

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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April 17, 2019

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

Dear Mr. Chairman:

I am in receipt of the subpoena served to Mazars USA LLP (Mazars), dated April 15, 2019.¹ You issued this subpoena over my objection without having a debate or vote of the Committee, as you promised.² This is not fair and objective congressional oversight. Your subpoena is an act of raw partisan politics meant only to further your obsession with attacking the President of the United States.

Although I now believe—following your actions on Monday—that you do not value any feedback from your Republican colleagues, allow me to respond to a few points from the memorandum you issued in defense of your decision to subpoena Mazars.

- **You did not adhere to the bipartisan agreement regarding Committee subpoenas.**³ In your memorandum, you incorrectly asserted that you “fully complie[d] with all terms of the bipartisan agreement” because the Easter work period made it impossible to convene a business meeting.⁴ The only reason, however, that the work period posed any challenge in convening a business meeting was because you waited until the work period to move forward with the subpoena. If you had noticed a business meeting on April 3—the same day that you told the media that would subpoena Mazars⁵—there would have been plenty of opportunity for Members to debate and vote on the proposed subpoena. Instead, by notifying Members at 3:46 p.m. on Friday and requesting feedback by 11:00

¹ Document Production Subpoena to Mazars USA LLP (Apr. 15, 2019).

² See Memorandum for Members of the H. Comm. on Oversight and Reform, Re: Chairman Cummings’s Unprecedented Subpoena of Mazars USA LLP (Apr. 15, 2019).

³ “If the ranking member objects to the issuance of a subpoena in writing, my preference is to bring the subpoena before the committee for a vote when that is feasible. Members deserve the opportunity to go on the record for some of the most important work they will do, and the public deserves the opportunity to see them do that work in the open. The chair prefers that when the ranking member objects the committee will have an open proceeding and a vote when feasible.” *Organizing Meeting, H. Comm. on Oversight & Reform*, 116th Cong. 33 (2019).

⁴ Memorandum from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Members of the Committee on Oversight & Reform, (Apr. 15, 2019) (on file with Committee).

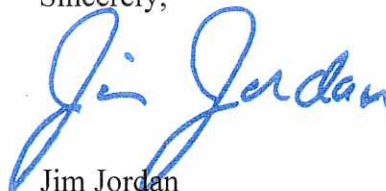
⁵ Rachael Bade, *Trump’s accounting firm to respond to request for documents if subpoenaed, says Democratic lawmaker*, WASH. POST (Apr. 3, 2019, 4:43 PM) https://www.washingtonpost.com/politics/trumps-accounting-firm-to-respond-to-request-for-documents-if-subpoenaed-says-democratic-lawmaker/2019/04/03/94ff2ba2-564d-11e9-a047-748657a0a9d1_story.html?utm_term=.54e92108e3a3.

a.m. on Monday, you allowed Members only a little over three business hours to consider your unprecedented subpoena. Of course, you also could have waited until Members returned from the work period to convene a business meeting and debate and vote on the subpoena.

- **You have not been transparent about Members' views on the subpoena.** In your memorandum, you named only two Members who wrote to you about your proposed subpoena: Rep. Armstrong and me. Both Rep. Armstrong and I opposed your subpoena to Mazars. It would appear, then, from your memorandum that you issued this subpoena over the objections of the only two Members you named.
- **You did not dispute the fact that your subpoena to Mazars is part of a coordinated and carefully managed campaign to use congressional oversight for political gain.** Although your memorandum baselessly disputed several facts that I made in a memorandum to Members, you accepted this fact. In addition, on the same day you issued your unilateral subpoena to Mazars, Chairwoman Waters and Chairman Schiff issued subpoenas to other financial institutions concerning President Trump's finances. Your secret memoranda of understanding with other committees strongly suggests that the timing of your issuance of the Mazars subpoena is not a coincidence.⁶ You also did not dispute that you misrepresented the Mazars subpoena as a "friendly" subpoena in your comments to the media.
- **You still have not articulated how the sensitive, personal financial information you seek will advance a legitimate legislative purpose.** Instead, you offered conclusory statements about the Committee's jurisdiction to justify examining purely speculative conduct you attribute to the President.

The Supreme Court of the United States has explained that a congressional investigation cannot seek to "expose for the sake of exposure."⁷ The Court explained that "the public is, of course, entitled to be informed concerning workings of its government. It cannot be inflated into a general power to expose where the predominant result can only be an invasion of the private right of an individual."⁸ I am disappointed that your obsession with attacking President Trump for political gain has led you to do precisely what the Supreme Court cautioned against. I sincerely hope that you will reconsider your approach and cease this abject partisanship.

Sincerely,



Jim Jordan
Ranking Member

⁶ See letter from Jim Jordan, Ranking Member, H. Comm. on Oversight & Reform, to Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform (Apr. 15, 2019).

⁷ *Id.*

⁸ *Id.*