

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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October 24, 2017

The Honorable Trey Gowdy  
Chairman  
Committee on Oversight and Government Reform  
2175 Rayburn House Office Building  
Washington, D.C. 20515

Dear Mr. Chairman:

In light of recent questions about the truthfulness of Michigan Governor Rick Snyder's testimony before our Committee, I am writing to request that you issue a subpoena demanding that the Governor finally comply—in full—with our Committee's bipartisan request for documents relating to the decision to switch the source of drinking water in Flint and the response to the health crisis that ensued, including all documents relating to when the Governor became aware of concerns relating to Legionnaires' disease.

If you decline to issue a subpoena, then I ask you to allow Committee Members to debate and vote on a motion to issue a subpoena to compel Governor Snyder to produce the documents he has been withholding from Congress for more than a year.

**Governor Snyder's Obstruction of Committee Investigation**

On February 26, 2016, the Committee sent a bipartisan request to Governor Snyder for documents "for the period from April 2014 to the present," including specifically:

documents relating to the drinking water supply in Flint, public complaints about Flint water quality, test results and testing of Flint water, *legionella/legionellosis/legionnaires' disease*, steps taken or considered to inform the public about the detection of lead and other contaminants in the water, and remedial steps that could be undertaken by the public.<sup>1</sup>

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<sup>1</sup> Letter from Chairman Jason Chaffetz and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Michigan Governor Rick Snyder (Feb. 26, 2016) (online at [oversight.house.gov/wp-content/uploads/2016/02/2016-02-26-JC-EEC-to-Snyder-Michigan-Gov.-doc-req.-due-3-11.pdf](http://oversight.house.gov/wp-content/uploads/2016/02/2016-02-26-JC-EEC-to-Snyder-Michigan-Gov.-doc-req.-due-3-11.pdf)) (emphasis added).

The Governor's office refused to comply fully with this document request. As I wrote to then-Chairman Chaffetz on December 16, 2016:

The Governor has refused to provide—or even search for—key documents. As a result, the Committee is still unable to answer critical questions about what the Governor knew about the crisis as it unfolded, why he did not act on concerns about water quality, even while his inner circle sounded repeated alarms, and why families in Flint continue to subsist on bottled water almost a year after he declared an emergency.<sup>2</sup>

To date, few documents have been produced relating to the deaths caused by Legionnaires' disease. For example, the Governor has disregarded our requests for copies of all his daily briefings that involve the Flint water crisis. During a conference call on October 7, 2016, both Republican and Democratic Committee staff strongly criticized the Governor's attorneys for this defiance and demanded compliance.<sup>3</sup>

More recently, on October 6, 2017, Harvey Hollins III, the Director of Urban Initiatives for the state of Michigan, gave sworn testimony that he personally informed Governor Snyder about the Legionnaires' disease outbreak in December 2015. Mr. Hollins reportedly asked Governor Snyder during a telephone call whether he knew about the Legionnaires' disease outbreak, and Governor Snyder responded that "he was not aware of that" before Mr. Hollins' call.<sup>4</sup>

Mr. Hollins' testimony appears to directly contradict the testimony Governor Snyder gave to our Committee on March 17, 2016. During that hearing, Governor Snyder testified that "in terms of Legionnaire's, I didn't learn of that until 2016. And as soon as I became aware of it, we held a press conference the next day."<sup>5</sup>

On October 12, 2017, you and I wrote a joint letter to Governor Snyder to follow-up on these concerns. We asked Governor Snyder to explain this discrepancy in his sworn testimony and provide the Committee with "any additional relevant information you have concerning the date upon which you first learned of the Legionnaire's disease."<sup>6</sup>

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<sup>2</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Jason Chaffetz, House Committee on Oversight and Government Reform (Dec. 16, 2016) (online at [democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2016-12-16.EEC%20to%20Chaffetz%20re%20Flint%20-%20Governor%20Snyder.pdf](https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2016-12-16.EEC%20to%20Chaffetz%20re%20Flint%20-%20Governor%20Snyder.pdf)).

<sup>3</sup> *Id.*

<sup>4</sup> *Snyder Appointee Contradicts Him on Legionnaires' Outbreak*, Associated Press (Oct. 7, 2017) (online at [www.craigslist.com/article/20171007/news/641451/snyder-appointee-contradicts-him-on-legionnaires-outbreak](http://www.craigslist.com/article/20171007/news/641451/snyder-appointee-contradicts-him-on-legionnaires-outbreak)).

<sup>5</sup> House Committee on Oversight and Government Reform, Testimony of Governor Rick Snyder, *Examining Federal Administration of the Safe Drinking Water Act in Flint, Michigan, Part III*, 114th Congress (Mar. 17, 2016).

<sup>6</sup> Letter from Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Michigan Governor Rick Snyder (Oct. 12, 2017) (online at [oversight.house.gov/wp-content/uploads/2017/10/2017-10-12-TG-EEC-to-Governor-Snyder-MI-OGR-Testimony.pdf](https://oversight.house.gov/wp-content/uploads/2017/10/2017-10-12-TG-EEC-to-Governor-Snyder-MI-OGR-Testimony.pdf)).

On the same day, Governor Snyder responded by rushing to send a letter to the Committee claiming that his previous “testimony was truthful,” but failing to provide any additional supporting documents we requested. Governor Snyder wrote that he “will continue to fully cooperate with the Committee,” but he failed to explain why he continues to withhold documents we requested more than a year ago.<sup>7</sup>

### **Request for Subpoena or Committee Vote**

I am thankful that you have agreed to reopen this investigation, to send a follow-up letter to Governor Snyder questioning his previous testimony before our Committee, and to request a full transcript of Mr. Hollins’ testimony contradicting the Governor’s claims. However, in order for our Committee to complete our investigation in a credible way, we must obtain the documents that Governor Snyder has been withholding from Congress since we first requested them on a bipartisan basis back in February 2016. Governor Snyder has been obstructing our investigation for months, and it is now clear that the only way he will turn over the documents we asked for is if he is compelled to do so.

For these reasons, I ask that you issue a subpoena to Governor Snyder requiring him to produce all of the documents we requested, including but not limited to all of the documents relating to his knowledge of Legionnaires’ disease. If you choose not to do so, then I ask you to place this matter on the agenda for our next regularly scheduled business meeting so all Committee members will have the opportunity to vote on a motion to subpoena Governor Snyder for the documents and information that he is withholding.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings  
Ranking Member

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<sup>7</sup> Letter from Michigan Governor Rick Snyder to Chairman Trey Gowdy and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (Oct. 12, 2017) (online at [https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Congressional.reply\\_.10.12.17.pdf](https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Congressional.reply_.10.12.17.pdf)).