

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Fifteenth Congress

March 2, 2017

The Honorable James Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

The Honorable Channing D. Phillips
United States Attorney for the District of Columbia
555 4th Street, N.W.
Washington, D.C. 20530

Dear Director Comey and U.S. Attorney Phillips:

The *Washington Post* reported last evening that Attorney General Jeff Sessions, who was heavily involved in Donald Trump's campaign, not only spoke with Russia's Ambassador on at least two occasions during the presidential campaign, but that when asked about such contacts during his confirmation hearings, failed to disclose them. This occurred with regard to his response to written questions from Senator Patrick Leahy and his oral testimony when questioned by Senator Al Franken.

Separately, *The Wall Street Journal* reported last evening that federal investigators have also been probing Attorney General Sessions's contacts with Russian officials during the presidential campaign, and noted that then Senator Sessions, who became a member of the Trump campaign national security advisory committee, softened his previously critical rhetoric about Russia after endorsing Trump for president. In addition, last night, *The New York Times* also reported evidence pointing towards a series of meetings between persons involved in the Trump campaign and the Russian government held in various European capitals.

Efforts by Attorney General Sessions to assert that his testimony was not false or even misleading because he met with the Russian Ambassador in his capacity as a Senator, rather than a campaign representative, appear to be disingenuous at best as the questions put to him did not in any way ask if the meeting was campaign related. In fact, the September 8 meeting took place well after allegations and concerns about Russian influence arose. The fact that one of the meetings reportedly took place at the Republican convention is also severely troubling to us. His efforts to down play the contacts as ordinary business for a Member of the Senate Armed Services Committee also seem questionable given that other Members of the Committee have not indicated that they had similar meetings with the Russians. Given the importance of this investigation and the severity of our concerns about these latest developments, we are making several urgent and imperative requests today.

First, we would ask the FBI and the United States Attorney's Office for Washington, DC to take up an immediate criminal investigation into these statements which could potentially implicate a number of criminal laws including Lying to Congress and Perjury, 18 U.S.C. §§ 1001 and 1621. We would also ask that the investigation consider any involvement or knowledge the Trump Administration and Trump Campaign may have regarding these matters. We would note that Constitutional law expert Laurence Tribe,

when asked for his view on whether Attorney General Sessions's statements constitute perjury, responded, "Looks like it to me: it was a knowing & deliberate falsehood made under oath on a clearly pertinent matter." Additionally, Richard W. Painter, the former chief ethics lawyer to President George W. Bush, stated about this situation, "Misleading the Senate in sworn testimony about one's own contacts with the Russians is a good way to go to jail."

This is obviously a very serious matter. In reaction to these revelations, a number of Members of Congress have called for Attorney General Sessions to recuse himself from the investigation of the issues related to Russian influence on our election and government (including Republicans Kevin McCarthy and Jason Chaffetz), and some have asked him to resign. The false statement made to the Senate Judiciary Committee was clearly material to the confirmation process and is now seen, on a bipartisan basis, as a reason to demand that the Attorney General recuse himself from this critical investigation, at a minimum.

Second, we repeat and urgently reiterate our request made to Director Comey on February 14, 2017 for a full briefing on these ongoing investigations into Russian involvement in the U.S. elections. We would note that this week Judiciary Committee Democrats voted in support of Representative Jerrold Nadler's Resolution of Inquiry, H. Res. 111, to request more information regarding these matters. Given these and other developments and the disclosures made last evening, as well as other recent disclosures relating to contacts between the FBI and the White House concerning these matters, the need for a full briefing and meeting have only grown exponentially since then.

Although we appreciate the FBI's traditional concerns about publicly commenting with regard to ongoing investigations, many of these concerns can be resolved if the briefing occurs on a classified basis, as we have received with regard to other matters many times in the past. In fact, the Director has already briefed Members of the Senate and House Intelligence Committees in closed sessions. We would also note that according to your own testimony before this Committee, "[t]here is an exception for that: when there is a need for the public to be reassured; [and] when it is obvious, it is apparent, given our activities, public activities, that the investigation is ongoing." That test is clearly met in this instance when we have an investigation that goes to the very core of our democratic process.

We would also note that, according to CNN, the Washington Post and other media outlets, officials within the Justice Department have also reportedly been discussing this matter with the White House—even though people who work in the White House are likely subjects of an investigation. Acting Attorney General Sally Yates was the one who informed White House Counsel that General Michael Flynn had lied to the Vice President and might be vulnerable to blackmail. FBI Deputy Director Andrew McCabe apparently had an informal discussion with White House staff about *The New York Times* coverage of the investigation before you, Director Comey, set him straight. If elements of Justice Department are willing to discuss the matter with possible targets and their associates, Members of Congress and the Judiciary Committee, in particular, are certainly entitled to receive relevant information. Such information is not only sought by congressional Democrats. As you know, Chairman Goodlatte has previously informally requested a briefing from the FBI on some of these matters.

Thank you for your prompt attention to this matter.

Sincerely,

John Conyers Jr.

Tom W. L.

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