

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

October 23, 2017

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

Dear Mr. Chairman:

I am writing to request that you join the document request I sent several weeks ago to Senior Advisor to the President Jared Kushner relating to his use of personal email and his possible violation of the Presidential Records Act. If you decline to join this request, then I ask you to allow Committee Members to vote on a motion to issue a subpoena to compel Mr. Kushner to produce the requested documents.

As you know, on October 18, 2017, Democratic and Republican Committee staff received a briefing from the White House relating to the use of personal email for official business by the President's top aides. This briefing was conducted by Deputy Counsel to the President Stefan Passantino, Deputy Counsel to the President Uttam Dhillon, and Associate Counsel to the President Daniel Epstein.

These officials stated that several White House employees came forward and "confessed" that they failed to forward official records from their personal email accounts to their governmental email accounts within 20 days, as the Presidential Records Act requires. However, the White House officials refused to identify these employees. When asked whether Senior Advisor to the President Jared Kushner complied with the Presidential Records Act, these White House officials replied, "You should talk to Mr. Kushner's counsel about that."

Of course, as you also know, I sent a letter to Mr. Kushner several weeks earlier, on September 25, 2017, regarding reports that he set up a private domain on a non-governmental server for email use shortly after Donald Trump was sworn in as President.¹ I asked you to join that letter, but you declined.

¹ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Jared Kushner, Senior Advisor to the President (Sept. 25, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-09-25.EEC%20to%20Kushner%20WH%20re.emails.pdf>).

My letter to Mr. Kushner requested several categories of documents, including email addresses and accounts from which he conducted official business and documents relating to the security of the server housing his family domain. Importantly, my letter explicitly directed Mr. Kushner to preserve his email records, including by taking reasonable steps to prevent the “relocation” of those email records.

Subsequent press reports revealed that within 24 to 48 hours of receiving my letter, “President Trump’s son-in-law Jared Kushner and daughter Ivanka Trump re-routed their personal email accounts to computers run by the Trump Organization.”² It was unclear why they would transfer these accounts to the Trump Organization, which they claimed previously to have halted all business with in order to avoid conflicts of interest. For example, on January 11, 2017, Ms. Trump issued the following statement:

When my father takes office as the 45th President of the United States of America, I will take a formal leave of absence from The Trump Organization and my eponymous apparel and accessories brand. I will no longer be involved with the management or operations of either company.³

For these reasons, on October 5, 2017, I sent a follow-up letter to Mr. Kushner and Ms. Trump raising serious questions and requesting an immediate briefing on why the couple relocated their email accounts in apparent violation of letters from this Committee.⁴ Again, I asked you to join this letter in order to place the full force of the Committee behind this inquiry, but again, you declined.

In light of the statement from the White House that the Committee should obtain this information directly from Mr. Kushner and his attorneys, I am writing today to urge you to reverse your current course of action and join my requests for documents and a briefing. If you decline, then I believe Committee Members should have the opportunity to debate and vote on a motion to issue subpoenas to compel Mr. Kushner and Ms. Trump to produce these documents.

If the Committee is going to conduct a credible investigation into the use of private email by President Trump’s top aides, we cannot allow lawyers representing the White House and the Kushners to play off each other to withhold documents and evade congressional scrutiny. Instead, we should obtain the documents and information we requested from both parties, and if they continue obstructing our investigation and refusing to cooperate, we should consider compulsory measures.

² *Exclusive: Jared Kushner’s Personal Email Moved to Trump Organization Computers Amid Public Scrutiny*, USA Today (Oct. 3, 2017) (online at www.usatoday.com/story/news/politics/2017/10/03/exclusive-jared-kushners-personal-email-moved-trump-organization-computers-amid-public-scrutiny/728467001/).

³ Ivanka Trump, Facebook (Jan. 11, 2017) (online at www.facebook.com/IvankaTrump/posts/10154998180397682).

⁴ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Jared Kushner, Senior Advisor to the President, and Ivanka Trump, Advisor to the President (Oct. 5, 2017) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-10-05.%20EEC%20to%20Jared%20and%20Ivanka_0.pdf).

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Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member