

Congress of the United States
House of Representatives
Washington, DC 20515-2306

May 22, 2024

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Garland:

Michael D. Cohen has proven to be a pathological liar, particularly to Congress. In November 2018, Mr. Cohen pled guilty to lying to the U.S. Senate Select Committee on Intelligence.¹ Since then, he has been referred to the U.S. Department of Justice (DOJ) on **at least three separate occasions** by Republicans on the House Committee on Oversight and Accountability, House Permanent Select Committee on Intelligence (HPSCI), and House Committee on the Judiciary for committing perjury and knowingly making false statements during his testimony at a Congressional hearing and deposition:

1. On February 28, 2019, top Republicans on the then-House Committee on Oversight and Reform sent a criminal referral to the DOJ listing six instances in which Mr. Cohen committed perjury and knowingly made false statements during his testimony before the committee on February 27, 2019.²
2. On November 14, 2023, HPSCI Chairman Mike Turner (OH-10) and House Republican Conference Chair Elise Stefanik (NY-21) sent a criminal referral to the DOJ with evidence that Mr. Cohen committed perjury and knowingly made false statements while being deposed before the committee on February 28, 2019.³
3. On May 8, 2024, House Committee on Oversight and Accountability Chairman James Comer (KY-01) and House Committee on the Judiciary Chairman Jim Jordan (OH-04)

¹ Associated Press, *Michael Cohen pleads guilty to lying to Congress*. Politico. Retrieved May 22, 2024, from <https://www.politico.com/story/2018/11/29/michael-cohen-making-surprise-court-appearance-in-new-york-102610>.

² Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on Oversight and Reform, and Rep. Mark Meadows, Ranking Member, H. Subcomm. on Govt Operations, to Hon. William Barr, Att'y Gen., U.S. Dept of Justice (Feb. 28, 2019).

³ Letter from Rep. Michael Turner, Chairman, H. Permanent Select Comm. on Intelligence, and Rep. Elise Stefanik to Hon. Merrick Garland, Att'y Gen., U.S. Dept. of Justice (Nov. 14, 2023).

sent an additional criminal referral to the DOJ for Mr. Cohen's lies to the House Oversight Committee in February 2019 and inquired about what action the DOJ has since taken to hold Mr. Cohen accountable.⁴

Specifically, during his testimony before the House Committee on Oversight and Reform on February 27, 2019, Mr. Cohen repeatedly claimed that he did not seek employment in President Trump's White House, despite evidence from the U.S. Attorney's Office for the Southern District of New York demonstrating that "Cohen privately told friends...that he expected to be given a prominent role and title in the new administration."⁵

Earlier this month, on May 2, Mr. Cohen's lie to Congress was further confirmed when a witness in the *People v. Donald J. Trump* criminal case gave a firsthand account of Mr. Cohen's rage in December 2015 about not receiving a job in the Trump administration.⁶ Two weeks later, on May 13, Mr. Cohen personally admitted that he "had conversations with a lot of people about working with President Trump in the White House" and "would have liked to be considered" for the Chief of Staff role under President Trump "for ego purposes."⁷

Also while testifying in *People v. Donald J. Trump* on May 20, Mr. Cohen admitted to stealing tens of thousands of dollars from the Trump Organization.⁸ In other words, the prosecution's star witness admitted to a more significant felony than what the prosecution has charged former President Trump with.

Despite Mr. Cohen's record of lying under oath and being a self-admitted thief, Manhattan District Attorney Alvin Bragg is currently utilizing Mr. Cohen as his star witness in the prosecution of President Joe Biden's chief political rival, former President Trump, who is the presumptive Republican nominee for president. Bragg's case relies heavily on Mr. Cohen's credibility and 2019 testimony to the House Committee on Oversight and Reform in which he lied at least six times.⁹

⁴ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight and Accountability, to Hon. Merrick Garland, Att'y Gen., U.S. Dept of Justice (May 8, 2024).

⁵ Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on Oversight and Reform, and Rep. Mark Meadows, Ranking Member, H. Subcomm. on Govt Operations, to Hon. William Barr, Att'y Gen., U.S. Dept of Justice (Feb 28, 2019).

⁶ *People v. Donald J. Trump*, p. 1856 (N.Y. Sup. Ct. 2024) <https://pdfs.nycourts.gov/PeopleVs.DTrump-71543/transcripts/5-02-2024.pdf>.

⁷ *People v. Donald J. Trump*, p. 3855 (N.Y. Sup. Ct. 2024) <https://pdfs.nycourts.gov/PeopleVs.DTrump-71543/transcripts/5-16-2024/00106.html>.

⁸ Emma Colton, *NY v Trump: Michael Cohen admits to stealing tens of thousands from former president's business*, Fox News, Retrieved May 22, 2024, from <https://www.foxnews.com/politics/ny-v-trump-michael-cohen-admits-stealing-tens-thousands-former-presidents-business>.

⁹ Letter from Rep. Jim Jordan, Chairman, H. Comm. on Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight and Accountability, to Hon. Merrick Garland, Att'y Gen., U.S. Dep't of Justice (May 8, 2023).

Under 18 U.S.C. § 1001, a witness commits a crime if the witness “knowingly and willfully” makes “any material false, fictitious, or fraudulent statement or representation” with respect to “any investigation under review, conducted pursuant to the authority of any committee...of the Congress.”¹⁰ Under 18 U.S.C. § 1621, a witness commits perjury if the witness “willfully” asserts “any material matter which he does not believe to be true” after “having taken an oath” to “testify . . . truly.”¹¹

Given the overwhelming evidence against Mr. Cohen, his record as a convicted liar, his admission to theft, and the use of his testimony as the basis for the prosecution of a former president, the DOJ must take immediate action on the criminal referrals submitted by multiple congressional committees. The Biden administration’s DOJ already appears to be colluding with the Manhattan District Attorney in the case against former President Trump, considering that Matthew Colangelo left his position as a senior Justice Department official to prosecute his former boss’ political rival. Any further effort to protect the District Attorney’s star witness, Mr. Cohen, only enhances the appearance that the DOJ is engaging in a two-tiered application of justice.

In the interest of transparency and to help the American public retain faith in its institutions, I ask that you promptly comply with any document request made by congressional committees regarding Mr. Colangelo and provide our committee chairs a written response as to why you have not moved forward with the indictment of Mr. Cohen, despite criminal referrals from multiple congressional committees.

Sincerely,

A handwritten signature in blue ink that reads "Tom Emmer". The signature is written in a cursive, flowing style. The first name "Tom" is written with a large, sweeping capital "T". The last name "Emmer" is written with a capital "E" and several loops.

Tom Emmer
Member of Congress

¹⁰ 18 U.S.C. § 1001

¹¹ 18 U.S.C. § 1621