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May 24, 2018

President Donald J. Trump
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear Mr. President,

Although we disagree with you on a full range of matters, we all agree that it would be best for Special Counsel Robert Mueller's investigation to reach its conclusion as soon as possible. To that end, we write to advise you: **stop stalling, stop blaming the investigation for your political troubles, and submit to an interview.**

The need for your cooperation is more acute than ever. In the past few days alone, you have worked to advance a conspiracy theory about the FBI "infiltrating" your campaign, ordered the Department of Justice to open a criminal investigation that is not properly predicated by the available evidence, and—inexcusably—helped to expose a confidential source whose safety depends on your discretion.¹ Your new lawyer, Rudy Giuliani, suggests that this entire effort was to give you some sort of strategic advantage in your negotiations with the Special Counsel.² Too many of these reckless actions appear to be motivated by your desire to bring the Special Counsel's investigation to an end.

And that desire is perfectly clear. Indeed, you hardly talk about anything else on social media these days. You argue that "[t]he Mueller probe should never have been started."³ You insist that "[t]here was no Collusion (it is a Hoax) and there is no Obstruction of Justice (that is a

¹ Matt Zapposky, et al., *Justice Department calls for inquiry after Trump demands probe into whether FBI 'infiltrated or surveilled' his campaign*, WASH. POST, May 21, 2018.

² S.V. Date and Ryan J. Reilly, *Giuliani Says Mueller Can't Talk to Trump until Trump Hears More about FBI source*, HUFFINGTON POST, May 21, 2018.

³ @realDonaldTrump (President Donald J. Trump), Twitter, Mar. 17, 2018, 5:12 PM.

setup & trap).”⁴ You ask, “[i]s this Phony Witch Hunt going to go on even longer so it wrongfully impacts the Mid-Term Elections?”⁵ You have long hoped that loyalists in the Department of Justice would help you “lift the cloud” of the investigation by bringing it to an end.⁶ Mr. Giuliani believes that “it is about time for them to end the investigation.”⁷ Vice President Pence says that “it’s time to wrap it up.”⁸

Provided he is free to follow the facts where they lead, the Special Counsel *should* complete his work as quickly as he can. We are eager to read about his findings. But for all of your complaints about the length and reach of this investigation, you and your legal team continue to dance around the question of an interview with Mr. Mueller—a necessary precondition for completion of the investigation.

It was not always this way. Last year, you were “100 percent” eager to sit down with the Special Counsel.⁹ In January, you were “looking forward to it, actually.”¹⁰ In recent months, however, your tone has changed. You would “love to speak” with the Special Counsel, but first you “have to find that we’re going to be treated fairly because everybody sees it now and it’s a pure witch hunt.”¹¹ Your legal team has additional conditions. They may allow you to sit for an interview, but only on their terms: “max, two to three hours around a narrow set of questions,” and provided that they receive the questions in advance.¹² It seems highly unlikely that any experienced prosecutor would agree to these stipulations. It also seems unlikely that dragging out negotiations about an interview will prevent the Special Counsel from obtaining one.

Although no President has ever required the Department of Justice to litigate the issue, the Special Counsel can issue a subpoena for your testimony. That subpoena would compel you to testify before a grand jury, under oath, without your legal team present. It would not be the first time that a sitting president has been forced to comply with legal process. After the Supreme Court denied his claim of executive privilege, President Nixon was compelled to turn

⁴ *Id.*, May 2, 108, 4:45AM.

⁵ *Id.*, May 10, 2018, 8:35AM.

⁶ *Open Hearing with Former FBI Director James Comey*, before the S. Select Comm. on Intelligence, June 8, 2017 (statement of Mr. James Comey).

⁷ Shannon Pettypiece, *Trump to Use Mueller One-Year Mark to Blast Probe, Giuliani Says*, BLOOMBERG, May 15, 2018.

⁸ *VP Pence speaks out about Mueller, North Korea, and Scott Pruitt*, NBC NEWS, broadcast May 10, 2018.

⁹ Dan Merica and Kevin Liptak, *Trump: I’m willing to testify under oath about Comey Claims*, CNN, June 7, 2017.

¹⁰ Maggie Haberman and Julie Herschfeld Davis, *Trump Says He Is Willing to Speak Under Oath to Mueller*, N.Y. TIMES, Jan. 24, 2018.

¹¹ Ken Thomas, *Trump Says he’d ‘love to’ talk to Mueller, wants fairness*, ASSOC. PRESS, May 4, 2018.

¹² John Wagner, *‘We’re not suckers’: Giuliani says he won’t let Mueller ‘trap’ Trump into perjury*, WASH. POST, May 3, 2018.

over the Watergate tapes.¹³ President Clinton agreed to be deposed in the Paula Jones case after the Supreme Court concluded that a sitting president is not immune from civil process.¹⁴

You may choose to resist this subpoena, but the consensus legal view appears to be that you would lose that case in court.¹⁵ The Supreme Court was crystal clear: the privileges of your office are overcome by “the fundamental demands of due process of law in the fair administration of criminal justice.”¹⁶ Even if you were to win the case, litigation takes time. By forcing the Department of Justice to take this step, you will extend the life of the investigation—the “witch hunt,” as you call it—by months if not years.

We should avoid all of this unpleasantness and get on with the work of the American people, who deserve to know the facts at the conclusion of this investigation. Rather than casting wild and unfounded accusations against your own Department of Justice—rather than seeking to expose a confidential informant at great risk to his or her safety and to national security—we urge you to let the Department do its work while you do yours. You insist that you “would love to speak” with the Special Counsel “because we’ve done nothing wrong.”¹⁷ We ask that you make that case directly to the Special Counsel—voluntarily—so that Mr. Mueller can complete his work and issue his final report without delay.

Thank you for your prompt attention to this request.

Sincerely,



¹³ *United States v. Nixon*, 418 U.S. 683 (July 24, 1974).

¹⁴ *Clinton v. Jones*, 520 U.S. 681 (1997).

¹⁵ See, e.g., Steve Vladeck and Benjamin Wittes, *Can the Presidency Trump a Special Counsel Subpoena*, LAWFARE, May 2, 2018.

¹⁶ 418 U.S. at 713.

¹⁷ *Remarks by President Trump before Marine One Departure*, THE WHITE HOUSE, May 4, 2018.

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Ted W. Lee Har. J...
Wae B. Demunip David N. Cielline
Ad D... Karen Bass

cc: The Honorable Bob Goodlatte, Chairman
House Committee on the Judiciary