

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

June 21, 2017

Chairman Bob Goodlatte
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Chairman Goodlatte:

The House Committee on the Judiciary has a responsibility to step in and do its job. We therefore write once again to request that you schedule hearings to examine events that now extend well beyond any investigation into Russian influence—including the firing of FBI Director James Comey, allegations of obstruction of justice, and the inconsistent application of the Attorney General’s recusal from these and related matters.

With our Committee on the sidelines, the situation grows more perilous by the day. Last month, President Trump took to Twitter to threaten Mr. Comey, cautioning that he “better hope that there are no ‘tapes’ of our conversations before he starts leaking to the press!”¹ Two weeks ago, the President floated the notion of firing Special Counsel Robert Mueller before his investigation even gets off the ground—over the loud objections of Democrats and Republicans alike.² Last week, the President took aim at Deputy Attorney General Rod J. Rosenstein: “I am being investigated for firing the FBI Director by the man who told me to fire the FBI Director! Witch Hunt.”³ In anticipation of the President’s next attack, the public is now openly speculating about the line of succession at the Department of Justice.⁴

¹ President Donald J. Trump (@realDonaldTrump), Twitter, May 12, 2017, 8:26 AM. As you know, it is a federal crime to intimidate or threaten any potential witness—including a congressional witness—with the intent to influence, delay, or prevent their official testimony. See 18 U.S.C. § 1512.

² Austin Wright and Kyle Cheney, *Republicans to Trump: Hands off Mueller*, POLITICO, June 12, 2017.

³ President Donald J. Trump (@realDonaldTrump), Twitter, June 16, 2017, 9:07 AM

⁴ See, e.g., Shannon Vavra, *Meet Rachel Brand, who’s next in line at DOJ*, AXIOS, June 16, 2017; Wanda Carruthers, *Rachel Brand Next in Line to Oversee Russia Probe if Rosenstein Recuses Himself*, ASSOC. PRESS, June 16, 2017; Robert Schlesinger, *Nine Ways to Crazy*, U.S. NEWS & WORLD REPORT, June 16, 2017.

In our Committee meetings, you have expressed reluctance to investigate these matters because “the House and Senate Intelligence Committees are also conducting investigations.”⁵ It falls to us—and not to the intelligence committees—to examine questions about obstruction of justice, the dismissal of the FBI Director, and any attempt to influence or pressure the leadership of the Department of Justice. Senator Chuck Grassley (R-IA), Chairman of the Senate Committee on the Judiciary, agrees with us on this point,⁶ and our Senate counterparts are already working with Special Counsel Mueller to lay out the next steps of their investigation.⁷

At other times, you have expressed unwillingness to debate these questions because “investigations into these matters are ongoing.”⁸ We appreciate the sensitivity of the work of the Special Counsel, but nothing about an ongoing investigation prevents us from acting responsibly and conducting our own oversight. The Congressional Research Service has compiled nearly a century of precedent—from the Palmer Raids of 1920 to our own investigation of Operation Fast & Furious in 2011—where congressional investigations have overlapped with ongoing investigations at the Department of Justice.⁹ Similarly, the investigation into Secretary Clinton’s use of a private email server did not prevent you from asking either the Attorney General¹⁰ or the FBI Director¹¹ about the case—long before the investigation itself had concluded.

In recent months, you have assured us that “the Committee has already taken action” to address these issues.¹² For example, you have “asked the Justice Department’s Inspector General to examine the allegations of mishandling of classified information” and “requested a

⁵ *Markup of H.R. 1667; H.R. 1695; H. Res. 184; and H. Res. 203* before the H. Comm. on the Judiciary, 115th Cong. (Mar. 29, 2017) (statement of Chairman Bob Goodlatte).

⁶ Letter from Chairman Charles E. Grassley, S. Comm. on the Judiciary to Ranking Member Dianne Feinstein, S. Comm. on the Judiciary, June 13, 2017. “The Judiciary Committee has an obligation to fully investigate any alleged improper partisan interference in law enforcement investigations.” *Id.*

⁷ Seung Min Kim, *Senate Judiciary leaders to meet with Mueller*, Politico, June 20, 2017.

⁸ *Markup of H.R. 1667*, *supra* note 5 (statement of Chairman Bob Goodlatte).

⁹ *Congressional Investigations of the Department of Justice, 1920-2012: History, Law, and Practice*, Cong. Research Service, Nov. 5, 2012 (R42811). A copy of this report is attached for your reference.

¹⁰ “Should we expect that when the FBI finishes its investigation of this matter that no charges will be filed? Does the Department allow statements by the President to dictate its investigative practices?” *Oversight of the U.S. Department of Justice*, before the H. Comm. on the Judiciary, Nov. 17, 2015 (statement of Chairman Bob Goodlatte).

¹¹ “Do you also believe that a foreign intelligence agency, particularly an adversary’s, could benefit from acquiring and exploiting sensitive and classified information of a top-level U.S. Government official?” *Oversight of the Federal Bureau of Investigation*, before the H. Comm. on the Judiciary, Oct. 22, 2015 (statement of Chairman Bob Goodlatte).

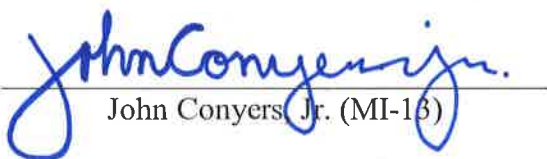
¹² *Markup of H.R. 372; H.R. 1215; and H. Res. 111*, before the H. Comm. on the Judiciary, Feb. 28, 2017 (statement of Chairman Bob Goodlatte).

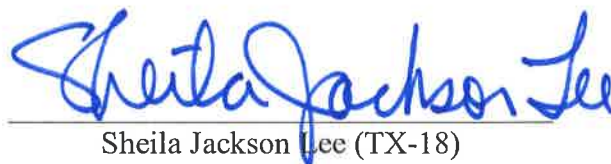
briefing from the Department of Justice regarding Russia's alleged interference."¹³ You promised to send, "along with any willing members of this Committee, a letter requesting that the Attorney General proceed with investigations into any criminal conduct involving these matters."¹⁴ To our knowledge, no such letter was ever sent. In any event, none of these actions satisfy our obligation to oversee and protect the integrity of the Department of Justice.

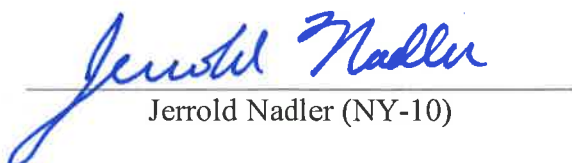
At the beginning of this Congress—under your leadership and pursuant to your amendment to our oversight plan—the Committee made a commitment to conduct oversight into allegations of misconduct by executive branch officials.¹⁵

We ask you to respect that commitment, and schedule hearings with the leadership of the Department of Justice and the FBI without delay.

Sincerely,


John Conyers Jr. (MI-13)


Sheila Jackson Lee (TX-18)


Jerrold Nadler (NY-10)


Zoe Lofgren (CA-19)


Steve Cohen (TN-09)


Henry C. "Hank" Johnson, Jr. (GA-04)

¹³ *Id.*

¹⁴ *Id.*

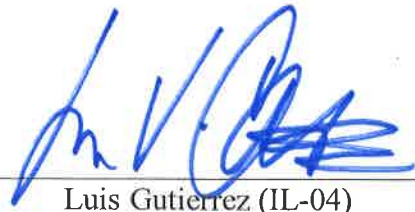
¹⁵ *Markup of Authorization and Oversight Plan; H.R. 985; H.R. 906*, before the H. Comm. on the Judiciary, Feb. 15, 2017.



Bradley Scott Schneider (IL-10)



Ted Deutch (FL-22)



Luis Gutierrez (IL-04)



Karen Bass (CA-37)



Cedric Richmond (LA-02)



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David N. Cicilline (RI-01)



Ted Lieu (CA-33)



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