

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH  
LINDSEY O. GRAHAM, SOUTH CAROLINA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
BEN SASSE, NEBRASKA  
JEFF FLAKE, ARIZONA  
MIKE CRAPO, IDAHO  
THOM TILLIS, NORTH CAROLINA  
JOHN KENNEDY, LOUISIANA

DIANNE FEINSTEIN, CALIFORNIA  
PATRICK J. LEAHY, VERMONT  
RICHARD J. DURBIN, ILLINOIS  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
KAMALA D. HARRIS, CALIFORNIA

**United States Senate**

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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

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:

On Thursday, August 23, you suggested that this Committee examine several questions you believe are key to the Committee's ongoing investigation of political interference in the 2016 election. I agree there are critical unresolved questions in our investigation, and I would appreciate your support in seeking answers.

In announcing the guilty plea of Michael Cohen, the U.S. Attorney for the Southern District of New York celebrated the "day of reckoning" as "a reminder that we are a nation of laws, with one set of rules that applies equally to everyone." But the truth is that many Americans appear to have lost confidence in that principle. And for so many, their view of the legitimacy of any given governmental action seems to be colored by a partisan lens. As the Senate Judiciary Committee, we have a responsibility to oversee the Department of Justice and the FBI, to help ensure that Justice remains blind, and that the same rules really do apply equally to all.

Although the campaign finance laws are rarely the subject of a criminal investigation, on August 21, Michael Cohen pleaded guilty to, among other things, two counts of campaign finance violations. Meanwhile, law enforcement and agency administrators are all but silent on potential campaign finance violations by the Democratic National Committee and the Clinton campaign.

In October 2017, after previously denying that his law firm Perkins Coie, the Clinton campaign, or the Democratic National Committee (DNC) had anything to do with the Fusion GPS-funded dossier compiled by Christopher Steele, Clinton campaign general counsel Marc

Elias finally admitted that he “agreed to pay for the work.”<sup>1</sup> On October 25, 2017, a non-partisan organization filed a complaint with the Federal Election Commission (FEC) against the DNC and Hillary for America.<sup>2</sup> The complaint alleges that the DNC and the Clinton campaign falsely reported payments to Perkins for Fusion’s work as “legal services” and “consulting.” As the Committee’s investigation has revealed, and as Perkins has confirmed, the dossier was not a legal product. It was opposition research conducted against a political rival. Public reports make clear in fact that it was used for almost every conceivable purpose *except* a legal one.<sup>3</sup> Thus the DNC and the Clinton campaign, the complaint alleges, did not disclose the true purpose of its payments. As the complaint notes, the failure to report the true purpose of the payments and their recipients are violations of the Federal Election Campaign Act (FECA). This Committee has the responsibility to see that this law is equally enforced.

Similarly, prosecutions for violations of the Foreign Agents Registration Act (FARA) are also very uncommon, as we learned in our oversight hearing in July 2017. Nevertheless, the special counsel has filed criminal charges against Paul Manafort for violating this disclosure statute for work on behalf of Ukrainian foreign principals. However, the special counsel has not filed charges against the Podesta Group and others that also failed to register under FARA for work performed on behalf of Ukrainian foreign principals. There also has been no indication of any serious investigation by the DOJ of the failure of Fusion GPS to register its activities on half of a foreign principal.<sup>4</sup> As in the case of the dossier, payment to Fusion was funneled through a U.S. law firm – but that does not make Fusion’s work subject to FARA’s attorney exemption. Moreover, it does not relieve Fusion from the obligation to disclose it is engaged in a public relations campaign on behalf of a foreign principal and Russian interests.<sup>5</sup> Indeed, FARA explicitly requires registration for public relations work on behalf of a foreign principal. I have thus far had little to no cooperation from the minority in following up on previously made *bipartisan* requests to Fusion GPS and Glenn Simpson on these and related issues involving the Steele dossier, despite my requests.<sup>6</sup>

On February 15, 2017, the Committee also submitted a bipartisan request for the transcript of the intercepted phone call between Lt. Gen. Michael Flynn and the former Russian Ambassador, as well as FBI’s summary of the calls. The materials still have not been provided, despite our follow-up requests and the clear end of the criminal investigation into Lt. Gen. Flynn

---

<sup>1</sup> Adam Entous, Devlin Barrett and Rosalind Henderman, *Clinton campaign, DNC paid for research that led to Russia dossier*, WASH. POST (Oct. 24, 2017), [https://www.washingtonpost.com/world/national-security/clinton-campaign-dnc-paid-for-research-that-led-to-russia-dossier/2017/10/24/226fabf0-b8e4-11e7-a908-a3470754bbb9\\_story.html?noredirect=on&utm\\_term=.7eccb43b2359](https://www.washingtonpost.com/world/national-security/clinton-campaign-dnc-paid-for-research-that-led-to-russia-dossier/2017/10/24/226fabf0-b8e4-11e7-a908-a3470754bbb9_story.html?noredirect=on&utm_term=.7eccb43b2359).

<sup>2</sup> Complaint, *Campaign Legal Center et al. v. Democratic National Committee and Hillary for America*, Before the Federal Election Commission (Oct. 25, 2017), <https://campaignlegal.org/sites/default/files/10-25-17%20CLC%20DNC%20Clinton%20%28Filed%29.pdf>.

<sup>3</sup> Scott Shane, *What We Know and Don’t Know About the Trump-Russia Dossier*, N.Y. TIMES (Jan. 11, 2017).

<sup>4</sup> Letter from Samuel R. Ramer, Acting Assistant Attorney General, U.S. Dep’t of Justice to Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary (May 16, 2017).

<sup>5</sup> Letter from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary to Dana Boente, Acting Deputy Attorney General, U.S. Dep’t of Justice (Mar. 31, 2017).

<sup>6</sup> Letter from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary to Sens. Sheldon Whitehouse, Patrick Leahy, Richard Durbin, Richard Blumenthal, and Mazie Hirono (May 21, 2018).

as evidenced by his guilty plea.<sup>7</sup> Further, neither the Department nor the FBI has provided a satisfactory explanation for the significant disparity between former Director Comey's briefing on the investigation of Lt. Gen. Flynn and the allegations against him outlined in his plea agreement with the special counsel.<sup>8</sup> Finally, there also has been no indication that the Department or the FBI is seriously pursuing accountability for whomever leaked the highly classified transcript of this call to the media. Senator Graham and I have requested the Department's Office of Inspector General investigate the leak as well as whether anyone has been held accountable.<sup>9</sup>

I am sure we both agree with the U.S. Attorney in the Southern District of New York, that the rules should apply equally to everyone in this country, and that it is our responsibility to conduct rigorous oversight to that end. For that reason, I appreciate your concern regarding outstanding unresolved issues in our ongoing investigation, and I would also welcome your help in seeking answers to the important questions I have highlighted here, many of them bipartisan and long overdue. We need to ensure the Department conducts a robust review of Fusion's activities under FARA; we need to seek information from the Federal Election Commission regarding its enforcement of the FECA with respect to the DNC and the Clinton campaign's failure to accurately report payments to Perkins Coie intended for Fusion GPS; we need to interview Clinton campaign lawyer Marc Elias, and review documents and information from Perkins, the DNC, and the Clinton campaign that relate to suspect arrangements with Fusion, as well as efforts to distribute unverified opposition research to the Justice Department, law enforcement officials, the media, and foreign parties, that Senator Graham and I requested many months ago and that were never provided. I would greatly appreciate your assistance in obtaining these materials.

As I stated in my letter of May 21, I have been willing to be a good faith partner in the Committee's oversight from the beginning, and will continue to seek answers to oversight requests in a bipartisan fashion wherever possible.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Committee on the Judiciary

---

<sup>7</sup> Letter from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary to Rod Rosenstein, Deputy Attorney General, U.S. Dep't of Justice and Christopher Wray, Director, Federal Bureau of Investigation (May 11, 2018).

<sup>8</sup> *Id.*; Letter from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary to Rod Rosenstein, Deputy Attorney General, U.S. Dep't of Justice (June 6, 2018).

<sup>9</sup> Letter from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary and Sen. Lindsey O. Graham, Chairman, Subcomm. on Crime and Terrorism, U.S. Sen. Comm. on the Judiciary to Michael E. Horowitz, Inspector General, U.S. Dep't of Justice (Feb. 28, 2018).

cc: The Honorable Dianne Feinstein  
Ranking Member  
Senate Committee on the Judiciary