

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

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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October 31, 2017

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

Dear Mr. Chairman:

I am writing on behalf of all of the Democratic Members of the Committee to respectfully request that you place six motions for subpoenas on the agenda for our upcoming business meeting this Thursday, November 2, 2017.

I understand that you personally may disagree with our requests, but all of our Committee Members deserve the opportunity to debate and vote on these motions, rather than you unilaterally blocking their consideration. House rules provide for subpoenas to be issued by a vote of the full Committee, and we have asked for the opportunity to do so. Many Members of the Committee believe that our Constitutional obligation to conduct rigorous oversight does not depend on who sits in the White House, and all we ask is that you let us offer these motions, debate them, and hold a vote.

In preparation for this week's business meeting, Democratic staff submitted a request to your staff on October 20, 2017, that you place six motions for subpoenas on the agenda for the business meeting scheduled for this Thursday.<sup>1</sup> We gave you ample time to consider our requests and place them on the agenda, but we received no official response from you or your office. Instead, you circulated an agenda for Thursday's business meeting that included none of the six subpoena motions we requested.

In addition, for each one of these six subpoena requests, I and other Committee Members sent you separate, detailed letters setting forth the specific bases for the motions. Those are summarized for you below:

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<sup>1</sup> Email from Democratic Legislative Director to Republican Legislative Director, House Committee on Oversight and Government Reform (Oct. 20, 2017).

- **White House Withholding Documents on Flynn's Foreign Contacts:**  
On October 18, 2017, all Democratic Committee Members wrote to you to request that you issue a subpoena to compel the White House to produce documents it is withholding relating to former National Security Advisor Michael Flynn. Former Chairman Jason Chaffetz and Ranking Member Cummings requested these documents on a bipartisan basis on March 22, 2017, but the White House refused to produce a single document. You claimed it would be inappropriate to conduct a congressional investigation while there was an ongoing criminal investigation, but your new position directly contradicts the position you held as Chairman of the Benghazi Select Committee. At that time, you obtained documents from the White House and other agencies, interviewed witnesses identified by the Justice Department as potential witnesses in a criminal prosecution, and rejected the Department's request to allow agency counsel to observe interviews to mitigate potential negative impacts on their upcoming prosecution. In the alternative to you issuing the subpoena yourself, we asked you to allow us to offer, debate, and vote on a motion to issue a subpoena at our next business meeting.<sup>2</sup>
- **White House Withholding Documents on Personal Email Use by Top Aides:**  
On October 20, 2017, I wrote to request that you join me in sending a letter to the White House demanding full compliance with the bipartisan letter that you and I sent on September 25, 2017, seeking the identities of all White House officials who have used personal email for official business, as well as other information. The White House essentially disregarded this request, despite admitting at a briefing on October 18, 2017, that several employees "confessed" to not complying with the Presidential Records Act. Although initially you were poised to send no follow-up letter because the White House was supposedly in "full compliance," you ultimately sent a letter agreeing to abandon the Committee's bipartisan request until some undetermined date in the future when the White House completes its own internal review. In the alternative, I asked you to place this matter on the agenda for the next regularly scheduled business meeting to allow Committee Members to vote on a motion for a subpoena.<sup>3</sup>
- **Jared Kushner and Ivanka Trump Withholding Documents on Emails:**  
On October 23, 2017, I wrote to request that you join two previous letter I sent requesting documents relating to Senior Advisor Jared Kushner and Advisor Ivanka Trump, their use of private email accounts and servers for government

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<sup>2</sup> Letter from Democratic Members to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Oct. 18, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-18.Dems%20to%20Gowdy%20re%20WH%20Subpoena.pdf>).

<sup>3</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Oct. 20, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-20.EEC%20to%20Gowdy%20re%20Presidential%20Records%20Act.pdf>).

business in potential violation of the Presidential Records Act, and reports that they relocated their emails to Trump Organization servers in apparent violation of letters from this Committee. To date, Mr. Kushner and Ms. Trump have refused to provide the requested documents. Lawyers from the White House Counsel's Office, when asked during a briefing on October 18, 2017, about Mr. Kushner's compliance with the Presidential Records Act, responded, "You should talk to Mr. Kushner's counsel about that." Yet, you have consistently declined to request any documents from Mr. Kushner or Ms. Trump. In the alternative, I asked that you allow Committee Members the opportunity to vote on a motion for subpoenas to compel Mr. Kushner and Ms. Trump to produce these documents.<sup>4</sup>

- **White House Withholding Documents on Hurricane Response:**

On October 26, 2017, I wrote to request that you reconsider your decision to reject the request from me and Rep. Stacey Plaskett to follow the example of our Committee's former Chairman, Republican Tom Davis, and request documents from the White House as part of our Committee's bipartisan investigation into the Trump Administration's response to the hurricanes in Puerto Rico and the U.S. Virgin Islands. In the alternative, I requested that you place this matter on the agenda for our next business meeting and allow Committee Members to vote on a motion to issue a subpoena.<sup>5</sup>

- **Governor Snyder Withholding Documents on Flint Water Investigation:**

On October 24, 2017, I wrote to request that you issue a subpoena compelling Michigan Governor Rick Snyder to comply in full with our Committee's bipartisan request for documents on February 26, 2016, relating to the Flint water crisis, including all documents relating to when the Governor became aware of concerns relating to Legionnaires' disease and lead in the water. The Governor has been obstructing the Committee's investigation by withholding these documents for more than a year. This issue resurfaced recently when a senior Snyder appointee gave sworn testimony that he informed the Governor in 2015 about the Legionnaires' disease outbreak, contradicting the Governor's testimony before our Committee. In the alternative, I asked that you place this matter on the agenda for our next business meeting.<sup>6</sup>

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<sup>4</sup> Letter from Ranking Member Elijah E. Cummings, to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Oct. 23, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-23.EEC%20to%20Gowdy%20re%20Kushner%20PRA.pdf>).

<sup>5</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Oct. 26, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/EEC%20to%20Gowdy%2010-26-17%20Letter%20to%20WH%20on%20PR.pdf>).

<sup>6</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Oct. 24, 2017) (online at [https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-24.%20EEC%20to%20Gowdy%20Re.%20Gov.%20Snyder.Flint\\_.pdf](https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-24.%20EEC%20to%20Gowdy%20Re.%20Gov.%20Snyder.Flint_.pdf)).

- **Kushner Companies Withholding Documents on Alleged Housing Abuses:**  
On October 20, 2017, I wrote to request that you place the full authority of the Committee behind a request that I and other Members of the Maryland Delegation sent on August 18, 2017, requesting documents relating to multiple reports that the Kushner Companies failed to maintain rental units in the Baltimore region in compliance with Department of Housing and Urban Development quality standards. The Kushner Companies refused to respond and continues to withhold these documents from Congress. In the alternative, I asked you to allow Committee Members to vote on a subpoena to compel the Kushner Companies to produce these documents.<sup>7</sup>

Unfortunately, you have not responded to any of these letters or requests. Accordingly, we ask that you reconsider your refusal to place these six motions for subpoena on the agenda for our business meeting this Thursday.

Thank you for your consideration of our request.

Sincerely,



Elijah E. Cummings  
Ranking Member

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<sup>7</sup> Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Oct. 20, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-20.EEC%20to%20Gowdy%20re%20Kushner%20Companies%20Doc%20Request.pdf>).