

Congress of the United States

Washington, DC 20515

January 24, 2018

The Hon. Michael Horowitz
Inspector General
U.S. Department of Justice
Office of the Inspector General
950 Pennsylvania Ave, NW, Suite 4706
Washington, DC, 20530

Dear Mr. Horowitz,

We write to ask you to investigate a pattern of behavior, apparently coordinated by the White House and the political leadership of the Department of Justice, aimed at discrediting career investigators and weakening the traditional independence of the FBI. It seems obvious that the goal of these attacks is to undermine the Special Counsel's investigation into connections between the Trump campaign and the Russian government.

In one recently reported incident, U.S. Attorney General Jeff Sessions is alleged to have repeatedly asked Director Wray to make a "fresh start" at the FBI—by firing Deputy Director Andrew McCabe and other members of the FBI leadership team who had worked closely with former FBI Director James Comey.¹ Director Wray is said to have been so frustrated by these efforts that he threatened to resign.²

In another episode, President Trump apparently summoned then-Acting FBI Director McCabe to the Oval Office, asked how Mr. McCabe voted in the 2016 presidential election, and "vented his anger at McCabe over the several hundred thousand dollars in donations that his wife, a Democrat, received for her failed 2015 Virginia state Senate bid from a political action committee controlled by a close friend of Hillary Clinton."³

¹ Jonathan Swan, *Jeff Sessions Urged FBI Boss to Make a "Fresh Start,"* AXIOS, Jan. 21, 2018. See also Devlin Barrett & Philip Rucker, *Tensions Swell between Sessions and FBI over Senior Personnel from Comey Era,* WASH. POST, Jan. 22, 2018.

² Jonathan Swan, *FBI Director Threatened to Resign Amid Trump, Sessions Pressure,* AXIOS, Jan. 22, 2018

³ Ellen Nakashima, et al., *Trump Asked the Acting FBI Director How He Voted during Oval Office Meeting,* WASH. POST, Jan. 23, 2018.

These are not isolated incidents. President Trump habitually attacks senior career FBI and Department of Justice personnel by name.⁴ For example, on July 26, 2017, the President tweeted: “Why didn't A.G. Sessions replace Acting FBI Director Andrew McCabe, a Comey friend who was in charge of Clinton investigation but got...big dollars (\$700,000) for his wife's political run from Hillary Clinton and her representatives. Drain the Swamp!”⁵ President Trump has also criticized FBI General Counsel Jim Baker⁶ and several senior FBI agents involved in the investigation of Hillary Clinton's use of a private email server.⁷

At base, these efforts to remove or discredit senior FBI officials relate to the ongoing Special Counsel's investigation. We ask that you investigate these matters for two reasons.

First, we must protect the Department of Justice and the FBI from inappropriate political pressure. Director Wray said it well during his confirmation hearing:

I believe to my core that there's only one right way to do this job and that is with strict independence, by the book, playing it straight, faithful to the Constitution, faithful to our laws and faithful to the best practices of the institution; without fear, without favoritism and, certainly, without regard to any partisan political influence.⁸

Director Wray is now confronted with that “partisan political influence.” We require your assistance to ascertain the scope and nature of that influence.

Second, we believe the Attorney General may have violated the terms of his recusal. On January 10, 2017, the Attorney General testified he would recuse himself “from any questions involving those kind of investigations that involve Secretary Clinton and that were raised during the campaign or to be otherwise connected to it.” Senator Chuck Grassley later asked, “To be very clear, you intend to recuse yourself from both the Clinton e-mail investigation and any matters involving the Clinton Foundation, if there are any?” He responded, “yes.”⁹ In a subsequent written statement, the Attorney General also confirmed that he was recused from

⁴ It does not seem to be a coincidence that these individuals are often in a position to corroborate Director Comey's contemporaneous memoranda and congressional testimony about President Trump. Michael S. Schmidt, *Comey and Sessions are Questioned for Hours in Russia Inquiry*, N.Y. TIMES, Jan. 23, 2018.

⁵ President Donald Trump (@realDonaldTrump), Twitter, July 26, 2017, 9:48 AM and 9:52 AM.

⁶ President Donald Trump (@realDonaldTrump), Twitter, Dec. 23, 2017, 3:32 PM.

⁷ President Donald Trump (@realDonaldTrump), Twitter, Jan. 23, 2018, 6:55 AM.

⁸ Senate Committee on the Judiciary, *Hearing on the Nomination of Christopher A. Wray to be FBI Director*, July 12, 2017.

⁹ Senate Committee on the Judiciary, *Hearing on Nomination of Sen. Sessions to be Attorney General*, Jan. 10, 2017.

“any existing or future investigations of any matters related in any way to the campaigns for President of the United States.”¹⁰

President Trump has linked his attacks on Deputy Director McCabe to the Clinton investigation and his attacks on other senior FBI personnel to the Special Counsel’s investigation. If Attorney General Sessions pressured Director Wray to fire certain personnel in an attempt carry out the President’s wishes, he may have violated the terms of his recusal.

Thank you for your prompt attention to this request. We would appreciate the courtesy of a reply by February 7, 2018.

Sincerely,



Jerrold Nadler
Ranking Member
House Committee on the Judiciary



Elijah E. Cummings
Ranking Member
House Committee on Oversight
& Government Reform

cc: The Hon. Bob Goodlatte, Chairman, House Committee on the Judiciary

cc: The Hon. Trey Gowdy, Chairman, House Committee on Oversight & Government Reform

¹⁰ U.S. Dept. of Justice, Attorney General Jeff Sessions, Statement on Recusal (Mar. 2, 2017).