

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
MINORITY (202) 225-5051  
<https://oversight.house.gov>

May 4, 2023

The Honorable Merrick B. Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Attorney General Garland:

The Committee on Oversight and Accountability is conducting an oversight hearing on May 16, 2023, to include officials responsible for the affairs of the District of Columbia. The Committee has invited Mayor Muriel Bowser and U.S. Attorney for the District of Columbia, Matthew Graves, to testify.<sup>1</sup> Mayor Bowser accepted the invitation. The Department of Justice (DOJ) Office of Legislative Affairs (OLA) has informed the Committee that DOJ has refused to allow Mr. Graves to testify.

DOJ OLA's excuse is an internal policy that generally prohibits U.S. Attorneys from testifying before Congress. This excuse is unpersuasive and inconsistent with past precedent. Indeed, DOJ has made a U.S. Attorney available to testify at a public hearing as recently as last Congress.<sup>2</sup> Furthermore, Mr. Graves' testimony is necessary to enable the Committee to perform necessary oversight of the municipal affairs of the District of Columbia over which the Committee has jurisdiction. I therefore reiterate my request for the appearance of U.S. Attorney Graves, and demand that DOJ follow its own policies and cease obstructing his appearance at the May 16, 2023, hearing.

The District of Columbia is a federal district under the exclusive jurisdiction of the U.S. Congress.<sup>3</sup> Unlike other U.S. Attorneys, Mr. Graves is the only U.S. Attorney who serves as both the local and federal prosecutor for his area of responsibility.<sup>4</sup> Mr. Graves' unique role makes his testimony necessary to conduct meaningful oversight of the city, including and especially issues regarding crime. DOJ recognizes the U.S. Attorney's Office for the District of

---

<sup>1</sup> Letter from James Comer, Chairman, Comm. on Oversight & Accountability, to Matthew Graves, U.S. Attorney for Washington, D.C. (Apr. 26, 2023).

<sup>2</sup> Reimagining Public Safety in the COVID-19 Era: Hearing Before the House Subcomm. On Crime, Terrorism, and Homeland Security, 117 Cong. (2022) (Statement of Nicholas W. Brown, U.S. Attorney for the Western District of Washington), available at <https://www.congress.gov/117/meeting/house/114470/witnesses/HHRG-117-JU08-Wstate-BrownN-20220308.pdf>.

<sup>3</sup> U.S. Const. art I, § 17.

<sup>4</sup> *The United States Attorney's Office District of Columbia*, U.S. DEP'T OF JUSTICE, available at <https://www.justice.gov/usao-dc>.

Columbia's unique role. In fact, DOJ had Mr. Graves' office testify at a D.C. Council Committee on the Judiciary and Public Safety hearing on legislation related to the D.C. Criminal Code in December 2021.<sup>5</sup>

Mr. Graves' and his office's decisions are contributing to rising crime in the city. At the Committee's March 29, 2023 oversight hearing, D.C. Council Members blamed, in part, the U.S. Attorney's Office for the District of Columbia for rising crime.<sup>6</sup> Mr. Graves' office is declining to prosecute violent crimes.<sup>7</sup> As crime continues to spike throughout the District, Mr. Graves must be made available to provide critical information to Committee members and to inform potential legislation to remedy this troubling trend.

In addition to contradicting past practice and obstructing legitimate prerogatives of the legislative branch, DOJ's position in this case would also appear inconsistent with its own policies. The DOJ's Justice Manual states that "[i]n order to ensure that Congress may carry out its legitimate investigatory and oversight functions, the Department will use its best efforts to respond as appropriate to inquiries from Congress consistent with policies, laws, regulations, and professional ethical obligations that may require confidentiality."<sup>8</sup> DOJ's outright refusal to permit Mr. Graves to testify appears to violate its own policy.

We urge DOJ to reconsider its position and make Mr. Graves available to testify on May 16, 2023. Please respond as soon as possible, but no later than May 11, 2023, regarding whether DOJ will make Mr. Graves available to testify before the Committee. If DOJ continues to obstruct congressional oversight in this matter, we will be forced to consider the use of the compulsory process.

For any questions, please contact the Committee on Oversight and Accountability Majority staff at (202) 225-5074. The Committee on Oversight and Accountability has specific oversight and legislative jurisdiction over the "[m]unicipal affairs of the District of Columbia in general" under House Rule X. Additionally, the Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you for your attention to this matter.

---

<sup>5</sup> Press Release: *U.S. Attorney's Office Testifies at Hearing on D.C. Revised Criminal Code Act of 2021*, U.S. DEP'T OF JUSTICE (Dec. 16, 2021), available at <https://www.justice.gov/usao-dc/pr/us-attorneys-office-testifies-hearing-revised-criminal-code-act-2021>.

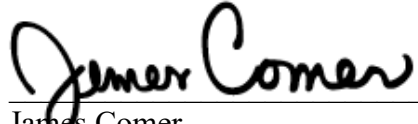
<sup>6</sup> Overdue Oversight of the Capital City: Part 1: Hearing Before the Comm. on Oversight and Accountability, 118 Cong. (2023) (Testimony of Charles Allen and Phil Mendelson).

<sup>7</sup> *Id.* See also, Keith L. Alexander, *D.C. U.S. Attorney declined to prosecute 67% of those arrested. Here's why.*, WASH. POST, (Mar. 29, 2023, 6:30 AM).

<sup>8</sup> *Justice Manual*, U.S. DEP'T OF JUSTICE, 1-8.210, (Dec. 2019).

The Honorable Merrick B. Garland  
May 4, 2023  
Page 3 of 3

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a large, prominent "J" and "C".

---

James Comer  
Chairman  
Committee on Oversight and Accountability

cc: The Honorable Jamie B. Raskin, Ranking Member  
Committee on Oversight and Accountability