

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
One Hundred Fifteenth Congress

November 15, 2018

The Honorable Matthew Whitaker
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, D.C. 20535

The Honorable Kirstjen M. Nielsen
Secretary
U.S. Department of Homeland Security
301 7th Street SW
Washington, D.C. 20528

Dear Acting Attorney General Whitaker, Secretary Nielsen, and Director Wray:

As you are no doubt aware, Members of the House Judiciary Committee have written repeatedly to the Trump Administration to request briefings, information, and document preservation on matters related to voting rights enforcement, defensive and proactive election security efforts, and foreign election threats. To date, we have received little or no substantive response to these communications.

Today, I write to express my continued concern with the security of the American electoral process—and to ask you to provide answers to our questions before the end of the 115th Congress. Our Committee is responsible for protecting the right to vote. This includes not only protecting voting rights but also equal access to the polls in fact and in law.

Congress has learned—more often through press reports than from your agencies—about the FBI’s Foreign Influence Task Force, the Justice Department’s report on cybercrime and “countering malign foreign influence operations,”¹ and DHS’s cooperation with state election

¹ U.S. DEPT. OF JUSTICE, REPORT OF THE ATTORNEY GENERAL’S CYBER DIGITAL TASK FORCE (July 19, 2018)

officials.² It remains apparent, however, that this Administration has no coordinated strategy to respond to attacks on our elections—and that the Trump White House has shown little interest in this grave threat to our democratic system.³ This problem persists despite the intelligence community’s repeated warning that multiple foreign powers are engaged in robust “ongoing campaigns” to attack our elections.⁴

I also remain deeply concerned that this Administration appears to actively encourage suppression of the rights of minority voters—by promoting voter fraud conspiracies;⁵ threatening the arrest of voters headed to the polls;⁶ failing to consult long-time career officials in its pursuit of ideologically driven but flawed legal strategies;⁷ repeatedly attacking the career government officials charged with enforcing the Voting Rights Act and other key federal laws;⁸ and actively discouraging a thorough vote-counting process as well as threatening federal law enforcement action against counties pursuing ballot recounts.⁹

In the next Congress, our Committee will examine existing vulnerabilities in our election infrastructure, the threats posed to that infrastructure by foreign actors, and any systemic impediments to our voting rights. To this end, I ask that you provide a complete response to each of the letters on these subjects sent to you by some or all of the Members of the House Judiciary Committee, including each of the following:

- A March 22, 2017 letter to former Attorney General Jeff Sessions from Ranking Member John Conyers, Jr. and Congressional Black Caucus Chairman Cedric Richmond, addressing several of the Congressional Black Caucus’s policy priorities, including voting rights and equal access to the ballot box.

² Jacqueline Thomsen, *DHS cyber head pushes back on report of increased attacks on election infrastructure*, THE HILL, Oct. 16, 2018.

³ Eric Geller, *Inside the Trump administration’s rudderless fight to counter election propaganda*, POLITICO, Oct. 31, 2018.

⁴ Martin Matishak, *National security leaders warn of foreign meddling ahead of midterms*, POLITICO, Oct. 19, 2018.

⁵ Sam Levine & Ryan Reilly, *Trump DOJ official overseeing voter fraud hunts subpoenas millions of voting records*, HUFF. POST, Sept. 5, 2018.

⁶ Amy Gardner, *Without evidence, Trump and Sessions warn of voter fraud in Tuesdays elections*, WASH. POST, Nov. 5, 2018.

⁷ Leon Neyfakh, *How Trump will dismantle civil rights protections in America*, SLATE, Apr. 20, 2017; Sari Horowitz, *Justice Dept. sides with Ohio’s purge of inactive voters in case headed to Supreme Court*, WASH. POST, Aug. 8, 2017.

⁸ Kate Benner, *Justice Dept. rank-and-file tell of discontent over Sessions’ approach*, N.Y. TIMES, Oct. 19, 2018.

⁹ Ali Vitali & Dartunorro Clark, *Trump calls Florida vote count a ‘disgrace’ as recount looms in Senate race*, NBC NEWS, Nov. 9, 2018.

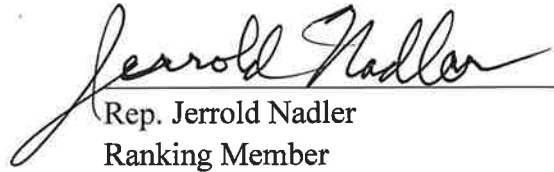
- A December 1, 2017 letter to Attorney General Sessions from all Committee Democrats, requesting a briefing on measures the Department may have taken to address vulnerabilities in the federal election system.
- A July 29, 2018 letter to Deputy Attorney General Rod Rosenstein from Representative John Sarbanes, Ranking Member Nadler, and other ranking members, urging both the Department and the Federal Election Committee to investigate reports that a 2016 congressional candidate requested and received damaging information about his political opponent from Russian intelligence officials.
- A July 25, 2018 letter to Attorney General Sessions and Secretary Nielsen from Representative Brad Schneider and all 18 other Members of the Illinois congressional delegation, again requesting a briefing on Russian attempts to influence the 2016 presidential election.

In addition, we ask for your assistance in securing responses to the following unanswered letters to the Trump Administration:

- November 9, 2017 letter to Vice President Mike Pence and Kansas Secretary of State Kris Kobach from Ranking Member Conyers and Representative Jamie Raskin, asking for the production of materials related to the Presidential Advisory Commission on Election Integrity—including the commission’s reported violation of federal records retention laws.
- A July 26, 2018 letter to senior officials at the Federal Election Commission and the Internal Revenue Service, led by Representative Anna Eshoo and signed by Ranking Member Nadler and several other Members of the Committee, demanding that the agencies launch an investigation of the Trump Foundation for violations of campaign finance laws.
- An August 3, 2018 letter to Commerce Secretary Wilbur Ross, led by Representative Carolyn Maloney and signed by Ranking Member Nadler and several other Members of the Committee, asking that Secretary Ross explain the discrepancies between his congressional testimony and evidence showing that the Department of Justice had not, in fact, initiated the request to add a citizenship question to the 2020 Census.

I ask that you provide your response no later than December 31, 2018. Thank you for your prompt consideration of this request.

Sincerely,



Rep. Jerrold Nadler
Ranking Member
House Committee on the Judiciary

cc: The Hon Bob Goodlatte, Chairman, House Committee on the Judiciary