey to provide detailed records of the criminal probe, including details of Clinton's three-and-a-half-hour interview with the bureau earlier this month.

"It appears Secretary Clinton testified falsely when appearing under oath before the select Committee on Benghazi," Judiciary Committee Chairman Bob Goodlatte (R-Va.). "Secretary Clinton's extreme carelessness possible jeopardized the safety and security of our national" secrets, he added.

Under questioning by Rep. Jim Jordan (R-Ohio), Lynch said it was her informal meeting with former President Clinton on her plane on an airport tarmac in Phoenix last month that led her to declare publicly that she had decided to defer to the FBI's recommendation on Clinton's case.

"I was concerned that the conversation I had with the former president might make people think there was some influence there," Lynch said.

Jordan said Lynch's public announcement of plans to defer to her subordinates was a mistake.

"Why announce ahead of time when you've never done it before...and still claim you're the ultimate decider?...I think your action made it worse," Jordan said.

Lynch's unwillingness to provide her views on the facts or how the law applied to Clinton's situation provoked considerable frustration from Republicans and, a couple hours into the session, a stern rebuke from the committee's chairman.

"Your refusal to answer questions about a person who seeks the most important office in this land is an abdication of your responsibility," Goodlatte said as he prodded Lynch to be more responsive.

Lynch wasn't appreciably more forthcoming after that, prompting one GOP lawmaker to declare he was giving up.

"I'm going to simply capitulate to your prodigious dissimulation skills," said Rep. Trent Franks (R-Ariz.). "I'm going to suspend the remainder of my questions."

It was unclear whether Lynch's refusal to engage the email issue amounted to an implicit criticism of Comey for the extensive public comments he made about the Clinton email probe, both during a press statement last Tuesday and in testimony to the House Oversight and Government Reform Committee last Thursday.

At one point, the attorney general suggested she simply didn't have the same detailed knowledge of the probe as did Comey, who said repeatedly in recent months that he was closely monitoring the inquiry.

"The director and I had very different roles in this investigation and, therefore, very different amounts of information about this investigation," Lynch said.

At other moments, however, Lynch indicated her decision not to comment was driven by an ethical or policy concerns.

“It would not be appropriate in my role to discuss the specific facts and the law,” the attorney general said. “We typically actually do not provide the level of detail that Director Comey did.”

Some former prosecutors and Justice Department officials have criticized Comey for his detailed discussion of the FBI’s findings in a case that will not be prosecuted.

As employees of the Justice Department, both Lynch and Comey are subject to the same basic policies and regulations, including rules limiting public comment on investigations. Those regulations generally prohibit comment on evidence in a case, but there are exceptions for crimes of an “extraordinary nature.”

After an early afternoon break for a House floor vote, Lynch said she wanted to clarify that she was reluctant to discuss the information she had about the case because doing so could chill open discussion within the department.

“The information a team provides to me in this or any other case has to be given in a zone of confidentiality,” the attorney general said.

However, moments later, Lynch said disclosure of information about the investigation had been “frustrating” and she suggested it wouldn’t be fair to subjects of an investigation to characterize their behavior.

“Typically, we do not characterize the actions of individuals,” she said.

While Lynch offered no direct criticism of Clinton or her conduct, Benghazi Committee Chairman Rep. Trey Gowdy of South Carolina did manage to get the attorney general to say it’s her practice to use official email for work matters and only to use secure channels for classified communications.

“I believe it’s important to do that,” Lynch said. “It provides for a way of doing business in a secure system.”

The focus of lawmakers’ rhetoric Tuesday reflected a stark partisan divide. While Republicans bore down on Lynch over the Clinton email matter, Democrats accused their GOP colleagues of ignoring or downplaying more pressing issues such as gun violence and tensions between minority communities and police.

“Rome is burning. There is blood on the streets of many American cities and we are beating this email horse to death,” Rep. Cedric Richmond (D-La.) said.

“We’re in the middle of an election season,” the panel’s ranking Democrat Rep. John Conyers of Michigan declared, lamenting that the committee was missing “an opportunity to have engaged with you on more worthy subjects.”

“Apparently, Secretary Clinton’s email takes precedence over gun violence and civil rights,” Conyers said. “Let us be clear; the criminal investigation is closed there’re was no intentional

wrongdoing....If any of my colleagues are not yet convinced, it is because they don't want to be convinced."

Some Republican lawmakers defended the hearing, saying it was evident to them that political influence had affected the decision not to prosecute Clinton over the presence of classified information on her private server.

"It is a very serious matter and it's been covered up, General Lynch," said Rep. Steve King (R-Iowa).

Another unexpected turn in the hearing came when Rep. Randy Forbes (R-Va.) faulted Lynch for prosecuting former Gov. Bob McDonnell (R-Va.) over allegations he took official actions in exchange for tens of thousands of dollars in gifts and loans for a local businessman.

"You launched everything this department had against him to destroy him and prosecute him. Can you tell me the federal nexus you had in that case and compare that to the federal nexus against Secretary Clinton in national security of this county, which you refused to bring to a grand jury or for indictment to see if, in fact, one is justified?" Forbes asked.

Lynch, who was sworn in as attorney general after McDonnell was charged and convicted, declined to comment on the comparison to the former governor. His corruption convictions were overturned by the Supreme Court last month.

Lynch was so tight lipped that one Republican lawmaker said near the end of the hearing he was longing for the unthinkable: the return of Attorney General Eric Holder, who was on the receiving end of intense ire from GOP lawmakers and was eventually held in contempt of Congress in a House floor vote.

"I miss Eric Holder. At least, when he came here he gave us answers we didn't like....," Rep. Doug Collins (R-Ga.) said. "The optics of this are bad and you, today, have made it worse."

###

[NBC News: GOP Grills Lynch Over Clinton Email Investigation \(Aliyah Frumin\)](http://www.nbcnews.com/news/us-news/gop-grills-lynch-over-clinton-email-investigation-n607761)

Republican lawmakers grilled Attorney General Loretta Lynch on Tuesday about the Justice Department's decision not to bring charges against Hillary Clinton over her use of private email servers while secretary of state.

Democrats, meanwhile, skewered the GOP's inquisition as nothing more than campaign season posturing.

Lynch's appearance before the House Judiciary Committee was her first before Congress since the Justice Department's announcement last week that it was closing the Clinton email probe.

Lynch, who had removed herself from the case and said she would go with the recommendation of her team, repeatedly deflected questions on the decision not to prosecute Clinton, the presumptive Democratic presidential nominee. Instead, she referred to FBI Director James Comey's findings.

"While I understand that this investigation has generated significant public interest, as attorney general it would be inappropriate for me to comment further on the underlying facts of the investigation or the legal basis for the team's recommendation," Lynch told the committee.

She also stressed that she was extremely "proud" of the "tremendous work" of career agents and prosecutors, including Comey.

Republicans weren't buying it.

House Judiciary Chairman Bob Goodlatte, R-Virginia, said the decision was "troubling" and argued Clinton was held to a different standard. He insisted in his opening statement that Clinton's "extreme carelessness" may have hurt the safety and security of the U.S., arguing "she cannot be trusted with the nation's most sensitive secrets" if she becomes commander-in-chief.

"You're in charge of the Department of Justice. The buck stops with you," said GOP Rep. James Sensenbrenner of Wisconsin.

Meanwhile, Democrats, including ranking member Rep. John Conyers, D-Michigan, scolded Republicans for focusing on Clinton's email probe during an election season, insisting the issue has "taken precedence over gun violence and civil rights. Let us be clear the criminal investigation is closed. There was no intentional wrongdoing."

Democratic Rep. Zoe Lofgren of California later added, "We're beating a dead horse here for political reasons."

Lynch's testimony follows Comey, who defended his decision not to recommend criminal charges against the presumed Democratic presidential candidate during a contentious, almost five-hour hearing in front of the House Oversight and Government Reform Committee last week.

Republicans also continued to pepper Lynch with questions over her recent private meeting at an airport in Phoenix, Arizona with former president Bill Clinton, arguing it raised questions about the integrity of the inquiry. While Lynch has repeatedly conceded that the ill-advised meeting "cast a shadow" over the FBI-led investigation, she has maintained that the conversation was social in nature.

Lynch stressed the same on Tuesday, insisting "nothing of any relationship to the email investigation was discussed."

Lynch also discussed last week's lethal police shootings of two black men — Philando Castile in Minnesota and Alton Sterling in Louisiana and the attack by a black sniper on five police officers in Dallas.

She stressed that the department would continue to provide support and resources to police and citizens "in their efforts to build strong and more united communities."

"As we grapple with the aftermath of these events, the Department of Justice will continue to do everything in our power to build bonds of trust and cooperation between law enforcement and the communities we serve," Lynch said. "That work has never been more difficult or more important."

Lynch's tenure as attorney general began the same week Baltimore erupted in riots following the death of Freddie Gray, a black man who died from spinal injuries sustained after being transported in a police van last year. Since then, several high-profile incidents have occurred between minorities and law enforcement, including the high profile deaths of several African Americans while in police custody or during arrest an issue Lynch has promised to tackle.

###

The Atlantic: Loretta Lynch Can't Escape the Clinton Emails (Priscilla Alvarez, Nora Kelly)

<http://www.theatlantic.com/politics/archive/2016/07/loretta-lynch-bill-clinton/490907/>

Attorney General Loretta Lynch testified before the House Judiciary Committee on Tuesday in a hearing that vacillated between lawmakers expressing concern over the investigation of Hillary Clinton's email practices and their concerns about recent shootings.

House Judiciary Committee Chairman Bob Goodlatte kicked off the hearing with a moment of silence for the law-enforcement victims of last week's killings in Dallas and the shooting deaths of Alton Sterling in Louisiana and Philando Castile in Minnesota, both by police. Lynch followed with an acknowledgment of her own.

"Our hearts are literally broken for the families and loved ones of those we lost in these tragic events," Lynch said in her opening statement. "As we grapple with the aftermath of these events, the Department of Justice will continue to do everything in our power to build the bonds of trust and cooperation between law enforcement and the communities that we serve. That has never been more difficult nor more important." She added the department "will continue to give local departments the tools they need and training they require to come home safely, from funds for bulletproof vests to training in officer health, safety, and wellness."

The Clinton email probe dominated much of the session, with House Republicans grilling Lynch about her relationship with the Clintons and pressing her on the FBI's determination in the case. Last week, FBI Director James Comey announced he would not recommend charges against Clinton following his agency's investigation, but noted that her email use was "extremely careless." In short order, House Republicans called on Comey to appear at a congressional hearing on the investigation. This morning, Lynch, whose Justice Department closed the Clinton probe last week, was in a similar position.

She indicated in her opening statement she wouldn't be particularly open to discussing the matter. "It would be inappropriate for me to comment further on the underlying facts of the

investigation or the legal basis for the team's recommendation.” But Republicans ignored her intention. Virginia Representative Randy Forbes asked Lynch whether she was legally prohibited from answering lawmakers’ questions. She said that it “would not be appropriate in my role” to comment on some matters, and noted that Comey’s comments on the case weren’t typical. Goodlatte earlier asked Lynch if she agreed with the FBI’s conclusion. “I accepted that recommendation,” she said. “I saw no reason not to accept it. I reiterate my pride and faith in their work.” She confirmed that she hadn’t spoken with either of the Clintons about the FBI’s investigation, including during a conversation she had just days before Comey’s announcement with former President Bill Clinton. Goodlatte called that encounter “troubling” in his remarks at the top of the meeting.

Democrats seemed to have one goal throughout the meeting to stop talking about Clinton’s emails. Ranking Member John Conyers tried to focus lawmakers on criminal-justice reform. “I believe it’s more critical than ever that we reach a final agreement on police accountability and standards,” he said. Conyers noted the few working days left for Congress until it adjourns for the summer recess: “How will my colleagues on the other side of the aisle choose to fill that time? Today, apparently, Secretary Hillary Clinton's e-mail takes precedence over gun violence and civil rights.”

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TPM: Gohmert: Don't Accuse Me Of Obsessing Over Clinton! Now About Those Emails... (Caitlin Macneal)

<http://talkingpointsmemo.com/livewire/louie-gohmert-clinton-emails-dallas-shooting>

Rep. Louie Gohmert (R-TX) was outraged.

A Democratic congressman had just accused Republicans in a House Judiciary Committee hearing with Attorney General Loretta Lynch of caring more about Hillary Clinton's email use than the recent fatal shootings of Dallas police officers.

But Gohmert wasn't quite upset enough to question Lynch about anything other than the investigation into Clinton's email server.

Rep. Luis Gutierrez (D-IL) began his questions for Lynch by noting that Republicans spent more time in the hearing asking the attorney general about Clinton's emails than about shootings across the country, including the one that killed five police officers in Dallas last week. He said that to Republicans, the safety of Americans isn't important.

"What's important? Let's go talk about the emails once again," Gutierrez said, referring to Republicans.

He criticized Republican members for using the hearing to bring up the impeachment trial of former President Bill Clinton and the Supreme Court's decision to throw out the conviction of former Virginia Gov. Bob McDonnell (R).

Gohmert was next in line to question Lynch, and began by offering a rebuttal to Gutierrez. He said it was "an outrage" to accuse Republicans of not caring about the death of five police officers in Dallas.

The Republican congressman then proceeded to pepper Lynch with questions about the probe into Clinton's email use, and did not ask about any other topic.

#

Herwig, Paige (OAG)

From: Herwig, Paige (OAG)
Sent: Friday, July 15, 2016 2:59 PM
To: Maccoby, Jacob D (OPA); Santel, James (OPA)
Subject: Fwd: CQ transcript
Attachments: [CQ] House Judiciary Committee Holds Hearing on Justice Department Overs.....pdf; ATT00001.htm

Begin forwarded message:

From: "O'Brien, Alicia C (OLA)" <aobrien@jmd.usdoj.gov>
Date: July 13, 2016 at 9:07:25 AM EDT
To: "Herwig, Paige (OAG)" <pherwig@jmd.usdoj.gov>, "Pokorny, Carolyn (OAG)" <cpokorny@jmd.usdoj.gov>, "Newman, Melanie (OPA)" <mnewman@jmd.usdoj.gov>
Cc: "Kadzik, Peter J (OLA)" <pkadzik@jmd.usdoj.gov>
Subject: CQ transcript

Alicia C. O'Brien
Office of Legislative Affairs
(202) 305-8035
Alicia.C.O'Brien@usdoj.gov

CQ CONGRESSIONAL TRANSCRIPTS

Congressional Hearings

July 12, 2016 Final

House Judiciary Committee Holds Hearing on Justice Department Oversight

LIST OF PANEL MEMBERS AND WITNESSES

GOODLATTE:

Good morning.

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. And I will begin by recognizing myself for an opening statement.

Welcome, General Lynch, to your second appearance before the House Judiciary Committee. The flags over the capitol are flying at half-mast in recognition of the five Dallas police officers murdered in cold blood last week. This was not an arrest gone wrong. The person who carried out this appalling act of terror and hate stalked and murdered five police officers and injured seven others and two civilians, ostensibly in retaliation for recent police shootings, including the tragic and fatal shootings in Minnesota and Louisiana last week.

We mourn all those tragedies. The divisiveness between our police and our communities must end. And I ask that we observe a moment of silence for all those who have lost their lives in these tragedies.

(MOMENT OF SILENCE)

GOODLATTE:

Thank you.

We must not give in to state and let emotion replace reason. We must bridge the divide that separates us and embrace one another as Americans. We must have faith that the institutions that have sustained our republic for the last 240 years will deliver fair, impartial justice to victims of crime and punish the guilty.

I look forward to your thoughts on this important matter.

GOODLATTE:

The American people also expect government officials to abide by the law, just like everyone else. And to be reprimanded when they break the law. That is not the

case for former secretary of state Hillary Clinton.

Last week FBI Director James Comey announced that he would not recommend criminal charges against Secretary Clinton for her use of a private e-mail server while at the State Department and the mishandling of classified information.

The timing of and circumstances surrounding this announcement are particularly troubling. On Monday, June 27, Attorney General Lynch, you met privately with former President Bill Clinton aboard your plane on the tarmac of the Phoenix Airport, despite the fact that his wife was a target of an ongoing criminal investigation.

This encounter is even more troubling if the FBI is also investigating improper donations to the Clinton Foundation, which was founded by former President Clinton, a member of the foundation's board of directors.

Five days later, the FBI held its first and only interview with Secretary Clinton after a year-long investigation. Three days later, and on the first day back from a holiday weekend, Director Comey publicly announced that he was not recommending charges against Secretary Clinton.

And a mere 24 hours later, Attorney General Lynch, you issued a press release announcing that no charges would be brought against Secretary Clinton. While Director Comey may have refused to criminally indict Hillary Clinton, his public pronouncement and subsequent congressional testimony is nonetheless a public indictment of her conduct and character.

Though Director Comey declined to recommend charges, he laid out sufficient facts to warrant a referral to the Justice Department. That forces one to confront the question of whether someone who was not in Secretary Clinton's position would have fared as well with the FBI as she did.

Secretary Clinton stated repeatedly that no classified information was contained within her private e-mail system. This is not true. The FBI found 110 e-mails in 52 e-mail chains containing classified information at the time they were sent or received.

Secretary Clinton stated repeatedly that no information in her e-mails was marked classified. This is not true. The FBI found that some of these e-mails were marked classified. Secretary Clinton said all relevant e-mails were returned to the State Department. This is not true. The FBI found thousands of work related e-mails that were not returned.

But all of this evidence, according to Director Comey, amounted only to, quote, "extreme carelessness by Secretary Clinton and her staff." And although the director admitted that there is evidence of potential violations of the statutes regarding the handling of classified information, he went so far as to publicly declare that, quote, "no reasonable prosecutor would bring such a case." This

defies logic and the law.

Contrary to Director Comey's assertions, the law does not require evidence that a person intended to harm the United States in order to be criminally liable for the mishandling of classified information. To be sure, Congress has set forth a variety of statutes on this subject with different intent requirements and penalties.

Were a rank and file federal employee to do what Secretary Clinton did, they would face severe punishment including termination, revocation of security clearances, or criminal prosecution. Even Director Comey acknowledged this fact at a recent congressional hearing.

But Secretary Clinton is not facing prosecution for her actions. This has now become an issue for Congress in that it appears Secretary Clinton testified falsely when appearing under oath before the Select Committee on Benghazi.

Yesterday I and Oversight and Government Reform Chairman Chaffetz asked the United States Attorney for the District of Columbia to investigate Secretary Clinton's testimony before Congress.

Secretary Clinton's extreme carelessness possibly jeopardized the safety and security of our citizens and nation. Her extreme carelessness suggests she cannot be trusted with the nation's most sensitive secrets if she is nevertheless elected president.

Frankly, the FBI's conclusion leaves many more questions than answers. And we hope, Madam Attorney General, to get answers to those questions today.

Thank you.

And it is now my pleasure to recognize the ranking member of the committee, the gentleman from Michigan, Mr. Conyers, for his opening statement.

CONYERS:

Thank you, Chairman.

And welcome, Madam Attorney General, for being with us today.

The news of the past few days have been full of questions about violence, civil rights, and the safety of our police officers. I want you to know that we take seriously the burden of each of these questions on your office. It will not have escaped your attention that we're in the middle of an election season. You may also know that there are just three working days left until we break for the summer and really not much more time after that until the Congress ends.

Elections are about choices. A short working schedule is about setting priorities.

As you are no doubt aware, one of this Committee's top legislative priorities is criminal justice reform. We have already found consensus on a range of such issues including sentencing, prison, and asset forfeiture reform. The Chairman of this Committee and I also stand on the precipice of an agreement on policing reform legislation.

Given the events of the past week, the need for this measure has never been more urgent. Questions about the use of lethal force by police are not new, but the nation is newly engaged in the issue after Ferguson, Staten Island, Cleveland, North Charleston and Baltimore. Over the past week, we saw the same sad themes play out in Baton Rouge and Minnesota, as well as the horrific killing of five police officers in Dallas.

I believe it is more critical than ever that we reach a final agreement on police accountability and standards. In the time when African-Americans are 30 percent more likely than whites to be pulled over after -- over while driving -- more than three times more likely to have their car searched, and more than twice as likely to be shot by police, it is imperative that we restore public faith in our criminal justice system.

We must finish this work for both the communities that feel so much anguish this week and for the officers who patrol our streets every day. It is my sincere hope that we consider this matter before we're adjourn.

Unfortunately, there are many other areas where we have not been able to advance bipartisan initiatives. I'd like to tell you that we are prepared to have a substantive discussion about the manner in which we will restore Section 5 of the Voting Rights Act. The pre-clearance mechanism was used for decades by your department to restore a sense of fairness and jurisdictions that have known prejudice for generations.

Since it was struck down, we have seen at least 17 states enact measures designed to restrict access to the ballot box. Bipartisan legislation has been introduced that would have restored this vital tool long before voting began this year, but Mr. Sensenbrenner of Wisconsin's legislation sits untouched.

I would also like to tell you that we are prepared to address the scourge of gun violence in this country. The events last week in Baton Rouge and Minnesota and in Dallas, and the anger and sadness felt in communities across the nation, are what one commentator aptly called, "the horrific predictable result of a widely armed citizenry." This epidemic claims nearly 33,000 individuals every year.

CONYERS:

It affects our churches, our schools, our homes. It places our police officers in to the direct line of fire. It makes our citizens afraid. But we have not held a single hearing

on this topic, not when 26 children and teachers were murdered at Sandy Hook, not when our colleague was shot in Phoenix, and not when the body count reached 49 in Orlando.

Last month, every Democratic member of this committee wrote to our Chairman Goodlatte with a list specific policy proposals to address this violence and today I'm sorry to say we have received no response.

I would also like to tell you Madam Attorney General, that we have an answer for the millions of undocumented immigrants who came here in search of a better life but who are forced to live in the shadows. Some of us have put a great deal of effort into antagonizing and vilifying that community, but this committee has offered very few solutions acknowledging that these families are here to stay. But elections are about choices, Madam Attorney General.

There are only three working days, some counted less, left this month and then re-adjourned for seven weeks. How will my colleagues on the other side of the aisle choose to fill that time? Today, apparently Secretary Hillary Clinton's e-mail takes precedence over gun violence and civil rights. Let us be clear, the criminal investigation is closed. There was no intentional wrongdoing. Director Comey, whose reputation for independence and integrity is unquestioned, has explained his reasoning in great detail.

If any of my colleagues are not yet convinced, it is because they do not want to be convinced. And in their zeal to call Secretary Clinton a liar or maybe even a criminal despite the fact and despite the law, I fear we will have missed an opportunity to engage with you on more worthy subjects. We may also spend time today talking about the alleged wrongdoings of Commissioner Koskinen of the Internal Revenue Service.

Some of my colleagues want to use one of the remaining working days before the break to move his impeachment directly to the House floor, I hope they do not. In many ways, this gesture is totally meaningless. There is bipartisan consensus that the Commissioner's critics have not proved their case, and there is virtually no chance of a conviction in the Senate. But I believe that the rush to impeachment, although ineffectual, would set a dangerous precedent for the Congress and the American people.

Once we cross this line, we write a new rule. Whatever the merits of the charges, the House may impeach an official without due process, without the right to counsel, without the right to present evidence to this committee and without the right question the evidence presented against him. Elections are about choices, and here is the choice we face as the clock runs down on the 114th Congress. We can spend a few days that remain on conspiracy theories and political sniping, that does little for our constituents but drive them further apart from their neighbors.

Or we can attempt to solve even one of the long list of problems facing this country

today. We should choose to do work. The work we were sent here to do, or the public is right to choose somebody else to do it, and so I look forward to our conversation today, Madam Attorney General Lynch. I thank the Chairman and I yield back. Thank you.

GOODLATTE:

Thank you Mr. Conyers, and without objection, all the members' opening statements will be made a part of the record. We welcome our distinguished witness today and General Lynch if you would please rise, I'll begin by swearing you in. Do you swear that the testimony that you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

LYNCH:

I do.

GOODLATTE:

Thank you. Let the record reflect that the witness has responded in the affirmative. Attorney General Loretta Lynch was sworn in as the 83rd attorney general of the United States on April 27, 2015. As Lynch began her career in public service by joining the United States Attorney's Office for the Eastern district of New York. After nine years, Ms. Lynch was appointed by President Bill Clinton to lead that office as United States Attorney, a post she held until 2001.

Ms. Lynch then worked in private practice until 2010 when President Obama asked her to resume leadership of the United States Attorney's Office in Brooklyn. Ms. Lynch is a graduate of Harvard College and Harvard Law School. General Lynch, welcome. Your entire testimony will be made a part of the record and we ask you summarize your testimony in five minutes, thank you and you may begin.

LYNCH:

Thank you, sir.

Chairman Goodlatte, Ranking Member Conyers, and the distinguished members of this committee, I'm grateful for the opportunity to appear before you today to discuss how we can continue working together to ensure the security of our nation and the strength of our communities and the safety of our people. Now as we gather here this morning, I know that we are all thinking of the two bailiffs who were killed and the sheriff's deputy who was wounded in the shooting in a courthouse in Michigan yesterday.

The Department of Justice stands ready to provide whatever help we can to state and local authorities as they investigate this heinous crime and our sincerest condolences are with the friends, the colleagues and the loved ones of the devoted public servants that we lost. Now of course this incident follows on the heels of a

series of devastating events that rocked our nation last week.

The tragic deaths of Alton Sterling in Louisiana and Filando Castile in Minnesota and the deplorable murder of five brave Dallas police officers, Lorne Ahrens, Michael Krol, Michael Smith, Brent Thompson and Patrick Zamarripa, who were protecting a peaceful protest along with several of their comrades who were wounded. The Department of Justice, including the FBI, ATF, the U.S. Marshall Service and our U.S. Attorney's Office in the Northern district of Texas is working closely with our state and local counterparts and we will offer any assistance that we can as the investigation in Dallas unfolds.

And among other resources we will send assistance to the victims and to their families. Our hearts are literally broken for the families and loved ones of those we lost in these tragic events and our gratitude goes out to the brave men and women who wear the badge who carry our safety on their shoulders and who risk their lives every day to keep us safe. Now as we grapple with the aftermath of these events, the Department of Justice will continue to do everything in our power to build the bonds of trust and cooperation between law enforcement and the communities that we serve.

That work has never been more difficult not more important. We will continue to offer our state and local partners funding, training, technical assistance for critical programs as well as for assets like body worn cameras, de-escalation training and education in implicit bias. In fact in the last month, we announced that we would begin providing implicit bias training to federal law enforcement agents and prosecutors. We will continue to promote the recommendations of the president's task force on 21st century policing through training and technical assistance.

Our Civil Rights Division plays a critical role in ensuring constitutional policing and accountability and in rebuilding trust where trust has eroded.

And through our Office of Justice programs and our Office of Community Oriented Policing Services, we will continue to give local departments the tools they need and the training they require to come home safely, from funds for bulletproof vests to training in officer health, safety and wellness.

LYNCH:

Now, at the same time that we are working to support police and citizens in their efforts to build stronger and more united communities, we remain committed to keeping those communities safe and secure.

Just one month ago today, 49 innocent lives were taken in an attack on the Pulse Nightclub in Orlando: an appalling act of terror and of hate that underscored the urgency of confronting threats to our nation wherever they emerge and whatever form they take. There's no responsibility that this Department takes more seriously.

We're moving aggressively against those who seek to receive training from or are inspired by foreign violent extremist groups. And we've arrested more than 90 individuals since 2013 for conduct related to foreign fighter activity and homegrown violent extremism.

And we are working closely with our counterparts abroad to pursue terrorists and investigate attacks around the world. As the recent incidents in Turkey, Bangladesh, Iraq and Saudi Arabia have reminded us, terror knows no borders. And in the face of violent extremism, we must stand with our global partners in unity, readiness and in resolve. Now, I want to close with a comment about the investigation of Secretary Clinton's use of a personal e-mail server during her time as Secretary of State.

As you are aware, last week I met with Director Comey and career prosecutors and agents who conducted that investigation. I received and accepted their unanimous recommendation that the thorough, year long investigation be closed and no charges be brought against any individuals within the scope of the investigation. And while I understand, that this investigation has generated significant public interest, as Attorney General it would be inappropriate for me to comment further on the underlying facts of the investigations or the legal basis for the teams recommendation. But I can tell you that I am extremely proud of the tremendous work of the dedicated prosecutors and agents on this matter.

Thank you for this opportunity to make this opening statement.

GOODLATTE:

Thank you General Lynch. We'll now proceed under the five minute rule with questions for the witnesses and I'll begin by recognizing myself. Before being confirmed as Attorney General in May of last year, you were first nominated by President Obama to serve as United States Attorney for the Eastern District of New York. You were originally appointed to the U.S. Attorney post in 1999 by former President Bill Clinton. The existence of Secretary Clinton's private e-mail server was first brought to light in March of last year, one month before your confirmation as Attorney General.

A few months after your confirmation, the Inspectors General of State and National Intelligence requested the Department of Justice investigate whether classified information was stored on her private e-mail servers. The FBI then opened an investigation to the matter. Given that she was a political appointee of your current boss and more importantly, the wife of your previous boss, why did you not see fit to recuse yourself from the investigation? Wouldn't recusal or appointment of a special prosecutor have removed any appearance of impropriety given your service during Bill Clinton's presidency?

LYNCH:

Thank you for the question Mr. Chairman. As I've said on several occasions before

when the referral came into the Department of Justice, it was received and referred to experienced, dedicated career agents and prosecutors who handle matters of this type everyday, with independence, with efficiency, with thoroughness and the matter was handled like any other matter. It was reviewed through the chain by those independent career agents and prosecutors and in considering the matter there was no connection. There was no need for recusal or an independent prosecutor. And I indicated before, I'm incredibly proud of the dedicated work that they did over the past year.

GOODLATTE:

Let me follow up on that then. Two weeks ago, roughly a year into the FBI's investigation and a mere week before Director Comey's announcement. You met privately with your former boss, former President Bill Clinton on your plane at the Phoenix airport. Why was this meeting, particularly in light of your previous appointment by President Clinton, not grounds for recusing yourself?

LYNCH:

With respect of my conversation that I had with former President Clinton in Phoenix, it was a conversation that was held on the airplane, on the tarmac. The former President indicated he wanted to say hello, and I agreed to say hello. And we had a social conversation, nothing of any relationship to the e-mail investigation was discussed nor were any specific cases or matters before the Department of Justice discussed.

GOODLATTE:

We'll have some follow up questions to that later. But let me turn your attention to Director Comey's conclusions on a variety of points. Secretary Clinton stated that she never sent or received information marked as classified on her server. Director Comey stated, that was not true. Do you agree with Director Comey?

LYNCH:

You know, Director Comey has chosen to provide great detail into the basis of his recommendations that were ultimately provided to me. He's chosen to provide detailed statements and I would refer you to those statements. I, as Attorney General, am not able to provide any further comment on facts or the substance of the investigation.

GOODLATTE:

Well General Lynch, I think you would agree that the ultimate responsibility for a prosecutorial decision does not rest with the Federal Bureau of Investigation but with the Department of Justice, which you head. Have you not taken a close look at the work done by Director Comey, especially given the extreme national interest in

this issue to make a determination yourself? Whether you and those working for you agree or disagree with Director Comey?

LYNCH:

As I've indicated, I received the recommendation of the team and that team was composed of prosecutors and agents. With the unanimous recommendation as to how to resolve the investigation, and what the information that they had received.

GOODLATTE:

Do you agree with the conclusion?

LYNCH:

And I accepted that recommendation. I saw no reason not to accept it and again I reiterate my pride and faith in their work.

GOODLATTE:

Secretary Clinton stated that she did not e-mail any classified material, and Director Comey stated there was classified material e-mailed. Do you agree with Director Comey's conclusion about that?

LYNCH:

Again, I would have to refer you to Director Comey's statements for the basis for his recommendation.

GOODLATTE:

Director Comey stated there is evidence of potential violations of the statutes regarding the handling of classified information. Do you agree with Director Comey's statement?

LYNCH:

Again, I would refer you to Director Comey for any further explanation as to the basis for his recommendations. The recommendation that I received from the team, including Director Comey was that the investigation be - -

GOODLATTE:

Director Comey made a recommendation, but he made a recommendation to the Department of Justice, which you head. And you would have to come to the final conclusion on whether or not to act. I would presume that before you acted, you would look at his conclusions and determine whether you agreed with them or not.

LYNCH:

As I've indicated, I received a briefing from the team, which included, not just the prosecutors, but the agents and Director Comey, their unanimous recommendation was that the matter be resolved in the way in which we've announced. And I accepted that recommendation.

GOODLATTE:

Let me ask you one final question. That does not regard the specific facts with regard to Secretary Clinton, but Director Comey said that there was not clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information. My question for you is, is intent to violate the law a requirement under 18 USC Section 793F?

LYNCH:

Well, Congressman, I think the statutes that were considered here speak for themselves, to answer further would require a discussion of the facts and analysis of this matter. Which as I've indicated, I'm not in the position to provide at this time. Again, I refer you to Director Comey's discussion for that. As I've indicated, the team reviewed this matter and it was a unanimous team decision.

GOODLATTE:

And you made a decision following their recommendation to you, that you were not going to prosecute and the matter was closed, is that correct?

LYNCH:

I made the decision, some time ago, that I would accept the recommendation of that team, and was awaiting that recommendation. When I received it, there was no basis not to accept it and again I reiterate my pride and faith in them.

GOODLATTE:

Well thank you. I appreciate your faith in them. The concern here is regard to your sworn oath to uphold the United States Constitution and the laws there under, including 18 USC Section 793F and 18 USC Section 924 and to conclude that no prosecution would take place without examining and drawing conclusions regarding the questions that I've just asked, does not seem to be a responsible way to uphold your constitutionally sworn oath.

At this time, I recognize the Ranking Member of the Committee the gentleman from Michigan, Mr. Conyers, for his questions.

CONYERS:

Thank you.

Thank you for being here again, Attorney General. And thank you very much for your frank and candid discussion with us that is now taking place.

I'm looking for answers, and views of some events that I'm going to string together and ask you to discuss as far as you can, and in an appropriate manner. Baton Rouge, Louisiana police shot and killed Alton Sterling, video shows that he was shot while being pinned to the ground by two officers. Outside of Minneapolis, police shot and killed Philando Castile, at what should have been a routine traffic stop. He was armed but reports suggest that he repeatedly told police that he had a valid permit for the weapon. In Dallas, a gunman killed five police officers and wounded seven others in what appeared to be a well planned attack.

This terrible act in the middle of an otherwise peaceful protest in a city that has become a model for community engaged policing. And so I think you're qualified to advise us here as both the chief law enforcement officer in the United States and the first African- American woman to hold that post.

How can we make sense of these events during these trying times, ma'am?

LYNCH:

Thank you, Congressman, for the opportunity to speak on these issues. I believe that you have truly outlined the issue of the day facing our nation. And it is my hope that as we all look at these tragic incidents that we will take the opportunity to draw closer to each other, to have the difficult conversations about race and policing in this country involving all sides, involving all issues and all points of view.

I have spent the last year as Attorney General touring this great country, meeting specifically on the issue of police and community relations. And I have sought out jurisdictions that have had extremely troubled relationships, but have in fact made the conscious decision to pull themselves back from that brink and develop a positive relationship, between the community and law enforcement.

It can be done. I have seen it done. You have cited Dallas as one example of a police department that through its community policing efforts has crafted a strong bond with its community. So that when there is tension, there is an outlet, there is a way for discussion.

I believe, Congressman, that the key to many of the problems that we face is communication. Communication and truly listening to one another, listening to individuals who feel, for whatever reason, separated and at a distance from the goals of this great country.

Individuals who feel that they do not have an opportunity to fully participate in this great democracy, as well as listening to our brave members of law enforcement who talk to me every day with great poignancy about why they joined this wonderful

profession, their desire to protect, to serve, to put young people on the right path, to build a better country and build strong communities because they live in those communities.

All of that must be recognized as well as the pain of law enforcement who feel themselves under attack, as well. By recognizing our common humanity, our common loss and our common goals we can in fact work on this difficult problem.

CONYERS:

Thank you for your response. I would like to ask you in a friendly way how we can, as a committee, what is it that we can do to address the problem? And we seek your friendly advice in that direction because we want to work together with all of the branches of government and the House Judiciary Committee is in a very unusually important position to play an important role in this.

LYNCH:

Yes, thank you, Congressman. The Department of Justice is actively engaged in working with both communities and law enforcement to further these discussions. And, of course, efforts in our grant-making arena are important there.

And we welcome and appreciate the support of this committee and others in making sure the department's grant-making operations are fully funded. We also provide a great deal of support for law enforcement through training and technical assistance, for example, the bulletproof vest program and our funding for body-worn cameras for so many police departments.

Again, we thank this committee and so many members of Congress who have provided bipartisan support for those efforts and we would hope those efforts in funding in particular would continue. Those are just a few of the examples of ways in which we hope to continue to receive support.

I would also note that the issue of criminal justice reform is a larger canvas upon which this conversation is being writ. And certainly we support the efforts by so many on this committee and others throughout Congress to push that important legislation forward.

We've provided assistance in terms of many of the details that have been raised in the context of that legislation. I know this committee, in particular, has spent so much time and effort on that. And we appreciate that and all of the issues that have been raised.

And that is an important way towards dealing with making our criminal justice system more effective, more efficient, and more fair. That in and of itself, will go a long way towards restoring faith and trust in the overall criminal justice system, which is also a problem often raised to my attention during my travels.

So the department looks forward to continuing to support those important efforts.

CONYERS:

I'm so pleased that you would be with us today. And I hope that we can continue this communication because it's very important for all of the citizens in our nation.

And I thank the chair.

GOODLATTE:

Thank you, Mr. Conyers.

The chair now recognizes the gentleman from Wisconsin, Mr. Sensenbrenner, for five minutes.

SENSENBRENNER:

Thank you very much, Mr. Chairman.

And thank you, General Lynch, for being with us today. You are in charge of the Department Of Justice. The buck stops with you. And I am concerned that you keep on saying that you have deferred the authority that by law is yours to Director Comey.

Let me give an example. Mr. Comey has said that Secretary Clinton was extremely careless in her handling of highly classified and very sensitive information. Now, the criminal statute uses the word gross negligence.

And I can't, for the life of me, figure out what the difference between gross negligence and extremely careless is unless one really wants to parse some words. Secondly, the misdemeanor statute does not require intent. It's a strict liability statute and it relates to the removal and retention of classified information.

So it doesn't matter whether Secretary Clinton had the intent to do that or not, the fact is, is that the FBI said that she did it. Now, I think that what the Director Comey has said is that Secretary Clinton's actions essentially meet the definition for prosecution under the statute.

Why did you defer to Director Comey when the responsibility is yours?

LYNCH:

Thank you, Mr. -- thank you, Congressman, for the question. Let me be clear that my decision was to accept the recommendation of the team of agents and investigators who worked on this.

And these are the career attorneys and as well as the dedicated investigators including the FBI director who worked on this matter for over a year. They've

reviewed the facts. They followed the facts. They looked at the law.

They've applied the facts to that law and came up with a unanimous recommendation, a joint recommendation in effect that was provided to me.

(CROSSTALK)

SENSENBRENNER:

Well, I have a limited amount of time. You know, the fact is, is that whether it's extremely careless or gross negligence and a strict liability statute, I think that the language of the statute is clear.

Now, I've noted that the Justice Department over the last several years has prosecuted several servicemen for doing the exact same thing that Secretary Clinton did. And in one case, actually reached a judgment of a court that prohibited that servicemen from ever having a security classification again.

Now, you'll have a problem, Madam Attorney General, that people think that there's a different standard between the servicemen and Secretary Clinton and the fact that the language is almost synonymous, if not synonymous, saying no prosecution of Secretary Clinton and prosecution and conviction of the servicemen.

You have a burden, I think, to convince to the American public that you don't have a double standard. You're not meeting the burden, how do you plan to change the argument that you make to the American public so that they can be convinced that the thing was correct and that you made the right decision rather than simply deferring to people in the FBI and prosecutors?

LYNCH:

Congressman, every case stands on its own separate facts and application of those facts to the law. So you have to refer to the specific facts of the other matters that you're referring to.

With respect to the investigation into the former secretary's handling of classified information, her private e-mail system. Again, I tell you, I can tell you and this entire committee and the American people, that all of the relevant facts were considered, investigated thoroughly, and reviewed by the entire team.

LYNCH:

Which, again, is composed of career independent, investigators, as well as lawyers and their recommendation upon a full and thorough analysis was that the matter be resolved in the way in which is was recommended to me.

As I've indicated, I've determined to accept that recommendation and did in fact accept that recommendation.

SENSENBRENNER:

One final question. One of the service people who was prosecuted basically sent an e-mail out that his fellow Marines were in danger. And he ended up getting prosecuted for warning his fellow Marines that their lives may be in danger. Now here in the case of Mrs. Clinton, the private e-mail arrangement was simply to avoid public scrutiny. So in terms of the intent of Major Jason Brezler and Secretary Clinton one, Major Brezler, was doing it to save his colleagues. The other, Secretary Clinton, was to avoid transparency.

In terms of the bottom line, that's the hoop that you have to jump through in order to retain and regain your credibility with the American public. I hope that you'll be able to do that. And I yield back.

GOODLATTE:

Chair thanks the gentleman and recognizes the gentleman from New York, Mr. Nadler, for five minutes.

NADLER:

Thank you Mr. Chairman. Thank you Ms. Lynch for appearing here today and for your service as Attorney General. I'm sure that many of my Republican colleagues will spend their time discussing the over-hyped matter concerning Secretary Clinton's e-mails and I'm going to focus instead on more important issues facing this country.

We're all sickened by the killings of Alton Sterling in Baton Rouge and Philando Castile outside of St. Paul. According to the ACLU Mr. Castile was the 123rd African-American to be killed by law enforcement this year. That is of course no excuse for last week's vicious murders of five police officers in Dallas but the knowledge that Mr. Sterling's and Mr. Castile's deaths come on the heels of a long list of senseless killings of black men, women and children's encounters with the police might have gone differently had they not been black must spur us to take action.

Black Lives Matter is not a hashtag. It is an imperative. And I appreciate the work that you are doing and your department is doing in this regard and I hope you'll keep us informed on that. But I want to go to a different matter, related, unfortunately. Exactly one month ago today a lone gunman killed 49 people and wounded more than 50 others in an LGTB nightclub in Orlando. Mass shootings are now an all-too-common occurrence in this country. In 2016 there were 229 mass shootings defined as shootings in which at least four people are shot.

As you know every day on average nearly 300 Americans are shot in murders, assaults, suicides, suicide attempts, accidents and police actions. Forty-eight of them are children and teenagers. This is a distinctly American problem. More than

33,000 Americans lose their lives to gun violence each year. In the United Kingdom, in 2011, 146 deaths to gun violence. In Denmark, 71. Portugal, 142. Japan just 30. In the United States, 33,000.

You cannot tell me, no one can tell me, that the American people are a thousand times more mentally ill than people in these other countries.

A recent study in the American Journal of Medicine found that compared to 22 other high-income countries the gun-related murder rate in the United States is 25 times higher. We have held exact (Inaudible) there is an epidemic of gun violence. And how is the majority in Congress responded? With emergency hearings about Hillary Clinton's and Lois Lerner's e-mails. WE have held of course zero hearings on gun violence. We have passed no bills to address the issue. We have done nothing to require universal background checks, we continue to allow military style assault weapons in our streets. We have not even prevented those on the no-fly list from purchasing guns.

That's why I was proud to join John Lewis and nearly the entire Democratic Caucus in protesting the Republican Congress' abdication on this issue. Now, Ms. Lynch, what does the assassination of five Dallas police officers last week tell us about the NRA's favorite adage, "The only thing that stops a bad guy with a gun is a good guy with a gun." The police officers after all were armed. And what about an armed society is a polite society.

LYNCH:

Congressman thank you for raising this important issue of gun violence in our society. I don't have a comment on the NRA's positions or statements...

NADLER:

But what about that statement -- never mind their positions -- what do you think of the statement that the only thing that stops a bad guy with a gun is a good guy with a gun. Is that true? Does it work?

LYNCH:

Congressman, the issue as usual doesn't really lend itself well to aphorisms and short statements. It's my hope that the work of many on this committee and indeed throughout Congress in having the discussion that has begun on this issue will continue so that we can in fact continue to work on serious issues of access to firearms in our society.

Earlier this year I did make several recommendations to the White House which were accepted for important ways of dealing with this issue. Ranging from clarifying gun guidance on those who are engaged in the business and therefore must provide background checks for purchasers, ranging from clarifying rules on acquisitions of certain types of firearms, and by those in certain business capacities

such as trust.

But also, a very important part of that was a request for additional funding for ATF, for more resources to deal with the information and the issues arising out of gun violence as well as funding for HHS to deal with the issues of mental health that place so many Americans in jeopardy.

NADLER:

A loophole in federal law allows the transfer of firearms to anybody after three business days even if a background check is not complete. Last year the FBI concluded the suspect in the shooting in Charleston was able to purchase a gun through this loophole. Should that policy change, should we hold the transfer of firearms until the background check has been completed?

LYNCH:

Congressman in order to change that rule it would require Congressional action. The three day waiting period is part of Congressional action that has already been voted on by Congress. And certainly it is a fact that with the rise in purchases and the increased use on the NICS background system, there is ever more use of that system. We are working to improve the NICS system, to make it as efficient as possible. We've expanded the number of personnel working on those background checks. We are working also to improve the automated portion of the NICS system so that the dealers who go through the NICS system will be able to get information more quickly and to be able to respond either by proceeding or denying the sale, or in other ways as appropriate. So we are working within the system as it is currently structured. In order to change that it would require Congressional action.

NADLER:

Thank you. My time is expiring but I want to briefly mention one more issue. We've been following the Department's review of the consent decrees that govern ASCAP and BMI. There are reports that the Department is not recommending any changes to the consent decrees but is moving forward with an interpretation of the decrees requiring these organizations to license works on a 100 percent basis instead of the current practice of fractional licensing, in conflict with the formal opinion of the U.S. Registrar of Copyrights.

I've heard from numerous songwriters and constituents greatly concerned about the destruction this will cause in the industry and to the greater process. Several of the parties involved have raised a host of other issues relating to the consent decrees as well. Can you clarify for the committee the status of the Department's review of the consent decrees and the process moving forward?

GOODLATTE:

The time of the gentleman has expired. The witness will be permitted to briefly answer the question.

LYNCH:

Thank you Mr. Chairman. Thank you Congressman. The anti-trust division is engaged in a review of the consent decree which I believe dates to 1941. It has been utilizing a public comment system. After going through an initial round and receiving public comments another round of public comments was also opened. Those comments are still being reviewed. Stakeholders are being consulted with and it is my understanding that the Anti-Trust Division will be wrapping up this matter shortly. And will be making public its findings and we will of course make sure that they're made available to Congress.

I think they would be in any event provided to you but we will certainly make sure that they are provided to you.

NADLER:

Thank you very much.

GOODLATTE:

The Chair recognizes the gentleman from Ohio, Mr. Chabot for five minutes.

CHABOT:

Thank you Mr. Chairman. Madame Attorney General, I think the thing that I find so disheartening, so unfortunate about FBI Director Comey's decision not to recommend criminal charges against former Secretary of State Hillary Clinton last week was that for a lot of Americans it looked like we're setting a double standard here. Unequal treatment under the law.

Under the facts of the case as laid out by Director Comey, virtually anybody else -- I think most Americans think, including myself -- there would have been charges brought for a crime. Against virtually anybody else in this country. But the politically-connected Hillary Clinton, well we won't charge her. Look what Comey laid out. It's already been laid out to some degree but I think it warrants doing it again.

CHABOT:

He found that despite the fact that Hillary claimed that she'd never sent or received classified information over a private e-mail she'd actually send 110 -- over 100 -- of them and eight of those were determined to have been top secret at the time that they were sent.

Now I assume that based upon the way you've answered some of my colleague's

questions prior to this, you're not going to acknowledge what I think virtually every other American believes. Even her supporters.

And that's at least acknowledged as Director Comey did is that she lied. Would you respond?

LYNCH:

Congressman, with respect to the director's statements, as I've indicated, he's provided really unprecedented access into his views of the matter, and I would refer you to them.

I understand the issue you raise, obviously, is one involving perceptions as to whether or not charges would have been brought in some other situation. And again, I can only refer you back to the director's statements where he chose to outline the fact that no other cases similar to this had, in fact, been brought.

CHABOT:

Let me go back to what Mr. Sensenbrenner referred to. I think it's one of the great mysteries of the case. And that's why extreme carelessness -- apparently not in his mind and you accepted it, so I guess apparently not in your mind -- does not institute gross negligence.

Now, I'm an attorney, I practiced 16 years before coming here and I've been on this committee for 20 years so (ph) I'm not actively practicing law right now. Been doing this type of thing for a long time.

And I, for the life of me, don't know what the difference between extreme carelessness and gross negligence is. He said he found one but apparently not the others. Could you shed some light for me and perhaps anybody else in this room or that may ultimately watch this, what is the difference between the two?

LYNCH:

Well, Congressman, again, I'm not going to further explain the director's comments, as he has, I believe, explained them. What I will say, when people have asked, and I believe -- I understand your question to be the meaning of gross negligence, one always, as you know, referred to the statute itself relevant cases and then of course, it is a very fact-specific inquiry.

And since to go further would go into the facts of the case I'm not able to go further at this time. But we start with the statute. We start with relevant case law. We start with legislative history into the determination...

(CROSSTALK)

CHABOT:

OK also as Sensenbrenner mentioned -- I -- I've got limited time, as well. So since -- you're not gonna answer that question, lemme -- lemme give you one final question, here.

Let me go back to this double standard thing that I mentioned before. I couldn't help being reminded when the whole thing -- especially over the last week -- something that I was involved in, in this very committee 18 years ago.

And at the time, it was Hillary Clinton's husband, Bill Clinton who was in trouble. He was accused of sexually harassing a number of women and lied under oath about it, committed perjury. He'd been asked if there were other women.

There was a civil lawsuit brought and oftentimes when you have a lawsuit like that, you go to other people. Did you sexually -- were you aggressive with people who were under your jurisdiction or that you had some power over?

Did you ever do that? No, he never did. Well, then a young intern came forward that was working under him at the White House and she had physical proof. He denied it but there was physical proof.

I won't go into exactly what that was. But there was -- there was proof about that. So he was pretty much caught up in this -- he lied. Committed perjury. And that's why articles of impeachment were voted affirmatively out of this committee.

And then in the full house and then he went for trial in the Senate, I know a lot about that because they picked 13 members to be the prosecutors in that case. The house managers and I was one of them under Henry Hyde, who, of course, has gone on.

My principle focus at that trial was the topic of perjury, the elements of it, its history, what you had to prove. And in my argument with the Senate, my argument about that was that we had hundreds of people all over the country who were in jail. Behind bars for perjury and the President of the United States shouldn't be above the law.

Well, the ultimate though was 50 to remove him, 50 to stay so he remained -- he remained president. But I would just conclude by saying that every American, including the President of the United States, including a candidate for the highest office in our land ought to be treated equally under the law.

And I think in this case, I think it's a travesty because I don't think Hillary Clinton has been treated like any other American would have been treated under the same circumstances.

And I yield back.

GOODLATTE:

Chair (ph), thanks gentleman.

Recognizes the gentlewoman from California Ms. Lofgren for five minutes.

LOFGREN:

Thank you, Mr. Chairman.

Thank you, General Lynch for taking the time to be here with us today. I get a sense that really we're in this political season and there's so much disappointment on the Republican side in a country that they couldn't obviate the election through the legal process.

You know, despite the fact that most of us -- I mean in the Congress -- we use personal e-mails that are not official. I do and I know many members of this committee on both sides of the aisle do that.

And Secretary Clinton, like her predecessor before her General Colin Powell, used a private e-mail system for convenience. She has expressed the view that that was a mistake. I don't know that Colin Powell has.

Certainly, we know from press reports, that the official State Department e-mail account was the subject of a worst-ever cyber intrusion of any federal agency. What we don't know is whether her communications on her private e-mail were actually more secure than had she used the State Department e-mail system.

But after over a year and \$30 million or more across various agencies and congressional committees investigating this matter, your agency has finally made the determination to follow the FBI's recommendation not to prosecute.

And I think, you know, to some extent we're being a dead horse here, for political reasons. And I think it's important because to use your time here for other things. There are a lot of things that need attention that we're not giving attention to.

And so I'd like to raise the issue -- it may seem arcane but it's really important -- of the backlog in immigration courts. You know, we have had a massive expansion of immigration enforcement from 2003 to 2016.

We increased the border protection -- U.S. border patrol and protection and ICE from \$9.1 billion to \$20.1 billion, that's a massive expansion. But at the same time we increased, in your department, the Office of Immigration Review and the immigration courts \$199 million to \$426 billion.

We have a massive backlog right now in Los Angeles; the backlog is 806 days to hear a matter in immigration court. In Chicago, it's 915 days, Denver 983 days, Phoenix 884 days. This is, I mean, really years and years to hear your matter in court.

And I'm wondering if you have -- obviously, we need additional resources. But what are your thoughts of managing this just unconscionable workload for the immigration courts?

LYNCH:

Thank you, Congresswoman, for raising that important issue. Certainly, with respect to the workload of the Executive Office of Immigration Review, their workload has increased significantly over the past several years due to the influx of those seeking to enter our country.

We saw this problem begin several years ago, as you have noted. The backlog of more than two or three years is something we have been noting. And certainly back in 2014, EIOR (ph) decided to try to handle this matter by prioritizing certain types of cases and trying to work through that backlog.

Particularly along our southwest border, you mentioned Los Angeles, you mentioned phoenix. Although Chicago reflects an influx of individuals who've chosen to move further north.

But particularly along our southwest border. We've been trying to work on those backlogs. The additional resources we have with the assistance of Congress and I thank the members of this committee and other members for their support.

We have been able to add additional resources to the immigration courts. We have, as far as 2016, hired 36 new immigration judges. We hired 20 new judges in 2015 and we have another approximately 100 judges going through the hiring process now.

It is our hope that this will assist us in not only handling the priority issues, but dealing with the backlog that often results from the other areas that we have to pull resources from.

We are always looking for ways to make the system more efficient, to make the system deal with the important issues raised in immigration courts to protect our borders, as well as to provide due process to those who are in immigration court.

LOFGREN:

I thank you, general.

I would like to note, Mr. Chairman that our colleague Sheila Jackson-Lee is not here because she is attending the memorial in Dallas. I wanted to make sure that members knew that it's not for lack of interest but because of that obligation.

I thank you, General Lynch, for your testimony.

And I yield back.

GOODLATTE:

The Chair thanks the gentlewoman, and recognizes the gentleman from California,

Mr. Issa, for five minutes.

ISSA:

Thank you.

General Lynch, you and I worked together on a myriad of issues. And I have great respect for many parts of the work you do and the way you do it.

So, I'm going to take a tact that maybe is more appropriate to my own district and to the men and women there who are asking certain questions. And I'll run you through some quick questions, and it's really for them to understand.

You're obviously a skilled attorney. You took an oath. You're under a penalty of perjury as you speak today. You prepared for today, so that you'd be able to answer some of the critical questions, including, obviously, the ones that you've been asked so far.

Is that correct?

LYNCH:

I try and be responsive to the committee's questions, and I appreciate that the information that staffers provide about what's of interest of the committee, so that we can have the information for you.

ISSA:

So in that preparation -- and you've got my old friend Peter (inaudible) behind you. You prepared to answer questions, more or less in about four ways. Yes, no, I don't know, or I can't answer, or in some cases, some combination of that. That's pretty much how you answer here is affirmatively yes, affirmatively no, or these shades of gray in between, correct?

LYNCH:

Congressman, I'm not going go into the internal discussions....

ISSA:

No, no, I'm not asking for the internal, but the character of the question...

(CROSSTALK)

LYNCH:

... characterize my responses in that way.

ISSA:

So, so far today, you have rarely said absolutely yes or absolutely no, correct? You've mostly talked in terms, of I can't answer that, or it's not appropriate or see the FBI director.

And so, in light of that, and this is really a question of what do I tell the Marines, the sailors, Army personnel in my district, the veterans, the contractors, all those who work for the government with classified information. The former secretary of state, in an unambiguous way said repeatedly, both under oath and to the public time and time again, I did not send or receive any information marked classified.

And you are aware of that, that she had definitively said this repeatedly, right?

LYNCH:

I believe her statements are on the record and I defer you to that.

ISSA:

And I have referred to that. She unambiguously said something which was not true, according to the FBI director.

So, when you send and receive documents that are marked classified, clearly -- and according to her statement, 300 people have seen her e-mails, some portion of those people saw the ones that said secret, top secret, confidential whatever, none of them are charged.

What do I say to the tens of thousands of people that live and work in my district, that work for the federal government, including more than 47,000 Marines? What do I say, when in fact, saying something that isn't true, handling classified information in an extremely careless way has no criminal ramifications?

What do I say to them? How do I reconcile the fact that they know that their friends and colleagues have been prosecuted or fired for doing less in the past?

LYNCH:

Congressman, I can't speak to any cases you may be referring to involving friends or colleagues. Again, I would refer you to the description that...

(CROSSTALK)

ISSA:

No, I appreciate that, Madam General. But I'm going to ask you a question.

(CROSSTALK)

LYNCH:

... that follow this similar fact pattern.

ISSA:
You -- OK.

LYNCH:
That is what I think we focus on.

ISSA:
OK. Let me go through...

LYNCH:
Every case is different.

ISSA:
Every case is different.

LYNCH:
Every case has to be handled in the same way. Every individual, whether they are former secretary...

(CROSSTALK)

ISSA:
Madam General, I have very limited time.

LYNCH:
... with the facts and the law there.

ISSA:
General Lynch, you keep mentioning this professional team of career professionals. Were there any political appointees on that team? Any people, who in fact, did not work for the State Department -- or did not work for the U.S. Attorney's Office prior to President Obama coming into office?

LYNCH:
Well, my understanding -- again, with respect to the team, typically we don't go into the composition of it. It was led by our National Security Division, and everyone on the team was a career individual.

ISSA:

Again, I'll ask the question with specificity. I'm not asking for names. Was there at least one person who was politically appointed that was on that team?

LYNCH:

The investigative team was composed of career prosecutors and seasoned agents.

ISSA:

The question is, was there at least one that did not work a career, that was in fact an appointee, either confirmed or unconfirmed?

LYNCH:

Congressman, I've replied to you as to the composition of the team. That all of them...

ISSA:

OK. So -- so your answer is no. There were no political appointees.

LYNCH:

All of them were career lawyers, as well as seasoned investigators.

ISSA:

OK. I'll take that as a no, because that's the only way I can interpret what you keep repeating.

So, last but not least, the American people are told that these documents were not a crime to carelessly deal with.

Should I find a way to make sure that those thousands of documents are made public so the American people can evaluate just how insignificant they are or how President Obama said there's classified and then there's classified?

Are these documents, documents that could be easily made available to the public? Or are they too sensitive to be made to the public today?

LYNCH:

Congressman, I would -- you may take the appropriate steps in terms of reviewing anything. And you may make requests for that and we'll work to accommodate you with respect to that.

I don't have an answer for you beyond that...

(CROSSTALK)

ISSA:

Today you could not -- you could not characterize whether any or all of those documents would have to be retained privately because they're too sensitive to be made public.

GOODLATTE:

The time of the gentleman has expired. The witness will be permitted to answer the question.

LYNCH:

Thank you, Mr. Chairman.

With respect to the handling of any of the documents or e-mails in this matter, because they involve another agency, we would have to work with the other agency.

We always work with the agency that is termed the owner of information. So on behalf of the Department Of Justice, I would not be able to give you an answer at this time as to those documents because it would involve other agencies.

ISSA:

Thank you, Mr. Chairman. I yield back.

GOODLATTE:

The chair thanks the gentleman.

Recognizes the gentleman from Tennessee, Mr. Cohen, for five minutes.

COHEN:

Thank you, Mr. Chair.

Madam Attorney General Lynch, when you appeared last time before the committee, I brought up the case of Darrius Stewart. Darrius Stewart was a young man, 19 years old who was shot to death by a Memphis police officer.

The -- he was a passenger in a car. The officer stopped the car for a headlight violation and ran a check on the passenger. Ended up getting in the backseat and the officer shot and killed him.

Our local prosecutor asked the grand jury to indict for manslaughter but the grand jury didn't, for some reason. I asked the Department of Justice to investigate and I'm grateful for that.

We are eager to know the results of your investigation. We need to know if there

are any civil rights violations. Can you please tell us when we might expect any results in that case?

I read today in the Times about the Garner case. I know it's difficult but this case is one that's in Memphis with Darrius Stewart.

LYNCH:

Yes, thank you for raising this important issue. The matter is still under review so I'm not able to give you either a result or time table at this time. But, of course, we will work to keep you informed.

COHEN:

Thank you very much. Last week, we saw more disturbing video of police shooting of African Americans. And we saw police officers killed in Dallas and that was dreadful.

The other side has made a point, my friends, to say people should know that nobody is above the law and all people are treated equally. Unfortunately, what we've seen is that African Americans are not treated equally when it comes to deadly force and police officers in this country.

And that's a more chilling reality than anything else that's been brought up here, today. People's lives have been taken. This is a great problem. Black lives matter.

Congressman Lacy Clay and I put forward a bill last year, the Police Training and Independent Review Act, H.R. 2302 to address two of the major issues that have been identified as necessary to help improve the relationship of police and citizens.

The bill withhold a portion of federal funding unless police are trained on a range of important issues like racial and ethnic bias and cultural diversity. I note the DOJ recently announced it would train all its office agents to recognize implicit bias.

So I know you're aware of the need of training. Our bill would also withhold a portion of federal funding unless police shootings that result in a death or injury are investigated. And if necessary, prosecuted independently.

Asking a local prosecutor to investigate the same law enforcement agency they work with and provide them with witnesses is implicitly wrong. Like Caesar's wife (ph) an individual should be a prosecutor beyond the appearance of impropriety.

If a prosecutor does everything right, this actually can still appear biased. If we're serious about restoring the sense of trust that we need to have with our citizenry, we need to eliminate this conflict of interest.

As I know, as you've mentioned, a key part of President Obama's task force on 21st century policing calls for independent prosecutors. Campaign Zero gaining a lot of credibility also was called for the passage of this act.

Congressman Clay and I have seen a surge of support. We now have 77 cosponsors has been (ph) endorsed by it as unlikely (ph) a team maybe as the NAACP in the Chicago Tribune.

Do you think that additional training for police and the use of independent prosecutors would help reduce violence between police and civilians and help restore a sense of trust in law enforcement?

LYNCH:

Well, thank you for raising this important issue, Congressman. I think that the issue of the training that we -- at the Department of Justice provide for law enforcement, as well as the training generated in the field, is of utmost importance.

I will tell you that as I have, in fact, traveled the country on my community policing tour, highlighting departments that are working on this very issue. I've seen some outstanding examples in particular of de-escalation training, using various scenarios to start literally with the mindset of the officer and how they respond to certain situations.

I've also been extremely encouraged by seeing law enforcement comment on many of the recent incidents that have been captured on video and talk about how training would or would not relate to those specific incidents.

And I've been incredibly heartened by the growing sense of importance this issue has taken on within law enforcement itself. We have seen a number of -- as I mentioned of very, very positive programs involving training.

We've seen, as I mentioned, not just the de-escalation but also training in the issues about the definitions of excessive force, the legal standards for excessive force. I've seen programs that break that down for officers where we have seen...

(CROSSTALK)

COHEN:

My time is about to expire. So do you think training is something -- additional training would be important?

LYNCH:

It is key.

COHEN:

And would independent prosecutors be a good thing?

LYNCH:

I believe it depends upon the nature of the office that would be looking into the matter. I believe that you would need individuals who have experience in dealing with complicated cases, who have experience in dealing with forensic evidence and certainly, you'd want those offices wherever they be located, to have that kind of expertise at their hands, as well.

COHEN:

Let me close, Mr. Chairman with one other fact.

I don't know if you're aware but in Memphis, a group -- partially black lives matter -- had a protest march on Sunday. They interfered with traffic, made their demonstration on I-40 at the Hernando de Soto Bridge crossing through the river.

Our interim police Director Rawlings marched arm and arm with them. Saw to it that there was no violence, no shootings, no use of force. He showed a kind of policing we need in this country where both the protesters and all the citizenry and the police saw this man as a leader, a hero and somebody who kept the calm and the peace in Memphis, Tennessee. Thank you.

GOODLATTE:

The time of the gentleman has expired but the witness will be permitted to respond, if she chooses to do so.

LYNCH:

Just to acknowledge, indeed, the strong leadership of the Memphis police chief, which I've seen replicated in departments across the country including, particularly, in Dallas.

GOODLATTE:

The chair recognizes the gentleman from Virginia, Mr. Forbes, for five minutes.

FORBES:

Thank you, Mr. Chairman.

And Madam Attorney General, thank you for being here today and for responding to our questions. Madam Chairman -- I mean Madam Attorney General -- when Director Comey was here, he was very forthcoming and candid in answering his questions with specificity about Secretary Clinton and he did not refuse to answer any of those questions based on the fact that there was some legal prohibition that kept him from doing it.

Today, you have indicated several times that you wouldn't respond to some of those questions with specificity. Is there any legal prohibition that you have that Director Comey did not have that prohibits you from answering those questions with some

degree of specificity?

LYNCH:

Thank you for the opportunity to speak to that, Congressman. I think it's important to note that the director and I had different roles in the investigation. And therefore, very different amounts of information about this investigation.

I am speaking about the information that I received, which again, as I noted was the team recommendation. Director Comey was speaking from his position as someone who was...

(CROSSTALK)

FORBES:

I understand that you may have different information. My question though is are there any legal prohibitions on you that Director Comey did not have?

LYNCH:

Well, as I've indicated, it would not be appropriate in my role to discuss the specific facts and the law.

(CROSSTALK)

FORBES:

Is the legal prohibition against that other than the fact you just don't have the same knowledge about the case that Director Comey had?

LYNCH:

We typically actually do not provide the level of detail that Director Comey did. He chose to provide that level of information and detail...

(CROSSTALK)

FORBES:

Is there any legal prohibition or that just a choice that you make in not disclosing that information?

LYNCH:

Well, as indicated, we obviously are not allowed to discuss certain types of information, for example, grand jury information.

(CROSSTALK)

FORBES:

I know (ph) but we're not talking about grand jury information here, as we? What I want to know is tell me is there a legal reason that prohibits you from giving us information or is that a choice you have made?

LYNCH:

Congressman, as I've indicated, the director and I have very different roles in this investigation so his level of detail is significantly different from mine and I would not be able to provide you with that same level of detail.

FORBES:

Because you don't have the information, not because there's a legal prohibition?

LYNCH:

In addition to that, in part of my role as Attorney General, I would not be going into these discussions typically. We have taken the role, taken the step of providing more information on this matter...

(CROSSTALK)

FORBES:

... I just need to know if there is a legal prohibition that prohibits you from disclosing information to this committee or is that a choice you have made?

LYNCH:

It would depend upon the nature of the information. Certainly there would be...

(CROSSTALK)

FORBES:

Of the questions that you've been asked, that you've had, is there any legal prohibition that would prohibit you from giving the same information that Director Comey has given?

LYNCH:

Well, with respect to the source of that information, if it came from the Grant Jury, that would be a legal prohibition. With respect to opinions about the matter of law that's a different issue...

(CROSSTALK)

FORBES:

Let the record stand that there is no legal prohibition that can be cited here. On June 27, the Supreme Court of the United States gave your department a rather stellar rebuke in your prosecution of Governor Bob McDonnell. Having looked at that and the basis that you -- essentially your department launched everything you had against a Republican governor who everyone agreed had violated no state law.

They took a federal law and you had cited, looking at statute relevant case law and history, there was no relevant case law to suggest that setting up a meeting constituted a crime, no history, statutory history, that suggests it was a crime and yet your department put everything it had in prosecuting that governor. Having looked at what the Supreme Court has now said, do you believe that prosecution was a mistake?

LYNCH:

Certainly, I believe that the prosecutors who worked on that matter investigated it, presented it to a grand jury and received an indictment. We of course have those presented in our...

FORBES:

... But they made a choice to do that -- they made a choice which you did (ph) not (ph)...

LYNCH:

... papers before the Supreme Court have (ph) made a different argument...

(CROSSTALK)

FORBES:

... Secretary Clinton's case. It would be -- can you tell us now, looking at that and the way you interpreted that statute, was that a mistake?

LYNCH:

Congressman, with respect to the investigation of the former governor of Virginia, I don't have a comment on that. We have...

FORBES:

Not because you don't have a legal prohibition.

LYNCH:

... accepted the result of the Supreme Court...

FORBES:

But (ph) simply because you refuse to comment.

LYNCH:

... and will of course be reviewing the case in light of that.

FORBES:

My final question then as time is running out, is when you look at a governor of Virginia that you launched everything this department had against to destroy him and to prosecute him, can you tell me the federal nexus you had in that case and compare that to the federal nexus against Secretary Clinton in national security of this country, which you refused to bring to a grand jury or for indictment to see if in fact one is justified.

LYNCH:

Congressman I don't have a comment on the McDonnell case except to refer you to the pleadings in that.

(CROSSTALK)

FORBES:

Can you compare the federal nexus between the cases for us please?

LYNCH:

Congressman I don't have a comparison between those two cases for you.

FORBES:

And that's rather disappointing because national security of the country is rather important to the country. With that, Mr. Chairman I yield back.

GOODLATTE:

Chair thanks the gentleman. Recognizes gentleman from Georgia, Mr. Johnson for five minutes.

JOHNSON:

Thank you Attorney General Lynch for being here today and I think Americans see the duplicitousness of the arguments that have been made by Republicans here on this panel. First, they question you about why you did not recuse yourself from the Hillary Clinton e-mail investigation decision not to prosecute.

And then on the other hand, they criticize you for relying upon the recommendation, the unanimous recommendation of career, professional, investigators and prosecutors at both the FBI and the Department of Justice, who made the decision and then recommended to you that Hillary Clinton not be prosecuted. And they take issue with these things and then they throw in -- they bring back some 20 year old salacious accusations against former President Bill Clinton.

I think we've research a low point on this committee because we're talking about these things at the same moment that Americans are focused on the out of control gun violence in this country.

The chickens have indeed come back home to roost as a result of 20 years of NRA control of decision making about firearms here in this Congress. Absolutely no action by Congress to restrain the flow of weapons of war onto the streets of America. Weapons of war that are producing mass casualties one incident after the other with increasing regularity here in America.

Americans get it, but these -- my colleagues on the other side of the aisle don't. It's -- they're just tone death and they insist on chasing rabbits down holes by trying to make some hay out of something that is -- this is over with.

This controversy about e-mails from Hillary Clinton, there is absolutely no evidence of any criminal activity but yet as we approach the Republican convention to be held next week where the candidate that they're going to nominate has been a tremendously divisive, or divisive figure in polarizing this nation such that we can't do any work here in Congress.

And so I think the people looking at this hearing are just simply dejected -- they are -- this is really a spectacle as we get ready in Congress to leave for seven weeks of vacation. The American people don't get seven weeks of vacation and I know you don't in your job and we appreciate the job that you have done.

Can you tell me General Lynch, whether or not, with respect to the Orlando mass murder, 49 people, innocent people, killed at the hands of a deranged gunman wielding a assault weapon, can you tell us whether or not that the gunman used any encrypted messaging to prepare for his attack and have you faced any roadblocks related to accessing the gunman's social media outreach via encrypted or otherwise?

LYNCH:

Well, Congressman thank you raising those important issues and of course it was exactly one month ago today, that those 49 innocent lives were taken from us so brutally and I remember visiting Orlando and speaking with many of the victims' families and their loss is still so incredibly close and fresh and painful.

With respect to the investigation, we are proceeding, we have gotten great cooperation from all of the law enforcement agencies in central Florida who have

worked on this case from first responders through the police department still helping with the investigation.

All the federal agencies have come together. We are still reviewing a vast amount of evidence so I'm not able to provide insight into whether or not we have come across encryption at this time.

I will say that we are moving forward with the investigation. We certainly are not encountering any difficulties with the teamwork on the ground. Everyone is committed to try to determine what led this individual to take this heinous act.

GOODLATTE:

Time of the gentleman has expired. Chair recognizes gentleman from Texas, Mr. Smith for five minutes.

SMITH:

Thank you Mr. Chairman. Madam Attorney General, I think you would agree that justice needs to be impartial and the American people need to be reassured that the justice system is not rigged. And so I'd like to ask you a couple of questions about conversations you may or may not have had with Bill Clinton and Hillary Clinton. And the first is have you have any conversations with either individual about the e-mail investigation since you became Attorney General in April, 2015?

LYNCH:

Congressman I have had no conversations about the e-mail investigation with either of the Clintons since the investigation began or at any point in time.

SMITH:

And the investigation preceded your being appointed Attorney General. So you've had no conversations whatsoever on the subject?

LYNCH:

Well, the investigation -- I believe the referral may have come in right after I became Attorney General, but I've had no conversations about Mrs. Clinton's e-mail server at any point in time with either her or former President Clinton.

SMITH:

And have you had any conversation with either individual about your possibly serving in a Hillary Clinton administration?

LYNCH:

No, I've had no conversations with either individual. I've had no conversations with

former Secretary Clinton on any topic at all and in my conversation with the former president, there was no conversation on that nature at all.

SMITH:

OK, thank you.

Let me go to a different subject and this is back to the FBI investigation, though. The usual practice in such an investigation is to leave the decision on whether or not to recommend prosecution to the attorney general. Did you suggest to Director Comey, directly or indirectly, that he make the decision rather than you?

LYNCH:

Well, Congressman, with respect to the usual process, it is in fact, the way in which most cases are handled, that the team of career investigators or prosecutors make a recommendation and go forward with an action. I can also tell you that...

SMITH:

Did you lead -- did you lead anybody to think that you would prefer that Director Comey make the decision not to prosecute rather than you?

LYNCH:

I'm sorry, sir, I couldn't hear the beginning of your question. I apologize for that.

SMITH:

OK. Let me -- I'll speak more loudly.

Did you make any suggestion to Director Comey, directly or indirectly, that he should be the one to decide whether or not to prosecute rather than you, which is traditionally the case?

LYNCH:

No, sir, I made no -- I had no discussions with the director on that point, nor had I made any decision as to that point.

SMITH:

And you said you had no discussions? When I say directly or indirectly, I mean through associates or anyone else.

LYNCH:

That's correct.

SMITH:
OK.

LYNCH:
And -- what I would say, though, as I indicated before, the process that we followed in this case was, in fact, very a common process. I chose to make it more public, because I wanted to make it clear that there was no inappropriate influence on the investigation.

SMITH:
Do you agree with Director Comey that Mrs. Clinton violated the Federal Records Act?

LYNCH:
I actually don't recall Director Comey speaking on that point. I would have to go back and check, so I don't have a comment on that.

SMITH:
OK. Newspapers, several newspapers reported that he said that, Mrs. Clinton did violate the Federal Records Act. And you don't have any opinion on that?

LYNCH:
Again, I don't recall him speaking directly to that. But again, I -- he could have. I just don't recall him speaking directly to that.

And at this point, again, I think that with respect to what was reviewed in the investigation about the handling of the e-mails, we heard the basis of his recommendation, and in fact, the team came to the similar conclusion.

SMITH:
Let me ask you for your opinion. Do you feel that she violated the Federal Records Act?

LYNCH:
I don't believe -- I don't know if that was under the purview of the investigations. It's not something that -- I don't believe -- I don't know if that was under the purview the investigation at this point. As I said before, I don't recall a specific opinion on that.

SMITH:
OK. OK. Thank you very much. Thank you, Mr. Chairman, and I yield back.

CHAFFETZ:

The chair thanks the gentleman, and now recognizes the gentlewoman from California, Ms. Chu, for five minutes.

CHU:

Hello.

Yes, Attorney General, first I would like to state my great concerns regarding the DOJ's decision to force songwriters and music publishers into 100 percent licensing.

I understand this would require ASCAP and BMI to license songs for song writers that they do not represent, which poses concerns of how and if a writer will be compensated for their work.

I believe this ruling will disrupt the ecosystem that song writers operate under and hurt creativity by discouraging them to collaborate with others belonging to a different PRO in the future. This decision is also contrary to the formal opinion that was released by the Copyright Office.

I urge you to conduct an independent review of this ruling that was issued by the Anti-Trust Division. The livelihoods of thousands of song writers depend on it.

And now, I would like to address a completely different topic. Attorney General, when you testified before the Judiciary Committee last fall, I brought up the issue of Chinese-Americans who were wrongfully arrested as spies for China and their lives ruined, only to have all the charges dropped. These string of incidents have had a chilling effect in the Asian-American community where scientists, engineers, and federal employees now live in fear they may be targeted next.

During last year's hearing, two of the accused, Sherry Chen and Xiaoxing Xi, were in fact, with me in the audience. To recount one story, Dr. Xiaoxing Xi, Professor of the physics department of Temple University woke up at the break of dawn with almost a dozen FBI agents at his home. Guns were pointed at him as he was handcuffed and arrested in front of his wife, two young daughters, neighbors.

Because of allegations he was a spy for China, his name was put in the newspapers, his reputation was dragged through the mud, and he to resign from his position as chairman of the department. But then, after enduring a lengthy investigation and emotional trauma, all of the charges against him were dropped.

It turns out that the technology that the government thought was being shared with China was actually publicly available technology, not the public -- the pocket heater (ph) in question. And yet, despite having all the information at their disposal, the investigators in this case got the facts completely wrong.

Similar wrongful arrests took place with Guoqing Cao, Shuyu Li, Sherry Chen, all of

whom are American citizens.

I bring up these cases again, because they have been officially closed since we last spoke. And yet, we still have no answers.

In fact, when I met with some of your staff last week, they informed me that race, ethnicity and national origin did not play a role in either of these cases. But we still lack any evidence that this is true. That's why we and national Asian-American groups have asked repeatedly for an independent investigation with letters and meetings, and we've been doing it for a year.

So, once again, I would like to know if there any plans to open up an independent investigation to determine what went wrong in these cases?

LYNCH:

Well Congresswoman, thank you for raising both of these important issues.

With respect to the ASCAP review -- and that is a review of the ASCAP-BMI, there actually has been no ruling issued as of yet. There have been significant consultations with stakeholders, as well as the receipt of a great number of public comments on the issue raising -- many of them raising the issues that you have discussed here at the hearing. And so, I thank you for keeping those before us as well.

My understanding is that the Anti-Trust Division anticipates concluding the review, as well as those discussions, within the next few months and issuing a ruling at that time. And we will, of course, make sure that you will receive that as well -- as certainly all the members of the committee. But there has been no ruling at this time.

With respect to the other issue you've raised, with respect to those particular cases that were brought and then dismissed, race and ethnicity did not have a role in the department's prosecutions. It is something that we reject. We focus on the facts. We follow the law.

But we do continue our investigations and where we find that, in fact, our initial review may not have been accurate, it is incumbent upon us to dismiss those cases, as happened in this case.

I'm glad you were able to have the meeting with representatives from the department most recently. And I can assure you that the review that was done was of the cases that were raised to determine what lead to their initial charging and dismissal.

CHU:

I do have a follow up question that I wanted to get in.

Most recently, I hear you're implementing a new Implicit Bias Training Program for DOJ investigators and prosecutors. Can you describe this program, and will the new bias training ensure that Asian-Americans are not wrongly profiled and targeted for economic espionage? And will the content of this training be made available to the public?

LYNCH:

We are still -- we're beginning the Implicit Bias Training. It will be a requirement for all of the Department of Justice law enforcement officers and attorneys. And that is the field, as well as main Justice, those who are working on cases.

We have found in our work, with working with local law enforcement, that often Implicit Bias Training is something that is well-received and has been helpful in helping departments understand the point of view of other individuals, the perceptions of many of their actions, as well as implicit biases that people bring to their actions that may cause collateral consequences and unexpected results.

And we felt it was important that we also participate in something that we were advocating throughout the law enforcement community to make our law enforcement as strong, and efficient and fair as possible. It will be discussing -- it will not be limited to any particular ethnicity, of course, but it will certainly focus on how we handle race and ethnicity in our review of matters.

So, while it will not be limited to any one ethnicity, it will -- it will cover more broadly how we perceive the issue of anyone who may be different than us. We feel it will that this will, frankly, make our law enforcement agencies stronger, more efficient and help keep them devoted to the goals of Department of Justice.

CHU:

And will the content be made available?

CHAFFETZ:

The time has of the gentlewoman has expired. The witness will be permitted to answer the question.

LYNCH:

Thank you, Mr. Chairman.

At this point in time, I don't have the information for you. But I'm happy to have our staffs consult on that point.

Thank you.

Thank you, Mr. Chairman.

CHAFFETZ:

The Chair recognizes the gentleman from Iowa, Mr. King, for five minutes.

KING:

Thank you, Mr. Chairman. Thank you, General Lynch, for your testimony today.

I'd ask, first, in that happenstance meeting on the Tarmac in Phoenix, was there any discussion that might have implied anything with regard to the investigations of the Clintons, be it the Clinton Foundation or the investigation of the FBI into Hillary Clinton's e-mails?

LYNCH:

No, sir, there was not.

KING:

Zero implications?

LYNCH:

There was nothing about any investigations, or any specific cases or any of the other matters that you have mentioned in your question...

KING:

And when did you learn about that meeting?

LYNCH:

As I was getting ready to leave the plane, I had landed and I was getting ready disembark from the plane, I learned that the former president wanted to say, "hello," and I agreed to say "hello" to him.

KING:

Was there any staff in that meeting, or was it the two you alone?

LYNCH:

Well, my husband was with me during our conversations. There were also, I believe there were also two members of the flight crew on board the plane to whom the former president said hello.

FORBES:

OK thank you. Are you aware that Hillary Clinton has repeatedly lied to the public

about her e-mails and her e-mail servers and in public forums and say campaign speeches and interviews with the press? Are you aware of that?

LYNCH:

I have no comment on the characterization of any candidate and their statements.

FORBES:

I would point out most of the rest of America is aware of that, and including her political supporters who will continually say that they will support her even though she lied publicly.

I would point out October 9th, 2015; Barack Obama stated that Hillary Clinton did not endanger national security. The whole issue was, quote, "gemmed by Republicans."

That was he October 9th, 2015, on October 10th; he stated that Hillary Clinton was, quote, "careless but had not intentionally endangering national security." It's curious to me that that turns out to be the very word that the lack of prosecution hinges upon is intent, even though the statute doesn't require intent.

And when you -- when you see a president publicly make a statement like that, are you concerned that it might influence the decision on prosecution?

LYNCH:

Well, I've been asked about that statement, as I've clarified before, the Department of Justice had no input into it. And certainly my view has always been that the team working on this did their work independently and without any political influence.

FORBES:

For the information that has been available to you, do you believe that Hillary Clinton knowingly removed classified information?

LYNCH:

I don't have a comment on -- or a characterization.

FORBES:

I understand that...

(CROSSTALK)

FORBES:

And also, do you believe she had intent to keep unauthorized information in an

unauthorized location? And you have no comment on that?

LYNCH:

No, I refer you to my statement on the...

(CROSSTALK)

FORBES:

I understand that, now. The hinge of this thing and according to Mr. Sensenbrenner and I'll say it myself, the definition of the word gross negligence. In that, Director Comey used the term extreme carelessness and Mr. Sensenbrenner asked you to define the difference between that and gross negligence.

Do you find it ironic that the last examination of a Clinton in this room, the previous one, Bill Clinton -- excuse me, before the judiciary committee, not technically in this room -- hinged on the meaning of the word is.

Looks to me like this investigation is hinging upon the meaning of extreme carelessness versus gross negligence. do you actually see that there's a difference between the two words?

LYNCH:

Congressman, I always look to start with the statute with any -- any review that is being done on any matter by the Department of Justice. And we looked at the statute, legislative history, case law and we look at the facts as developed by an investigation and apply them to that statute.

And to that standard. And that is what the team did in this case. And that was -- I believe -- the basis for their recommendation.

FORBES:

Director Comey stated in his press conference that they didn't have evidence that the classified information or the top secret information had been hacked by a foreign actor.

But either did he state that they had not yet had any evidence that had been -- had not been hacked nor -- and he stated also it'd be unlikely that we would know if it had been.

Now, under Snowden, we have to operate as if any information he had access has -- is now in the possession of foreign hostile actors. Would you believe that's the same thing with any information that Hillary Clinton had on her private server?

We have to act as if it were in the hands of a hostile foreign actor?

LYNCH:

I don't have a comment on a characterization or comparison of Mr. Snowden and Mrs. Clinton.

FORBES:

Just answer the part about Hillary Clinton then, please, General Lynch.

LYNCH:

You had asked me...

(CROSSTALK)

FORBES:

The information that was on her server that we have to presume now it's in the hands of hostile foreign actors. Do we have to handle it as if that's the case and if so, didn't that danger -- endanger our national security?

LYNCH:

Congressman, I think that you'd have to look at the facts of the matter and determine whether or not there had been access and as the director indicated, I believe he's responded to that...

(CROSSTALK)

FORBES:

And it is a very serious matter and it's been covered up, General Lynch.

I yield back.

GOODLATTE:

The chair recognizes the gentleman from Florida, Mr. Deutch, for five minutes.

DEUTCH:

Thank you, Mr. Chairman.

And General Lynch, thank you for being here. Thank you for your thoughtful and patient responses to my colleague's questions.

In the brief time that I have today, I'd like to discuss recent reports of some disturbing and dangerous and inhumane prisoner transport conditions in this country.

Just last week, The New York Times in a big story that I (ph) put together with the Marshal Project, shed light on abuses that harmed thousands of prisoners who are loaded in the vans by private contractors on a pay per mile (ph) basis.

It's the same way we pay for shipping cargo in this country and any retailer will tell you that it pays to ship in bulk. But we're not talking about pallets of laundry detergent; we're talking about human beings.

We're talking about American citizens and no matter their crime, they deserve better than the way that these transport services are treating them. The story that ran on July 6th New York Times recounts the horrific death -- horrific deaths of several individuals, one of them Stephen Galic (ph) from south Florida.

And I'll just quote briefly from the story, "In July 2012, Stephen Galic (ph) a former owner of a home remodeling busy was living in Florida when he was arrested on an out of state warrant for failing to pay child support. Mr. Galic (ph), 46, had come to the end of a long downhill spiral, overcoming a painkiller addiction, only to struggle with crippling anxiety."

Now, he was to be driven more than 1,000 miles to Butler County, Ohio where his ex-wife and three children live, to face a judge. Like dozens of states and countless localities, Butler County outsources the long distance transport of suspects and fugitives.

He was loaded into a van run by prisoner transportation services of America, the nation's largest for-profit company extradition company. Crammed around him were 10 other people, both men and women, all handcuffed and shackled at the waist and ankles.

They sat tightly packed on seats inside a cage with no way to lie down to sleep. The air conditioning faltered at mid- 90 degree heat. Mr. Galic (ph) soon grew delusional, keeping everyone awake with a barrage of chatter and off behavior.

On the third day, General Lynch, the van stopped in Georgia and one of two guards on board gave a directive to the prisoners, only body shots, one prisoner said she heard the guard say.

The others began to stomp on Mr. Galic (ph), two prisoners said. The guards said later in depositions they had first noticed his slumped bloody body more than 70 miles later in Tennessee.

A homicide investigation lasted less than a day and the van continued its journey, the cause of death found to be undetermined. This is his ex-wife said, someone's brother, father and it's like nobody even cared.

So General Lynch, paying transport contractors on a per mile -- prisoner per mile basis incentivizes overcrowding, overheated van cargo holds, taking shortcuts on officer training, skipping stops to rest drivers and to relieve passengers.

Each investment into humane conditions and treatment of prisoners cuts into the profits of these companies. And despite a federal law that passed in 2000 known as Jana's Act (ph), these private transport companies operate with virtually no oversight.

Prisoners have died from untreated medical emergencies because officers have no medical training or just don't seem to care. Prisoners have been assaulted and raped while cramped into the back of a van just feet from the front transport officers who are responsible for their safety.

And reports show that prisoners often do not receive adequate food and water. The vans are unsanitary and prisoners do not get opportunities to use the bathroom. In addition to these poor conditions, the transport system is vulnerable to prisoner escapes.

Now, no American should be subject to this treatment. But I'd like to state clearly for the record that many of the people transported in this system have not even been convicted of any crime.

Jana's Act (ph) set out minimum standards for transport companies including guard training, the properties of restraints, CPR, navigation, defensive driving, maximum driving times, et cetera.

But in spite of these minimum standards, the companies are not being held to account. And since the passage of Jana's Act (ph), it's been reported that at least 56 prisoners have escaped for-profit transport vehicles, 16 committed new crimes while -- while on the run.

And, in what is most shocking of all, the act has been enforced by the Department of Justice one time in 16 years. One time in 16 years.

So General Lynch, I just ask, what else can be done for us to focus on an issue that was -- that we were so concerned about here in Congress 16 years ago that we passed legislation but that legislation seemingly goes unnoticed or certainly unenforced.

And I'll finish just by pointing out a quote from the chief operating officer of one of these companies who said, "Well, it's regulated by the Department of Justice but I've never seen anybody come out to actually check on us."

What can we do to address this problem that's resulting in putting the result of which is that our communities are made less safe and these prisoners are treated inhumanely?

LYNCH:

Well, Congressman, you raise an extremely important issue because of course, the treatment of all of those within the criminal justice system at every point throughout

that system has to be humane and fair regardless of their status, whether they are convicted or not.

LYNCH:

And certainly pre-trial is just as important a situation and a status, as well. I'm not familiar with the situation that you've encountered. But I am happy to review that and I would hope that our staffs could continue the discussion about this issue.

DEUTCH:

I would be grateful.

GOODLATTE:

Would the gentleman yield?

DEUTCH:

I would be happy to yield.

GOODLATTE:

I thank the gentleman for raising this issue and if the general (sic) would look into this in depth and report back to the committee in addition to Mr. Deutch we would very much require that.

LYNCH:

Thank you Mr. Chairman.

DEUTCH:

Thank you Mr. Chairman. And I yield back.

LYNCH:

Thank you Congressman.

GOODLATTE:

The Chair recognized the gentleman from Arizona, Mr. Franks, for five minutes.

FRANKS:

Thank you Mr. Chairman, and thank you Madame Attorney General, for coming today. Attorney General, you have mentioned earlier that your first consideration in any case was to start with the statute.

And I know there are a lot of questions already that have addressed this issue, but I want to read you 18USC1924, where it says, "Any federal official who quote, 'Becomes possessed of documents or materials containing classified information of the United States and knowingly removes such documents or materials without authority and with the intent to retain such documents or materials in an unauthorized location shall be fined under this title or imprisoned for not more than one year or both.'"

Now this statute doesn't require an intent to profit or to harm the United States or otherwise act in a manner disloyal to the United States. It simply requires intent to retain classified documents at an unauthorized location -- something FBI Director Comey's own comments suggest was the case with Hillary Clinton's investigation.

Can you walk us through your reasoning on your non-prosecution decision in the Clinton case based on this particular statute?

LYNCH:

Congressman, with respect to the reasoning for my recommendation as I have stated before, I had committed to and did accept the recommendations of the team working on this matter. And as I indicated in my opening statement it would not be appropriate for me as Attorney General to go into that level of analysis. I believe the FBI Director has chosen to make his recommendations and analysis public in order to afford more clarity into that.

But the team did review the relevant laws, the relevant facts, the investigation revealed. They relied solely on that, not on anything else in making that recommendation which was unanimous to me.

FRANKS:

Madame Attorney General, the FBI doesn't deal in opinion or decide if an individual be prosecuted, you do. But many members already - I can see where this is going - far more capable members of this committee have summarily failed as I just did to get you to answer the most reasonable and relevant question.

Consequently I'm going to simply capitulate to your prodigious dissimulation skills and suspend the remainder of my questions.

Instead I just want to remind all of us that in a republic like America, which is fundamentally predicated on the rule of law and the equality of us all under the rule of law, there are few things that break faith with America and the American people and undermine their trust in their government more than witnessing the highest law enforcement officer in the land blatantly ignoring the crystal clear meaning of equal protection and equal enforcement of the laws as they are written.

And Madame Attorney General I think such an abrogation of your official duties and responsibilities, not just a matter of what will be writ large in the annals of your own

legacy, is something rather that goes to the very heart of the rule of law in a republic that so many lying out in Arlington National Cemetery have died to keep.

And I hope going forward if there are other investigations into false testimony given to the Congress by Mrs. Clinton that that will be at least part of your consideration. And with that I yield back.

GOODLATTE:

Chair thanks the gentleman and recognizes the gentleman from Illinois, Mr. Gutierrez, for five minutes.

GUTIERREZ:

Welcome Attorney General. Unfortunately this morning while America sees children that go to school, elementary school children, murdered in their classrooms, we read and see young people murdered dancing on a Saturday night. We see five brave, courageous police officers murdered in Dallas, Texas. That's not important. The security of the American people and their safety in their schools and in their place of play and on their street is not important.

What's important? Let's go talk about the emails once again. And let's bring into question the integrity, independence of the U.S. Justice Department.

First they did it to the FBI Director last week and today they're doing it to you. So it's clear where they want to go. They want to talk about retaining credibility and integrity.

I want to talk about safety and regaining the trust of the American people need to have in their law enforcement - and you are the chief law enforcement officer of the nation - how it is that we bridge that gap given the series of deaths, tragic deaths, that we have seen of young, black men at the hands of police officers.

I think that's an important issue we should be talking about. I think making sure that my children can go to school, they can go to play, or they can go and protest and that yes, police officers in this nation that are brave and courageous should be able to go home too, after they've served the American people.

I want to talk about how it is that we make that safer. Instead of talking about - as they refer to her - Hillary. Not the - they didn't say the former First Lady, the former Secretary of State - Hillary. Because that's what they want to do. Minimize this.

Then they take this all the way back to Bill Clinton, 19 years ago. And they ask you about a case that they prosecuted that they lost. I would have thought I'd bring up a case that I'd won if I was going to talk to the chief law enforcement officer of the United States of America. If I wanted to have some credibility. Then they talk about that you lost the case.

Yes, against against the Virginia governor that took a \$5,500 watch, \$15,000 in

catering, \$15,000 in Goodman and Bergen, \$25,000 in - hundreds of thousands of dollars for the Governor of Virginia - why'd you bring that case?

Thank you. Because that's what we need. Because what happens in America is people don't trust the system. And they're not gonna trust the system any more today because people are saying to themselves, "God, I don't feel safe."

Having said that, I want to ask you - because I know they're all smiling over there - but let them smile at this. Kevin McCarthy, their leader that points most of them to their leadership positions, said, "Everybody thought Hillary Clinton was unbeatable, right? But we put together Benghazi Special Committee, a select committee, what are her numbers today? Her numbers are dropping." End of quote. Their leader.

And that's what they're continuing to do today instead of keeping the American people safe -- safe -- in every aspect of their lives. So I just want to say to you, Attorney General, I think it's regrettable that we have a hearing, that we have all of these issues that we confront as a nation. So I just want to say, you said, "Rather the answer must be action, peace, comparable, collaborative action."

You said, "We must find a difficult way forward in finding a path." You said, "To stand together to support one another. We will work to seek ways with local officials and residents and law enforcement officers alike."

So my question to you is - I saw a group of Chicago police officers yesterday for lunch. And nobody has been stronger about making sure that they're accountable for their actions than I have. But I got to tell you my heart went out for them yesterday.

So how are we going to bring the thousands of Chicago men and women who serve in the Chicago Police Department, brave, courageous men and women, dedicated public servants - how are we going to bring them together with the millions of American citizens that they are sworn to serve and protect, how are you and I going to work together?

I've invited you to come with me along with Robin Kelly, to come and discuss Laquan McDonald with our people so that we can make our police stronger. So that we can make the people stronger.

Will you accept that invitation to come - I don't want to talk about the elections. I want to talk about how it is I take great men and women in Chicago that serve in our police department and the millions of American citizens and have them work together? Can we do that?

LYNCH:

Thank you for raising this important issue and I thank you again for the invitation. With respect to the Chicago Police Department we find that we are of course

working on pattern and practice investigation involving them, and what I will say is that an important part of all of our pattern and practice investigations are the involvement of the officers.

We focus on things like the training they receive, and the training that they need. We focus on the omissions and lapses that we see in community connections and the bridge-building tools that they need, so they are a vital part of our efforts to provide assistance and training and to in fact strengthen that department so that those bridges of trust can begin to be rebuilt.

GUTIERREZ:

And -- because my time is up, thank you. But you know, Congressman Bass and I, we went out with the protesters when they came out last week and you know what they yelled back at us, they said do your job. I want them to know we're doing our job.

GOODLATTE:

Time for the gentleman has expired.

GUTIERREZ:

--- with us. In Chicago, Laquan McDonald deserves that, the people -- the Chicago police deserve that, the people won't you please accept our invitation so that we can engage in that dialogue and hopefully have positive impact across the nation.

GOODLATTE:

Time for gentleman has expired. Chair recognizes the gentleman from Texas, Mr. Gohmert for five minutes.

GOHMERT:

Thank you. Thank you Attorney General Lynch, appreciate your being here, I cannot let the statement of my colleague go un-rebutted to say the death of five police officers just happened and that we on this side of the aisle think that's not important is an outrage. It is simply an outrage.

I won't say that actually if my colleague had his way, that everybody would be just as disarmed around the country as they are in Chicago and in Washington, D.C. and we would be losing thousands more of precious black lives in America.

But we're here in the wake of five police officers being killed and that is a huge deal. And having spent much of my adult career working with law enforcement, it's a huge deal to me. And I know from the law enforcement officers I talk to, they want to make sure that others are not above the law.

Now, Chairman Goodlatte had asked you about the recommendation and you

talked about the briefing team and you said you saw no reason not to accept the recommendation of the team. How much time did you spend reading the recorded testimony of Hillary Clinton from that three and a half hour interview?

LYNCH:

Congressman I'm not going to go into the particulars of my briefing except to say that...

GOHMERT:

No this is just your own personal work. Did you go through in detail all of the statements she made in that three and a half hour interview?

LYNCH:

Congressman as I've indicated previously, my role that I had decided earlier was that I would be speaking and meeting with the team who had done that substantive in depth work for over a year, that had worked on this matter, that had compared the sides (ph) of the evidence ...

(CROSSTALK)

GOHMERT:

Now you've said that several times, Attorney General and I don't have enough time to have you keep repeating that four more times. But you -- when Chairman Goodlatte asked you about the statute and whether it includes the term gross negligence, you made an improper statement. You said discussion of the statute would require discussion of the facts.

That's not true, it -- you know, from my years of judging on the bench your comment that discussion of the statute would require of the facts when he asked you about an element that's contained in the statute, Attorney General that really sounds like an answer somebody would give who hadn't read the statute and was looking for a dodge to avoid talking about a statute with which they're not familiar.

You are aware, and this doesn't require any discussion of any facts whatsoever, but you are aware that in seven, 18-USC-793F, gross negligence is an element of the offense, are you not?

LYNCH:

Congressman I refer you to my statement that you've just commented on with respect to...

(CROSSTALK)

GOHMERT:

OK, well if you're not going to answer the question I'm afraid that you might be reinforcing (ph) it (ph).

(CROSSTALK)

LYNCH:

Question to me was the meaning of a phrase --

GOHMERT:

Now you said there was no basis (ph) not (ph) to accept the recommendation of our team, but you've given no indication whatsoever that you did any independent reading of the evidence of the statements. Was Hillary Clinton's statement even recorded?

LYNCH:

Congressman, I'm not going to discuss the specifics of that, I believe the FBI has provided extraordinary clarity and insight into that.

(CROSSTALK)

GOHMERT:

OK, well if you're not going to answer the question then let's move on. But I find it extraordinary that after a three and a half hour interview, so quickly a recommendation is made.

So there are inquiring minds that are very intelligent that have said, wow it almost sounds like on that plane somebody said look if you just tell Hillary to come in, we're wrapping up, but we got to be able to say that we interviewed her, it won't be recorded, so she'll be good.

It sounded like it was a check the box. You're familiar with Scooter Libby's case and Martha Stewart's case. I know it was well before you came to office, correct, you remember they were prosecuted for making a false statement when the FBI and the Justice Department couldn't make the case they started out, you remember that?

LYNCH:

One in New York and I believe one here. Here meaning DC, sir (ph)...

GOHMERT:

And so that's a pretty common instrument to be used if someone makes a statement somewhere inconsistent in what they tell the FBI. That itself becomes a matter of prosecution and I am shocked -- I thought it would be weeks before an

answer could be made, but it looks like to do a three and a half hour interview, you haven't reviewed the facts, you reviewed the team recommendation.

And I would just encourage you, Attorney General, your oath was not to follow the recommendation of some team. Your oath is your own responsibility to our constitution and those that are working under you. And my time's expired.

GOODLATTE:

The chair thanks the gentleman and recognizes the gentlewoman from California, Ms. Bass for five minutes.

BASS:

Thank you Mr. Chair. Attorney General Lynch, thank you for joining us today. My questions are going to focus on your role in addressing the serious situations faced by African American men and women currently being discussed across our nation. Cell phone cameras and now live streaming have provided a new platform to highlight issues that have been known by the African American community, and, I might add, in California, the Latino community, for decades.

In the last few weeks, we have witnessed one image after another depicting the worst and the best in police conduct. I might also add that in the last week, three young Latinos were killed at the hands of law enforcement. The best of law enforcement was demonstrated in Dallas by how they protected peaceful law -- peaceful protestors and in Englewood, California, near my district.

Then there is the worst with the most recent examples of course in Baton Rouge and St. Paul. While Mike Brown, Eric Garner are household names, Alexia Christian, Megan Hockaday and Mira Hall (ph) are unknown to the general public.

I hold in my hand, and I will ask permission to submit for the record a "Say Her Name" brief written by the African American Policy Forum. It stems from the hashtag say her name campaign, which was formed to name and give voice to black women and girls who have lost their lives at the hands of law enforcement.

This 45 page report goes through numerous examples of girls and women who have died -- African American girls and women. My question to you is, has the Department of Justice begun to carefully review cases of alleged law enforcement misconduct related to the treatment of African American women and girls?

LYNCH:

Well, thank you for raising this important issue. Certainly the treatment of women, and focusing on minority women, African American, Hispanic women, and other minority women throughout the criminal justice system, is an issue of great importance to me. Ranging from their encounters with the police throughout their time in the system.

We take of course, any death in custody seriously, any death resulting from an interaction with law enforcement seriously, and are always reviewing such matters. They are often brought to our attention either directly to the civil rights division or to our U.S. Attorney's Offices and we of course review those matters.

The other area that we're working on is working with law enforcement leaders as well as academics to ensure that we have better data on all of the encounters between civilians and law enforcement so that we can in fact have the true picture on what happens to our women and our girls, our sons, or brothers, to all individuals who encounter law enforcement.

BASS:

Let me -- let me actually interrupt you on that so I don't run out of time. In terms of a death in custody, I wanted to give you an example of a situation that happened in Los Angeles where a woman was in custody, she was in jail and she called her mother and she told her mother to meet her in court the next day. Shortly after that, she died mysteriously. It was said that she committed suicide shortly after telling her mother to meet her in court the next day.

Her mother goes to court and sits there the entire day and they never tell her mother that her daughter has died. So the question is what's the current system to notify family members about the death of a family member in custody?

LYNCH:

Well that's...

BASS:

And I have one more question for you after that.

LYNCH:

Sorry. And let me just be brief then -- that system would vary depending upon the jurisdiction whether it and -- who in fact, has jurisdiction or authority over the jail or other institution where someone is being held.

BASS:

OK, let me get my last question in. Across our country, communities have come together to speak up against the violent deaths at the hands of law enforcement. The marches actually reflect the diversity of America, and remind us all that this is not just a concern for African-Americans, but for our nation as a whole. It is interesting to me that the thousands of young white protesters that chant in solidarity "Black Lives Matter" are never acknowledged.

Black Lives Matter activists across the country are beginning to document and complain about increased surveillance and harassment by law enforcement, not during protests, but before and after as they go about their daily lives.

Are you aware of any increased surveillance of Black Lives Matter activists, and if so, why, and under what circumstances would the Department of Justice become involved in the surveillance of a group like Black Lives Matter?

LYNCH:

Congresswoman, I'm actually not aware of that issue being brought to my attention. Again, it sounds like it may be an issue in a particular jurisdiction.

BASS:

It is across several cities.

LYNCH:

Yes.

BASS:

By the way, and I can follow up with you and give you the specific information.

LYNCH:

Yes. If our staffs could speak, I would appreciate that. If we could get more information from you, I would appreciate that.

GOODLATTE:

The chair recognizes the gentleman from Ohio, Mr. Jordan. I would ask the gentleman if you would yield very briefly to the Chair? I thank the gentleman for yielding.

Attorney General Lynch, we are now half-way through the members of this committee asking questions, and your refusal to answer questions regarding one of the most important investigations of someone who seeks to serve in the highest office in this land is an abdication of your responsibility. This is a very important issue of whether or not the Justice Department is going to uphold the rule of law in this country.

And I hope that with the questions that will be forthcoming now, you will be more forthcoming with answers.

Thank you.

The gentleman is now recognized.

JORDAN:

Thank you, Mr. Chairman.

General Lynch, who made the decision that no charges would be brought against Secretary Clinton?

LYNCH:

Congressman, with respect to that decision, I had determined that I would accept the recommendation of the team. I made that known...

JORDAN:

So, who ultimately -- who ultimately made that decision?

LYNCH:

I made that known, and then when the recommendation was given to me, I did accept that recommendation.

JORDAN:

So, did -- did you ultimately make that decision or did Director Comey?

LYNCH:

Well, Director Comey was part of the team.

JORDAN:

Who ultimately made the decision?

LYNCH:

So the team consisted of prosecutors and agents that did include Director Comey...

JORDAN:

I want to know where the buck stops. Who made the decision?

LYNCH:

As I indicated before, I had previously decided that I would accept their recommendation when they made it to me...

JORDAN:

Are you -- are you saying that you made the decision? Are you saying you made the decision?

LYNCH:

I had previous indicated that I would accept their recommendation.

JORDAN:

So on July 1st -- let's just run through that -- on July 1st, you said, "I'll accept the recommendations of the FBI." Mr. Comey didn't announce his decision until July 5th, and he said that he didn't talk to you beforehand.

Now, I assume it is not unusual for the attorney general to accept the recommendations of the FBI and the career prosecutors, and the team, as you have so often cited. What is unusual is to make a big, bold public announcement that you're going to do it.

It is one thing to do it, I assume it happens all the time, it is another thing to announce ahead of time you're going to do it.

So here is what I'm having trouble with and I guess a lot of people are having trouble with -- if you commit and announce that you will abide by the FBI's decision before they even finish their investigation, then how can you also say ultimately, it was your decision?

LYNCH:

Well, Congressman, as I've indicated, I accepted their recommendation. I had indicated before that...

(CROSSTALK)

JORDAN:

Was it not your decision or was it your decision? Because it seems to me you can't have it both ways. You can't say, "I'm the attorney general and I decide," but yet, I'm going to take their recommendations even before they make their recommendations.

LYNCH:

I had indicated that I would be accepting their recommendation because I wanted to make it clear that any conversation that I might have had with the former president would have no impact on the team or their review or the investigation.

JORDAN:

Ever do this before? You ever do this before?

LYNCH:

I have not had occasion to do that before, but I felt it was important in this case...

JORDAN:

You have never announced before an investigation is done that whatever they come up with -- maybe they're going to screw it up, who knows -- you have never announced before that, whatever they recommend, I'm going to follow. This has never happened before?

LYNCH:

It was important in this case to do so.

JORDAN:

So, this is the first time you've ever done that, announced beforehand, I don't care what their recommendations are, I'm going to -- by golly, I'm going to follow them.

LYNCH:

I had complete faith in the judgment and hard work of the team.

JORDAN:

I'm not questioning whether you have faith in them. I have -- I think probably a lot of people have faith in the FBI in a lot of situations. I don't know if they agree with them here, but I think they have faith a lot of times.

What I'm question is, why announce ahead of time, when you've never done it before, why announce ahead of time, I'm going to follow the recommendations, even though I don't know what they are, and still claim you are the ultimate decider?

LYNCH:

Well, as I indicated, I felt it was important to express my role in the investigation, to clarify my role, because I was concerned that the conversation I had with the former president would make people think that there could be some...

JORDAN:

So that was the trigger?

LYNCH:

That was -- in my view, was something that needed to be clarified. I felt people needed to understand my role in this.

JORDAN:

So you have never done this before?

(CROSSTALK)

JORDAN:

But when you have a conversation with the former president, the husband of the subject of an ongoing investigation, and you have that conversation before they have interviewed the subject, and before they've reach their recommendations and finished the investigations, that's what triggered you to do this thing you've never done before? Which is announce, "I don't care what they recommend, I'm going to follow it."

LYNCH:

My concern was that the conversation was that I had with President Clinton would be seen by some as having an influence over that.

I felt it was important to clarify my role...

JORDAN:

Just some, Loretta Lynch? A lot of people.

LYNCH:

... and I felt it was important to clarify that even before I had landed in phoenix, I had made a decision. I felt it was important that people hear that from me.

JORDAN:

Here's what I think -- I think your actions made it worse. I really do.

I think a lot of people already think that there are two systems, as many have talked about, one for we, the people, a different one -- entirely different one for the politically connected. Your former secretary of state, you're a former senator, you're a former first lady, you're a nominee for president, your husband meets with the -- meets with you five days before a decision is announced -- different standard for those facts. And you proved it.

You demonstrated that it's different by your actions because you said, you've never done this before, so you not only -- you changed your internal practices. You changed the fact that you've never announced beforehand that you're going to follow recommendations before you even have recommendations. You contribute -- your actions contributed to this belief that the system is rigged.

And that -- you made a bad situation worse by saying, "I'm going to do whatever they recommend, even though I don't know what the recommendations are."

I don't know anyone who would conduct themselves that way when they are the ultimate decider. But I said, I'm going to wait, I'm going to do whatever they say, and I'm going to wait to see what their recommendations -- I'm going to follow it.

You showed that this case was different, and the law is supposed to treat every single person the same. And your announcement, by definition, made this thing entirely different. And then of course, what was ultimately decided made it entirely different as well.

I yield back.

CHAFFETZ:

The chair thanks the gentleman. I recognize the gentleman from Louisiana, Mr. Richmond, for five minutes.

RICHMOND:

Thank you, Mr. Chairman.

Rome is burning, their blood -- there's blood on the streets of many American cities, and we are beating this e-mail horse to death. In our last committee meeting, I implored this committee to do something, to have a hearing, to respond to the deaths of Alton Sterling and Philando Castile. And when I said it, I said, "It's important that we act, because I am very fearful that there will be bloodshed on the streets, and that people will start to take it into their own hands."

Unfortunately, I was right. And I'm going to ask, again, that we do something to start to convene a conversation on how we protect both police and citizens.

Let me -- Attorney General Lynch, let me ask you -- how do you initiate pattern and practice investigations within your civil rights division? And has Baton Rouge Police Department undergone a pattern and practice review?

LYNCH:

Well, Congressman, thank you for raising this important issue.

The investigation into whether or not a police department presents a pattern or practice of unconstitutional behavior can come about in a number of ways. There have been times when public officials have reached out to us to raise issues of concern. There have been times when community groups or leaders have reached out to us to raise issues of concern. There have been times when specific incidents or actions or cases have themselves raised issues of concern.

And through the investigation of a particular case, we look at the police department and we may initiate an investigation. There actually had been instances when police departments have come to us and requested a technical assistance or a review. And we have started on the practice of what is often called "collaborative

reform," and we have converted that into a pattern of practice investigation (ph).

RICHMOND:

Has Baton Rouge?

LYNCH:

That's Baltimore, actually.

RICHMOND:

No, have we done that in Baton Rouge?

LYNCH:

In Baton Rouge, we are beginning the investigation -- we, meaning the Department of Justice are beginning the investigation into Mr. Sterling's death.

RICHMOND:

Right.

LYNCH:

We will, of course, be cognizant of issues of the police department that may be raised there.

RICHMOND:

Well, let me just give you some background.

September 2005, out-of-state troopers accused Baton Rouge police of harassing black people, illegal searches, and unnecessary violence in the days after Katrina. Troopers from New Mexico and Michigan, totaling seven, said that, as a thank you, Baton Rouge offered to let him beat a suspect to thank them for coming down to help, and that they were ordered to make life rough for New Orleans evacuees so that they would leave town.

March 2007, Brian Townsend (ph) was arrested for a noise complaint. Ended up being hit in the back by officer Nathan Davis (ph), causing him to defecate on himself. He was then kicked in the groin, which ended up rupturing his bladder. He was awarded \$239,000. Officer Davis was fired.

July 2008, John Saunders (ph) suffered a fractured skull, brain bleeding and permanent brain damage after being beaten by Officer Lorenzo Coleman (ph) when shoulders moved towards him with fists clinched. He was awarded \$350,000.

2011, Carlos Harris (ph) was ordered by Officer Christopher McGee (ph) to move a

car, despite Harris telling the officer that he was too drunk to drive. Harris (ph), while attempting to move the car, crashed into several police officers, McGee (ph) shot him dead, despite being told not to by another officer. Harris' family settled for \$495,000.

Corporal Robert Moruso (ph) used excessive force on Bret Perkel (ph), 24, whose head was stomped on and whose teeth were knocked out during a drug raid in 2014. That settled for \$25,000.

Officer Michael Elsborg (ph) resigned after being accused of sending a series of racist text messages, ultimately resigned, but they have not reviewed all of his cases in his arrest. And one officer can make a complete difference in the length of time and whether someone gets arrested.

So I would just ask -- formally ask -- and I can do it in writing also -- that we initiate a pattern and practice investigation on the Baton Rouge Police Department and that is for police departments that may be violating people's civil rights.

And I will not make an ultimate conclusion of whether they are or not. I will leave that to you all, but I would ask for the investigation.

And Mr. Chairman, I would ask to submit for the -- unanimous consent to submit for the record a op-ed written by Clint Smith (ph) that's titled "Police Killings Get a Lot of Attention, So Should Police Beatings."

GOODLATTE:

Without objection, that will be made part of the record and Miss Chu had asked earlier and did not get a response from me to make -- put in the record the -- say her name report. Without objection, that will be made a part of the record as well.

Chair thanks the gentleman. Would advise the members there is a vote on the floor -- one vote. There is about ten minutes remaining in that vote.

We'll go ahead and recognize the gentleman from Utah, Mr. Chaffetz, for five minutes and then we will recess to give the general an opportunity for a brief break, but will resume immediately after.

CHAFFETZ:

I thank the chairman. Madam Attorney General, thank you so much for being here. Does an individual need a security clearance to review or have access to classified material?

LYNCH:

Congressman, that issue will be dependent upon the agency for whom they worked and the nature of the work that they did. With respect to...

CHAFFETZ:

Can you give me an example where you don't need a security clearance to view classified material?

LYNCH:

No. I believe -- as I was going to say, they would, but the type of clearance varies with every agency and the agency would make that decision and determination.

CHAFFETZ:

Is it legal or illegal to share classified information with somebody who doesn't have a security clearance?

LYNCH:

Congressman, it depends on the facts of this -- of every situation. You'd have to determine how that sharing occurred, you'd have to determine the means, you'd have to determine the -- you know -- the reason, the intent. Certainly depending upon how you view the statute. It could go any number of ways.

CHAFFETZ:

So you this ink there is a scenario in which you could share classified information with somebody who doesn't have the requisite security clearance?

LYNCH:

No, I would not draw that conclusion. I would say that I'm not able to answer it as a hypothetical, but that there are a number of factors that could go into the decision and one could have any number of results.

CHAFFETZ:

Is it legal or illegal to provide access to somebody who doesn't have the requisite security clearance to view classified material?

LYNCH:

To provide access?

CHAFFETZ:

Yeah.

LYNCH:

Again, you know -- I'd need more facts on the hypothetical, but I would like at a

number of things and depending on how you reviewed it, it could go any number of ways.

CHAFFETZ:

Is it legal or illegal to store, house or retain classified information in a non-secure location?

LYNCH:

Again, I would refer you to the statute. One could, in fact, have liability. Again, depending upon the nature and facts and circumstances.

CHAFFETZ:

Do you have any examples of where it's legally acceptable to retain classified information in a non-secure location?

LYNCH:

I don't have a hypothetical answer for that.

CHAFFETZ:

Is it legal or illegal to provide false testimony under oath?

LYNCH:

There are a number of statutes that cover that. Both at the federal and state level. There are a number of ways in which that could be found.

CHAFFETZ:

You -- there's a difference between prosecuting something and whether it's legal or illegal. You know, these questions are pretty simple. And we got millions of people with security clearance. How are they supposed to go through the gyrations that you've laid out in order to make a simple determination?

LYNCH:

Congressman, if we had a specific fact situation or fact pattern, that could be reviewed...

CHAFFETZ:

I'm just asking is it...

LYNCH:

When it comes to a hypothetical situation, it would be unfair to come up with a

blanket answer to someone without reviewing all the facts of their situation.

CHAFFETZ:

I'm asking if it is legal or illegal to share classified information with somebody who doesn't have a security clearance.

LYNCH:

Again, I would refer you to the appropriate statutes. And I'd refer you to the facts of every situation. It would be unfair to give a blanket answer to every hypothetical.

CHAFFETZ:

Why aren't you -- telling all the federal employees and contractors who have access to classified information, those in our military, why aren't we telling them you can't do this, it's against the law? Why can't you say that?

LYNCH:

We give them guidance. Again, every agency does. We give them examples. We give them information as to how to make those decisions. We show them. And again, every information provides -- every agency provides that, excuse me.

CHAFFETZ:

Why -- why is the -- why is the law not sufficient guidance? You believe -- is there a flaw in the law? Is there a suggestion in the law? I mean...

LYNCH:

I don't have a comment on the state of the law. My answer is that in order...

CHAFFETZ:

Somebody asked me -- somebody asked me to consult an attorney. You are the attorney general. And I think you're sending a terrible message to the world, to those people who are trying to make some simple decisions.

The lack of clarity that you give to this body, the lack of clarity on this issue is pretty stunning. These seem like simple issues.

Let me ask you. The team that you talk about in the Secretary Clinton e-mail scandal, outside of the FBI, who was on that team that you referred to that made the recommendation?

LYNCH:

As I indicated before, they would be career prosecutors.

CHAFFETZ:

OK, so they're prosecutors. Anybody else on the team that was participant in the investigation?

LYNCH:

Not to my knowledge. I'm not sure if you're referring to anybody else? Can you give me some further context for that?

CHAFFETZ:

I don't know -- like if they go back and do security clearances, determine classification, whether it's secure or non-secure. I would think that there'd be somebody outside of the FBI that would help you make those determinations.

LYNCH:

Well, the Department of Justice team would be Department of Justice employees, with respect to...

CHAFFETZ:

I'm trying to ask specific to which departments within the department -- I mean, Department of Justice is a large organization, right? FBI is part of that, prosecutors are part of it. Who, above and beyond prosecutors and the FBI, was involved in this -- this -- in this investigation?

LYNCH:

As I've indicated before, the DOJ team was composed of the career lawyers and seasoned agents in there. I'm not -- I'm not sure if you're asking about something outside of the DOJ...

CHAFFETZ:

I didn't know if there was another unit or other people that were part of it. That was my question. My time has expired. I wish I had about 20 more minutes. Thanks.

Mr. Chairman, yield back.

GOODLATTE:

The chair thanks the gentleman.

The committee will stand in recess for approximately 15 minutes.

(RECESS)

GOODLATTE:

The committee will reconvene. When the committee recessed, we were questioning General Lynch under the five-minute rule. And the chair now recognizes the gentlewoman from Washington state, Ms. DelBene.

DELBENE:

Thank you, Mr. Chair.

And Madam Attorney General, thank you so much for being with us today, and for all of your time.

Over the past several years, I've come to know a young man, a DREAMer in my district. His name is Andreas (ph). And he's a truly impressive young man. He's a bright student, a volunteer in his community, and really an eloquent advocate for individuals across the country with stories just like his.

Someone like Andreas (ph) knows no other home. His home is Washington state. And in my view, we should be supporting DREAMers like Andreas (ph), not deporting them.

I wanted your feedback on what you think the Supreme Court's four-four ruling means legally for people like Andreas (ph).

LYNCH:

Thank you, Congresswoman.

Well, certainly with respect to the court's four-four ruling, essentially refers to the most recent executive actions taken by the president. So if someone in young Mr. Andreas's (ph) position were...

(CROSSTALK)

DELBENE:

He missed the original DACA by 26 days.

LYNCH:

He was not in the original DACA, yes. Well, that program has been enjoined at the state and federal level in Texas and the 5th Circuit. That injunction remains in effect, which means that the program is not currently being implemented.

DELBENE:

And so if the ruling remains in place, what does that mean for the Department of Justice? And in particular, would you view this as essentially taking away the

prosecutorial discretion that you would have in any other context?

LYNCH:

Well, certainly with respect to prosecutorial discretion, we will still exercise our discretion in terms of what cases we prosecute and how we prosecute them. At the border, we will still continue to focus on individuals who pose a threat to society and raise issues of violent crime, particularly those who have criminal records. We'll continue to focus on those individuals who have more recently come across the border. We will continue to make public safety the watch-word as it always has been of our enforcement actions.

And of course, I'm sure the Department of Homeland Security will be looking at the ruling as well.

DELBENE:

So to back up a bit, what do you think the role of prosecutorial discretion is in a general sense? And do you exercise prosecutorial discretion in other contexts outside of immigration?

LYNCH:

Oh, we exercise prosecutorial discretion in every context because of resource issues, for the most part, as well as the different priorities presented by the challenges of a law enforcement environment. We, of course, are focusing great attention on matters like violent crime in the heroin-opioid issue today, and trying to make sure that we have sufficient resources to cover those important issues.

Immigration cases are a large part of our docket. We try to make sure that we handle them thoroughly, efficiently, but fairly as well. And we also try and make sure that we protect individuals who live in immigrant communities who still have a need to come forward to law enforcement.

DELBENE:

So why do you think this particular case is so controversial given that you used this discretion in other ways?

LYNCH:

I can't speak to the points others chose to make about the decisions and the policies that are set forth. I leave that to them to characterize their views and why it's important. But certainly from a prosecutorial perspective, managing resources is an important part of what we do. Determining the people who should be our priority targets for prosecution is something that we do on a routine basis. And we take a number of things into account for that. We look at -- as I indicated before, the type

of threat posed by individuals or certain groups of individuals. We look at the amount of law enforcement resources that we have to handle a situation and our ability to augment those resources or whether they are being diminished over time. So a number of things go into that calculation.

DELBENE:

Will indiscriminately deporting immigrants make us safer?

LYNCH:

Well, certainly I don't have a comment on the policy there. I think that for -- from a prosecutorial discretion point of view, we do focus on individuals who pose danger to the community. That is our focus, is the protection of the American people. So individuals who have a violent background, a violent history. Who have engaged in violence. Those are the individuals that we would look at and find a way to remove them from the community either by prosecution. There could be deportation, again we work with the Department of Homeland Security on that issue since they handle deportations per se. And so we would look again at trying to make the community as safe as possible.

DELBENE:

Thank you so much. I yield back Mr. Chair.

GOODLATTE:

The Chair thanks the gentlewoman, and recognized the gentlemen from South Carolina Mr. Gowdy for five minutes.

GOWDY:

Thank you Mr. Chairman. Madam Attorney General, the central issue to me is this perception of frankly rooted in some realities of a dual track or two tiered justice system. And I know that you have dedicated your career to the pursuit of justice. I know you work for a blindfolded woman whose holding nothing but a set of scales. And I think it's important that she's blindfolded because she shouldn't see the race, the gender, the social economic status, the fame or lack of fame of the person in front of her. And I'm sure you've experienced it like some of the rest of us. It's not just the suspect or the target or the defendant. The witnesses have to have confidence in the justice system, the jurors have to have confidence in the justice system, the public has to have confidence in the justice system. So this dual track, different set of rules for certain people than for others, it frankly should not matter whether you are running for president or running late to a kid's ballgame. The same rules oughta apply to everyone. So let me ask you this, why do you think it's important to use official e-mail to conduct official business?

LYNCH:

I believe that it's important to do that. I think that certainly every department has chosen to craft the way in which they carry out their business and it provides for a way of doing business in a secure system.

GOWDY:

So you use official e-mail to conduct official business?

LYNCH:

Yes sir, I do.

GOWDY:

OK, and do you ever e-mail, send or receive classified information on personal e-mail?

LYNCH:

I do not.

GOWDY:

I doubt you even use your USDOJ.gov account to send classified information. Do you?

LYNCH:

We have separate systems. There would be a separate...

GOWDY:

Classified systems...

LYNCH:

For that.

GOWDY:

Right, so not only do you not use personal e-mail to do it. You don't even use your USDOJ.gov. You have a separate dedicated system to handle classified information. Why?

LYNCH:

We have a separate system to handle the security needs.

GOWDY:

But my question is why, why is it important enough to you to not use personal e-mail to conduct public business and to use a separate more safely guarded system when you do handle classified information?

LYNCH:

That is the practice that I have certainly always followed.

GOWDY:

But it's just your -- I mean it's not just a personal preference is it?

LYNCH:

It allows for the protection of the information, both on a regular system, because again that is still sensitive law enforcement types of matters. And then a classified system for separately classified information.

GOWDY:

What element do you think was lacking in the statutes that you evaluated as it relates to Secretary Clinton.

LYNCH:

So let me again, as I've indicated before and I want to make it clear that, as I indicated before. The reason why I will not be going into the analysis that was provided and the discussion that we had between myself and the team is because we protect our teams and that they have to be free to provide information and analysis in a confidential way without the fear or impact of there being a political influence on that.

GOWDY:

I understand that.

LYNCH:

That is why I have not gone into that type of discussion. What I can tell you is that the team did evaluate the relevant statutes that were considered in this investigation. They looked at all of the facts and evidence. And as in every case they applied them to that statute to determine whether the elements had been met.

GOWDY:

But my specific question to you Madam Attorney General is what element of which offense did you find lacking from an evidentiary standpoint?

LYNCH:

Well, I would say that in order to answer that I would have to go into the entire level of analysis...

GOWDY:

Don't you think public perception in a single track justice system is important enough that you can at least touch on what you thought was lacking?

LYNCH:

Congressman, in this case we have taken the unusual step of discussing it in ways that the department typically does not, in order to provide more clarity into this situation. And while I understand that it is frustrating to a number of people, civilians as well as members of this body alike, we have taken extraordinary steps to discuss this matter in ways that typically we do not. Particularly when charges are not brought. And as I indicated before, just so it's clear, my reasons for not going into the substance of the information that I receive and review before I made my decision to accept the recommendation are that the teams that I work with, whether it's this case or any other, be free to provide confidential analysis, discussion without the input of any kind of...

GOWDY:

With all due respect Madam Attorney General, you can do all of what you just described and still tell the people what element. I mean the elements of a criminal offense are public, so there's no secret there. And for you to go through the elements and say, as Director Comey did -- he said there was no specific intent.

I'm out of time but I suspect you have prosecuted reckless homicide cases, haven't you?

LYNCH:

In the context of violent crime.

GOWDY:

How about involuntary manslaughter?

LYNCH:

For the department or personally?

GOWDY:

No just as a prosecutor. There's involuntary manslaughter, there's reckless homicide, there's felony DUI where you really didn't mean to hurt anybody, you

really didn't but you did. And this lack of specific intent is not a defense in any of those cases.

So I think the public would like to know how you determined she did not have the intent to break the law, and why you are applying a specific intent requirement here when you don't even do it in certain homicide cases.

LYNCH:

Well, Congressman, as I've said -- I think you've mentioned a number of state cases there, but as I've said the reason why I am not going into the discussion I had and providing that particular level of information, although the FBI director did chose to do so, is that the information the team provides to me on this or any other case has to be given in a zone of confidentiality so that they can be clear and sure that there's never a political overtone to their decisions, nor will I apply one in accepting their decisions. That's why we have taken the unusual steps of providing great information. As frustrating as that has been for a number of people, to have additional information. That's why I took the unusual step of clarifying my role in this investigation.

GOWDY:

I'm out of time, the only thing I find frustrating is that even after this and Director Comey, people still believe that if you are famous there's a different set of rules than if people don't know your name. And I think you're missing a wonderful opportunity to say with specificity which evidentiary element you found lacking. So Congress can go fix statute if you think we need to. But right now we have no idea whether or not a President Lynch, could do exactly what Secretary Clinton or whether President Clinton could do exactly what Secretary Clinton did. I think that lack of clarity is bad for the republic, quite frankly.

I would yield back.

GOODLATTE:

The chair thanks the gentleman.

Recognizes the gentleman from Rhode Island, Mr. Cicilline, for five minutes.

CICILLINE:

Thank you, Madam Attorney General, for being here and for your time.

We are living in very difficult times where we see violence and guns continuing to plague our communities and building communities of trust and respect are critical. And reducing the ability of dangerous individuals to easily access guns is part of the answer.

What I really want to focus my inquiries on is the first part of that effort. And I was -- before coming becoming the commerce mayor of Providence, and my former chief used to say the most powerful weapon in the police department in fighting crime and keeping communities safe is the trust and competence of the people they serve.

I've had the unfortunate occasion to both comfort families who lost a loved one to gun violence; mothers and fathers and siblings, and well as to in August -- in April of 2005 to lost a police officer to a shooting inside the Providence police station. Detective Jimmy Allen, which was a very painful experience for the City and for the department.

Both of those example are horrible and painful events not capable of easy answers or quick fixes, but one thing that I found as mayor of the city is when I took over, we had a police department that was under investigation by the Department of Justice for a patterns and practice civil rights issues. And crime was on the increase and the community had really lost confidence in the department.

And as a result of implementing a city-wide community policing model, we really rebuilt the confidence of the community, the department became accredited; remarkable turnaround, and we produced the lowest crime rate in 40 years. So it was an example of really investing and building relationships between the policing community, which made police officers safer and made the community safer.

And so what I really want to ask you about is what the Department of Justice or Congress can do to help that kind of thing happen in other cities around the country. There was a 2007 national survey of police leaders, and they identified insufficient resources and the support of front line offices as the two major obstacles to implementing community policing models affectively.

And I love your thoughts on what we can do as a Congress, what DOJ is doing to help close these gaps with local and state law enforcement agencies.

LYNCH:

Well, thank you for raising this important issue, Congressman. One that has become central to me tenure as Attorney General. And I've had the privilege also of travelling to different communities much like yours, Providence, that had a pattern and practice, and yet residents and police officers together determined that they would rebuild to a positive relationship.

So as you note, it can be done, it has been done, and I have seen it done. With respect to what the Department of Justice is doing, we are supporting the work of community policing around the country through our community oriented policing service that provides technical assistance to police departments upon their request.

One of the things that we try and do is match up police departments facing specific issues, crowd control for example. A question about whether their excessive force

policy really is sufficient.

We try and pair them with police departments that have dealt with those issues and, in fact, come to a positive working relationship so that they can have a peer to peer connection, because there is a lot -- there's a tremendous amount of positive police work being done in this country, and we need to spread that as well.

We're also supporting through cop's grants local municipalities, hiring additional officers and retaining those officers. Through supporting the recommendations of the President's task force on twenty-first century policing, we're supporting a number of pillars, particular officer safety and wellness. And I've been privileged to watch some outstanding training, focusing on, instilling in officers from the beginning of their time on duty that, when they are encountering someone on the worse day of that civilian's life, they themselves need as much support and training as possible.

The issue of resources is one that is raised with me a great deal. With respect to officers and departments who want to set up wellness programs, who want to have a dedicated community policing officer who want to expand their school of resource officer program. And yet their municipalities are struggling to provide the resources.

We try and help, of course, assistance with that is always welcome; I'm happy to have our staff speak about ways in which we can work together on that.

CICILLINE:

Great.

And just quickly, in connection with that, there was a 2006 Department of Justice report that found police academies spend an average of 110 hours training their recruits on firearm skills and self defense, but only eight hours on conflict management and mediation. And I'm wondering whether or not you think that's a sensible allocation and what can be done, really, do give a more balanced approach in the training because that's obviously part of it, and I'm hoping that out of this difficult time that we are experiencing because of the tragedy in Dallas and the other shootings we're seeing around our country that we can come together and respond to some of this.

I'd love your thoughts on that.

LYNCH:

Thank you.

GOODLATTE:

The time of the gentlemen has expired, but the witness will be permitted to answer the question.

LYNCH:

I believe that police departments around the country are looking at exactly that issue and trying to ensure that they have ongoing training in mediation, conflict resolution, most importantly, de-escalation at the police academy and also throughout the life of the sworn officers.

I've been privileged to actually see some of the training given to on-duty officers as part of their continuing education.

CICILLINE:

Thank you, Madam Attorney General.

I yield back.

GOODLATTE:

The chair would advise the members that there is another adjournment vote on the floor. Motion to adjourn.

The gentlemen from Idaho is recognized for five minutes and then the committee will stand a recess to take that vote.

LABRADOR:

Thank you.

Madam Attorney General, thank you for being here and thank you for your service to this nation.

I happen to disagree with Director Comey's conclusion, but I have a great deal of respect for him. I have seen him to be nothing but an honorable man and reasonable -- minds can disagree.

So I just have some questions that are similar to what has been asked before, but a little bit different. Director Comey said repeatedly that Secretary Clinton and her colleagues were, quote, extremely careless in their handling of vary sensitive, highly classified information. Do you agree with this assessment?

LYNCH:

I don't have a characterization of their actions. Typically we do not characterize the actions of individuals; that was Director Comey's assessment of that. And my review...

LABRADOR:

So you don't accept his assessment, but you only accept his recommendation to

not charge?

LYNCH:

As I said before, I did not come to a characterization or a description as he did of individual behavior. My discussion was focused on the investigation, what it revealed, and how it applied to the legal standards.

LABRADOR:

So Secretary Clinton had a security clearance while she was serving at the State Department. Correct?

LYNCH:

As far as I know, that is correct.

LABRADOR:

If any other federal employee with a security clearance is extremely careless with classified information, in your opinion, what would happen to that person's clearance?

LYNCH:

I believe the matter would be reviewed and investigated and the appropriate actions would be taken.

LABRADOR:

And in fact, Director Comey suggested if Secretary Clinton were anyone else, the facts uncovered in the FBI investigation could have cost her that security clearance. Is that correct?

LYNCH:

I don't want to characterize the Director's statements or testimony. I'd have to ...

LABRADOR:

But anybody else who would have been extremely careless with their security information, they would have lost their security clearance. Correct?

LYNCH:

I think the matter would have to be reviewed and handled according to the rules of the relevant agency.

LABRADOR:

In your experience as a federal prosecutor, if any other American with a security clearance had acted extremely carelessly with classified information, what would DOJ's position be on prosecuting that person?

LYNCH:

Well, with respect to whether or not a prosecution would ensue, the issue would be the same as here, whether or not the evidence rose to the legal standard of all the statutes that were considered. It will be the same consideration.

LABRADOR:

But you would seriously look at that, correct?

LYNCH:

It will be the same consideration that was done here. But it would have to, again, reflect all of the relevant facts and not just a characterization of that. And again, I did not make a characterization conclusion about that.

LABRADOR:

But if your characterization would have been that somebody acted extremely carelessly, what if that individual transacted business on Gmail?

LYNCH:

As I said before, I don't have a characterization or a description.

LABRADOR:

I'm not asking for your characterization...

LYNCH:

And that -- my only point, sir...

LABRADOR:

I'm saying if you would have found just a regular person working at DOJ extremely carelessly handling classified information on Gmail.

LYNCH:

My only point, sir, is that the legal standard would have to be met. And you have to look at the relevant statutes regarding that person's information and how it was transmitted.

LABRADOR:

So was Director Comey correct...

LYNCH:

And the characterization or description... LABRADOR: You've said that.

LYNCH:

... does not go to that.

LABRADOR:

Was Director Comey correct in stating that the range of punishment is from reprimanded to termination to a possible criminal prosecution when someone is found to have mishandled classified information?

LYNCH:

Certainly if he was speaking about the steps that the FBI would possibly would take, I would certainly reflect -- I believe he would be reflecting his agency's own understanding of that.

LABRADOR:

Has the Department ever reprimanded, terminated, or prosecuted an employee for mishandling classified information?

LYNCH:

I'm not at liberty to go into that. We don't discuss individual matters here.

LABRADOR:

So you have -- this will be a public record if you have prosecuted somebody.

LYNCH:

It would be a public record. I don't have that information now for you.

LABRADOR:

And you have not reprimanded or terminated anybody who has mishandled classified information?

LYNCH:

I don't know the answer to that information. I'm happy to have our staff speak and provide you whatever information we can, consistent with DOJ policy and the law.

LABRADOR:

So if a low-level DOJ attorney or FBI agent was reprimanded for carelessness with classified information, would that person have any chance of being promoted or otherwise advancing in their career?

LYNCH:

You know, Congressman, I can't speak to a hypothetical. I also, again, would urge caution with using a characterization or description instead of an equal analysis...

(CROSSTALK)

LABRADOR:

I'm sorry. I'm actually confused by your statement.

You want us to respect this conclusion, which I do, even though I disagree with it, but you don't want us to respect his words, or to actually take any kind of statement that he made at face value, is that what you're saying?

LYNCH:

My answer is that, as I said before, a characterization or description is not the issue; it's -- was a relevant legal standard reached. In every case, you would look at the relevant legal statute and you would see if the determination had been made that, in fact, those elements had been met.

LABRADOR:

You can't even tell us if one of your employees carelessly used information whether you would advance them in their career or not.

LYNCH:

We look at every case, in all these situations, all the facts and all the issues, we apply the rules and we come to a decision and determination there, consistent with the rules of our organization. As I believe, any other organization would.

LABRADOR:

I yield back my time.

GOODLATTE:

The committee will stand in recess until the completion of this vote in about 15 minutes.

(RECESS)

GOODLATTE:

The Committee will reconvene. When we recessed we were questioning General Lynch under the five minute rule. The Chair now recognizes the gentleman from New York, Mr. Jeffries, for five minutes.

JEFFRIES:

Thank you Mr. Chairman. I want to thank the Attorney General for your presence here today for your leadership in this country.

And let me first just associate myself with the remarks that have been made by others with respect to expressing concern about the apparent willingness of the Anti-Trust Division of the Department of Justice to move from a model of fractional licensing to 100 percent licensing in the context of the ASCAP and BMI consent decrees. I think songwriters and the pubs and communities already under siege and this will just exacerbate the problem.

I have great respect for my colleagues on the other side of the aisle but we are in the midst of a gun violence epidemic here in America.

Five police officers were killed in Dallas, Texas. Forty-nine members of the LGBT community were gunned down in Orlando. Fourteen Americans were killed at a holiday party in San Bernardino. Nine individuals, God-fearing folks, were killed at a church in Charleston, South Carolina. Twenty children were killed at a school in Newtown, Connecticut.

We have mass shooting after mass shooting after mass shooting and yet this hearing has been about email. Not the gun violence epidemic. Not the explosion of mass shootings. Not the tense relationship between the police and communities of color. It's been about email.

This is not a legitimate oversight hearing with the Attorney General of the United States of America, designed to try to find a public policy solutions to the problems of the American people. It's a fishing expedition. It's a reckless legislative joyride designed to crash and burn. It's a sham. And the American people, in the midst of an incredible gun violence epidemic throughout the country deserve better.

Let me ask a few questions about the relationship between the police and the community in the little time that I have remaining in the context of the Eric Garner case.

You testified earlier today that it was important to try to strengthen the relationship between the police and the community. Increase trust is that correct?

LYNCH:

Absolutely.

JEFFRIES:

And would you agree that one of the problems that we have in America is the fact that there are many people who believe that when police officers, the majority of whom are hardworking public servants who are there to protect and serve, but when some police officers use excessive force, resulting in the death, often of an African-American male, sometimes unarmed, that that officer's rarely held accountable by the criminal justice system.

Is that a legitimate concern that people throughout America have?

LYNCH:

People have expressed that to me throughout my travels as a concern that they have.

JEFFRIES:

About two years ago Eric Garner was killed as a result of a choke hold deployed against him by Officer Pantaleo in Staten Island. Is that correct?

LYNCH:

I'm not able to give you the conclusion on that. Certainly it's a matter that's under investigation.

JEFFRIES:

But he was killed. That's clear to everyone. I'm not saying it was a homicide, justifiable. Mr. Garner was killed, is that right?

LYNCH:

Yes, approximately two years ago.

JEFFRIES:

OK. And you opened up an investigation I believe in December of 2014 or December of 2015 perhaps. December of 2014 in connection with the death of Mr. Garner, is that right? The Department of Justice.

LYNCH:

Late 2014.

JEFFRIES:

Late 2014. And so that investigation is still ongoing, is that right?

LYNCH:

Yes it is.

JEFFRIES:

In order to - what is the standard by which the Department of Justice will consider a civil rights action is merited?

LYNCH:

In terms of a referral or an ultimate conclusion?

JEFFRIES:

Ultimate conclusion.

LYNCH:

Ultimate conclusion we, as in every case, we look at the law and we look at the facts and determine if we are able to meet all of the elements of the relevant statutes.

JEFFRIES:

And what's the relevant statute in this case?

LYNCH:

One statute I can tell you that is often considered in cases is 18USC242, which would essentially criminalize the use of excessive force by a law enforcement officer.

JEFFRIES:

And is the fact that Mr. Garner said, on 11 different occasions, "I can't breathe," 11 different times, Officer Pantaleo failed to respond - is that a relevant consideration in terms of intentionality in this case?

LYNCH:

I can tell you that all the facts are being considered by the team.

JEFFRIES:

And is the fact that the choke hold had been outlawed by the NYPD for the previous 20 years yet it was deployed in this instance - is that a relevant consideration in terms of intentionality in this case?

LYNCH:

I can tell you that in NYPD procedures and training would be part of what's considered in the case but I'm not able to go further into the merits or substance of that.

JEFFRIES:

And lastly is the fact that Eric Garner was unarmed and was essentially being accosted for the sale of loose cigarettes - is that a relevant consideration in the universe of facts that the Department of Justice is considering?

LYNCH:

I can tell you that everything is under consideration in the review.

JEFFRIES:

Thank you. I yield back.

GOODLATTE:

Chair thanks the gentleman and recognized gentleman from Texas, Mr. Farenthold.

FARENTHOLD:

Thank you Mr. Chairman. First off I'd like to respectfully disagree with one of the comments the gentleman from New York just made. This line of questioning isn't about email, it's about national security. And to borrow Director Comey's words, "Someone in the top level of our government being extremely careless with classified information."

The other day my colleague from Texas, Will Hurd, a former CIA agent, made the point that mishandling classified information has real repercussions to our men and women who are working in the intelligence field and actually potentially puts their life in jeopardy.

That being said, General Lynch, are federal employees generally prohibited from removing classified materials from secure area network and placing it on open or unclassified networks?

LYNCH:

Congressman, generally speaking, the issue that you're talking about ...

FARENTHOLD:

Yes or no?

LYNCH:

... be covered by statute and regulation.

FARENTHOLD:

But they're not allowed to do that.

LYNCH:

And it would prohibit the behavior that you're talking about.

FARENTHOLD:

All right. And are people allowed to retain classified documents in an unclassified environment?

LYNCH:

Generally, no.

FARENTHOLD:

All right. So let me ask you a question - I'm gonna get back to Ms. Clinton for a second. How did this information wind up on her server?

I doubt Mrs. Clinton was technically savvy enough to copy it to a thumb drive and move it from one to the other, didn't have the patience to retype it - so obviously some other people took it off a classified network and sent it to her. Do you think those people should be prosecuted?

LYNCH:

Congressman, with respect to any of the individuals considered in the investigation, as I indicated I won't be going into the discussions about them, and as I indicated earlier, I know that this is a frustrating exercise for you, it is --

FARENTHOLD:

It is and it's pretty clear you're not going to answer my questions --

(CROSSTALK)

LYNCH:

-- because we asked the team to provide information in a --

(CROSSTALK)

LYNCH:

-- (inaudible) manner, so that it can be reviewed without they're being influenced by any political overtones.

(CROSSTALK)

FARENTHOLD:

Well, I have a -- it's pretty clear you're not going to answer any of my questions, so. You were appointed by the president who called himself I think wanted to create the most transparent administration ever.

So we're going to quit asking Congressmen questions. I'm going to ask some questions that American people have posted on my Facebook page. Both Mark from Portland, a retired coast guard person in Georgia, also a U.S. Army vet, want to know under oath what you discussed on the plane with President Clinton.

LYNCH:

Well, what I can tell you is exactly what we discussed was as I've indicated earlier when the president indicated he wanted to say hello. I said he could say hello. He came on board; spoke to myself, my husband.

There were two flight crew members on the plane. He spoke with them, briefly. Mr. -- the former president then spoke at length about his grandchildren.

FARENTHOLD:

Y'all didn't speak at all about anything pending -- any pending investigations or Mrs. Clinton's problems with the e-mail or the Clinton Foundation or anything like -- none of that was discussed?

LYNCH:

If I can continue with what was discussed...

FARENTHOLD:

I'm just asking for you to discuss something that might be relevant --

(CROSSTALK)

LYNCH:

We did not discuss anything about a case or matter before the Department of Justice. We did not discuss Mrs. Clinton in any way. He spoke about his grandchildren at length. He spoke about his travels...

(CROSSTALK)

FARENTHOLD:

OK I apologize for interrupting you --

LYNCH:

-- what he's (ph) done in Phoenix.

FARENTHOLD:

I only have five minutes and you have been very good at burning up the time and stone walling. And I do wanna get to some questions.

So have you ever met with anybody else on your plane on the tarmac?

LYNCH:

I have not had occasion to meet with anyone in my plane. I have been traveling at the airport and public individuals have asked to come in and say hello. And I've said hello...

(CROSSTALK)

FARENTHOLD:

OK and have you had any other meetings of more than a couple of minutes off the books with Mrs. Clinton, President Clinton or their close associates, Sidney Blumenthal and the like?

LYNCH:

I've never had any other conversations with either former president Clinton or Mrs. Clinton before this except to say hello or as in a photo line --

(CROSSTALK)

FARENTHOLD:

All right. So let me get back to the questions --

LYNCH:

-- and the other individual you mentioned also no.

FARENTHOLD:

All right so getting back to some of the Facebook questions. Martin from Corpus Christi also retired coasty would like to know if a military person handled classified

information the way Mrs. Clinton does, would -- would he probably have been prosecuted or she possibly been prosecuted?

LYNCH:

So it's -- that I think we have to look at this from the situation of if the exact same facts were presented and the exact same laws considered, the same conclusion would be come to. That is what both Director Comey has indicated.

I certainly have no reason to view it differently. Every case is viewed differently. But again, if you have the facts as they were presented here and review here, applied to the laws reviewed here and analyzed here, that would be the conclusion.

FARENTHOLD:

I have one more question to get before I get out of time. This is Stuart, a friend of mine from Luling, Texas. And we've seen several attorney generals that have been either been asked to resign or resigned on their own when -- and I've used the term loosely -- scandals have come up.

And I think people have been using that word with respect to this and have suggested you should've recused themselves on this. Should the president replace an attorney general if the attorney general does not enforce the law evenly? Or should there be separate enforcement for different classes? And that's Stuart from Luling.

GOODLATTE:

The time of the gentleman has expired but the general is allowed to answer the question.

LYNCH:

Thank you, Mr. Chairman.

Congressman, there's no separate method of enforcement for anyone here. And as I said before, while I understand the frustration of people who disagree with the decision, I will say that it is similar to the frustration I have encountered when I as a prosecutor or others who are prosecutors have to explain to someone why charges are not being brought if their family members involved and the like.

And so I understand the emotion that things generate. I understand the frustration that it generates. But it is something that we take very seriously. And as I said before, we follow the law. We follow the facts in every single case.

FARENTHOLD:

Thank you. I see my time has expired.

GOODLATTE:

Chair thanks the gentleman.

Recognize the gentleman from Florida, Mr. Desantis, for five minutes.

DESANTIS:

General Lynch, the team that recommended not to prosecute Secretary Clinton, did that include the Deputy Attorney General?

LYNCH:

Yes, Congressman the day to day...

(CROSSTALK)

DESANTIS:

Did it include the Associate Attorney General?

LYNCH:

The day to day team that reviewed the matter did not, although the matter was reviewed...

(CROSSTALK)

DESANTIS:

Not the Office of Legal Counsel or Office of Legal Policy?

LYNCH:

I just wanna conclude with the U.S. about the Deputy Attorney General and I wanted to provide that information.

DESANTIS:

It was not, though, on the day to day; so what I'm just trying to get through to people because I have limited time. So he was not, correct?

LYNCH:

She was part of the chain of review but she was not on day to day team.

DESANTIS:

OK what about the head of the National Security Division?

LYNCH:

The NSD was -- was the component that was leading this and so the head of the NSD or the National Security Division would have been in the chain of review.

DESANTIS:

What about the head of the criminal division?

LYNCH:

No, I will tell you that the team was led by NSD.

DESANTIS:

OK.

LYNCH:

And therefore its head. You asked about the Deputy Attorney General, that's Sally Yates. She was in the chain of review but not the day to day team.

And the FBI director, I don't know the intermediate level supervisors there who would have been involved.

DESANTIS:

OK Director Comey said that the Department of Justice has grave concerns about whether it's appropriate to prosecute somebody under a gross negligence standard.

Do you -- as the Attorney General -- have grave concerns about prosecuting? Forget about this case, anybody under a gross negligence standard?

LYNCH:

Our concerns are always whether or not we have the facts to support the charge.

DESANTIS:

I'm not asking about the facts.

LYNCH:

That is a concern of the case.

(CROSSTALK)

DESANTIS:

Assume you have the facts; forget about this case. Do you have grave concerns about bringing a prosecution under gross negligence?

LYNCH:

Yeah, I would have to have the factual record before me.

(CROSSTALK)

DESANTIS:

Did any of the people who were on the team that advised you, did they tell Director Comey that they had grave concerns about bringing a case under a gross negligence standard?

LYNCH:

Congressman, I wasn't privy to those conversations.

(CROSSTALK)

DESANTIS:

You guys prosecuted environmental crimes under a negligence standard, correct?

LYNCH:

We do prosecute...

(CROSSTALK)

DESANTIS:

Those are constitutional prosecutions, right?

LYNCH:

We do prosecute a number of upon (ph) across different standards...

(CROSSTALK)

DESANTIS:

States across the country prosecute under for homicide, you can have negligent homicide. And so Director Comey said well look, people say you can do this but how come there haven't been cases brought recently?

How many cases has the Justice Department declined to bring under 18 U.S.C Section 793 F (ph) because they were concerned about the gross negligence standard?

LYNCH:

Yeah I don't have the answer to that.

DESANTIS:

Do you know if there's been any that have been declined over the last 10, 20 years?

LYNCH:

I don't have an answer to that.

DESANTIS:

I'd like to get that because I think that that's important because you can say people haven't been prosecuted under it but maybe people in the civilian sector have actually met their responsibilities by and large and not been extremely careless with it.

I'm a little bit disappointed with how you've approached this. I think that given all the circumstances that are involved in this case -- and again, I'm just talking about the appearance of what the average Joe sees.

You yourself were appointed by President Clinton in the '90s to be U.S. attorney. Your current boss has said on more than one occasion before Comey's recommendation that Hillary Clinton having top secret information on her e-mail did not damage national security.

You, of course, met with Bill Clinton privately just days before the decision was announced not to go ahead with this prosecution. Of course, your current boss has endorsed Secretary Clinton to be the next President of the United States.

And in fact, they had a campaign trip scheduled I believe the afternoon that Director Comey announced his findings. And so with all of that surrounding, there's a lot of people that have concerns about whether this decision was made with proper integrity.

And basically what you've told us today is I'm not going to talk about it, I'm not gonna justify it. It is what it is. And that falls very short, I think, of what a lot of people want.

And I've noticed that you have been willing to opine on other instances when it suits you. I mean for example, in Orlando in June, you said the most effective response to terrorist is compassion, its unity and its love.

You were -- you were interjecting on that. You said after the San Bernardino attack that your greatest fear was the rise of anti- Muslim rhetoric. That was something you volunteered.

You discussed the possibility in front of the Senate Judiciary Committee in March of

bringing civil actions against people who denied climate change. And of course, you also discussed taking potential criminal action against those engaged in the anti-Muslim speech.

And so I want to ask you whether your hear no evil, see no evil performance today, if somebody honestly looks at what happened here and thinks that if they were a junior officer in the Navy or mid level official in the federal bureaucracy and they treated classified information like this that they would've been held accountable.

And they look to see all these circumstances. And then here you are to justify the head of the department and you're offering them nothing. Do you understand that there's going to be a lot of people that are not satisfied with that?

LYNCH:

Well, Congressman as I've indicated, I understand that people are often frustrated when they don't either understand or have clarity into the reasons behind a decision.

In this matter, there have been a number of times where unprecedented clarity has been provided. In terms of the FBI director statements, for example. That was unusual clarity into his thinking in what led up to his recommendation...

(CROSSTALK)

DESANTIS:

It's also unusual for the justice department to be investigating somebody who's endorsed by the sitting president, though. I believe that's completely unprecedented.

So there's a lot of things -- the unprecedented nature of this can cut both ways. I'm out of time. I do appreciate your time but I'm definitely not satisfied with your answers.

GOODLATTE:

The chair thanks the gentleman.

And recognizes the gentlewoman from California, Ms. Walters, for five minutes.

WALTERS:

Thank you Mr. Chairman. Ms. Lynch, during last week's oversight hearing Chairman Chaffetz and Director Comey -- asked Director Comey about Secretary Clinton granting her attorneys access to e-mails for the purpose of document review.

Specifically he asked, did Hillary Clinton give non-cleared people access to

classified information. Director Comey responded yes.

My question is this, does the conscious decision on the part of Secretary Clinton to grant access to classified information to her attorney's, who did not have security clearance, constitute criminal intent under 18USC section 793b which describes the intent element as the following, willfully communicates, delivers, transmits, or causes to be communicated delivered or transmitted, or attempts to communicate, deliver, transmit, or caused to be communicated, delivered, or transmitted to any person not entitled to receive it.

LYNCH:

Congresswoman I would need to have information about the recipients, what information or what background they had, what clearances they had or didn't have. And I simply am not able to provide you with that answer because I don't have that full information.

WALTERS:

So you do not know if her attorney's had security clearance?

LYNCH:

I do not have that information.

WALTERS:

My understanding is they did not. But having said that, we're going to move on the remainder of my time I want to address another DOJ related matter before this committee.

On October 28, 2015 you appeared before this committee for an oversight hearing, and during that hearing I noted that FBI Director Comey confirmed that the FBI was investigating criminal allegations within the Department of Veterans Affairs related to the manipulation of wait times.

I asked a series of questions regarding DOJ's role and activity in subsequent to the FBI referral. I note that none of these questions would have necessitated answers that would compromise active investigations. If you recall you were unable to provide those answers during the hearing.

However, you twice committed to have DOJ's office of Legislative Affairs provide information to my office. Subsequently your staff inquired whether they could provide those answers through an informal phone call rather than official questions for the record. And the promise from your staff was that the answers would be quicker and provide more substantive information. And I agreed because I am more concerned with getting real answers so we can assure that our Veterans receive the care that they have earned.

After six weeks that informal phone call took place, citing ethical and privacy concerns, your staff refused to answer many of those questions. Quite the opposite of the promise that an informal call would be substantive.

I can only assume that your staff intentionally induced my office to participate in this informal call to avoid answering these questions. Thus obstructing legitimate congressional oversight beyond the purview of the public. This is exactly the type of behavior that disgusts the American public.

I attempt to inject transparency on a subject of immense public importance and then agreed to coordinate with the administration to get answers and develop solutions, only to be subject to partisan games.

I sent a follow up letter to you, asking for an in-person meeting with an official who could provide these answers. I receive a response that stated that the DOJ, and I quote, "provided you with information as appropriate and consistent with the departments law enforcement responsibilities" end quote.

I want to clarify, I received no information whatsoever. So after eight months I will try again, can you provide a status update regarding this investigation.

LYNCH:

Well certainly, Congresswoman, I can tell that there has been at least one prosecution, I believe it was southern district of Georgia. And there have been other matters that are under investigation that are not resolved yet, so we're not able to provide information about them.

And certainly again, if you would reach out again we will attempt to provide whatever information we can. Where a matter is open however we are simply not going to be able to provide that information. But it is something that we take very seriously.

WALTERS:

Of the case that prosecuted, was that case a charge against the VA employee for manipulating wait times?

LYNCH:

I will confirm that and get back to you.

WALTERS:

OK, and I would appreciate a response from you or your staff. And how many VA medical facilities are under active investigation for manipulating patient wait times and when do you expect those investigations to...

LYNCH:

I missed the very first part of your question I'm sorry.

WALTERS:

How many VA medical facilities are under active investigation for manipulating patient wait times. And when do you expect those investigations to conclude?

LYNCH:

I'm not able to give you a time table for any of the open investigations, I don't have the number. And we'll see if we're able to provide you with some clarity on the number.

WALTERS:

You should be able to provide clarity on the number and that's where we were getting stonewalled. I mean they wouldn't give us any information to my staff at all and it's very frustrating.

Another question. How many cases has the DOJ declined to prosecute or press charges against V.A. employees for manipulating wait times?

LYNCH:

I don't have that information and again we'd have to look into that.

WALTERS:

OK. Again, another question that could be answered, because we're not asking specific, private information of people. And can you provide the reasoning that the DOJ declined to pursue each of these cases?

LYNCH:

... information.

(CROSSTALK)

WALTERS:

So I will look forward to having my answers from your staff, and I appreciate and I yield back my time. Appreciate your time. Thank you.

GOODLATTE:

The Chair thanks the gentlewoman and expresses the interest of the Committee in getting the answers to those questions as well.

The Chair now recognizes the gentleman from Michigan, Mr. Trott, for five minutes.

TROTT:

Attorney Lynch, thank you for your time today.

In 1965, a member of the Senate Labor Committee complained to the Chairman of the Committee that the new junior Senator from New York was getting preferential treatment and the Chairman responded, "I'm not treating Bobby Kennedy any different than I would any other future president of the United States." Did Hillary Clinton receive treatment that was different than others?

LYNCH:

She received no treatment different from any other. The only difference in this case is that we have again as I've indicated before provided more information about, at least from the FBI's point of view, the investigative team's thought on this.

TROTT:

So if a member of your staff took classified information home, put it on their server, their laptop, nothing would happen to that person?

LYNCH:

We would review the matter and come to the appropriate decision. We would look to see at all of the relevant ramifications and see what fit.

TROTT:

The meeting on the tarmac with former President Clinton - that was a pretty fortuitous meeting for you wasn't it?

LYNCH:

I would not say that.

TROTT:

Well, it gave you a perfect alibi. Because if you had recused yourself, as some have suggested at the outset of this investigation, because you're friends with the Clintons and maybe hope to be Attorney General in her Administration, then you could stand there and say, "I defer to the FBI Director."

But you didn't recuse yourself, but now you're using the meeting on the tarmac to basically say to avoid the appearance of impropriety, "I can't answer your question." Isn't that basically what's happened here today?

LYNCH:

Congressman, I would not say it was fortuitous for me or for anyone. It led me to take another unusual step in this case ...

(CROSSTALK)

TROTT:

But that's -- that's what's happened --

(CROSSTALK)

LYNCH:

-- in outlining my role --

TROTT:

In fact, I knew you weren't going to answer our questions today, and I apologize for wasting so much time here because it's really not been very productive. I asked my staff to count the number of times today you would say, "I can't answer that question," or refuse to give an appropriate response. It's happened 74 times so far. It's either one of two things.

Either you're saying that because you want to avoid the appearance of impropriety, in which case you should have recused yourself, or you're trying to protect Hillary Clinton.

So my colleague, Mr. Smith, asked earlier if you talked with Bill or Hillary about serving as Attorney General in Hillary's Administration. Have you talked to any of their staff?

LYNCH:

No, I have not.

TROTT:

Have you talked to anyone in the transition team? I know they are talking to people.

LYNCH:

I've not spoken to anyone on either the campaign or transition or any staff members affiliated with them.

TROTT:

Do you want to be Attorney General?

LYNCH:

My focus is on being the Attorney General throughout the remainder of this Administration and dealing with the issues that I've discussed here, particularly my focus on law enforcement and community relations and national security as represented by the Department's work in the most recent tragic accidents facing this country.

Also my work involving vulnerable victims of human trafficking. My focus is on making sure that the resources and assets of the Department of Justice are dedicated towards those important goals, particularly when it comes to individuals who feel at odds or left out or somehow cut out of our society and therefore have a situation where their relationship of trust with law enforcement ...

TROTT:

Thank the Attorney General. I want to reclaim my time.

Why did you tell the FBI security detail not to have any cameras or phones when you met with President Clinton on the plane?

LYNCH:

I didn't make any comments about cameras or phones or anything.

TROTT:

So no one directed the security detail not to take any pictures or anything like that?

LYNCH:

I did not. I didn't make any comments about cameras or phones or anything.

TROTT:

So last week, Mr. Comey, I think when he was being questioned by Mr. Gowdy, said that Hillary Clinton didn't tell the truth when she said that she turned over all the emails -- that all the emails that (ph) had been reviewed by her lawyers. That nothing was classified, that she only had one device and he was quite pointed in his comments that she wasn't telling the truth about all of those matters and other issues.

Do you think she told the truth?

LYNCH:

I'm not privy to the reasoning on that. My understanding is that after that exchange the Committee was going to decide whether or not to make a referral. If that were the case the matter would be reviewed and looked at, and it would be not appropriate to go into it until then.

TROTT:

But you didn't recuse yourself so you're really using that meeting on the tarmac as a way to avoid answering your questions. Isn't that what's happening here? You're saying to avoid the appearance of impropriety --

(CROSSTALK)

LYNCH:

I talked about my conversation with former President Clinton as a way to explain how it would have no impact on the case. I felt it was important to explain that, because I had earlier decided that I would be accepting the team's recommendation. But that also we didn't talk about anything involving cases or the investigation itself. The conversation was, as I have noted earlier, primarily personal on his part.

We've taken that unusual step so that there would not be a view that there would be any influence on that on this matter at all.

TROTT:

And you've used that to not answer our questions today.

LYNCH:

I've answered your questions. If you have more, I'm happy to hear them.

TROTT:

Let's segue to the three mortgage settlements for billions and millions of dollars where in excess of half a billion dollars was basically put into a slush fund to be steered towards liberal community service groups. Any information on whether the attorneys at DOJ that were involved in mandating money not be steered towards conservative groups, any repercussions for that?

LYNCH:

Congressman, with respect to the issue of the settlements that were crafted in some of the residential mortgage-backed securities resolutions that I believe our staffs have had discussions about that, we have provided information to answer questions about that. I believe we're working to provide more information. Again, let us know if there are additional questions there.

Those settlements were in fact under the FIRREA statute, did generate large fines that went to the U.S. Treasury and payments to other groups were not in government funds but they went to organizations that have helped literally tens of thousands of Americans modify mortgages and bring their homes out from being

underwater and allowed them to keep their homes. Which is the consumer relief that we were hoping we could effectuate through these settlements.

TROTT:

And the settlements probably violated the Miscellaneous Receipts Act, but that's another discussion for another time. Thank you, General. I yield back my time.

GOODLATTE:

The Chair thanks the gentleman and recognizes the gentleman from Michigan, Mr. Bishop. For five minutes.

BISHOP:

Thank you Mr. Chairman. Thank you General Lynch for being here today. I know that the Attorney General's office is required to - the folks in your office are required to attend ethics training every year. Are you required to as the Attorney General to attend those as well?

LYNCH:

I do.

BISHOP:

And do they cover - I'm sure that the issue of conflict of interest and doing whatever is possible to avoid the appearance of impropriety?

LYNCH:

Yes.

BISHOP:

I say that in the context of the question that was just asked regarding the meeting on the tarmac and I know that you've indicated since then that you regret the unscheduled meeting and moreover the most important thing for you as Attorney General is the integrity of the Department of Justice, which I appreciate, and I think most Americans would agree with that statement.

Do you recall when and whom told you that former President Clinton wanted to speak with you?

LYNCH:

As I indicated I was getting ready to leave the plane to disembark with my husband, and I don't recall who but I was informed that former President Clinton wanted to say hello, so I agreed that he could say hello, and he did come on board and speak

with my husband and myself ...

BISHOP:

I remember that part.

LYNCH:

... other people.

BISHOP:

But full stop. Right at that moment, at that very moment, I want you to think back - did you think even for a split second that maybe perhaps that wasn't the right thing to do.

That there might be a conflict of interest or at the very, very least an appearance of impropriety to have that meeting with the spouse of a person under investigation in effect, and a key witness in another investigation, a former President of the United States, just for a second, at that moment, did you think about that?

LYNCH:

I will tell you, Congressman, at that moment my thought was, as it is in many instances, that I respond to courtesy with a courtesy, and I viewed it as a brief social greeting, and it turned into a longer conversation certainly than I had anticipated.

BISHOP:

At any time during that meeting did you feel that - did it ever occur to you - you say in retrospect that you regret it, but during that time frame did you regret it at all?

LYNCH:

Congressman, at the time that we had the conversation as I indicated I viewed it as a social conversation similar to when other individuals have asked to say hello, and we speak and move on.

BISHOP:

Fair enough. You answered the question. Thank you very much for that answer.

You've indicated that career prosecutors from your office assisted in the investigation, reviewed the evidence with the investigators with the FBI, correct?

LYNCH:

They were the line team, as we call it.

BISHOP:

So you had a team working. So did those career prosecutors have the opportunity to advise FBI investigators as to whether or not this was an actionable offense, whether probably cause existed?

LYNCH:

Well, certainly they would have provided legal analysis. I am not able to go into specific discussions, obviously.

BISHOP:

So, I get that (ph).

LYNCH:

But they -- but they would have had discussions about the facts and about the field analysis.

(CROSSTALK)

BISHOP:

So your -- your team did, your team was part of the team -- the Department of Justice was part of the FBI investigation?

LYNCH:

Well, the FBI is part of the Department of Justice also.

BISHOP:

OK.

LYNCH:

And I apologize for the confusion, when I refer to the DOJ team I actually mean the lawyers and the agents. So I apologize for that confusion.

BISHOP:

So -- but this -- these were lawyers from your office though, that were part of this team is what I'm getting at. And they were part of -- were they part of also the recommendation that was -- was provided by Director Comey? Did they help draft that recommendation?

LYNCH:

My understanding is that Director Comey provided the information and recommendation that he provided and the information that I received was from the team. It included Director Comey.

BISHOP:

OK so...

(CROSSTALK)

BISHOP:

But what I'm saying is -- I don't wanna mince words here and I don't wanna be -- I don't wanna be elusive in my question. I want to be as direct as possible.

Your team was part of this investigative process so your team was also part of the recommendation that was put forward by Comey, Director Comey, excuse me.

LYNCH:

Well, the recommendation that came to me included Director Comey's recommendation. It was a unanimous recommendation, agents and prosecutors, yes.

(CROSSTALK)

BISHOP:

OK so -- OK I understand it. So this really was your recommendation that you accepted from your team?

LYNCH:

It was a recommendation of the career agents and prosecutors who had done the work. They were -- as I've indicated before -- from within the National Security Division affiliated with main justice and they are the ones who made the recommendation to me.

And my decision was to accept their recommendation.

BISHOP:

OK lemme ask you one more thing, I know my time is fleeting here. Did Secretary Clinton have counsel present for the interview with the FBI?

LYNCH:

I'm not privy to the details of her...

BISHOP:

OK so you don't know whether or not she was questioned under oath whether recorded or any of those?

LYNCH:

I'm not privy to the details of that.

BISHOP:

OK you indicated earlier, you -- my colleague made mention of the fact that there were relevant statutes in a certain case in the (ph) investigation that was going on. What are the relevant statutes involved in this Hillary -- Secretary Clinton case?

LYNCH:

I believe -- I believe that they have been discussed in terms of mishandling classified information and...

BISHOP:

Can you cite those chapter and verse so that I understand that you reviewed and understand the statutes that are being used?

LYNCH:

Lemme...

GOODLATTE:

The time of the gentleman has expired but the witness will be requested to answer the question.

LYNCH:

Thank you.

Let me get you the exact citations of statutes that would have been under considerations. I don't want to misstate here but we've discussed them here generally.

And the discussions have been of the relevant statutes, they -- they have been discussed here, but lemme get you the exact citations.

BISHOP:

OK.

Thank you, Mr. Chairman and I would yield back.

GOODLATTE:

The chair recognizes the gentleman from Georgia, Mr. Collins for five minutes.

COLLINS:

Thank you, Mr. Chairman.

I want to -- before I get into some other questions -- I want to express my concerns over the Antitrust Divisions proposed recommendations regarding Consent Decrees on performing rights and organizations specifically ASCAP and BMI.

Rather than meaningfully discussing and reviewing those Consent Decrees, the Antitrust Division appears to have committed instead to reinterpreting existing agreements in a way that fundamentally changes the way license -- rights were (inaudible). You've heard this already.

The concern can be broken down in a couple of ways. Number one, this goes completely as contradictory to U.S. Register of Copyrights, completely contradictory to the information that has been given from there.

And the Antitrust Divisions proposed to reinterpret the existing Consent Decrees to govern the PROs recommended the shift to a hundred percent licensing away from the current form of fractional licensing.

The review of copyrights, as previously said, this is -- it violates basically principle of copyright law and interferes with creative collaborations amongst song writers, negates private contracts and impermissibly expands the ration of Consent Decrees.

The way I see it, American songwriters are grasping for air and the Antitrust Division just took them off life support. And there's issues here because in this instance, the acting head of the division of the Department of Justice is making a decision that flies in the face of not only of another agency but also -- and putting an industry at risk -- there is at least the appearance of conflict of interest among this head with the person making a decision at DOJ based on our previous offense (ph).

Now, listening to you all day, I'm not expecting a direct answer, unfortunately. But -- and your answer earlier doesn't ring true. You've answered several times that they're continuing to look at this and be a part.

Well, lemme just add, I've had conversations with parties that have been a part of this and they have been specifically told that the division has concluded that it would not be in public interest to modify these decrees in the fractional license (ph).

That sounds like it's already been made up. So we're going ahead and just preempting the time. And I would just ask, would you be willing to look at this considering the concerns here and do an internal independent review of this

Antitrust Decisions recommendation?

LYNCH:

Well, thank you Congressman. Again, as I've said before. My understanding as has been briefed to me is that the Antitrust Division's review and recommendations -- the review is not complete and recommendations have not been made.

That while they are consulting with various stakeholders and I do not know if those are some of the individuals with whom you have spoken that that discussion -- that those discussions, I should say -- are still ongoing. And that it will be still a few more months...

COLLINS:

I appreciate it, but I will reclaim my time here because this is an issue that I know may not be on your radar at this point (ph) I'm wanting to put it square and front and center on your radar because this is a decision that affects a great deal.

But it does back to something that is very disturbing -- I never thought I'd say this. I actually -- and I say this with due respect, Attorney General. I miss Eric Holder. Because at least when he came here and he gave us answers, we didn't like it.

But I've spent the last four hours listening to basically the Attorney General of the United States not willing to make a concrete statement of law. To not be willing to say that when given the opportunity about a colleague of mine, who made the decision in this case?

I understand Director Comey stepped up and said here is the decision we recommend. And you -- all you've been willing to say is well, we just accepted team recommendation (ph).

When given the opportunity to say do you accept this decision you've never answered directly that you've owned this decision. Do you own this decision?

LYNCH:

Congressman, as I've stated, I made the decision and I do accept. I did accept it and therefore I made the decision to accept that recommendation. That was the action that I took.

COLLINS:

The problem that we're having here, though is you took a decision because you had to -- your own words just a few moments ago that the meeting on the tarmac led you to do something.

That was your exact words, it led me to do something and that was basically recuse yourself but didn't recuse yourself. You just said I'm gonna accept what they tell me.

LYNCH:

It led me to discuss the decision I already made about how the matter would be handled (ph)...

(CROSSTALK)

COLLINS:

Had you already had conversations with the team before you made this statement and before the meeting on the tarmac?

LYNCH:

No, before I had a conversation with former President Clinton I had not spoken with the team. I had concluded in my mind how it should be resolved because I had tremendous faith in their work and integrity.

(CROSSTALK)

COLLINS:

Did you --

LYNCH:

So there were no conversations before that.

COLLINS:

-- and the way it was going about or the end outcome?

LYNCH:

I had no conversations about the end outcome of the investigation.

COLLINS:

Do you believe there is such a thing as a strict liability offense?

LYNCH:

Depending upon the statute...

(CROSSTALK)

COLLINS:

We went to law school. Is there strict liability offenses or not?

LYNCH:

In OSHA, for example there are...

COLLINS:

Is that a yes or a no?

LYNCH:

For environmental cases there are.

COLLINS:

Yes or no?

LYNCH:

I've given you two -- two examples.

COLLINS:

No, I want a yes or a no. Is there strict liability or not (ph)?

LYNCH:

I've given you two examples.

COLLINS:

I'm not -- this is, again, the issue that we have here is there's no ownership in DOJ. It's no wonder the optics of this so bad (ph). I've never agreed probably with David Ostrob (ph) in my life.

But the optics of this are terrible and you today have made it worse. And as also a member of the military who just got through at my drill duty this weekend, you have basically to me, offended every military member here who handles classified information who does so with their training.

And you basically said well, it depends on this. I got a question for you; riding down the road, speed limit says 55, I'm doing 65, have I broke the law?

LYNCH:

You have to ask the highway patrol, they would likely write you a ticket. They would likely write you a ticket for that.

COLLINS:

I'm not sure -- I went to a small little -- little small law school. We taught the law. Harvard -- I'm not sure anymore. Did you break the law or not? Sixty-five in a 55,

my dad was a State Trooper, be careful with your answer, you're under oath.

LYNCH:

As I said before, you would get a ticket for that.

COLLINS:

OK so you broke the law?

LYNCH:

You would be cited for that that would be considered an offense.

COLLINS:

In this -- just the amazingness of this. What you've been asked many times, you said I'm not going to talk about this, the day after you said well, I'm just going to have to accept, whatever they tell me.

Because you're not going to do any investigation. You're not going to put the Attorney General -- the top law enforcement officer -- stamp of approval on it. You said I'm just gonna accept whatever they give me.

Did you at least read anything before you had a press conference the next day? Did you at least look at the testimony from Hillary Clinton?

LYNCH:

Congressman.

COLLINS:

Did you at least look at anything?

LYNCH:

I did not hold (ph) --

(CROSSTALK)

GOODLATTE:

The time of the gentleman has expired. The witness can answer the question.

LYNCH:

Thank you, Mr. Chairman.

I did not issue a press conference. I issued a statement, I did receive a briefing

from the team. It was thorough, it discussed the findings that they had come to, it discussed the legal analysis that they had made.

My decision was to accept those findings and as I've said before, that was my decision.

COLLINS:

As a famous leader once said, "the buck stops with me," please go read that (OFF-MIKE).

GOODLATTE:

The chair thanks the gentleman.

Recognize the gentleman from California Mr. Peters, for five minutes.

PETERS:

Thank you.

I thank -- I'd like to thank the Attorney General for this long period of time. And since I'm last person -- literally, my colleagues on this side have exhausted a lot of the topics about community policing, gun safety, police misconduct. There's even a question about the compensation for song writers.

I don't think a single one of my colleagues on the other side of the aisle has asked a question about something other than secretary Clinton's e-mails, so that topic has been extensively covered.

I do wish that she had not used a private server. I do wish that you had not had that meeting on the tarmac, and I think each of you has acknowledged these errors, to your credit.

But my colleagues have, throughout this hearing, have exhibited an honest and a passionate concern about the law, and about the constitution, here today with regard to Mrs. Clinton. And we are serious about the Constitution here in the judiciary committee, they even give us a pocket-Constitution in each of our drawers.

And I wanted to ask a couple questions about the constitutional issues that might be raised by some of the proposals of another candidate for president. Mr. Trump has proposed a ban on Muslims entering the country, until our leaders figure out what the heck is going on. Now, putting aside the vagueness of that proposal - do you see any constitutional issues that are raised by such proposal - are there any barriers to such proposal raised by the Constitution?

LYNCH:

So, congressman, I will tell you that I do not have a comment on any of the candidates and their specific proposals. That is not my role and I have chosen not to comment on specifics that any candidate may offer.

What we have said about any proposal to ban a particular group, is that it would not be in the interest of law enforcement, and would not advance the goals of law enforcement to do so. But I don't have a comment on any of the comments or proposals of any of the candidates.

PETERS:

Has the justice department under you considered a registry of Muslim Americans that would keep track of where they moved?

LYNCH:

That has not been a consideration of ours.

PETERS:

Do you not think that would be useful?

LYNCH:

As it - well, as I've indicated, the way in which we interact with the Muslim American community has been one where we are trying to grow cooperation and trust. They are, in fact, an ally in many investigations that we have. They have been helpful in providing information about various issues. And so, it has been more effective, in our view, to deal with individuals from any particular community as all Americans.

PETERS:

Might that also, such proposal, pose a burden on the free exercise of religion under the First Amendment?

LYNCH:

Well certainly, I would not support any burdens on the free exercise of religion.

PETERS:

Have you ever considered whether women might be punished for seeking an abortion? Is there any...

LYNCH:

Again congressman, to the extent that it relates to something that a particular candidate has raised - I'm not going to comment on that. I think that that issue has been discussed considerably in the press. I think it depends upon the state laws at

issue there - and as I said before, it's because my role is not to comment on the campaign or any of the candidates, and so I apologize for that, but I don't have a comment on that.

PETERS:

And then, I guess the other thing that was raised - I mean, you're the Attorney General, so I don't have anyone else to ask, but the idea that if we entered into a treaty or an agreement with other countries, a new president might come in and rip it up. I don't suppose you have any view on the constitutional mechanism to do that by executive action alone.

LYNCH:

Well, I actually don't have knowledge of the process by which one could revoke a treaty, and so I'm not able to answer that question for you.

PETERS:

Well, it's my observation that we talk a lot about executive overreach in this committee, in fact, I think we have another - the next hearing is on executive over-reach.

And the kinds of proposals that are coming out of the other campaign - and this has been, you know - this, frankly, has been about a presidential candidate. I don't think any of us is under the illusion that this is all about one prosecution. This has to do with the political campaign.

I think Mrs. Lofgren suggested that some members of the committee were disappointed by your failure to obviate the need for an election, by prosecuting Secretary Clinton. So I just raised the point that executive over-reach appears to go both ways and I want my colleagues to consider that as they - as they spend the next week supporting the candidate who's really the king of executive over-reach.

And I guess that's not your issue today, but I hope we don't have to face that in the next term. I do want to thank you very much for spending the time here, I know it's been a long day, and I appreciate your service, thank you.

GOODLATTE:

The chair thanks the gentleman. Recognize the gentleman from Texas, Mr. Ratcliffe, for 5 minutes.

RATCLIFFE:

General Lynch, after your meeting with Bill Clinton, you were asked in an interview about the appearance of impropriety and said - "no matter how I view it, I understand how people view it, it has now cast a shadow over how this case may

be received." Do you remember saying that?

LYNCH:

That was a few days afterwards in an interview, yes, sir.

RATCLIFFE:

We know that you made the decision at that point, not to recuse yourself from this investigation. Two days after you made that statement about casting a shadow on the integrity of the Department of Justice, the New York Times reported that quote - "Democrats close to Mrs. Clinton say that she may decide to retain Mrs. Lynch, the nation's first black woman to be Attorney General", end quote.

Did the timing of that, right after the Bill Clinton meeting, give rise to any thought in your mind of reconsidering whether or not recusal in the light of appearance of impropriety might be appropriate?

LYNCH:

Congressman, I have no knowledge of the source of that statement, nor have I had any conversations about that.

(CROSSTALK)

RATCLIFFE:

-- any thought (ph)?

LYNCH:

My view was that I needed to discuss the conversations I had with the former president, to clarify my role in the investigation.

RATCLIFFE:

So, I don't want to impugn your integrity by asking you whether the prospect of future employment as Attorney General on a Hillary Clinton administration influenced your decision whether not to recuse yourself, or influence your final decision regarding prosecution.

But now that you've already made that decision, and closed the matter, will you consider serving as an Attorney General in the Hillary Clinton administration?

LYNCH:

Congressman, my focus is on serving this attorney general in this administration.

RATCLIFFE:

No, I don't care about your focus. What I want to know is will you rule it out?

LYNCH:

That is my focus now.

(CROSSTALK)

RATCLIFFE:

Will you rule it out?

LYNCH:

It is working on the issues --

RATCLIFFE:

Will you rule it out?

LYNCH:

-- before the Department of Justice. That matter is not before me.

RATCLIFFE:

Well, I gotta tell you, that shadow that you cast on the Department of Justice just got a whole lot bigger.

Because if you're not willing to rule-out future employment in the Hillary Clinton administration, what that means is the American people have every right to wonder whether of not you looked at this through a fair and impartial lens, because your answer tells the American people that after the FBI director told you that Mrs. Clinton had been extremely careless with at least 110 e-mails marked as top-secret, secret or classified and may have jeopardized the lives of actual Americans and told you that she made numerous false public statements about sending, receiving or turning over classified materials - you might want to apply for a job with her?

LYNCH:

I have no comment on that.

RATCLIFFE:

Your answer, not ruling out employment with her, means that as much of the free world is wondering whether or not Hillary Clinton should've been prosecuted and possibly sent to prison for being extremely careless, as the FBI director said, with hundreds of top-secret, secret and classified e-mails - you're telling the American

people watching today, that instead of going to jail, faced with the prospect of possible future employment, you think she should go to the other end of the spectrum and be eligible to be the person, with greater access and greater control over America's most sensitive and trusted national security information than anyone else on the planet.

I got to tell you, utter shock is an understatement with respect to what I just heard you say. So, let me ask you this question.

LYNCH:

Well, Congressman --

(CROSSTALK)

LYNCH:

-- indicated --

RATCLIFFE:

No, I want to ask you this way, my time is limited and the clock is moving.

Based upon your unwillingness to rule-out future employment, in light of the fact that you and your husband had a 30 minute conversation with the spouse of a pending federal investigation - the subject or target of a pending federal investigation - and with the person who would be the subject or target of the federal investigation if there is one into the Clinton Foundation, would you at least agree with me that if there is such an investigation, you'll have to recuse yourself from that one.

LYNCH:

Congressman, with respect to other matters before this committee or any other, or before the Department of Justice - they'll be reviewed like any other. I will take all the appropriate action that I would need to take...

RATCLIFFE:

I'll take that as a no...

LYNCH:

-- in that instance.

RATCLIFFE:

And let me move on here. Because I've got a really important --

LYNCH:

And Congressman, as I've indicated to your colleague --

(CROSSTALK)

LYNCH:

Just as I will not comment on the statements of the candidates...

(CROSSTALK)

RATCLIFFE:

With all due respect, I'm not going to let you run out the clock --

LYNCH:

-- candidacy of any one -- either side. I would not comment on the candidacy of the other one.

RATCLIFFE:

-- the American people that have questions that need to be answered so let me move on. On July 5, one week after - one week after your meeting with Bill Clinton - FBI director made an unprecedented, extraordinary public recommendation not to indict, but his statement was just a recommendation. You said - I made the decision.

And in his statement to the press, he said that what that decision would include, would be - consider a quote, "considerations like the strength of evidence, especially regarding intent," he said also, that a responsible decision would consider the context of a person's actions.

So my question to you is - as you made the decision, did your final decision weigh the strength of the evidence in the context of Hillary Clinton's actions?

LYNCH:

I will tell you, congressman, that was part of what the team that was presenting to me was focused on, and it was a -- certainly encompass those issues as well as all of the other issues that I've indicated before, that would be in that. It would be contained within their entire recommendation to me...

RATCLIFFE:

And that was reflected in your two-sentence statement about - it starts out - late this afternoon I met with FBI director, Jim Comey, and career prosecutors - by the way, how long did that meeting last?

LYNCH:

You know, I don't recall.

RATCLIFFE:

Hours?

LYNCH:

I don't recall and I wouldn't be providing that information.

RATCLIFFE:

More than hours?

LYNCH:

I don't recall and would not be providing that information.

RATCLIFFE:

Late in the afternoon. I assume it was in one day?

LYNCH:

It's clear from the statement when the meeting occurred.

RATCLIFFE:

OK. So it happened the day after and apparently within a matter of hours, if it happened in one day, so you just told us that after a year-long investigation involving 150 FBI agents working around the clock, involving more than 30,000 emails, tens of thousands of man-hours, that your thoughtful, careful weighing of strength of evidence took you an afternoon, a cup of coffee, with the FBI Director, that your decision in this case, for charges relating to a person who according to the FBI Director was extremely careless handling America's most sensitive national security matters and is seeking to be a candidate in charge of America's most sensitive national security matters, took the better part of an afternoon.

It didn't last weeks, it didn't last months, it didn't take days - you weighed that evidence, determined her intent and gross negligence in a matter of hours.

Will you at least tell the American people whether you at least reviewed the 110 top secret, secret and classified emails that we know that she sent and received on an unsecured, unauthorized server.

Will you at least answer that?

LYNCH:

As I have indicated ...

GOODLATTE:

The time of the gentleman has expired. The witness is permitted to answer the question.

LYNCH:

Thank you Mr. Chairman. As I've indicated, I received a recommendation after a briefing from the team which included the career lawyers as well as the FBI Director.

I received a full and thorough briefing. We reviewed and discussed the matter and I accepted their recommendation.

RATCLIFFE:

Well --

LYNCH:

And as I've indicated earlier, again, just to be clear, the reason I do not go into these internal meetings is because the teams are prosecutors and agents who work on every matter need to be able to provide their full and unfettered advice, counsel, discussion without the fear of political overtones --

RATCLIFFE:

Well --

LYNCH:

Without the fear of that kind of --

RATCLIFFE:

Since you didn't answer that question I'll give you a preview then I'll ask Director Comey that when he's in front of Homeland next week.

And let me just close then summarize by saying so less than, after a week when you met privately with the spouse of a target of a federal investigation, a target with whom you haven't ruled out applying for a job, you didn't recuse yourself and instead spent a grand total of a few hours reaching a decision regarding tens of thousands of documents involving our national security and you can't seem to understand why the American people, Republicans, Democrats and Independents are outraged at your actions.

If you thought the meeting that you had on the tarmac with Bill Clinton casts a shadow over the integrity of the Department of Justice, what I've heard today from you made the size of that shadow something that I will tell you that as far as casting shadows that the American people pay attention to, Punxsutawney Phil's got nothing on you. I yield back.

GOODLATTE:

General Lynch, Mr. Ratcliffe had a number of good questions. And he cut you off in some of the answers. If you'd like to give an answer to anything that he just posed we'd be happy to give you additional time to do that.

LYNCH:

Thank you Mr. Chairman. I will not take a great deal of your time. The only comment that I wanted to make clear for the record was just as with respect to questions about any presidential candidate or any candidate for any other office, just as I would not opine on policies or issues raised by one I would not opine on policies or issues raised by the other.

That is something that I want to make it clear, that is not my function as the Attorney General. I am not attempting to do that in any way here.

So just as I would not opine with respect to the questions raised by Congressman Peters, I did not want to appear to be responding about Mrs. Clinton as a candidate. My responses here have been with respect to the matters before the Department of Justice and the Department of Justice alone.

As indicated we have provided unprecedented access into the thinking of the investigative team in this case. We have also - I have provided access into the process by which the Department was resolving this matter.

Things that we rarely do but I felt was important to do in order to make it clear to the American people that my role in this matter had been decided before I had a conversation with the former President, that conversation did not have any impact on it and that in fact as with every case, the team of experienced career prosecutors and agents who reviewed this diligently, thoroughly and at great length, had gone to great lengths and came up with a thorough, concise and exhaustive review and recommendation which I then accepted.

While I understand the frustration by people who disagree with that decision, as I've indicated before, it is similar to the frustration of people who may have a situation where they're the victim of a crime and were not able to bring a case.

And we've had similar discussions with individuals in that category as well. So I understand that frustration and the desire to see action in a certain matter where feelings are strong and emotions run high.

But in this case, as with every other case that the Department handles, we looked at the law, we looked at the facts, they were applied, and the conclusion was come to that was consistent with the law and those facts, and I accepted that recommendation.

GOODLATTE:

General Lynch, this concludes our hearing. I thank you for providing us with more than four and a half hours of your time. However, scores of questions were posed to you that were not answered by you. Some you've offered to get back to us about in writing afterwards.

We will be forwarding to you additional questions related to other matters raised as well as the investigation and non-decision to prosecute former Secretary of State Clinton, and we would expect that you would answer those questions.

You are the chief law enforcement officer of the United States and the final decision regarding the prosecution is yours. And the fact that you were not able to provide us with answers regarding how that decision was reached is very concerning to members of this committee and to the American public.

I do thank you for appearing today, and without objection we will make a part of the record a letter from Congressman Walters to you, General Lynch, and your response, or actually Peter Kensick's (ph) response, to her first letter dated December 17, 2015, second, January 2, 2016, and I know you've made a commitment to respond further regarding her inquiry regarding the Department of Veterans Affairs.

With that, the Committee - this concludes the hearing and we thank you for your appearance today. And without objection all members will have five legislative days to submit additional written questions for the witness or additional materials for the record.

And with that the hearing is adjourned.

CQ Transcriptions, July 12, 2016

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WITNESSES:

ATTORNEY GENERAL LORETTA E. LYNCH

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