Congress of the United States
Washington, DC 20515

March 04, 2019

The Hon. William Barr
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, D.C. 20530

Dear Attorney General Barr,

We are deeply disturbed by recent reports that President Trump ordered his Chief of Staff, John Kelly, to grant Jared Kushner a security clearance, overruling intelligence officials who raised concerns about the clear national security risks of doing so.[1] Taken together with previous reports that Mr. Kushner omitted contacts with more than one hundred foreign persons on his clearance forms – including the Russian Ambassador – we request that the Department of Justice open an immediate investigation to determine if Mr. Kushner is criminally liable for his false statements.

On February 28, the *New York Times* reported that President Trump personally intervened in the clearance process, demanding that his son-in-law be granted a clearance. More than an act of blatant nepotism, the President's actions so threatened the integrity of our national security apparatus that Mr. Trump's Chief of Staff felt the need to document the order through a contemporaneous memo.

Mr. Kushner and Ivanka Trump have both apparently lied in various public interviews and in statements, saying that the President never directed Kelly to grant a clearance for his son-in-law. In an interview on ABC News' *The View* on February 8, Ivanka Trump said, "The President had no involvement pertaining to my clearance or my husband's clearance – zero."[2]

Mr. Kushner's lawyer, Abe Lowell, also attested to the fact that Mr. Kushner's "application was properly submitted, reviewed by numerous career officials and underwent the normal process."[3] On January 31, in an interview with the *New York Times*, the President himself said, "I was never involved with the security…I know that there was [sic] issues back and forth about security for numerous people, actually. But I don't want to get involved in that stuff."[4]

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[1] Maggie Haberman, Michael S. Schmidt, Adam Goldman and Annie Karni, "Trump Ordered Officials to Give Jared Kushner a Security Clearance," *New York Times*, February 28, 2019.
[2] Haberman, "Ivanka Trump Denies President Was Involved in Granting Security Clearance," *New York Times*, February 8, 2019.
[3] Haberman, "Trump Ordered Officials to Give Jared Kushner a Security Clearance," *New York Times*, February 28, 2019.
[4] Haberman, "Excerpts from Trump's Interview with the New York Times," *New York Times*, January 31, 2019.

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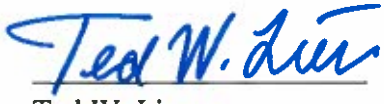
Lying to the public, though disgraceful and unethical, is not *ispo facto* a criminal act. Lying on one's SF-86 Questionnaire for National Security Positions, however, is a federal crime under 18 U.S. Code § 1001 punishable by up to five years in prison.[5] It was previously reported that Mr. Kushner had to submit at least three separate addenda detailing over 100 omissions, including the infamous June 2016 meeting he attended in Trump Tower where Russian agents offered "dirt" on then-candidate Hillary Clinton.[6] He also failed to report his meeting with Russian Ambassador Sergey I. Kislyak and the head of Russian-owned bank Vnesheconombank.

Chairman Elijah Cummings (D-MD) indicated recently the House Committee on Oversight and Reform has accelerated their investigation into the White House security clearance process. However, there is a strong role for the Department of Justice to play in launching a concurrent criminal probe to safeguard our national security secrets and ensure our laws are being upheld – especially given the fact that Chairman Cummings recently stated the White House has not been cooperative in the Committee's probe.[7]

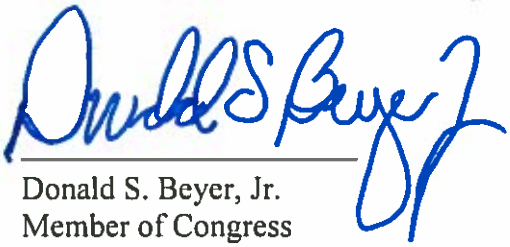
The threats posed by ill-gotten security clearances are not theoretical. As the *Washington Post* reports, the U.S. intelligence community has intercepted numerous communications from foreign nationals discussing how they could manipulate Mr. Kushner, "taking advantage of his complex business arrangements, financial difficulties he had at the time and his lack of foreign-policy experience."[8]

Ultimately, the President and his son-in-law have made a mockery of the security clearance process. Their actions put U.S. national security at risk and offend the thousands of dedicated career officials who both grant and receive clearances the correct way. As Attorney General, your loyalty is to the United States, not Mr. Kushner or even the President. We look forward to a prompt response and thank you for your attention to this serious matter.

Sincerely,



Ted W. Lieu
Member of Congress



Donald S. Beyer, Jr.
Member of Congress

TWL:mdc

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[5] 18 U.S. Code § 1001. Statements or entries generally, *Legal Information Institute,* Cornell University.
[6] Mark Landler and Maggie Haberman, "With Glare on Trump Children, Political Gets Personal for President," *New York Times,* July 12, 2017.
[7] Ben Siegel and John Santucci "As questions loom about Jared Kushner's security clearance, House committee says White House not cooperating in probe" *ABC News*, February 28, 2019.
[8] Josh Dawsey, Seung Min Kim, and Shane Harris, "Trump demanded top-secret security clearance for Jared Kushner last year despite concerns of John Kelly and intelligence officials," *Washington Post,* February 28.