

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515–6216
One Hundred Fifteenth Congress

September 15, 2017

Chairman Bob Goodlatte
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Goodlatte:

We write to express our concern with your decision to “move the previous question” on H. Res. 488, a resolution of inquiry introduced by Reps. Cicilline and Jayapal. Ranking Member Conyers, Rep. Cicilline, and Rep. Jayapal have already written to you about the Majority’s handling of H. Res. 446 prior to the summer recess—namely, the Majority’s determination to replace the resolution’s content with a list of unfounded allegations aimed at Secretary Hillary Clinton.¹

For many years, our Committee has prided itself on being able to agree to fair process and full debate, even when we disagree on the substance of the matters before us. By cutting off debate on H. Res. 488 on September 7, 2017, and by diverting the core purpose of H. Res. 446 on July 26, 2017, the Majority has threatened that common understanding.

Your decision to cut off debate on H. Res. 488 was not only premature and ill-considered, but also disrespectful to the democratic process and to the Minority, in particular. Simply put, we cannot tolerate a situation where the Majority disposes of a resolution of inquiry—one of the few formal means available to us to request oversight of the executive branch—without first giving our Members the courtesy of full debate and an up-or-down vote.

We say this for several reasons. First, we believe your actions are inconsistent with Committee precedent. Previous chairs rarely, if ever, chose to call the previous question during a

¹ Letter to Chairman Bob Goodlatte, H. Comm. on the Judiciary, from Ranking Member John Conyers, Jr., Rep. David Cicilline, and Rep. Pramila Jayapal, July 28, 2017.

Committee markup.² During his tenure as Chairman, Ranking Member Conyers *never* cut off debate in this manner. There are a handful of isolated historic examples where a chairman cut off debate after days of hearings and hours of debate on a pending business. We cannot find a single contemporary instance, however, where a chair ended debate within minutes of calling up a bill or resolution, as occurred last week.

Second, it is important to recognize that these resolutions of inquiry are not offered frivolously, but pertain to important oversight matters and serious allegations of wrongdoing. Our Members have only offered these resolutions after first seeking to obtain the necessary information directly from the Administration. Since President Trump took office, we have written to the Administration on more than twenty occasions. We have not received a single meaningful response. The Administration has gone so far as to indicate it will not respond *at all* to letters sent by Democratic Members (or rank-and-file Republicans).³

During that same period, we have written to you collectively on six occasions—and Ranking Member Conyers has written to you on four additional occasions—asking for your help to secure the information we seek, and for hearings on oversight matters falling within our jurisdiction. Please consider this letter our **eleventh attempt** to secure oversight hearings with the Attorney General, the Deputy Attorney General, the Director and former Director of the FBI, and the Secretary or Acting Secretary of Homeland Security. In this unfortunate environment, resolutions of inquiry often represent our only available recourse to pursue oversight.

Third, the arguments you raised at the markup attempting to justify cutting off debate are inaccurate, unpersuasive, or both. It is misleading to claim that “there is a special counsel in place examining” the issues raised by H. Res. 488. Although some aspects of the resolution—the President’s decision to fire former FBI Director James Comey, for example—may be under examination by Special Counsel Bob Mueller, nothing about that investigation prevents our Committee from considering events that are directly related to the integrity of the Department of Justice. Further, there is no indication that the Special Counsel is reviewing whether Attorney General Sessions has complied with the terms of his own recusal or whether certain questionable security clearances should be revoked. These matters are central to the information we had hoped to obtain through H. Res. 488.

² We understand some have occasionally used the motion as a device to set a time certain for voting on final passage, with bipartisan and unanimous consent of the Committee. See, e.g., *Markup of H.R. 807* before the H. Comm. on the Judiciary, 107th Cong., June 20, 2001; *Markup of H. Res. 437* before the H. Comm. on the Judiciary, 107th Cong., July 17, 2002. On rare occasions, others have ended debate after days of related hearings and hours of discussion. See, e.g., *Markup of H. Res. 611* before the H. Comm. on the Judiciary, 105th Cong., Nov. 19, 1998.

³ Burgess Everett and Josh Dawsey, *White House orders agencies to ignore Democratic oversight requests*, POLITICO, June 2, 2017.

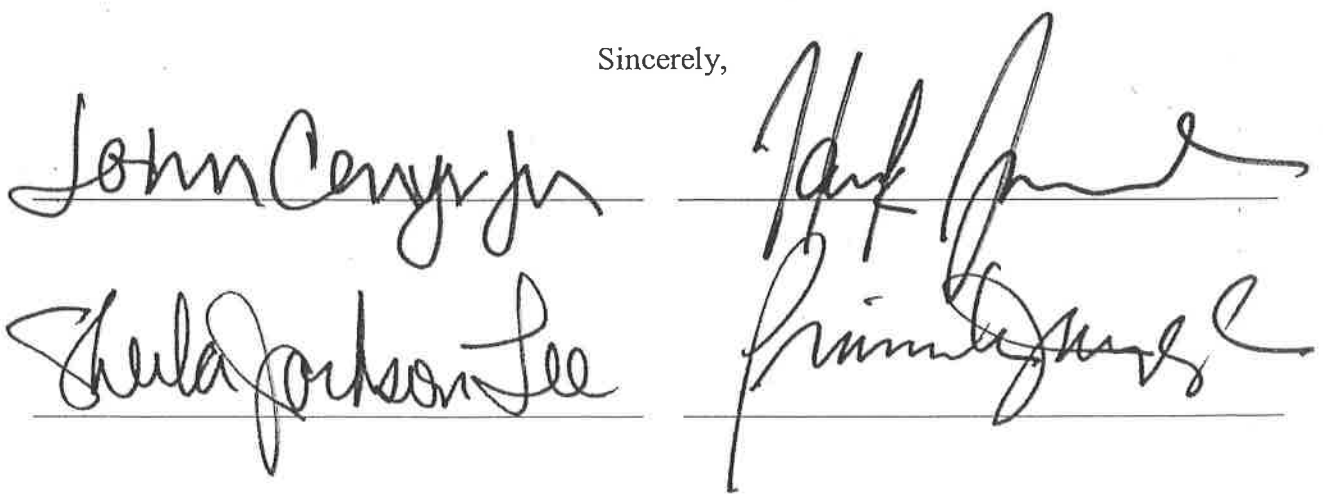
Your assertion that the resolution of inquiry “is simply an exercise in partisan mudslinging” is also inaccurate. We offer resolutions of inquiry in an attempt to obtain much-needed information regarding well-substantiated allegations of misconduct by certain Administration officials. Your questions about our motives hardly justify abandoning the Committee’s long tradition of comity and fair treatment.

We cannot accept your claim that our Committee “does not have the time” to consider resolutions of inquiry—punctuated by your statement that consideration of H. Res. 446 “took almost two-and-a-half hours of the committee’s time.” In fact, out of the two hours and 15 minutes that we debated H. Res. 446, a full one hour and 50 minutes was expended on the Gaetz Amendment, which was embraced unanimously by the Majority. Indeed, had H. Res. 446 been considered in the ordinary course, there likely would have been no need for Reps. Cicilline and Jayapal to reintroduce the substance of their amendment in H. Res. 488.

Finally, although our Committee has considered “the same number of resolutions of inquiry that all other House committees have had to consider,” we cannot change the fact that the Department of Justice and the FBI play central roles in the allegations of abuse of power and obstruction of justice surrounding the Trump Administration—or that our Committee has made no meaningful effort to engage with these agencies since President Trump took office. The Committee must eventually play a lead role in resolving these allegations. It is our constitutional responsibility to do so. This is a matter of jurisdiction, not overzealousness on the part of our Members.

As Ranking Member Conyers, and Reps. Jayapal and Cicilline conveyed in their letter to you on July 28, we remain ready and willing to discuss these matters with you at your earliest convenience. Thank you for your consideration of this important matter.

Sincerely,

The block contains four handwritten signatures on horizontal lines. The first signature on the left is 'John Conyers Jr'. The second signature on the left is 'Sheila Jackson Lee'. On the right side, there are two signatures: the top one is 'Mark Amodeo' and the bottom one is 'Frank Lautenberg'.

Jim V. ~~Boyer~~ Gi Smewea

Art Lu Jewell Keller

P. L. ~~Lee~~ Fed W. Liew

Jamie Rastin Bradley Scott Schoder

David N. Ciilline Karen Bass

Har Jer Jack

Art Dent