

Congress of the United States
Washington, DC 20515

December 3, 2020

Mr. Pat Cipollone
White House Counsel
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear Mr. Cipollone,

I am writing to express my concern at the pardoning of former National Security Adviser Michael Flynn and inquire regarding future potential actions by President Trump in his use of the presidential pardon power, specifically whether he is considering using that power to pardon his family members or himself.

On November 25, President Trump announced that General Flynn would be pardoned.¹ In 2017, General Flynn pled guilty to lying to the FBI after he lied to administration officials, including the Vice President, regarding his conversations with Russian Ambassador Sergey Kislyak.² As a member of the House Permanent Select Committee on Intelligence, I am aware of the serious national security implications that General Flynn's actions create. Despite these consequences, President Trump has pardoned him with the explanation that General Flynn was allegedly "the victim of partisan government officials engaged in a coordinated attempt to subvert the election of 2016."³ This presidential pardon was political in nature as President Trump clearly links the pardon to his vexation with the investigation into Russia's 2016 election interference.

President Trump has used the pardon power for his business associates and allies, such as Roger Stone, Michael Flynn, and others. President Trump has had the lowest percentage of clemency grants of any president on record with a clemency grant rate of less than 0.5 percent of more than 10,000 clemency petitions submitted.⁴ President Trump has used this power sparingly and notably for his personal connections rather than for clemency petitions brought through the proper channels.

Since President Trump has tended to use the pardon power for personal and political contacts, transparency with the American public is crucial. The importance of maintaining transparency of presidential pardons is why I introduced the Presidential Pardon Transparency Act. My act would require that the Attorney General publish the name, date, and full text of a presidential pardon no later than three days after it's issued.⁵ While this legislation has yet to become law, a wave of

¹ [Trump pardons Michael Flynn, who twice pleaded guilty to lying to the FBI](#). *NBC News*. November 25, 2020.

² *Ibid*

³ [Statement from the Press Secretary Regarding Executive Grant of Clemency for General Michael T. Flynn](#). *White House*. November 25, 2020.

⁴ [So far, Trump has granted clemency less frequently than any president in modern history](#). *Pew Research Center*. November 24, 2020.

⁵ [H.R.1348 - Presidential Pardon Transparency Act of 2019](#). *Congress.gov*.

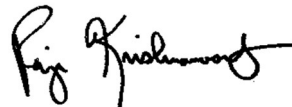
presidential pardons is expected in the remaining weeks of the Trump Administration, and I want to ensure that there is maximum transparency regarding each one.

But beyond questions of transparency, I am concerned that President Trump will use his remaining few weeks in office to pardon his personal associates – including Rudy Giuliani who has reportedly directly requested one from the President – as well as family members, and even himself.⁶ President Trump has reportedly asked aides if he can issue pardons pre-emptively for his family members, many of whom worked in the Trump Organization and the Administration.⁷ He allegedly asked if he could pardon himself to protect against future federal charges.⁸ While the Justice Department determined during the Nixon era that the president does not have a right to pardon himself, that question still remains for President Trump.⁹

In light of these concerns, I request the following information:

1. In the coming weeks, is the White House committed to publicly announcing all presidential pardons prior to their issuance, including the names of recipients and the full text of each pardon?
2. Please describe the process by which the White House is vetting potential presidential pardon candidates.
3. Please provide a list of the individuals involved in providing guidance and advice to President Trump on the pardon of Michael Flynn and potential future pardons.
4. Is the White House reviewing any requests for pardons from the President's advisors or legal team members, such as Rudy Giuliani?
5. Are there any safeguards in place to shield the pardon process from bribery or coercion?
6. Is the White House reviewing potential pardons for the President or any of his family members? If so, please provide the names of these individuals.

Sincerely,

A handwritten signature in black ink, appearing to read "Raja Krishnamoorthi", written in a cursive style.

Raja Krishnamoorthi
Member of Congress

⁶ [Trump Has Discussed With Advisers Pardons for His 3 Eldest Children and Giuliani](#), NY Times. December 1, 2020.

⁷ [As Trump wrestles with defeat, pardons loom for allies -- and himself](#), CNN. November 12, 2020.

⁸ Ibid.

⁹ Ibid.