

# United States Senate

March 15, 2017

The Honorable Donald Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

The Honorable Jeff Sessions  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20350

Dear President Trump and Attorney General Sessions:

As Americans who put our country and democracy above all else, I believe we must work together to preserve the integrity of our democracy. As part of this effort, I understand that the Department of Justice (DOJ) is conducting an investigation into Russian interference with the 2016 elections. However, recent actions by White House officials have raised questions regarding your Administration's willingness to be transparent regarding its campaign's contacts with Russian officials and interference with ongoing law enforcement matters.

Earlier this month, Attorney General Sessions recused himself from any DOJ investigation into Russian interference with the 2016 elections after failing to disclose to the Senate Judiciary Committee his prior meetings with the Russian ambassador. In addition, Michael T. Flynn, the former National Security Advisor, resigned after it was revealed that he misled top White House officials about his conversations with the Russian ambassador to the United States. Further, the White House confirmed that Jared Kushner participated in the meeting with Mr. Flynn and the Russian ambassador in December 2015.

Yet, your administration has repeatedly denied that anyone on the campaign had contact with Russia leading up to or during the campaign. On February 14<sup>th</sup>, just one day after Mr. Flynn resigned, White House Press Secretary Sean Spicer refused to acknowledge whether anyone on the Trump campaign had any contact with the Russians before the election.<sup>[1]</sup> Given this concerning pattern, I believe that more must be done to ensure the integrity of the DOJ investigation into Russian interference with the 2016 elections. Specifically, I urge you to direct White House officials to publically disclose any contacts they had or campaign staff had with Russian Ambassador Sergey Kislyak, or any other Russian government officials or intermediaries since you announced your candidacy for President on June 16, 2015. Additionally, I urge you to publically disclose the names of any White House officials who have had contact with the DOJ, FBI, and other law enforcement agencies regarding the ongoing investigations into Russia's interference in our elections.

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<sup>[1]</sup> White House Press Briefing by Press Secretary Sean Spicer, February 14, 2017, available at <https://www.whitehouse.gov/the-press-office/2017/02/14/press-briefing-press-secretary-sean-spicer-2142017-12>

It has been a long-standing policy throughout both Republican and Democratic administrations that DOJ's investigative and prosecutorial activities should be free from political influence or partisan considerations.<sup>[2]</sup> Accordingly, DOJ's policy across administrations has been to limit communications between the White House the DOJ and the FBI regarding pending Department investigations or criminal cases. Yet, recent reports raise serious concerns about whether White House officials recognize these principles. Specifically, it has been publically reported that White House Chief of Staff Reince Priebus contacted the Federal Bureau of Investigation (FBI) and requested that the agency challenge news reports that affiliates of the Trump campaign had contacts with Russian intelligence officials.<sup>[3]</sup>

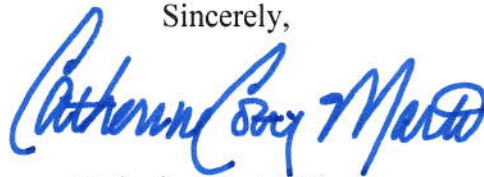
Given the fact that affiliates of the Trump campaign may be subjects of DOJ's investigation, it is of utmost importance that DOJ officials work with the appropriate White House officials to ensure they refrain from any attempts to influence or interfere with ongoing criminal investigations.

In order to ensure transparency and prevent any interference with ongoing law enforcement matters, I urge you to do the following:

- Issue a policy on White House contacts with the DOJ and federal law enforcement agencies that abides by the long-standing policy limiting contacts between White House officials and law enforcement agencies during ongoing criminal investigations or enforcement matters.
- Direct White House officials with connections to the Trump campaign including but not limited to Mr. Bannon, Mr. Priebus, Mr. Miller, Ms. Conway, and Mr. Kushner to have no involvement or communications with DOJ or FBI investigations into the Russian interference with the 2016 elections.

Several of your top advisors had major roles in the Trump campaign and as current political appointees were not required to receive the advice and consent of the Senate. Given this lack of oversight and the need to ensure the integrity of the ongoing investigations, I urge you to stand by DOJ's long-standing policy of limited communications with the White House.

Sincerely,



Catherine Cortez Masto

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<sup>[2]</sup> See, Address by Attorney General Griffith B. Bell to Department of Justice Lawyers, Sept. 6, 1978, available at <https://www.justice.gov/sites/default/files/ag/legacy/2011/08/23/09-06-1978b.pdf>; Laura Jakes Jordan, "Mukasey to Restrict Case Discussions," Washington Post, Dec. 19, 2007, available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/05/19/AR2007051900015.html>; Memorandum from Attorney General Eric Holder to Heads of Department Components ALL United States Attorneys, "Communications with the White House and Congress," May 11, 2009, available at <https://lawfare.s3-us-west-2.amazonaws.com/staging/2017/2009%20Eric%20Holder%20memo.pdf>; Kathryn Ruemmler, *Prohibited Contacts with Agencies and Departments*, Memorandum for All White House Office Staff, March 23, 2012 ("Ruemmler Memo").

<sup>[3]</sup> The Associated Press, "White House Says Chief of Staff Not Wrong to Talk to FBI," Feb. 25, 2017, NY Times, available at <https://www.nytimes.com/aponline/2017/02/25/us/politics/ap-us-trump-russia.html>; Isaac Arnsdor, "Priebus request to FBI violated norms, if not rules," Politico, Feb. 24, 2017 available at <http://www.politico.com/story/2017/02/reince-priebus-fbi-contact-trump-235351>