

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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March 11, 2019

The Honorable Elijah E. Cummings
Chairman
Committee on Oversight and Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

We write concerning your unilateral and “in-depth” investigation into the security clearance processes used by the White House and the Trump Transition Team.¹ The President, as you know, has the discretion to control who has access to national security information and issue security clearances for those in his Administration.² This authority ensures the President is able to equip his advisors with the requisite information needed to fulfill his duties.

On January 23, 2019, however, you initiated an expansive Committee investigation into these security clearance processes, requesting documents and information from five separate entities.³ According to your letters, the goal of your investigation is to determine *why*—not *whether*—the Administration made certain decisions relating to the security clearance process. You renewed your request to the White House on February 11, 2019.⁴

On March 8, 2019, *Axios* reported that the Committee had received documents pertaining to the security clearances of Jared Kushner and Ivanka Trump—senior advisors to the Trump Administration.⁵ We first learned about these documents from *Axios*'s reporting. However, according to the article, the Committee had been in possession of the documents since early February. The article quoted a “senior Democratic aide” as characterizing the documents as “part

¹ Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Pat Cipollone, Counsel to the President (Jan. 23, 2019).

² *Dep 't of Navy v. Egan*, 484 U.S. 518 (1988); U.S. Const., Art. II § 2.

³ Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Pat Cipollone, Counsel to the President (Jan. 23, 2019); Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Oliver North, Nat'l Rifle Ass'n (Jan. 23, 2019); Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Vice President Michael R. Pence (Jan. 23, 2019); Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Mike Pompeo, Sec'y, Dep't of State (Jan. 23, 2019); Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Christopher A. Wray, Director, Fed. Bureau of Investigation (Jan. 23, 2019).

⁴ Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Pat Cipollone, Counsel to the President (Feb. 11, 2019).

⁵ Alexi McCammond, *Scoop: White House leak to House Dems on Jared and Ivanka's clearances*, AXIOS (Mar. 8, 2019), <https://www.axios.com/jared-kushner-ivanka-trump-security-clearance-leak-0a312b92-4a2d-4a70-a7fa-7fb7980d5305.html>.

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of the puzzle that we would be asking for.”⁶ *Axios* reported that it had even obtained access to at least one of these documents.⁷

Axios's reporting, if accurate, is concerning for two reasons. First, if you already possessed in early February the documents that you “would be asking for” from the White House, there would be no legitimate oversight basis to renew your request that the White House produce these documents to the Committee on February 11, 2019.

Second, and most troubling, the *Axios* article—if accurate—suggests a departure from the Committee's historical practice of sharing documents that will be made publicly available. The *Axios* article suggests the reporter “obtained” a document from a larger group of documents provided to the Committee. If accurate, the story seems to suggest that you made these documents available to the press. We have yet to receive this same courtesy.

By not sharing documents with us, you are depriving us of the opportunity to participate in and be aware of the Committee's work. Without access to these documents, we cannot determine whether the information in the *Axios* story is cherry-picked, inaccurate, or out of context. In addition, the disclosure of documents to the press so early in an investigation undercuts the sincerity of the Committee's investigation. By providing documents to the media before the Committee issues any reports or holds any hearings, one may conclude that the Committee is seeking documents for future public disclosure to harass and embarrass the President and his senior advisors.


Regrettably, this conduct seems to be part of a larger trend. As the star witness of your first big hearing, you invited Michael Cohen, a convicted liar who then lied to the Committee several times under oath. You accused two respected attorneys of crimes in a public letter, without ever speaking to them first or affording them an opportunity to rebut your accusations. Now, if accurate, you are leaking documents to the media without providing access to the minority. These actions are not indicative of the objective, fact-based oversight you promised.

We sincerely hope that you can clarify the information in the *Axios* reporting. As a first step and to ensure the minority has equal access to the publicly available information of the Committee, we respectfully request that you provide all documents that you have disclosed to members of the media. Thank you for your attention to this important issue. We look forward to hearing from you soon.

Sincerely,



Jim Jordan
Ranking Member



Mark Meadows
Ranking Member
Subcommittee on Government Operations

⁶ *Id.*

⁷ *Id.*