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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

November 16, 2017

VIA ELECTRONIC TRANSMISSION

Abbe Lowell, Esq.
Norton Rose Fulbright US LLP
1200 New Hampshire Avenue, NW
Washington, DC 20036

Dear Mr. Lowell:

The Committee requested documents from your client, Jared Kushner, on October 18, 2017. In response, you produced documents to the Committee on November 3, 2017. We appreciate your voluntary cooperation with the Committee's investigation, but the production appears to have been incomplete. In addition, you asked for clarification on the scope of the request. Therefore, we write today to clarify the scope and reiterate our requests for documents.

Transcribed Interview

With respect to the Committee's request for a transcribed interview with Mr. Kushner, you stated that you would authorize the Committee to have complete access to the transcripts from Mr. Kushner's interviews with other congressional committees. However, as you know, this Committee and the Senate and House Intelligence Committees are conducting separate investigations. Those Committees have not provided us with transcripts of any of their other witness interviews. If you are able to secure for the Committee copies of the transcripts from Mr. Kushner's other interviews, then please provide them and we will consider whether the transcript satisfies the needs of our investigation.

Missing Documents

It appears that your search may have overlooked several documents. For example, you limited your production in response to our second request in a manner that eliminates communications *about* the individuals identified in that request.¹ If, as you suggest, Mr. Kushner was unaware of, for example, any attempts at Russian interference in the 2016 presidential election, then presumably there would be few communications concerning many of the persons identified in our second request, and the corresponding burden of searching would be small.

¹ The Committee requested "[a]ll communications to, from, or copied to you *relating to*" certain individuals, but you stated that you "found no communications in which these individuals also appear in the to, from, or copy to lines of the communications."

In addition, there are several documents that are known to exist but were not included in your production. For example, other parties have produced September 2016 email communications to Mr. Kushner concerning WikiLeaks, which Mr. Kushner then forwarded to another campaign official. Such documents should have been produced in response to the third request but were not. Likewise, other parties have produced documents concerning a “Russian backdoor overture and dinner invite” which Mr. Kushner also forwarded. And still others have produced communications with Sergei Millian, copied to Mr. Kushner. Again, these do not appear in Mr. Kushner’s production despite being responsive to the second request. You also have not produced any phone records that we presume exist and would relate to Mr. Kushner’s communications regarding several requests.

You also raised concerns that certain documents might implicate the President’s Executive Privilege and declined to produce those documents. We ask that you work with White House counsel to resolve any questions of privilege so that you can produce the documents that have been requested or provide a privilege log that describes the documents over which the President is asserting executive privilege.

Communications Related to Lt. General Flynn

You have asked for further limiting terms in order to search for communications involving your client and Lt. General Michael Flynn. Without waiving the right to request additional documents as needed, please search for:

- a) all communications concerning Lt. General Flynn’s termination; FARA (the Foreign Agents Registration Act); email hacking; Russia; or the Magnitsky Act;
- b) all communications to, from, or copied to Lt. General Flynn from November 8, 2016 to present; and
- c) all communications to, from, or copied to Lt. General Flynn and containing any of the following terms: Clinton, Peter Smith, WikiLeaks, Guccifer, DC Leaks, Alfa, hacking, Putin, Lavrov, Russian Federation, RF, Kislyak, Gorkov, Vnesheconombank, VEB, Vneshtorgbank, VTB, Sberbank, Igor Sechin, Rosneft, Gazprom, sanctions, Ukraine, Turkey, Erik Prince, or Seychelles.

Mr. Kushner’s Security Clearance Application

You declined to produce documents requested from the Committee from your SF 86, on the basis that the documents are confidential and have been submitted to the FBI for its review. However, if Mr. Kushner or his counsel retained copies of the forms, you should produce them. The SF-86 instructions explicitly advise the applicant to “retain a copy of the completed form for your records.” Moreover, with regard to your claim that the documents are confidential, while the Privacy Act limits the government’s authority to release the information provided to it, there is no restriction on your client’s ability to provide that information to Congress.

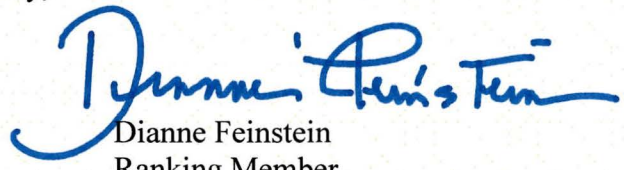
Finally, you offered to allow the Committee to review unredacted copies of the produced documents at your offices. The Committee accepts that offer without waiving the Committee's request for those unredacted documents.

Accordingly, please produce the documents requested above to the Committee no later than November 27, 2017, and contact the Committee immediately with regard to Mr. Kushner's transcribed interview. Thank you for your prompt attention to this important matter.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary



Dianne Feinstein
Ranking Member
Committee on the Judiciary