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Congress of the United States
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July 21, 2017

The Honorable Donald F. McGahn, II
Counsel to the President
The White House
1600 Pennsylvania Avenue
Washington, DC 20006

Dear Mr. McGahn:

It was reported on July 20, 2017, that President Trump has asked his legal team about the extent of his pardon powers: whether they extend to White House aides, family members, or even the President himself.

While most pardons are handled by the Office of the Pardon Attorney, the President still retains the right to issue pardons to any person, at any time, for any cause. The Office of the Pardon Attorney makes their documents available, but there is no guarantee that all pardons issued by the President will be made public. The President can grant pardons after an individual has been incarcerated, before the sentence is imposed, or – as President Ford’s pardon of President Nixon confirms – before a charge is brought.

The power of the pardon extends far beyond the individual who receives it. An individual with a secret pardon has a pre-emptive grant of immunity from prosecution and is under no obligation to make that fact public until charges are brought. This person would be unlikely to cooperate with an ongoing investigation or testify against co-conspirators in exchange for leniency.

Special Prosecutor Mueller’s investigation into Russian interference in the 2016 election is a matter of utmost importance to the health of our Republic. Americans deserve to know the full extent of this meddling and the harm it caused. Those who aided and abetted it must be brought to justice. Pre-emptive pardons will only serve to further obfuscate the truth behind a fog of deceit.

I respectfully ask that you commit to making public *all* pardons issued by the President. Robert Mueller’s team – and all Americans – need to know who will be cooperating with the ongoing investigation

Sincerely,



Raja Krishnamoorthi
Member of Congress