



March 2, 2017

The Honorable Charles Grassley
Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

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

Re: Need for a Public Investigation by the Senate Judiciary Committee on Possible Perjury by the Attorney General on His Communications with Russian Officials, and Other Matters Related to Alleged Russian Interference in an American Election

Dear Chairman Grassley and Senator Feinstein:

The American Civil Liberties Union strongly urges you to open a public investigation—including open hearings with sworn witnesses—into whether Attorney General Jeff Sessions committed perjury, or otherwise misled the Committee, in his sworn testimony before the Senate Judiciary Committee on January 10, 2017 and in his written submission to the committee one week later. We also urge that the Committee conduct a broader—and public—investigation into any other matters related to communications between the Trump campaign or administration officials and supporters and Russia and its agents, as well as any other acts by the Russian government to interfere with an American election.

An open investigation, with public hearings, is the only way to ensure the American people that the Senate takes seriously both the need for truthfulness to Congress and the ability of the United States to carry out an American presidential election without foreign interference. While the intelligence committees have stated their interest in investigating aspects of the alleged Russian interference in the election, the Judiciary Committee should exercise its own jurisdiction over its confirmation process, the Department of Justice and Federal Bureau of Investigation, and wrongdoing related to elections.

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During sworn testimony before the Senate Judiciary Committee on January 10, 2017, Senator Al Franken asked then-Senator Sessions, who had acted as an advisor to the Trump campaign and to the transition, about claims that “anyone affiliated with the Trump campaign” had communicated with the Russian government. Senator Sessions testified, “I have been called a surrogate at a time or two in that campaign and I did not have communications with the Russians.”

One week later, on January 17, 2017, Senator Sessions submitted his written responses to Senator Patrick Leahy’s questions for the record. Senator Leahy asked—underlining the word “you”—“Several of the President Elect’s nominees or senior advisers have Russian ties. Have you been in contact with anyone connected to any part of the Russian government about the 2016 election, either before or after election day?” Senator Sessions wrote a one-word response, “No.”

The *Washington Post* reported last night that Senator Sessions had met twice last year with Russian Ambassador to the United States Sergey Kislyak, including a private meeting in Senator Sessions’ Washington office in September. Attorney General Sessions issued a statement last night that does not dispute that the meetings took place, but instead states that he did not discuss the campaign with the ambassador.

The report of meetings between then-Senator Sessions and the Russian ambassador does not square with his testimony before the Senate Judiciary Committee, particularly the statement that “I did not have communications with the Russians.” The need for the Attorney General and all high-level government officials to tell the truth could not be more important. The nation cannot afford to have anyone covering up wrongdoing, particularly when the underlying concerns regarding Russian interference in a presidential election are so grave. The nation needs a clear—and public—accounting of the extent to which the Russian government interfered in the 2016 presidential election, and any role by any Trump campaign staff or supporters in facilitating or concealing interference in the election.

Then-Senator Sessions explained the concern about the corrosive effect of perjury, after voting to remove President Bill Clinton from office in 1999:

It has been proven beyond a reasonable doubt and to a moral certainty that President William Jefferson Clinton perjured himself before a Federal grand jury and has persisted in a continuous pattern of lying and obstructing justice. The chief law-enforcement officer of the land, whose oath of office calls on him to preserve, protect and defend the Constitution, crossed the line and failed to defend and protect the law and, in fact, attacked the law and the rights of a fellow citizen. Under our Constitution, equal justice requires that he forfeit his office. For these reasons, I felt compelled to vote to convict and remove the President from office. . . .

It is crucial to our system of justice that we demand the truth. I fear that an acquittal of this President will weaken the legal system by providing an option for those who consider being less than truthful in court. Whereas the handling of the case against President Nixon clearly strengthened the nation's respect for law, justice and truth, the Clinton impeachment may unfortunately have the opposite result.

The concern is greater here, where the alleged perjury relates to a much broader matter about possible criminal interference with an American presidential election.

There is ample precedent for Senate action. In 1999, Senator Sessions himself stated, "The Senate has demonstrated three times in the last thirteen years that perjury by civil officers of the United States requires removal."

We appreciate the commitment of Senators Lindsey Graham and Sheldon Whitehouse, as chairman and ranking member of the Crime and Terrorism Subcommittee, to investigate the role of Russia in the recent American election. The new allegations of possible perjury by the Attorney General make clear the need for an even broader and deeper investigation, with the full support and resources of both the full committee and the subcommittee. Full and open hearings will help assure the American people that the Senate values the rule of law and its principle that no one is above the law or beyond its reach.

Thank you for your attention to this matter, and we look forward to your response. Please let us know if you have any questions regarding this matter.

Sincerely,



Faiz Shakir
Director



Chris Anders
Deputy Director