

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH	DIANNE FEINSTEIN, CALIFORNIA
LINDSEY O. GRAHAM, SOUTH CAROLINA	PATRICK J. LEAHY, VERMONT
JOHN CORNYN, TEXAS	RICHARD J. DURBIN, ILLINOIS
MICHAEL S. LEE, UTAH	SHELDON WHITEHOUSE, RHODE ISLAND
TED CRUZ, TEXAS	AMY KLOBUCHAR, MINNESOTA
BEN SASSE, NEBRASKA	CHRISTOPHER A. COONS, DELAWARE
JEFF FLAKE, ARIZONA	RICHARD BLUMENTHAL, CONNECTICUT
MIKE CRAPO, IDAHO	MAZIE HIRONO, HAWAII
THOM TILLIS, NORTH CAROLINA	CORY A. BOOKER, NEW JERSEY
JOHN KENNEDY, LOUISIANA	KAMALA D. HARRIS, CALIFORNIA

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

August 30, 2018

VIA ELECTRONIC TRANSMISSION

The Honorable Sheldon Whitehouse
Ranking Member
Subcommittee on Crime and Terrorism
U.S. Senate Committee on the Judiciary
Washington, D.C. 20510

Dear Senator Whitehouse:

This letter responds specifically to your suggestion on Thursday, August 23 at the Committee's Executive Business Meeting that the Committee has "not pursued whether the testimony of the President's son to our Committee was false." A news story published by CNN on July 27, 2018 reports that the President's former lawyer Michael Cohen knew in advance of the 2016 Trump Tower meeting and witnessed the President's son inform his father of the meeting before it took place.¹ However, that report was not consistent with the testimony of Donald Trump, Jr. before this Committee on September 7, 2017.² Nor does it appear to be consistent with Mr. Cohen's reported testimony before the Senate Select Committee on Intelligence, which he has subsequently re-affirmed.³

As you know, Mr. Cohen previously provided documents to this Committee in response to a request from the Ranking Member. He also agreed to sit for a voluntary interview with Committee staff. However, that agreement was withdrawn when prosecutors raided his home, office, and other locations in April.⁴ On Wednesday morning, August 22, following the announcement of Mr. Cohen's guilty plea in federal court and his current lawyer's public

¹ Jim Sciutto, Carl Bernstein and Marshall Cohen, Cohen claims Trump knew in advance of 2016 Trump Tower meeting, CNN (July 27, 2018), <https://www.cnn.com/2018/07/26/politics/michael-cohen-donald-trump-june-2016-meeting-knowledge/index.html>.

² Transcript, Donald Trump, Jr., U.S. Sen. Comm. on the Judiciary (Sept. 7, 2017), at 29.

³ Cohen told Congress he did not know if Trump aware of Russia meeting beforehand: Axios, Reuters (Aug. 23, 2018), <https://www.reuters.com/article/us-usa-trump-cohen/cohen-told-congress-he-did-not-know-if-trump-aware-of-russia-meeting-beforehand-axios-idUSKCN1L81A6>.

⁴ Letter from Stephen M. Ryan to Dianne Feinstein, Ranking Member, U.S. Sen. Comm. on the Judiciary (Apr. 26, 2018).

remarks that he would be willing to speak with Congress, my staff reached out to Mr. Cohen's attorney to ask that he reschedule his client's voluntary interview in light of the guilty plea.

However, in the days following the reports of Mr. Cohen's supposed prior knowledge of the Trump Tower meeting, his lawyer changed his story, and said the prior reporting by CNN, based on "sources with knowledge" was "mixed up."⁵ His attorney also retreated from public statements that Mr. Cohen would be willing to speak with Congress, telling the Committee in an August 27 e-mail that his public statements regarding speaking with Congress were made prior to his knowledge of other pending criminal matters, and referring the Committee to Mr. Cohen's criminal defense attorneys. Furthermore, on August 28, BuzzFeed reported that Mr. Cohen's attorney continues to describe the Trump Tower claims as a "mistake" and has now admitted he was a source for the July 27 CNN report that he later rebutted, as well as a confirming source for other news outlets.⁶ CNN has yet to correct its story, on which you, unfortunately, relied in making your statement.

As I have said many times, I am committed to following the facts wherever they lead, and to working in a bipartisan fashion whenever possible. This Committee will continue attempts to reschedule the voluntary interview to which Mr. Cohen had previously agreed.

Sincerely,



Charles E. Grassley
Chairman
Senate Committee on the Judiciary

cc:

The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

⁵ Chuck Ross, Cohen Attorney Backtracks On Claim That Trump Had Advance Knowledge Of Russian Hacking, Daily Caller (Aug. 26, 2018), <https://dailycaller.com/2018/08/26/lanny-davis-trump-hacking/>; Jim Sciutto, Carl Bernstein and Marshall Cohen, Cohen claims Trump knew in advance of 2016 Trump Tower meeting, CNN (July 27, 2018), <https://www.cnn.com/2018/07/26/politics/michael-cohen-donald-trump-june-2016-meeting-knowledge/index.html>.

⁶ Steven Perlberg, Lanny Davis says he was a source for CNN's Trump Tower story, BuzzFeed (Aug. 28, 2018), <https://www.buzzfeednews.com/article/stevenperlberg/lanny-davis-cnn-trump-tower-story>.