

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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August 16, 2018

General John F. Kelly  
Chief of Staff  
The White House  
1650 Pennsylvania Ave N.W.  
Washington, D.C. 20500

Dear General Kelly:

I am writing to request documents relating to the process used by President Donald Trump to revoke the security clearance of former Central Intelligence Agency Director John Brennan—and possibly nine other former officials—after allowing several of his own top White House aides to continue accessing our nation’s most sensitive secrets while under investigation for criminal activity.

In the United States, there is a process for awarding, suspending, and if necessary, revoking security clearances. This process is set forth in Executive Order 12968. This Executive Order was signed by President Bill Clinton in 1995 and updated by President George W. Bush in 2008.

The Executive Order does not provide for revoking a security clearance because an individual is a political adversary of the President or for using revocation as a tool for political retribution. The American people expect the security clearance process to be adjudicated by neutral professionals, following the established standards set forth in the Executive Order.

Executive Order 12968 provides that, in order to maintain access to classified information, security clearance holders must demonstrate “trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion.”<sup>1</sup>

In general, when there are credible allegations that employees may have compromised classified information or are otherwise unfit to continue accessing classified information, security clearances may be suspended while those allegations are investigated. If the allegations are not substantiated, security clearances may be restored, but if allegations are confirmed, security clearances may be revoked.

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<sup>1</sup> Exec. Order No. 12968, 60 Fed. Reg.151 (Aug. 7, 1995) (as amended).

Under Executive Order 12968, security clearance holders are entitled to due process procedures, such as a written explanation, the right to be represented by counsel, and the opportunity to provide a written response.

I am not aware of any changes that President Trump has made to this Executive Order. However, it is unclear whether the President complied with the Executive Order or Executive Order 13526, which provides a process by which former government officials may continue to have access to information, when deciding to revoke Mr. Brennan's security clearance.<sup>2</sup> Instead, it appears that President Trump has invented an entirely new standard for revoking security clearances that has no precedent in any previous or existing Executive Order.

On August 15, 2018, White House Press Secretary Sarah Huckabee Sanders read a statement from President Trump explaining why he revoked Mr. Brennan's clearance. It stated:

Mr. Brennan has recently leveraged his status as a former high-ranking official with access to highly sensitive information to make a series of unfounded and outrageous allegations—wild outbursts on the Internet and television—about this administration. Mr. Brennan's lying and recent conduct, characterized by increasingly frenzied commentary, is wholly inconsistent with access to the nation's most closely held secrets, and facilities [sic: facilitates] the very aim of our adversaries, which is to sow division and chaos.<sup>3</sup>

As an initial matter, if making "outrageous" statements or engaging in "wild outbursts on the Internet and television" were grounds for denying access to classified information, many of the President's top aides—indeed, perhaps even the President himself—would be swept into this unprecedented new category.

More importantly, however, the President's statement fails to explain the process the White House followed pursuant to the Executive Order in investigating whether Mr. Brennan compromised classified information or is otherwise unsuitable for continued access to classified information. In fact, the statement released by the White House yesterday was dated July 26, 2018—only three days after President Trump first threatened to strip the security clearances of several former public servants—leaving little time to conduct an appropriate investigation and adjudication pursuant to the Executive Order.<sup>4</sup>

In contrast, the President has made many other statements explaining that the real reason he revoked Mr. Brennan's security clearance was because the President viewed Mr. Brennan as being responsible in some way for Special Counsel Robert Mueller's investigation.

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<sup>2</sup> Exec. Order No. 13526, 75 Fed. Reg. 707 (Jan. 5, 2010) (online at [www.gpo.gov/fdsys/pkg/FR-2010-01-05/pdf/E9-31418.pdf](http://www.gpo.gov/fdsys/pkg/FR-2010-01-05/pdf/E9-31418.pdf)).

<sup>3</sup> *Press Briefing by Press Secretary Sarah Sanders*, The White House (Aug. 15, 2018) (online at [www.whitehouse.gov/briefings-statements/press-briefing-press-secretary-sarah-sanders-081518/](http://www.whitehouse.gov/briefings-statements/press-briefing-press-secretary-sarah-sanders-081518/)).

<sup>4</sup> *White House Statement on Brennan to TV Stations Includes July 26 Date*, The Hill (Aug. 15, 2018) (online at <http://thehill.com/homenews/administration/402024-white-house-causes-confusion-with-dates-of-brennan-statement>).

In an interview with the *Wall Street Journal* on August 15, 2018, President Trump stated that he revoked Mr. Brennan's clearance because he viewed "Mr. Brennan as among those he held responsible for the investigation, which is also looking into whether there was collusion between the Trump campaign and the Kremlin." The President also criticized nine other former officials for also bearing responsibility for Special Counsel Mueller's investigation. He stated, "I call it the rigged witch hunt, [it] is a sham. ... And these people led it!" The President added, "So I think it's something that had to be done."<sup>5</sup>

During the same interview, President Trump also stated:

You look at any of them and you see the things they've done. ... In some cases, they've lied before Congress. The Hillary Clinton whole investigation was a total sham. ... I don't trust many of those people on that list. ... I think that they're very duplicitous. I think they're not good people.<sup>6</sup>

While targeting these former officials for security clearance revocations, President Trump has failed to follow the procedures set forth in the Executive Order when giving his own top aides special treatment, allowing them to continue accessing our nation's most sensitive secrets even when they were being investigated for criminal activity.

For example, President Trump failed to suspend the security clearance of his former National Security Advisor, General Michael Flynn, for several weeks after the Department of Justice informed the White House that General Flynn was under investigation for lying about his secret conversations with the Russians.<sup>7</sup> President Trump also failed to suspend the interim security clearance of Staff Secretary Robert Porter after the Federal Bureau of Investigation provided the White House with multiple derogatory reports about his actions.<sup>8</sup>

### **Request for Documents and Information**

For the reasons set forth above, I request that you provide a detailed briefing regarding the process used to evaluate Mr. Brennan's suitability to maintain a security clearance under the Executive Order, as well as the processes used in the decisions not to suspend or revoke the security clearances of General Michael Flynn, Staff Secretary Robert Porter, and others.

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<sup>5</sup> *Trump Revokes Ex-CIA Director John Brennan's Security Clearance*, Wall Street Journal (Aug. 15, 2018) (online at [www.wsj.com/articles/trump-revokes-ex-cia-director-john-brennans-security-clearance-1534358658](http://www.wsj.com/articles/trump-revokes-ex-cia-director-john-brennans-security-clearance-1534358658)).

<sup>6</sup> *Id.*

<sup>7</sup> Letter from Democratic Members, House Committee on Oversight and Government Reform, to Reince Priebus, White House Chief of Staff (June 21, 2017) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-06-21.%20Dem%20Members%20to%20White%20House%20COS%20re.%20Flynn%20Kushner%20Clearances.pdf>).

<sup>8</sup> House Committee on Government Reform Democratic Staff, *Cummings Releases New FBI Letter Confirming White House Was Informed About Allegations Against Porter* (Apr. 26, 2018) (online at <https://democrats-oversight.house.gov/news/press-releases/cummings-releases-new-fbi-letter-confirming-white-house-was-informed-about>).

I also request that you produce the following documents by August 30, 2018:

- (1) all documents and communications referring or relating to the decision to revoke Mr. Brennan's access to classified information, including but not limited to documents referring or relating to any investigation of Mr. Brennan's suitability for continued access to classified information;
- (2) all documents and communications referring or relating to consultations that the White House had with agencies in the United States Intelligence Community regarding the value of a continuing consulting relationship with Mr. Brennan;
- (3) all documents and communications referring or relating to the White House's policy on suspending or revoking security clearances; and
- (4) a list of all individuals for whom the Trump White House has revoked or suspended security clearances.

I appreciate your prompt attention to this important request. If you have any questions, please contact Janet Kim on my staff at (202) 225-5051.

Sincerely,



Elijah E. Cummings

Ranking Member

cc: The Honorable Trey Gowdy, Chairman