

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051

MINORITY (202) 225-5074

<http://oversight.house.gov>

March 27, 2019

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

Dear Mr. Chairman:

We are in receipt of a letter dated March 14, 2019, from you to Ms. Diana Falzone seeking documents relating to the decision of Fox News to not run a story that it determined did not meet its journalistic standards.¹ The story related to claims made by third parties about payments to Stephanie Clifford, a performance artist who presents herself under the stage name of *Stormy Daniels*. Ken LaCorte, the editor who made the decision, published an account on the media site *Mediaite* titled, "I Stopped the Stormy Daniels Story at Fox News. Here's Why."² Mr. LaCorte wrote:

Two weeks before the 2016 presidential election, as the editorial head of Fox News online, I reviewed a draft news story that said porn actress Stormy Daniels had confirmed having an affair with Donald Trump a decade earlier. The only problem was ... Stormy hadn't said that. We and others practiced solid journalism. Now, that's being spun in an effort to prove the opposite.³

Under House Rule X, you have broad latitude to investigate "any matter at any time."⁴ However, we rely on you to exercise your authority as Chairman with good judgment so that the Committee's work focuses on improving the overall economy, efficiency and effectiveness of the federal government or bettering the lives of the American people.

Your inquiry to Ms. Falzone about the editorial decisions of Fox News appears to depart from responsible and legitimate oversight. It appears instead that you seek material from Ms. Falzone solely to embarrass Fox News and to discern improper motives for its editorial decisions. In addition to raising questions about whether your inquiry to Ms. Falzone is a proper

¹ Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Diana Falzone (Mar. 14, 2019).

² Ken LaCorte, *I Stopped the Stormy Daniels Story at Fox News. Here's Why*, MEDIAITE, Mar. 8, 2019.

³ *Id.*

⁴ House Rule X, clause 1(n).

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use of Committee resources, it also implicates serious matters relating to the First Amendment and freedom of the press.

Mr. Chairman, our time is short. We should not waste our limited resources and energies on matters that do not improve the operations of the federal government or better the lives of our constituents. We urge you to reconsider your ill-conceived inquiry about the editorial decisions of Fox News. However, if you chose to continue examining the editorial decision of a news organization, we respectfully ask what you would do if a witness approached the Committee with information about CNN or MSNBC refusing to publish a news story due to a bias against the President. If such a witness came forward, would you be willing to seek documents and a transcribed interview with that individual?

The American people sent us here to make government work better for them. The 116th Congress is still young. There is still time to pivot away from your repeated partisan attacks on the President and his Administration, and instead focus on improving the operations of the federal government for the American people.

Sincerely,



Jim Jordan
Ranking Member



Mark Meadows
Ranking Member
Subcommittee on Government Operations