

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074

<http://oversight.house.gov>

January 31, 2019

The Honorable Elijah E. Cummings
Chairman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We write with questions about the upcoming hearing with Michael Cohen. At least one news organization has reported you may schedule the hearing for next week.¹ Based on communications with our staff, Michael Cohen's attorney and media adviser, Lanny J. Davis, has notified you Cohen's testimony will be limited in scope. According to Davis, you have acceded to an unusual arrangement whereby Cohen will be permitted to appear voluntarily and be afforded the leeway to answer only those questions he so chooses. His testimony, Davis advised, will be extremely limited. All questions touching on possible ongoing investigations have been deemed off limits by Davis.

By letter dated January 11, 2019, we asked you to obtain a basic set of documents from the Department of Justice so our Members may meaningfully prepare for the Cohen hearing, the first major hearing of your Chairmanship.² We also sought to question Cohen at a transcribed interview so we could better-understand the scope limitations you have agreed to. Your decision not to do so raises the prospect you are leading us towards a circus of a hearing.

Our January 18, 2019, meeting with Davis yielded stunning information about the origins of the hearing. We learned:

- Cohen's public testimony will exclude all matters involving the United States Attorney's Office for the Southern District, the Attorney General for the State of New York, and the office of Special Counsel Robert S. Mueller III;

¹ Jeremy Herb & Kara Scannell, *Michael Cohen agrees to testify behind closed doors, House Intel chairman says*, CNN (January 28, 2019), <https://www.cnn.com/2019/01/28/politics/michael-cohen-agrees-to-testify-february-8-closed-doors/index.html> ("Cohen's Oversight Committee testimony is not yet finalized, but he's in discussions to appear on February 7...").

² Letter from Jim Jordan, Ranking Member, H. Comm on Oversight & Reform, to Elijah E. Cummings, Chairman, H. Comm on Oversight & Reform (Jan. 11, 2019), <https://republicans-oversight.house.gov/wp-content/uploads/2019/01/2019-01-11-JDJ-to-EEC-re-Cohen-Testimony.pdf>.

- *Davis* exclusively picked our Committee for Cohen to testify in based on his longstanding friendship with *you*. *Davis* allowed he had to convince both you and Cohen to have the hearing. Cohen did not want to testify—*Davis* said, “I pushed him to do this,” explaining, “this was my idea; nobody else’s.” According to *Davis*, you seemingly had your own reservations, but *Davis* told us after “one or two months” you finally “came around;”
- The sole purpose of Cohen’s appearance before the Committee is to allow Cohen to share his personal anecdotes about his time working for the then-private citizen Donald J. Trump, and his experiences after Mr. Trump became President. Pressed on how Cohen’s testimony is jurisdictionally related to our Committee’s role in overseeing the functioning, efficiency, and effectiveness of the federal government, *Davis* stated Cohen has “anecdotes about his time with the President.” He confessed the hearing will likely be “unsatisfying” and “frustrating” for Members of the Committee;
- *Davis* conceded Cohen has not been paying for his services. *Davis* told us his firm has a representation agreement with a fee. When asked directly whether Cohen is paying his fee, *Davis* cryptically said he could not answer but if Cohen was paying his fee, “I would say yes.”

We are perplexed by the authority you have ceded to *Davis* in producing this made-for-television hearing. Lanny *Davis* is a close associate of former President Bill Clinton and former 2016 Democratic presidential candidate, Hillary Rodham Clinton. His undisputed remarks to our staff on January 18, 2019, create the perception that Cohen’s appearance is a media stunt initiated and financed by career Democrat political operatives as a way of meting out retribution against the President. *Davis*’s representation of Cohen has not been error-free. For instance, *Davis* was forced to walk back unfounded accusations he made against the President. The *Washington Post* reported, “[*Davis*] is backing away from confident assertions he made that Cohen has information to share with investigators that shows Trump knew in 2016 of Russian efforts to undermine Democratic nominee Hillary Clinton.”³

We hope you share our mission in ensuring our Committee is serious minded in its pursuit of fact based oversight and investigative work.⁴ Although you have been unwilling to

³ Tom Hamburger and Rosalind S. Helderman, *Attorney For Michael Cohen Backs Away From Confidence That Cohen Has Information About Trump’s Knowledge On Russian Efforts*, WASH. POST. (Aug. 26, 2018), https://www.washingtonpost.com/politics/attorney-for-michael-cohen-backs-away-from-confidence-that-cohen-has-information-about-trumps-knowledge-on-russian-efforts/2018/08/26/09d7f26e-a876-11e8-97ce-cc9042272f07_story.html?utm_term=.4ad53fcd6876.

⁴ *Oversight of the FBI and DOJ Actions in Advance of the 2016 Election before the H. Comm. on Oversight & Gov’t Reform joint with the Judiciary*, 115th Cong. 147 (June 19, 2018) (statement of Elijah E. Cummings, Ranking Member, H. Comm. on Oversight & Gov’t Reform) (“You know, as I sit here and I think about life, you know, and I tell my constituents this, I tell them I wish there were not a Republican and a Democratic party. I wish I was not a, quote, ‘politician.’ You know why? Because I think that when people hear us a lot of time, or hear me, they just assume that I’m saying things based upon political expediency or trying to help a party. My party. But there are


seek documents from the Justice Department or a transcribed interview with Cohen, we hope you will reflect on your decision and keep an open mind about reversing yourself.

We hope to obtain the requested information as soon as possible to thoroughly prepare for the hearing. We look forward to hearing from you.

Sincerely,



Jim Jordan
Ranking Member



Mark Meadows
Ranking Member
Subcommittee on Government Operations

certain things that are about -- are bigger than party, like country and being a human being. And I think that when we talk about -- you know, when I read your report and I looked at what you've done, it's the people like the ones that's sitting behind you that take an oath to do their very, very best and to be honest and to uphold the Constitution of our country. Those are the people that will keep our democracy together. And I say it with all of the sincerity I have in my heart.").