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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

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January 25, 2018

William Burck
Quinn Emanuel Urquhart & Sullivan, LLP
777 6th Street NW, 11th floor
Washington, D.C. 20001

Dear Mr. Burck:

We are writing to you as counsel for Donald F. McGahn II. We believe that Mr. McGahn has information that would assist the Committee in its investigation related to Russian interference in the 2016 presidential election and the dismissals of Lt. General Flynn and Director Comey and are writing to request documents and schedule an interview with your client in February 2018.

Mr. McGahn's roles on the campaign and in the White House have placed him at key events of interest to the Committee in its investigation of Russian interference in the 2016 election and possible obstruction of justice. For example, former Deputy Attorney General Yates testified that she met with Mr. McGahn about "press accounts of statements that had been made by the vice president and other high-ranking White House officials about General Flynn's conduct that [the Department of Justice] knew to be untrue."¹ More recently, it has been reported that, at the direction of the President, Mr. McGahn lobbied Attorney General Sessions not to recuse himself from the Russia investigation.²

The Intelligence Community has concluded that Russia interfered in the 2016 election, with the goal of undermining faith in our democratic processes and harming Secretary Clinton's candidacy.³ As explained in the January 6, 2017 Intelligence Community assessment: "We further assess Putin and the Russian

¹ Full transcript: Sally Yates and James Clapper testify on Russian election interference, Wash. Post (May 8, 2017).

² Michael S. Schmidt, "Obstruction Inquiry Shows Trump's Struggle to Keep Grip on Russia Investigation," N.Y. Times (Jan. 4, 2018).

³ Office of the Director of National Intelligence, "Assessing Russian Activities and Intentions in Recent US Elections," ICA 2017-01D, January 6, 2017, at 2-3.

Government developed a clear preference for President-elect Trump.”⁴ Director Comey was leading the FBI’s investigation into Russian interference in the 2016 election – including possible ties to the Trump campaign – when he was summarily dismissed by the President.

The Committee is investigating these matters, and we ask that Mr. McGahn provide the following documents in advance of his interview with the Committee, covering the time period from June 15, 2015, to the present:

1. All documents concerning the selection, termination or resignation of Lt. General Michael Flynn as national security advisor, including all communications concerning Lt. General Flynn’s conversations or meetings with Ambassador Kislyak or other Russian government officials, associates, or representatives and all communications concerning Lt. General Flynn’s interactions with the FBI;
2. All communications concerning the story written by David Ignatius that appeared in the Washington Post on January 12, 2017, titled “Why did Obama dawdle on Russia’s hacking?”;⁵
3. All documents related to the role of Attorney General Sessions in the FBI’s investigation of Russian interference in the 2016 election;
4. All documents concerning FBI Director Comey’s interactions with Donald Trump;
5. All documents related to the firing of James Comey as Director of the FBI;
6. All documents related to the status, progress, or scope of the FBI’s investigation of Russian interference in the 2016 election, including all communications regarding press reporting on the investigation and all communications regarding Attorney General Sessions, Special Counsel Robert Mueller, the indictments of Paul Manafort and Rick Gates, or the guilty pleas of Michael Flynn and George Papadopoulos; and
7. All documents related to the June 9, 2016, meeting at Trump Tower with Natalia Veselnitskaya, including statements (including drafts) issued on or

⁴ Office of the Director of National Intelligence, “Assessing Russian Activities and Intentions in Recent US Elections,” ICA 2017-01D, January 6, 2017, at 1.

⁵ David Ignatius, “Why did Obama dawdle on Russia’s hacking?,” Wash. Post (Jan. 12, 2017).

about July 8 through July 10, 2017, by Donald Trump, Jr., other attendees at the June 9 meeting, the President, or the White House, and including communications regarding press reporting on this meeting or on statements made by Donald Trump Jr. or others about this meeting.

We recognize that this request may implicate sensitive communications and are committed to working in good faith to reach an accommodation that appropriately balances the interests of the executive and legislative branches. We therefore ask that you contact Brian Privor on my staff at (202) 224-7703 as soon as possible, but no later than February 7, 2018, to schedule your interview and discuss arrangements for document production.

Sincerely,

A handwritten signature in blue ink that reads "Dianne Feinstein". The signature is fluid and cursive, with the first name "Dianne" being larger and more prominent than the last name "Feinstein".

Dianne Feinstein
United States Senator

cc: The Honorable Charles E. Grassley