

## United States Senate

WASHINGTON, DC 20510-4305

August 12, 2016

The Honorable Loretta Lynch  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue  
Washington, DC 20530

Dear Attorney General Lynch:

Last month, Director of the Federal Bureau of Investigation (FBI) James B. Comey publicly announced his recommendation to the Department of Justice (the Department) that it not pursue a criminal indictment of former Secretary of State Hillary R. Clinton, for her decision to conduct her email while in office on a private, unsecured and secret server. Mr. Comey described Secretary Clinton's extreme carelessness and the fact that she put our national security at risk. You followed the FBI's recommendation and decided not to press charges.

On August 9th, CNN reported that, earlier this year, the FBI asked the Department to open a case and support a criminal investigation into the Clinton Foundation and its related entities. As the press have reported widely and emails released over the past few days confirmed, representatives of the Foundation repeatedly sought special treatment for its donors and associates from senior officials at the State Department. These matters were attended to by Secretary Clinton's inner circle of advisors, including Chief of Staff Cheryl Mills and Deputy Chief of Staff Huma Abedin. (Ms. Abedin was reportedly also paid simultaneously by the State Department and an entity closely linked to the Foundation.)

This kind of conduct is unacceptable, and reflects the worst concerns harbored by the public about the abuse of government office to benefit the powerful at the expense of the American people. It violates the commitment Secretary Clinton made to Congress and the Executive Branch following her nomination to be Secretary of State. That and her proven record of extreme carelessness with national security warrant a careful examination of Secretary Clinton's other conduct, and that of her staff.

When the FBI recommended that you not pursue a criminal indictment of Secretary Clinton for her emails, you followed their recommendation. Yet, according to the CNN report, the Department's Public Integrity Unit refused to open a case and pursue criminal charges regarding the Clinton Foundation when the FBI recommended doing so. The practice is not clear, but the outcome in both cases favors Secretary Clinton.

This contrast does little to instill faith in the Department, part of why I called for an appointment of the Special Counsel in the email matter. But greater clarity for the public on the basis for your decision may. With that in mind, please respond to the following questions by August 25, 2016:

1. Is the CNN report accurate?
2. When did the FBI recommend that the Department open a case and pursue criminal charges related to the Clinton Foundation?
3. Why did the FBI recommend that the Department open a case on the Clinton Foundation?
4. Which Department employees, in the Public Integrity Unit or elsewhere, were involved in the decision not to open a case on the Clinton Foundation?
5. In the earlier reported investigation by the Department, which violations of criminal law were considered? And why did the Department decide not to open a case?
6. In your recent private meeting with former President Bill Clinton, did you discuss anything regarding the Clinton Foundation? If so, please indicate what was discussed.

Thank you for your attention to this important matter. If you have any questions, please contact Noah Phillips of my Judiciary Committee Staff at (202) 224-8582.

Sincerely,

A handwritten signature in blue ink that reads "John Cornyn". The signature is written in a cursive, flowing style.

JOHN CORNYN  
United States Senator