

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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January 9, 2020

The Honorable Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Madam Chairwoman:

One year ago this week, Democrats announced the Committee's hearing schedule for the beginning of the 116th Congress.<sup>1</sup> The Democrats' first announced witness—the only witness named in the Democrats' announcement—was disgraced attorney Michael Cohen.<sup>2</sup> When Cohen later testified before the Committee, he lied repeatedly.<sup>3</sup> In light of a recent federal court filing confirming that Cohen lied to the Committee, we urge you to join our referral of Cohen to the Justice Department for perjury and knowingly making false statements.

On February 27, 2019, Cohen testified under oath before the Committee.<sup>4</sup> During his sworn testimony, Cohen made several willfully and intentionally false statements of material fact. Two of Cohen's false statements are indisputable. They are:

- Cohen denied that he sought employment in the White House following President Trump's election—contrary to prosecutors' filings in federal court, public statements by people who were familiar with Cohen's actions, and even reporting by CNN.<sup>5</sup>

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<sup>1</sup> See 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>.

<sup>2</sup> *Id.*

<sup>3</sup> See, e.g., Letter from Jim Jordan, Ranking Member, & Mark Meadows, H. Comm. on Oversight & Reform, William Barr, Att'y Gen. (Feb. 28, 2019) [hereinafter "Letter to Attorney General Barr"]

<sup>4</sup> *Hearing with Michael Cohen, Former Attorney for President Donald Trump: Hearing before the H. Comm. on Oversight & Reform*, 116th Cong. (2019) [hereinafter "Cohen hearing"].

<sup>5</sup> *Id.*; The Government's Sentencing Memorandum, at 25, *United States v. Cohen*, 18-cr-602 (S.D.N.Y. Dec. 7, 2018); Bo Dietl (@BoDietl), TWITTER (Feb. 27, 2019, 11:13 AM), <https://twitter.com/BoDietl/status/1100790950203478018>; Dr. Darrell Scott (@PastorDScott), TWITTER (Feb. 27, 2019, 3:44 PM), <https://twitter.com/PastorDScott/status/1100859134948315138>; David Bossie (@David\_Bossie), TWITTER (Feb. 27, 2019, 5:12 PM), [https://twitter.com/David\\_Bossie/status/1100926661397278723](https://twitter.com/David_Bossie/status/1100926661397278723); CNN Newsroom (@CNNNewsroom), TWITTER (Feb. 27, 2019, 9:25 AM), <https://twitter.com/CNNNewsroom/status/1100809107026538496>; Nathan McDermott (@natemcdermott), TWITTER (Feb. 27, 2019, 12:19 PM), <https://twitter.com/natemcdermott/status/1100807647710900224>.

- Cohen denied that he ever sought a pardon from President Trump—contrary to statements from Cohen’s own attorneys.<sup>6</sup>

On February 28, 2019, in response to Cohen’s egregious false statements, we referred Cohen’s statements to the Justice Department for investigation and potential prosecution for perjury or false statements.<sup>7</sup> We noted six separate areas in which Cohen provided materially false testimony to the Committee.<sup>8</sup>

Since then, we have learned new information confirming that Cohen made materially false statements during his testimony on February 27, 2019. In a court filing on December 19 in response to Cohen’s motion for a sentencing reduction, federal prosecutors in New York verified that Cohen’s statements about never seeking employment in the Trump White House “were demonstrably false.”<sup>9</sup> Although the prosecutors’ court filing concerned specific false statements that Cohen had made during post-sentencing proffer sessions with prosecutors, the prosecutors noted that Cohen had repeated these statements in his sworn testimony to the Committee.<sup>10</sup>

Citing nonpublic communications from Cohen, the prosecutors explained how Cohen had “demonstrabl[y] lie[d]” about seeking employment in the White House.<sup>11</sup> They wrote:

[I]n a television interview filmed days after the 2016 election, which Cohen had promoted on his own Twitter account, Cohen made clear his desire for a position in the new administration. . . . Cohen had been even more specific about his wishes in his private communications. For example, on Election Day 2016, Cohen told one friend (Person-1) that he would take her with him to the White House as “Asst to chief of staff,” and told another person (Person-2) that being named Chief of Staff “would be nice.” On November 12, 2016, Cohen exchanged a series of text messages with another person (Person-3), discussing how Reince Priebus was being considered for the position of Chief of Staff and evaluating whether Cohen “still ha[s] a chance.” Then, on the afternoon of November 13, 2016, it was announced that Priebus would in fact be named Chief of Staff. Shortly thereafter, Person-3 sent Cohen a message asking: “You ok?” Cohen responded: “Yes. Disappointed but understand why.”<sup>12</sup>

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<sup>6</sup> *Cohen hearing*, *supra* note 4; Rebecca Ballhaus et al., *Lawyer for Cohen Approached Attorneys About Pardon*, Wall St. J., (Mar. 6, 2019).

<sup>7</sup> Letter to Attorney General Barr, *supra* note 3.

<sup>8</sup> *Id.*

<sup>9</sup> The Government’s Opposition to Defendant Michael Cohen’s Motion for a Sentencing Reduction, at 4, *United States v. Cohen*, 18-cr-602 (S.D.N.Y. Dec. 12, 2019).

<sup>10</sup> *Id.* at 4 n.1. (“Lest there be any doubt as to the accuracy of the FBI’s notes of Cohen’s proffer statements, Cohen repeated the substance of them on numerous occasions during his subsequent Congressional testimony.”) (citing *Cohen hearing*, *supra* note 4).

<sup>11</sup> *Id.* at 11.

<sup>12</sup> *Id.* at 4-5 (internal citations and footnotes omitted).

The prosecutors informed the court that Cohen's desire for a White House position—including the chief of staff role—continued well into 2017 and 2018.<sup>13</sup> The prosecutors found Cohen's false statements to be material "because, among other things, truthful answers to questions about [Cohen's] efforts to obtain a position within the Administration (and his disappointment at failing to do so) bore directly on Cohen's credibility, potential biases, and incentives to provide truthful testimony."<sup>14</sup> We have enclosed the prosecutors' table of Cohen's private communications for your reference.


This new information released by federal prosecutors in New York bears directly on the truthfulness of Cohen's February 29, 2019, testimony to the Committee. Therefore, in light of this new evidence showing that Cohen lied to the Committee, we urge you to protect the integrity of the Committee's proceedings by joining our referral to the Justice Department for Cohen's false statements.

Thank you for your attention to this matter. We look forward to receiving your response promptly.

Sincerely,



Jim Jordan  
Ranking Member



Mark Meadows  
Ranking Member  
Subcommittee on Government Operations

Enclosure

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<sup>13</sup> *Id.* at 5.

<sup>14</sup> *Id.* at 5 n.4.

From	Body	Timestamp: Time
Person-1	I voted for him!	11/8/2016 10:46:01 PM(UTC-5)
Cohen	I vote for you!!!	11/8/2016 10:46:23 PM(UTC-5)
Person-1	And I've spent the last month tracking down a dress for Ivanka 😊	11/8/2016 10:46:27 PM(UTC-5)
Person-1	Thanks! I'm gonna need help finding a new job when this election is over!	11/8/2016 10:47:05 PM(UTC-5)
Cohen	You're coming with me to the White House	11/8/2016 10:47:27 PM(UTC-5)
Cohen	Astro chief of staff	11/8/2016 10:47:34 PM(UTC-5)
Cohen	Asst to chief of staff	11/8/2016 10:47:44 PM(UTC-5)
Person-2	Big day. You guys might just pull this off.	11/8/2016 11:04:37 AM(UTC-5)
Cohen	Hoping!!!	11/8/2016 11:12:01 AM(UTC-5)
Person-2	Chief of staff	11/8/2016 11:13:47 AM(UTC-5)
Cohen	That would be nice	11/8/2016 11:14:56 AM(UTC-5)
Person-3	I saw they're considering reince peribus for chief of staff	11/12/2016 12:22:50 PM(UTC-5)



Cohen	He's pushing like a madman	11/12/2016 2:54:37 PM(UTC-5)
Person-3	Do you still have a chance	11/12/2016 2:55:00 PM(UTC-5)
Cohen	So many opportunities	11/12/2016 3:16:12 PM(UTC-5)
Person-3	Like what	11/12/2016 3:16:21 PM(UTC-5)
Cohen	When they come closer I will tell you all of them	11/12/2016 3:16:42 PM(UTC-5)
Person-3	Ok	11/12/2016 3:16:48 PM(UTC-5)
Cohen	How are you	11/12/2016 3:16:55 PM(UTC-5)
Person-3	I'm good	11/12/2016 3:19:32 PM(UTC-5)
Person-3	Are the opportunities in government or no?	11/12/2016 3:19:55 PM(UTC-5)
Cohen	A hybrid	11/12/2016 4:18:22 PM(UTC-5)
Person-3	You ok?	11/13/2016 5:48:26 PM(UTC-5)
Cohen	Yes	11/13/2016 5:49:03 PM(UTC-5)
Person-3	You sure?	11/13/2016 5:49:11 PM(UTC-5)
Cohen	Yes	11/13/2016 5:49:48 PM(UTC-5)
Cohen	Disappointed but understand why	11/13/2016 5:50:01 PM(UTC-5)
Person-3	You can tell me	11/13/2016 5:50:05 PM(UTC-5)
Person-3	Trump shouldn't have spoken to you before the news came out	11/13/2016 5:50:36 PM(UTC-5)
Cohen	He needs an insider to give the presidency validity. To take someone with no political navigations for the role would cause everyone to say it's going to be a banana cabinet	11/13/2016 5:51:43 PM(UTC-5)

Person-4	Cohn or Powell will be Chief of Staff	5/14/2017 2:29:05 PM(UTC-4)
Cohen	Neither	5/14/2017 2:29:15 PM(UTC-4)
Person-4	Who then	5/14/2017 2:29:21 PM(UTC-4)
Cohen	Really?	5/14/2017 2:29:29 PM(UTC-4)
Person-4	If Powell she'd be the first woman	5/14/2017 2:29:41 PM(UTC-4)
Person-4	Not jared	5/14/2017 2:29:43 PM(UTC-4)
Person-4	Too close	5/14/2017 2:29:46 PM(UTC-4)
Cohen	Really?	5/14/2017 2:29:56 PM(UTC-4)
Person-4	Not ivanka	5/14/2017 2:30:00 PM(UTC-4)
Person-4	Too close	5/14/2017 2:30:04 PM(UTC-4)
Cohen	Keep guessing dopey	5/14/2017 2:30:11 PM(UTC-4)
Person-4	Stop!!!!	5/14/2017 2:30:16 PM(UTC-4)
Person-4	You???	5/14/2017 2:30:18 PM(UTC-4)
Cohen	I will give you a hint...yes	5/14/2017 2:30:25 PM(UTC-4)
Person-4	Omg	5/14/2017 2:30:32 PM(UTC-4)
Person-4	Please be true	5/14/2017 2:30:37 PM(UTC-4)
Person-4	Are you serious? You need to	5/14/2017 2:30:58 PM(UTC-4)
Cohen	He needs to ask. I would never	5/14/2017 2:31:10 PM(UTC-4)

Cohen	It's disrespectful	5/14/2017 2:31:17 PM(UTC-4)
Person-4	He needs someone from his old world there. He doesn't trust anyone else	5/14/2017 2:31:33 PM(UTC-4)
Person-4	You would be perfect	5/14/2017 2:31:39 PM(UTC-4)
Cohen	How could he? They are all about themselves and I have always been about him...even to my detriment	5/14/2017 2:32:15 PM(UTC-4)
Person-4	Exactly	5/14/2017 2:32:24 PM(UTC-4)
Cohen	All with not a shred of appreciation from anyone	5/14/2017 2:32:33 PM(UTC-4)
Person-4	Yup	5/14/2017 2:32:37 PM(UTC-4)
Person-4	I'm sorry	5/14/2017 2:32:41 PM(UTC-4)
Person-4	☹	5/14/2017 2:32:43 PM(UTC-4)
Person-4	Very frustrating	5/14/2017 2:32:48 PM(UTC-4)
Cohen	From the start, to the sexist issue, to the coalition, to protection him...all to my detriment and not even a shred of appreciation. And I would do it all again.	5/14/2017 2:33:40 PM(UTC-4)
Person-4	I know you would	5/14/2017 2:34:14 PM(UTC-4)
Cohen	So either I'm an idiot or just a loyal soldier	5/14/2017 2:34:24 PM(UTC-4)
Cohen	It's a 50-50 call	5/14/2017 2:34:36 PM(UTC-4)
Person-4	I feel like I don't even know the kids anymore. No one texts or calls. It's heartbreaking. Exactly. I don't know	5/14/2017 2:34:52 PM(UTC-4)
Cohen	Sad	5/14/2017 2:35:24 PM(UTC-4)
Person-4	Yup	5/14/2017 2:35:28 PM(UTC-4)
Cohen	Lots of articles about a shakeup	5/14/2017 2:37:18 PM(UTC-4)

Cohen	He needs to go back to the basics	5/14/2017 2:37:29 PM(UTC-4)
Person-4	Exactly. Which means it's definitely happening. Even faster than most predicted. I said at the 6 month mark he's going to look up from his desk and be like, "Who the hell are all these people? Where's Cohen, where's Larry, where's Rhona?"	5/14/2017 2:38:33 PM(UTC-4)
Person-4	Instead it happened at 5 months	5/14/2017 2:38:42 PM(UTC-4)
Person-4	You can't expect the same private sector success if you don't have the same private sector people	5/14/2017 2:39:04 PM(UTC-4)
Person-4	Basics	5/14/2017 2:39:17 PM(UTC-4)
Cohen	There's no loyalty to him by these swamp rats. I watch it on tv and seriously want to jump in and crack them across the jaw	5/14/2017 2:39:57 PM(UTC-4)
Person-4	Me too	5/14/2017 2:40:06 PM(UTC-4)
Cohen	Well keep my name in range loop please	5/14/2017 2:40:33 PM(UTC-4)
Person-5	When are u chief of staff	1/25/2018 8:50:31 PM(UTC-5)
Cohen	Maybe 3 to 4 months	1/25/2018 8:51:19 PM(UTC-5)