

Questions for Attorney General Jeff Sessions
November 14, 2017, Hearing before the House Committee on the Judiciary

This week, the House Committee on the Judiciary will hear testimony from Attorney General Jeff Sessions. As the nation’s leading legal officer and as former chairman of the National Security Advisory Committee for the Trump Campaign, the Attorney General is in a unique position to advance public understanding of issues emerging in the ongoing inquiries into Russian interference in the 2016 election. In light of the upcoming Judiciary Committee hearing, the ACS-CREW Presidential Investigation Education Project¹ offers the following key questions for the Attorney General.

- (1) **What light can the Attorney General shed on the extent and nature of contacts between other Trump campaign officials and Russian officials during the campaign?**

Background:

During the 2016 campaign, then-Senator Sessions led the President’s foreign policy team as [chair](#) of the national security advisory committee. When asked what he would do if there was “any evidence that anyone affiliated with the Trump campaign communicated with Russian government” during the campaign, the Attorney General [told](#) the Senate Judiciary Committee in January 2017 testimony that he was “not aware of any of those activities.” (In testimony before the Senate Judiciary Committee on October 18, 2017, the Attorney General [claimed](#) that the question prompting that answer was unclear.)

In the months since that testimony, evidence has emerged in media accounts that [at least nine](#) individuals associated with President Trump had contact with Russian nationals during the 2016 campaign or the presidential transition. These include Carter Page and George Papadopoulos, two of the five individuals President Trump [identified in March 2016](#) as constituting his campaign’s foreign policy team. Both recently attested to contacts with individuals connected to the Russian government.

Page told the House Select Committee on Intelligence that in July 2016 he traveled to Moscow and had contact with members of the Russian government including Deputy Prime Minister Arkady Dvorkovich. ([Testimony of Carter Page](#) (Nov. 2, 2017) at 12, 17, 36, 38, & 40).² He also testified that in advance of the trip he notified Trump campaign associates including Corey

¹ The Presidential Investigation Education Project is a joint initiative by the American Constitution Society (ACS) and Citizens for Responsibility and Ethics in Washington (CREW) to promote informed public evaluation of the investigations by Special Counsel Robert Mueller and others into Russian interference in the 2016 election and related matters. This effort includes developing and disseminating legal analysis of key issues that emerge as the inquiries unfold, and connecting members of the media and public to with ACS and CREW experts and other legal scholars who are writing on these matters.

² Note: these page numbers refer to those on the testimony transcript, not the page numbers of the linked PDF.

Lewandowski ([Page Testimony](#) at 19), Hope Hicks ([Page Testimony](#) at 19), and J.D. Gordon ([Page Testimony](#) at 18) about the trip, also mentioned the trip a few days in advance to then-Senator Sessions ([Page Testimony](#) at 67-68 & 80-81), and afterward offered a “readout” to campaign associates about “incredible insights and outreach” he received from “Russian legislators” and “senior members” of the Russian presidential administration ([Page Testimony](#) at 40-41).

Papadopoulos in a recent plea agreement said he met on March 31, 2016, with then-Senator Sessions, then-candidate Trump, and others and relayed that he “had connections that could arrange a meeting between then-candidate Trump and President Putin” ([Statement of the Offense, United States v. George Papadopoulos, 17-cr-182, at 4-5 \(D.D.C., Oct. 5, 2017\)](#)), henceforth “GP Stmt.”). Press accounts indicate Sessions [rejected this idea](#). Papadopoulos also said that on April 26, 2016 he learned that Russians had “dirt” on candidate Clinton in the form of emails ([GP Stmt.](#) at 6-7). While the plea agreement does not discuss whether and how Papadopoulos shared that specific information with others, it does state that Papadopoulos continued to communicate with campaign associates regarding meeting with Russians. On April 25, 2016 Papadopoulos emailed a “senior policy advisor” saying the Russian government had “open invitation by Putin” for Trump to “meet him when he is ready” ([GP Stmt.](#) at 6) and on April 27, 2016 he wrote the same advisor that he had “interesting messages coming in from Moscow about a trip when the time is right.” ([GP Stmt.](#) at 7.) That advisor [has been identified](#) in a *New York Times* report as former Sessions advisor Stephen Miller.

Questions for the Attorney General:

- Regarding Page’s July 2016 meetings in Moscow, describe any involvement you had in planning or approving this trip; what and when you learned about the trip and its purpose; what you know about Trump’s involvement in and knowledge of the trip; and who else on the campaign was involved in planning or de-briefing regarding the trip.
- Regarding the March 31, 2016, meeting with Papadopoulos, describe what you recall about Papadopoulos’s statements on arranging a meeting with Putin; the reaction of President Trump and others; and whether and why you shut down this idea.
- At your April 27, 2016, meeting with then-Ambassador Kislyak did you discuss anything relating to the report Papadopoulos had received the previous day that Russians had “dirt” on Clinton in the form of emails?
- At any time in the spring of 2016 did you and Stephen Miller discuss reports that Russians had information they wanted to share on Clinton and/or emails relating to Clinton? If so, describe those communications.
- Papadopoulos was recently described by President Trump as a “[low-level](#)” campaign volunteer and by a Trump campaign aide Michael Caputo as a “[coffee-boy](#).” However, during and after the campaign he reportedly [met with high-level officials from Greece](#)

including the foreign minister and the defense minister. As the leader of the campaign's foreign policy team, please address:

- Why Papadopoulos was brought onto the campaign team;
 - What you know about Papadopoulos's contacts with individuals connected to Russia and how you learned this information;
 - What you know about Papadopoulos's contacts with high level government officials from other countries and how you learned this information.
- Trump officials have minimized Carter Page's role in the campaign, calling him "[low-level](#)" and one of the "[hangers-on](#)" with little influence. Describe the extent and nature of all contacts you had with Page during and after the campaign, including when contacts occurred, who was present, and the substance of each communication.

(2) What was the extent and nature of communications between Sessions and individuals connected with the Russian government during and after the 2016 campaign?

Background:

Over the course of 2017, Attorney General Sessions repeatedly qualified his initial response to questions about his contacts with Russian officials during the 2016 campaign. In January 2017 testimony to the Senate Committee on the Judiciary he [said](#) that "I didn't have -- did not have communications with the Russians," and provided a flat "no" in written responses to [questions from Senator Patrick Leahy](#) about whether he had contacts with Russian officials regarding campaign matters and in [his security clearance application](#) about whether he had contacts with a foreign government or its representatives. However, after [reports](#) emerged that he had in fact met with then-Russian Ambassador Sergey Kislyak several times during the campaign, the Attorney General [clarified](#) that "I never had meetings with Russian operatives or Russian intermediaries about the Trump campaign." After [further reports](#) emerged in July suggesting that Ambassador Kislyak had discussed the campaign with then-Senator Sessions, he again qualified his statement, [stating](#) in October 2017 testimony before the Senate Judiciary Committee that he "conducted no improper discussions with Russians at any time regarding a campaign or any other item facing this country."

Questions for the Attorney General:

- Provide a definitive accounting of communications with individuals associated with the Russian government during and after the campaign. Specifically:
 - How many times have you met with former Russian Ambassador Sergey Kislyak between the time of your appointment as chair of the Trump campaign's National Security Committee on March 3, 2016, and the present?

- Identify every other official connected to the Russian government with whom you communicated from March 3, 2016, through the present.
- For each contact with Kislyak and any other Russian official, describe when and where it occurred and what was discussed.
- Did you ever discuss US sanctions against Russia with any individual connected with the Russian government between March 3, 2016, and the present? If yes, when, where, and with whom did this discussion occur?
- Did you ever discuss hacked emails or negative messaging about candidate Hillary Clinton with any individual connected with the Russian government between March 3, 2016 and the present? If yes, when, where, and with whom did this discussion occur?

(3) What was the Attorney General’s involvement in and knowledge of the effort to amend Republican Party platform language on arming Ukraine to defend against Russian aggression?

Background:

During Republican Party platform committee meetings in the days leading up to the July 2016 Republican Convention, the platform reportedly [was modified](#) to eliminate a proposed amendment to provide weapons to Ukraine to defend against Russian aggression. At the time, candidate Trump and campaign chairman Paul Manafort [asserted](#) that the Trump campaign was not involved in making the change. However, a Republican convention delegate [disputed](#) those claims and Trump campaign national security representative J.D. Gordon later [stated](#) that he had asked the Republican platform committee co-chair to consider tabling the amendment until he could notify colleagues of this change and give them a “chance to intervene.”

Questions for the Attorney General:

- Were you involved in any way in directing or influencing the development of the Republican Party platform provision relating to Ukraine in the weeks leading up to the July 2016 Republican convention? If yes, please describe the role you played.
- What do you know about the involvement of any Trump campaign associate in the development of the 2016 party platform language relating to Ukraine?

(4) Will the Attorney General finally address questions about his conversations with the President regarding firing James Comey or otherwise assert executive privilege?

Background:

The weekend before James Comey was fired from his position as FBI Director on May 9, President Trump reportedly [drafted a letter](#) to Comey with assistance from aides [including Stephen Miller](#), a [former aide](#) to then-Senator Sessions. After the White House Counsel reportedly [dissuaded](#) the President from finalizing this document, Sessions and Deputy Attorney General Rod Rosenstein met with the President on May 8, and the next day [Rosenstein provided a memo and Sessions a letter](#) to the President recommending removal of Comey. Trump [subsequently told](#) NBC news, “Regardless of recommendation I was going to fire Comey” and “when I decided to just do it, I said to myself, I said you know, this Russia thing with Trump and Russia is a made up story.” In a May 10, 2017 Oval Office meeting the President also [reportedly told](#) Russian officials that Comey was a “nut job” and “I faced great pressure because of Russia. That’s taken off.”

Attorney General Sessions has [refused to answer](#) questions about whether he was aware of the initial draft termination letter with the President. He also has [refused to discuss](#) what conversations he had with the President on firing Comey. In declining to respond he refrained from invoking executive privilege and [instead argued](#), beginning at a [hearing](#) in June 2017 before the Senate Select Committee on Intelligence, that he needs to hold the privilege in abeyance based on “longstanding policy of the Department of Justice” and an interest in “protecting the right of the President” to assert the privilege “if he chooses.” He [reiterated the argument](#) four months later at a Senate Judiciary Committee hearing—even after Committee members [wrote him](#) in advance requesting he either invoke the privilege or respond to their questions.

Questions for the Attorney General:

- Did you talk with President Trump about a letter he drafted in early May 2016 regarding his reasons for removing Comey? If so, describe that conversation.
- Did you discuss the issue of removing Comey with Stephen Miller at any time before the President’s action on May 9 to fire Comey? Describe all communications you had with Stephen Miller regarding the issue of firing Comey, including when and where they occurred and what you discussed.
- Describe any other conversations you had with the President regarding firing Comey.
- Are you invoking executive privilege regarding your conversations with President Trump about these matters?

- (5) What is the chain of command at the Department of Justice if President Trump acts on his reported concerns with the Attorney General by firing him?

Background:

Under [28 USC § 508](#), in the case of a vacancy in the office of the Attorney General, the Deputy Attorney General may exercise the duties of the office, and the Attorney General. When neither are available, the Associate Attorney General acts as Attorney General. In addition, the Attorney General may designate the solicitor general and various assistant attorneys general in “further order of succession.” Attorney General Order No. 2877-2007 (Mar. 29, 2007) established the following order after the Deputy Attorney General and the Assistant Attorney General: Solicitor General and then the Assistant Attorneys for the Office of Legal Counsel, for National Security, for the Criminal Division, and for the Civil Division.

In addition, on March 31, 2017, the President issued [Executive Order 13787](#), which adds the U.S. Attorneys for the Eastern District of Virginia, the Eastern District of North Carolina, and the Northern District of Texas to the line of succession (after those designated by Section 508 and the Attorney General. EO 13787 also states that “the President retains discretion, to the extent permitted by law, to depart from this order in designating an acting Attorney General.”

Question for the Attorney General:

- Have you made changes to the succession order at the Department of Justice established by Attorney General Order No. 2877-2007 (Mar. 29, 2007)? If so, describe any revisions made to this order.

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Prepared by the Presidential Investigation Education Project, a joint initiative by ACS and CREW. For further inquires please contact Caroline Fredrickson, Kara Stein, or Kristin Amerling at 202-365-3343 or Norman Eisen, Noah Bookbinder, or Conor Shaw at 202-408-5565.