

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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February 15, 2019

The Honorable Elijah E. Cummings  
Chairman  
Committee on Oversight and Reform  
2157 Rayburn House Office Building  
Washington, D.C. 20515

Dear Mr. Chairman:

We request you immediately call Department of Justice Deputy Attorney General Rod Rosenstein and former Deputy Director of the Federal Bureau of Investigation (FBI) Andrew McCabe to publicly testify before our Committee. The conduct of these officials raises a number of questions about decisions made after FBI Director James Comey was fired by the President. In the eight days after Comey's firing, Rosenstein conducted a series of meetings to discuss ways of getting the President. McCabe, a participant in some of the Rosenstein meetings, is now relating these facts publicly to promote his book.<sup>1</sup> Rosenstein has disputed McCabe's account.<sup>2</sup> The Committee should hear from both of them so our Members and the American people can determine what to believe.

During our joint investigation with the House Judiciary Committee, former FBI General Counsel James Baker testified that between May 9 and May 17, 2017, Rosenstein organized a series of meetings with Department officials, including McCabe, to strategize methods to counter the President.<sup>3</sup> Rosenstein and his cabal postulated a range of ideas – from Rosenstein wearing a

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<sup>1</sup> *McCabe Says He Ordered the Obstruction of Justice Probe of President Trump*, 60 MINUTES (Feb. 14, 2019), <https://www.cbsnews.com/news/andrew-mccabe-says-he-ordered-the-obstruction-of-justice-case-of-president-trump-60-minutes/>.

<sup>2</sup> Daniel Chaitin, *DOJ rebuffs Andrew McCabe: Claim that Rod Rosenstein sought to oust Trump 'inaccurate and factually incorrect'*, WASH. EXAMINER (Feb. 14, 2019).

<sup>3</sup> See Transcribed Interview of James Baker 6-7 Day 2, Oct. 18, 2018 (Mr. Baker). I believe there were a couple of different meetings, and they -- I believe there were a couple of different meetings, and each time, I think, it was the day after because I believe the meetings went late into the evening. That's to the best of my recollection. Mr. Jordan. Okay. And is it your understanding that there were multiple meetings that Mr. McCabe, Ms. Page, Mr. Rosenstein had about the potential of recording the President? Mr. Baker. I don't know. I know that they had multiple meetings with the Deputy Attorney General discussing a lot of things in the immediate aftermath of the firing, and I don't specifically remember how many times this was discussed. Mr. Jordan. So, just to be clear, the firing of Mr. Comey took place on May 9th, and then the hiring of the special counsel took place on May 17th. So these numerous meetings and the one you had with Mr. McCabe and Ms. Page took place between the 9th and the 17th? Mr. Baker. I believe that's correct."). *Id.* at 11 (Mr. Baker: "...And then there are these -- some number of conversations with the Deputy Attorney General about what to do next, what needs to be done, and my recollection is numerous topics

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wire to secretly record the President to Rosenstein recruiting cabinet members to invoke the 25th Amendment.<sup>4</sup>

McCabe is a critical figure in all of this. He was fired from the FBI for lying to the FBI's Inspections Division, the DOJ Office of Inspector General, and his supervisor about leaks to the media.<sup>5</sup> McCabe was aiming to counter the narrative he was biased in favor of former Secretary of State Hillary Clinton. The DOJ Inspector General found McCabe disclosed FBI investigative details "designed to advance his personal interests at the expense of Department leadership."<sup>6</sup> Due to compromising the Department's standards of integrity, McCabe was ultimately terminated at the FBI based on the recommendation of the career staff of the Office of Professional Responsibility.<sup>7</sup> McCabe's dishonesty under oath resulted in the Inspector General referring McCabe, the Acting FBI Director, to federal prosecutors to assess if criminal charges are appropriate.<sup>8</sup>

Instead of calling Michael Cohen to testify for the Committee's first big hearing, you should bring in Rosenstein and McCabe to explain their conduct. We appreciate your consideration of this request and look forward to hearing from you.

Sincerely,



Jim Jordan  
Ranking Member



Mark Meadows  
Ranking Member  
Subcommittee on Government Operations

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were discussed, and these were among them. The wearing the wire and the 25th Amendment were one of a list, one or two of a list of things that we were going -- that people were going through to try to figure out what to do...").

<sup>4</sup> Transcribed Interview of James Baker 137 Day 1, Oct. 3, 2018 (Baker: "...It was I believe to the best of my recollection it was some combination of them that they told me that there had been a conversation with the DAG about the idea of the DAG wearing a wire into a conversation or conversations with the President."); *Id.* at 143 (Baker: "...The 25th Amendment conversation, my understanding was that there was a conversation in which it was said I believe by the DAG that there were -- that there were two members of the cabinet who were willing to go down this road already..."); U.S. CONST. AMEND. XXV, § 4.

<sup>5</sup> INSPECTOR GEN., DEP'T OF JUSTICE, *A Report of Investigation of Certain Allegations Relating to Former FBI Deputy Director Andrew McCabe*.

<sup>6</sup> INSPECTOR GEN., DEP'T OF JUSTICE, *A Report of Investigation of Certain Allegations Relating to Former FBI Deputy Director Andrew McCabe*, 2, (2018); *see also id.* at 34.

<sup>7</sup> *Statement by Attorney General on firing of FBI's McCabe*, REUTERS, March 17, 2018. ("As the OPR proposal stated, 'all FBI employees know that lacking candor under oath results in dismissal and that our integrity is our brand.'").

<sup>8</sup> Karoun Demirjian et al., *Inspector general referring findings to U.S. attorney for consideration of criminal charges*, WASH. POST (April 19, 2018).