



Congress of the United States
House of Representatives
Washington, DC 20515

January 11, 2019

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

Dear Mr. Chairman:

It has now been twenty months since the inception of the Special Counsel Robert S. Mueller III probe.¹ During this period, the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) refused to allow Members of Congress to inquire about unsubstantiated allegations and admissions made by Michael D. Cohen, citing the Department's position of not discussing ongoing criminal investigations. Over the course of fifteen transcribed interviews before Congress, DOJ and FBI blocked witnesses from answering questions more than seventy times citing the need to prevent revealing information about the Special Counsel's ongoing investigation.

In contrast with your statement expressing, "no interest in inappropriately interfering with any ongoing criminal investigations," one of your first moves as Chairman was to announce a hearing to bring in Michael Cohen, a witness in two high-profile federal criminal investigations, one by the Special Counsel and the other by the U.S. Attorney's Office for the Southern District of New York.² According to your press release, you set this hearing without finishing consultations with the Special Counsel's office. You also did not consult with the minority Members of the Committee. I do understand from public reporting you have been working with Lanny J. Davis in producing the February 7, 2019, hearing.³

¹U.S. Department of Justice, Order Number 3915-2017 (May 17, 2017), <https://www.justice.gov/opa/pr/appointment-special-counsel>.

² Press Release, from Elijah E. Cummings, H. Comm. on Oversight & Reform, Chairman Cummings Announces Oversight Committee Hearing Schedule (Jan. 10, 2019), <https://oversight.house.gov/news/press-releases/chairman-cummings-announces-oversight-committee-hearing-schedule>.

³ See The Beat with Ari Miller, "Michael Cohen's Lawyer on How Cohen Will Expose Trump to Congress", MSNBC, Jan. 10, 2019, <http://www.msnbc.com/the-beat-with-ari-melber/watch/michael-cohen-s-lawyer-on-how-cohen-will-expose-trump-to-congress-1423816771546>; Dan Mangan and Brian Schwartz, "Trump's Ex-Lawyer Michael Cohen will testify Publicly to House Oversight Committee Before Entering Prison", CNBC, Jan. 10, 2019, <https://www.cnbc.com/2019/01/10/ex-trump-lawyer-michael-cohen-to-testify-to-house-oversight-committee.html>; Mark Hosenball, "Ex-Trump Lawyer Cohen to Testify Publicly Before Congress", Reuters, Jan. 10, 2019;

This past July you urged the Committee to “protect the integrity of the Special Counsel’s ongoing criminal investigation.”⁴ Your colleagues have likewise emphasized the importance of not interfering with the Special Counsel. In July then-Judiciary Committee Ranking Member Jerrold Nadler asked then-Judiciary Chairman Bob Goodlatte, “Are we no longer going to wait until Special Counsel Mueller concludes his work, Mr. Chairman?”⁵ Democrats’ turnabout here is remarkable.

You indicated yesterday you are talking with the Cohen camp about the contours of his testimony. I ask you to include representatives of the minority in future discussions about Cohen’s testimony. Preventing the minority from participating deprives us of the ability to meaningfully prepare our Members for the hearing.⁶ I also understand your staff is now having private conversations with the staff from the Special Counsel’s office. Minority staff should be included in these deliberations as well.

To ensure that all Members of the Committee are prepared adequately for this hearing, I request you seek documents and testimony from DOJ and the FBI, and from Cohen. At minimum, the Committee should take a transcribed interview or depose Cohen before his public testimony. The following documents and information are necessary for the Committee to have a fact-based hearing—and avoid reckless speculation and conjecture at the hearing. Accordingly, I trust you will require the DOJ and the FBI to produce, in unredacted form, the following documents:

1. All FD-302 forms and any other investigative reports created by the DOJ or FBI in their investigations into Michael Cohen;
2. All FD-1023 forms that may have been created involving Michael Cohen;
3. All contact reports involving Michael Cohen and the FBI;
4. All cooperation agreements between Michael Cohen and DOJ;

<https://www.reuters.com/article/us-usa-trump-russia-cohen/former-trump-lawyer-cohen-to-testify-publicly-before-congress-idUSKCN1P42MQ>.

⁴ *Oversight of FBI and DOJ Actions Surrounding the 2016 Election: Hearing Before the H. Comm. on Oversight & Gov’t Reform and H. Comm. on Judiciary: Testimony by FBI Deputy Assistant Director Peter Strzok*, 115th Cong. (July 12, 2018) (statement of Ranking Member Elijah E. Cummings, H. Comm. on Oversight & Gov’t Reform), https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2471-Sharp%20Color%20Copier%40mail.house.gov_20180712_084701_0.pdf.

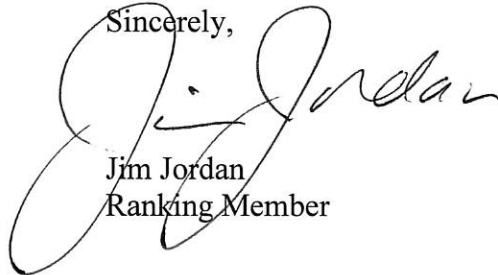
⁵ *Oversight of FBI and DOJ Actions Surrounding the 2016 Election: Hearing Before the H. Comm. on Oversight & Gov’t Reform and H. Comm. on Judiciary: Testimony by FBI Deputy Assistant Director Peter Strzok*, 115th Cong. (July 12, 2018) (statement of Ranking Member Jerrold Nadler, H. Comm. on Judiciary), <https://judiciary.house.gov/news/press-releases/statement-ranking-member-nadler-hearing-oversight-fbi-and-doj-actions>.

⁶ Maggie Haberman and Nicholas Fandos, *Former Trump Lawyer Michael Cohen Agrees to Testify to Congress*, N.Y. TIMES, Jan. 10, 2019, <https://www.nytimes.com/2019/01/10/us/politics/michael-cohen-trump-testimony.html>.

5. All sentencing memorandum prepared by DOJ involving Michael Cohen;
6. All notes taken by DOJ or FBI during their multiple interviews of Michael Cohen;
and
7. Documentation of all agreements Michael Cohen has with DOJ, the FBI, and any other foreign government's law enforcement agencies.

It is incumbent on our Committee to conduct our work thoroughly and responsibly. I hope you will work with me and the minority Members to avoid an unproductive and chaotic hearing. If you are going to provide a platform for this convicted felon and perjurer, we ought to ensure we have the necessary information to prepare to question him. I look forward to hearing back from you as the Committee prepares for this seminal hearing in your tenure.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Jordan", with a large, stylized initial "J" and a long, sweeping underline.

Jim Jordan
Ranking Member