

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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April 27, 2017

The Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are writing to express our strong support for the Oversight Committee's effort to obtain documents from the White House relating to former National Security Advisor Michael Flynn, which you and Ranking Member Cummings requested in a letter to White House Chief of Staff Reince Priebus more than a month ago, on March 22, 2017.

There is obviously a paper trail that the White House does not want our Committee to follow. If the White House refuses to produce the documents requested by the Oversight Committee—as it has to date—we believe the Committee should consider employing compulsory measures as it did in similar cases during the previous Administration.

Tuesday, White House Press Secretary Sean Spicer belittled the document request from the Oversight Committee as merely a “form letter.” He also suggested that collecting any documents about General Flynn would be overly burdensome. Those assertions are false.

With respect to General Flynn's contacts with foreign officials after President Trump was sworn in, Mr. Spicer argued, “To ask for every call a national security adviser made is pretty outlandish.” However, General Flynn served in his position as National Security Advisor for only 24 days, and we do not believe it would be difficult to collect this information.

The response letter sent by the White House on April 19, 2017, admits that the White House is in possession of documents responsive to the Committee's request. However, the White House is refusing to produce a single document because, according to the White House, the documents “are likely to contain classified, sensitive, and/or confidential information.” Our Committee deals with classified, sensitive, and confidential information on a regular and routine basis, and this excuse is not a valid ground to withhold all documents from the Committee.

With respect to documents relating to General Flynn's actions prior to the President's inauguration, Mr. Spicer argued that “those are not documents that the White House would ever possess.” To the contrary, during the transition and prior to returning to government, General

Flynn was under an obligation to report all contacts with foreign officials as part of his ongoing security clearance responsibilities.

The White House, as General Flynn's future employer, had a responsibility to fully vet General Flynn to determine his suitability for access to our nation's most highly classified secrets, including by reviewing his public and non-public contacts with foreign officials who seek to influence U.S. foreign policy, as well as his payments from foreign sources.

Yet, we have not received any documents relating to the vetting procedures used by the White House to evaluate General Flynn for his post as National Security Advisor. We do not know what information, if any, General Flynn reported to the White House about his contacts with foreign government officials or his payments from Russian, Turkish, or other foreign sources. We have not received his vetting forms, vetting memos, vetting interview notes, or any supplemental forms he may have supplied.

Yesterday, Mr. Spicer argued that, "to ask the White House to produce docs that were not in possession of the White House is ridiculous." That statement is both obvious and irrelevant. The letter you and Ranking Member Cummings sent requested "all documents in the possession, custody, or control of the Executive Office of the President, including the White House Security Office, the National Security Council, and all other components, regardless of origin."

For example, the President fired General Flynn for concealing information about his communications with the Russian Ambassador to the United States during the transition. It is highly likely that the White House possesses documents relating to General Flynn's meetings and calls with the Russian Ambassador, information he provided to White House officials about those communications, and information other entities provided to the White House about those communications.

If there are additional documents from the transition that are responsive to the Committee's request, we are confident that the President and the Vice President—who led the transition—can help make arrangements to ensure that they are produced to the Committee.

For years, you have warned witnesses that when the Oversight Committee sends a document request, it is not an optional exercise, and they must comply unless they assert a valid privilege. You have also explained that there is only one privilege the White House may assert to withhold documents from this Committee—executive privilege.

For example, during a hearing on September 13, 2016, you demanded that the FBI produce to the Oversight Committee a wide range of documents relating to former Secretary of State Hillary Clinton, who was running for President:

What is it that I as a Member of Congress, or any Member on this Congress, either side of the aisle, what is it that you believe we don't have the right to see? See, this is the way our government works. We get to do oversight. That's why, since 1814, this committee has been doing that. There's executive—let me help you. There's executive privilege. Has the President invoked executive privilege in this case?

This is a key moment in your stewardship of this Committee. Your decisions on this investigation will have a profound impact on the faith that the American people have in Congress to act in an even-handed manner and fulfill our duty under the Constitution to exercise robust oversight of the Executive Branch, regardless of who occupies the White House.

To your credit, you have sought and obtained some documents relevant to this investigation. Now it is time to obtain additional documents directly from the White House. For these reasons, we respectfully request that the Committee hold a meeting with White House officials to discuss the terms of the document production in response to the Committee's March 22 request.

Thank you for your consideration.

Sincerely,



Elijah E. Cummings
Ranking Member



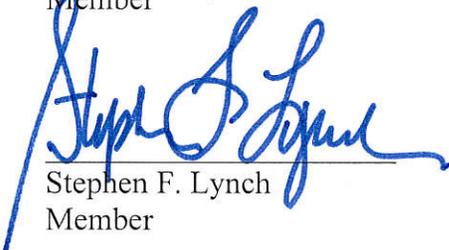
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Eleanor Holmes Norton
Member



Wm. Lacy Clay
Member



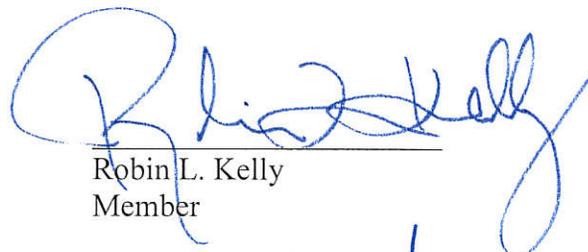
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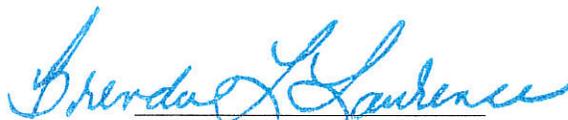
Jim Cooper
Member



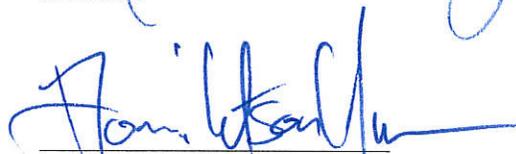
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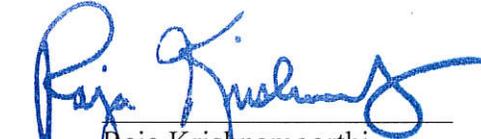
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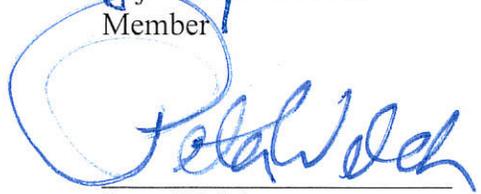
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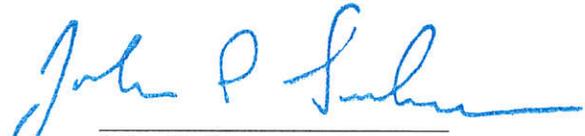

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