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U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

November 14, 2023

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

Dear Mr. Attorney General:

We write to refer compelling evidence that Michael D. Cohen appears to have committed perjury and knowingly made false statements while testifying under oath during his deposition before the House Permanent Select Committee on Intelligence (“Committee”) on February 28, 2019.

Specifically, on October 25, 2023, while testifying in the trial *People of the State of New York v. Donald J. Trump et al.*, No. 452564/2022 (N.Y. Sup. Ct.), Mr. Cohen admitted that the testimony he gave before the Committee in 2019 was knowingly and intentionally false.

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.” 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.” Congress cannot perform its oversight function if witnesses who appear before its committees do not provide truthful testimony. Perjury and false statements before Congress are crimes that undermine the integrity of the Constitutional duty to conduct oversight and inquiries.

The points below support an investigation into whether Mr. Cohen committed perjury or made false statements at the Committee’s deposition:

1. Mr. Cohen sat for a deposition before the House Permanent Select Committee on Intelligence on February 28, 2019. The deposition was held in executive session, and the transcript of the deposition was released to the public by the Committee.¹ At this

¹ U.S. House Permanent Select Committee on Intelligence, Deposition of Michael Cohen, February 28, 2019, s3.documentcloud.org/documents/6019076/HMTG-116-IG00-20190520-SD002.pdf [hereinafter *Committee Deposition*].

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deposition Mr. Cohen was advised that it is unlawful to provide false testimony to Congress. Mr. Cohen also swore that his testimony was truthful.

MR. GOLDMAN: Finally, you are reminded that it is unlawful to deliberately provide false information to Members of Congress or staff.

As this interview is under oath, Mr. Cohen, would you please stand and raise your right hand?

Do you swear or affirm that the testimony you're about to give today is the whole truth and nothing but the truth?

MR. COHEN: I do.²

2. During Mr. Cohen's testimony before the House Permanent Select Committee on Intelligence on February 28, 2019, he was asked about the personal financial statement of then-President Donald Trump. Mr. Cohen testified:

MR. GOLDMAN: Did Mr. Trump direct you or Mr. Weiselberg to inflate the numbers for his personal statement?

MR. COHEN: I'm sorry. Did he ask me to inflate the numbers? Not that I recall, no.³

That deposition testimony continues with Mr. Cohen's explaining what Mr. Trump did direct him to do with the personal financial statement.⁴

3. On October 25, 2023 Mr. Cohen was called as a witness in the trial *People of the State of New York v. Donald J. Trump et al*, No. 452564/2022 (N.Y. Sup. Ct.). On cross-examination, Mr. Cohen was specifically asked about his testimony before the Committee on February 28, 2019.

At trial, Mr. Cohen was first presented with the transcript of his testimony before the Committee.⁵

MS. HABBA: Can you, please, pull up 92:6. "QUESTION: Did Mr. Trump direct you or Mr. Weisselberg to inflate

² Committee Deposition at 6-7.

³ *Id.* at 149.

⁴ *Id.* at 149-150.

⁵ Transcript of Record at 2407:24-2410:22, *People of the State of New York v. Donald J. Trump et al.*, No. 452564/2022, Part 37 (N.Y. Sup. Ct. Oct. 25, 2023) [hereinafter *Court Transcript*].

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The numbers on his personal statement?” Your answer, “I’m sorry. Did he ask me to inflate the numbers?” And what do you say, Mr. Cohen?

MR. COHEN: I stated, “not that I recall.”

MS. HABBA: Not that I recall. That’s not all you said.

MR. COHEN: No.

MS. HABBA: No. Those are your words, correct?

MR. COHEN: Those are my words.⁶

Mr. Cohen was then asked if his prior testimony was truthful, and Mr. Cohen stated that he lied under oath in his February 28, 18 2019 testimony before the Committee.

MS. HABBA: Mr. Cohen, were you being honest in front of the Permanent Select Committee when you testified on February 28, 18 2019?

MR. COHEN: No.

MS. HABBA: So you lied under oath in February of 2019? Is that your testimony?

MR. COHEN: Yes.⁷

This statement by Mr. Cohen raises significant questions about his testimony before the Committee.

Mr. Cohen’s testimony at the New York trial is inconsistent with his testimony before the Committee. That Mr. Cohen was willing to openly and brazenly state at trial that he lied to Congress on this specific issue is startling. His willingness to make such a statement alone should necessitate an investigation.

In sum, Mr. Cohen’s testimony before the House Permanent Select Committee on Intelligence on February 28, 2019 is contradicted by his reported recent testimony on October 25, 2023. Mr. Cohen’s prior conviction for lying to Congress merits a heightened suspicion that he has yet again testified falsely before Congress. We therefore request that the Department investigate whether any of Mr. Cohen’s testimony warrants another charge for the violation of 18 U.S.C. §§ 1001 or 1621.

⁶ Court Transcript at 2409:1-12.

⁷ *Id.* at 2410:16-22.

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Thank you for your attention to this important matter.

Sincerely,

Handwritten signature of Michael Turner in blue ink.

Michael Turner
Chairman
House Permanent Select
Committee on Intelligence

Handwritten signature of Elise M. Stefanik in blue ink.

Elise M. Stefanik
Member of Congress

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