

Congress of the United States

Washington, DC 20515

December 18, 2017

The Hon. Robert Goodlatte
Chairman
House Judiciary Committee
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Goodlatte:

We write to request that the Committee hold hearings concerning President Donald Trump's threat to abuse his pardon power.

On December 15, 2017, when asked if he would pardon former National Security Advisor Michael Flynn, President Trump responded: "I don't want to talk about pardons for Michael Flynn yet. We will see what happens."¹

As you know, Special Counsel Robert Mueller's investigation has directly implicated several of President Trump's closest advisors—including Mr. Flynn, who has pleaded guilty to a single count of lying to the FBI and pledged to cooperate with the investigation as it moves forward.² The Committee must anticipate the possibility that, as the investigation develops, it may further implicate additional White House officials, the President's family, and perhaps even the President himself. President Trump, by sending a signal that he may pardon Michael Flynn and perhaps others willing to assist Mr. Mueller, has raised serious concerns about obstruction of justice and abuse of the pardon power.

As we have previously written, it is imperative that we seek to understand the full extent of Russia's efforts to influence our democratic institutions—including the theft of information from the Democratic National Committee and certain campaign officials, the targeting of at least 21 state election systems, and the manipulation of social media platforms to sow disinformation

¹ *Trump doesn't want to talk about Flynn pardon 'yet,'* ASSOC. PRESS, Dec. 15, 2017 (emphasis added).

² Josh Gerstein et al., *Flynn pleads guilty to lying to the FBI*, POLITICO, Dec. 1, 2017.

and divide the American people. According to a remarkable amicus brief filed this week by fourteen former national security officials, the Russian government's objectives are clear: "to undermine confidence in democratic leaders and institutions; sow discord between the United States and its allies; discredit candidates for office perceived as hostile to the Kremlin; influence public opinion against U.S. military, economic, and political programs; and create distrust or confusion over sources of information."³ It would be irresponsible for our Committee to continue to ignore this threat, or any threat to the Special Counsel's work in this regard.

As you may recall, every Democratic Member of the Committee wrote to you in August to request an oversight hearing on President Trump's controversial pardon of former Maricopa County Sheriff Joe Arpaio.⁴ We never received a response to this request. Representative Jerrold Nadler (D-NY) raised the issue again at last week's hearing with Deputy Attorney General Rosenstein, noting that we also have not held a hearing on how "President Trump sidelined the Office of the Pardon Attorney to pardon a serial human rights abuser who bragged about running a concentration camp in Arizona."⁵

The issue of abuse of the pardon power need not be a partisan issue. In fact, in 2001, our Committee held a hearing on the question of President Bill Clinton's use of the pardon power.⁶ We ask for the same type of forum to discuss both the Arpaio pardon and the President's stated willingness to consider pardoning Mr. Flynn and perhaps others implicated in the Russia investigation.

For these reasons, we urge you to hold hearings on this threatened abuse of the pardon power as promptly as possible.

Sincerely,



³ Brief of Former National Security Officials as Amicus Curiae in Support of Neither Party, *Cockrum v. Trump*, No. 1:17-cv-1370-ESH (D.D.C. Dec. 8, 2017). See also Natasha Bertrand, *Former high-level officials submit 'unusual' Russia brief in lawsuit against Trump and Roger Stone*, Business Insider, Dec. 14, 2017.

⁴ Ranking Member John Conyers, Jr., et al., to Chairman Bob Goodlatte, H. Comm. on the Judiciary, Aug. 30, 2017.

⁵ *Hearing with Deputy Attorney General Rod J. Rosenstein*, before the H. Comm. on the Judiciary, Dec. 13, 2017 (statement of Ranking Member Jerrold Nadler).

⁶ *Presidential Pardon Power*, before the Subcomm. on the Constitution of the H. Comm. on the Judiciary, Feb. 26, 2001.

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