

OPEN HEARING WITH ATTORNEY GENERAL JEFF SESSIONS

HEARING BEFORE THE SELECT COMMITTEE ON INTELLIGENCE OF THE UNITED STATES SENATE ONE HUNDRED FIFTEENTH CONGRESS FIRST SESSION

TUESDAY, JUNE 13, 2017

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OPEN HEARING WITH ATTORNEY GENERAL JEFF SESSIONS

TUESDAY, JUNE 13, 2017

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Committee met, pursuant to notice, at 2:42 p.m. in Room SH-216, Hart Senate Office Building, Hon. Richard Burr (Chairman of the Committee) presiding.

Committee Members Present: Senators Burr, Warner, Risch, Rubio, Collins, Blunt, Lankford, Cotton, Cornyn, McCain, Feinstein, Wyden, Heinrich, King, Manchin, Harris, and Reed.

OPENING STATEMENT OF HON. RICHARD BURR, CHAIRMAN, A U.S. SENATOR FROM NORTH CAROLINA

Chairman BURR. I'd like to call the hearing to order, please.

Attorney General Sessions, I appreciate your willingness to appear before the committee today. I thank you for your years of dedicated service as a member of this body and your recent leadership at the Department of Justice.

As I mentioned when Director Comey appeared before us last week, this committee's role is to be the eyes and ears for the other 85 members of the United States Senate and for the American people, ensuring that the intelligence community is operating lawfully and has the necessary tools to keep America safe.

The community is a large and diverse place. We recognize the gravity of our investigation into Russia's interference in the 2016 U.S. elections. But I remind our constituents that, while we investigate Russia, we are scrutinizing CIA's budget—while we're investigating Russia, we are still scrutinizing CIA's budget, NSA's 702 program, our Nation's satellite program, and the entire IC effort to recruit and retain the best talent we can find in the world.

More often than not, the committee conducts its work behind closed doors, a necessary step to ensure that our most sensitive sources and methods are protected. The sanctity of these sources and methods are at the heart of the intelligence community's ability to keep us safe and to keep our allies safe from those who seek to harm us.

I've said repeatedly that I do not believe any committee—that the committee does should be done in public. But I also recognize the gravity of the committee's current investigation and the need for the American people to be presented the facts, so that they might make their own judgments.

It is for that reason that this committee has now held its tenth open hearing of 2017, more than double that of the committee in recent years, and the fifth on the topic of Russian interference.

Attorney General Sessions, this venue is your opportunity to separate fact from fiction and to set the record straight on a number of allegations reported in the press. For example, there are several issues that I'm hopeful we will address today:

One: did you have any meetings with Russian officials or their proxies on behalf of the Trump campaign or during your time as Attorney General?

Two, what was your involvement with candidate Trump's foreign policy team and what were their possible interactions with Russians?

Three, why did you decide to recuse yourself from the government's Russia investigation?

And fourth, what role, if any, did you play in the removal of then-FBI Director Comey?

I look forward to a candid and honest discussion as we continue to pursue the truth behind Russia's interference in the 2016 elections. The committee's experienced staff is interviewing the relevant parties, having spoken to more than 35 individuals to date, to include just yesterday an interview of former Homeland Security Secretary Jeh Johnson. We also continue to review some of the most sensitive intelligence in our country's possession.

As I've said previously, we will establish the facts, separate from rampant speculation, and lay them out for the American people to make their own judgment. Only then will we as a Nation be able to put this episode to rest and look to the future.

I'm hopeful that members will focus their questions today on the Russia investigation, and not squander the opportunity by taking political or partisan shots. The Vice Chairman and I continue to lead this investigation together on what is a highly charged political issue. We may disagree at times, but we remain a unified team with a dedicated, focused, and professional staff working tirelessly on behalf of the American people to find the truth.

The committee has made much progress as the political winds blow forcefully around us and I think all members would agree that, despite a torrent of public debate on who and what committee might be best suited to lead on this issue, the Intelligence Committee has lived up to its obligation to move forward with purpose and above politics.

Mr. Attorney General, it's good to have you back.

I would now turn to the Vice Chairman for any remarks he might have.

OPENING STATEMENT OF HON. MARK WARNER, U.S. SENATOR FROM VIRGINIA

Vice Chairman WARNER. Thank you, Mr. Chairman. And I want to also thank the way that we are proceeding on this investigation.

Mr. Attorney General, it's good to see you again, and we appreciate your appearance on the heels of Mr. Comey's revealing testimony last week.

I do, though, want to take a moment on the outset and first express some concern with the process by which we are seeing you,

the Attorney General, today. It's my understanding that you were originally scheduled to testify in front of the House and Senate Appropriations Committees today. I know those appearances have been canceled to come here instead.

While we appreciate this testimony before our committee, I believe, and I believe I speak for many of my colleagues—that I believe he should also answer questions from members of those committees and the Judiciary Committee as well. Mr. Attorney General, it's my hope that you will reschedule those appearances as soon as possible.

In addition, I want to say at the outset that, while we consider your appearance today as just the beginning of our interaction with you and your Department, Mr. Attorney General, we had always expected to talk to you as part of our investigation. We believed it would be actually later in the process. We're glad to accommodate your request to speak to us today. But we also expect to have your commitment to cooperate with all future requests and make yourself available as necessary to this committee for, as the Chairman has indicated, this very important investigation.

Now let's move to the subject of today's discussion. Let's start with the campaign. You were an early and ardent supporter of Mr. Trump. In March, you were named as chairman of the Trump campaign's National Security Advisory Committee. You were much more than a surrogate. You were a strategic adviser, who helped shape much of the campaign's national security strategy. No doubt, you will have key insights about some of the key Trump associates that we're seeking to hear from in the weeks ahead.

Questions have also been raised about some of your own interactions with Russian officials during the campaign. During your confirmation hearing in January, you said, quote, you "did not have communications with Russians." Senator Leahy later asked you in writing whether you'd been in contact with anyone connected to any part of Russian government about the 2016 election. You answered, I believe, with a definitive no.

Despite that fact—despite that, the fact is, as we discovered later, that you did have interactions with Russian government officials during the course of the campaign. In March, you acknowledged two meetings with the Russian ambassador. Yet there's also been some public reports of a possible third meeting at the Mayflower Hotel on April 27th.

I hope that today you will help clear up those discrepancies. We also expect and hope—this is very important—that you will be willing to provide the committee with any documents that we would need to shed light on this issue, such as e-mails or calendars.

Then there's the topic of the firing of former FBI Director Comey. Last Thursday, we received testimony from Mr. Comey. Under oath, he outlined his very troubling interactions with the President, as well as the circumstances of his firing. A few disturbing points stood out.

First, Mr. Comey, who has decades of experience at the Department of Justice and at the FBI, serving under presidents of both parties, was so unnerved by the actions of the President that he felt, quote, "compelled to fully document every interaction" they had.

Mr. Comey sat where you are sitting today and testified that he was concerned that the President of the United States might lie about the nature of their meetings. That's a shocking statement from one of our Nation's top law enforcement officials.

We also heard that Director Comey took it as a direction from the President that he was to drop the FBI's investigation into former National Security Adviser General Mike Flynn.

Finally, we heard from Mr. Comey that he believes he was fired over his handling of the Russia investigation. The President himself confirmed this in statements to the media. This is deeply troubling for all of us who believe, on both sides of the aisle, in preserving the independence of the FBI.

We have a lot of work in order to follow up on these alarming disclosures. Mr. Attorney General, your testimony today is an opportunity to begin the process of asking those questions.

For instance, again—I know others will ask about this—you recused yourself from the Russia investigation, yet you participated in the firing of Mr. Comey over the handling of that same investigation. We want to ask you about how you view your recusal and whether you believe you've complied with it fully.

In addition, we heard from Mr. Comey last week that the President asked you to leave the Oval Office so that he could speak one on one with Mr. Comey. Again, a very concerning action. We will need to hear from you about how you viewed the President's request and whether you thought it was appropriate.

We will also want to know if you are aware of any attempts by the President to enlist leaders in the intelligence community to undermine this very same Russia investigation.

Most importantly, our committee will want to hear what you are doing to ensure that the Russians or any other foreign adversaries cannot attack our democratic process like this ever again.

I'm concerned that the President still does not recognize the severity of the threat. He to date I believe has not even acknowledged the unanimous conclusions of the U.S. intelligence community that Russia massively intervened in our elections.

The threat we face is real, and it's not limited to us. The recent events in France are again a stark reminder that all Western democracies must take steps to protect themselves. I believe the United States can and must be a leader in this effort, but it will require our Administration to get serious about this matter.

Finally, in the past several weeks we've seen a concerning pattern of administration officials refusing to answer public, unclassified questions about allegations about the President and this investigation. We had a hearing with this subject last week. I want to commend the Chairman, who at the end of that hearing made very clear that our witnesses—that it was not acceptable for our witnesses to come before Congress without answers. The American people deserve to know what's going on here.

Thank you, Mr. Chairman. I look forward to the witness's testimony.

Chairman BURR. Thank you, Vice Chairman.

Attorney General Sessions, if you would stand, I will administer the oath to you. Raise your right hand if you would, please.

Do you solemnly swear to tell the truth and the whole truth and nothing but the truth, so help you God?

General SESSIONS. I do.

Chairman BURR. Please, be seated.

Thank you, Attorney General Sessions. The floor is yours.

TESTIMONY OF HON. JEFF SESSIONS, ATTORNEY GENERAL OF THE UNITED STATES

General SESSIONS. Thank you very much, Chairman Burr and Ranking Member Warner, for allowing me to publicly appear before your committee today. I appreciate the committee's critically important efforts to investigate Russian interference with our democratic processes. Such interference can never be tolerated and I encourage every effort to get to the bottom of any such allegations. As you know, the Deputy Attorney General has appointed a special counsel to investigate the matters related to the Russian interference in the 2016 election.

I'm here today to address several issues that have been specifically raised before this committee, and I appreciate the opportunity to respond to questions as fully as the Lord enables me to do so. But, as I advised you, Mr. Chairman, and consistent with long-standing Department of Justice practice, I cannot and will not violate my duty to protect the confidential communications I have with the President. Now, let me address some issues directly.

I did not have any private meetings, nor do I recall any conversations with any Russian officials at the Mayflower Hotel. I did not attend any meetings at that event separately. Prior to the speech I attended by the President that day, I attended a reception with my staff that included at least two dozen people and President Trump. Though I do recall several conversations that I had during that pre-speech reception, I do not have any recollection of meeting or talking to the Russian ambassador or any other Russian officials. If any brief interaction occurred in passing with the Russian ambassador during that reception, I do not remember it. After the speech, I was interviewed by the news media—there was an area for that in a different room—and then I left the hotel.

But whether I ever attended a reception where the Russian ambassador was also present is entirely beside the point of this investigation into Russian interference in the 2016 campaign. Let me state this clearly, colleagues. I have never met with or had any conversation with any Russians or any foreign officials concerning any type of interference with any campaign or election in the United States. Further, I have no knowledge of any such conversations by anyone connected to the Trump campaign.

I was your colleague in this body for 20 years, at least some of you, and the suggestion that I participated in any collusion, that I was aware of any collusion with the Russian government to hurt this country, which I have served with honor for 35 years, or to undermine the integrity of our democratic process, is an appalling and detestable lie.

Relatedly, there is the assertion that I did not answer Senator Franken's question honestly at my confirmation hearing. Colleagues, that is false—I can't say colleagues, now. I'm no longer

part of this body. But, former colleagues, that is false. This is what happened.

Senator Franken asked me a rambling question, after some six hours of testimony, that included dramatic new allegations that the United States intelligence community, the U.S. intelligence community, had advised President-elect Trump, quote, “that there was a continuing exchange of information during the campaign between Trump’s surrogates and intermediaries for the Russian government,” close quote.

I was taken aback by that explosive allegation, which he said was being reported as breaking news that very day and which I had not heard. I wanted to refute that immediately, any suggestion that I was part of such an activity.

I replied, quote—I replied to Senator Franken this way, quote, “Senator Franken, I’m not aware of any of those activities. I have been called a surrogate a time or two in that campaign, and I did not—didn’t have—did not have communications with the Russians, and—and I’m unable to comment on it,” close quote.

That was the context in which I was asked the question. And in that context, my answer was a fair and correct response to the charge as I understood it. I was responding to this allegation that we had met—surrogates had been meeting with the Russians on a regular basis.

It simply did not occur to me to go further than the context of the question and to list any conversations that I may have had with Russians in routine situations, as I had many routine meetings with other foreign officials.

So please hear me now. And it was only in March, after my confirmation hearing, that a reporter asked my spokesperson whether I had ever met with any Russian officials. This was the first time that question had squarely been posed to me.

On the same day, we provided that reporter with the information related to the meeting that I and my staff had held in my Senate office with Ambassador Kislyak, as well as the brief encounter in July after a speech that I had given during the convention in Cleveland, Ohio. I also provided the reporter with a list of 25 foreign ambassador meetings that I’d had during 2016. In addition, I provided supplemental testimony to the Senate Judiciary Committee to explain this event.

So I readily acknowledged these two meetings and certainly not one thing happened that was improper in any one of those meetings.

Let me also explain clearly the circumstances of my recusal from the investigation into the Russian interference with the 2016 election. Please, colleagues, hear me on this.

I was sworn in as Attorney General on Thursday, February 9th. The very next day, as I had promised the Judiciary Committee I would do, at least at an early date, I met with career Department officials, including a senior ethics official, to discuss some things publicly reported in the press that might have some bearing on whether or not I should recuse myself in this case.

From that point, February 10th, until I announced my formal recusal on March 2nd, I was never briefed on any investigative details, did not access any information about the investigation. I re-

ceived only the limited information that the Department's career officials determined was necessary for me to form and make a recusal decision. As such, I have no knowledge about this investigation as it is ongoing today beyond what has been publicly reported. I don't even read that carefully. And I have taken no action whatsoever with regard to any such investigation.

On the date of my formal recusal, my chief of staff sent an e-mail to the heads of relevant departments, including by name to Director Comey of the FBI, to instruct them to inform their staffs of this recusal and to advise them not to brief me or involve me in any way in any such matters. And in fact they have not.

Importantly, I recused myself not because of any asserted wrongdoing or any belief that I may have been involved in any wrongdoing in the campaign, but because a Department of Justice regulation, 28 CFR 45.2, I felt required it. That regulation states in effect that Department employees should not participate in investigations of a campaign if they served as a campaign adviser.

So the scope of my recusal, however, does not and cannot interfere with my ability to oversee the Department of Justice, including the FBI, which has an \$8 billion budget and 35,000 employees.

I presented to the President my concerns and those of Deputy Attorney General Rod Rosenstein about the ongoing leadership issues at the FBI, as stated in my letter recommending the removal of Mr. Comey, along with the Deputy Attorney General's memorandum on that issue, which have been released publicly by the White House. Those represent a clear statement of my views. I adopted Deputy Attorney General Rosenstein's points that he made in his memorandum and made my recommendation.

It is absurd, frankly, to suggest that a recusal from a single specific investigation would render the Attorney General unable to manage the leadership of the various Department of Justice law enforcement components that conduct thousands of investigations.

Finally, during his testimony, Mr. Comey discussed a conversation that he and I had about the meeting Mr. Comey had with the President. I'm happy to share with the committee my recollection of that conversation that I had with Mr. Comey.

Following a routine morning threat briefing, Mr. Comey spoke to me and my chief of staff. While he did not provide me with any of the substance of his conversation with the President, apparently the day before, Mr. Comey expressed concern about proper communications protocol with the White House and with the President.

I responded—he didn't recall this, but—I responded to his comment by agreeing that the FBI and the Department of Justice needed to be careful to follow Department policies regarding appropriate contacts with the White House. Mr. Comey had served in the Department for better than two decades, and I was confident that he understood and would abide by the well-established rules limiting communications with the White House, especially about ongoing investigations. That's what's so important to control.

My comments encouraged him to do just that, and indeed, as I understand it, he in fact did that. Our Department of Justice rules on proper communications between the Department and the White House have been in place for years. Mr. Comey well knew them. I thought and assumed, correctly, that he complied with them.

So I'll finish with this. I recused myself from any investigation into the campaign for President, but I did not recuse myself from defending my honor against scurrilous and false allegations. At all times throughout the course of the campaign, the confirmation process, and since becoming Attorney General, I have dedicated myself to the highest standards. I've earned a reputation for that at home and in this body, I believe, over decades of performance.

The people of this country expect an honest and transparent government and that's what we're giving them. This President wants to focus on the people of this country, to ensure they are treated fairly and kept safe. The Trump agenda is to improve the lives of the American people. I know some have different ways of achieving this and different agendas, but that is his agenda and it's one I share.

Importantly, as Attorney General I have a responsibility to enforce the laws of this Nation, to protect this country from its enemies, and to ensure the fair administration of justice. And I intend to work every day with our fine team and the superb professionals in the Department of Justice to advance the important work we have to do.

These false attacks, the innuendoes, the leaks, you can be sure will not intimidate me. In fact, these events have only strengthened my resolve to fulfill my duty, my duty to reduce crime, to support our Federal, State and local law enforcement officers who work on our streets every day.

Just last week, it was reported that overdose deaths in this country are rising faster than ever recorded. Last year was 52,000. The New York Times just estimated next year will be 62,000 overdose deaths. The murder rate is up over 10 percent, the largest increase since 1968.

Together, we are telling the gangs, the cartels, the fraudsters, and the terrorists, we are coming after you. Every one of our citizens, no matter who they are or where they live, has the right to be safe in their homes and communities. And I will not be deterred. I will not allow this great Department to be deterred from its vital mission.

Thank you, Mr. Chairman, Ranking Member Warner. I have a great honor to appear before you today, and I will do my best to answer your questions.

[The prepared statement of Attorney General Sessions follows:]



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ATTORNEY GENERAL JEFF SESSIONS PREPARED REMARKS TO THE UNITED STATES SENATE SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, D.C.

Thank you Chairman Burr and Ranking Member Warner for allowing me to publicly appear before the committee today.

I appreciate the Committee's critically important efforts to investigate Russian interference with our democratic process. Such interference can never be tolerated and I encourage every effort to get to the bottom of any such allegations.

As you know, the Deputy Attorney General has appointed a special counsel to investigate matters related to Russian interference in the 2016 election. I am here today to address several issues that have been specifically raised before this committee, and I appreciate the opportunity to respond to questions as fully as I am able to do so. But as I advised you, Mr. Chairman, and consistent with long-standing Department of Justice practice, I cannot and will not violate my duty to protect confidential communications with the President.

Now, let me address some issues directly: I did not have any private meetings nor do I recall any conversations with any Russian officials at the Mayflower Hotel. I did not attend any meetings at that event. Prior to the speech, I attended a reception with my staff that included at least two dozen people and President Trump. Though I do recall several conversations I had during that pre-speech reception, I do not have any recollection of meeting or talking to the Russian Ambassador or any other Russian officials. If any brief interaction occurred in passing with the Russian Ambassador during that reception, I do not remember it. After the speech, I was interviewed by the news media, which had gathered as I remember in a different room, and then I left the hotel.

But whether I ever attended a reception where the Russian Ambassador was also present is entirely beside the point of this investigation into Russian interference with the 2016 campaigns. Let me state this clearly: I have never met with or had any conversations with any Russians or any foreign officials concerning any type of interference with any campaign or election. Further, I have no knowledge of any such conversations by anyone connected to the Trump campaign. I was your colleague in this body for 20 years, and the suggestion that I

participated in any collusion or that I was aware of any collusion with the Russian government to hurt this country, which I have served with honor for over 35 years, or to undermine the integrity of our democratic process, is an appalling and detestable lie.

Relatedly, there is the assertion that I did not answer Senator Franken's question honestly at my confirmation hearing. That is false. This is how it happened. He asked me a rambling question that included dramatic, new allegations that the United States intelligence community had advised President-elect Trump that "there was a continuing exchange of information during the campaign between Trump's surrogates and intermediaries for the Russian government." I was taken aback by these explosive allegations, which he said were being reported in breaking news that day. I wanted to refute immediately any suggestion that I was a part of such an activity. I replied, "Senator Franken, I'm not aware of any of those activities. I have been called a surrogate at a time or two in that campaign and I didn't have -- did not have communications with the Russians, and I'm unable to comment on it."

That was the context in which I was asked the question, and in that context, my answer was a fair and correct response to the charge as I understood it. It simply did not occur to me to go further than the context of the question and list any conversations I may have had with Russians in routine situations, as I had with numerous other foreign officials.

Please hear me now. It was only in March of this year that a reporter asked my spokesperson whether I had ever met with any Russian officials. This was the first time that question had been posed. On the same day, we provided that reporter with the information related to the meeting I and my staff had held in my Senate office with Ambassador Kislyak, as well as the brief encounter in July after a speech that I had given during the convention in Cleveland, Ohio. I also provided the reporter a list of all 25 foreign ambassador meetings I had held during 2016. In addition, I provided supplemental testimony to the Senate Judiciary Committee to explain this. I readily acknowledged these two meetings. Certainly nothing improper occurred.

Let me also explain clearly the circumstances of my recusal from the investigation into the Russian interference with the 2016 election. I was sworn in as Attorney General on Thursday, February 9th. The very next day, I met with career Department officials, including a senior ethics official, to discuss some things publicly reported in the press and that might have some bearing on the issue of recusal. From that point, February 10th, until I announced my formal recusal on March 2nd, I was never briefed on any investigative details and did not access information about the investigation; I received only the limited information that the Department's career officials determined was necessary to inform my recusal decision. As such, I have no knowledge about this investigation beyond what has been publicly reported, and I have taken no action with regard to any such investigation. On the date of my formal recusal, my Chief of Staff sent an email to the heads of the relevant departments, including by name to Director Comey of the FBI, to instruct them to inform their staffs of this recusal and to advise them not to brief me or involve me in any such matters. And in fact, they have not. Importantly, I recused myself not because of any asserted wrongdoing on my part during the campaign, but because a Department of Justice regulation, 28 CFR 45.2, required it. That regulation states, in

effect, that Department employees should not participate in investigations of a campaign if they have served as a campaign advisor.

The scope of my recusal, however, does not and cannot interfere with my ability to oversee the Department of Justice, including the FBI, which has an \$8 billion budget and 35,000 employees. I presented to the President my concerns, and those of Deputy Attorney General Rod Rosenstein, about the ongoing leadership issues at the FBI as stated in my letter recommending the removal of Mr. Comey along with the Deputy Attorney General's memorandum, which have been released publicly by the White House. It is a clear statement of my views. It is absurd, frankly, to suggest that a recusal from a single specific investigation would render an Attorney General unable to manage the leadership of the various Department of Justice law enforcement components that conduct thousands of investigations.

Finally, during his testimony, Mr. Comey discussed a conversation he and I had about a meeting Mr. Comey had with the President. I am happy to share with the committee my recollection of the conversation I had with Mr. Comey. Following a routine morning threat briefing, Mr. Comey spoke to me and my Chief of Staff. While he did not provide me with any of the substance of his conversation with the President, Mr. Comey expressed concern about the proper communications protocol with the White House and with the President. I responded to his comment by agreeing that the FBI and Department of Justice needed to be careful to follow Department policies regarding appropriate contacts with the White House. Mr. Comey had served in the Department of Justice for the better part of two decades, and I was confident that Mr. Comey understood and would abide by the Department's well-established rules governing any communications with the White House about ongoing investigations. My comments encouraged him to do just that and indeed, as I understand, he did. Our Department of Justice rules on proper communication between the Department and the White House have been in place for years. Mr. Comey well knew them, I thought, and assumed correctly that he complied with them.

I will finish with this. I recused myself from any investigation into the campaigns for President, but I did not recuse myself from defending my honor against scurrilous and false allegations. At all times throughout the course of the campaign, the confirmation process, and since becoming Attorney General, I have dedicated myself to the highest standards.

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Importantly, as Attorney General I have a responsibility to enforce the laws of this Nation, to protect this country from its enemies, and to ensure the fair administration of justice. I intend to work every day with our fine team and the superb professionals in the Department of Justice to advance the important work we have to do. These false attacks, the innuendo, and the leaks, you can be sure, will not intimidate me. In fact, these events have only strengthened my resolve to fulfill my duty to reduce crime, and to support our federal, state, and local law enforcement officers who work our streets every day. Just last week, it was reported that

overdose deaths in this country are rising faster than ever recorded. The murder rate is up over 10 percent—the largest increase since 1968. Together, we are telling the gangs, the cartels, the fraudsters, and the terrorists—we are coming after you. Every one of our citizens, no matter who they are or where they live, has the right to be safe in their homes and communities. And I will not be deterred, and I will not allow this great Department to be deterred from its vital mission.

Thank you.

###

Chairman BURR. General Sessions, thank you. Thank you for that testimony.

I'd like to note for members, the Chair and the Vice Chairman will be recognized for 10 minutes, members will be recognized for 5 minutes. And I'd like to remind our members that we are in open session. No references to classified or committee sensitive materials should be used relative to your questions. With that, I recognize myself at this time for ten minutes.

General Sessions, you talked about the Mayflower Hotel, where the President gave his first foreign policy speech, and it's been covered in the press that the President was there, you were there, others were there. From your testimony, you said you don't remember whether Ambassador Kislyak was there, the Russian ambassador. Is that correct?

General SESSIONS. I did not remember that, but I understand he was there. And so I don't doubt that he was. I believe that representations are correct. In fact, I recently saw a video of him coming into the room.

Chairman BURR. But you never remember having a conversation or a meeting with Ambassador Kislyak?

General SESSIONS. I do not.

Chairman BURR. And there was—in that event, was there ever a private room setting that you were involved in?

General SESSIONS. No, other than the reception area that was shut off from, I guess, the main crowd of a couple of dozen, two to three dozen people.

Chairman BURR. I would take for granted that at an event like this the President shook some hands.

General SESSIONS. Yes, he came in and shook hands in the group.

Chairman BURR. Okay. You mentioned that there were some staff that were with you at that event.

General SESSIONS. My legislative director at the time—

Chairman BURR. Your Senate staff?

General SESSIONS. Senate legislative director, who was a retired U.S. Army colonel, who'd served on the Armed Services staff with Senator John Warner before she joined my staff, was with me in the reception area and throughout the rest of the events.

Chairman BURR. Would you say that you were there as a United States Senator or as a surrogate of the campaign for this event?

General SESSIONS. I came there as a interested person, very anxious to see how President Trump would do in his first major foreign policy address. I believe he'd only given one major speech before, that one maybe at the Jewish AIPAC event. So it was an interesting time for me to observe his delivery and the message he would make. That was my main purpose of being there.

Chairman BURR. Now, you reported two other meetings with Ambassador Kislyak: one in July on the sidelines of the Republican Convention, I believe; and one in September in your Senate office. Have you had any other interactions with government officials over the year in a campaign capacity? I'm not asking you from the standpoint of your Senate life—

General SESSIONS. Yeah. Yeah.

Chairman BURR [continuing]. But in a campaign capacity.

General SESSIONS. No, Mr. Chairman. I've stretched my—racked my brain to make sure I could answer any of those questions correctly, and I did not.

I would just offer for you that, when asked about whether I had any meetings with Russians by the reporter in March, we immediately recalled the conversation, the encounter I had at the convention and the meeting in my office, and made that public. I never intended not to include that. I would have gladly have reported the meeting, the encounter that may have occurred, that some say occurred, in the Mayflower, if I had remembered it, or if it actually occurred, which I don't remember that it did.

Chairman BURR. General Sessions, on March 2nd, 2017, you formally recused yourself from any involvement in the Russian investigation being conducted by the FBI and the Department of Justice. What are the specific reasons that you chose to recuse yourself?

General SESSIONS. Well, the specific reason, Mr. Chairman, is a CFR, a Code of Federal Regulations, put out by the Department of Justice, part of the Department of Justice rules. And it says this—I'll read from it: 28 CFR 45.2, "Unless authorized, no employee shall participate in a criminal investigation or prosecution if he has a personal or political relationship with any person involved in the conduct of an investigation." It goes on to say in a political campaign. And it says, "If you have a close identification with an elected official or a candidate arising from service as a principal adviser, you should not participate in an investigation of that campaign."

Chairman BURR. So would you—

General SESSIONS. Many have suggested that my recusal is because I felt I was a subject of the investigation myself, that I may have done something wrong. But this is the reason I recused myself. I felt I was required to under the rules of the Department of Justice, and as the leader of the Department of Justice, I should comply with the rules, obviously.

Chairman BURR. So did your legal counsel basically know from day one you would have to recuse yourself of this investigation because of the current statute?

General SESSIONS. Well, I do have a timeline of what occurred. I was sworn in on the 9th, I believe, of February. I then on the 10th had my first meeting to generally discuss this issue, where the CFR was not discussed.

We had several other meetings and it became clear to me over time that I qualified as a significant—a principal adviser type person to the campaign, and it was the appropriate and right thing for me—

Chairman BURR. So this could—

General SESSIONS [continuing]. To recuse myself.

Chairman BURR [continuing]. This could explain Director Comey's comments that he knew that there was a likelihood you would recuse yourself, because he was probably familiar with the same statute?

General SESSIONS. Well, I think probably so. I'm sure that the attorneys in the Department of Justice probably communicated with him, because, Mr. Chairman, let me say this to you clearly. In effect, as a matter of fact I recused myself that day. I never received

any information about the campaign. I thought there was a problem with me being able to serve as Attorney General over this issue, and I felt I would possibly have to recuse myself, and I took the position, correctly I believe, not to involve myself in the campaign in any way, and I did not.

Chairman BURR. You made a reference to your chief of staff sending out an e-mail immediately notifying internally of your decision to recuse. Would you ask your chief of staff to make that e-mail available?

General SESSIONS. We would be pleased to do—

Chairman BURR. Thank—thank you.

General SESSIONS [continuing]. So and I think I have it with me now.

Chairman BURR. Thank you, General Sessions.

Have you had any interactions with the special counsel, Robert Mueller, since his appointment?

General SESSIONS. I have not.

With regard to the e-mail we sent out, Mr. Comey, Director Comey, indicated that he did not know when I recused myself or did not receive notice. One of those e-mails went to him by name. So a lot happens in our offices. I'm not accusing him of any wrongdoing, but in fact it was sent to him and to his name.

Chairman BURR. Okay.

General Sessions, as you said, Mr. Comey testified at length before the committee about his interactions with the President, in some cases highlighting your presence at those meetings. And you addressed the meeting where all were asked to leave except for Director Comey and he had a private meeting with the President. And you said that he did inform you of how uncomfortable that was, and your recommendation was that the FBI and DOJ needed to follow the rules limiting further correspondence.

Did Director Comey ever express additional discomfort with conversations that the President might have had with him? Because he had two additional meetings and I think a total of six phone calls.

General SESSIONS. That is correct. There's nothing wrong with the President having a communication with the FBI director. What is problematic for any Department of Justice employee is to talk to any Cabinet persons or White House officials, high officials, about ongoing investigations that are not properly cleared through the top levels of the Department of Justice.

And so it was a—regulation I think is healthy. I thought we needed, and strongly believed, we needed to restore discipline within our Department, to adhere to just those kind of rules, plus leaking rules and some of the other things that I think are a bit lax and need to be restored.

Chairman BURR. You couldn't have had a conversation with the President about the investigation, because you were never briefed on the investigation?

General SESSIONS. That is correct.

I would note that, with regard to the private meeting that Director Comey had—by his own admission, I believe there are as many as six such meetings. Several of them he had with President Trump. I think he had two with President Obama. So it's not im-

proper per se. But it would not be justified for a Department official to share information about an ongoing investigation without prior review and clearance from above.

Chairman BURR. General Sessions, just one last question. You were the chair of this foreign policy team for the Trump campaign. To the best your knowledge, did that team ever meet?

General SESSIONS. We met a couple of times, maybe. Some of the people did. But we never functioned, frankly, Mr. Chairman, as a coherent team. We had various meetings——

Chairman BURR. Were there any members—were there any members of that team you never met?

General SESSIONS. Yes.

Chairman BURR. Okay.

Vice Chairman.

Vice Chairman WARNER. Thank you, General Sessions.

As I mentioned in my opening statement, we appreciate your appearance here, but we do see this as the first step, and I would just like to get your commitment that you will agree to make yourself available as the committee needs in the weeks and months ahead.

General SESSIONS. Senator Warner, I will commit to appear before this committee and other committees as appropriate. I don't think it's good policy to continually bring Cabinet members or the Attorney General before multiple committees, going over the same things over and over——

Vice Chairman WARNER. I know other members of the Judiciary Committee or Appropriations Committee may want——

General SESSIONS. Well, they—I'm sure——

Vice Chairman WARNER [continuing]. To raise those issues. But let me just ask about this committee.

General SESSIONS. I just gave you my answer, Mister——

Vice Chairman WARNER. Thank you.

What about, can we also get your commitment, since there will be questions about some of these meetings that took place or not, that we could get access to documents or memoranda, your daybook or something, so we can——

General SESSIONS. Mr. Vice Chairman, we will be glad to provide appropriate responses to your questions and review them carefully——

Vice Chairman WARNER. Thank you.

General SESSIONS [continuing]. And try to be responsive.

Vice Chairman WARNER. Yesterday a friend of the President was reported suggesting that President Trump was considering removing Director Mueller as special counsel. Do you have confidence in Director Mueller's ability to conduct his investigation fairly and impartially?

General SESSIONS. Well, first, I don't know about these reports, and have no basis to ascertain their——

Vice Chairman WARNER. But I'm asking you, sir—I'm asking—do you——

General SESSIONS [continuing]. Validity. I have known Mr. Mueller over the years. He served 12 years as FBI Director. I knew him before that. And I have confidence in Mr. Mueller.

Vice Chairman WARNER. So you have confidence he can do his job?

General SESSIONS. But I am not going to discuss any hypotheticals or what might be a factual situation in the future that I'm not aware of today, because I know nothing about the investigation and——

Vice Chairman WARNER. Do you believe——

General SESSIONS [continuing]. I fully recuse myself from——

Vice Chairman WARNER. I've got a series of questions, sir. Do you believe the President has confidence in Director Mueller?

General SESSIONS. I have no idea. I've not talked to him about it.

Vice Chairman WARNER. Now, will you commit to this committee not to take any personal actions that might result in Director Mueller's firing or dismissal?

General SESSIONS. Well, I think I probably could say that with confidence, because I'm recused from the investigation. In fact, the way it works, Senator Warner, is that the acting Attorney General——

Vice Chairman WARNER. I'm aware of the——

General SESSIONS [continuing]. For this investigation——

Vice Chairman WARNER [continuing]. Process, but I just wanted to get you on the record that you would not——

General SESSIONS [continuing]. Is Deputy Attorney General Rod Rosenstein——

Vice Chairman WARNER [continuing]. With your recusal, you would not take any actions to try to have Special Investigator Mueller removed.

General SESSIONS. I wouldn't think that would be appropriate for me to do.

Vice Chairman WARNER. Yes, sir, I agree.

To your knowledge, have any Department of Justice officials been involved with conversations about any possibility of presidential pardons about any of the individuals involved with the Russia investigation?

General SESSIONS. Mr. Vice Chairman, I'm not able to comment on conversations with high officials within the White House. That would be a violation of the communications rule that I have to adhere to.

Vice Chairman WARNER. Just so I can understand, is the basis of that unwillingness to answer based on executive privilege, or what?

General SESSIONS. It's a longstanding policy of the Department of Justice not to comment on conversations that the Attorney General has had with the President of the United States, for confidential reasons that really are founded in the coequal branch powers in the Constitution of the United States.

Vice Chairman WARNER. But that—but just so I'm understanding, does that mean, are you claiming executive privilege here today, sir?

General SESSIONS. I'm not claiming executive privilege, because that's the President's power and I have no power to claim executive privilege.

Vice Chairman WARNER. What about—what about conversations with other Department of Justice or other White House officials about potential pardons, not the President, sir?

General SESSIONS. Mr. Vice Chairman, without in any way suggesting that I have had any conversations concerning pardons, totally apart from that, there are privileges of communications within the Department of Justice that we share, all of us do. We have a right to have full and robust debate within the Department of Justice. We encourage people to speak up and argue cases on different sides. And those arguments are not——

Vice Chairman WARNER. I would hope, though——

General SESSIONS [continuing]. To be revealed. Historically, we've seen that they shouldn't be revealed.

Vice Chairman WARNER [continuing]. I would hope that you would agree that, since you've recused yourself from this investigation, that if the President or others would pardon someone during the midst of this investigation, our investigation or Director Mueller's investigation, that would be, I would think, problematic.

One of the comments you made in your testimony was that you'd reached this conclusion about the performance of then-Director Comey's ability to lead the FBI, that you agreed with Deputy Attorney General Rosenstein's memo. The fact that you'd worked with Director Comey for some time—did you ever have a conversation as a superior of Director Comey with his failure to perform or some of these accusations that he wasn't running the FBI in a good way, or that somehow the FBI was—is in turmoil? Did you have any conversations with Director Comey about those subjects?

General SESSIONS. I did not.

Vice Chairman WARNER. So you were his superior, and there were some fairly harsh things said about Director Comey. You never thought it was appropriate to raise those concerns before he was actually terminated by the President?

General SESSIONS. I did not do so. A memorandum was prepared by the Deputy Attorney General, who evaluated his performance and noted some serious problems with it. One of——

Vice Chairman WARNER. And you agreed with those evaluations?

General SESSIONS. I agreed with those. In fact, Senator Warner, we had talked about it even before I was confirmed and before he was confirmed. It's something that we both agreed to, that a fresh start at the FBI was probably the best——

Vice Chairman WARNER. It just again seems a little—I could understand if you talked about that before you came on, you had a chance for a fresh start. There was no fresh start. Suddenly, we're in the midst of the investigation, and with timing that seems a little peculiar, what kind of at least to me was out of the blue, the President fires the FBI director. And if there are all these problems of disarray and a lack of esprit de corps at the FBI, all things that the acting director of the FBI denied is the case, I would have thought that somebody would have had that kind of conversation with Director Comey. He was at least owed that.

Let's go to the May—or the April 27th meeting. As has been brought up, and I think the Chairman brought it up, by the time April 27th came around you'd already been named as the chair of then-candidate Trump's national security advisor. So showing up at that meeting would be appropriate, not only——

General SESSIONS. That was the Mayflower Hotel?

Vice Chairman WARNER. Yes, sir. Yes, sir.

My understanding was that the President's son-in-law, Jared Kushner was at that, was at that meeting as well?

General SESSIONS. I believe he was, yes.

Vice Chairman WARNER. You don't recollect whether Mr. Kushner had any conversations with Ambassador Kislyak at that session?

General SESSIONS. I do not.

Vice Chairman WARNER. And to the best of your memory, you had no conversation with Ambassador Kislyak at that meeting?

General SESSIONS. I don't recall it, Senator Warner. It would've been certainly, I can assure you, nothing improper, if I'd had a conversation with him. And it's conceivable that occurred. I just don't remember it.

Vice Chairman WARNER. But there was nothing in your notes or memory so that, when you had a chance—and you did, and I appreciate—correct the record about the other two sessions in response to Senator Franken and Senator Leahy, this one didn't pop into your memory that maybe in the overabundance of caution that you ought to report that, this session as well?

General SESSIONS. Well, I guess I could say that I possibly had a meeting, but I still do not recall it. And I did not in any way fail to record something in my testimony or in my subsequent letter, intentionally false.

Vice Chairman WARNER. I understand that, sir. I'm just trying to understand. When you corrected the record, and clearly by the time you had a chance to correct the record I would've thought that you would've known that Ambassador Kislyak was at that April 27th session. It received some quite a bit of press notoriety.

And again, echoing what the Chairman has said, just again for the record, there was no other meeting with any other officials of the Russian government during the campaign season?

General SESSIONS. Not to my recollection. And I would just say, with regard to the two encounters, one at the Mayflower Hotel that you referred to—

Vice Chairman WARNER. Yes, sir.

General SESSIONS [continuing]. I came there not knowing he was going to be there. I don't have any recollection of even knowing he would be there. I didn't have any communications with him before or after that event.

And likewise, at the event at the convention, I went off the convention grounds to a college campus for an event that had been set up—

Vice Chairman WARNER. But at the Mayflower, at the Mayflower event—

General SESSIONS. Let me just follow this up on that one. I didn't know he would be in the audience and had no—

Vice Chairman WARNER. But at the Mayflower—

General SESSIONS. Okay.

Vice Chairman WARNER [continuing]. There was this, I guess, kind of VIP reception first, and then people went in to the speech. Is that—just so I get a—

General SESSIONS. That's my impression. That's my recollection.

Vice Chairman WARNER. And you were part of the VIP reception?

General SESSIONS. Yes.

Vice Chairman WARNER. Yes, sir.

General SESSIONS, one of the again troubling things that I need to sort through is, Mr. Comey's testimony last week was that he felt uncomfortable when the President asked everyone else to leave the room. He left the impression that you lingered, with perhaps a sense that you felt uncomfortable about it as well. I'm going to allow you to, obviously, answer and correct if that's not the right impression.

After this meeting took place, which clearly Director Comey felt had some level of uncomfortableness, you never asked Director Comey what took place in that meeting?

General SESSIONS. Well, I would just say it this way. We were there, I was standing there, and, without revealing any conversation that took place, what I do recall is that I did depart, I believe everyone else did depart, and Director Comey was sitting in front of the President's desk and they were talking. So that's what I do remember.

I believe it was the next day that he said something, expressed concern about being left alone with the President. But that in itself is not problematic. He did not tell me at that time any details about anything that was said that was improper.

I affirmed his concern that we should be following the proper guidelines of the Department of Justice and basically backed him up in his concerns and that he should not carry on any conversation with the President or anyone else about an investigation in a way that was not proper.

I felt he, so long in the Department, former Deputy Attorney General, as I recall, knew those policies probably a good deal better than I did.

Vice Chairman WARNER. Thank you, sir.

And I thank you, Mr. Chairman. But it did appear that Mr. Comey felt that the conversation was improper?

General SESSIONS. He was concerned about it. And his recollection of what he said to me about his concern is consistent with my recollection.

Chairman BURR. Senator Risch.

Senator RISCH. Attorney General Sessions, good to hear you talk about how important this Russian interference and active measures in our campaign is. I don't think there's any American who would disagree with the fact that we need to drill down to this, know what happened, get it out in front of the American people, and do what we can to stop it. Again, and that's what this committee was charged to do, and that's what this committee started to do.

As you probably know, on February 14th the New York Times published an article alleging that there was constant communications between the Trump campaign and the Russians in collusion regarding the elections. Do you recall that, that article when it came out?

General SESSIONS. Not exactly.

Senator RISCH. Generally?

General SESSIONS. But I was—generally, I remember those charges.

Senator RISCH. And Mr. Comey told us when he was here last week that he had a very specific recollection. In fact, he chased it down through the intelligence community and was not able to find a scintilla of evidence to that effect. Then, he sought out both Republicans and Democrats up here to tell them that this was false, that there was no such facts anywhere—that corroborated what the New York Times had reported.

Nonetheless, after that this committee took that on as one of the things that we've spent really substantially more time on that than we have on the Russian active measures. We've been through thousands of pages of information, interviewed witnesses and everything else.

We're no—really no different than where we were when this whole thing started. And there's been no reports that I know of of any factual information in that regard. Are you aware of any such information of collusion?

General SESSIONS. Did that arise from the dossier, so-called dossier, Senator Risch? Is that what you're referring to?

Senator RISCH. Well, anywhere.

General SESSIONS. I believe that's the report that Senator Franken hit me with when I was testifying, and I think it has been pretty substantially discredited. But you would know more than I. But what was said that would suggest I participated in continuing communications with Russians as a surrogate is absolutely false.

Senator RISCH. Mr. Sessions, there's been all this talk about conversations and that you had some conversations with the Russians. For Senators up here who are on either Foreign Relations, Intelligence, or Armed Services, conversations with officers of other governments or ambassadors or what have you are everyday occurrences here, multiple-time occurrences, for most of us. Is that a fair statement?

General SESSIONS. I think it is, yes.

Senator RISCH. And, indeed, if you run into one in a grocery store, you're going to have a conversation with them. Is that fair?

General SESSIONS. Could very well happen. Nothing improper.

Senator RISCH. All right. On the other hand, collusion with the Russians, or any other government, for that matter, when it comes to our elections certainly would be improper and illegal. Would that be a fair statement?

General SESSIONS. Absolutely.

Senator RISCH. All right. Are you willing to sit here and tell the American people, unfiltered by what the media's going to put out, that you participated in no conversations of any kind where there was collusion between the Trump campaign and any other foreign government?

General SESSIONS. I can say that absolutely and I have no hesitation to do so.

Senator RISCH. Mr. Sessions, you're a former U.S. attorney, former United States Senator and the Attorney General of the United States. You participated, as you've described, in the Trump campaign. And, as such, you traveled with the campaign, I gather?

General SESSIONS. I did.

Senator RISCH. You spoke for the campaign, at times?

General SESSIONS. Well, on a number of occasions. I was not continually on the——

Senator RISCH. Based upon your experience and based upon your participation in the campaign, did you hear even a whisper or a suggestion or anyone making reference within that campaign that somehow the Russians were involved in that campaign?

General SESSIONS. I did not. No one ever——

Senator RISCH. What would you have done if you'd have heard that?

General SESSIONS. Well, I would've been shocked and I would've known it was improper.

Senator RISCH. And headed for the exit, I suppose?

General SESSIONS. Well, maybe.

Senator RISCH. All right.

General SESSIONS. So this was, you know, a serious—this is a serious matter, because what you're talking about, hacking into a private person or the DNC computer and obtaining information and spreading that out, that's just not right. And I believe it's likely that laws were violated if that actually occurred. So it's an improper thing.

Senator RISCH. Mr. Sessions, has any person from the White House or the Administration, including the President of the United States, either directed you or asked you to do any unlawful or illegal act since you've been Attorney General of the United States?

General SESSIONS. No, Senator Risch, they've not.

Senator RISCH. Thank you, Mr. Chairman.

Chairman BURR. Senator Feinstein.

Senator FEINSTEIN. Thanks very much, Mr. Chairman.

Welcome, Attorney General.

General SESSIONS. Thank you.

Senator FEINSTEIN. On May 19th, Mr. Rosenstein, in a statement to the House of Representatives, essentially told them that he learned on May 8th that President Trump intended to remove Director Comey.

When you wrote your letter on May 9, did you know that the President had already decided to fire Director Comey?

General SESSIONS. Senator Feinstein, I would say that I believe it's been made public that the President asked us our opinion, it was given, and he asked us to put that in writing. And I don't know how much more he said about it than that, but I believe he has talked about it. And I would let his words speak for themselves.

Senator FEINSTEIN. Well, on May 11th on NBC Nightly News, two days later, the President stated he was going to fire Comey regardless of the recommendation. So I'm puzzled about the recommendation, because the decision had been made. So what was the need for you to write a recommendation?

General SESSIONS. Well, we were asked our opinion and when we expressed it, which was consistent with the memorandum and the letter we wrote, I felt comfortable, and I guess the Deputy Attorney General did too,—in providing that information in writing.

Senator FEINSTEIN. So do you concur with the President that he was going to fire Comey regardless of recommendation, because the problem was the Russian investigation?

General SESSIONS. Senator Feinstein, I guess I'll just have to let his words speak for himself. I'm not sure what was in his mind explicitly when we talked with him.

Senator FEINSTEIN. Did you ever discuss Director Comey's FBI handling of the Russia investigations with the President or anyone else?

General SESSIONS. Senator Feinstein, that would call for a communication between the Attorney General and the President and I'm not able to comment on that.

Senator FEINSTEIN. You are not able to answer the question here, whether you ever discussed that with him?

General SESSIONS. That's correct.

Senator FEINSTEIN. And how do you view that—since you discussed his termination, why wouldn't you discuss the reasons?

General SESSIONS. Well, those were put in writing and sent to the President, and he made those public, so he made that public, not—

Senator FEINSTEIN. So you'd had no verbal conversation with him—

General SESSIONS. Well—

Senator FEINSTEIN [continuing]. About the firing of Mr. Comey?

General SESSIONS [continuing]. I'm not able to discuss with you or confirm or deny the nature of private conversations that I may have had with the President on this subject or others. And I know that—how this will be discussed, but that's the rule that has been long adhered to—

Senator FEINSTEIN. You know, others—

General SESSIONS [continuing]. By the Department of Justice, as you know, Senator Feinstein.

Senator FEINSTEIN. You're a long-time colleague, but we heard Mr. Coats and we heard Admiral Rogers say essentially the same thing, when it was easy just to say, if the answer was no, no.

General SESSIONS. Well, it would've been easier to say, if it was yes, yes. But both would have been improper.

Senator FEINSTEIN. Okay.

So how exactly were you involved in the termination of Director Comey? Because I am looking at your letter dated May 9 and you say, "The Director of the FBI must be someone who follows faithfully the rules and principles, who sets the right example for law enforcement officials. Therefore, I must recommend that you remove Director Comey and identify an experienced and qualified individual to lead the great men and women of the FBI."

Do you really believe that this had to do with Director Comey's performance with the men and women of the FBI?

General SESSIONS. There was a clear view of mine and of Deputy Attorney General Rosenstein, as he set out at some length in his memoranda, which I adopted and sent forward to the President, that we had problems there. And it was my best judgment that a fresh start at the FBI was the appropriate thing to do. And when asked, I said that to the President. It's something I had adhered to.

Deputy Rosenstein's letter dealt with a number of things. When Mr. Comey declined the Clinton prosecution, that was really a usurpation of the authority of the Federal prosecutors in the De-

partment of Justice. It was a stunning development. The FBI is the investigative team. They don't decide prosecution policies. And so that was a thunderous thing.

He also commented at some length on the declination of the Clinton prosecution, which you should not normally—you shouldn't do. Policies have been historic: If you decline, you decline, and you don't talk about it.

There were other things that had happened that indicated to me a lack of discipline and had caused controversy on both sides of the aisle, and I had come to the conclusion that a fresh start was appropriate and did not mind putting that in writing.

Senator FEINSTEIN. My time is up. Thank you very much.

General SESSIONS. Thank you.

Chairman BURR. Senator Rubio.

Senator RUBIO. Thank you.

Thank you for being here, Attorney General.

I want to go back to February 14th and kind of close the loop on the details. Director Comey was here and provided great detail about that day. So what I've heard so far is there was a meeting in the Oval Office on the 14th. You recall being there along with him. At some point, the meeting concluded. The President—everyone got up to leave—the President asked Director Comey to stay behind. Correct?

General SESSIONS. Well, that's a communication in the White House that I would not comment on——

Senator RUBIO. All right.

General SESSIONS. I do——

Senator RUBIO. You remember seeing him stay behind?

General SESSIONS. Yes.

Senator RUBIO. Okay. And his testimony was that you lingered, and his view of it was you lingered because you knew that you needed to say. That was his characterization. Do you remember lingering? Do you remember feeling like you needed to say?

General SESSIONS. I do recall being one of the last ones to leave, yes.

Senator RUBIO. Did you decide to be one of the last ones to leave?

General SESSIONS. I don't know how that occurred. We had finished a—I think a terrorism—counterterrorism briefing there. A number of people were there and people were filtering out. And I eventually left, and I do recall that I think I was the last or one of the last two or three to leave.

Senator RUBIO. Would it be fair to say that you felt like perhaps you needed to stay because it involved the FBI Director?

General SESSIONS. Well, I don't know how I would characterize that, Senator Rubio. I left. It didn't seem to me to be a major problem. I knew that Director Comey, long-time experienced in the Department of Justice, could handle himself well.

Senator RUBIO. So you saw him after that. He characterized it as he went up to you and said, you know, never leave me alone with the President again, it's not appropriate. And he said—this is his characterization—you just kind of shrugged, like as if to say, “what am I supposed to do about it?”

General SESSIONS. Well, I think I described it more completely, correctly. He raised that issue with me, I believe, the next day. I

think that was correct. And he expressed concern to me about that private conversation.

And I agreed with him, essentially, that there are rules on private conversations with the President. But there's not a prohibition on a private discussion with the President, as I believe he's acknowledged six or more himself with President Obama and President Trump. So I didn't feel like that's a—and he gave me no detail about what it was that he was concerned about.

Senator RUBIO. So what—

General SESSIONS. And so I didn't say I wouldn't be able to respond if he called me. He certainly knew that he could call his direct supervisor, which in the Department of Justice the direct supervisor to the FBI is the Deputy Attorney General. He could've complained to the deputy or to me at any time if he felt pressured, but I had no doubt that he would not yield to any pressure.

Senator RUBIO. Do you know if the President records conversations in the Oval Office or anywhere in the White House?

General SESSIONS. I do not.

Senator RUBIO. Let me ask you this: if in fact any President were to record conversations in their official duties in the White House or the like, would there be an obligation to preserve those records?

General SESSIONS. I don't know, Senator Rubio. Probably so.

Senator RUBIO. I want to go to the campaign for a moment. As I'm sure you're aware and it's been widely reported, Russian intelligence agencies often pose not simply as an official, but in covers as businessmen, a journalist, and the like. At any point during the campaign, did you have an interaction with anyone who, in hindsight, you look back and say, "they were trying to influence me or gain insight," that in hindsight, you look at and wonder?

General SESSIONS. I don't believe, in my conversations with the—three times—

Senator RUBIO. Not that. Just in general.

General SESSIONS. No—well, I met with a lot of people, a lot of foreign officials, who wanted to argue their case for their country and to point out things that they thought were important for their countries.

Senator RUBIO. But it never—

General SESSIONS. That's a normal thing I guess we talk about.

Senator RUBIO. Right, but as far as someone who's not an official from another country, just a businessman or anyone walking down the street who kind of struck you as someone that was trying to find out what you were up to or what with the campaign was up to, you never remember any sort of interaction that in hindsight appears suspicious?

General SESSIONS. Well, I'd have to rack my brain, but I don't recall it now.

Senator RUBIO. My last question: you were on the foreign policy team. The platform, the Republican platform, was changed to not provide defensive weapons to Ukraine. Were you involved in that decision? Do you know how that change was made, or who was involved in making that change?

General SESSIONS. I was not active in the platform committee, did not participate in that, and don't think I had any direct involvement in that.

Senator RUBIO. Do you know who did? Or do you have no recollection of a debate about that issue internally in the campaign?

General SESSIONS. I never watched the debate, if it occurred, on the platform committee. I think it did. So I don't recall that, Senator Rubio. I'd have to think about that.

Senator RUBIO. Thank you.

Chairman BURR. Senator Wyden.

Senator WYDEN. Thank you very much, Mr. Chairman. Mr. Chairman, I want to thank you for holding this hearing in the open, in full view of the American people, where it belongs. I believe the American people have had it with stonewalling. Americans don't want to hear that answers to relevant questions are privileged and off limits, or that they can't be provided in public, or that it would be, quote, "inappropriate" for witnesses to tell us what they know.

We are talking about an attack on our democratic institutions and stonewalling of any kind is unacceptable. And General Sessions has acknowledged that there is no legal basis for this stonewalling.

So now to questions. Last Thursday, I asked former Director Comey about the FBI's interactions with you, General Sessions, prior to your stepping aside from the Russian investigation. Mr. Comey said that your continued engagement with the Russian investigation was, quote, "problematic," and he, Mr. Comey, could not discuss it in public. Mr. Comey also said that FBI personnel had been calling for you to step aside from the investigation at least two weeks before you finally did so.

Now, in your prepared statement you stated you received only, quote, "limited information necessary to inform your recusal decision." But, given Director Comey's statement, we need to know what that was.

Were you aware of any concerns at the FBI or elsewhere in government about your contacts with the Russians or any other matters relevant to whether you should step aside from the Russian investigation?

General SESSIONS. Senator Wyden, I am not stonewalling. I am following the historic policies of the Department of Justice. You don't walk into any hearing or committee meeting and reveal confidential communications with the President of the United States, who's entitled to receive confidential communications in your best judgment about a host of issues, and have to be accused of stonewalling for not answering them. So I would push back on that.

Secondly, Mr. Comey, perhaps he didn't know, but I basically recused myself the day, the first day I got into the office, because I never accessed files, I never learned the names of investigators, I never met with them, I never asked for any documentation. The documentation, what little I received, was mostly already in the media and was presented by the senior ethics-professional responsibility attorney in the Department.

Senator WYDEN. General——

General SESSIONS. And I made an honest and proper decision to recuse myself, as I told Senator Feinstein and the members of the committee I would do when they confirmed me.

Senator WYDEN. General Sessions, respectfully, you're not answering the question.

General SESSIONS. Well, what is the question?

Senator WYDEN. The question is, Mr. Comey said that there were matters with respect to the recusal that were problematic and he couldn't talk about them. What are they?

General SESSIONS. Why don't you tell me? There are none, Senator Wyden. There are none. I can tell you that for absolute certainty.

Senator WYDEN. We can—we can——

General SESSIONS. You tell—this is a secret innuendo being leaked out there about me, and I don't appreciate it. And I've tried to give my best and truthful answers to any committee I've appeared before, and it's really a—people are suggesting through innuendo that I have been not honest about matters, and I've tried to be honest.

Senator WYDEN. My time is short. You've made your point that you think Mr. Comey is engaging in innuendo. We're going to keep digging on this——

General SESSIONS. Well, Senator Wyden, he did not say that. I don't——

Senator WYDEN. You said it was problematic, and I asked you what was problematic about it.

General SESSIONS. Some of that leaked out of the committee that he said in closed sessions.

Senator WYDEN. Okay.

One more question. I asked former FBI Director whether your role in firing him violated your recusal, given that President Trump said he had fired Comey because of the Russian investigation. Director Comey said this was a reasonable question.

So I want to ask you just point blank: Why did you sign the letter recommending the firing of Director Comey when it violated your recusal?

General SESSIONS. It did not violate my recusal. It did not violate my recusal. That would be the answer to that. And the letter that I signed represented my views that had been formulated for some time.

Senator WYDEN. Mr. Chairman, just if I can finish.

That answer in my view doesn't pass the smell test. The President tweeted repeatedly about his anger at investigations into his associates and Russia. The day before you wrote your letter, he tweeted that the collusion story was a total hoax and asked "When will this taxpayer-funded charade end?" I don't think your answer passes the smell test.

General SESSIONS. Well, Senator Wyden, I think I should be allowed to briefly respond at least and would say the letter, the memorandum that Deputy Rosenstein wrote and my letter that accompanied it represented my views of the situation.

Senator WYDEN. I'll ask that on the second round.

Thank you, Mr. Chairman.

Chairman BARR. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

Attorney General Sessions, I want to clarify who did what with regard to the firing of Mr. Comey. First of all, let me ask you, when

did you have your first conversation with Rod Rosenstein about Mr. Comey?

General SESSIONS. We talked about it before either one of us were confirmed. It was a topic of, you know, conversation among people who'd served in the Department a long time. They knew that what had happened that fall was pretty dramatically unusual. Many people felt it was very wrong. And so it was in that context that we discussed it and we both found that we shared a common view that a fresh start would be appropriate.

Senator COLLINS. And this was based on Mr. Comey's handling of the investigation involving Hillary Clinton in which you said that he usurped the authority of prosecutors at the Department of Justice?

General SESSIONS. Yes, that was part of it; and the commenting on the investigation in ways that go beyond the proper policies. We needed to restore, Senator Collins, I think the classic discipline in the Department. My team, we've discussed this. There's been too much leaking and too much talking publicly about investigations.

In the long run, the Department's historic rule that you remain mum about ongoing investigations is the better policy.

Senator COLLINS. Now, subsequently the President asked for you to put your views in writing, you've testified today. And I believe that you were right to recuse yourself from the ongoing Russian investigation.

But then on May 9th you wrote to the President recommending that Mr. Comey be dismissed, and obviously this went back many months to the earlier conversations you had with Mr. Rosenstein. But my question is, why do you believe that your recommendation to fire Director Comey was not inconsistent with your March 2nd recusal?

General SESSIONS. Thank you. The recusal involved one case involved in the Department of Justice and in the FBI. They conduct thousands of investigations. I'm the Attorney General of the United States. It's my responsibility to our Judiciary Committee and other committees to ensure that Department is run properly. I have to make difficult decisions, and I do not believe that it is a sound position to say that if you're recused for a single case involving any one of the great agencies, like DEA or U.S. Marshals or ATF that are part of the Department of Justice, you can't make a decision about the leadership in that agency.

Senator COLLINS. Now, if you had known that the President subsequently was going to go on TV and in an interview with Lester Holt of NBC, would say that this Russian thing was the reason for his decision to dismiss the FBI Director, would you have felt uncomfortable about the timing of the decision?

General SESSIONS. Well, I would just say this, Senator Collins. I don't think it's appropriate to deal with those kind of hypotheticals. I have to deal in actual issues. And I would respectfully not comment on that.

Senator COLLINS. Well, let me ask you this: In retrospect, do you believe that it would have been better for you to have stayed out of the decision to fire Director Comey?

General SESSIONS. I think it's my responsibility. I mean, I was appointed to be Attorney General. Supervising all the Federal

agencies is my responsibility. Trying to get the very best people in those agencies at the top of them is my responsibility, and I think I had a duty to do so.

Senator COLLINS. Now, Director Comey testified that he was not comfortable telling you about his one-on-one conversation with the President on February 14th because he believed that you would shortly recuse yourself from the Russian investigation, which you did. Yet Director Comey testified that he told no one else at the Department outside of the senior leadership team at the FBI.

Do you believe that the Director had an obligation to bring the information about the President saying that he hoped he could let Michael Flynn go to someone else at the Department of Justice? There are an awful lot of lawyers at the Department of Justice, some 10,000 by last count.

General SESSIONS. I think the appropriate thing would've been for Director Comey to talk with the Acting Deputy Attorney General, who is his direct supervisor. That was Dana Boente, who had 33 years in the Department of Justice, and was even then still serving for six years, and continues to serve, as U.S. attorney appointed by President Obama. So he's a man of great integrity and everybody knows it, a man of decency and judgment. If he had concerns, I think he should've raised it to Deputy Attorney General Boente, who would be the appropriate person in any case, really. But if he had any concern that I might be recusing myself, that would be a double reason for him to share it with Deputy Attorney General Boente.

Senator COLLINS. Thank you.

Chairman BURR. Senator Heinrich.

Senator HEINRICH. Attorney General Sessions, has the President ever expressed his frustration to you regarding your decision to recuse yourself?

General SESSIONS. Senator Heinrich, I'm not able to share with this committee private communications—

Senator HEINRICH. Because you're invoking executive privilege?

General SESSIONS. I'm not able to invoke executive privilege. That's the President's prerogative.

Senator HEINRICH. Well, my understanding is that you took an oath, you raised your right hand here today, and you said that you would solemnly swear to tell the truth, the whole truth, and nothing but the truth. And now you're not answering questions. You're impeding this investigation. So my understanding of the legal standard is that you either answer the question—that's the best outcome—you say, this is classified, can't answer it here, I'll answer it in closed session. That's bucket number two.

Bucket number three is to say, I'm invoking executive privilege. There is no appropriateness bucket. It is not a legal standard.

Can you tell me what are these longstanding DOJ rules that protect conversations made in the executive without invoking executive privilege?

General SESSIONS. Senator, I'm protecting the President's constitutional right by not giving it away before he has a chance to view it—

Senator HEINRICH. You're having it both ways.

General SESSIONS [continuing]. And secondly, I am telling the truth and answering your question in saying it's a longstanding policy of the Department of Justice——

Senator HEINRICH. Are those policies written?

General SESSIONS [continuing]. To make sure the President has full opportunity to decide these issues.

Senator HEINRICH. Can you share those policies with us? Are they written down at the Department of Justice?

General SESSIONS. I believe they are. Certainly——

Senator HEINRICH. This is the appropriateness legal standard for not answering Congressional inquiries?

General SESSIONS. It's my judgment that it would be inappropriate for me to answer and reveal private conversations with the President when he has not had a full opportunity to review the questions and to make a decision on whether or not to approve such an answer, one.

There are also other privileges that could be invoked. One of the things deals with can the investigation of the special counsel as——

Senator HEINRICH. We're not asking questions about that investigation. If I wanted to ask questions about that investigation, I'd ask those of Rod Rosenstein. I'm asking about your personal knowledge from this committee, which has a constitutional obligation to get to the bottom of this.

There are two investigations here. There is a special counsel investigation. There is also a Congressional investigation, and you are obstructing that Congressional investigation by not answering these questions. And I think your silence, like the silence of Director Coats, like the silence of Admiral Rogers, speaks volumes.

General SESSIONS. I would say that I have consulted with senior career attorneys in the Department——

Senator HEINRICH. I suspect you have.

General SESSIONS [continuing]. And they believe this is consistent with my duties.

Senator HEINRICH. Senator Risch asked you a question about appropriateness, if you had known that there had been anything untoward with regard to Russia and the campaign would you have headed for the exits. Your response was: Maybe. Why wasn't it a simple yes?

General SESSIONS. Well, if there was an improper, illegal relationship in an effort to impede or influence this campaign, I absolutely would have departed.

Senator HEINRICH. I think that's a good answer. I'm not sure why it wasn't the answer in the first place.

General SESSIONS. I thought I did answer it.

Senator HEINRICH. I find it strange that neither you nor Deputy Attorney General Rod Rosenstein brought up performance issues with Director Comey. And in fact, Deputy FBI Director McCabe has directly refuted any assertion that there were performance issues. This is troubling because it appears that the President decided to fire Director Comey because he was pursuing the Russia investigation and had asked you to come up with an excuse.

When your assessment of Director Comey didn't hold up to public scrutiny, the President finally admitted that he had fired Director

Comey because he was pursuing the Russia investigation, i.e., the Lester Holt interview.

You've claimed that you did not break recusal when participating in Director Comey's firing, but it appears that his firing was directly related to Russia, not departmental mismanagement. How do you square those two things?

General SESSIONS. Well, you had a lot in that question. Let me say first, within a week or so, I believe May 3rd, Director Comey testified that he believed the handling of the Clinton declination was proper and appropriate and he would do it again.

I know that was a great concern to both of us, because that represented something that I think most professionals in the Department of Justice would totally agree that the FBI investigative agency does not decide whether to prosecute or decline criminal cases; a pretty breathtaking usurpation of the responsibility of the Attorney General.

So that's how we felt. That was sort of an additional concern, that we had heading the FBI, someone who boldly asserted the right to continue to make such decisions.

That was one of the things we discussed. That was in the memorandum, I believe, and it was also an important factor for us.

Chairman BURR. Before I recognize Senator Blunt, I would like the record to show that last night Admiral Rogers spent almost two hours in closed session with almost the full committee, fulfilling his commitment to us in the hearing that in closed session he would answer the question. And I think it was thoroughly answered, and all members were given an opportunity to ask questions. I just want the record to show that with what Senator Heinrich stated.

Senator Blunt.

Senator BLUNT. Thank you Chairman.

Attorney General, it's good to see you here. It's good to see Mary. I know that there's probably other places you'd both rather be today, but you've always looked at public service as something you did together, and it's good to see you here together and know that your family continues to be proud and supportive of what you do.

General SESSIONS. Thank you. I've been blessed indeed.

Senator BLUNT. I agree with that. I agree with that.

Let me just get a couple of things clear in my mind here of notes I have taken while people were asking questions and you were talking. On the April 27th, 2016, event—I think that's the Mayflower Hotel speech that President—that the presidential candidate gave on foreign policy, you didn't have a room at that event where you had private meetings, did you?

General SESSIONS. No, I did not.

Senator BLUNT. And as I understand it, you went to a reception that was attended by how many people?

General SESSIONS. I think two to three dozen.

Senator BLUNT. Two to three dozen people. You went in, heard his speech, and then may have seen people on your way out?

General SESSIONS. Correct.

Senator BLUNT. So when you said you possibly had a meeting with Mr. Kislyak, did you mean you possibly met him?

General SESSIONS. I didn't have any formal meeting—

Senator BLUNT. As opposed—I would assume the meeting—

General SESSIONS [continuing]. With him, I'm confident of that. But I may have had an encounter during the reception. That's the only thing; I cannot say with certainty I did not. That's all I can say.

Senator BLUNT. Well, that's what I thought you were saying but sometimes when I hear "I had a meeting" that would mean more to me than "I met somebody."

[Laughter.]

General SESSIONS. Right, right.

Senator BLUNT. You might have met him at the reception. Could you have met other ambassadors at that reception as well?

General SESSIONS. I could. I remember one in particular that we had a conversation with, whose country had an investment in Alabama, and we talked at a little length about that. I remember that. But otherwise, I have no recollection of a discussion with the Russian ambassador.

Senator BLUNT. All right. So you were there. You've read since he was there. You may have seen him. But you had no room where you were having meetings with individuals to have discussions at the Mayflower Hotel that day?

General SESSIONS. No, that is correct.

Senator BLUNT. Well, whenever you talked to Mr. Comey after he had his meeting with the President, do you think that was probably the next day? You didn't stay afterwards and see him after he left the Oval Office that night?

General SESSIONS. No. I understand his testimony may have suggested that it happened right afterwards. But it was either the next morning, which I think it was, or maybe the morning after that. It was, we had a three times a week national security briefing with the FBI that I undertake. And so it was after that that we had that conversation.

Senator BLUNT. When you had that conversation. Now, what I'm not quite clear on is, did you respond when he expressed his concern or not?

General SESSIONS. Yes, I did respond. I think he's incorrect. He indicated, I believe, that he was not totally sure of the exact wording of the meeting, but I do recall my chief of staff was with me. And we recall that I did affirm the longstanding written policies of the Department of Justice concerning communications with the White House. We have to follow those rules. And in the long run, you're much better off if you do.

They do not prohibit communications one on one by the FBI director with the President, but if that conversation moves into certain areas, the rules apply to the Department of Justice, so it's the duty of the FBI agent to say, Mr. President, I can't talk about that. That's the way that should work. And apparently it did, because he says he did not improperly discuss matters with the President.

Senator BLUNT. When Mr. Comey talked to you about that meeting, did he mention Mr. Flynn?

General SESSIONS. No, he mentioned no facts of any kind. He did not mention to me that he'd been asked to do something he thought was improper. He just said he was uncomfortable, I believe, with it.

Senator BLUNT. After that discussion with Mr. Comey—

General SESSIONS. Actually, I don't know that he said he was uncomfortable. I think he said maybe—maybe it was what—what he testified to was perhaps the correct wording. I'm not sure exactly what he said, but I don't dispute it.

Senator BLUNT. Well, exactly what I think he's—what I remember him saying was that you didn't react at all and kind of shrugged, but you're saying you referred him to the normal way these meetings are supposed to be conducted.

General SESSIONS. I took it as a concern that he might be asked something that was improper, and I affirmed to him his willingness to say no or not go in an improper way, improper direction.

Senator BLUNT. I'll just say finally, I'm assuming you wouldn't talk about this because it would relate to the May 8th meeting, but my sense is that no decision is final until it's carried out. My guess is that there are people at this dais who have said they were going to let somebody go or fire somebody that never did that.

So the fact that the President said that on May 8th doesn't mean that the information he got from you on May 9th was not necessary or impactful. And I'm sure you're not going to say how many times the President said, we ought to get rid of that person, but I'm sure that's happened.

Chairman BURR. Senator King.

Senator KING. Mr. Attorney General, thank you for joining us today. I respect—

General SESSIONS. Thank you.

Senator KING [continuing]. Your willingness to be here.

General SESSIONS. Thank you.

Senator KING. You testified a few minutes ago, I'm not able to invoke executive privilege; that's up to the President. Has the President invoked executive privilege in the case of your testimony here today?

General SESSIONS. He has not.

Senator KING. Then what is the basis of your refusal to answer these questions?

General SESSIONS. Senator King, the President has a constitutional—

Senator KING. I understand that. But the President hasn't asserted it.

General SESSIONS. Well, I—

Senator KING. You said you don't have the power to assert the power of executive privilege, so what is the legal basis for your refusal to answer these questions?

General SESSIONS. I am protecting the right of the President to assert it if he chooses, and there may be other privileges that could apply in this circumstance.

Senator KING. Well, I don't understand how you can have it both ways. The President can't not assert it—and you've testified that only the President can assert it, and yet,—I just don't understand the legal basis for your refusal to answer.

General SESSIONS. Well, what we try to do, I think most Cabinet officials, others that you questioned recently, officials before the committee, protect the President's right to do so. If it comes to a point where the issue is clear and there is a dispute about it, at

some point the President will either assert the privilege or not, or some other privilege can be—would be asserted.

But at this point, I believe it's premature for me to deny—

Senator KING. You're asserting a privilege that the President you've testified—

General SESSIONS. It would be premature for me to deny the President a full and intelligent choice about executive privilege. That's not necessary at this point.

Senator KING. You testified a few minutes ago that, quote "We were asked for our opinion." Who asked for your opinion?

General SESSIONS. You mean—

Senator KING. You just testified, "We were asked for our opinion," you and Rod Rosenstein.

General SESSIONS. My understanding is—I believe I'm correct in saying the President has said so, that—

Senator KING. So he didn't ask you directly?

General SESSIONS. I thought you were asking about the privilege.

Senator KING. No, no, I'm sorry.

General SESSIONS. Do you want to go back to the—

Senator KING. I'm saying, you said, quote "We were asked for our opinion," you and Mr. Rosenstein.

General SESSIONS. I believe that was appropriate for me to say that because I think the President had said—

Senator KING. No, I'm just asking you—

General SESSIONS. I'm just saying why—

Senator KING. [continuing]. Who asked for your opinion? Who asked you for your opinion?

General SESSIONS. Yes, right. The President asked for our opinion.

Senator KING. All right. So you just testified as to the content of a communication from the President.

General SESSIONS. That is correct, but I believe he's already revealed that. I believe I'm correct in saying that. That's why I indicated that when I answered that question.

But if he hasn't and I'm in error, I would—

Senator KING. So you can—

General SESSIONS [continuing]. Have constricted his constitutional right of privilege. You're correct.

Senator KING. So you're being selective about the use—

General SESSIONS. No, I'm not intentionally. I'm doing so only because I believe he made that—he has been public about that.

Senator KING. In any of your discussions with the President about the firing of James Comey, did the question of the Russian investigation ever come up?

General SESSIONS. I cannot answer that because it was a communication by the President or, if any such occurred, it would be a communication that he has not waived.

Senator KING. But he has not asserted executive privilege?

General SESSIONS. He has not asserted executive privilege to date.

Senator KING. Do you believe the Russians interfered with the 2016 elections?

General SESSIONS. It appears so. The intelligence community seems to be united in that. But I have to tell you, Senator King,

I know nothing but what I've read in the paper. I've never received any detailed briefing on how a hacking occurred or how information was alleged to have influenced the campaign.

Senator KING. Well, between the election, there was a memorandum from the intelligence community on October 9th that detailed what the Russians were doing. After the election, before the inauguration, you never sought any information about this rather dramatic attack on our country?

General SESSIONS. No. I—

Senator KING. You never asked for a briefing or attended a briefing or read the intelligence reports?

General SESSIONS. You might have been very critical of me if I, as an active part of the campaign, was seeking intelligence relating to something that might be relevant to the campaign. I'm not sure that would have been—

Senator KING. I'm not talking about the campaign; I'm talking about what the Russians did. You received no briefing on the Russian active measures in connection with the 2016 election?

General SESSIONS. No, I don't believe I ever did.

Senator KING. Let's go to your letter of May 9th. You said, "Based upon my evaluation and for the reasons expressed by deputy." Was that a written evaluation?

General SESSIONS. My evaluation was an evaluation that had been going on for some months.

Senator KING. Was there a written evaluation?

General SESSIONS. I did not make one. I think you could classify Deputy Attorney General Rosenstein's memorandum as an evaluation, and he was the direct supervisor of the FBI Director.

Senator KING. And his evaluation was based 100 percent on the handling of the Hillary Clinton e-mails, is that correct?

General SESSIONS. Well, and a number of other matters, as I recall, but he did explicitly lay out the errors that he thought had been made in that process by the Director of the FBI. I thought they were cogent and accurate and far more significant than I think a lot of people have understood.

Senator KING. Thank you, Mr. Chairman.

Chairman BURR. Senator Lankford.

Senator LANKFORD. Thank you, Mr. Chairman.

Attorney General Sessions, it's good to see you again.

General SESSIONS. Thank you, Senator Lankford.

Senator LANKFORD. You speak as a man eager to set the record straight. You've spoken very bluntly from the very beginning from your opening statement all the way through this time.

I am amazed at the conversations, as if an Attorney General has never said there were private conversations with the President and we don't need to discuss those. It seems to be a short memory about some the statements Eric Holder would and would not make to any committee in the House or the Senate, and would or would not turn over documents, even requested. That had to go all the way through the court system to finally the courts having to say, no, the President can't hold back documents and the Attorney General can't do that.

So somehow some accusation that you're not saying every conversation about everything. There's a long history of Attorney Gen-

erals standing beside the President saying there are some conversations that are confidential and then it can we determined from there.

It does seem as well that every unnamed source story somehow gets a hearing. I was in the hearing this morning with Rod Rosenstein as we dealt with the appropriations requests that originally, obviously, you were scheduled to be at, that Rod Rosenstein was taking your place to be able to cover. He was very clear—he was peppered with questions about Russia during that conversation as well. He was very clear that he has never had conversations with you about that, and that you have never requested conversations about that.

He was also peppered with questions of the latest rumor of the day, that is, somehow the President is thinking about firing Robert Mueller and getting rid of him, and was very clear that Rosenstein himself said, I am the only one that could do that and I'm not contemplating that, nor would I do that. And no one has any idea where the latest unnamed-source story of the day is coming from, but somehow it's grabbing all the attention.

I do want to be able to bring up a couple things to you specifically. One is to define the word "recuse." And I come back to your e-mail that you sent to Jim Comey and others that day on March the 2nd. This was what you had said during—in your e-mail:

"After careful consideration, following meetings with career Department officials over the course of this past several weeks, the Attorney General has decided to recuse himself from any existing or future investigations of any matters related in any way to the campaigns for President of the United States. The Attorney General's recusal is not only with respect to such investigations, if any, but also extends to the Department responses to Congressional and media inquiries related to such investigations."

Is that something you have maintained from March 2nd on?

General SESSIONS. Absolutely. Actually, I maintained it from the first day I became Attorney General. We discussed those matters and I felt until and if I ever made a decision to not recuse myself, I should not, as an abundance of caution, involve myself in studying the investigation or evaluating it.

Senator LANKFORD. Right.

General SESSIONS. So I did not.

I also would note that the memorandum from my chief of staff directs these agencies—and one of the people directly it was sent to was James B. Comey, the Director of the FBI—"You should instruct members of your staffs not to brief the Attorney General or any other officials in the Office of the Attorney General about or otherwise involve the Attorney General or other officials in the Office of the Attorney General in any such matters described above."

Senator LANKFORD. And you haven't requested—

General SESSIONS. So we took the proper and firm and crystal-clear position that the recusal meant recusal.

Senator LANKFORD. Relating to this April 27th meeting, non-meeting, in the same room at the same time, the National Interest was asked specifically about this as well, who was the host of that event. They stated this in writing:

“As the host, the Center for National Interest decided whom to invite and then issued the invitations. The Trump campaign did not determine or approve the invitation list. Guests at the event included both Democrats and Republicans, with some among the latter supporting other candidates. Most of the guests were Washington-based foreign policy experts and journalists.

“The Center for National Interest invited Russian Ambassador Kislyak and several other ambassadors to the speech. We regularly invite ambassadors and other foreign representatives to our events to facilitate dialogue.”

And then they stated: “We seated all four in the front row during the speech in deference to their diplomatic status. The Trump campaign had nothing to do with the seating arrangement. The Center for National Interest extended equal treatment to the foreign ambassadors attending the event and invited each to a short reception prior to the Trump speech.

“The reception included approximately two dozen guests in a receiving line. The line moved quickly and any conversations with Mr. Trump in that setting were inherently brief and could not be private. Our recollection is that the interaction between Mr. Trump and the Ambassador Kislyak was limited to polite exchange of pleasantries, appropriate on such occasions.

“We’re not aware of any conversation between Ambassador Kislyak and Senator Jeff Sessions at the reception. However, in a small group setting like this one, we consider it unlikely that anyone could have engaged in a meaningful private conversation without drawing attention from others present.”

Do you have any reason to disagree with that?

General SESSIONS. No, I think that’s a very fair description of the reception situation. I appreciate them having made that statement.

Senator LANKFORD. Great. I yield back.

Chairman BURR. Senator Manchin.

Senator MANCHIN. Mr. Chairman, thank you.

Thank you, Mr. General, for being here. It’s good to see you again.

General SESSIONS. Thank you, Senator Manchin.

Senator MANCHIN. Sir, I want to follow up a little bit on what Senator King had asked concerning—you and I are about the same vintage, and we remember back in our lifetime we’ve never known the Russians to be, the Russian government or the Russian military to ever be our friend and wanting the same things we wanted out of life.

With that being said, the seriousness of this Russian hacking is very serious to me and concerning. And you were saying that you had not been briefed on that.

October, I think it was October 9th when it was known, that the ODNI at that time, I think Mr. Clapper, and also Mr. Jeh Johnson, Homeland Security, made that public what was going on. Then on December 29th, President Obama at that time expelled 35 Russian diplomats, denied access to two Russian-owned compounds, and he broadened the existing sanctions.

Sir, I would ask, did you have any discussions at all, have you had any discussions or sat in on any type of meetings, where recommendations were made to remove those sanctions?

General SESSIONS. I don't recall any such meeting.

Senator MANCHIN. And during the time, not from the President being inaugurated on January 20th, prior to that, in the campaign up until through the transition, was there ever any meetings that he showed any concern or consideration or just inquisitive of what the Russians were really doing and if they'd really done it?

General SESSIONS. I don't recall any such conversation. I'm not sure I understood your question. Maybe I better listen again.

Senator MANCHIN. Well, you were part of the national security team.

General SESSIONS. Yes.

Senator MANCHIN. So if he would have heard something about Russia and with their capabilities and our concern about what they could do to our election process, was there ever any conversations concerning that whatsoever?

General SESSIONS. I don't recall it, Senator Manchin.

Senator MANCHIN. I know it's been asked of you, the things that, you know, your executive privileges and protecting the President. I understand that. But also, when we had Mr. Comey here, you know, he couldn't answer a lot of things in open session. He agreed to go into a closed session. Would you be able to go into a closed session? Would it change your answers to us or your ability to speak more frankly on some things we would want to know?

General SESSIONS. Senator Manchin, I'm not sure. The executive privilege is not waived by going in camera or in closed session. It may be that one of the concerns is that when you have an investigation ongoing, as the special counsel does, it's often very problematic to have persons, you know, not cooperating with that counsel in the conduct of the investigation, which may or may not be a factor in going into closed session.

Senator MANCHIN. It would be very helpful, I think. The committee, there's a lot questions they'd like to ask, and I know that you would like to answer if possible. And maybe we can check into that a little further.

If I could, sir, did you have any meetings, any other meetings with Russian government officials that have not been previously disclosed?

General SESSIONS. I have racked my brain and I do not believe so.

Senator MANCHIN. Are there any other—

General SESSIONS. I can assure you that none of those meetings discussed manipulating a campaign in the United States in any way, shape, or form, or any hacking or any such ideas like that.

Senator MANCHIN. I'm going to go quick through this. Are there any other meetings between Russian government officials and any other Trump campaign associates that have not been previously disclosed that you know of?

General SESSIONS. I don't recall any.

Senator MANCHIN. To the best of your knowledge, did any of the following individuals meet with Russian officials at any point during the campaign? You can just go yes or no as I go down through the list.

Paul Manafort?

General SESSIONS. Repeat that now? Would you start over?

Senator MANCHIN. To the best of your knowledge, sir, did any of these following individuals meet with Russian officials at any point during the campaign? And you can just yes or no of this.

Paul Manafort?

General SESSIONS. I don't have any information that he had done so. He served as campaign chairman for a few months.

Senator MANCHIN. Steve Bannon?

General SESSIONS. I have no information that he did.

Senator MANCHIN. General Michael Flynn?

General SESSIONS. I don't recall it.

Senator MANCHIN. Reince Priebus?

General SESSIONS. I don't recall.

Senator MANCHIN. Steve Miller?

General SESSIONS. I don't recall him ever having such a conversation.

Senator MANCHIN. Corey Lewandowski?

General SESSIONS. I do not recall any of those individuals having any meeting with Russian officials.

Senator MANCHIN. Carter Page?

General SESSIONS. I don't know.

Senator MANCHIN. And I would finally ask this question, because I always think—we try to get—you have innate knowledge—

General SESSIONS. There may have been some published accounts of Mr. Page talking with the Russians. I'm not sure. I don't recall.

Senator MANCHIN. Okay.

As a former Senator, you bring a unique, holistic perspective to this investigation, because you've been on both sides.

General SESSIONS. I have indeed.

Senator MANCHIN. If you were—

General SESSIONS. All in all, it's better on that side.

Senator MANCHIN. If you were sitting on this side of the dais—okay—

General SESSIONS. Nobody gets to ask you about your private conversations with your staff.

[Laughter.]

Senator MANCHIN. Well, here we go, you get your chance to give us some advice. If you were sitting on this side of the dais, what question would you be asking?

General SESSIONS. I would be asking questions related to whether or not there was an impact on this election—

Senator MANCHIN. And what part of the story do you think we're missing?

General SESSIONS [continuing]. By a foreign power, particularly the Russians, since the intelligence community has suggested and stated that they believe they did, but I do think members of this government have offices to run—

Senator MANCHIN. Is there part of the story we're missing?

General SESSIONS [continuing]. And departments to manage. And the questions should be focused on that.

Senator MANCHIN. Is there a part of the story we're missing? I'm so sorry, Mr. Chairman. Is there part of the story we're missing?

General SESSIONS. I don't know because I'm not involved in the investigation and had no information concerning it. I have no idea

at what stage it is. You members of this committee know a lot more than I.

Senator MANCHIN. Thank you, General Sessions.

Chairman BURR. General Sessions, I will assure you we are very much focused on Russia's involvement and our hope is that as we complete this process we will lay those facts out for the American people so they can make their own determinations as well. We're grateful for what you've done.

Senator Cotton.

Senator COTTON. Well, I am on this side of the dais, so I can say a very simple question that should be asked. I am on this side of the dais, so a very simple question that should be asked is: Did Donald Trump or any of his associates in the campaign collude with Russia in hacking those e-mails and releasing them to the public? That's where we started six months ago.

We have now heard from six of the eight Democrats on this committee and to my knowledge I don't think a single one of them asked that question. They've gone down lots of other rabbit trails, but not that question. Maybe that is because Jim Comey said last week, as he said to Donald Trump, told him three times, he assured him he was not under investigation. Maybe it's because multiple Democrats on this committee have stated that they have seen no evidence thus far, after 6 months of our investigation and 10 months—or 11 months of an FBI investigation, of any such collusion.

I would just suggest: What do we think happened at the Mayflower? Mr. Sessions, are you familiar with what spies called tradecraft?

General SESSIONS. A little bit.

Senator COTTON. That involves things like covert communications and dead drops and brush passes, right?

General SESSIONS. That is part of it.

Senator COTTON. Do you like spy fiction, John le Carre, Daniel Silva, Jason Matthews?

General SESSIONS. Yeah, Alan Furst, David Ignatius. Just finished Ignatius' book.

Senator COTTON. Do you like Jason Bourne or James Bond movies?

General SESSIONS. No—yes——

[Laughter.]

General SESSIONS [continuing]. I do.

Senator COTTON. Have you ever in any of these fantastical situations heard of a plot line so ridiculous that a sitting United States Senator and an ambassador of a foreign government colluded at an open setting with hundreds of other people to pull off the greatest caper in the history of espionage?

General SESSIONS. Thank you for saying that, Senator Cotton. It's just like "Through the Looking Glass." I mean, what is this? I explained how in good faith I said I had not met with Russians because they were suggesting I, as a surrogate, had been meeting continuously with Russians. I said I didn't meet with them.

And now the next thing you know, I'm accused of some reception, plotting some sort of influence campaign for the American election. It's just beyond my capability to understand, and I really appre-

ciate, Mr. Chairman, the opportunity at least to be able to say publicly I didn't participate in that and know nothing about it.

Senator COTTON. And I gather that's one reason why you want to testify today in public.

Last week, Mr. Comey, in characteristic dramatic and theatrical fashion, alluded ominously to what you call innuendo, that there was some kind of classified intelligence that suggested you might have colluded with Russia, or that you might have otherwise acted improperly. You've addressed those allegations here today. Do you understand why he made that allusion?

General SESSIONS. Actually, I do not. Nobody has provided me any information about that.

Senator COTTON. Thank you. My time is limited. I have a lot of questions.

Mr. Blunt asked you if you had spoken in response to Mr. Comey's statement to you after his private meeting with the President on February 14th or February 15th. You said that you did respond to Mr. Comey. Mr. Comey's testimony said that you did not. Do you know why Mr. Comey would've said that you did not respond him on that conversation with you February 14th or 15th?

General SESSIONS. I do not. There was a little conversation, not very long, but there was a conversation and I did respond to him, perhaps not to everything he asked. But I did respond to him, I think in an appropriate way.

Senator COTTON. Do you know why Mr. Comey mistrusted President Trump from their first meeting on January 6th? He stated last week that he did, but he didn't state anything from that meeting that caused him to have such mistrust.

General SESSIONS. I'm not able to speculate on that.

Senator COTTON. Let's turn to the potential crimes that we know have happened, leaks of certain information. Here's a short list of what I have: the contents of alleged transcripts of alleged conversations between Mr. Flynn and Mr. Kislyak; the contents of President Trump's phone calls with Australian and Mexican leaders; the content of Mr. Trump's meetings with the Russian foreign minister and ambassador; the leak of Manchester bombing—the Manchester bombing suspect's identity and crime scene photos; and last week, within 20 minutes of this committee meeting in a classified setting with Jim Comey, the leak of what the basis of Mr. Comey's innuendo was.

Are these leaks serious threats to our national security? And is the Department of Justice taking them with the appropriate degree of seriousness in investigating and ultimately going to prosecute them to the fullest extent of the law?

General SESSIONS. Thank you, Senator Cotton. We have had one successful case very recently in Georgia. That person has been denied bail, I believe, and is being held in custody.

But some of these leaks, as you well know, are extraordinarily damaging to the United States' security, and we have got to restore a regular order principle. We cannot have persons in our intelligence agencies, our investigative agencies, or in Congress leaking sensitive matters, or staff. So this I'm afraid will result in, is already resulting in investigations, and I fear that some people may find that they wish they hadn't have leaked.

Senator COTTON. Thank you. My time has expired.

But for the record, it was stated earlier that the Republican platform was weakened on the point of arms to Ukraine. That is incorrect. The platform was actually strengthened. And I would note that it was the Democratic President who refused repeated bipartisan requests of this Congress to supply those arms to Ukraine.

Chairman BURR. Senator Harris.

Senator HARRIS. Attorney General Sessions, you have several times this afternoon prefaced your responses by saying "to the best of your recollection." Just on the first page of your three pages of written testimony, you wrote "nor do I recall," "do not have recollection," "do not remember it."

So my question is, for any of your testimony today, did you refresh your memory with any written documents, be they your calendar, written correspondence, e-mails, notes of any sort?

General SESSIONS. I attempted to refresh my recollection, but so much of this is in a wholesale campaign of extraordinary nature that you're moving so fast that you don't keep notes. You meet people—I didn't keep notes of my conversation with the Russian ambassador at the Republican convention, but you——

Senator HARRIS. Sir, I'd like to just talk about what you did keep notes of.

General SESSIONS. You know, I was just saying, I didn't keep notes on most of these things. And there's nothing for me——

Senator HARRIS. Will you provide this committee with the notes that you did maintain?

General SESSIONS. As appropriate, I will supply the committee with documents.

Senator HARRIS. Can you please tell me what you mean when you say "appropriate?"

General SESSIONS. I would have to consult with the lawyers in the Department who know the proper procedure, before disclosing documents that are held within the Department of Justice.

Senator HARRIS. Attorney General——

General SESSIONS. I'm not able to make that opinion today.

Senator HARRIS. Sir, I'm sure you prepared for this hearing today and most of the questions that have been presented to you were predictable. So my question to you is, did you then review with the lawyers of your Department, if you as the top lawyer are unaware, what the law is regarding what you can share with us and what you cannot share with us, what is privileged and what is not privileged?

General SESSIONS. We discussed the basic parameters of testimony. I, frankly, have not discussed documentary disclosure rules.

Senator HARRIS. Will you make a commitment to this committee that you will share any written correspondence, be they your calendars, records, notes, e-mails, or anything that has been reduced at any point in time in writing, to this committee where legally you actually have an obligation to do so?

General SESSIONS. I will commit to reviewing the rules of the Department and when that issue is raised to respond appropriately.

Senator HARRIS. Did you have any communications with Russian officials for any reason during the campaign that have not been disclosed in public or to this committee?

General SESSIONS. I don't recall it. But I have to tell you, I cannot testify to what was said as we were standing at the Republican convention before the podium where I spoke.

Senator HARRIS. My question only——

General SESSIONS. I don't have a detailed memory of that.

Senator HARRIS. Okay. As it relates to your knowledge, did you have any communication with any Russian businessman or any Russian nationals?

General SESSIONS. I don't believe I had any conversation with Russian businessmen or Russian nationals.

Senator HARRIS. Are you aware of any communication——

General SESSIONS. Although a lot of people were at the convention. It's conceivable that somebody came up to me——

Senator HARRIS. Sir, I have just a few——

General SESSIONS. Will you let me qualify it?

Senator HARRIS. Okay.

General SESSIONS. If I don't qualify it, you'll accuse me of lying; so I need to be correct as best I can.

Senator HARRIS. I do want you want to be honest.

General SESSIONS. And I'm not able to be rushed this fast. It makes me nervous.

Senator HARRIS. Are you aware of any communications with other Trump campaign officials and associates that they had with Russian officials or any Russian nationals?

General SESSIONS. I don't recall that.

Senator HARRIS. And are you aware——

General SESSIONS [continuing]. At this moment.

Senator HARRIS. Are you aware of any communications with any Trump officials or did you have any communications with any officials about Russia or Russian interests in the United States before January 20th?

General SESSIONS. No. I may have had some conversations, and I think I did, with the general strategic concept of the possibility of whether or not Russia and the United States could get on a more harmonious relationship and move off the hostility. The Soviet Union did in fact collapse. It's really a tragic——

Senator HARRIS. Thank you.

General SESSIONS [continuing]. Strategic event that we are not able to get along better than we are today.

Senator HARRIS. Before being sworn in as Attorney General, how did you typically communicate with then-candidate or President-elect Trump?

General SESSIONS. Would you repeat that?

Senator HARRIS. Before you were sworn in as Attorney General, how did you typically communicate with then-candidate or President-elect Trump?

General SESSIONS. I did not submit memoranda.

Senator HARRIS. Did you communicate in writing?

General SESSIONS. I did not make formal presentations.

Senator HARRIS. Did you ever communicate with him in writing?

General SESSIONS. I don't believe so.

Senator HARRIS. And you referred to a long-standing DOJ policy. Can you tell us what policy it is you're talking about?

General SESSIONS. Well, I think most Cabinet people, as the witnesses you had before you earlier, those individuals declined to comment because we're all—about conversations with the President—

Senator HARRIS. Sir, I'm just asking you about the DOJ policy you referred to.

General SESSIONS [continuing]. Because that's longstanding policy that goes beyond just the Attorney General.

Senator HARRIS. Is that policy in writing somewhere?

General SESSIONS. I think so.

Senator HARRIS. So did you not consult it before you came before this committee, knowing we would ask you questions about it?

General SESSIONS. Well, we talked about it. The policy is based—

Senator HARRIS. Did you ask that it would be shown to you?

General SESSIONS. The policy is based on the principle that the President—

Senator HARRIS. Sir, I'm not asking about the principle. I am asking—

General SESSIONS. Well, I'm unable to answer the question.

Senator HARRIS [continuing]. When you knew you would be asked these questions and you would rely on that policy, did you not ask—

Senator MCCAIN. Mr. Chairman.

Senator HARRIS [continuing]. Your staff to show you the policy that would be the basis for your refusing to answer the majority of questions that been asked of you?

Senator MCCAIN. Mr. Chairman, the witness should be allowed to answer the question.

Chairman BURR. Senators will allow the Chair to control the hearing.

Senator HARRIS, let him answer.

Senator HARRIS. Please do. Thank you.

General SESSIONS. We talked about it, and we talked about the real principle that's at stake. It's one that I have some appreciation for, as having spent 15 years in the Department of Justice, 12 as United States attorney, and that principle is that the Constitution provides the head of the Executive Branch certain privileges, and that one of them is confidentiality of communications. And it is improper for agents of any of the departments in the Executive Branch to waive that privilege without a clear approval of the President.

Senator HARRIS. Mr. Chairman, I have asked—

General SESSIONS. And that's the situation we're in.

Senator HARRIS [continuing]. Mr. Sessions for a yes or no? Did you ask your staff to—

General SESSIONS. So the answer is yes, I consulted.

Senator HARRIS [continuing]. To review the policy?

Chairman BURR. The Senator's time has expired.

Senator HARRIS. Apparently not.

Chairman BURR. Senator Cornyn.

Senator CORNYN. Attorney General Sessions, former Director Comey in his letter to FBI employees when he was terminated started this way. He said, "I've long believed that a President can

fire an FBI director for any reason or no reason at all.” Do you agree with that?

General SESSIONS. Yes, and I think that was good for him to say, because I believe we’re going to have a new and excellent FBI director, a person who is smart, disciplined, with integrity and proven judgment, that would be good for the Bureau. And I think that statement probably was a valuable thing for Director Comey to say and I appreciate that he did.

Senator CORNYN. Just to reiterate the timeline of your recusal and the Rosenstein memo and your letter to the President recommending the termination of Director Comey: You recused from the Russian investigation on March 2nd, correct?

General SESSIONS. The formal recusal took place on that day.

Senator CORNYN. The letter that you wrote forwarding the Rosenstein memo to the President as a basis for Director Comey’s termination was dated May the 9th, a couple months after you recused from the Russian investigation, correct?

General SESSIONS. I believe that’s correct.

Senator CORNYN. So isn’t it true that the Russian investigation did not factor into your recommendation to fire Director Comey?

General SESSIONS. That is correct.

Senator CORNYN. The memorandum written by the Deputy Attorney General, your letter to the President forwarding that recommendation, didn’t mention Russia at all. Is that your recollection?

General SESSIONS. That is correct.

Senator CORNYN. So let’s review what the basis was of Deputy Attorney General Rosenstein’s recommendation. He wrote in his memo on May 9th, he said, “I cannot defend the Director’s handling of the conclusion of the investigation of Secretary Clinton’s e-mails and I do not understand his refusal to accept the nearly universal judgment that he was mistaken.” And of course he’s talking about Director Comey.

He went on to say, “The Director”—that was Director Comey at the time—“was wrong to usurp the Attorney General’s authority on July the 5th, 2016.” You’ll recall that was the date of the press conference he held. He went on to say that “The FBI Director is never empowered to supplant Federal prosecutors and assume command of the Justice Department.”

Finally, he said, “Compounding the error, the Director ignored another longstanding principle, that we do not hold press conferences to release derogatory information about the subject of a declined criminal investigation.”

In fact, there is written policy from the Department of Justice, is there not, entitled “Election-Year Sensitivities.” Are you familiar with the prohibition of the Justice Department making announcements or taking other actions that might interfere with the normal elections?

General SESSIONS. I am generally familiar with that. Some of those were the Holder memoranda after my time in the Department.

Senator CORNYN. Let me——

General SESSIONS. There’s always been rules about it, though.

Senator CORNYN. Well, let me read just an excerpt from a memo from the Attorney General March 9th, 2012, entitled "Election-Year Sensitivities." It says, "Law enforcement officers and prosecutors may never select the timing of investigative steps or criminal charges for the purpose of affecting any election or for the purpose of giving an advantage or disadvantage to any candidate or political party. Such a purpose is inconsistent with the Department's mission and with the principles of Federal prosecution."

Do you agree with that?

General SESSIONS. Essentially, yes.

Senator CORNYN. So what essentially the Deputy Attorney General said is that former Director Comey violated Department of Justice directives when he held a press conference on July 5th, 2016, he announced that Secretary Clinton was extremely careless with classified e-mail, and went on to release other derogatory information including his conclusion that she was extremely careless, but yet went on to say that no reasonable prosecutor would prosecute her.

That is not the role of the FBI director, is it? That is a job for the prosecutors at the Department of Justice. That's what was meant by Deputy Attorney General Rosenstein when he said that Director Comey usurped the role of the Department of Justice prosecutors; is that right?

General SESSIONS. That is correct. And former Attorney General Bill Barr wrote an op-ed recently in which he said he had assumed that Attorney General Lynch had urged Mr. Comey to make this announcement so she wouldn't have to do it. But in fact it appears he did it without her approval totally, and that is a pretty stunning thing. It is a stunning thing and it violates fundamental powers.

And then when he reaffirmed that the rightness he believed of his decision on May 3rd, I think it was, that was additional confirmation that the Director's thinking was not clear.

Chairman BURR. Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

First, a point, Attorney General. Senator Heinrich and others have raised the issue of longstanding rules. If there are written rules to this effect, would you provide them to the committee, please?

General SESSIONS. I will.

Senator REED. Thank you very much.

Now, Senator Cornyn has made the point that the whole substance of your recommendation to the President to dismiss Director Comey was his unprofessional conduct with respect to the Clinton administration. Is that correct?

General SESSIONS. I supported everything that the Deputy Attorney General put in his memoranda as good and important factors to use in determining whether or not he had conducted himself in a way that justified continuing in office. I think it pretty well speaks for itself. And I believe most of it did deal with that.

The discussion about his performance was a bipartisan discussion. It began during the election time. Democrats were very unhappy about the way he conducted himself. And in retrospect, in looking at it, I think it was more egregious than I may have even understood at the time. With regard to—

Senator REED. General, if I may. I don't want to cut you off.

General SESSIONS. Okay, I'll let you go. I'm sorry.

Senator REED. Excuse me, sir. On July 7th when Mr. Comey made his first announcement about the case, you were on Fox News and you said first of all, "Director Comey is a skilled former prosecutor," and then you concluded by saying essentially that it's not his problem, it's Hillary Clinton's problem.

Then in November, on November 6th, after Mr. Comey again made news in late October by reopening, if you will, the investigation, you said again on Fox News: "You know, FBI Director Comey did the right thing when he found new evidence. He had no choice but to report it to the American Congress, where he had under oath testified. The investigation was over. He had to correct that and say this investigation is ongoing now. I'm sure it's significant or else he wouldn't have announced that."

So in July and November Director Comey was doing exactly the right thing. You had no criticism of him. You felt that in fact he was a skilled professional prosecutor. You felt that his last statement in October was fully justified. So how can you go from those statements to agreeing with Mr. Rosenstein and then asking the President or recommending he be fired?

General SESSIONS. I think in retrospect, as all of us began to look at that clearly and talk about it, as perspectives of the Department of Justice, once the Director had first got involved and embroiled in a public discussion of this investigation, which would have been better never to have been discussed publicly, and said it was over, then when he found new evidence that came up, I think he probably was required to tell Congress that it wasn't over, that new evidence had been developed.

It probably would have been better and would have been consistent with the rules of the Department of Justice to never have talked about the investigation to begin with. Once you get down that road, that's the kind of thing that you get into. That went against classical prosecuting policies that I learned and was taught when I was a United States attorney and assistant United States attorney.

Senator REED. If I may ask another question. Your whole premise in recommending to the President was the actions in October involving Secretary of State Clinton, the whole Clinton controversy. Did you feel misled when the President announced that his real reason for dismissing Mr. Comey was the Russian investigation?

General SESSIONS. I'm not able to characterize that fact. I wouldn't try to comment on that.

Senator REED. So you had no inkling that there was anything to do with Russia until the President of the United States basically declared, not only on TV, but in the Oval Office to the Russian foreign minister saying, the pressure is off now, I got rid of that nut-job? That came to you as a complete surprise?

General SESSIONS. Well, all I can say is, Senator Reed, that our recommendation was put in writing. And I believe it was correct. And I believe the President valued it, but how he made his decision was his process.

Senator REED. And you had no inkling that he was considering the Russian investigation?

General SESSIONS. Well, I'm not going to try to guess what I thought at the time—

Senator REED. No, that's fair. Just there is a scenario in which this whole recapitulation of Clinton was a story, basically a cover story that the President sort of tried to put out, and that he quickly abandoned, and his real reason was the Russian investigation, which if it had been the case, I would suspect you in principle would have recused yourself from any involvement.

Thank you.

Chairman BURR. Senator McCain.

Senator MCCAIN. Over the last few weeks, the Administration has characterized your previously undisclosed meetings with Russian Ambassador Kislyak as meetings you took in your official capacity as a U.S. Senator and a member of the Senate Armed Services Committee. As Chairman of that committee, let me ask you a few questions about that.

At these meetings, did you raise concerns about the Russian invasion of Ukraine or annexation of Crimea?

General SESSIONS. I did, Senator McCain. And I would like to follow up a little bit on that. That's one of the issues that I recall explicitly. The day before my meeting with the Russian ambassador, I had met with the Ukrainian ambassador and I heard his concerns about Russia. And so I raised those with Mr. Kislyak, and he gave, as you can imagine, not one inch. Everything they did, the Russians had done, according to him was correct. And I remember pushing back on it, and it was a bit testy on that subject.

Senator MCCAIN. Knowing you on the committee, I can't imagine that.

Did you raise concerns about Russia's support for President Bashar Assad and his campaign of indiscriminate violence against his own citizens, including his use of chemical weapons?

General SESSIONS. I don't recall whether that was discussed or not.

Senator MCCAIN. Did you raise concerns about Russia's interference in our electoral process or its interference in the electoral processes of our allies?

General SESSIONS. I don't recall that being discussed.

Senator MCCAIN. At those meetings, if you spoke with Ambassador Kislyak in your capacity as a member of the Armed Services Committee, you presumably talked with him about Russia-related security issues that you have demonstrated as important to you as a member of the committee?

General SESSIONS. Did I discuss security issues?

Senator MCCAIN. I don't recall you as being particularly vocal on such issues.

General SESSIONS. Repeat that, Senator McCain? I'm sorry.

Senator MCCAIN. The whole Russia-related security issues that you demonstrated as important to you as a member of the committee, did you raise those with him?

General SESSIONS. You mean, such issues as nuclear issues or—

Senator MCCAIN. Yes. In other words, Russia-related security issues. In your capacity as the Chairman of the Strategic Forces Subcommittee, what Russia-related security issues did you hold hearings on and otherwise demonstrate a keen interest in?

General SESSIONS. We may have discussed that. I just don't have a real recall of the meeting. I was not making a report about it to anyone. I just was basically willing to meet and see what he discussed.

Senator MCCAIN. And his response was?

General SESSIONS. I don't recall.

Senator MCCAIN. During the 2016 campaign season, did you have any contacts with any representative, including any American lobbyist or agent of any Russian company, within or outside your capacity as a member of Congress or a member of the Armed Services Committee?

General SESSIONS. I don't believe so.

Senator MCCAIN. Politico recently reported that in the middle of the 2016 elections the FBI found that Russian diplomats whose travel the State Department was supposed to track had gone missing. Some turned up wandering around the desert or driving around Kansas. Reportedly, intelligence sources concluded, after about a year of inattention, these movements indicate, one, that Moscow's espionage ground game has grown stronger and more brazen; and that quietly the Kremlin has been trying to map the United States telecommunications infrastructure.

What do you know about this development? And how are the Justice Department and other relevant U.S. government agencies are responding to it?

General SESSIONS. We need to do more, Senator McCain. I am worried about it. We also see that from other nations with these kind of technological skills like China and some of the other nations that are penetrating our business interests, our national security interests. As a member of the Armed Services Committee, I did support and advocate, and I think you supported, legislation that would—and it's ongoing now—that requires the Defense Department to identify weaknesses in our system and how we can fix them.

But I would say to you, Senator McCain, that in my short tenure here in the Department of Justice I've been more concerned about computer hacking and those issues than I was in the Senate. It's an important issue, you're correct.

Senator MCCAIN. The Washington Post reported yesterday Russia has developed a cyber weapon that can disrupt the United States' power grids and telecommunications infrastructure. This weapon is similar to what Russia or Russian-allied hackers used to disrupt Ukraine's electrical grid in 2015.

Can you discuss a little bit in open session how serious that is?

General SESSIONS. I don't believe I can discuss the technological issues, just to say that it is very disturbing that the Russians continue to push hostile actions in their foreign policy. And it is not good for the United States or the world or Russia in my opinion.

Senator MCCAIN. Do you believe we have a strategy in order to counter these ever-increasing threats to our national security and our way of life?

General SESSIONS. Not sufficient. We do not have a sufficient strategy dealing with technological and IT penetrations of our system. I truly believe it's more important than I ever did before. And I appreciate your concern and leadership on that issue. And in fact, all of Congress is going to have to do better.

Chairman BURR. The Senator's time has expired.

The Chair would recognize the Vice Chair.

Vice Chairman WARNER. Thank you, Mr. Chairman.

And General Sessions, thank you. And I particularly appreciate your last comments with Senator McCain about the seriousness of this threat, and it's why so many of us on this committee are concerned when the whole question of Russian intervention—the President continues to refer to it as a witch hunt and fake news. And there doesn't seem to be a recognition of the seriousness of this threat.

I share—I think most members do—the consensus that the Russians massively interfered. They want to continue to interfere, not to favor one party of the other, but to favor their own interests. And it is of enormous concern that we have to hear from the Administration how they're going to take that on.

Also, comments have been made here about where we head in terms of some of the Trump associates who may have had contacts with Russians. Candidly, we've not gotten to all of that yet because of the unprecedented firing of the FBI Director that was leading this very same Russia investigation. It superseded some of our activities. So those members I hope will equally pursue the very troubling amount of smoke at least that's out there between individuals that were affiliated with the Trump campaign and possible ties with Russians. We've not—I've not reached any conclusion, but we've got to pursue that.

A final comment, and I understand your point. But you have to—there were a series of comments made by Mr. Comey last week. I think members on this side of the aisle have indicated, understand executive privilege, understand classified setting. I do think we need, as Senator Reed indicated and Senator Harris and others, if there are these longstanding written procedures about this ability to have some other category to protect the conversations with the President, we'd like to get a look at them, because we need to find out, in light of some of the contradictions between today and last week, where this all heads.

At the end of the day, this is not only—to restate what I said the last time, this is not about relitigating 2016. It is about finding out what happened, about some of the serious allegations about potential ties, but on a going-forward basis, making sure that the Russians, who are not finished in terms of their activities didn't end on Election Day at 2016—we know that is ongoing and we have to be better prepared on a going-forward basis.

Thank you, Mr. Chairman.

Chairman BURR. Thank you, Vice Chairman.

General SESSIONS. Mr. Chairman, one brief comment if I might. I do want to say that a change at the top of the FBI should have no impact whatsoever on the investigation. Those teams have been working, and they'll continue to work, and they have not been altered in any way.

Vice Chairman WARNER. But there were a number of very strange comments that Mr. Comey testified last week that you could I believe shed some light on. But we'll continue.

Thank you, sir.

Chairman BURR. General Sessions, thank you again for your willingness to be here. Not sure that you knew it, but your replacement sat through most of this hearing, Luther Strange. He's made us regret that we don't have intramural basketball teams.

[Laughter.]

General SESSIONS. Big Luther was a good roundball player at Tulane.

Chairman BURR. You've been asked a wide range of questions. And I think you've answered things related to claims about the meeting at the Mayflower. You've answered questions that surround the reasons of your recusal and the fact that you had never been briefed since day one on the investigation.

But you made clear that you can't think of any other conversations that you've had with Russian officials. You've covered in detail the conversation that you had, though brief, with Director Comey that he referenced to after his private meeting with the President. Just to name a few things that I think you've helped us to clear up.

There were several questions that you chose not to answer because of confidentiality with the President. I would only ask you now to go back and work with the White House to see if there are any areas of questions that they feel comfortable with you answering, and if they do, that you provide those answers in writing to the committee.

I would also be remiss if I didn't remind you that those documents that you can provide for the committee, they would be helpful to us for the purpose of sorting timelines out. Anything that substantiates your testimony today, individuals who might have been at events that you're familiar with, especially those that worked for you, would be extremely helpful.

And more importantly, I want to thank you for your agreement to have a continuing dialogue with us, as we might need to ask some additional questions as we go a little further down the investigation. That certainly does not have to be a public hearing, but it may be an exchange and a dialogue that we have.

You have helped us tremendously. And we're grateful to you and to Mary for the unbelievable sacrifice that you made in this institution, but also now in this administration.

This hearing's now adjourned.

[Whereupon, at 5:07 p.m., the hearing was adjourned.]