

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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March 9, 2018

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Last night, we received a completely inadequate response from the White House regarding our Committee's request for information about security clearances.¹

As you know, I have been warning for more than a year about grave problems with the White House's deficient security clearance process, as well as specific officials who have been granted access to our nation's most closely guarded secrets despite highly derogatory information being reported to the White House about these officials.

Finally, last month—after many requests from me—you sent three letters seeking documents and information. On February 14, you sent a letter to the White House and a letter to the Federal Bureau of Investigation seeking information about former Staff Secretary Robert Porter. On February 15, you sent a broader request to the White House seeking information about the extent to which White House officials have been working for extended periods with only interim security clearances. The due date for all three letters was February 28.

Last night, the White House responded with a five-paragraph letter. It describes White House efforts to “improve its security procedures,” but it provides none of the information the Committee requested. The sole exception is an attachment—a memo from White House Chief of Staff John Kelly that the *Washington Post* placed online nearly three weeks ago.²

¹ Letter from Marc T. Short, Assistant to the President, to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Mar. 8, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/8%20March%202018%20OGR%20Letter.pdf>).

² *Read Kelly's Memo of Proposed Changes to White House Security Clearance Process*, Washington Post (Feb. 16, 2018) (online at <http://apps.washingtonpost.com/g/documents/politics/read-kellys-memo-of-proposed-changes-to-white-house-security-clearance-process/2777/>).

The letter also mentions that the White House established a “working group” to “streamline, harmonize, and modernize applicable standards across the Administration.” It then concludes: “we would be pleased to update you and others on the progress of the working group *at the appropriate time.*”

Despite the grave national security concerns at stake, I waited to comment publicly about this matter even as the deadline for producing the documents passed last week. During that period, the White House spokesperson stated in response to questions about the deadline, “We’re having conversations with the Committee and we’re going to continue working with them.”³ Similarly, your spokesperson stated, “The White House has been in consistent contact with the Committee regarding the request. The Committee anticipates a productive response shortly.”⁴

Unfortunately, the results of your negotiations are now in, and the White House response is completely unacceptable—under any reasonable standard.

When you appeared on CNN on February 14 to announce this investigation, you said you also planned to interview White House Counsel Don McGahn, Chief of Staff John Kelly, and others. You stated:

I would want to know from Don McGahn and General Kelly and anyone else: What did you know, from whom did you hear it, to what extent did you hear it and then what actions, if any, did you take? The chronology is not favorable for the White House. When you have the head of the FBI saying we told you three times in 2017 and once more in 2018 for good measure then I think the really fair questions are: what were you told, by whom were you told it, did you have some reason to question what the bureau told you, and if none of that is true, why did you keep him on. So Don’s one person to ask, General Kelly is one person to ask, there may be others at the White House, but those are the questions going through my mind.⁵

Yet, the Committee has not scheduled any of those interviews.

This is the third time the Committee has sought information from the White House under your tenure as Chairman, and it is the third time the White House has defied the Committee’s requests. The question is whether this will be the third time the Committee fails to take any action in response.

The first two instances occurred last year:

³ The White House, *Press Briefing by Press Secretary Sarah Sanders* (Mar. 1, 2018) (online at www.whitehouse.gov/briefings-statements/press-briefing-press-secretary-sarah-sanders-03012018/).

⁴ *Democrats Ask Kushner Companies, White House for Loan-Related Documents*, Reuters (Mar. 5, 2018) (online at www.reuters.com/article/us-usa-trump-russia-kushnercos/democrats-ask-kushner-companies-white-house-for-loan-related-documents-idUSKBN1GH2QI).

⁵ *New Day*, CNN (Feb. 14, 2018) (online at <http://transcripts.cnn.com/TRANSCRIPTS/1802/14/nday.05.html>).

- **Use of Private Email:** On September 25, 2017, you and I sent a bipartisan request to the White House seeking information about reports that Jared Kushner, Ivanka Trump, and other White House officials were using private email for official purposes in violation of the Presidential Records Act—an issue you investigated vigorously as Chairman of the Benghazi Select Committee when it related to Secretary of State Hillary Clinton. On October 18, 2017, White House officials informed us that they would not produce the information we requested because they were conducting an “internal review,” but they refused to provide a date by which it would be completed. Two days later, you wrote to the White House agreeing to abandon the Committee’s investigation until an undetermined point in the future when the White House completes its review.
- **Trips on Private Jets:** On September 26, 2017, you and I sent a bipartisan request to the White House seeking information about reports that White House officials flew on private jets at taxpayer expense, including Kellyanne Conway, who reportedly flew on several trips with Secretary of Health and Human Services Secretary Tom Price, who the President fired for his abuses. When the White House failed to produce the documents, we sent another bipartisan letter on October 17, 2017. On November 16, 2017, you sent a third letter to the White House. Finally, on December 4, 2017, the White House responded by declining to produce the documents and instead directing us to obtain them from components of the Executive Office of the President which “are subject to the requirements of the Federal Records Act and the Freedom of Information Act.”

There is an obvious pattern here. Unfortunately, by repeatedly backing down, the Committee has now enabled and emboldened the White House to openly defy congressional oversight. In my opinion, the Trump White House—more than any other in recent memory—needs more congressional oversight, not less. The response last night from the White House is an affront to our responsibilities under the Constitution, and it degrades the integrity of our Committee.

It is now clear that the White House will not respond to this Committee unless it is compelled to do so. For these reasons, I ask that you issue a subpoena to obtain the documents requested on February 14 and 15. If you decline to issue this subpoena yourself, then I ask that you step aside and allow Members of the Committee to debate and vote on a motion to issue this subpoena at our next business meeting, which is scheduled for next Thursday, March 15.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member