

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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March 31, 2017

Donald F. McGahn II
White House Counsel
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Lt. General H.R. McMaster
National Security Advisor
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear. Mr. McGahn and Lt. General McMaster:

Over the past two days, press accounts have reported that staff who work directly for you contacted Rep. Devin Nunes, the Chairman of the House Permanent Select Committee on Intelligence, secured his entry into the White House complex on March 21, 2017, and provided him with access to classified information, which he then conveyed to the President the following day. I am writing to request information about whether you both were aware of these actions.

On March 23, 2017, White House spokesman Sean Spicer was asked whether any White House staff or Trump Administration officials were involved in providing this information to Chairman Nunes. In response, he stated: "I don't know why he would come up to brief the President on something that we gave him. ... It doesn't really seem to make a ton of sense. So, I'm not aware of it, but it doesn't really pass the smell test."¹ Since that time, Mr. Spicer has declined to answer questions about the involvement of specific White House staff in this matter.

In contrast, several press accounts have now reported that at least three White House officials were involved in orchestrating Chairman Nunes' entry into the White House complex and providing him with access to classified information:

¹ Spicer: *It Wouldn't 'Make a Ton of Sense' for White House to be Nunes' Source*, Politico (Mar. 23, 2017) (online at www.politico.com/story/2017/03/devin-nunes-white-house-briefing-236427); White House Office of the Press Secretary, Daily Press Briefing by the Press Secretary #27 (Mar. 23, 2017) (online at www.whitehouse.gov/the-press-office/2017/03/23/daily-press-briefing-press-secretary-27).

- The first White House official reportedly is Ezra Cohen-Watnick, who served on the Trump transition team with Chairman Nunes and previously served at the Defense Intelligence Agency. According to a report yesterday by the *New York Times*, Mr. Cohen-Watnick currently serves as Senior Director for Intelligence at the National Security Council. The *Times* also reported that Mr. Cohen-Watnick was brought to the White House by former National Security Advisor Michael Flynn and was “nearly pushed out of his job this month” by National Security Advisor McMaster, but “survived after the intervention of Jared Kushner, the president’s son-in-law, and Stephen K. Bannon, Mr. Trump’s chief strategist.”²
- The second White House official reportedly is Michael Ellis, who previously worked for Chairman Nunes as General Counsel on the Intelligence Committee. According to the White House website, Mr. Ellis serves in a dual capacity for both of you, carrying the titles of Senior Associate Counsel to the President in the White House Counsel’s Office and Deputy Legal Advisor to the National Security Council, as well as Special Assistant to the President.³
- The third White House official reportedly is John Eisenberg, according to a subsequent report by the *Washington Post*.⁴ According to the White House webpage, Mr. Eisenberg also serves in a dual capacity for both of you, carrying the titles of Deputy Assistant to the President, National Security Council Legal Advisor, and Deputy Counsel to the President for National Security Affairs.⁵

I am sure you agree that statements issued by the White House should be accurate and that any statements issued in error must be corrected as soon as possible. I do not know if these press accounts are accurate, but if they are, they raise serious questions in light of previous denials by the White House and the fact that these White House officials report to you.

² *2 White House Officials Helped Give Nunes Intelligence Reports*, New York Times (Mar. 30, 2017) (online at www.nytimes.com/2017/03/30/us/politics/devin-nunes-intelligence-reports.html?emc=edit_na_20170330&nl=breaking-news&nid=72129144&ref=cta&_r=2).

³ *President Donald J. Trump Announces Key Additions to the Office of the White House Counsel*, The White House (Mar. 7, 2017) (online at www.whitehouse.gov/the-press-office/2017/03/07/president-donald-j-trump-announces-key-additions-office-white-house).

⁴ *Three White House Officials Tied to Files Shared With House Intelligence Chairman*, Washington Post (Mar. 30, 2017) (online at www.washingtonpost.com/world/national-security/three-white-house-officials-tied-to-files-shared-with-house-intelligence-chairman/2017/03/30/de4b8c30-1589-11e7-9e4f-09aa75d3ec57_story.html?utm_term=.dd6b0d8d74f9).

⁵ *White House National Security Advisor Announces NSC Senior Staff Appointments*, The White House (Feb. 2, 2017) (online at www.whitehouse.gov/the-press-office/2017/02/02/white-house-national-security-advisor-announces-nsc-senior-staff-0).

In order to help clarify the public record, I request that each of you respond to the following questions by April 7, 2017:

- (1) Were either of you personally aware of the activities of your own staff in contacting Chairman Nunes, facilitating his entry onto the White House grounds, or providing him with access to classified information?
- (2) If so, when did you become aware? Did you inform Mr. Spicer of their activities, and if so, when did you do so?
- (3) If you were not aware, then how did this breach of the chain of command occur?
- (4) If these activities occurred without your knowledge, will any disciplinary measures be taken against these staff for this apparent breach?
- (5) Was anyone else at the White House involved in these activities, and if so, who?

Thank you for your consideration in responding to this inquiry.

Sincerely,



Elijah E. Cummings
Ranking Member

cc: The Honorable Jason Chaffetz, Chairman