



July 25, 2017

The Honorable Chuck Grassley
Chair, Committee on the Judiciary
U.S. Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member, Committee on the
Judiciary
U.S. Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Feinstein:

In the six months since his inauguration, President Trump and senior officials in his administration have regularly defied norms and broken protocols that previously operated to ensure the impartiality and independence of federal law enforcement,¹ including taking actions at times that have concerned the Senate Judiciary Committee.²

Last week, as a result of your Committee's scrutiny of nominees to serve as United States Attorneys, another breach of traditional norms and practices that have previously insulated Department of Justice prosecutors from political influence came to light. It has been reported that Mr. Trump personally interviewed Jessie K. Liu in connection with her potential nomination to serve as the U.S. Attorney for the District of Columbia, a personal contact that no other current nominees to serve as U.S. Attorney reported to your Committee.³

In light of the critical importance of ensuring that federal criminal law enforcement activities are impartial and free from any appearance of political influence, traditionally the President has not directly interviewed candidates to serve as U.S. Attorney. This historical practice symbolically maintains the important separation between politics and federal prosecution decisions. Mr. Trump's personal intervention and interview in connection with Ms. Liu's nomination not

¹ See, e.g., Isaac Arnsdorf, *Priebus Request to FBI Violated Norms, If Not Rules*, POLITICO (Feb. 24, 2017, 12:49 PM), <http://www.politico.com/story/2017/02/reince-priebus-fbi-contact-trump-235351>; Ari Melber et al., *Did AG Sessions Violate His Recusal by Advising on Comey Firing?*, NBC NEWS (May 10, 2017, 6:45 PM), <http://www.nbcnews.com/news/us-news/did-ag-sessions-violate-his-recusal-advising-comey-firing-n757576>; Michael D. Shear & Matt Apuzzo, *F.B.I. Director James Comey Is Fired by Trump*, N.Y. TIMES, May 9, 2017, <https://www.nytimes.com/2017/05/09/us/politics/james-comey-fired-fbi.html>.

² See Alexander Bolton, *Grassley Rankles GOP with New Comey Investigation*, THE HILL (June 16, 2017, 6:00 AM), <http://thehill.com/homenews/senate/338057-grassley-rankles-gop-with-new-comey-investigation>.

³ Laura Jarrett, *President Has Rare Meeting with US Attorney Nominee*, CNNPOLITICS (July 20, 2017, 8:52 PM), <http://www.cnn.com/2017/07/20/politics/donald-trump-jessie-liu-dc-us-attorney/index.html>.



only breaks with this historical practice, but also raises particular concerns in light of the jurisdiction for which Ms. Liu has been nominated. The U.S. Attorney's Office for the District of Columbia is not only the largest federal prosecutor's office, but its jurisdiction over the nation's capital means it handles many high-profile, politically sensitive cases⁴ and extends to most potential wrongdoing by federal officials during the Trump administration.

That Mr. Trump chose to break protocol in connection with the nominee to serve in this sensitive office also raises concern in the context of Mr. Trump's reported efforts to seek assurances of loyalty from other federal law enforcement officials, including former FBI Director James Comey,⁵ and what might be viewed as a larger pattern of attempted interference by the Trump White House with the investigative priorities of the Department of Justice.⁶ The public is left with serious questions of whether Mr. Trump appreciates the historical independence of the Department—a

⁴ See Scott Higham et al., *The Recording That Undid the Chandra Levy Murder Case*, WASH. POST, Aug. 6, 2016, https://www.washingtonpost.com/local/the-recording-that-undid-the-chandra-levy-murder-case/2016/08/06/0ce8b72a-5b45-11e6-9767-f6c947fd0cb8_story.html?utm_term=.79a5f1d353a9; Spencer S. Hsu, *Judge Sets Sept. 2017 Trial Date for Benghazi Terror Suspect Abu Khattala*, WASH. POST, June 23, 2016, https://www.washingtonpost.com/world/national-security/judge-sets-sept-2017-trial-date-for-benghazi-terror-suspect-abu-khattala/2016/06/23/20dfa3b4-3986-11e6-a254-2b336e293a3c_story.html?utm_term=.0188c5fd9520; Juliet Macur, *Clemens Found Not Guilty of Lying About Drug Use*, N.Y. TIMES, June 18, 2012, <http://www.nytimes.com/2012/06/19/sports/baseball/roger-clemens-is-found-not-guilty-in-perjury-trial.html>.

⁵ See Michael S. Schmidt, *In a Private Dinner, Trump Demanded Loyalty. Comey Demurred.*, N.Y. TIMES, May 11, 2017, <https://www.nytimes.com/2017/05/11/us/politics/trump-comey-firing.html>; see also Phillip Bump, *Donald Trump Would Like to Request Your Loyalty*, WASH. POST, Jan. 31, 2017, https://www.washingtonpost.com/news/politics/wp/2017/01/31/donald-trump-would-like-to-request-your-loyalty/?utm_term=.6c8795215094; Madeline Conway, *Conway: Trump Expects People in His Administration to 'Be Loyal to the Administration'*, POLITICO (May 11, 2017, 10:34 AM), <http://www.politico.com/story/2017/05/11/trump-loyalty-james-comey-firing-238262>.

⁶ See Natasha Bertrand, *'He Will Not Let This Investigation Run Its Natural Course': Trump's War on the DOJ Is Reaching New Levels*, BUS. INSIDER (Jul. 21, 2017, 9:25 AM), *of the Free World*, N.Y. TIMES, July 5, 2017, <https://www.nytimes.com/http://www.businessinsider.com/trump-mueller-russia-investigation-finances-2017-7>; Michael M. Grynbaum, *The Network Against the Leader* [m/2017/07/05/business/media/jeffrey-zucker-cnn-trump.html](https://www.nytimes.com/2017/07/05/business/media/jeffrey-zucker-cnn-trump.html) Michael M. Grynbaum, *The Network Against the Leader* [m/2017/07/05/business/media/jeffrey-zucker-cnn-trump.html](https://www.nytimes.com/2017/07/05/business/media/jeffrey-zucker-cnn-trump.html); Donald J. Trump (@realDonaldTrump), TWITTER (July 24, 2017, ("So why aren't the Committees and investigators, and of course our beleaguered A.G., looking into Crooked Hillarys crimes & Russia relations?")), <https://twitter.com/realDonaldTrump/status/889467610332528641> ("So why aren't the Committees and investigators, and of course our beleaguered A.G., looking into Crooked Hillarys crimes & Russia relations?").

subject of serious concern for the Committee just a year ago,⁷ and his meeting with Ms. Liu raises significant questions regarding what assurances or guarantees Mr. Trump might have sought during that conversation.

In light of this context, American Oversight, a nonpartisan organization dedicated to accountability and ethics in government, calls upon the Senate Judiciary Committee to hold a public hearing—before moving forward on Ms. Liu’s nomination—during which Ms. Liu can fully relate her conversation with Mr. Trump and provide assurances that the president sought no untoward commitments from her in connection with her potential nomination. In an open hearing, senators should ask Ms. Liu to fully describe any and all interactions she has had with Mr. Trump in connection with her nomination, including any efforts by Mr. Trump or White House staff to influence the investigative priorities or actions of the Office of the U.S. Attorney for the District of Columbia. Indeed, given the president’s ongoing efforts to influence Department of Justice inquiries, the integrity of the U.S. Attorney’s Office requires Ms. Liu to recount her conversation with Mr. Trump and reveal whether he attempted to solicit a commitment of personal loyalty, and provide assurances that her nomination was not conditioned on any pledge either to initiate or not to initiate any particular investigation, as well as steps she will take to protect her office from improper influence.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal flourish extending to the left.

Austin R. Evers
Executive Director
American Oversight

⁷ Hanna Trudo, *FBI Could Leak Clinton Email Investigation, Grassley Warns*, POLITICO (Apr. 22, 2016, 10:33 PM), <http://www.politico.com/story/2016/04/hillary-clinton-emails-chuck-grassley-fbi-leak-222345>.