LETTERS TO AG SESSIONS

1. **On February 14, 2017, all House Judiciary and Oversight Democrats** sent a letter to Attorney General Jeff Sessions and FBI Director James Comey calling for a full member briefing on Michael Flynn's communications with Russian officials.
2. **On March 16, 2017, Judiciary Democratic Representatives Conyers, Nadler, Jackson-Lee, and Jefferies** sent a letter to Attorney General Jeff Sessions asking about his decision to fire all 46 sitting U.S. attorneys without warning or a plan for their replacement, and whether this relates to any matter currently under investigation by a U.S. attorney's office.
3. **On March 22, 2017, Representative John Conyers, Jr. and Cedric Richmond** wrote a letter to Department of Justice Attorney General Jeff Sessions to express concern regarding the Department's reversal of crucial criminal justice and policing reform initiatives and to set forth some of the Congressional Black Caucus's most important policy priorities, such as mandatory minimum sentencing, racial profiling, voting rights, and other issues affecting the minority community.
4. **On April 3, 2017, Representatives Conyers, Scott, and Lofgren** sent a letter to Secretarys DeVos and Kelly—as well as Attorney General Jeff Sessions—to request that the Department of Homeland Security and Department of Education issue statements ensuring that, in spite of other changes in immigration enforcement policy, the sensitive locations policy will remain in effect at schools and other localities. (The Members received an interim response from Department of Homeland Security Assistant Secretary for Legislative Affairs, Benjamin Cassidy, on May 16, 2017).
5. **On June 12, 2017, all House Judiciary Democrats** sent a letter to Attorney General Jeff Sessions asking him to provide the Committee with information relating to his knowledge of recent charges by Mr. Comey regarding improper conduct by the President; the veracity of his disclosure regarding meetings with Russian officials; and his compliance with the terms of his recusal.
6. **On July 6, 2017, Representatives Cicilline, Conyers, and several other House Democrats** wrote a letter to U.S. Attorney General Jeff Sessions regarding recent adverse actions he has taken concerning the rights of working people to collectively hold their employers accountable for wage theft, employment discrimination, and other unlawful workplace conduct.
7. **On July 12, 2017, all House Judiciary Democrats and several other House Democrats**, sent a letter to Attorney General Jeff Sessions requesting information about his decision to abruptly settle *United States v Prevezon Holdings Ltd*, a money laundering case concerning Russian sanctions, New York real estate holdings, and Natalia Veselnitskaya, the Kremlin-linked lawyer who met with Donald Trump Jr.
8. **On August 4, 2017, Representatives Conyers and Sensenbrenner,** sent a letter to Attorney General Sessions to express concerns and objections to his proposal to expand the Department of Justice's civil asset forfeiture program. The letter urges AG Sessions to reconsider his newly-announced policies
9. **On November 7, 2017, all House Judiciary Democrats** sent a letter to Attorney General Jeff Sessions ahead of its upcoming Department of Justice Oversight Hearing, at which AG Sessions will testify. The letter highlights various inconsistencies in past testimony and the DOJ's failure to respond to Committee oversight letters, and announces that these topics will be discussed at the November 14th hearing.

Congress of the United States
House of Representatives
Washington, DC 20515

February 14, 2017

The Honorable Jefferson Sessions
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C.
20530

The Honorable James Comey
Director
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue NW
Washington, D.C.
20530

Dear Attorney General Sessions and Director Comey:

We are writing to request a full briefing by the Department of Justice, Federal Bureau of Investigation, and other relevant agencies concerning former National Security Advisor Michael Flynn's communications with Russian officials, and any knowledge and involvement others in the Trump Administration may have had concerning those communications. The fact that General Flynn was forced to resign last evening does not diminish the need for the briefing—it only reinforces the urgency of our request.

We learned yesterday that senior U.S. law enforcement officials warned the White House Counsel three weeks ago that General Flynn had provided false information to the public about his communications with the Russian government, and that the Russians might attempt to leverage that misconduct to compromise General Flynn. It is unclear what actions, if any, the Trump Administration took with this information. They did not clarify the facts with the American public, and they did not prevent General Flynn from continuing to access highly classified information—despite the fact that he provided false information to federal officials about his contacts with a foreign government, behavior that surely disqualifies him from handling national security secrets.

It may be possible that others in the Administration were aware of General Flynn's conversations with Russian officials long before the Department of Justice decided to intervene.

Members of the House Committee on the Judiciary, the House Committee on Oversight and Government Reform, and others have a responsibility under the Constitution to ask questions about these events. We need to know what Trump Administration officials knew about General Flynn's communications, whether General Flynn was indeed susceptible to blackmail by the Russian government, and what role the White House Counsel played in this matter.

All House Democrats believe that an independent, bipartisan commission is required to review the full scope of Russian interference in our recent elections. However, yesterday's new revelation about a post-election cover-up demands immediate oversight by the Congress. We request a full briefing, in a classified setting if necessary, as soon as possible, but no later than Thursday, February 16, 2017.

Thank you for your prompt response to this time-sensitive request.

Sincerely,

John Conyers, Jr.
Ranking Member
Committee on the Judiciary

Elijah Cummings
Ranking Member
Committee on Oversight and Government Reform

BOB GOODLATTE, Virginia
CHAIRMAN

JOHN CONYERS, JR., Michigan
RANKING MINORITY MEMBER

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

March 16, 2017

The Honorable Jefferson Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Sessions:

We write about your decision to terminate the 46 United States attorneys held over from the previous administration—without warning, without an obvious plan to name their successors, and, with respect to at least one such official, in direct contravention of your earlier promises.

We recognize that, in ordinary circumstances, a United States attorney serves at the pleasure of the President. Given the Trump Administration's wide-ranging and ongoing conflict-of-interest troubles, however, we wonder if the wiser course of action would have been to allow these officials to stay on and act as an independent voice on matters that might directly impact President Trump.

We have particular concerns about the impact of your decision on two key posts.

As you know, Mr. Preet Bharara, former U.S. Attorney for the Southern District of New York, had jurisdiction over allegations of improper activity emanating from Trump Tower, the Trump Campaign, and the Trump Organization. Just last week, a bipartisan coalition of three watchdog groups—Democracy 21, Citizens for Responsibility and Ethics in Washington, and the Campaign Legal Center—wrote to ask Mr. Bharara to "take appropriate action to ensure that the Trump Organization and related Trump business enterprises do not receive payments and

financial benefits from foreign governments that benefit President Trump."[1] If Mr. Bharara was, to your knowledge, investigating any such allegations, then your decision to fire him would be completely inappropriate. In any event, his removal has been cause for confusion—given that both you and President Trump are reported to have met with Mr. Bharara during the transition and asked him remain at his post.[2]

We also have concerns about your decision to remove Channing Phillips, U.S. Attorney for the District of Columbia. On March 2, 2017, every Democratic member of the House Committee on the Judiciary asked Mr. Phillips to investigate your statements to the Senate Judiciary Committee as possible violations of criminal law.[3] It seems entirely improper for you to remove Mr. Phillips just as this referral has been made.

Accordingly, so that we can evaluate the full implications of these firings, we ask that you provide our Committee with a summary of any and all pending investigations at the Department of Justice involving members of the Trump Administration, the Trump transition, the Trump campaign, and the Trump Organization. We also ask that you answer the following questions:

- Was the decision to remove Mr. Bharara from his office in any way related to any matter under investigation by the Office of the U.S. Attorney for the District of New York?

- Why did your position about Mr. Bharara change between November 30, 2016, when you and the President are said to have promised him that he could say on in his position, and March 10, 2017, when you decided to fire him?

- According to reports, President Trump placed a phone call to Mr. Bharara on March 9, 2017.[4] What was the purpose of that phone call? Did it comply with Department of Justice guidance restricting contact between the White House and Department personnel?

- Was the decision to remove Mr. Phillips from his office in any way related to any matter under investigation by the Office of the U.S. Attorney for the District of Columbia?

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[1] Tom Hamburger, *Watchdogs ask U.S. Attorney to investigate Trump over foreign business deals*, WASH. POST, Mar. 8, 2017.

[2] Benjamin Weiser and Nick Corasaniti, *Preet Bharara Says He Will Stay On as U.S. Attorney Under Trump*, N.Y. TIMES, Nov. 30, 2016.

[3] Letter from Ranking Member John Conyers, Jr., et al., to the Hon. Channing Phillips, U.S. Attorney for D.C., and the Hon. James B. Comey, Director, Fed. Bureau of Investigation, Mar. 2, 2017.

[4] Eric Lichtblau and William K. Rashbaum, *White House Addresses Trump's Unorthodox Call to Preet Bharara*, N.Y. TIMES, Mar. 13, 2017.

- Given that Mr. Phillips had received a congressional referral related to your conduct, was it appropriate for you to participate in the decision to have him removed from office?

We ask that you provide us with a response to this letter as soon as possible, but in any event no later than March 23, 2017.

Thank you for your prompt attention to this matter.

Sincerely,

John Conyers Jr

Jerrold Nadler

Hakeem Jeffries

Sheila Jackson Lee

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

Congress of the United States
Washington, DC 20515

March 22, 2017

The Honorable Jefferson Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530

Dear Attorney General Sessions:

During the campaign, then candidate Trump sought to reach out to African-American voters with the following appeal: "What do you have to lose by trying something new like Trump? What do you have to lose?" He promised meaningful changes that would benefit minorities in the area of crime and equal justice, among other things. As the Attorney General, you are responsible for helping to oversee some of the most critical and sensitive issues impacting African Americans – from civil rights and voting rights to criminal justice. As such, you are in a position to be a force for positive change with regard to some of the most important issues facing our communities and constituents.

Unfortunately, the first several weeks under your tenure have given us many causes for concern, including the following:

- The Department's reversal of policy on private prisons. In your memorandum of February 21, you rescinded the memorandum of August 18, 2016 issued by former Deputy Attorney General Sally Yates, entitled "Reducing our Use of Private Prisons." We strongly support her instruction to reduce—with the ultimate goal of eliminating—the use of privately-operated prisons. As she noted, privately-operated prisons "compare poorly to our own Bureau facilities. They simply do not provide the same level of correctional services, programs, and resources" and they jeopardize the ability of the Bureau to provide rehabilitative services that are "essential to reducing recidivism and improving public safety."

- The Department's possible reversal of more rational sentencing policies. On March 8, you issued a memorandum to federal prosecutors concerning efforts to fight violent crime in which you indicate that you will issue additional guidance to federal prosecutors concerning charging for all criminal cases. We are concerned that this may indicate a departure from prior DOJ policies issued by former Attorney General Eric Holder: (i) designed to give greater latitude to prosecutors in making charging decisions that are appropriate under the circumstances of each case; and (ii) setting forth a series of policies concerning charging, plea agreements, sentencing advocacy, and recidivist enhancements

which are designed to limit application of unfair, one-size-fits-all mandatory minimum penalties. This is one of the most important and impactful issues facing our minority communities.

- The Department's decision to reverse the scope of its challenge of a racially discriminatory voter ID law in Texas. On February 27, the Justice Department withdrew its longstanding claim that Texas enacted its 2011 voter ID law with discriminatory intent. This was done even though there was considerable evidence that in passing the law, Texas lawmakers had selected IDs that were most utilized by white voters and refused to honor IDs that were more frequently used by minority voters. (For example, the Texas law included licenses to carry concealed handguns, which tend to be predominantly carried by whites, and excluded government employee IDs and public university IDs, which tend to be more used by African-Americans and Hispanics.) If a court finds that Texas acted with discriminatory intent, it could be forced to seek federal approval before it makes any changes to its voting laws or procedures, which would constitute an important voting rights victory.

- Indicating that the Department intends to pull back on pursuing police misconduct investigations. On February 28, in your very first public speech as Attorney General, you indicated that Department would "pull back" from using its legal authority to monitor police departments responsible for repeated instances of police misconduct and abuses. Such investigations and ensuing consent agreements have been a central component used to force accountability onto local law enforcement and respond to rising racial tensions. By backing away from that legal commitment, first enacted into law by Rep. Conyers as part of the 1994 crime reform legislation, you are sending a signal to the African-American community that the police misconduct laws will not be equally and fully enforced.

We continue to hope to find common cause and work together on issues within your purview. Nevertheless, we are alarmed by what we see have seen from the Department thus far. In order to help further our dialogue going forward, we also wanted to set forth in summary description below some of the most important policy priorities of members of the Congressional Black Caucus going forward as they relate to the Department. These include the following:

Criminal Justice:

You have indicated your desire to do more to combat crime in the United States, but we are concerned that this approach does not, incorporate steps to make our criminal justice system fairer, more just, and fiscally more sound. There are over 2 million people imprisoned in this country, including nearly 200,000 inmates in federal prisons. Nationally, we have experienced an explosion in incarceration from the level of 500,000 in 1980. The growth of the federal prison population has contributed to the problem, as the federal prison population increased by almost 800 percent between 1980 and 2013, before a modest decline to a level of 195,000 as of last year.

One of the main reasons for this crisis is the use of mandatory minimum sentencing, which often imposes sentences that are not appropriate for the facts and culpability of individual cases. All of this disproportionately impacts African Americans. We can and must change our sentencing laws to make them more just and more fiscally responsible. We must also help ex-offenders re-integrate into society after serving their time. DOJ must play a central role to support this bipartisan effort.

Racial Profiling:

Racial profiling drives a wedge between law enforcement and the communities they serve. Recent events in the wake of President Trump's Executive Orders on Immigration demonstrate that racial, ethnic and religious profiling remain dangerous and divisive issues in our communities. Airport detentions of Muslims and immigration raids targeted at the Latino community are some of the most recent and obvious attempts by this Administration to inject race into law enforcement policy. Despite the fact that the majority of law enforcement officers perform their duties professionally and without bias – and we value their service highly – the specter of discriminatory profiling has contaminated the relationship between the police and minority communities to such a degree that Federal action is justified to begin addressing the issue.

Voting Rights:

The right to vote is the foundation of all other rights in a democracy. During the civil rights movement, many patriots gave up their lives to ensure that all Americans had the ability to vote. Since the Supreme Court decision in *Shelby v. Holder* incapacitated the preclearance requirement of the Voting Rights Act in 2013, we have seen a significant increase in the number of restrictive voting laws passed by the states. The enforcement of many of these laws has been proven to disproportionately impact low-income, minority, student, and elderly voters. We favor continued vigorous enforcement of the Voting Rights Act by DOJ combined with legislative action to respond to the *Shelby* decision.

Policing:

The Department of Justice has a responsibility to encourage local police organizations to voluntarily adopt data collection practices and performance-based standards to ensure that incidents of misconduct are minimized through appropriate management, training and oversight protocols. For the better part of two decades, the relationship between African-American communities across the country and their police departments have hovered in a state of volatility, awaiting a single incident to combust. These tensions have grown as allegations of bias-based policing by law enforcement agents, sometimes supported by data collection efforts and video evidence, have increased in number and frequency. In response to such incidents DOJ must ensure that any and all allegations will be properly investigated.

Gun Violence Prevention:

We must do much more than prosecute gun criminals in order to reduce gun violence in this country. We know that our citizens overwhelmingly support expanding and strengthening our firearms background check system. The Brady Act, enacted more than 20 years ago, helps keep firearms out of the hands of criminals, but its requirement that sellers of guns conduct background checks on prospective purchasers only applies to sellers who are licensed gun dealers. We need to close this dangerous loophole by extending this requirement to all sellers of firearms. We also need to take steps such as banning high-capacity ammunition magazines, which make it easier for mass shooters to kill large numbers of innocent victims before having to reload their weapons; ensuring that individuals on the terrorist watch list are unable to purchase firearms; banning deadly assault weapons; and closing the "default proceed" loophole that allowed Charleston shooter Dylan Roof to legally acquire a firearm. These are only a few initial steps of the many that we can take to help prevent guns from getting into the hands of criminals.

We hope that we can develop and maintain a positive working relationship with you and your Department on these and other matters of importance to the African American community. We appreciate your time and consideration of these vital matters.

Sincerely,

JOHN CONYERS, JR.
Ranking Member
House Committee on Judiciary

CEDRIC RICHMOND
Chairman
Congressional Black Caucus

Congress of the United States
House of Representatives
Washington, D.C. 20515

April 3, 2017

The Honorable Jeff Sessions
Attorney General
Department of Justice

The Honorable Betsy DeVos
Secretary of Education
Department of Education

The Honorable John Kelly
Secretary of Homeland Security
Department of Homeland Security

Dear Attorney General Sessions and Secretaries DeVos and Kelly:

We write to express concern that recent changes in immigration enforcement policies are creating fear, anxiety and confusion in immigrant communities around the country. In this environment of trepidation, it is important that we do all we can to minimize the impact these policies have on public school attendance and student learning.

One way to address this concern is to ensure that school enrollment and attendance practices do not chill school participation based on the students' or their parent's immigration status.

In *Plyler v. Doe*,[1] the U.S. Supreme Court ruled that it was unconstitutional to deny any child, including an undocumented child, access to a public education. A student's or student's parent's immigration status was deemed immaterial to the student's entitlement to an elementary and secondary public education.

The Supreme Court recognized the fundamental role childhood education has played in our society. Justice Brennan, writing for the majority stated: "By denying these children a basic education, we deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation."[2]

Since that decision, the federal government has provided States and school districts with periodic guidance to help them understand their responsibilities under *Plyler* and implement enrollment

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1 457 U.S. 202
2 457 U.S. 202, 223.

and attendance practices consistent with that decision. For example, in 2011, Secretary Arne Duncan, in conjunction with Attorney General Eric Holder, issued guidance reiterating the *Plyler* ruling.[3] And in 2014,

Secretary Duncan and Attorney General Holder issued updated guidance to school districts around the country to ensure their processes were consistent with the law.[4]

Given the significant changes in immigration enforcement policies and the misperceptions that often arise with such policy changes, we are requesting that your Departments reiterate their commitment to upholding *Plyler*, and ensure that State and school district officials understand that their legal obligations under this ruling and the Constitution have not changed. These measures are necessary to protect school children and continue to provide them the educational opportunities to contribute to the progress of our Nation.

Another way to minimize harm to school children is to guarantee that schools continue to be safe spaces for all children and their parents, regardless of their immigration status. Parents, especially those who are undocumented, must feel secure in knowing that Department of Homeland Security officers will not be conducting enforcement actions at their children's schools.

Unfortunately, President Trump's immigration enforcement policies, coupled with recent press reports of immigration enforcements actions near schools, are creating justified concerns about the safety of schools for children and their parents.

President Trump's January 25, 2017 Executive Order on interior enforcement directs Department of Homeland Security personnel to employ all lawful means to ensure faithful execution of immigration laws against *all* removable immigrants.[5] And the Department of Homeland Security's implementation guidance, issued by Secretary Kelly on February 20, 2017, underscores the sweeping nature of this enforcement directive.[6] Although this guidance purports to prioritize criminals, it states: "unless otherwise directed, Department of Homeland Security personnel may initiate enforcement actions against removable aliens encountered during the performance of their official duties."[7] In other words, any undocumented individual encountered by Immigration and Customs Enforcement officers encountered anywhere may be arrested, apprehended and removed

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3 https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201101.html

4 https://www.ed.gov/news/press-releases/secretary-duncan-and-attorney-general-holder-issue-guidance-school-districts-ens

5 https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united

6 https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf

7 See page 4 of Enforcement of the Immigration Laws to Serve the National Interest.

Questions have understandably arisen with respect to the validity of past Department of Homeland Security policies that may appear to contradict the new interior executive order and implementation memorandum. For example, clarification is needed regarding the Department's sensitive locations policy.

On July 15, 2016, the Department of Homeland Security issued a press release stating that their policy of generally avoiding enforcement actions at sensitive locations, including schools, remained in effect.[8] As part of this announcement, U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection made available Frequently Asked Questions supplementing existing sensitive locations guidance and clarifying the types of locations covered under these policies.[9] In describing what localities were encompassed under this policy, "schools was defined to include: "known and licensed daycares, pre-schools and other early learning programs; primary schools; secondary schools; post-secondary schools up to and including colleges and universities; as well as scholastic or education-related activities or events, and school bus stops that are marked and/or known to the officer, during periods when school children are present at the stop".[10]

To assuage increasing apprehensions, we request that the Department of Homeland Security issue a statement making clear that, in spite of other changes in enforcement policy, the sensitive locations policy remains in full effect, at schools and other localities. Fear of immigration enforcement actions cannot be allowed to create a hostile learning environment for our children.

We look forward to your prompt response to our letter and your Departments' issuance of policy statements that will promote public school attendance across the country.

Sincerely,

JOHN CONYERS, JR.
Ranking Member
Committee on the Judiciary

ROBERT C. "BOBBY" SCOTT
Ranking Member
Committee on Education and the Workforce

BENNIE G. THOMPSON
Ranking Member
Committee on Homeland Security

ZOE LOFGREN
Ranking Member
Subcommittee on Immigration and Border Security
Committee on the Judiciary

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8 https://www.dhs.gov/news/2016/07/15/fact-sheet-frequently-asked-questions-existing-guidance-enforcement-actions-or

9 https://www.ice.gov/ero/enforcement/sensitive-loc
https://www.cbp.gov/border-security/sensitive-locations-faqs.

10 See https://www.ice.gov/ero/enforcement/sensitive-loc

BOB GOODLATTE, Virginia
CHAIRMAN

JOHN CONYERS, JR., Michigan
RANKING MINORITY MEMBER

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

June 12, 2017

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Sessions,

In his testimony before the Senate Select Committee on Intelligence, former FBI Director James Comey offered compelling testimony about President Trump's attempts to influence the ongoing Russia probe. On review, it seems that you play a direct role in several aspects of his story. Given that you have now cancelled your scheduled appearance before the House and Senate appropriations committees—a second time, and for the express purpose of avoiding questions about the Russia investigation—the need for your public response is more pressing than ever.

As Members of the House Judiciary Committee, we write to ask that you provide us with information relating to your knowledge concerning recent charges by Mr. Comey regarding improper conduct by the President; the veracity of your disclosure regarding meetings with Russian officials; and your compliance with the terms of your recusal. We ask these questions to fulfill our responsibility to protect the integrity of the Department of Justice and the Office of the Attorney General, whether or not you are recused from an ongoing investigation. If necessary, we are willing to receive any portion of your response in a classified setting.

1. In his recent testimony, Mr. Comey described a February 14 meeting in the Oval Office. President Trump asked you to leave the room. This was one of several occasions where the President, one-on-one with Director Comey, reportedly asked your subordinate to drop the investigation into former National Security Advisor Michael Flynn.[1] Can you confirm that these events occurred? Please describe what transpired.

2. Your spokesperson has since indicated that, after the February 14 meeting, you told Director Comey that "the FBI and the Department of Justice needed to be careful about following appropriate policies regarding contacts with the White House."[2] Can you explain why you apparently failed to enforce these "appropriate policies" when President

[1] *Open Hearing with Former Director of the Federal Bureau of Investigation James Comey before the S. Comm. on Intelligence*, June 8, 2017 (statement of former FBI Director James Comey).

[2] Josh Gerstein, *Sessions pushes back on Comey testimony*, POLITICO, June 6, 2017.

Trump directed you to leave the Oval Office so that he could speak to Director Comey alone? Have you taken any specific actions to limit inappropriate communications between the White House and the Department of Justice, and if so, how did you do so?

3. In his Senate testimony, Mr. Comey suggested that the FBI was "aware of facts that [he] can't discuss in an open setting that would make [your] continued engagement in a Russia-related investigation problematic." He was aware of these facts at least two weeks before you announced your recusal. To what facts might Mr. Comey be referring?

4. After omitting the meetings from your initial testimony to the Senate Committee on the Judiciary, you disclosed two meetings with Russian Ambassador Sergey Kislyak.[3] You apparently chose not to disclose a reported third meeting with the Ambassador.[4] Reports also indicate that you failed to disclose many of these contacts on your application for a security clearance.[5] Why did you fail to disclose these contacts? Do you have any plan to once again revise your Senate testimony? Outside of these meetings with the Ambassador, have you had any additional contacts with any representative of the Russian government?

5. Given that your recusal appears to cover any ongoing investigation into contacts between the Trump campaign and the Russian government, and given the President's statement that he fired Director Comey because of "this Russia thing with Trump and Russia,"[6] please explain what enabled you to participate in the decision to terminate the Director. Is your recusal from "any existing or future investigations of matters related in any way to the campaigns for President of the United States" still in effect?

Thank you for your prompt attention to this matter. We note that, as of this writing, the Department owes us a response to at least eight outstanding letters. We ask that you respond to each of these requests for information as soon as possible. In any event, we ask that you respond to this letter no later than June 26, 2017.

Sincerely,

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[3] Letter from U.S. Attorney General Jefferson Sessions to Sen. Charles Grassley, Chairman, S. Comm. on the Judiciary, and Sen. Dianne Feinstein, Ranking Member, S. Comm. on the Judiciary, Mar. 6, 2017.

[4] For months, the fact of a third meeting has been well-substantiated by news reports and other open source materials. *See Resolution of Inquiry Requesting the President And Directing the Attorney General to Transmit, Respectively, Certain Documents to the House of Representatives Relating to Communications with the Government of Russia,* H. Rep. 115-74 (Mar. 31, 2017). "The Attorney General's supplemental testimony discloses two meetings with the Russian ambassador—at the convention in July 2016 and in his office in September 2016. It does not, however, acknowledge the possibility of a third meeting with Ambassador Kislyak. . . . Neither the Attorney General's initial testimony nor his supplementary statement account for any conversation that may have taken place at this April meeting." *Id.* at 12.

[5] Manu Raja & Evan Perez, *AG Sessions did not disclose Russia meetings in security clearance forms, DOJ says*, CNN, May 24, 2017.

[6] James Griffiths, *Trump says he considered "this Russia thing" before firing FBI Director Comey*, CNN, May 12, 2017

Congress of the United States
Washington, DC 20515

July 6, 2017

The Honorable Jeff Sessions
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Attorney General Sessions:

We write to express our concern with the Acting Solicitor General's decision to reverse the Department's position concerning the rights of workers to hold employers accountable for unlawful conduct in the workplace in *National Labor Relations Board v. Murphy Oil.*[1] As the Acting Solicitor General's brief acknowledges, the Department has adopted the "opposite" position since petitioning for a writ of certiorari on behalf of the National Labor Relations Board less than a year ago.[2] The Department now contends that employers may require employees to waive their statutory rights through forced arbitration on an individual basis.[3] This is a not only a troubling departure from its preexisting position in this case, but it also robs hardworking Americans of their key ability to band together to improve workplace conditions and stop employers from violating the law.

We are foremost alarmed by the Department's decision to side with large corporate interests against hard-working Americans. *Murphy Oil* concerns the statutorily-protected rights of workers to hold unscrupulous employers accountable for violating the law on a collective basis. Rather than deferring to the Board—the chosen instrument that Congress has charged with protecting workers against unfair labor practices—the Department now echoes the U.S. Chamber of Commerce, which filed a substantively similar brief in the case.[4] This new stance is a shift away "from arguing in favor of working people to arguing in favor of big business," and is "the

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[1] Brief for the United States as Amicus Curiae Supporting Petitioners in Nos. 16-285 and 16-300 and Respondents in No. 16-307, N.L.R.B v. Murphy Oil USA, Inc., 137 S.Ct. 809 (2017) (Nos. 16-285, 16-300, 16-307) [hereinafter Revised Brief], https://static.reuters.com/resources/media/editorial/20170619/classwidearbitration--USamicusbrief.pdf.

[2] Brief for the United States for Petition for Writ of Certiorari, N.L.R.B v. Murphy Oil USA, Inc., 137 S.Ct. 809 (2017 (No. 16-307) [hereinafter Certiorari Brief],

[3] Dave Jamieson, *Trump Administration Sides With Employers Over Workers On Arbitration Agreements*, HUFFPOST (June 16, 2017), http://www.huffingtonpost.com/entry/trump-arbitration-supreme-court_us_5944498fe4b0f15cd5bb5feb?i2d.

[4] Brief of the Chamber of Commerce of the United States of America as Amicus Curiae Supporting Petitioners in Nos. 16-285 and 16-300 and Respondents in No. 16-307, N.L.R.B v. Murphy Oil USA, Inc., 137 S.Ct. 809 (2017) (Nos. 16-285, 16-300, 16-307).

clearest indication yet of where the Trump administration stands: with corporate interests and against working people," as a former special counsel to the Board has noted.[5]

The Federal Arbitration Act (FAA) does not apply when there are "such grounds as exist at law or in equity for the revocation of any contract."[6] In *Murphy Oil*, the Board argues that this exception includes agreements that are illegal as an unfair labor practice because they require employees to "resolve all employment-related claims through individual arbitration."[7] The plain language of the NLRA supports the Board's conclusion. It guarantees workers "full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection."[8] And it also expressly provides employees with the right "to engage in other concerted activities," such as private enforcement on a class basis, "for the purposes of collective bargaining or other mutual aid or protection."[9] The Court has supported this view of the Act, noting:

> Thus, it has been held that the 'mutual aid or protection' clause protects employees from retaliation by their employers when they seek to improve working conditions through resort to administrative and judicial forums, and that employees' appeals to legislators to protect their interests as employees are within the scope of this clause.[10]

Prior to the Department's decision to revise its amicus brief in *Murphy Oil*, it agreed with the Board's construction of the FAA's savings clause, arguing that it "does not require enforcement when a contract is unlawful."[11] This position conformed to the Department's long-held views that a forced arbitration clause is not enforceable where it would "prevent the effective vindication of the plaintiff's federal statutory rights."[12] This is particularly true where Congress has expressly established privately enforceable rights by law, such as through labor and employment statutes.[13] As the Department has observed in prior cases before the Court, these laws "reflect a congressional judgment that private enforcement, even of small-value claims, is an important component of the statutory scheme."[14] This rationale, the Department argued,

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[5] Celine McNicholas, *In Virtually Unprecedented Move, Trump Solicitor General Switches Sides in Murphy Oil Case*, ECONOMIC POLICY INSTITUTE (June 16, 2017), http://www.epi.org/blog/in-virtually-unprecedented-move-trump-solicitor-general-switches-sides-in-murphy-oil-case/.

[6] 9 U.S.C. § 2 (2017).

[7] Certiorari Brief, *supra* note 2, at 8.

[8] 29 U.S.C. § 151 (2017).

[9] 29 U.S.C. § 157 (2017).

[10] Eastex, Inc. v. N.L.R.B., 437 U.S. 556, 565 (1978).

[11] Certiorari Brief, *supra* note 2, at 9.

[12] *See, e.g.*, Brief for the United States as Amicus Curiae Support of Respondents, Am. Exp. Co. v. Italian Colors Rest., 133 S. Ct. 2304 (2013) (No. 12-133), https://www.justice.gov/sites/default/files/osg/briefs/2012/01/01/2012-0133.mer.ami.pdf.

[13] *Id.* at 33.

[14] *See, e.g., id.*

advances the goals of the FAA and "the various federal statutes that confirm rights of private enforcement."[15]

The Acting Solicitor General now states that it disagrees with the Board's position in the case because it did not give "adequate weight to the congressional policy favoring enforcement of arbitration agreements that is reflected in the FAA."[16] But this sweeping change in position ignores the plain language of the FAA, which was carefully considered by the Board and the Department in its prior brief, and the legislative history of the Act. There is scant evidence that Congress intended the FAA to curtail the enforcement of vital statutory protections.[17] The legislative history of the FAA suggests that the purpose of the law was to be narrowly applied to disputes between merchants, not employers and employees.[18] Justice Abe Fortas noted that the Act's sponsors did not intend the FAA to apply to all disputes.[19] Quoting "the American Bar Association's draftsman of the bill," Justice Fortas explained that Congress intended the Act to apply to the "simpler questions of law" between merchants:

> "Not all questions arising out of contracts ought to be arbitrated. It is a remedy peculiarly suited to the disposition of the ordinary disputes *between merchants* as to questions of fact—quantity, quality, time of delivery, compliance with terms of payment, excuses for non-performance, and the like. It has a place also in the determination of the *simpler questions of law*—the questions of law which arise out of these daily relations *between merchants* as to the passage of title, the existence of warranties, or the questions of law which are complementary to the questions of fact which we have just mentioned."[20]

Likewise, Congress never intended the FAA to apply on a take-it-or-leave-it basis.[21] During debate on the bill, members of Congress who expressed concern that arbitration would harm "captive customers or employees" were "emphatically assured by the supporters of the bill that it was not their intention to cover these cases."[22]

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[15] *Id.* at 34.

[16] *Id.*

[17] Margaret L. Moses, *Statutory Misconstruction: How the Supreme Court Created a Federal Arbitration Law Never Enacted by Congress*, 34 FLA. ST. U. L. REV. 99, 101 (2006).

[18] *See, e.g.*, H.R. Rep. No. 68-96, at 1 (1924); Christopher R. Leslie, *The Arbitration Bootstrap*, 94 TEX. L. REV. 265, 305 (2015) ("The most important fact about the testimony, hearings, and reports leading up to congressional enactment of the FAA is that every witness, every Senator, and every Representative discussed one issue and one issue only: arbitration of contract disputes between merchants.").

[19] Prima Paint Corp. v. Flood & Conklin Mfg. Co., 388 U.S. 395, 415 (1967).

[20] *Id.* at 416 n.13 (quoting Julius Henry Cohen & Kenneth Dayton, *The New Federal Arbitration Law*, 12 VA. L. REV. 265, 281 (1926)) (emphasis added).

[21] *Id.* at 414.

[22] *Id.* ("Senator Walsh cited insurance, employment, construction, and shipping contracts as routinely containing arbitration clauses and being offered on a take-it-or-leave-it basis to captive customers or employees. He noted that such contracts 'are really not voluntarily (sic) things at all' because 'there is nothing for the man to do except to sign it; and then he surrenders his right to have his case tried by the court.' He was emphatically assured by the supporters of the bill that it was not their intention to cover such cases.").

The Department's stunning, and virtually unprecedented,[23] decision to undermine the Government's interest in a case before the Court is also deeply troubling. The Department may, of course, change its views on a legal matter or administrative policy following a change in administration so long as it provides a reasoned explanation for the change.[24] But we are unaware of any modern examples of the Solicitor General actively undermining a Federal agency's position in a case before the Supreme Court. The Department's conduct is readily distinguishable from *Bob Jones Univ. v. United States*,[25] where it represented the Internal Revenue Service before the Court. In that case, the government changed its position following a change in administration.[26] Here, the Acting Solicitor General has authorized the Board to represent itself in the case and, by extension, the United States.[27] The most relevant examples of this occurred nearly 40 years ago, after initially supporting the Federal Communications Commission in *F.C.C. v. Pacifica Foundation*,[28] the Reagan Justice Department filed a contrary brief in support of the Commission on one issue but in disagreement on another.[29] Thereafter, in *Dirks v. S.E.C.*,[30] the Department filed a brief contravening the position of the Securities Exchange Commission in the early 1980s.[31] Since then, this practice has not occurred under any of the following Republican and Democratic administrations.

Finally, we are disappointed by the Department's decision to undermine the private enforcement of Federal statutory protections, a hallmark of the justice system. Numerous laws authorize private remedies for victims of unlawful conduct and general deterrence.[32] As the Department has noted, this is particularly true in the context of redressing systemic misconduct in the workplace through broad remedies designed to redress individual victims harmed and prevent future misconduct.[33] It is also well established that Congress, which is politically accountable for

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[23] McNicholas, *supra* note 5.

[24] Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 30 (1983); F.C.C. v. Fox Television Stations, Inc., 556 U.S. 502, 514 (2009).

[25] 461 U.S. 574 (1983).

[26] Stuart Taylor, Jr., *School Tax Issue Put to High Court in Shift by Reagan*, N.Y. TIMES (Feb. 26, 1982), http://www.nytimes.com/1982/02/26/world/school-tax-issue-put-to-high-court-in-shift-by-reagan.html.

[27] OFFICE OF PUBLIC AFFAIRS, N.L.R.B, STATEMENT OF THE N.L.R.B CONCERNING THE SUPREME COURT CASE OF N.L.R.B. V. MURPHY OIL USA, INC. (2017), https://www.nlrb.gov/news-outreach/news-story/statement-national-labor-relations-board-concerning-supreme-court-case-nl-0.

[28] 438 U.S. 726 (1978).

[29] Reply Brief for the Petitioner on Writ of Certiorari, F.C.C. v. Pacifica Foundation, 438 U.S. 726 (1978) (No. 77-528) ("We regret that the Department of Justice has changed its mind and no longer supports the Commission's order.").

[30] 463 U.S. 646 (1983).

[31] Fred Barbash, *SEC Censure of Dirks Overturned*, WASH. POST (July 2, 1983), https://www.washingtonpost.com/archive/business/1983/07/02/sec-censure-of-dirks-overturned/b4ffff77-cb79-4432-857e-8d453a306eb8/?utm_term=.1331ec8b32b7.

[32] Matthew C. Stephenson, *Public Regulation of Private Enforcement: The Case for Expanding the Role of Administrative Agencies*, 91 VA. L. REV. 93, 100 (2005).

[33] Comments from the Dep't of Justice on H.R. 5063, the "Stop Settlement Slush Funds Act of 2016," to Members of the H. Comm. on the Judiciary 4 (May 17, 2016) (on file with Democratic staff of the H. Comm. on the Judiciary).

policy decisions involving statutory rights,[34] confers private remedies to ensure the general enforcement of these statutes.[35] As an enforcement agency, the Department should be concerned about the loss of an effective private enforcement remedy, rather than advancing policies to foreclose the vindication of statutory rights.

Requiring individual arbitration before a dispute arises undermines the private enforcement of these statutorily-protected rights. Forced arbitration clauses are often buried in the fine print of employment contracts and signed in haste by employees as a precondition for employment without the benefit of legal counsel.[36] These clauses are used by businesses to limit scrutiny and accountability for unlawful conduct,[37] frustrating the statutory and common law rights protecting workers against negligence and abuse.[38] Businesses have also begun inserting unconscionable terms into these clauses in an effort to circumvent statutory protections, magnifying the importance of preserving access to the courts for employees and consumers.[39]

Accordingly, we are deeply disappointed and expect more than the thin rationale provided by the Justice Department in its revised amicus to justify a complete reversal of its vigorously argued position that collective action waivers are unlawful. The mission of the Justice Department is clear: "To enforce the law and defend the interests of the United States according to the law; to ensure public safety . . . to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans."[40] It cannot be said with any degree of confidence that the Department's decision in *Murphy Oil* to undermine the statutory protections of working Americans supports this mission.

Sincerely,

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[34] *See* Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc., 467 U.S. 837, 866 (1984).

[35] Stephenson, *supra* note 32.

[36] NATIONAL EMPLOYMENT LAW ASSOCIATION, FORCED ARBITRATION, https://www.nela.org/index.cfm?pg=mandarbitration (last visited on June 21, 2017) ("Forced arbitration of workplace claims is anathema to our public justice system because it occurs in secret, private tribunals in the absence of accompanying legal safeguards, such as a written record of the arbitration proceedings, the right to appeal the arbitrator's decision if the law is not applied correctly, or other guarantees that ensure a fair process that exist in a court of law.").

[37] Jessica Silver-Greenberg and Robert Gebeloff, *Arbitration Everywhere, Stacking Deck of Justice*, N.Y. TIMES (Nov. 1, 2015) ("[B]y inserting individual arbitration clauses into a soaring number of consumer and employment contracts, companies . . . devised a way to circumvent the courts and bar people from joining together in class-action lawsuits, realistically the only tool citizens have to fight illegal or deceitful business practices."), https://nyti.ms/2k6cZ1z.

[38] Leslie, *supra* note 18, at 274 ("The expansion of mandatory arbitration to cover consumer and employment contracts, and all causes of action that may arise from them, fundamentally undermines the expansive body of state and federal law designed to protect consumer and worker interests.").

[39] *Id.* at 266.

[40] DEP'T OF JUSTICE, ABOUT DOJ (2017), https://www.justice.gov/about.

BOB GOODLATTE, Virginia
CHAIRMAN

JOHN CONYERS, JR., Michigan
RANKING MINORITY MEMBER

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

July 12, 2017

The Honorable Jeff Sessions, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Sessions,

Last summer, Donald Trump, Jr. met with a Kremlin-connected attorney in an attempt to obtain information "that would incriminate Hillary." Earlier this year, on May 12, 2017, the Department of Justice made an abrupt decision to settle a money laundering case being handled by that same attorney in the Southern District of New York.[1] We write with some concern that the two events may be connected—and that the Department may have settled the case at a loss for the United States in order to obscure the underlying facts.

Accordingly, we respectfully request information about the settlement of *United States v Prevezon Holdings Ltd., et al.* (SDNY No. 13-CIV-6326). An explanation for your decision to settle just two days before trial was set to begin is long overdue.

On June 9, 2016, Donald Trump, Jr., Jared Kushner, and Paul Manafort met with Natalia Veselnitskaya—a Russian lawyer described to the Trump campaign as a "Russian government attorney who is flying over from Moscow."[2] An intermediary promised that Ms. Veselnitskaya would provide the campaign with "official documents and information that would incriminate Hillary and her dealings with Russia and would be very useful" to then-candidate Donald Trump.[3] The offer was "part of Russia and its government support for Mr. Trump."[4] That the President's inner circle was willing to accept this kind of assistance from a foreign adversary is, at best, deeply troubling.

According to emails released by Mr. Trump, this meeting was delayed at least once because "the Russian attorney" was "in court."[5] We now understand that Ms. Veselnitskaya was otherwise engaged as counsel for Denis Katsyv, owner of Prevezon, and that she could not meet

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[1] Natasha Bertrand, *"The offer was too good to refuse": A major Russian money-laundering case was unexpectedly settled in New York*, BUS. INSIDER (May 23, 2017).

[2] Jo Becker, Adam Goldman, and Matt Apuzzo, *Russian Dirt on Clinton? 'I Love It,' Donald Trump Jr. Said*, N.Y. TIMES (July 11, 2017); Harriet Alexander, *'I love it': Donald Trump Jr forced to publish email exchange with response to offer of 'Kremlin' information on Hillary Clinton*, TELEGRAPH (July 11, 2017).

[3] *Id.*

[4] *Id.*

[5] *Id.*

with Mr. Trump because she was scheduled to be in federal court defending her client against charges of fraud and money laundering.[6]

Before President Trump summarily fired him, Preet Bharara, U.S. Attorney for the Southern District of New York, explained the *Prevezon* case this way:

> In 2007, a Russian criminal organization engaged in an elaborate tax refund fraud scheme resulting in a fraudulently-obtained tax refund of approximately $230 million from the Russian treasury....
>
> Members of the criminal organization, and associates of those members, have also engaged in a broad pattern of money laundering in order to conceal the proceeds of the fraud scheme. In a complex series of transfers through shell corporations, the $230 million from the Russian treasury was laundered into numerous accounts in Russia and other countries....
>
> PREVEZON HOLDINGS laundered these fraud proceeds into its real estate holdings, including investment in multiple units of high-end commercial space and luxury apartments in Manhattan, and created multiple other corporations, also subject to the forfeiture action, to hold these properties.[7]

The facts underlying the *Prevezon* case—including the death of Sergei Magnitsky, the Russian lawyer who uncovered the fraud, in a Russian prison—led to the passage of unprecedented sanctions against the Russian officials thought to be complicit.[8]

Nevertheless, two days before trial was set to begin, the Department agreed to settle this $230 million case for less than $6 million and no admission of wrongdoing. Ms. Veselnitskaya told one Russian news outlet that the penalty was so light that it seemed "almost an apology from the government."[9]

In light of recent reporting about Ms. Veslnitskaya, and the troubling timing of her activities in New York, we request answers to the following questions:

1. Was Natalia Veselnitskaya involved at any point in the settlement negotiations of *U.S. v Prevezon Holdings Ltd.*?

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[6] Natasha Bertrand and Sonam Sheth, *Trump's campaign team met with a Russian lawyer believed to work 'at the behest' of the Kremlin*, BUS. INSIDER (July 8, 2017).

[7] Press Release, *Manhattan U.S. Attorney Announces Civil Forfeiture Complaint Against Real Estate Corporations Allegedly Involved in Laundering Proceeds of Russian Tax Refund Fraud Scheme*, Office of the U.S. Atty. for the Southern District of New York, Sept. 30, 2013.

[8] The Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012, Pub. L. 112-208, 126 Stat. 1496.

[9] Oleg Fochkin, *We have made a difficult, but absolutely the right decision*, IZVESTIA, May 14, 2017.

2. Why was the case settled for $6 million just two days before trial was scheduled to begin? Please provide us with the prosecution files and any other explanatory materials related to the settlement.

3. Was there any contact between President Trump, White House personnel, the Trump family, or the Trump campaign with the Department of Justice regarding the *Prevezon* case? If so, please provide details and copies of these communications and any related documents.

4. It is well known that both of the President's adult sons were actively involved in the transition process, and particularly in interviewing and vetting candidates for cabinet positions. Did you discuss the *Prevezon* case with anyone associated with the transition team at any point during the time you were under consideration for Attorney General?

5. In correcting your testimony to the Senate Committee to the Judiciary, you acknowledged that you had held two meetings with Russian Ambassador Sergey Kislyak.[10] Later, in testimony before the Senate Select Committee on Intelligence, you described a possible third meeting at the Mayflower Hotel.[11] Did you discuss the *Prevezon* case with Ambassador Kislyak, or any other Russian official, at any time?

Thank you for your prompt attention to this matter. We note that, as of this writing, the Department owes us a response to at least twelve other outstanding letters. We ask that you respond to each of these requests for information as soon as possible. In any event, we ask that you respond to this letter no later than July 26, 2017.

Sincerely,

John Conyers, Jr. (MI-13)

Jerrold Nadler (NY-10)

Zoe Lofgren (CA-19)

Sheila Jackson Lee (TX-18)

[10] Letter from U.S. Attorney General Jeff Sessions to Sen. Charles Grassley, Chairman, S. Comm. on the Judiciary, and Sen. Dianne Feinstein, Ranking Member, S. Comm. on the Judiciary, Mar. 6, 2017.

[11] *Open Testimony of Attorney General of the United States, Jeff Sessions*, before the S. Select Comm. on Intelligence, June 13, 2017 (statement of U.S. Attorney General Jeff Sessions).

Congress of the United States
House of Representatives
Washington, DC 20515

August 4, 2017

The Honorable Jefferson Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530

Dear Attorney General Sessions:

We write to express strong objections to your decision to reverse the Department of Justice's policies curtailing adoptive seizures. Under this process, state and local law enforcement can receive up to 80 percent of forfeiture proceeds for simply transferring seized property to federal authorities to pursue forfeiture under federal law.

This practice has been criticized as a "bounty" system because it perversely incentivizes state and local law enforcement to seize the property of individuals who may not even be guilty of a crime. Furthermore, in states that restrict civil forfeiture, the policy raises serious federalism concerns by allowing state law enforcement to pursue forfeiture in circumvention of protections provided by state law.

The prior policy issued in January 2015 substantially curtailed adoptive forfeitures. In announcing your decision to reverse these reforms, you claimed to implement "safeguards." None of these steps, however, will provide any meaningful degree of protection against abuse.

The first two steps outlined in the Policy Directive issued by the Criminal Division's Money Laundering and Asset Recovery Section, concerning review of seizures and probable cause determinations, are merely internal assessments that make us no more comfortable with adoptive seizures than we were prior to their curtailment three years ago.

Curiously, the third step would provide additional limitations on certain adoptions, but only for cases of less than or equal to $10,000 – reflecting your decision that higher-dollar cases are somehow less deserving of protections against abuse. In any event, even this degree of protection for the lower dollar cases is largely illusory as the Policy Directive provides that a federal prosecutor in the U.S. Attorney's Office may simply waive the additional procedures in individual cases.

Lastly, the Policy Directive admonishes that the Department should "proceed with particular caution" in seeking the forfeiture of people's homes if they were "not implicated in criminal conduct." We cannot emphasize enough how stunningly inappropriate and brazen it is for the Department to engage in such a practice. That officials charged with the responsibility of protecting the rights of our citizens would contemplate taking personal residences of innocent

homeowners underscores our lack of faith in the discretion to be exercised by Department officials in the prior three "safeguards."

Civil forfeiture, at the federal level and also through adoptive seizures, requires significant reform if is to continue at all. It has become increasingly apparent that the procedures in federal law governing civil forfeiture are fundamentally inadequate. Forfeiture reform has long been a bipartisan issue, raising serious concerns about fairness and due process on both sides of the aisle.

Congress last enacted reform to these laws in 2000, under the Civil Asset Forfeiture Reform Act, sponsored by the late Representative Henry Hyde. We have learned much since passage of that law and have introduced bipartisan legislation, entitled the DUE PROCESS Act, to responsibly increase procedural protection for innocent owners.

We should be reforming civil forfeiture, not expanding it. Therefore, while we pursue legislation on this issue, we ask that you withdraw the newly-announced changes to the Department's adoptive seizure policies.

Although we believe this new policy should be rescinded, we would like additional information concerning the rationale for some of its provisions and your plans to implement them.

1. As discussed above, the Department's Policy Directive admonishes that the Department should "proceed with particular caution" in the forfeiture of people's homes if the owners' were "not implicated in criminal conduct."

   a. What additional oversight does the Department propose to protect innocent homeowners from seizure of their homes?

   b. In what circumstances would the Department consider it appropriate to seize a person's home when that person is not implicated in any criminal conduct?

   c. Does the Department advise any particular caution for seizure of a person's home based on relatively minor criminal conduct?

2. The Department's policy would appear to allow federal adoptions in violation of state law.

   a. If law enforcement is operating in a state that has banned forfeiture, does the Department consider it appropriate for law enforcement to rely on federal law in circumvention of the laws of their state?

b. Would the Department consider federal adoption of a state forfeiture appropriate if the forfeiture were based on simple possession of marijuana in a state that has legalized the drug?

3. Why did the Department propose safeguards exclusively on adoptions valued at less than $10,000? Are higher value forfeitures worthy of less protection? Does this incentivize law enforcement to seize higher value property?

Please reply with written answers to these questions by August 21, 2017.

Sincerely,

F. James Sensenbrenner
Member of Congress

John Conyers, Jr.
Member of Congress

BOB GOODLATTE, Virginia
CHAIRMAN

JOHN CONYERS, JR., Michigan
RANKING MINORITY MEMBER

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

November 7, 2017

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Sessions,

We understand that, more than nine months after the Senate confirmed you as U.S. Attorney General, you will appear before the House Committee on the Judiciary for an oversight hearing. In anticipation of our meeting—and in the hope that you will provide us with answers to our questions that are both responsive and complete—we write to direct your attention to the following matters.

First, as you know, court documents show that George Papadopoulos, a foreign policy advisor to the Trump campaign, communicated with several senior campaign officials about his outreach to the Russia government. The charging document for Mr. Papadopoulos states:

> On or about March 31, 2016, defendant PAPADOPOULOS attended a "national security meeting" in Washington, D.C., with then-candidate Trump and other foreign policy advisors for the Campaign. When defendant PAPADOPOULOS introduced himself to the group, he stated, in sum and substance, that he had connections that could help arrange a meeting between then-candidate Trump and President Putin.[1]

The meeting in question was a meeting of the Trump campaign's National Security Advisory Committee—a working group that you chaired. According to reports and a photograph of the event, you and President Trump were both present for his remarks.

Mr. Papadopoulos's communication with the campaign about his work with Russia was not limited to this single event. Court documents show that he was in regular communication

[1] *U.S. v. George Papadopoulos*, No. 17-CR-182 (RDM), (D.D.C. Oct. 5, 2017).

with a number of senior campaign officials—including Sam Clovis, Corey Lewandowski, Paul Manafort, and Richard Gates.[2] Those officials determined that the campaign's interaction with the Russian government should continue to be delegated to "someone low level in the campaign so as not to send any signal."[3] In other words, officials at the highest levels of the Trump campaign knew about Mr. Papadopoulos's interactions with Russian officials on behalf of the campaign and hoped to hide those interactions from the public.

The record also shows that Mr. Papadopoulos was no mere "low level volunteer."[4] In an interview with the *Washington Post*, then-candidate Trump listed him by name as one of five individuals advising him on foreign policy.[5] He took an active role in commenting to the foreign press on behalf of the Trump campaign.[6] At a campaign event just weeks before the Republican National Convention, he sat to your left at a table reserved for national security advisers.[7]

These facts appear to contradict your sworn testimony on several occasions.

At your confirmation hearing, Senator Al Franken asked: "If there is any evidence that anyone affiliated with the Trump campaign communicated with the Russian government in the course of this campaign, what will you do?" You responded: "**I'm not aware of any of those activities.** I have been called a surrogate at a time or two in that campaign and I did not have communications with the Russians, and I'm unable to comment on it"[8] It was soon shown that you had, in fact, met with Russian officials during the campaign.[9] We wonder if another aspect of your statement may also be inaccurate. You stated that you were "not aware" of any communications between the Trump campaign and the Russian government—but you ran the meeting in which Mr. Papadopoulos explained his intent to do exactly that.

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[2] *Id. See also* Rosalind S. Helderman, *Who's who in the George Papadopoulos court documents*, WASH. POST, Oct. 30, 2017.

[3] *Id.*

[4] President Donald J. Trump (@realDonaldTrump), Twitter, Oct. 31, 2017, 8:16AM.

[5] *A transcript of Donald Trump's meeting with The Washington Post editorial board*, WASH. POST, Mar. 21, 2016.

[6] *See, e.g.*, David M. Weinberg, *The Donald's Foreign Policy*, JERUSALEM POST, Apr. 7, 2016 ("Trump, says Papadopoulos, sees Russian President Vladimir Putin as a responsible actor and potential partner."); Press Association, *David Cameron should "reach out and apologise" to Donald Trump, his advisor says*, TELEGRAPH, May 4, 2016 ("George Papadopoulos said it would be 'wise' for the Prime Minister to 'reach out in a more positive manner' to the Republican front-runner.").

[7] Rosalind S. Helderman et al., *For 'low level volunteer,' Papadopoulos sought high profile as Trump adviser*, WASH. POST, Oct. 31, 2017.

[8] *Attorney General Nomination*, hearing before the S. Comm. on the Judiciary, Jan. 10, 2017 (emphasis added).

[9] Adam Entous *et al.*, *Sessions met with Russian envoy twice last year, encounters he later did not disclose*, Wash. Post, Mar. 1, 2017.

More recently, when Senator Patrick Leahy pressed you to clarify your earlier testimony, you gave three different answers: you had no "improper involvement" with Russian officials; you never personally "had a meeting with any Russian officials to discuss any kind of coordinating campaign efforts"; and you "cannot recall" whether or not you have had a discussion with Russian officials about emails stolen from the DNC.[10] Senator Franken then asked you directly: "You don't believe that surrogates from the Trump campaign had communications with the Russians?"[11] You responded unequivocally: "**I did not—and I'm not aware of anyone else that did.** I don't believe that happened."[12]

Again, it is difficult to square this statement with the facts. If, as recent reports suggest, you rejected Mr. Papadopoulos's suggestion that President Trump meet with Vladimir Putin at that March 31 meeting[13]—a fact you appear to have remembered only after Mr. Papadopoulos's account was made public[14]—it seems likely that you were "aware" of communications between the Russian government and surrogates of the Trump campaign.

When you appear before our Committee, we intend to ask you about these inconsistencies. We are providing you with notice in advance because we expect you to respond. We will urge our Chairman to resort to compulsory process if you do not.

Second, to date, our members have sent more than forty letters to the Administration asking for information necessary to carry out our oversight of the Department of Justice. We have not yet received a single meaningful response to any of the letters—including the following, sent directly to the Department:

- February 3, 2017 – Ranking Members of the Judiciary, Homeland Security, and Foreign Affairs committees write to Acting Attorney General Dana Boente, requesting information about reports that President Trump intends to overhaul the Administration's Countering Violent Extremism program in a manner that would target and single out Muslim Americans.

- February 14, 2017 – All Judiciary and Oversight committee Democrats write to Attorney General Jeff Sessions and FBI Director James Comey, calling for a briefing on Michael Flynn's communications with Russian officials.

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[10] *Oversight of the U.S. Dept. of Justice*, hearing before the S. Comm. on the Judiciary, Oct. 18, 2017.

[11] *Id.*

[12] *Id.* (emphasis added).

[13] Manu Raju and Jim Acosta, *Trump didn't dismiss idea when foreign policy adviser suggested setting up Putin meeting*, CNN, Nov. 1, 2017.

[14] Denis Slattery, *Sessions suddenly remembers he rejected Trump, Putin meeting idea*, N.Y. DAILY NEWS, Nov. 2, 2017.

- March 6, 2017 – All Judiciary Committee Democrats write to Acting Deputy Attorney General Dana J. Boente and White House Counsel Don McGahn II, asking the Department of Justice to address the accuracy of assertions made by President Trump accusing President Obama of wiretapping his phones prior to the election.

- March 16, 2017 – Ranking Member Conyers, together with Representatives Nadler, Jackson Lee, and Jeffries, write to Attorney General Jeff Sessions about his decision to fire all 46 sitting United States Attorneys without warning.

- March 22, 2017 – Ranking Member Conyers and Representative Richmond write to Attorney General Jeff Sessions highlighting issues affecting the black community.

- March 31, 2017 – Ranking Member Conyers, together with Representatives Lieu and Jeffries, write to Attorney General Jeff Sessions asking him to clarify the scope of his recusal from any investigation of the Trump campaign.

- April 14, 2017 – Several members, including Representatives Nadler, Lieu, and Raskin, write to FBI Director James Comey and National Background Investigations Bureau Director Charles Phalen, asking for Jared Kushner's security clearance to be suspended.

- May 9, 2017 – Ranking Member Conyers and each of the subcommittee ranking members call on the Department of Justice and the FBI to preserve all Russia investigation documents and materials related to the firing of FBI Director James Comey.

- May 12, 2017 – Ranking Member Conyers and Ranking Member Elijah Cummings of the House Committee on Oversight & Government Reform write to Deputy Attorney General Rod Rosenstein about the Attorney General's recusal and his participation in the decision to remove FBI Director James Comey.

- June 12, 2017 – All Judiciary Committee Democrats write to Attorney General Jeff Sessions with questions about former FBI Director Comey's congressional testimony and the Attorney General's compliance with the terms of his recusal.

- July 6, 2017 – Ranking Member Conyers, Representative Cicilline, and several other members write to Attorney General Jeff Sessions about the rights of working people to collectively hold their employers accountable for wage theft, employment discrimination, and other unlawful workplace conduct.

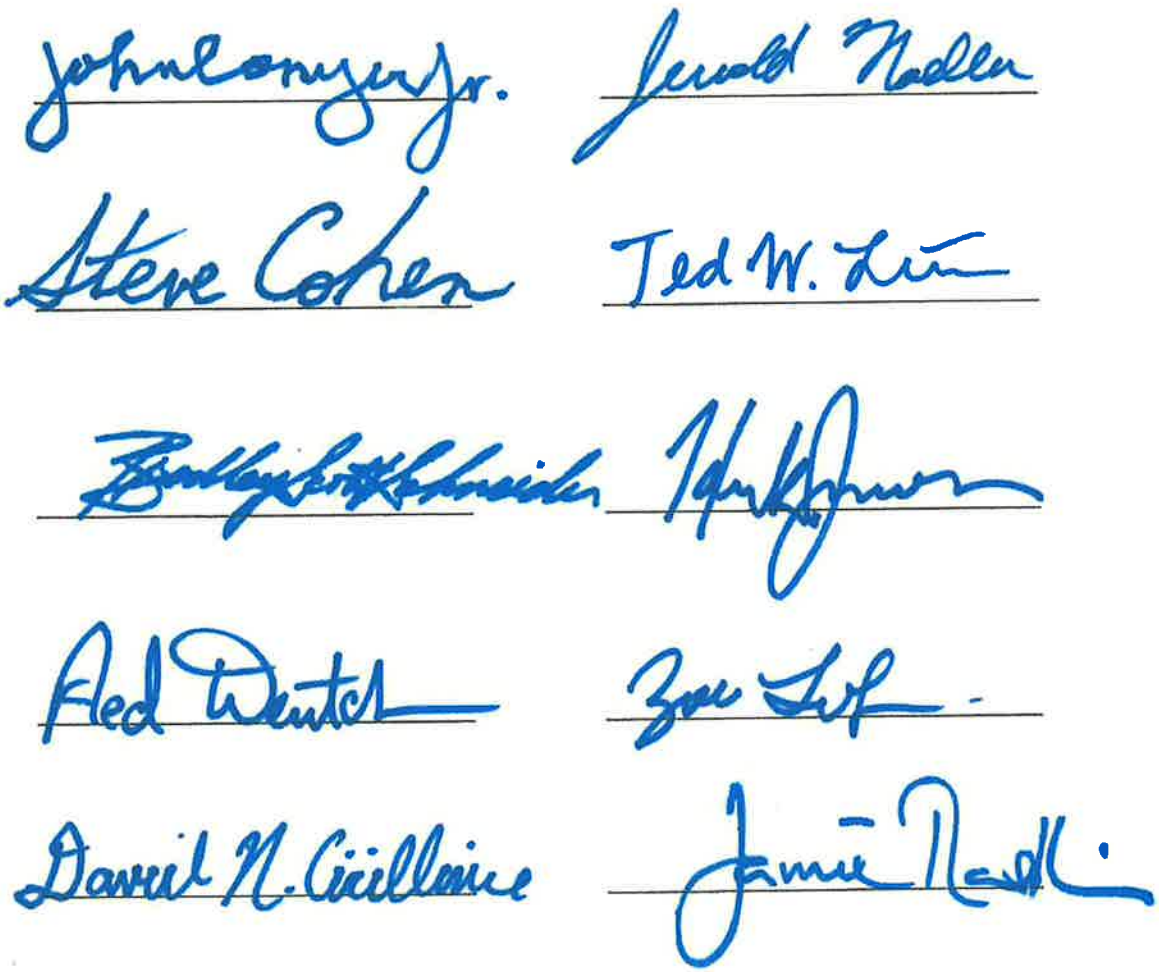
- July 12, 2017 – All Judiciary Committee Democrats write to Attorney General Jeff Sessions requesting information about his decision to abruptly settle *United States v*

Prevezon Holdings Ltd, a money laundering case concerning Russian sanctions, New York real estate holdings, and Natalia Veselnitskaya, the Kremlin-linked lawyer who met with Donald Trump, Jr. in 2016.

- August 4, 2017 – Ranking Member Conyers and Representative Jim Sensenbrenner write to Attorney General Jeff Sessions to express concerns and objections to his proposal to expand the Department of Justice's civil asset forfeiture program.

The Department's inability to respond to these letters on a timely basis is unacceptable. We expect a prompt response to every reasonable oversight request—whether or not Chairman Goodlatte has signed his name to the inquiry. At our hearing, we intend to ask you both about the matters described in these letters and about your decision to ignore the letters themselves.

Sincerely,



cc: Bob Goodlatte, Chairman, House Judiciary Committee