

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Sixteenth Congress

February 13, 2019

The Honorable Matthew Whitaker
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Acting Attorney General Whitaker:

Thank you for appearing before the House Judiciary Committee on February 8, 2019. Your testimony gave the American people their first opportunity to hear from you about your tenure as the Acting Attorney General, and allowed us to conduct the Committee's first oversight hearing of the Department of Justice since 2017.

Although the Committee appreciates your decision to appear, Members on both sides of the aisle found many of your answers to be unsatisfactory, incomplete, or contradicted by other evidence. You repeatedly refused to offer clear responses regarding your communications with the White House, and you were inconsistent in your application of the Department's policy related to the discussion of ongoing investigations.

For example, our members asked you about reports that President Trump called you at least twice to express his frustration after Michael Cohen, his former lawyer, pleaded guilty in the Southern District of New York to lying to Congress and for arranging hush money payments on the President's behalf.¹ Representative Cicilline asked you directly: "Did the President lash out to you about Mr. Cohen's guilty plea?" You responded: "No, he did not."² He asked you again whether "the President . . . or anyone on the President's behalf . . . reach[ed] out to you in some way to express dissatisfaction." You responded: "No."³ Later in the hearing, Representative Demings asked you a similar question: "I want to know whether you talked to

¹ See, e.g., Laura Jarrett and Pamela Brown, *Trump lashed out at Whitaker after explosive Cohen revelations*, CNN, Dec. 21, 2018.

² *Oversight of the Department of Justice*, hearing before the H. Comm. on the Judiciary, Feb. 8, 2019 (exchange between Rep. David Cicilline and Acting Attorney General Whitaker).

³ *Id.*

President Trump at all about the Southern District of New York’s case involving Michael Cohen.” This time, you refused to answer altogether.⁴

Your testimony on this topic is directly contradicted by several media reports. The President’s personal attorney responded to those reports with an acknowledgement that “[t]he President and his lawyers are upset about the professional prosecutors in the Southern District of New York.”⁵ Moreover, the Committee has identified several individuals with direct knowledge of the phone calls you denied receiving from the White House. As a result, we require your clarification on this point without delay.

Similarly, several of our members asked you if you had discussed your private opinions of the Special Counsel’s investigation with White House officials prior to your arrival at the Department of Justice in 2017. You restated Representative Lofgren’s question in your own words: “just to be clear, you are asking me whether or not I talked with anybody essentially in the President’s circle or at the White House about my views of the Special Counsel’s investigation . . . when I was a private citizen.” You then responded: “No, I did not.”⁶ You later admitted to speaking to White House officials while “interviewing for the position that was ultimately occupied by Ty Cobb”—a position dedicated to managing the President’s official response to the Special Counsel’s investigation—but claimed, somewhat incredulously, that you never mentioned your “opinions about the Mueller investigation” over the course of those discussions.⁷ We require your clarification on this point as well.

These are by no means the only areas in which we hope you can elaborate on your testimony. We continue to seek answers about what may be improper communications you appear to have had with the White House about several ongoing criminal investigations. You left us with questions on several policy matters as well. Given some of your comments, we hope you can provide assurances that the Department of Justice will (1) ensure that asylum seekers will have access to legal counsel as required by law; (2) protect lesbian, gay, and transgender individuals from discrimination, and (3) protect members of the Jewish community (and other religious minorities) from discrimination based on their faith.

I have asked my staff to work with yours to give you an opportunity to clarify these and other matters, and we are available to meet in the coming days for that purpose. I believe we can

⁴ *Id.* (exchange between Rep. Val Demings and Acting Attorney General Whitaker).

⁵ Jarrett and Brown, *supra* note 1.

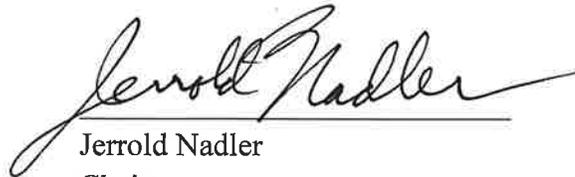
⁶ *Oversight of the Department of Justice*, hearing before the H. Comm. on the Judiciary, Feb. 8, 2019 (exchange between Rep. Zoe Lofgren and Acting Attorney General Whitaker).

⁷ *Id.* (exchange between Rep. Eric Swalwell and Acting Attorney General Whitaker).

reach a reasonable accommodation with the Department about your responses to these questions. Failing that, we would expect to pursue a date and time for a formal deposition.

Thank you.

Sincerely,

A handwritten signature in black ink, reading "Jerrold Nadler", written over a horizontal line.

Jerrold Nadler

Chairman

House Committee on the Judiciary

cc: The Hon. Doug Collins
Ranking Member, House Committee on the Judiciary