

FACT SHEET: Conducting Parallel Congressional and Criminal Investigations

There is a long history of Congress conducting investigations at the same time as criminal investigations. Members of Committees conducting these investigations typically exercise great care not to impair the outcome of criminal cases, while simultaneously asserting their own Constitutional authority to conduct robust oversight of the Executive Branch on issues that may include, but are not limited to, criminal offenses. As the Supreme Court has held:

[S]urely a congressional committee which is engaged in a legitimate legislative investigation need not grind to a halt whenever responses to its inquiries might be potentially harmful to a witness in some distinct proceeding, or when crime or wrongdoing is disclosed.¹

Congress' investigative purposes and authorities are much broader than those of criminal prosecutors or Special Counsels. Prosecutors seek to prove criminal conduct beyond a reasonable doubt, while Congress reviews issues of public concern that are not necessarily criminal, including practices that are not currently regulated or prohibited, in order to determine whether legislation is necessary or current law should be amended. Congress also reviews Executive Branch processes to ensure that they are implemented efficiently and effectively and to ensure that taxpayer dollars are being spent responsibly.

Reversal by Oversight Committee Chairman Trey Gowdy

Since becoming the Chairman of the House Committee on Oversight and Government Reform earlier this year, Rep. Trey Gowdy has refused all requests to take any further investigative steps in the Committee's formerly bipartisan investigation of fired National Security Advisor Michael Flynn.

The Oversight Committee had been at the forefront of this investigation under the leadership of Ranking Member Elijah Cummings and former Republican Chairman Jason Chaffetz. The pair obtained key documents from the Department of Defense and held a joint press conference announcing that General Flynn apparently lied on his security clearance forms and during background check interviews by omitting his foreign travel and contacts.²

They sent a bipartisan request to the White House in March 2017 requesting documents relating to what General Flynn had disclosed to White House officials regarding his foreign contacts and payments,³ but the White House refused to provide even a single document in

¹ *Hutcheson v. United States*, 369 U.S. 599, 618 (1962) (internal citations omitted).

² *House Oversight Leaders Say General Flynn Failed to Disclose Foreign Payments*, C-SPAN (Apr. 25, 2017) (online at www.c-span.org/video/?427539-1/house-oversight-committee-leaders-say-general-flynn-failed-disclose-foreign-payments).

³ Letter from Chairman Jason Chaffetz and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to White House Chief of Staff Reince Priebus (Mar. 22, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-03-22.Chaffetz%20EEC%20to%20Priebus-WH%20re%20Flynn.pdf>).

response to this request.⁴

When Rep. Gowdy became Chairman this summer, he refused to press the White House to provide any documents in response to the Committee's previous bipartisan request, refused to request additional documents from other sources, and disregarded new evidence about General Flynn's secret effort to work with Russia on a plan to build nuclear reactors in Saudi Arabia.

On October 18, 2017, all Committee Democrats sent Chairman Gowdy a detailed, ten-page letter asking for the opportunity to vote on a subpoena to the White House,⁵ but he refused to place it on the Committee's agenda to allow other Committee Members to consider it.⁶

In defending his decision to block the Committee's investigation, Chairman Gowdy forwarded the Democrats' letter to the Department of Justice, writing, "I will not risk interfering with any ongoing criminal probes." He also wrote: "I have striven to be consistent in how I approach criminal allegations, quasi-criminal allegations, and oversight that does not rise to the level of a criminal investigation."⁷

Rep. Gowdy's Actions on the House Intelligence Committee

Chairman Gowdy's new position is the complete opposite of the approach he is currently employing as a Member of the House Permanent Select Committee on Intelligence investigating Russian interference in the election at the same time that Special Counsel Robert Mueller is conducting a criminal investigation.⁸

During the course of the Intelligence Committee's investigation, Chairman Gowdy has repeatedly expressed a willingness to intervene in the Special Counsel's investigation, including questioning the same witnesses being questioned by the Special Counsel, issuing subpoenas to

⁴ Letter from Marc Short, White House Director of Legislative Affairs, to Chairman Jason Chaffetz and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform (Apr. 19, 2017) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/White%20House%20to%20Chaffetz%20Cummings%2004-19-17_0.pdf).

⁵ Letter from Democratic Members to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Oct. 18, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-18.Dems%20to%20Gowdy%20re%20WH%20Subpoena.pdf>).

⁶ Remarks of Ranking Member Elijah E. Cummings at Business Meeting, House Committee on Oversight and Government Reform (Nov. 2, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/EEC%20Statement%20on%20Subpoenas.pdf>).

⁷ Letter from Chairman Trey Gowdy, House Committee on Oversight and Government Reform, to Deputy Attorney General Rod J. Rosenstein and Special Counsel Robert S. Mueller III, Department of Justice (Oct. 18, 2017) (online at <https://oversight.house.gov/wp-content/uploads/2017/10/2017-10-18-TG-to-Rosenstein-and-Mueller.pdf>).

⁸ House Permanent Select Committee on Intelligence, *Joint Statement on Progress of Bipartisan HPSCI Inquiry into Russian Active Measures* (Jan. 25, 2017) (online at <https://intelligence.house.gov/news/documentsingle.aspx?DocumentID=758>); Department of Justice, *Appointment of Special Counsel to Investigate Russian Interference with the 2016 Presidential Election and Related Matters* (Order No. 3915-2017) (May 17, 2017) (online at www.justice.gov/opa/press-release/file/967231/download).

the Justice Department and the FBI, and asserting the right of Congress to conduct separate and vigorous oversight in tandem with the law enforcement investigation.

For example, the Intelligence Committee has interviewed—and has scheduled interviews with—scores of individuals involved in the Special Counsel’s probe, including:

- Jared Kushner⁹;
- Attorney General Jeff Sessions¹⁰;
- Rinat Akhmetshin¹¹;
- Carter Page¹²;
- Irakly (Ike) Kaveladze¹³; and
- JD Gordon.¹⁴

During an Intelligence Committee interview of Trump campaign advisor Carter Page on November 2, 2017, Chairman Gowdy asked a series of questions about the FBI’s investigation of Mr. Page including:

- My guess is that the questions the FBI asked you might provide some roadmap as to what they think you may have done. So what were the questions the FBI had for you?

⁹ *Kushner Interviewed by House Intelligence Panel*, Reuters (July 25, 2017) (online at www.reuters.com/article/us-usa-trump-russia-kushner/kushner-interviewed-by-house-intelligence-panel-idUSKBN1AA2BU); *Jared Kushner’s Team Turned Over Documents to Special Counsel in Russia Investigation*, CNN (Nov. 3, 2017) (online at www.cnn.com/2017/11/02/politics/jared-kushner-robert-mueller-documents-russia-investigation/index.html).

¹⁰ *House Panel to Interview Russian-American Lobbyist, Sessions*, Associated Press (Nov. 9, 2017) (online at www.cbsnews.com/news/house-panel-to-interview-russian-american-lobbyist-sessions/).

¹¹ *Id.*

¹² *Trump Campaign Adviser Met with Russian Officials in 2016*, New York Times (Nov. 3, 2017) (online at www.nytimes.com/2017/11/03/us/politics/trump-campaign-page-russian.html) (“Carter Page, a foreign policy adviser to the Trump presidential campaign, met Russian government officials during a July 2016 trip he took to Moscow, according to testimony he gave on Thursday to the House Intelligence Committee.”; “Mr. Page was questioned by the F.B.I. earlier this year and has also appeared before the grand jury as part of the special counsel’s inquiry.”).

¹³ *House Panel to Interview Russian Who Was at Trump Tower Meeting*, Bloomberg (Oct. 31, 2017) (online at www.bloomberg.com/news/articles/2017-11-01/house-panel-to-interview-russian-who-was-at-trump-tower-meeting); *Who is Ike Kaveladze, the Eighth Person at Donald Trump Jr.’s Russia Meeting?*, Newsweek (July 18, 2017) (online at www.newsweek.com/donald-trump-jr-russian-meeting-ike-kaveladze-natalie-veselnitskaya-638418) (Kaveladze’s lawyer “said he had received a phone call over the weekend from a representative for Robert Mueller, the Department of Justice special counsel, requesting the identity of Kaveladze, and he said he complied.”).

¹⁴ *Former Trump Campaign Adviser Meets with House Intelligence Committee*, ABC News (July 26, 2017) (online at <http://abcnews.go.com/Politics/trump-campaign-adviser-meets-house-intelligence-committee/story?id=48864519>); *Mueller Seeks White House Documents Related to Trump’s Actions as President*, New York Times (Sept. 20, 2017) (online at www.nytimes.com/2017/09/20/us/politics/mueller-trump-russia.html) (“Mr. Mueller has asked for all internal White House communications about numerous former campaign officials, including Paul J. Manafort, the former campaign chairman who is now under federal investigation. The document request also seeks communications about Mr. Trump’s campaign foreign policy team: Carter Page, J. D. Gordon, Keith Kellogg, George Papadopoulos, Walid Phares and Joseph E. Schmitz.”).

- Why do you think the FBI is investigating you?
- [H]ave you been interviewed by the FBI?
- Going back to the FBI, how many times have you been interviewed by the FBI?
- I'm just wondering if you can recall whether the Federal Bureau of Investigation may have interviewed you in 2016?
- Other than the Bureau, have you been interviewed or talked with any other law enforcement entities?
- I'm trying to understand law enforcement's interest in you with respect to the jurisdiction of this committee, what we're investigating. And how many times have they interviewed you in connection with Russia's attempts to interfere with or influence the 2016 election cycle?
- Did the Bureau talk to you before the dossier was made public?
- And is it your testimony that all of the Bureau's questions to you are about allegations made in the dossier?¹⁵

On August 24, 2017, the Intelligence Committee issued subpoenas to the FBI and the Justice Department compelling the production of documents relating to the Christopher Steele dossier. When the FBI and Justice Department failed to comply with those requests, the Intelligence Committee subpoenaed FBI Director Christopher Wray and Attorney General Jeff Sessions to appear before the Committee to explain why the documents had not been produced.¹⁶

In a press interview about the subpoenas, Chairman Gowdy expressed frustration with the delay—*despite acknowledging that the FBI had stated that its compliance with the Intelligence Committee subpoena could interfere with the investigation of the Special Counsel*. The article reported: “Gowdy said the FBI has said it needed more time to comply, and also that complying might interfere with the investigation of special counsel Robert Mueller.” The article quoted Chairman Gowdy as stating: “Congress created the FBI, we created the Department of Justice, we're the ones who passed the laws that set the boundaries of their jurisdiction, and we're the ones that fund them.” He also reportedly said:

It is not illegitimate for us to ask what prompted this investigation, and it is certainly not illegitimate for us to test and probe the reliability of that underlying information, particularly if, in theory, there are either charging decisions and/or court filings that relied upon that information.¹⁷

¹⁵ House Permanent Select Committee on Intelligence, Interview of Carter Page (Nov. 2, 2017) (online at https://intelligence.house.gov/uploadedfiles/carter_page_hpSCI_hearing_transcript_nov_2_2017.pdf).

¹⁶ *House Committee Subpoenas FBI, Justice Over Trump Dossier*, Washington Examiner (Sept. 5, 2017) (online at www.washingtonexaminer.com/house-committee-subpoenas-fbi-justice-over-trump-dossier/article/2633466).

¹⁷ *Id.*

Actions as Chairman of Benghazi Select Committee

Chairman Gowdy's new position is also the complete opposite of the approach he employed as the Chairman of the House Select Committee on Benghazi when he was investigating former Secretary of State Hillary Clinton and the attacks themselves at the same time as ongoing criminal investigations.

During an interview on Fox News on January 27, 2015, Chairman Gowdy stated:

The legislative branch has the right to conduct oversight over the executive branch. And when you take two-and-a-half years to produce documents and try to just wait out the Congress, that's not the way this was designed. So as soon as my fellow citizens get as upset as you are about it and as upset and frustrated as I am, regardless of which political party is in power, Lou—this could be a Republican administration—Congress is still entitled to the documents.¹⁸

He also stated that his position would be the same if a Republican became President:

I hope I live long enough to see a Republican president. And if I do and if I'm in Congress, I promise you, I will make her or him be responsive to the people's House when they have legitimate requests for documents!¹⁹

In 2015, Chairman Gowdy disregarded concerns raised by the Department of Justice about his plans to conduct interviews of individuals who had been in Benghazi the night of the attacks and who were potentially going to be called as trial witnesses in the criminal prosecution of the Benghazi attackers.

During a hearing with Department of Justice officials on January 27, 2015, Chairman Gowdy questioned any assertion that Congress could not conduct a parallel investigation while a criminal investigation was ongoing. He asked the witness: "Can you tell me specifically how our interviewing witnesses is going to jeopardize the prosecution?"²⁰

He then stated:

I have to clear up this misconception that simply talking to a witness who has already talked to three other investigatory bodies, that somehow or another Congress cannot talk to these witnesses, even though apparently everybody else can. I am curious how that jeopardizes an ongoing prosecution.²¹

He also said:

¹⁸ *Lou Dobbs Tonight*, Fox Business (Jan. 27, 2015) (online at www.youtube.com/watch?v=wWBuNBdW1e8) (emphasis added).

¹⁹ *Id.*

²⁰ Select Committee on the Events Surrounding the 2012 Terrorist Attacks in Benghazi, *Hearing 3*, 114th Cong. (Jan. 27, 2015) (online at www.gpo.gov/fdsys/pkg/CHRG-114hhrg93579/pdf/CHRG-114hhrg93579.pdf).

²¹ *Id.*

I want to ask you something. I want to ask you something, okay? Because there are 12 people up here who may not agree on another single, solitary thing, but every one of us agrees that we don't want to do anything to jeopardize the physical security of anybody who works for this government. Nor does anybody on this dais want to do anything to jeopardize an ongoing prosecution. Okay? Can we stipulate that?²²

The Department of Justice raised no objection to the Select Committee proceeding with those interviews "so long as they do not jeopardize the Department of Justice's investigation and prosecution of the perpetrators of the Benghazi attacks."²³

In order to prevent harm to the Department of Justice's future criminal prosecution, the Department of Justice requested an accommodation from Chairman Gowdy, asking him to permit Department attorneys to sit in on the Select Committee interviews. On February 12, 2015, the Department reiterated this request in a letter to Chairman Gowdy, stating:

As previously discussed, we requested the presence of a Department attorney from the Abu Khattala prosecution team and an agent from the Federal Bureau of Investigation (FBI) during the interviews of four of the State Department witnesses because their interviews could impact the ongoing prosecution and investigation relating to the September 11, 2012 attacks on U.S. Special Mission personnel and facilities in Benghazi, Libya. Although we appreciate that these are matters of first impression, we reiterate our prior requests to have a prosecutor and a FBI agent present during the Committee's interviews of those four witnesses because of the risks these interviews may pose to our law enforcement efforts.²⁴

Chairman Gowdy refused the Department's request and interviewed those witnesses without any Department officials present.

Chairman Gowdy also conducted an 11-hour public hearing with Secretary Clinton in October 2015, which included numerous hours of questioning about Secretary Clinton's private email usage and treatment of classified information, during the FBI investigation of those same matters.

Other Parallel Investigations

The Oversight Committee and other committees of Congress have frequently exercised their oversight powers to examine matters that were also the subject of ongoing criminal probes, including several in which Chairman Gowdy directly participated:

²² *Id.*

²³ Select Committee on the Events Surrounding the 2012 Terrorist Attacks in Benghazi, *Hearing 3*, 114th Cong. (Jan. 27, 2015) (online at www.gpo.gov/fdsys/pkg/CHRG-114hhrg93579/pdf/CHRG-114hhrg93579.pdf).

²⁴ Letter from Assistant Attorney General for Legislative Affairs Peter J. Kadzik, Department of Justice, to Staff Director, Select Committee on Benghazi (Feb. 12, 2015).

- ***Operation Fast and Furious Investigation:*** Under Chairman Issa, Chairman Chaffetz, and Chairman Gowdy, the House Oversight Committee and the Senate Judiciary Committee have investigated ATF's Operation Fast and Furious concurrently with the Justice Department's criminal investigation into the murder of U.S. Border Patrol Agent Brian Terry, as well as numerous criminal investigations and prosecutions for gun and narcotics crimes along the Southwest Border.²⁵
- ***Secret Service Investigation:*** Under Chairman Chaffetz, the House Oversight Committee conducted multiple bipartisan investigations into major Secret Service security breaches and misconduct allegations while the Department of Justice and DC police simultaneously conducted criminal investigations into related individuals including White House fence jumpers.²⁶
- ***IRS Investigation:*** Under Chairman Issa and Chairman Chaffetz, the House Oversight Committee and the House Committee on Ways and Means investigated allegations that the IRS was applying politically-motivated scrutiny to target applications for tax-exempt status from Tea Party and conservative organizations while the Department of Justice conducted a criminal investigation into whether any IRS officials committed crimes in connection with their handling of those tax-exempt applications.²⁷
- ***GSA Conference Investigation:*** Under Chairman Issa, the House Oversight Committee conducted an investigation of the General Services Administration's excessive spending and procurement violations in connection with a 2010 training conference, which expanded into a multi-agency review of conference spending. The Department of Justice

²⁵ House Committee on Oversight and Government Reform, *Minority Staff Report—Fatally Flawed: Five Years of Gunwalking in Arizona*, 112th Cong. (Jan. 30, 2012) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Fast%20and%20Furious.Minority%20Report.pdf>); *Suspected Gunman in Border Patrol Agent Brian Terry's Killing Arrested*, NBC News (Apr. 13, 2017) (online at www.nbcnews.com/news/us-news/suspected-gunman-border-patrol-agent-brian-terry-s-killing-arrested-n745896).

²⁶ Department of Justice, *Omar Gonzalez Sentenced to 17 Months in Prison for Armed Intrusion on White House Grounds* (June 16, 2015) (online at www.justice.gov/opa/pr/omar-gonzalez-sentenced-17-months-prison-armed-intrusion-white-house-grounds); *Gyrocopter Pilot Indicted on Six Charges*, Roll Call (May 20, 2015) (online at www.rollcall.com/hill-blotter/gyrocopter-pilot-indicted-on-six-charges); *Secret Service Manager Put on Leave During Probe of Alleged Assault*, Washington Post (Apr. 8, 2015) (online at www.washingtonpost.com/politics/secret-service-manager-put-on-leave-after-alleged-assault-at-headquarters/2015/04/08/cb31c412-ddf9-11e4-a500-1c5bb1d8ff6a_story.html); *Secret Service: White House Jumper Was Captured After More than 15 Minutes*, CNN (Mar. 17, 2017) (online at www.cnn.com/2017/03/17/politics/white-house-fence-jumper/index.html).

²⁷ House Committee on Oversight and Government Reform, *Democratic Staff Report: No Evidence of White House Involvement or Political Motivation in IRS Screening of Tax-Exempt Applicants*, 113rd Cong. (May 6, 2014) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/migrated/uploads/Cummings%20Report%20on%2039%20IRS%20Transcripts%20050614.pdf>); Letter from Assistant Attorney General for Legislative Affairs Peter J. Kadzik, Department of Justice, to Chairman Bob Goodlatte and Ranking Member John Conyers, Jr., House Committee on the Judiciary (Oct. 23, 2015) (online at <http://online.wsj.com/public/resources/documents/IRS1023.pdf>) (explaining that DOJ closed the investigation in 2015 after an extensive investigation that found no evidence of political, discriminatory, corrupt, or inappropriate motives, or any other actions that would support a criminal prosecution).

investigated and prosecuted the GSA Regional Commissioner for his actions related to this matter, the same individual who asserted his Fifth Amendment rights during the Committee's hearing.²⁸

- **2008 Financial Crisis Investigation:** Under Chairman Waxman and Chairman Towns, the House Oversight Committee and the Senate Permanent Subcommittee on Investigations investigated the 2008 financial crisis. The Department of Justice began criminal investigations of the financial crisis in 2008 that continue to this day and have yielded prosecutions against banks and bank executives.²⁹
- **Valerie Plame Investigation:** Under Chairman Waxman, the House Oversight Committee investigated the White House's disclosure of CIA Agent Valerie Plame Wilson's identity while Special Counsel Patrick Fitzgerald conducted a criminal investigation into the unauthorized disclosure of her identity.³⁰ Chairman Waxman worked with the Special Counsel to narrow his requests for documents to those that would not infringe on the Special Counsel's prosecutorial independence or grand jury secrecy and also agreed to delay certain specific requests.³¹
- **Jack Abramoff Investigation:** Under Chairman Davis and Chairman Waxman, the House Oversight Committee conducted a bipartisan investigation into the White House's contacts with lobbyist Jack Abramoff while the Department of Justice criminally investigated and prosecuted Mr. Abramoff, his lobbying associates, and public officials. The Committee issued two bipartisan reports, conducted eight depositions, and received

²⁸ House Committee on Oversight and Government Reform, *Hearing on the GSA's Culture of Wasteful Spending*, 112th Cong. (Apr. 16, 2012); see Department of Justice, *Former Top GSA Official Sentenced to Three Months Imprisonment and Three Months Home Detention* (July 1, 2015) (online at www.justice.gov/usao-ndca/pr/former-top-gsa-official-sentenced-three-months-imprisonment-and-three-months-home).

²⁹ House Committee on Oversight and Government Reform, *Hearing on the Financial Crisis and the Role of Federal Regulators*, 110th Cong. (Oct. 23, 2008) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/migrated/20081024163819.pdf>); Senate Permanent Subcommittee on Investigations, *Wall Street and the Financial Crisis: Anatomy of a Collapse* (Apr. 13, 2011) (online at www.hsgac.senate.gov/subcommittees/investigations/media/senate-investigations-subcommittee-releases-levin-coburn-report-on-the-financial-crisis). See also Department of Justice, *Former Chairman of Taylor, Bean & Whitaker Convicted for \$2.9 Billion Fraud Scheme That Contributed to the Failure of Colonial Bank* (Apr. 19, 2011) (online at www.justice.gov/opa/pr/former-chairman-taylor-bean-whitaker-convicted-29-billion-fraud-scheme-contributed-failure).

³⁰ See House Committee on Oversight and Government Reform, *Report Regarding President Bush's Assertion of Executive Privilege in Response to the Committee Subpoena to Attorney General Michael B. Mukasey* (Dec. 15, 2008) (online at <https://wayback.archive-it.org/4949/20141031181204/http://oversight-archive.waxman.house.gov/story.asp?ID=2291>); *Libby Found Guilty in CIA Leak Trial*, *The Guardian* (Mar. 6, 2007) (online at www.theguardian.com/world/2007/mar/06/usa.simonjeffery).

³¹ See Letter from Chairman Henry A. Waxman, House Committee on Oversight and Government Reform, to Attorney General Michael Mukasey, Department of Justice (Dec. 3, 2007) (online at <https://wayback.archive-it.org/4949/20141031200615/http://oversight-archive.waxman.house.gov/documents/20071203103022.pdf>); Letter from Chairman Henry A. Waxman, House Committee on Oversight and Government Reform, to Special Counsel Patrick Fitzgerald, Department of Justice (July 16, 2007) (online at <https://wayback.archive-it.org/4949/20141031200615/http://oversight-archive.waxman.house.gov/documents/20071203103243.pdf>).

more than 20,000 pages of documents without objection from the Department of Justice, and the Committee deferred three depositions at the Department's request.³²

- ***Enron Investigation:*** From 2001 to 2006, the House Energy and Commerce Committee conducted a comprehensive investigation of Enron at the same time as the Department of Justice was examining allegations of potentially illegal actions by Enron in a broad criminal probe. An Energy and Commerce subcommittee held a hearing on January 24, 2002, on the destruction of Enron-related documents by the accounting firm Arthur Andersen and obtained documents from the firm regarding this issue. The Department of Justice prosecuted Arthur Andersen for obstruction of justice related to this matter.³³
- ***Investigation of Insider Trading by Martha Stewart:*** In January 2002, the House Energy and Commerce Committee launched an investigation into whether Martha Stewart had engaged in insider trading of stock in ImClone Systems, Inc. The congressional investigation was conducted at the same time as a criminal investigation by the Justice Department and a civil investigation by the Securities and Exchange Commission.³⁴
- ***Investigation of U.N. Food for Water Program:*** The House Government Reform, Energy and Commerce, and Appropriations Committees, as well as the Senate Homeland Security and Governmental Affairs Committee, held investigative hearings on the Oil for Food program in 2004 and 2005. The U.S. Attorney for the Southern District of New York and the Securities and Exchange Commission conducted criminal investigations of corruption in the U.N. Oil for Food program that resulted in several indictments and guilty pleas from 2005 to 2007.³⁵

³² House Committee on Oversight and Government Reform, Hearing *Jack Abramoff's Contacts with White House Officials*, 110th Cong. (June 9, 2008) (online at <http://alt.cimedia.com/ajc/pdf/polinsider/abramoffreport.pdf>); House Committee on Oversight and Government Reform, *Final Report on the Abramoff Investigation*, 109th Cong. (Sep. 28, 2006) (online at <https://wayback.archive-it.org/4949/20141031193026/http://oversight-archive.waxman.house.gov/abramoff/index3.asp>); Department of Justice, *Former Lobbyist Jack Abramoff Sentenced to 48 Months in Prison on Charges Involving Corruption, Fraud, Conspiracy and Tax Evasion* (Sept. 4, 2008) (online at www.justice.gov/archive/opa/pr/2008/September/08-crm-779.html); Department of Justice, *Former Lobbyist Pleads Guilty to Conspiracy to Commit Honest Services Fraud* (Jan. 30, 2009) (online at www.justice.gov/archive/opa/pr/2009/January/09-crm-078.html).

³³ House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, *Hearing on the Destruction of Enron-Related Documents by Andersen Personnel*, 107th Cong. (Jan. 24, 2002) (online at www.gpo.gov/fdsys/pkg/CHRG-107hhr77569/pdf/CHRG-107hhr77569.pdf); see, e.g., *Crime in the Suites: A Look Back at the Enron Case*, Federal Bureau of Investigation (Dec. 13, 2006) (online at https://archives.fbi.gov/archives/news/stories/2006/december/enron_121306); *Arthur Andersen LLP v. United States*, 544 U.S. 696 (2005).

³⁴ See Letter from Reps. Billy Tauzin and John Dingell to Attorney General John Ashcroft (Sept. 10, 2002); *Prosecuting Martha Stewart: The Overview*, New York Times (June 5, 2003) (online at www.nytimes.com/2003/06/05/business/prosecuting-martha-stewart-overview-martha-stewart-indicted-us-obstruction.html).

³⁵ *IRAQ: Oil for Food Scandal Background*, Council on Foreign Relations (Oct. 28, 2005) (online at www.cfr.org/background/iraq-oil-food-scandal); see, e.g., Securities and Exchange Commission, *Chevron to Pay \$30 Million to Settle Charges for Improper Payments to Iraq Under U.N. Oil for Food Program* (Nov. 14, 2007) (online at www.sec.gov/news/press/2007/2007-230.htm).

- ***Investigation of Falsified Data Relating to the Yucca Mountain Nuclear Waste Depository:*** The House Government Reform Subcommittee on the Federal Workforce and Agency Organization investigated allegations that scientists falsified data relating to the Yucca Mountain nuclear waste repository. At the same time, the Department of Justice conducted criminal investigations into those allegations.³⁶
- ***Whitewater Investigation:*** The House Government Reform and Oversight Committee investigated Whitewater and related controversies under the leadership of Republican Chairman Dan Burton while Independent Counsel Kenneth Starr investigated this matter from 1994-1999.³⁷ In a May 2017 interview, Congresswoman Barbara Comstock, who served as the chief investigative counsel for Chairman Burton, stated that the parallel work complemented the work of the Independent Counsel: “We did investigations separate from what the Justice Department was doing, and often, we found documents before they did.” She also stated, “The purpose of the congressional investigations is the public’s right to know, and I think the two can be done concurrently.”³⁸
- ***Investigation of White House Travel Office:*** In 1996, the House Government Reform and Oversight Committee investigated this matter at the same time as Independent Counsel Kenneth Starr empaneled a grand jury for criminal investigation of this matter.³⁹
- ***Investigation of Allegations of Misuse of FBI Files:*** In 1996, the House Government Reform and Oversight Committee and Independent Counsel Kenneth Starr both investigated this matter.⁴⁰
- ***Investigation into Allegations of Campaign Finance Law Violations During 1996 Election:*** The House Government Reform and Oversight Committee, the Senate Governmental Affairs Committee, and other congressional committees investigated this

³⁶ See *Yucca Studies May Have Been Faked*, Associated Press (Mar. 16, 2005) (online at www.foxnews.com/story/2005/03/16/yucca-studies-may-have-been-faked.html).

³⁷ Special Committee to Investigate Whitewater Development Corporation, *Final Report* (June 17, 1996) (S. Rept. 104-280) (online at www.congress.gov/104/crpt/srpt280/CRPT-104srpt280.pdf); Congressional Research Service, *Independent Counsels Appointed under the Ethics in Government Act of 1978, Costs and Results of Investigations*, Report 98-19 (updated June 8, 2006) (online at https://digital.library.unt.edu/ark:/67531/metadc815038/m2/1/high_res_d/98-19_2006Jun08.pdf).

³⁸ *Ample Precedent Argues That Special Investigation Won’t Impede Parallel Congressional Probes*, Washington Post (May 19, 2017) (online at www.washingtonpost.com/powerpost/ample-precedent-argues-that-special-investigation-wont-impede-parallel-congressional-probes/2017/05/19/5145bfd8-3cab-11e7-a058-dbb23c75d82_story.html).

³⁹ See *White House Obtained FBI Data on Fired Travel Chief*, Washington Post (June 6, 1996) (online at <https://media.washingtonpost.com/wp-srv/politics/special/whitewater/stories/wwtr960606.htm>); *GOP Slams White House in FBI Files Report*, Washington Post (Sept. 25, 1996) (online at www.washingtonpost.com/wp-srv/politics/special/whitewater/stories/wwtr960825.htm).

⁴⁰ See *White House Obtained FBI Data on Fired Travel Chief*, Washington Post (June 6, 1996) (online at <https://media.washingtonpost.com/wp-srv/politics/special/whitewater/stories/wwtr960606.htm>); Congressional Research Service, *Independent Counsels Appointed Under the Ethics in Government Act of 1978, Costs and Results of Investigations*, Report 98-19 (updated June 8, 2006) (online at https://digital.library.unt.edu/ark:/67531/metadc815038/m2/1/high_res_d/98-19_2006Jun08.pdf).

matter concurrent with the Justice Department's 1996-1999 criminal probe of allegations of campaign finance law violations during the 1996 campaign.⁴¹

- ***Investigation of Allegations of Fundraising Improprieties Involving the Teamsters:*** From 1997 to 1999, the House Education and the Workforce Subcommittee on Oversight and Investigations examined this issue concurrently with an investigation of the matter by the U.S. Attorney for the Southern District of New York.⁴²
- ***Investigation of Allegations Relating to Chinese Espionage:*** In June 1998, the House of Representatives established the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China to investigate allegations that China had acquired nuclear expertise and technology from United States sources. The Senate Judiciary Committee also conducted investigative hearings and issued subpoenas investigating similar allegations of Chinese espionage. These congressional inquiries were conducted concurrently with a Justice Department criminal investigation of mishandling of classified information at Department of Energy facilities, which led to the indictment of Wen Ho Lee.⁴³
- ***Iran-Contra Investigation:*** In 1987, the House and the Senate jointly investigated allegations that senior Reagan administration officials had secretly facilitated arms sales to Iran in contravention of an arms embargo and used the proceeds to fund Contra rebels in Nicaragua. Independent Counsel Lawrence Walsh conducted a simultaneous criminal probe.⁴⁴
- ***Watergate Investigation:*** The Senate Select Committee on Presidential Activities (the Watergate Committee) investigated the June 1972 break-in at the Democratic National Campaign headquarters at the Watergate Hotel at the same time as a Justice Department probe into the matter led by Special Counsel Archibald Cox.⁴⁵

⁴¹ *Campaign Fund Probe Winds Down*, Washington Post (May 30, 1999) (online at www.washingtonpost.com/wp-srv/politics/special/campfin/stories/finance053099.htm); *DNC to Resist House's 'Wild Goose Chase' Subpoenas*, Washington Post (Dec. 12, 1997) (online at www.washingtonpost.com/wp-srv/politics/special/campfin/stories/cf121297a.htm); *Senate Campaign Probers Release Findings*, Washington Post (Mar. 6, 1998) (online at www.washingtonpost.com/wp-srv/politics/special/campfin/stories/cf030698a.htm).

⁴² See House Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, *Report on the Financial, Operating, and Political Affairs of the International Brotherhood of Teamsters* (Feb. 24, 1999) (online at <http://archives.republicans.edlabor.house.gov/archive/markups/106th/oi/teamster/ibt.pdf>).

⁴³ See Senate Judiciary Committee, Subcommittee on Administrative Oversight and the Courts, *Continuation of Oversight of the Wen Ho Lee Case*, S. Hrg. 106-1040 (Sept. 17 & Oct. 3, 2000) (online at www.gpo.gov/fdsys/pkg/CHRG-106shrg74193/html/CHRG-106shrg74193.htm); *The Prosecution Unravels: The Case of Wen Ho Lee*, New York Times (Feb. 5, 2001) (online at www.nytimes.com/2001/02/05/us/the-prosecution-unravels-the-case-of-wen-ho-lee.html).

⁴⁴ *The Iran-Contra Report: The Overview*, New York Times (Jan. 19, 1994) (online at www.nytimes.com/1994/01/19/world/iran-contra-report-overview-walsh-criticizes-reagan-bush-over-iran-contra.html).

⁴⁵ *What to Remember About Watergate*, New York Times (May 20, 2017) (online at www.nytimes.com/2017/05/20/opinion/sunday/trump-nixon-watergate-congress.html).