

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
One Hundred Sixteenth Congress

Ms. Hope Hicks
c/o Robert P. Trout
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1627 Eye Street NW, Suite 1130
Washington, DC 20006

July 18, 2019

Dear Ms. Hicks,

We write regarding your testimony before the House Judiciary Committee on June 19, 2019, which appears to be inconsistent with evidence unsealed this morning by a federal judge in New York.¹ As I reminded you at the outset of your interview, anything other than complete candor can have very serious consequences.² Accordingly, I would expect you to clarify this matter before the Committee in very short order—but no later than August 15, 2019.

During your testimony, you told this Committee that you had no direct knowledge about Michael Cohen's payments to Stormy Daniels. You also testified that you did not discuss those payments with Mr. Cohen and/or the President, that you did not speak with Keith Davidson, Ms. Daniels' attorney, at any point, and that you did not discuss negative stories about the President, including about Ms. Daniels, prior to their release with Dylan Howard or anyone else at AMI. The evidence unsealed this morning, however, raises substantial questions about the accuracy of each of those statements.

We direct your attention to the following exchanges from your June 19 testimony:

- As to your knowledge of payments made to Ms. Daniels, and your discussions relating to those payments, Representative Steve Cohen asked you directly: “[Y]ou said you'd had no knowledge—any information about hush payments to Ms. Stormy Daniels.

¹ Letter by United States (July 18, 2019), Exhibit 1, ECF No. 48-1 in *United States v. Cohen*, No. 1:18-cr-00602 (S.D.N.Y. Aug 21, 2018) (hereinafter “Unsealed Letter”).

² For example, making materially false statements in a congressional investigation is a crime. *See* 18 U.S. Code § 1001 (2019).

How about to Ms.—was it—McDougal, Miss August?” You responded: “I wasn’t aware of anything—I wasn’t aware of a hush payment agreement.”³

- Counsel for the Committee asked if you had “any knowledge of whether the President knew that Mr. Cohen had made payments to Stormy Daniels during the campaign?” You responded: “I don’t have any direct knowledge.”⁴
- You were asked multiple times about your conversations with Mr. Cohen and the President about Ms. Daniels and any payments made to her. For example, Representative Sheila Jackson Lee asked you: “Were you ever present when Trump and Cohen discussed Stormy Daniels?” You responded: “No, ma’am.” Rep. Jackson Lee asked again, “You were never present when they discussed Stormy Daniels?” You again responded, “no.” When Rep. Jackson Lee asked a third time if you were “ever present when Trump and Mr. Cohen discussed Stormy Daniels,” you confirmed once again: “[N]o is my answer.”⁵ Rep. Jackson Lee then asked “[y]ou don’t know what would have been said?” You stated, “I was never present for a conversation.”⁶
- You also told counsel for the Committee, regarding when you learned about payments to Ms. Daniels: “I don’t recall speaking to [Mr. Cohen] about Stormy other than to relay what the reporter said to me, that she would be mentioned in [a] story, but there was no additional context. . . . I know the President had conversations with Michael separate from me, so it’s possible it was part of those. I don’t recall being part of those conversations.”⁷
- You were asked directly by counsel for the Committee “[d]id you have any contact with Keith Davidson during the campaign,” and you responded, “[n]ot that I’m aware of.”⁸
- You were additionally asked directly by counsel for the Committee: “And can we ask the same question about Dylan Howard or anyone else at AMI? Did you speak with

³ Transcribed Interview before H. Comm. on the Judiciary, June 19, 2019 at 151 (hereinafter “Hicks Hearing Transcript”).

⁴ Hicks Hearing Transcript at 179.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 266-67.

⁸ *Id.* at 184.

anyone at AMI about a negative story about Trump prior to its release?” and you responded, “Not that I’m aware of.”⁹

Each of these statements appears to be inconsistent with the evidence unsealed this morning:

- According to the affidavit of one federal agent, you appear to have had direct knowledge of potential payments to Ms. Daniels. That agent testified as follows: “From my review of telephone toll records and information produced pursuant to the iCloud Warrant and Cohen Email Warrants, I have learned that in the days following the *Access Hollywood* video, Cohen exchanged a series of calls, text messages, and emails with Keith Davidson, who was then Clifford’s attorney, David Pecker and Dylan Howard of American Media, Inc. (“AMI”), the publisher of the *National Enquirer*, Trump, and **Hope Hicks**.”¹⁰
- You also appear to have communicated directly with Mr. Cohen and President Trump about these payments long before they were made. According to toll records, on October 8, 2016, “at approximately 7:20 p.m., **Cohen received a call from Hicks**. Sixteen seconds into the call, **Trump joined the call**, and the call continued for over four minutes. . . . Approximately ten minutes after the call ended, **Hicks and Cohen spoke again for two minutes**.”¹¹ After Mr. Cohen ended his second call with you, he exchanged a series of calls and text messages with Mr. Pecker, Mr. Howard and the President. The evidence shows how Mr. Cohen, in these communications, then went on to facilitate the payments to Ms. Daniels. In addition, on October 28, 2016, the day that Mr. Cohen “finalized the transaction with Davidson,” he spoke to the President for five minutes, then “attempted a series of phone calls to Davidson, Pecker, and Howard throughout the day,” and, upon confirming the payment with Mr. Howard and Mr. Davidson, he then spoke directly to you.¹²
- In your testimony, you suggested that any knowledge you may have had about the President’s arrangement with Ms. Daniels during the campaign was limited to information relayed to you from the press. The record now seems to suggest that you obtained additional information directly from Mr. Cohen prior to any public reporting on the matter: Based on a review of toll records, “information obtained pursuant to the Cohen Email Warrants and iCloud Warrant, and public sources, it appears that **Cohen**

⁹ *Id.*

¹⁰ Unsealed Letter, ¶ 34 (emphasis added).

¹¹ *Id.* ¶ 34(b) (emphasis added).

¹² *Id.* ¶ 39(b).

spoke frequently to Davidson, Howard, Pecker, and Hicks” prior to reports about these payments in the press.¹³

- After the payments were made, you also appear to have communicated directly with Mr. Cohen about how to prevent disclosure of those payments from becoming public. On November 4, 2016, just three days after Ms. Daniels’ payment was completed, when it became apparent that the *Wall Street Journal* was about to publish an article alleging that then-candidate Trump had an affair with Karen McDougal, and that AMI had agreed to pay McDougal to bury her story, toll records show that **“Cohen spoke frequently to Davidson, Howard, Pecker, and Hicks around the time of this article’s publication—just days before Election Day—about the importance of preventing the McDougal and Clifford stories from gaining national traction.”**¹⁴
- During those calls, despite testifying that you had not spoken to Mr. Davidson at any point during the campaign, toll records show that at “approximately 7:33 p.m. [on November 4], using two different cellphones subscribed to him, **Cohen appears to have been talking to Davidson and Hicks at the same time.**”¹⁵
- Later that same evening, despite testifying that you did not speak with Mr. Howard or anyone else at AMI regarding a negative story about the President prior to its release, toll records appear to confirm that Mr. Cohen called you and Mr. Howard at the same time on November 4, before the *Wall Street Journal* article was published. Specifically, Mr. Cohen asked Mr. Howard how the *Wall Street Journal* could publish its article if “everyone denies,” and Mr. Howard responded, “Because there is the payment from AMI. It looks suspicious at best.”¹⁶ Mr. Cohen then called Mr. Howard for five minutes at 9:11 p.m., after which you called Mr. Cohen at approximately 9:15 p.m., for nearly seven minutes. During these calls, **“Cohen used different phones for these two calls, such that he appears to have been on both calls for about a minute of overlap.”**¹⁷ The story only later became public at approximately 9:50 p.m.

Given the apparent inconsistencies between your testimony and this evidence, I would like to give you an opportunity to clarify your testimony on a voluntary basis, prior to our considering compulsory process.

¹³ *Id.* ¶ 40(a) (emphasis added).

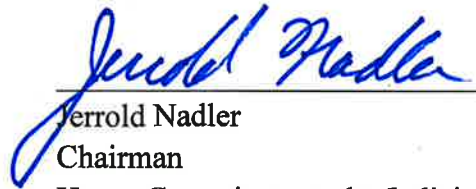
¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* ¶ 40(c).

¹⁷ *Id.* ¶ 40(d).

Sincerely,



Jerrold Nadler
Chairman
House Committee on the Judiciary

cc: Ranking Member Doug Collins
House Committee on the Judiciary