

February 14, 2017

The Honorable Jeff Sessions  
United States Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Sessions:

As you may be aware, in December, I wrote to your predecessor, Attorney General Lynch, asking her to appoint a Special Counsel tasked with examining Russia's involvement in the 2016 U.S. presidential and congressional elections, the role cyberattacks played in the elections and any involvement or knowledge by American citizens. At that time, I made clear it was my expectation that such a Counsel would continue its work in to the new Administration.

Today, I am resubmitting this request to you. Recent events make clear the need for the Department to exercise this prerogative. The startling resignation of General Flynn from the position of National Security Advisor and revelations that he was less than forthcoming about his conversations with Russian officials have raised yet more disturbing questions about the Administration's ties to Russia and that country's interference in our democratic process.

We now have a situation where there may have been inappropriate contact between the National Security Advisor and the Russian Ambassador. It is unclear when other members of the Administration, including close advisors to the President and the White House General Counsel, were made aware of these discussions. It is being publicly reported that the President was aware of this turn of events weeks ago.

All of this is particularly disturbing given previously unanswered questions surrounding Russian intelligence agencies' hacking of U.S. political organizations, ties between then-candidate Trump's campaign staff and pro-Russian politicians in Europe and suggestions that the Russian government may have amassed damaging information on the President.

These issues go to the heart of our democracy and the American people deserve a full accounting of the facts.

It is important that any investigation avoid even the appearance of bias or political interference. While there are currently underway investigations by Congressional Intelligence Committees, there is no guarantee the information they unearth will be made public. Appointing a Special Counsel would help assure the American people that these matters are being investigated fully, thoroughly and by a nonpartisan entity that will ultimately make public all relevant facts.

# Congress of the United States

## House of Representatives

Washington, DC 20515

NYDIA M. VELAZQUEZ

7TH DISTRICT, NEW YORK

The authority to appoint a Special Counsel exists precisely for situations like this. Under the law, a Special Counsel can be appointed when there are “extraordinary circumstances” and “it would be in the public interest to appoint an outside Special Counsel to assume responsibility for the matter.”<sup>1</sup> The current state of affairs is extraordinarily troubling and, to say the least, incredibly politically sensitive.

For all these reasons, it is critical that you immediately appoint a Special Counsel to investigate these matters.

I look forward to your swift response.

Sincerely,

A handwritten signature in blue ink that reads "Nydia M. Velázquez". The signature is written in a cursive style with a prominent flourish at the end of the name.

Nydia M. Velázquez  
Member of Congress

Enclosure

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<sup>1</sup> 28 CFR § 600.1 (2016)

# Congress of the United States

Washington, DC 20515

December 20, 2016

The Honorable Loretta Lynch  
United States Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Lynch:

First, let me thank you for your service and commitment to upholding justice and the law during your tenure as Attorney General.

I am writing to request that, before leaving office, you use your statutory authority to appoint a Special Counsel tasked with examining Russia's involvement in the 2016 election, the role cyberattacks played in the election and any involvement or knowledge by American citizens. It would be my expectation that such a Special Counsel would continue its work into the new Administration, free of interference, as provided for under the statute and regulations.

While President Obama has called for a report to be issued by the intelligence community and Congressional hearings may be held, the Department of Justice still has an important role to play in determining what laws may have been broken and who in the United States or elsewhere may be legally culpable.

There are a number of reasons for the Department to assign a Special Counsel. Given the complexity of the topic, it is almost certain that the information to be released in January by the intelligence community and the White House will be a starting point for additional investigation, not the conclusion of this matter. In addition, no timeline has been set for Congressional hearings and, if held in the House or Senate Intelligence Committees, the content of those hearings may not be available to the public. Moreover, while there are legislative efforts underway to establish a Commission or a Select Congressional Committee to examine these events, it is unclear when, if at all, those bills will receive consideration.

The information that has been publicly reported in the media to date is profoundly troubling. Initial revelations that Democratic party IT systems had been compromised were worrisome enough; subsequent reports suggesting hackers were trying to benefit a specific candidate and harm certain Congressional candidates by launching cyberattacks and leaking sensitive information are even more alarming. Recent suggestions in the media that our intelligence community believes these operations may have been directed by the President of Russia have only further elevated these concerns<sup>1</sup>.

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<sup>1</sup> [https://www.washingtonpost.com/politics/clinton-blames-putins-personal-grudge-against-her-for-election-interference/2016/12/16/12f36250-c3be-11e6-8422-eac61c0ef74d\\_story.html?utm\\_term=.a500e8dec23](https://www.washingtonpost.com/politics/clinton-blames-putins-personal-grudge-against-her-for-election-interference/2016/12/16/12f36250-c3be-11e6-8422-eac61c0ef74d_story.html?utm_term=.a500e8dec23)

It is equally disturbing that one longtime informal advisor to the Republican nominee claimed publically that he had engaged in “back channel” communications with WikiLeaks<sup>2</sup>. In addition, there are known previous business ties between some members of the President-elect’s campaign staff and pro-Russian political parties in Ukraine<sup>3</sup>.

As the federal agency tasked with protecting the integrity of the U.S. electoral system, DOJ has an important obligation to investigate these matters vigorously. However, given the sensitivity of these events, it is critical that any investigation be independent and avoid even the appearance of interference by political appointees from either party.

The authority to appoint a Special Counsel exists precisely for situations like this. Under the law, a Special Counsel can be appointed when there are “extraordinary circumstances” and “it would be in the public interest to appoint an outside Special Counsel to assume responsibility for the matter.”<sup>4</sup> Given the unprecedented nature of these events and the importance of informing the public about what has transpired, I urge you to exercise this prerogative before leaving office.

Furthermore, I would request you empower this Counsel to continue their inquiry until all relevant facts have been unearthed, which will likely require their work to continue into the next Administration. As you are aware, nothing in statute or existing regulations requires a Special Counsel to circumscribe, alter or end their investigation with a change in Administration or the confirmation of a new Attorney General. For these reasons a Special Counsel would be well equipped to conduct the vigorous investigatory oversight to bring all facts to light, helping restore many Americans’ confidence in our electoral system.

It is vital the American people understand the exact nature of how Russia sought to influence our electoral process through cyberattacks and that those who perpetrated or facilitated these attacks be held legally responsible. You could help ensure these matters are addressed before leaving office by establishing a Special Counsel.

Thank you for your review of this time sensitive request. I look forward to your swift response.

Sincerely,



Nydia M. Velázquez  
Member of Congress

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<sup>2</sup> <http://www.miamiherald.com/news/politics-government/election/donald-trump/article107882287.html>

<sup>3</sup> <http://www.cnn.com/2016/08/15/politics/clinton-slams-trump-over-manafort-report/>

<sup>4</sup> 28 CFR § 600.1 (2016)