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ONE HUNDRED FIFTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

August 24, 2018

The Honorable Robert W. Goodlatte  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
2138 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Goodlatte:

The accumulating instances of criminal misconduct and corruption involving individuals associated with the Trump Campaign and Trump Administration – highlighted most recently by this week’s felony convictions of President Donald Trump’s former campaign manager and his longtime personal lawyer – along with statements reacting to these events by the President demands action by our Committee to protect the rule of law. We therefore urge you to immediately call the Committee to order so that we may work together to honor our oath to defend the Constitution. We believe the Committee needs to take several actions within our jurisdictional responsibility, including meeting with Department of Justice leadership concerning recent charges implicating President Trump in campaign finance violations, taking actions to help prevent presidential pardon authority from being used to interfere with ongoing criminal investigations, protecting the Special Counsel from wrongful termination, and responding to the growing culture of corruption and the President’s ongoing venomous attacks against the Department of Justice and FBI.

First, as a result of Michael Cohen’s guilty plea in the Southern District of New York, President Trump has for the first time been directly and publicly implicated in a criminal conspiracy under oath and in federal court. Although the President responded by asserting that

Mr. Cohen's actions "weren't crimes", the law is clearly to the contrary.<sup>1</sup> Given the seriousness and credibility of these charges – which we now understand to be corroborated by the CEO of American Media (the owner of the *National Enquirer*)<sup>2</sup> – we would ask that you join us in reaching out to leaders at the Justice Department and the U.S. Attorney's Office for the Southern District of New York so that we may understand the nature and process by which this investigation is proceeding. (This is similar to and in accord with the series of private meetings you and the Ranking Member have conducted this Congress with representatives of the Department, the FBI, and the Special Counsel's Office regarding their investigations of Russian interference in the 2016 election and related matters.)

Second, we would again ask that our Committee hold hearings on the abuse of presidential pardon authority, and that you join us in drafting and introducing a resolution designed to place Congress formally on record opposing pardons by any president that would serve to insulate him or her from legal exposure.<sup>3</sup> As you know during the President's interview with Fox News which aired yesterday -- after praising Mr. Manafort, now a convicted felon, as being "brave," and declaring that testifying against an associate "almost ought to be illegal"—President Trump publicly and shockingly stated that "he would consider" pardoning Mr. Manafort.<sup>4</sup> This would mean that an individual who managed President Trump's campaign, participated in the now infamous Trump Tower-Russia meeting, and may have knowledge about changes made to the Republican platform concerning Russia intervention in Ukraine would be discharged from legal responsibility in an attempt to prevent him from implicating President Trump and his closest advisors.

Third, we also again call on you to take up H.R. 5476, the bipartisan "Special Counsel Independence and Integrity Act." Even before this week's events, President Trump has

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<sup>1</sup> Kevin Liptak & Jeremy Diamond, *Trump falsely says Michael Cohen's actions 'weren't crimes'*, CNN, Aug. 23, 2018; see also Letter from Ranking Member Jerrold Nadler & Reps. Lois Frankel, Brenda Lawrence, Zoe Lofgren, Sheila Jackson Lee, Steve Cohen, Hank Johnson, David Cicilline, & Jamie Raskin to Michael Cohen, Marc Kasowitz, & David Pecker, (Mar. 9, 2018); see also Letter from Reps. Ted Lieu & Kathleen Rice to Christopher Wray, Dir., Federal Bureau of Investigation (Feb. 27, 2018).

<sup>2</sup> Nicole Hong & Lukas I. Alpert, *David Pecker, CEO of National Enquirer Publisher, Granted Immunity in Michael Cohen Case*, WALL ST. J., Aug. 23, 2018.

<sup>3</sup> See Letter from Ranking Member Jerrold Nadler & 16 Democratic Members of the H. Comm. on the Judiciary to Chairman Bob Goodlatte (Apr. 17, 2018) (requesting a hearing on the President's potential use of pardon power to discourage cooperation with the Mueller investigation following President Donald Trump's pardon of I. Lewis "Scooter" Libby); Letter from Ranking Member Jerrold Nadler & all Democratic Members of the H. Comm. on the Judiciary to Chairman Bob Goodlatte (Dec. 18, 2017) (urging him to hold hearings on President Trump's threat to abuse his pardon power following reports that President Trump was considering pardoning Michael Flynn); Letter from Ranking Member Jerrold Nadler & all Democratic Members of the H. Comm. on the Judiciary to Chairman Bob Goodlatte (Aug. 30, 2017) (urging that he schedule a hearing on President Trump's pardon of Sheriff Joe Arpaio); see also Letter from Ranking Member Jerrold Nadler & all Democratic Members of the H. Comm. on the Judiciary to White House Counsel Donald McGahn (June 6, 2018) (asking for information and guidance about the Trump Administration's view of pardon power, as President Trump continues to wildly and widely wield and speak presumptively about his pardon authority, both with regard to himself and others, often without real precedent); see also *Presidential Pardon Power: Hearing Before the Subcomm. On the Constitution of the H. Comm. on the Judiciary*, 107<sup>th</sup> Cong. (2001) (statement of Rep. Bob Goodlatte expressing the view that President Clinton "has abused [the pardon] power" and seeking views on law enforcement and other potential responses "if the power was abused in a criminal fashion.").

<sup>4</sup> Reuters Staff, *Trump says he's considering pardon for Manafort: Fox News reporter*, Reuters, Aug. 22, 2018.

previously sought to fire Attorney General Jeff Sessions, Deputy Attorney General Rod Rosenstein, and Special Counsel Robert Mueller because of their roles in pending legal investigations<sup>5</sup> and issued literally hundreds of disparaging and false tweets against his own Justice Department.<sup>6</sup> On August 1, President Trump went so far as to publicly call on the Attorney General to end the Russia investigation, tweeting, “Attorney General Jeff Sessions should stop this Rigged Witch Hunt right now, before it continues to stain our country any further.” And on August 20, President Trump further stated, “I don’t have to stay out [of the Russia investigation]. . . . I could run it if I want.”<sup>7</sup> As you know, a counterpart of H.R. 5476 has already been approved by the Senate Judiciary Committee, and Ranking Member Nadler and Representatives Sheila Jackson Lee and Steve Cohen have sought to invoke their rights under House Rule XI, Clause 2(c)(2) to consider legislation designed to protect Special Counsels from improper political interference by any Administration.

Finally, we urge you to hold immediate hearings on President Trump’s dangerous attacks on the Department of Justice and the FBI. As recently as yesterday during his Fox News interview, President Trump again went after Attorney General Sessions, asserting “we have somebody who they seem to go after a lot of Republicans” – an apparent reference to not only his own Administration’s legal struggles but also recent criminal charges brought against Representatives Chris Collins (R-NY) and Duncan Hunter (R-CA). Yesterday, the President’s close friend, Senator Lindsey Graham (R-SC) also reported his understanding that it is “very likely” President Trump will replace the Attorney General, presumably because of these very same inappropriate concerns.<sup>8</sup> At a time when no less than five Cabinet officers have been forced to resign due to scandal, several more are facing ongoing investigations, and numerous individuals have been forced to resign from the White House itself, it is more important than ever that we be led by a Department of Justice able to enforce the laws free of partisan pressure.<sup>9</sup>

Our Nation and our Committee stand at a crossroads, and the House Judiciary Committee has the expertise and authority necessary to take action to protect the rule of law and trust in our governmental institutions. We are ready, willing, and able to work with you in placing country above party in pursuing these matters and protecting our Nation from crossing a constitutional precipice.

Sincerely,

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<sup>5</sup> Maggie Haberman & Michael S. Schmidt, *Trump Sought to Fire Mueller in December*, N.Y. TIMES, Apr. 10, 2018; Michael S. Schmidt & Maggie Haberman, *Trump Ordered Mueller Fired, But Backed Off When White House Counsel Threatened to Quit*, N.Y. TIMES, Jan. 25, 2018; Pamela Brown et al., *Trump Considering Firing Rosenstein to Check Mueller*, CNN, Apr. 10, 2018.

<sup>6</sup> Jasmine C. Lee & Kevin Quealy, *The 487 People, Places and Things Donald Trump Has Insulted on Twitter: A Complete List*, N.Y. TIMES, Jul. 10, 2018.

<sup>7</sup> Steve Holland, Jeff Mason, & James Oliphant, *Exclusive: Trump worries that Mueller interview could be a ‘perjury trap’*, Reuters, Aug. 20, 2018.

<sup>8</sup> Michael Burke, *Graham: Trump will ‘very likely’ fire Sessions after midterms*, THE HILL, Aug. 23, 2018.

<sup>9</sup> Denise Lu & Karen Yourish, *Pruitt is Trump’s Fifth Cabinet Official To Be Forced Out*, N.Y. TIMES, Jul. 5, 2018.

Joseph Waddy

Sheila Johnson Lee

Karen Bass

Alan

Al Dauter

Ann V. Galy

Hugh Lee

David M. Millie

Jamie Roshin

Wes B. Demunip

Zoe Lee

Tom Gualwell

Fred W. Lee

Hank Johnson

Frankie Jerry

J. F. Lee

Bobby Lee Schneider