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September 1, 2017

Deputy Attorney General Rod Rosenstein  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Deputy Attorney General Rosenstein,

One of the most important functions of the U.S. Congress is to perform thorough oversight of the federal government's departments, agencies, and personnel. Though Congress has no direct role in federal law enforcement, it is unequivocally responsible for conducting oversight of the Office of the U.S. Attorney General, and ensuring that any determinations and actions the Office may take related to the appointment of a Special Counsel and the scope of its investigation are transparent to the public.

It is my understanding that under U.S. Department of Justice (DOJ) regulations, the U.S. Attorney General (or, in this case, his surrogate, since U.S. Attorney General Jeff Sessions has recused himself from the matter) is authorized to appoint a Special Counsel to conduct certain investigations or prosecutions if he determines the following:

- (1) A criminal investigation is warranted;
- (2) The normal processes of investigation or prosecution would present a conflict of interest for the DOJ, or other extraordinary circumstances exist; and
- (3) Public interest requires a special counsel to assume those responsibilities.

On May 17, 2017, you signed Order No. 3915-2017, appointing Mr. Robert Mueller III as Special Counsel to conduct the investigation confirmed by then-Federal Bureau of Investigation Director James Comey in testimony before the House Permanent Select Committee on Intelligence on March 20, 2017, which includes "any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump" as well as "any matters arising directly from that investigation."

You further stated in your Order that your "decision [to create the special counsel] is not a finding that crimes have been committed or that any prosecution is warranted. [You] have made

no such determination. What [you] have determined is that based upon the unique circumstances [of the matter], the public interest requires [you] to place this investigation under the authority of a person who exercises a degree of independence from the normal chain of command.”

Much discourse in the public domain seems to take for granted that the appointment of the Special Counsel is to investigate alleged wrongdoing during the campaign or within the Administration. The assertion of wrongdoing is often vaguely described as “collusion” between the Trump campaign and the Russian government. The American people may have impassioned disagreements regarding the overall conduct of those seeking office or serving in government, however, the DOJ is concerned with investigating and prosecuting specific federal crimes. The American judicial system is not the arbiter of all forms of propriety outside the reach of laws enacted by Congress or agency regulations.

Absent from your Order is a reference to a specific, alleged federal crime that merited a Special Counsel; federal crimes are mentioned—in passing—in the Order solely in the context of arising (later) from the investigation. **This begs the question: what is the specific criminal allegation that inspired the investigation?**

**Second, what is your understanding of the law regarding presidential campaigns interacting or coordinating with foreign governments, or with individuals who may have a connection to a foreign government?**

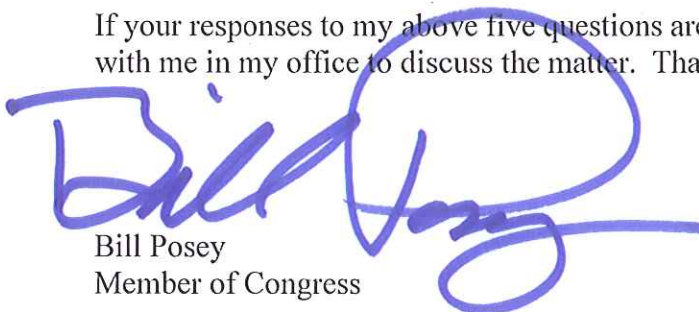
**Third, what specific and seemingly credible information did you use to determine that a criminal investigation of the campaign of President Trump is warranted?**

**Fourth, applicable, how did these accusations of wrongdoings of the campaign of the Trump campaign shape your determination to develop such broad parameters of the inquiry?**

**Finally, if Mr. Mueller uses the charge of “collusion” between the Trump campaign and the Russian government to request that you expand the scope of this investigation into an entirely unrelated area, how do you intend to respond?**

Special Counsel investigations are expensive endeavors and can take years to complete. The American taxpayer is on the hook for the entire bill. We owe the public our unwavering commitment to uphold the rule of law and demonstrate accountability and transparency in every action we take. I ask you to join me in reaffirming these principles.

If your responses to my above five questions are sensitive, I would like to invite you to meet with me in my office to discuss the matter. Thank you for your consideration.



Bill Posey  
Member of Congress