

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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July 13, 2018

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 respectfully request that you place six motions for subpoenas on the agenda for our Committee's upcoming business meeting on July 17, 2018. For each of these requests, I and other Members previously sent you detailed letters setting forth the specific bases for the motions, but you have not responded. Our requests are summarized below.

I understand that you personally may disagree with these requests, but our Committee Members deserve the opportunity to debate and vote on these motions, rather than you blocking their consideration. House rules provide for subpoenas to be issued by a vote of the full Committee, and we have repeatedly asked for the opportunity to do so. Many Members believe that we must use the full force of the Committee to uphold our Constitutional obligation to conduct rigorous oversight of the executive branch. I ask that you allow us to offer these motions, debate them, and hold votes.

(1) Department of Justice Withholding Documents About Refusal to Defend the Affordable Care Act in Court:

On June 13, 2018, I joined with the Ranking Members of the House Committees on the Judiciary, Energy and Commerce, Ways and Means, and Education and the Workforce in sending a letter to Attorney General Jeff Sessions requesting documents relating to the Trump Administration's decision to take the position in federal court that key provisions of the Affordable Care Act are unconstitutional.¹ To date, Attorney General Sessions has not responded to our requests. On July 9, 2018, I wrote to request that you issue a subpoena to

¹ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, Ranking Member Jerold Nadler, House Committee on the Judiciary, Ranking Member Frank Pallone, House Committee on Energy and Commerce, Ranking Member Richard Neal, House Committee on Ways and Means, and Ranking Member Bobby Scott, House Committee on Education and the Workforce, to Attorney General Jeff Sessions, Department of Justice (June 13, 2018) (online at <https://democrats-oversight.house.gov/news/press-releases/top-house-democrats-demand-answers-documents-from-doj-following-refusal-to>).

compel production of the documents the Department of Justice has been withholding, or allow a vote.²

(2) Black Cube Withholding Documents on “Dirty Ops” Operation:

On May 24, 2018, I sent a letter with Ranking Member Eliot Engel of the House Committee on Foreign Affairs to Black Cube, a private intelligence agency. Our letter requested information about Black Cube’s reported participation in a “dirty ops” campaign against former Obama Administration officials Ben Rhodes and Colin Kahl at the behest of associates of President Donald Trump in order to cast aspersions on the Iran Nuclear Deal.³ On June 7, 2018, Black Cube responded to our request through a letter from its counsel, who refused to provide the requested documents. On July 12, 2018, I wrote to ask that you issue a subpoena to compel the production of these documents, or allow a vote.⁴

(3) White House Withholding Documents on Contractor Wanted for Attempted Murder:

On June 7, 2018, I wrote to White House Chief of Staff John Kelly to request information about Martese Edwards, a National Security Council contractor who was arrested on June 5, 2018, at a Secret Service checkpoint based on a nearly three-week-old arrest warrant for attempted first-degree murder.⁵ When he was hired by the White House, Mr. Martese had at least two prior charges for domestic violence and second-degree assault—so I requested information about the vetting process that he went through to obtain access to the White House complex. The White House never responded to my request. On July 12, 2018, I wrote to ask that you issue a subpoena to compel the White House to produce these documents, or allow a vote.⁶

² Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (July 9, 2018) (online at <https://democrats-oversight.house.gov/news/press-releases/cummings-seeks-subpoena-for-documents-withheld-by-trump-administration-on>).

³ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Ranking Member Eliot L. Engel, Ranking Member, House Committee on Foreign Affairs, to Dr. Avi Yanus and Mr. Dan Zorella, Founders, B.C. Strategies, Ltd. (May 24, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-0524.EEC%20Engel%20to%20Zorella%20Yanus-Black%20Cube.pdf>).

⁴ Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (July 12, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-07-12.EEC%20to%20Gowdy%20re.Black%20Cube.pdf>).

⁵ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to General John F. Kelly, White House Chief of Staff (June 7, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-06-07.EEC%20to%20Kelly-WH%20re%20Edwards%20Security%20Clearance.pdf>).

⁶ Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (July 12, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-07-12.%20EEC%20to%20Gowdy%20re.%20White%20House%20contractor.pdf>).

(4) State Department Withholding Documents on Political Loyalty Lists:

On June 19, 2018, I sent a letter with Ranking Member Eliot Engel of the House Committee on Foreign Affairs and Ranking Member Robert Menendez of the Senate Committee on Foreign Relations to Secretary of State Mike Pompeo requesting information and documents relating to alleged loyalty lists being created by a Trump Administration political appointee Mari Stull.⁷ The lists allegedly relate to whether career employees are sufficiently loyal to President Donald Trump. It was reported that Ms. Stull, a former food and beverage lobbyist who now serves as a Senior Adviser to the Bureau of International Organizational Affairs, has been vetting career diplomats and American employees of international institutions to determine whether they are loyal to President Donald Trump and his political agenda. The State Department has not responded to our request. On July 12, 2018, I wrote to ask that you issue a subpoena to the State Department to compel the production of these documents, or allow a vote.⁸

(5) Department of Health and Human Services Withholding Documents on Title X Family Planning Program Proposed Gag Rule

On June 20, 2018, all Democratic Committee Members sent a letter to Secretary of Health and Human Services Alex Azar requesting documents pertaining to the Administration's proposed gag rule for Title X health care providers.⁹ HHS has not responded to our request. On July 9, 2018, I wrote to ask that you issue a subpoena to HHS to compel the production of these documents, or allow a vote.¹⁰

(6) Environmental Protection Agency Withholding Documents on Freedom of Information Act:

On June 11, 2018, I wrote to former Environmental Protection Agency Administrator Scott Pruitt requesting that he produce documents by June 25, 2018, relating to the agency's

⁷ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, Ranking Member Eliot Engel, House Committee on Foreign Affairs, and Ranking Member Robert Menendez, Senate Committee on Foreign Relations, to Mike Pompeo, Secretary of State (June 19, 2018) (online at <https://democrats-foreignaffairs.house.gov/sites/democrats.foreignaffairs.house.gov/files/06-18-18%20Letter%20to%20Secretary%20Pompeo%20on%20Prohibited%20Personnel%20Practices%20at%20State%20Department.pdf>).

⁸ Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (July 12, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-07-12.EEC%20to%20Gowdy%20re%20State%20Dept%20Cleaning.pdf>).

⁹ Letter from Ranking Member Elijah E. Cummings, et al., House Committee on Oversight and Government Reform, to Secretary Alex M. Azar, Department of Health and Human Services (June 20, 2018) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2471-Sharp%20Color%20Copier%40mail.house.gov_20180619_151309.pdf).

¹⁰ Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (July 9, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-07-09.EEC%20to%20TG%20re.Title%20X%20Gag%20Rule.pdf>).

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processes under the Freedom of Information Act (FOIA).¹¹ EPA's only response to date has been an email from an EPA official providing a link to documents already cited in my request letter. I sent you a letter earlier today requesting that you issue a subpoena to compel production of the documents the EPA is withholding, or allow a vote.¹²

For the reasons set forth above, I respectfully request that you place these 6 motions for subpoenas on the agenda for our business meeting on July 17, 2018. Thank you for your consideration of our request.

Sincerely,



Elijah E. Cummings
Ranking Member

¹¹ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Administrator Scott Pruitt, Environmental Protection Agency (June 11, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-06-11.EEC%20to%20Pruitt%20re.%20FOIA%20requests.pdf>).

¹² Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (July 13, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-07-13.EEC%20to%20Gowdy%20re.FOIA%20Subpoena.pdf>).