

United States Senate

WASHINGTON, DC 20510

October 11, 2017

The Honorable Jeff Sessions
Attorney General
Department of Justice
950 Pennsylvania Ave, NW
Washington, D.C. 20530

Dear Attorney General Sessions:

In light of your upcoming appearance before the Senate Judiciary Committee, we write to express our expectation that you will answer Members' questions fully and truthfully. With respect to potential assertions of executive privilege on behalf of the president, we wish to put you on notice that any reasonable period of abeyance on many of the issues about which you will be asked has long elapsed.

In response to numerous questions (whose responses would not have been classified) at a public hearing before the Senate Select Committee on Intelligence on June 13, 2017, you cited "longstanding Department of Justice practice" and your "duty to protect confidential communications" with the president, and informed the Committee that you were "protecting the right of the president to assert [executive privilege] if he chooses."

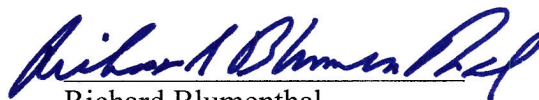
Following your testimony, the Department of Justice told the media that "declining to answer questions at a congressional hearing about confidential conversations with the president is a long-standing executive-branch-wide practice," and that "the basis for this historical practice is laid out" in two 1982 memoranda. One memorandum focuses on Congress's broad power of inquiry to expose corruption in the executive branch, emphasizing the extensive limits on executive privilege, and does not provide any support for your assertion of a right not to answer. The other sets forth a formal procedure through which the Attorney General may temporarily hold off inquiries that raise "substantial questions of executive privilege" while the president decides whether to claim privilege. In order to invoke the procedure outlined in the memorandum, however, the Attorney General must expressly request that Congress hold its requests "in abeyance" while the president makes his privilege determination.

We expect that when you appear before the Senate Judiciary Committee on October 18th, you will have determined whether the president will invoke executive privilege as to specific topics and will be prepared to answer completely all questions in those areas on which he has not. As to the former category, we will expect you to provide the Committee with a list of issues over which the privilege has affirmatively been asserted.

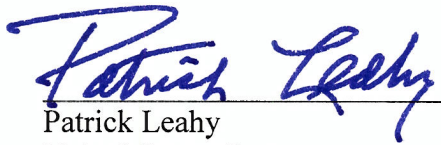
Sincerely,



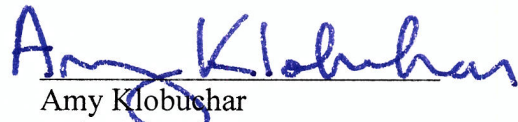
Sheldon Whitehouse
United States Senator



Richard Blumenthal
United States Senator



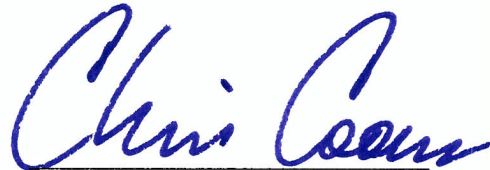
Patrick Leahy
United States Senator



Amy Klobuchar
United States Senator



Al Franken
United States Senator



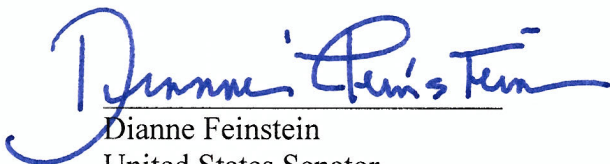
Christopher A. Coons
United States Senator



Mazie K. Hirono
United States Senator



Richard J. Durbin
United States Senator



Dianne Feinstein
United States Senator