

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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May 16, 2018

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

Dear Chairman Gowdy:

I am writing to request that you issue a subpoena to obtain documents relating to allegations that Cambridge Analytica may have violated U.S. election regulations that prohibit foreign nationals from providing high-level strategy or advice on decision-making for U.S. political campaigns.

On April 25, 2018, my staff and the Democratic staff of the House Judiciary Committee conducted an interview with Christopher Wylie, a Cambridge Analytica whistleblower, who reported that Cambridge Analytica was a “pass-through company” that relied exclusively on foreign consultants and employees to provide high-level strategy and analysis work to U.S. campaigns. He stated:

Cambridge Analytica doesn't have staff, or at least at the time that I was there, never had staff. All of the consultants, employees, any kind of worker that was involved with Cambridge Analytica was actually paid—your pay stub would be from SCL, not Cambridge Analytica. Having looked at legal correspondence, for example, between *The Guardian* and Cambridge Analytica, they have said as recently as several months ago that they have no staff. So it is, for all intents and purposes, more of a concept than anything else. Everything happens in London, at SCL Group.¹

He also characterized Cambridge Analytica as a “full service propaganda machine” that provided an array of complex strategy and analysis services:

Cambridge Analytica was set up to be essentially a full service propaganda machine. So from beginning to end, in the sense of acquiring data, to creating algorithms that profile people's psychological disposition and also predict things they will respond to, to then

¹ Democratic Staff, House Committee on the Judiciary and House Committee on Oversight and Government Reform, Interview of Christopher Wylie (Apr. 25, 2018).

crafting and curating content, so messaging, that then targets those particular constructs. And then disseminating that information, predominantly using digital means to the target groups that it is identifying.²

Mr. Wylie also stated that Cambridge Analytica was also used for voter disengagement and voter disenfranchisement efforts:

Q: Did Steve Bannon ever specifically direct the research of, or say that he wanted to do research that would help with, voter disenfranchisement or depressing Democratic turnout?

A: There is one document which I have that specifically says—in bold terms—voter disengagement as an objective in the United States.

Q: Did you ever hear Steve Bannon specifically talk about voter disenfranchisement or voter disengagement?

A: Yes. If by that term you mean discouraging particular types of voters who are more prone to voting for Democratic or liberal candidates, if that's what you mean by that term, then yes.³

Mr. Wylie's statements are consistent with news reports that Cambridge Analytica was staffed by foreign nationals. On March 25, 2018, the *Washington Post* reported that three former employees stated that "Cambridge Analytica assigned dozens of non-U.S. citizens to provide campaign strategy and messaging advice to Republican candidates in 2014."⁴ At least 20 of those employees worked in the United States on legislative and congressional campaigns and were involved with "helping to decide what voters to target with political messages and what messages to deliver to them."⁵

If true, these activities appear to violate a Federal Election Commission regulation that prohibits the participation of foreign nationals in "decisions involving election-related activities."⁶ Cambridge Analytica reportedly was provided with a ten-page memorandum by an attorney that cited this regulation and advised that "foreign nationals could serve in minor roles—for example as 'functionaries' handling data—but could not involve themselves in significant campaign decisions or provide high-level analysis or strategy."⁷

² *Id.*

³ *Id.*

⁴ *Former Cambridge Analytica Workers Say Firm Sent Foreigners to Advise U.S. Campaigns*, *Washington Post* (Mar. 25, 2018) (online at www.washingtonpost.com/politics/former-cambridge-analytica-workers-say-firm-sent-foreigners-to-advise-us-campaigns/2018/03/25/6a0d7d90-2fa2-11e8-911f-ca7f68bff0fc_story.html).

⁵ *Id.*

⁶ 11 C.F.R. §110.20 (2004).

⁷ *Former Cambridge Analytica Workers Say Firm Sent Foreigners to Advise U.S. Campaigns*, *Washington Post* (Mar. 25, 2018) (online at www.washingtonpost.com/politics/former-cambridge-analytica-workers-say-firm-sent-foreigners-to-advise-us-campaigns/2018/03/25/6a0d7d90-2fa2-11e8-911f-ca7f68bff0fc_story.html).

Despite these warnings, the firm reportedly gave its foreign national employees inaccurate immigration documents “showing that they were not there to work when they had arrived for the purpose of advising campaigns.”⁸

On March 27, 2018, I, alongside Ranking Member Jarrod Nadler of the House Judiciary Committee, wrote to Cambridge Analytica to request information and documents about its compliance with U.S. election regulations.⁹ The company declined to respond and has produced no documents.

On May 2, 2018, Cambridge Analytica filed for bankruptcy, but claimed in a press release that it has “unwavering confidence that its employees have acted ethically and lawfully.”¹⁰

Request for Subpoena

In order to investigate these allegations, I request that you issue a subpoena to compel Cambridge Analytica or, in the alternative, board members of Cambridge Analytica, including Rebekah Mercer and Steve Bannon, to produce by May 30, 2018, the following documents:

- (1) all documents and communications referring or relating to the work of foreign nationals, whether independent contractors or employees of Cambridge Analytica, SCL Elections, or SCL Group, in any U.S. election, from January 1, 2014, to the present, including, but not limited to work on behalf of, or for:
 - (a) the campaign of Senator Thom Tillis or the North Carolina Republican Party;
 - (c) the presidential campaign of Donald J. Trump; and
 - (d) the John Bolton Super PAC;
- (2) all documents and communications referring or relating to the legality of work by Cambridge Analytica or SCL Elections in the United States, including any

sent-foreigners-to-advise-us-campaigns/2018/03/25/6a0d7d90-2fa2-11e8-911f-ca7f68bff0fc_story.html).

⁸ *Id.*

⁹ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Ranking Member Jerrold Nadler, House Committee on the Judiciary, to Dr. Alexander Tayler, Acting Chief Executive Officer, Cambridge Analytica (Mar. 27, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-03-227.EEC%20Nadler%20to%20Tayler-Cambridge%20Analytica%20re%20Foreign%20Campaign....pdf>).

¹⁰ *Cambridge Analytica and Scl Elections Commence Insolvency Proceedings and Release Results of Independent Investigation into Recent Allegations*, Cambridge Analytica (May 2, 2018) (online at <https://ca-commercial.com/news/cambridge-analytica-and-scl-elections-commence-insolvency-proceedings-and-release-results-3>).

documents and communications referring or relating to their compliance with 11 C.F.R. §110.20, from January 1, 2014, to the present;

- (3) all documents and communications referring or relating to immigration documents for foreign employees entering the United States, from January 1, 2014, to the present;
- (4) all documents and communications referring or relating to representations by Cambridge Analytica or SCL Elections regarding the work of foreign nationals on U.S. elections or campaigns, from January 1, 2014, to the present; and
- (5) all documents and communications referring or relating to Cambridge Analytica's research, strategy, testing, or work on voter disengagement, voter disenfranchisement, or depressing voter turnout.

If you decide not to issue this subpoena, then I ask you to place this matter on the agenda for the Committee's next regularly scheduled business meeting so Members may have the opportunity to debate and vote on this motion.

Thank you for your consideration of this request.

Sincerely,


Elijah E. Cummings
Ranking Member