



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

August 20, 2021

The Hon. Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

The Hon. Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Ave., NW
Washington, DC 20535

Re: Request for Investigation of Jeffrey Bossert Clark for Violating Federal Law by Attempting to Overturn the Results of the 2020 Presidential Election

Dear Attorney General Garland and Director Wray:

On July 29, 2021, Citizens for Responsibility and Ethics in Washington (“CREW”) asked the Department of Justice (“DOJ”) to investigate whether former President Donald J. Trump and former White House Chief of Staff Mark Meadows violated federal criminal law by attempting to weaponize DOJ in service of their broader campaign to overturn the results of the 2020 presidential election.¹ While that request focused on President Trump and Mr. Meadows, it also noted a broader conspiracy aimed at undermining the democratic process and described the conduct of other officials and potential co-conspirators. Based on facts outlined in that letter and information from recent news reports and documents made public in the last several weeks, CREW requests that your investigation specifically include former Assistant Attorney General Jeffrey Bossert Clark.

In September 2020, President Trump directed that Mr. Clark, at the time the Assistant Attorney General for the Environment and Natural Resources Division, also serve as Acting Assistant Attorney General for the Civil Division.² At some point after the November 2020 election, a member of the House of Representatives, Rep. Scott Perry (R-PA), learned that Mr. Clark “was sympathetic to Mr. Trump’s view that the election had been stolen,” and along with Mr. Meadows introduced Mr. Clark to President Trump.³

As CREW described in its prior letter, on December 1, 2020, then-Attorney General William Barr told the *Associated Press* that he had not seen “fraud on a scale that could have

¹ Letter from Noah D. Bookbinder to Attorney General Merrick Garland and FBI Director Christopher Wray, July 29, 2021, <https://bit.ly/2W3J9Dm>.

² Jeffrey Bossert Clark, Department of Justice, <https://www.justice.gov/enrd/jeffrey-bossert-clark>.

³ Katie Brenner and Catie Edmondson, *Pennsylvania Lawmaker Played Key Role in Trump’s Plot to Oust Acting Attorney General*, *New York Times*, Jan. 23, 2021, <https://nyti.ms/37LPBkR>; Ryan Goodman and Juilee Shivalkar, *Mark Meadows Timeline: The Chief of Staff and Schemes to Overturn 2020 Election*, *Just Security*, Aug. 8, 2021, <https://bit.ly/2Uoa0cI> (quoting Michael C. Bender, “Frankly, We Did Win This Election” (Twelve 2021)).

effected a different outcome in the election.”⁴ President Trump verbally abused Attorney General Barr for making that statement, which led to Mr. Barr’s resignation on December 14.⁵ The next day, President Trump reportedly pressured soon-to-be Acting Attorney General Jeffrey Rosen at a White House meeting to direct DOJ to support lawsuits aimed at overturning the election and to appoint a special counsel to investigate alleged voter fraud.⁶ After Mr. Rosen refused, Mr. Clark appears to have taken on an active role working with President Trump and Mr. Meadows.

According to multiple news reports and Mr. Rosen, Mr. Clark began speaking directly to and meeting with President Trump about alleged election fraud issues without alerting then-Acting Attorney General Rosen. Mr. Clark reportedly told President Trump that he agreed fraud had affected the election, and “Mr. Trump quickly embraced Mr. Clark.”⁷ Mr. Rosen recently told the Senate Judiciary Committee and DOJ’s Office of Inspector General “he discovered that Mr. Clark had been engaging in unauthorized conversations with Mr. Trump about ways to have the Justice Department publicly cast doubt on President Biden’s victory,” and testified that in late December Mr. Clark admitted to him meeting with President Trump and promised not to do so again.⁸

President Trump appreciated Mr. Clark’s efforts and started considering whether Mr. Clark should replace Mr. Rosen as acting attorney general. The House Committee on Oversight and Reform recently released notes of a December 27 phone call between President Trump and top DOJ officials, including Acting Attorney General Rosen, in which President Trump said: “People tell me Jeff Clark is great, I should put him in. People want me to replace DOJ leadership.”⁹

The next day, Mr. Clark pressured Acting Attorney General Rosen and Acting Deputy Attorney General Richard Donoghue to use DOJ to push Georgia to take steps that would open the door to overturning the state’s election results. Mr. Clark drafted and sent to Mr. Rosen and Mr. Donoghue a six-page letter for them to sign and send to Georgia Governor

⁴ Michael Balsamo, [Disputing Trump, Barr says no widespread election fraud](https://bit.ly/3zfYmPH), *Associated Press*, Dec. 1, 2020, <https://bit.ly/3zfYmPH>.

⁵ Jonathan D. Karl, [Inside William Barr’s Breakup With Trump](https://bit.ly/3AOzzTI), *The Atlantic*, June 27, 2021, <https://bit.ly/3AOzzTI>; Matt Zapotosky, Josh Dawsey, and Devlin Barrett, [William P. Barr to depart as attorney general, Trump announces](https://wapo.st/3ezau6r), *Washington Post*, Dec. 14, 2020, <https://wapo.st/3ezau6r>.

⁶ Katie Benner, [Meadows Pressured Justice Dept. to Investigate Election Law Claims](https://nyti.ms/3ist29U), *New York Times*, June 5, 2021, <https://nyti.ms/3ist29U>.

⁷ Katie Benner, [Trump and Justice Dept. Lawyer Said to Have Plotted to Oust Acting Attorney General](https://nyti.ms/3rrijyk), *New York Times*, Jan. 22, 2021, <https://nyti.ms/3rrijyk>.

⁸ Katie Brenner, [Former Acting Attorney General Testifies About Trump’s Efforts to Subvert Election](https://nyti.ms/2VXLo10), *New York Times*, Aug. 7, 2021, <https://nyti.ms/2VXLo10>; Ann E. Marimow and Josh Dawsey, [What Rosen told U.S. senators: Trump applied ‘persistent’ pressure to get Justice to discredit election](https://wapo.st/37NDi7E), *Washington Post*, Aug. 12, 2021, <https://wapo.st/37NDi7E>. Mr. Clark’s communications with President Trump appear to have violated policies that limit contacts between the White House and DOJ. Benner and Edmondson, *New York Times*, Jan. 23, 2021; Goodman and Shivalkar, *Just Security*, Aug. 8, 2021.

⁹ Committee Obtains Key Evidence of President Trump’s Attempt to Overturn the 2020 Elections, House Committee on Oversight and Reform, July 30, 2021, <https://bit.ly/3m6VCRE>. During that same conversation, President Trump told the DOJ officials to “just say that the election was corrupt + leave the rest to me and the R. Congressmen.” *Id.*

Brian Kemp and state legislative leaders.¹⁰ The letter claimed that DOJ was investigating “various irregularities” in the 2020 presidential election, and urged the Georgia legislature to convene a special session to consider allegations of election fraud and potentially overturn the state’s results.¹¹ In an email, Mr. Clark told Mr. Rosen and Mr. Donoghue “I think we should get it out as soon as possible” and that personally he saw “no valid downsides to sending out the letter.”¹² Mr. Rosen and Mr. Donoghue refused to sign.¹³ According to one member of the House Oversight and Reform Committee, Mr. Clark prepared draft materials for six states whose results President Trump and his allies wanted to overturn.¹⁴

As CREW previously explained, Mr. Clark continued trying to find evidence of alleged voter fraud even after he was rebuffed. On January 1, 2021, Mr. Meadows followed up on allegations “of signature match anomalies” in Fulton County, Georgia, asking Acting Attorney General Rosen in an email to “get Jeff Clark to engage on this issue immediately.”¹⁵ The next morning, in an email apparently related to a claim of fraud in Georgia, Mr. Clark confirmed to Mr. Rosen that he “spoke to the source and [was] on [a call] with the guy who took the video,” adding that he was “[w]orking on it” and that there was “[m]ore due diligence to do.”¹⁶

President Trump’s decision whether to replace Acting Attorney General Rosen with Mr. Clark came to a head on January 3. By that point, it reportedly had become apparent that the subject of a White House meeting that day was Mr. Rosen’s refusal to allocate DOJ resources to the campaign to overturn the election, and his potential dismissal in favor of Mr. Clark.¹⁷ Mr. Clark himself told Mr. Rosen that President Trump intended to install him as attorney general.¹⁸ DOJ’s leadership agreed to resign en masse if President Trump fired Mr. Rosen, a threat that succeeded.¹⁹ The degree to which Mr. Clark was involved in this scheme is not publicly known. The *New York Times* suggested Mr. Clark “had devised a plan with”

¹⁰ Katherine Faulders and Alexander Mallin, DOJ officials rejected colleague’s request to intervene in Georgia’s election certification: Emails, *ABC News*, Aug. 3, 2021, <https://abcn.ws/3xRfn1u> (linking to draft letter at <https://bit.ly/37NzuU0>).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* At the same time, Mr. Clark also pressed Acting Attorney General Rosen and Mr. Donoghue to set up a classified briefing with Director of National Intelligence John Radcliffe on the allegation, based on supposed information from hackers, “that a Dominion machine accessed the Internet through a smart thermostat with a net connection trail leading back to China.” *Id.* Mr. Rosen agreed to the briefing in the hope that it would “put a stop to [Mr. Clark’s] unfounded claims of election fraud,” but in the meeting Mr. Rosen was skeptical of the analysis of the intelligence community and believed it was withholding information. Katelyn Polantz, Zachary Cohen, and Even Perez, How a Trump environmental lawyer tried to weaponize the Justice Department to help the President, *CNN*, Aug. 6, 2021, <https://cnn.it/2XBbNMV>.

¹⁴ Steve Benen, New details bring Trump’s Justice Department scheme into sharper focus, *MSNBC*, Aug. 9, 2021, <https://on.msnbc.com/3k1Ugom>.

¹⁵ Email from Mark R. Meadows to Jeffrey A. Rosen, Jan. 1, 2021 (available in Selected Documents, President Trump Pressure Campaign on Department of Justice, House Committee on Oversight and Reform, June 2021 (“Trump Pressure Campaign Documents”), at 226, <https://bit.ly/3iyq2sF>).

¹⁶ Email from Jeffrey Clark to Jeffrey A. Rosen, Jan. 2, 2021 (Trump Pressure Campaign Documents at 202).

¹⁷ Benner, *New York Times*, Jan. 22, 2021; Matt Zapotosky, et al., ‘Pure insanity’: How Trump and his allies pressured the Justice Department to help overturn the election, *Washington Post*, June 16, 2021, <https://wapo.st/3hTVOMM>.

¹⁸ Zapotosky, et al., *Washington Post*, June 16, 2021.


¹⁹ Benner, *New York Times*, Jan. 22, 2021.

President Trump to oust Mr. Rosen, which Mr. Clark has categorically denied.²⁰ The allegations led to the DOJ Inspector General and the Senate Judiciary Committee launching investigations.²¹

Based on these allegations, DOJ should investigate whether Mr. Clark violated the same criminal laws President Trump and Mr. Meadows appear to have broken. As CREW explained in its prior letter, under 18 U.S.C. § 241 it is unlawful for two or more persons to “conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States,” including the right to vote for federal offices and the right to have one’s vote fairly counted.²² Mr. Clark’s conduct may have constituted an agreement with President Trump, Mr. Meadows, or others to deprive citizens of their constitutional rights by changing the legal result of the 2020 election in violation of section 241. Mr. Clark also may have violated criminal provisions of the Hatch Act. One provision, 18 U.S.C. § 610, makes it unlawful for anyone to coerce or attempt to coerce employees of the federal government to induce or discourage “any political activity.” By pressuring DOJ officials to take steps designed to change the results of the election in order to help President Trump win an election he had in fact lost, including pushing Acting Attorney General Rosen and Mr. Donoghue to send the letter to Georgia officials urging the state legislature to convene a special session, Mr. Clark may have violated this criminal Hatch Act provision. A second section, 18 U.S.C. § 595, prohibits public officers or employees from using their official authority to interfere with the nomination or election of a candidate for federal office. Again, Mr. Clark’s conduct, including his use of official resources and email accounts, may have violated this provision.

Mr. Clark appears to have taken a significant role in efforts to support President Trump’s and Mr. Meadows’ attempt to overturn the result 2020 election. Given that this amounted to an effort to undercut the principles of democratic elections and peaceful transition of power on which our constitutional system is based, it is impossible to overstate the seriousness of these potential offenses. Accordingly, we request that you investigate whether Mr. Clark’s conduct violated federal criminal laws.

Sincerely,



Noah Bookbinder
President

²⁰ *Id.*; Katie Benner and Charlie Savage, [Jeffrey Clark Was Considered Unassuming. Then He Plotted With Trump](https://nyti.ms/37N3Cid), *New York Times*, Jan. 24, 2021, <https://nyti.ms/37N3Cid>.

²¹ Matt Zapotosky and Robert Barnes, [Inspector general will investigate whether any Justice Dept. officials improperly sought to help Trump overturn the election](https://wapo.st/2W0bdrp), *Washington Post*, Jan. 25, 2021, <https://wapo.st/2W0bdrp>.

²² See Letter from Noah D. Bookbinder to Attorney General Merrick Garland and FBI Director Christopher Wray, July 29, 2021.

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cc: Hon. Bennie G. Thompson, Chairman
Select Committee to Investigate the January 6th Attack on the United States Capitol

Hon. Richard Durbin, Chairman and Hon. Chuck Grassley, Ranking Member
Senate Committee on the Judiciary

Hon. Michael E. Horowitz, Inspector General
Department of Justice