



March 2, 2017

The Honorable Jeff Sessions
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The Honorable Dana Boente
Acting Deputy Attorney General
Department of Justice
Robert F. Kennedy Building
10th Street and Constitution Avenue, NW
Washington, DC 20530

Re: Request for the Appointment of an Outside Special Prosecutor to Investigate and Prosecute Possible Perjury by the Attorney General on His Communications with Russian Officials, and Other Criminal Matters Related to Communications Between Trump Campaign or Administration Officials and Supporters and Russia and Its Agents

Dear Attorney General Sessions and Acting Deputy Attorney General Boente:

The American Civil Liberties Union strongly urges you to have the Acting Deputy Attorney General appoint an outside special prosecutor to open an investigation into whether Attorney General Jeff Sessions committed perjury 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, in appointing an outside special counsel for a perjury investigation, that the same prosecutor have authority to conduct a broader investigation into any other criminal 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 outside special counsel is the only way to ensure that all persons who violated the law will be held accountable for criminal wrongdoing. Fundamental to the rule of law and a functioning democracy is the bedrock principle that no person is above the law or beyond its reach.

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 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. To the extent any of these acts constitute crimes, they should be criminally investigated, and prosecuted, if warranted.

We are including Acting Deputy Attorney General Boente on this letter because, given the serious allegations of possible perjury against Attorney General Sessions, the Attorney General should follow the special counsel regulation and recuse himself from the matter, and instead ask the Acting Deputy Attorney General to appoint an outside special counsel. These steps would help assure the American people that the Department of Justice 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,

A handwritten signature in black ink, appearing to read 'Faiz Shakir'.

Faiz Shakir
Director

A handwritten signature in black ink, appearing to read 'Chris Anders'.

Chris Anders
Deputy Director