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ONE HUNDRED SIXTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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August 22, 2019

Hon. Adam Schiff  
Chairman  
Permanent Select Committee on Intelligence  
Capitol Visitor Center HVC-304  
U.S. Capitol Building  
Washington, D.C. 20515

Hon. Maxine Waters  
Chairwoman  
Committee on Financial Services  
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Hon. Elijah E. Cummings  
Chairman  
Committee on Oversight and Reform  
2157 Rayburn House Office Building  
Washington, D.C. 20515

Hon. Elliot L. Engel  
Chairman  
Committee on Foreign Affairs  
2170 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairs Schiff, Waters, Cummings, and Engel:

I am writing to request information, including documents and testimony, depositions, and/or interview transcripts, that you believe may be relevant to the Judiciary Committee's ongoing impeachment investigation relating to President Trump.

As you know, the Judiciary Committee’s authority and intent to conduct an investigation to determine whether to recommend articles of impeachment has been manifested previously through a variety of means and on numerous occasions. These include, among other things, a series of reports and memoranda issued by and to Judiciary Committee Members in connection with Committee proceedings specifying that the Committee is considering “whether to approve articles of impeachment with respect to the President”<sup>1</sup> and a series of legal filings made by the Judiciary Committee seeking “relevant facts” so that the Committee may “consider whether to exercise its full Article I powers, including a constitutional power of utmost gravity—approval of articles of impeachment.”<sup>2</sup>

In this regard, last month the Judiciary Committee filed an application with the U.S. District Court for the District of Columbia seeking an order authorizing the release of certain grand jury materials to the Committee related to Special Counsel Robert Mueller’s *Report On The Investigation Into Russian Interference In The 2016 Presidential Election*. In connection with that filing, the Judiciary Committee agreed to share grand jury information that it may obtain with the House Permanent Select Committee on Intelligence.<sup>3</sup> The requests described herein would build on that sharing agreement and would similarly allow for sensitive or confidential information to be received in executive session as needed.<sup>4</sup> This letter also follows up on our three joint letters and the joint statement that we have previously issued seeking access to the full and unredacted report prepared by Special Counsel Mueller, along with supporting materials.<sup>5</sup>

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<sup>1</sup> See e.g., H. Rep. 116-105 at 13 (2019) (purposes of Judiciary Committee’s investigation include “considering whether any of the conduct described in the Special Counsel’s Report warrants the Committee in taking any further steps under Congress’ Article I powers. That includes whether to approve articles of impeachment with respect to the President or any other Administration official . . . .”); Jerrold Nadler, Chairman, H. Comm. on the Judiciary, Memorandum Re: Hearing on “Lessons from the Mueller Report, Part III: ‘Constitutional Processes for Addressing Presidential Misconduct,’” at 3 (July 11, 2019) (“With regard to the Committee’s responsibility to determine whether to recommend articles of impeachment against the President, articles of impeachment have already been introduced in this Congress and referred to the Judiciary Committee. They are under consideration as part of the Committee’s investigation, although no final determination has been made”) (footnote omitted).

<sup>2</sup> See Application at 1, In Re Application of the Committee on the Judiciary, U.S. House of Representatives, for an Order Authorizing the Release of Certain Grand Jury Materials, Misc. No. 1:19-gj-00048-BAH (D.D.C. Jul. 26, 2019); Complaint ¶1, Committee on the Judiciary, U.S. House of Representatives v. McGahn, No. 1:19-cv-2379 (D.D.C. Aug. 7, 2019).

<sup>3</sup> See Jerrold Nadler, Chairman, H. Comm. on the Judiciary, Memorandum Re: Procedures for Handling Grand Jury Information (July 26, 2019).

<sup>4</sup> See Deschler’s Precedents, vol. 3, ch. 14. §6.9, p. 2052. The Judiciary Committee’s provisions for sharing grand jury materials also include numerous safeguards limiting distribution of the shared information.

<sup>5</sup> See Letter to William P. Barr, Att’y General, U.S. Dep’t of Justice, from Jerrold Nadler, Chairman, H. Comm. on the Judiciary, Adam Schiff, Chairman, H. Permanent Select Comm. on Intelligence, Elijah Cummings, Chairman, H. Comm. on Oversight and Reform, Eliot Engel, Chairman, H. Comm. on Foreign Affairs, Maxine Waters, Chairwoman, H. Comm. on Financial Services, Richard Neal, Chairman, H. Comm. on Ways and Means (Feb. 22, 2019); Letter to William P. Barr, Att’y General, U.S. Dep’t of Justice, from Jerrold Nadler, Chairman, H. Comm. on the Judiciary, Adam Schiff, Chairman, H. Permanent Select Comm. on Intelligence, Elijah Cummings, Chairman, H. Comm. on Oversight and Reform, Eliot Engel, Chairman, H. Comm. on Foreign Affairs, Maxine Waters, Chairwoman, H. Comm. on Financial Services, Richard Neal, Chairman, H. Comm. on Ways and Means (Mar. 25, 2019); Letter to William P. Barr, Att’y General, U.S. Dep’t of Justice, from Jerrold Nadler, Chairman, H. Comm. on the Judiciary, Adam Schiff, Chairman, H. Permanent Select Comm. on Intelligence, Elijah Cummings, Chairman, H. Comm. on Oversight and Reform, Eliot Engel, Chairman, H. Comm. on Foreign Affairs, Maxine Waters, Chairwoman, H. Comm. on Financial Services, Richard Neal, Chairman, H. Comm. on Ways and Means (Apr. 1, 2019); Press Release, H. Comm. on the Judiciary, House Committee Chairs Joint Statement Calling for Full Disclosure of Mueller Report from DOJ and Release of Underlying Evidence to Relevant Committees (Mar. 22, 2019) available at <https://judiciary.house.gov/news/press-releases/house-committee-chairs-joint-statement-calling-full-disclosure-mueller-report>.

This request is consistent with, and follows from, clause 2(e)(2)(A) of House Rule XI, which provides in pertinent part that “all committee records (including hearings, data, charts, and files) . . . shall be the property of the House, and each Member, Delegate, and the Resident Commissioner shall have access thereto.” I understand that any such sharing of documents and information shall be subject to any requirements and limitations imposed by law, House Rules, and the rules of our respective Committees.

Finally, I reiterate that this request is separate and apart from—and in no way limits or alters—each of our Committees’ oversight and investigative authority under the Constitution. As the Supreme Court has repeatedly affirmed, the “scope of [Congress’s] power of inquiry . . . is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.”<sup>6</sup> It “has been employed by Congress throughout our history, over the whole range of national interests concerning which Congress might legislate or decide upon due investigation not to legislate.”<sup>7</sup>

I look forward to our Committees working together on this matter of the highest constitutional importance.

Sincerely,



Jerrold Nadler  
Chairman  
Committee on the Judiciary

cc: Hon. Doug Collins  
Hon. Devin Nunes  
Hon. Patrick McHenry  
Hon. Jim Jordan  
Hon. Michael McCaul

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<sup>6</sup> Eastland v. U.S. Servicemen’s Fund, 421 U.S. 491, 504 n.15 (1975).

<sup>7</sup> Barenblatt v. United States, 360 U.S. 109, 111 (1959).