

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074

<http://oversight.house.gov>

February 25, 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 renew our request that you call Deputy Attorney General Rod Rosenstein to publicly testify before our Committee, and recommend he appears alongside Michael Cohen on Wednesday, February 27, 2019. Cohen has pleaded guilty to crimes of deception and lies, including lying to Congress.¹ In Cohen's sentencing proceeding, two Justice Department components—the U.S. Attorney's Office for the Southern District of New York and the Special Counsel's Office—provided information about the Department's views of Cohen's crimes and conduct. As the Deputy Attorney General, with direct supervision of these entities, only Rosenstein can speak to the views of both Department components.

Rosenstein's appearance would also allow the Committee to continue its ongoing oversight of the Department of Justice. 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 former FBI Deputy Director Andrew McCabe, to strategize methods to get back at the President for firing FBI Director James Comey.² Rosenstein and others contemplated a range of ideas, from Rosenstein wearing a wire to secretly record the President to Rosenstein recruiting cabinet

¹ Press Release, Dep't of Justice, Michael Cohen Sentenced to 3 Years in Prison (Dec. 12, 2018), <https://www.justice.gov/usao-sdny/pr/michael-cohen-sentenced-3-years-prison>.

² See Transcribed Interview of James Baker 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 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...").

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members to invoke the 25th Amendment.³ McCabe, a participant in some of the Rosenstein meetings, is now relating these facts publicly to promote his book.⁴ Rosenstein has disputed McCabe's account.⁵

If you intend to proceed with Michael Cohen as the star witness of the Committee's first big hearing, Members should have an opportunity to assess his credibility. We have asked several times that you request information and documents from the Justice Department about Cohen and his crimes. You have refused to do so. The next best alternative, if the Committee is to have a fair and thorough hearing, is to have a Justice Department witness to speak to these matters. By virtue of his position, Rosenstein is the appropriate witness for this task. We therefore strongly urge you to invite Rosenstein to the Committee's hearing on February 27, 2019. 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

³ 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.

⁴ *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/>.

⁵ Daniel Chaitin, *DOJ Rebuffs Andrew McCabe: Claim that Rod Rosenstein Sought to Oust Trump 'Inaccurate and Factually Incorrect'*, WASH. EXAMINER (Feb. 14, 2019).