

United States Senate

WASHINGTON, DC 20510

May 11, 2017

The Honorable Michael Horowitz
Inspector General
The Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Inspector General Horowitz:

We are writing to ask that you examine Justice Department officials' involvement in President Trump's decision on May 9 to dismiss FBI Director James Comey. We ask that you review the circumstances and any actions related to the dismissal, as well as the Justice Department's recommendation that Director Comey be terminated, to include but not limited to:

- The nature and timing of any communications and actions of White House and Justice Department officials, including any effort to orchestrate the dismissal of the FBI Director, or any indication that the stated public justification served as a pretext for dismissing the FBI Director for other reasons.
- The nature of any communications, and any actions undertaken as a result of such communications, between Director Comey and the offices of the Attorney General and Deputy Attorney General related to this investigation, including drafting and review of Congressional testimony, case updates, and requests for additional resources.
- Whether the Attorney General's actions related to his supervision of Director Comey or the dismissal of Director Comey were consistent with his stated recusal "from any existing or future investigations of any matter relating in any way to the campaigns for president of the United States," as announced on March 2.
- Whether the Attorney General, Deputy Attorney General, or other officials in the Justice Department, in the course of their actions related to the dismissal of Director Comey, engaged in any misconduct or violated any duty – including the duty set forth in federal regulations for government officials to avoid any conduct that gives the appearance of a violation of law or ethical standard, regardless of whether there is an actual violation of law.

On March 2, 2017, Attorney General Sessions announced that he had recused himself from matters dealing with the Trump campaign. He specifically stated: "I have now decided to recuse myself from any existing or future investigations of any matter relating in any way to the campaigns for president of the United States."

On March 20, 2017, in testimony before the House Permanent Select Committee on Intelligence, Director Comey confirmed that the FBI was “investigating the Russian government’s efforts to interfere in the 2016 presidential election,” including “investigating the nature of any links between individuals associated with the Trump campaign and the Russian government and whether there was any coordination between the campaign and Russia’s efforts.”

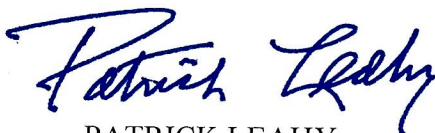
The FBI Director indicated in testimony before the Senate Judiciary Committee on May 3, 2017, that its investigation into Russian interference in the 2016 election was ongoing.

On May 9, 2017, Attorney General Sessions wrote to President Trump, stating: “Based on my evaluation . . . I must recommend that you remove Director James B. Comey, Jr.” Given that Attorney General Sessions had recused himself from the critical Russia investigation led by Director Comey, it is of great concern that Attorney General Sessions would recommend that Director Comey be fired while the investigation is ongoing. Recusal, or disqualification due to conflict of interest, from a given matter does not typically mean the recused individual is permitted to make personnel decisions for the lead investigator of such matter.

The President’s letter dismissing the FBI Director cited a memorandum from Deputy Attorney General Rosenstein, also dated May 9, 2017. The Deputy Attorney General’s memo noted several errors in judgment made by Director Comey, and the Attorney General’s letter recommended that Director Comey be dismissed. However, multiple press reports indicated that White House and Justice Department officials “had been working on building a case against Mr. Comey” for at least a week, and that Sessions “had been charged with coming up with reasons to fire him.”¹ It is of great concern that this memo was written only days after Director Comey reportedly asked the Deputy Attorney General for additional funds for the investigation. And just today, President Trump told NBC News: “I was going to fire Comey. . . . Regardless of the recommendation I was going to fire Comey.”²

We believe these circumstances merit a thorough review, and we urge you to address this matter with the utmost urgency. We look forward to your review and a report on your findings.

Sincerely,



PATRICK LEAHY
United States Senator



DIANNE FEINSTEIN
United States Senator

¹ <https://www.nytimes.com/2017/05/09/us/politics/comey-trump-fbi-live.html>.

² <http://www.nbcnews.com/news/us-news/trump-reveals-he-asked-comey-whether-he-was-under-investigation-n757821>.

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RICHARD J. DURBIN
United States Senator

A handwritten signature in blue ink, appearing to read "Sheldon Whitehouse".

SHELDON WHITEHOUSE
United States Senator

A handwritten signature in blue ink, appearing to read "Amy Klobuchar".

AMY KLOBUCHAR
United States Senator

A handwritten signature in blue ink, appearing to read "Al Franken".

AL FRANKEN
United States Senator

A handwritten signature in blue ink, appearing to read "Chris Coons".

CHRISTOPHER A. COONS
United States Senator

A handwritten signature in blue ink, appearing to read "Richard Blumenthal".

RICHARD BLUMENTHAL
United States Senator

A handwritten signature in blue ink, appearing to read "Mazie Hirono".

MAZIE K. HIRONO
United States Senator