

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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

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

December 3, 2018

VIA ELECTRONIC TRANSMISSION

The Honorable Richard Blumenthal
United States Senator

Dear Senator Blumenthal:

I received your letter regarding Donald Trump Jr. dated December 3, 2018, which had an electronic filename also dating it as November 30, 2018. In your letter, you wrote:

Recent press reports indicate that Donald Trump Jr. may have lied in his statements to the Committee on September 7, 2017. Mr. Trump Jr. testified to the Committee that he was only “peripherally aware” of the Trump organization’s negotiations with the Russians in 2015 to build a Trump Tower Moscow, a deal about which he knew “very little.” The President’s former personal lawyer and long-time fixer Michael Cohen testified in federal court last week, however, that discussions to build a Trump Tower in Moscow took place through at least the summer of 2016, while then-candidate Trump was clinching the Republican nomination, and that Cohen briefed members of Trump’s family within the Trump organization of those developments.

You referenced “recent press reports” for that claim, but did not cite any in the footnote to that sentence. I suspect I know why. On November 30, 2018, NPR published a story titled “Trump Jr.’s 2017 Testimony Conflicts with Cohen’s Account of Russian Talks.”¹ The article made this argument – claiming that Cohen’s acknowledgement that the real estate efforts had continued into 2016 somehow implicated Trump Jr., as though Trump Jr. had told the Committee it had ended earlier. That was fake news.² The author had mischaracterized a section of the transcript

¹ Phil Ewing, *Trump Jr.’s 2017 Testimony Conflicts with Cohen’s Account of Russian Talks*, NPR (Nov. 30, 2018). Available at <https://www.npr.org/2018/11/30/672188201/trump-jr-s-2017-testimony-conflicts-with-cohen-s-account-of-russian-talks>

² Mollie Hemingway, *NPR Blatantly Lies About Donald Trump Jr.’s 2017 Senate Testimony*, THE FEDERALIST (Nov. 30, 2018); Lukas Mikelionis, *False Claim of Trump Jr. Legal Jeopardy Forces NPR to Issue Correction*, FOX NEWS (Dec. 1, 2018).

referring to a different, earlier attempt that had ended before the presidential campaign. NPR corrected the story, admitting:

An earlier version of this report mischaracterized an answer Donald Trump Jr. gave to Senate investigators in 2017 about the prospective projects his family was negotiating with people in Moscow. . . . Trump Jr. did acknowledge in his testimony that Cohen and another man were exploring a possible deal in Moscow in 2015 or 2016.³

The interview transcript clearly reflects this acknowledgement.⁴ Any claim to the contrary is incorrect.

Your letter also seems to claim that Mr. Cohen's acknowledgement that he briefed members of the Trump family on the efforts is somehow inconsistent with Mr. Trump Jr.'s statement to the Committee that he was aware, peripherally, of the deal. But there is nothing inconsistent about these statements. Mr. Trump Jr. told the Committee he was aware of the efforts by Mr. Cohen and Mr. Sater; that he knew that a letter of intent had been signed by his father but did not know who the counterparty was because he, Trump Jr., had not been involved in arranging the letter of intent.⁵ When asked by Committee investigators: "Did you have any involvement in this potential deal in Moscow?" Mr. Trump acknowledged he knew of it, saying: "Like I said, I was peripherally aware of it."⁶ There is nothing inconsistent here. Mr. Cohen says he briefed members of the Trump family about the effort; Mr. Trump Jr. said he was aware of the deal, but was not involved in arranging the letter of intent.

Puzzlingly, your letter also cites yet another claim that was the subject of a high-profile retraction. You cited a CNN article from July 2018 to imply that Mr. Trump Jr. may have lied when he said he did not tell his father in advance about the June 9, 2016 Trump Tower meeting.⁷ That CNN article cited an anonymous source to claim that Mr. Cohen had witnessed Mr. Trump Jr. tell his father about the meeting beforehand. That anonymous source was later revealed to be Lanny Davis, Cohen's attorney, who retracted his claim in a bizarre media spectacle, which your office seems to have missed.⁸ As the *Washington Post* later explained:

³ *Supra* note 1 (emphasis added).

⁴ Trump Jr. Transcript at 62-63.

⁵ Trump Jr. Transcript at 174-76, 189-90.

⁶ Trump, Jr. Transcript at 176.

⁷ Jim Sciutto, Carl Bernstein, and Marshall Cohen, *Cohen Claims Trump Knew in Advance of 2016 Trump Tower Meeting*, CNN, July 26, 2018.

⁸ Tom Hamburger and Rosalind Helderman, *Attorney for Michael Cohen Backs Away from Confidence that Cohen has Information about Trump's Knowledge on Russian Efforts*, THE WASHINGTON POST (Aug. 26, 2018). Available at https://www.washingtonpost.com/politics/attorney-for-michael-cohen-backs-away-from-confidence-that-cohen-has-information-about-trumps-knowledge-on-russian-efforts/2018/08/26/09d7f26e-a876-11e8-97ce-cc9042272f07_story.html. See also Aaron Blake, *Michael Cohen's Lawyer Has Done Real Damage to the Case Against Trump*, THE WASHINGTON POST (Aug. 27, 2018). Available at https://www.washingtonpost.com/politics/2018/08/27/michael-cohens-lawyer-has-done-real-damage-case-against-trump/?utm_term=.9d2afea17d6e. Hallie Jackson, *Lanny Davis Says He Was Wrong About Trump Tower Meeting and Cohen*, NBC NEWS (Aug. 28, 2018). Available at <https://www.nbcnews.com/politics/donald-trump/lanny-davis-says-he-was-wrong-about-trump-tower-meeting-n904521>

In a pair of new interviews with *The Washington Post* and *BuzzFeed*, Davis has backed off two massive claims he made in recent weeks, including that former Trump lawyer Michael Cohen had told people he witnessed President Trump being informed of Donald Trump Jr.'s 2016 Trump Tower meeting with a Russian lawyer before it happened. He has also admitted he was the source for the initial report on that claim -- despite denying it last week.⁹

That initial report is the very CNN article you cited.

Your letter also attempted to raise questions about perceived inconsistencies between Mr. Trump Jr.'s interview with the Committee, the transcript of which I released on May 16, 2018, and a subsequent *New York Times* article published on May 19, 2018. Unfortunately, as we have seen all too frequently, reporting related to the Russia investigation and the Trump campaign has often been inaccurate.¹⁰ Even if this reporting is entirely accurate, it is not clear that anything in that article contradicts Mr. Trump, Jr.'s testimony, let alone materially so. While it is possible there could be contradictions, there are potentially innocuous explanations as well.

Mr. Cohen did plead guilty to lying to Congress, and must be held to account for doing so. Congress must be able to get true information from witnesses in order to perform its constitutional duties. In the heated political environment surrounding the Russia investigation, it is also important to understand what Mr. Cohen specifically did, and did not, lie about, and not to draw unwarranted conclusions. Notably, the Special Counsel did not charge Mr. Cohen with lying to Congress when he stated:

Given my own proximity to the President of the United States as a candidate, let me also say that I never saw anything - not a hint of anything - that demonstrated his involvement in Russian interference in our election or any form of Russian collusion. I emphatically state that I had nothing to do with any Russian involvement in our electoral process.¹¹

Of course, where we do have actual evidence of misleading testimony in Committee interviews, we should treat it seriously. For example, when the Committee staff interviewed Glenn Simpson in August of 2017, Majority staff asked him: "So you didn't do any work on the Trump matter after the election date, that was the end of your work?" Mr. Simpson answered: "I had no client after the election."¹² As we now know, that was extremely misleading, if not an outright lie.

⁹Aaron Blake, *Michael Cohen's Lawyer Has Done Real Damage to the Case Against Trump*, THE WASHINGTON POST (Aug. 27, 2018).

¹⁰ See, e.g., Amber Athey, *The Definitive List of Media Screw-Ups on the Trump-Russia Story*, THE DAILY CALLER (May 3, 2018); Shane Savitsky, *The Media's Russia Probe Meltdown: 3 Screw-Ups in One Week*, AXIOS (Dec. 8, 2017).

¹¹ Available at <https://www.cnn.com/2017/09/19/politics/read-michael-cohen-statement/index.html>

¹² Simpson Transcript 290:5-9.

Contrary to Mr. Simpson's denial in the staff interview, according to the FBI and others, Fusion actually did continue Trump dossier work for a new client after the election. As part of the public release of the House Intelligence Committee's majority report on its Russia investigation, the executive branch declassified some previously classified information from an FBI document.¹³ That information detailed a March 2017 meeting between Daniel Jones and the FBI. Mr. Jones stated that he was leading a research and investigatory advisory organization called the Penn Quarter Group, which "had secured the services Steele, his associate [redacted], and Fusion GPS to continue exposing Russian interference in the 2016 Presidential election."¹⁴ Mr. Jones further told the FBI that the Penn Quarter Group "was being funded by 7 to 10 wealthy donors located primarily in New York and California, who provided approximately \$50 million."¹⁵ The report noted that Mr. Jones stated he planned to push the information he obtained from Fusion and Steele to policymakers on Capitol Hill,¹⁶ the press, and the FBI.¹⁷ As with statements to the Committee, statements to the FBI, like Mr. Jones', are subject to 18 U.S.C. § 1001. So, despite the fact Mr. Simpson said he had no client after the election, he in fact did, and that client revealed himself to the FBI.

Similarly, in the process of the Kavanaugh confirmation, the Committee received several statements from purported accusers later shown to be false. I hope that the Justice Department is handling all these instances of false statements to Congress with the same level of seriousness they treated Mr. Cohen's.

In sum, I do not believe the examples you have cited warrant bringing Mr. Trump Jr. back in for an additional Committee interview. If you have more questions for him, I respectfully suggest you write to his attorneys.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

¹³ H. PERMANENT SELECT COMM. ON INTELLIGENCE, REPORT ON RUSSIAN ACTIVE MEASURES 113 (Mar. 22, 2018).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ I do not know if, during the course of our investigation, Mr. Jones has fed Fusion's information to the Minority as part of his ongoing campaign.

¹⁷ *Supra* note 13.