

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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February 8, 2018

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 to renew my many previous requests for the Oversight Committee to finally begin conducting credible oversight of the security clearance process at the White House, not only in light of the many irregularities that have been reported over the past year, but also based on new reports that White House Staff Secretary Robert Porter retained his position even after being denied a permanent security clearance due to domestic violence allegations against him.¹

Just 48 hours ago, you and other Republican Committee Members blocked all efforts to obtain exactly this type of information from the White House. After refusing to join any requests over the past year to obtain information relating to security clearances for White House officials, on Tuesday you blocked all efforts to allow Committee Members to debate and vote for themselves on motions to subpoena these documents.

On October 5, 2017, I sent a letter to the White House requesting detailed information about the issuance of interim security clearances for White House officials.² You declined to join this request.

On January 24, 2018, after having received no response from the White House, I sent a letter asking you to either subpoena the White House to obtain these documents or allow the Committee Members to debate and vote on this subpoena.³ You never responded to my letter.

¹ See, e.g., *Senior White House Official to Resign After Ex-Wives' Allegations of Abuse*, Washington Post (Feb. 7, 2018) (online at www.washingtonpost.com/politics/senior-white-house-official-to-resign-following-allegations-of-abuse/2018/02/07/49aa80b8-0c19-11e8-baf5-e629fc1cd21e_story.html).

² Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to General John F. Kelly, White House Chief of Staff, et al. (Oct. 5, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/EEC%20to%20WH%20DSS%20NBIB%2010-05-17.pdf>).

³ Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Jan. 24, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-01->

On February 2, 2018, I sent another letter requesting you add this subpoena motion to our Committee's business meeting on February 6, 2018.⁴ You never responded to my letter, and you refused to allow this subpoena motion—or 12 others—to be added to the agenda.⁵

If you had agreed to any of our previous requests for information on these matters, the White House would have been required to answer key questions about why Mr. Porter was denied a final security clearance, who at the White House was aware of this information, and how Mr. Porter was allowed to remain in his position.

Instead, because of your multiple refusals, we did not find out about any of these issues until they were reported in the press. In this and many, many other areas, it appears that the Oversight Committee has constructed a wall around the White House in order to prevent any credible oversight whatsoever.

Mr. Porter served as White House Staff Secretary, a critical gatekeeper in terms of vetting and managing all documents reaching the President's desk. If our Committee does not investigate these allegations, it is unclear who will.

Mr. Porter's case is only the latest example of requests made by Democratic Members to conduct oversight of the security clearance process. You have also refused requests to obtain documents regarding the security clearances of former National Security Advisor Michael Flynn,⁶ his son Michael Flynn Jr.,⁷ Senior Advisor to the President Jared Kushner,⁸ and others.

24.EEC%20to%20Gowdy%20re.Interim%20Security%20Clearances1.pdf).

⁴ Letter from Ranking Member Elijah E. Cummings and Vice Ranking Member Gerald E. Connolly to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Feb. 2, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-02-02.EEC%20to%26%20Connolly%20to%20Gowdy%20re.13%20motions%20for%20Subpoenas.pdf>).

⁵ House Committee on Oversight and Government Reform Democratic Staff, *GOP Blocks 13 More Subpoena Motions For a Total of 19 Subpoenas Rejected by Oversight Committee* (Feb. 6, 2018) (online at <https://democrats-oversight.house.gov/news/press-releases/gop-blocks-13-more-subpoena-motions-for-a-total-of-19-subpoenas-rejected-by>).

⁶ Letter from Ranking Member Elijah E. Cummings 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>).

⁷ Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Jan. 12, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-01-16.EEC%20to%20Gowdy%20re.Flynn%20Jr.%20clearance.pdf>).

⁸ Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Jan. 18, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-1-18.EEC%20to%20TG%20re.Flynn%20Kushner%20Security%20Clearance%20Suspensions.pdf>).

When you assumed the chairmanship of the Oversight Committee last June, you held a meeting with reporters during which you explained that you were walling off numerous topics from our Committee's oversight. However, as the *Washington Post* reported after the meeting, "Gowdy said there were Trump-related matters that he did see falling within the Oversight panel's purview," including "procedures for issuance of security clearances."⁹

Instead, you have refused all of our requests to obtain documents relating to security clearances despite the fact that we are the Committee of jurisdiction and that Republican and Democratic chairmen have investigated security clearance matters in the past.

I ask you to reconsider your refusal to conduct oversight on this issue and finally put the full authority of the Committee behind a serious and credible investigation of White House security clearances.

In addition to all of our previous requests, I ask that the Committee obtain the following documents from the Executive Office of the President by February 22, 2018:

1. Robert Porter's SF-86 application;
2. all paperwork Robert Porter was required to complete as a condition of White House employment, including but not limited to supplemental SF-86 disclosures and forms for internal White House vetting;
3. the FBI's final investigative report on Robert Porter and summaries of all interviews conducted;
4. all documents and communications referring or relating to the White House's vetting of Robert Porter, including any notes from vetting interviews and any draft or final vetting memoranda;
5. all documents and communications, including with Chief of Staff John Kelly, referring or relating to discussions about the allegations against Robert Porter, Mr. Porter's access to sensitive and classified information, and his continued employment at the White House;
6. documents sufficient to show all White House employees who have been granted interim security clearances since the 2016 election;
7. all documents and communications referring or relating to any White House official who resigned or was terminated due to a criminal investigation, failure or inability to obtain a security clearance, or any other reason;

⁹ *On Trump and Russia, Oversight Chair Trey Gowdy Says He Will Stay in His Lane*, Washington Post (June 23, 2017) (online at www.washingtonpost.com/powerpost/on-trump-and-russia-oversight-chair-trey-gowdy-says-he-will-stay-in-his-lane/2017/06/23/4d1dfca6-583d-11e7-a204-ad706461fa4f_story.html).

8. all policies or guidance referring or relating to how the White House implements, enforces, and handles the issuance and revocation of interim security clearances; and
9. all documents and communications referring or relating to the White House policy for whether to grant access to sensitive and classified information to individuals who have been previously charged with a crime, who are under investigation by the FBI or other law enforcement authorities, or for whom the FBI has discovered significant unfavorable information during a background check.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member