

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<http://oversight.house.gov>
September 2, 2016

The Honorable John F. Kerry
Secretary
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Kerry:

We are writing pursuant to the statutory “Seven Member Rule” to obtain a copy of full, unredacted email exchanges between former Secretary of State Colin Powell and then-Secretary of State Hillary Clinton in which Secretary Powell advised Secretary Clinton on the use of personal email.

The Seven Member Rule is unique authority passed by Congress and signed by the President in 1928 that requires any executive agency to “submit any information requested of it relating to any matter within the jurisdiction of the committee” when requested by seven members of the Committee on Oversight and Government Reform.¹

For example, in *Henry A. Waxman v. Donald L. Evans*, United States District Court Judge Lourdes G. Baird granted sixteen members of the Committee summary judgment in a case brought against the Department of Commerce to enforce the Seven Member Rule. The court ruled that the Department was required to provide adjusted data from the 2000 census.²

Ranking Member Elijah Cummings first requested a copy of email exchanges between Secretary Powell and Secretary Clinton in a letter to the Department on August 29, 2016.³ He described the facts surrounding one such exchange and explained that it appears to have occurred on January 23, 2009. This document would certainly be considered a State Department record

¹ 5 U.S.C. § 2954. 45 Stat. 996 (1928). The statutory language originally referred to the “Committee on Government Operations.” The Committee was renamed several times since then and in the 110th Congress, it was renamed the Committee on Oversight and Government Reform. References in law to the Committee on Government Operations are treated as referring to this Committee.

² *Henry A. Waxman v. Donald L. Evans*, CV 01-4530 LGB (AJWx) (C.D. Cal. 2002).

³ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Secretary of State John F. Kerry and Director of National Intelligence James R. Clapper (Aug. 29, 2016) (online at http://democrats.oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2016-08-29.EEC%20to%20State-IC.Final__0.PDF).

since it involves a former Secretary advising a new Secretary on how to treat official records for recordkeeping purposes.

Under House Rule X, the Committee has jurisdiction over “public information and records.”⁴ In addition, as the primary investigative body in the House, the Committee also has the broad authority “at any time to conduct investigations” of “any matter.”⁵

Finally, our staff has consulted with the Federal Bureau of Investigation about this request, and the Bureau has raised no objections to Congress obtaining these records. We are providing a copy of this letter to the Bureau as well.

Please provide these documents no later than 5 p.m. on September 6, 2016. If you have any questions about this request, please contact Krista Boyd at (202) 225-5051. Thank you for your prompt cooperation with this matter.

Sincerely,

Eligh E. Tunney

Ann E. Dunphy

Robin Watson Coleman

John

Cassidy P. Maloney

Brenda Laurence

Wm H. H. H.

Robin Kelly

Steve Lyle

Ted W. Lieu

Mark DeSantis

⁴ House rule X, clause (1)(n)(10).

⁵ House rule X, clause (4)(c)(2).

The Honorable John F. Kerry

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cc: The Honorable Jason Chaffetz, Chairman
The Honorable James Comey, Director, Federal Bureau of Investigation