

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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April 12, 2019

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

Dear Mr. Chairman:

On April 10, 2019, we received a copy of a letter to you from Robert Driscoll, the attorney representing Carl Kline in his upcoming deposition before the Committee—a deposition that you forced despite Mr. Kline’s willingness to testify voluntarily.<sup>1</sup> In his letter, Mr. Driscoll asked that you obtain documents about the security clearance practices from the previous administration to “best evaluate” the current security clearance processes.<sup>2</sup> We believe that Mr. Driscoll’s request to examine the security clearance practices from the previous administration would help to refocus your investigation away from attacks on the President and toward responsible, bipartisan oversight.

We have already expressed to you our concerns about the course of this investigation to date. On April 1, 2019—after interviewing just one witness—you issued a sensational press release and memorandum with cherry-picked excerpts of sensitive and highly personal closed-door testimony.<sup>3</sup> You did this without consulting Republican Members or having a vote of the Committee. The next day, in defending your subpoena to Mr. Kline, you claimed that your investigation was not about targeting the President. You said: “[L]et me be clear. Over and over again, I hear these comments, oh, they are just trying to embarrass the President. No, that is not true. What we are trying to do is protect our secrets.”<sup>4</sup> Rep. Jamie Raskin similarly claimed, “This is not some kind of attack on the President. We are trying to vindicate the security clearance process for the American people, for our government.”<sup>5</sup>

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<sup>1</sup> Letter from Robert Driscoll, Counsel for Carl Kline, McGlinchey Stafford, to Rep. Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform (Apr. 10, 2019).

<sup>2</sup> *Id.*

<sup>3</sup> Letter from Rep. Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Pat Cipollone, Counsel to the President (Apr. 1, 2019); Memorandum from Democratic Staff to Members of the H. Comm. on Oversight & Reform, *Summary of Interview with White House Whistleblower on Security Clearances* (Apr. 1, 2019).

<sup>4</sup> *Full Committee Business Meeting: Hearing Before the H. Comm. on Oversight & Gov’t Reform*, 116th Cong. 7 (Apr. 2, 2019) (statement of Rep. Elijah E. Cummings).

<sup>5</sup> *Id.* at 21 (statement of Rep. Jamie Raskin).

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Mr. Driscoll's request to you is an opportunity to prove that you are not using the Committee to target the President or his senior advisors. We understand that senior officials in the previous administration may have had problems with regard to their security clearance applications. According to public reports, Ben Rhodes, a former senior national security and foreign policy advisor in the previous administration, obtained a high-level clearance despite a questionable background investigation that may have led the Federal Bureau of Investigation to deny him an interim clearance.<sup>6</sup> Similar troublesome issues also may have plagued the clearance process for former senior advisor Valerie Jarrett, among others.

If you plan to continue to dedicate the Committee's limited resources to this investigation, the Committee should have all the facts—not just the selective facts that support your preconceived conclusions. We therefore urge that you request from the National Archives and Records Administration all Executive Office of the President records relating to the security clearances of Ben Rhodes, Valerie Jarrett, and other similarly situated senior advisors from the previous administration.<sup>7</sup> We recommend that the Committee receive and review this material prior to Mr. Kline's deposition so that we may understand the historical practices and process for White House security clearances. This approach will allow the Committee to conduct a responsible and transparent investigation into the security clearance processes across administrations, rather than attacking the President for political gain.

Thank you for your attention to this issue and we look forward to hearing back from you on this important matter.

Sincerely,



Jim Jordan  
Ranking Member



Mark Meadows  
Ranking Member  
Subcommittee on Government Operations

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<sup>6</sup> See Letter from Rep. Trent Franks and Rep. Jim Bridenstine to James Comey, Director, Federal Bureau of Investigation (Dec. 21, 2016), <https://freebeacon.com/wp-content/uploads/2017/01/Ltr-to-FBI-Comey-on-Rhodes-Clearance.pdf>; Adam Kredo, Top White House Official Under Fire Over Denial of Security Clearance, WASH. FREE BEACON, (Jan. 1, 2017), <https://freebeacon.com/national-security/congress-probes-fbi-ben-rhodes-security-clearance/>.

<sup>7</sup> See generally 44 U.S.C. §§2201-2209.