

Congress of the United States
House of Representatives
Washington, DC 20515

March 06, 2018

Dear Attorney General Sessions and Deputy Attorney General Rosenstein:

Matters have arisen – both recently and otherwise – which necessitate the appointment of a Special Counsel. We do not make this observation and attendant request lightly. We have tremendous respect for the women and men of federal law enforcement and federal prosecution. In the vast majority of fact patterns, the Department of Justice, the career prosecutors and law enforcement professionals who serve there, and the U.S. Attorneys' Offices throughout the country are fully capable of investigating, evaluating, charging where appropriate, and prosecuting matters for which there is federal jurisdiction.

Nevertheless, there are instances in which an actual or potential conflict of interest exists or appears to exist, or there are matters in which the public good would be furthered, and an independent Special Counsel is warranted as the relevant Federal regulations provide.

We believe that, in the case of certain decisions made and not made by the Department of Justice and FBI in 2016 and 2017, both an actual conflict of interest exists and separately, but equally significantly, the public interest requires the appointment of a Special Counsel.

With respect to potential and actual conflicts of interest, decisions made and not made by both former and current Department of Justice and FBI officials have led to legitimate questions and concerns from the people whom we all serve. There is evidence of bias, trending toward animus, among those charged with investigating serious cases. There is evidence political opposition research was used in court filings. There is evidence this political opposition research was neither vetted before it was used nor fully revealed to the relevant tribunal. Questions have arisen with the FISA process and these questions and concerns threaten to impugn both public and congressional confidence in significant counterintelligence program processes and those charged with overseeing and implementing these counterintelligence processes.

Because the decisions of both former and current Department of Justice and FBI officials are at issue, we do not believe the Department of Justice is capable of investigating and evaluating these fact patterns in a fashion likely to garner public confidence. In addition, while we have confidence in the Inspector General for the Department of Justice, the DOJ IG does not have the authority to investigate other governmental entities or former employees of the Department, the Bureau, or other agencies.

Some have been reluctant to call for the appointment of a Special Counsel because such an appointment should be reserved for those unusual cases where existing investigative and prosecutorial entities cannot adequately discharge those duties. We believe this is just such a case.

Accordingly, we request that you appoint a Special Counsel to review decisions made and not made by the Department of Justice and the FBI in 2016 and 2017, including but not limited to evidence of bias by any employee or agent of the DOJ, FBI, or other agencies involved in the investigation; the decisions to charge or not charge and whether those decisions were made consistent with the applicable facts, the applicable law, and traditional investigative and prosecutorial policies and procedures; and whether the FISA process employed in the fall of 2016 was appropriate and devoid of extraneous influence.

Thank you for your prompt attention to this important request.

Sincerely,



Bob Goodlatte
Chairman, House Judiciary Committee



Trey Gowdy
Chairman, House Oversight and
Government Reform Committee

cc: Ranking Member Jerrold Nadler
Ranking Member Elijah Cummings