



March 4, 2018

The Honorable Devin Nunes
Chairman
House Permanent Select Committee on
Intelligence
1013 Longworth House Office Building
Washington, DC 20515

The Honorable Adam Schiff
Ranking Member
House Permanent Select Committee on
Intelligence
2411 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Nunes and Ranking Member Schiff:

Over the last month there has been much controversy surrounding two memos authored by the House Permanent Select Committee on Intelligence (HPSCI) Majority and Minority and released to the public. I write today to highlight some inconsistencies within the debate around whether or not Committee members have access to the classified documents at the heart of both of these memos and to urge you to answer some of the questions remaining about this access.

On January 29, 2018, HPSCI voted to release a memo authored by the Majority alleging politically motivated surveillance abuse by the Justice Department (DOJ) and the FBI. At the same time, the Committee voted to restrict its own access to the underlying documents that Representative Trey Gowdy (R-SC) relied on in drafting the Majority memo, and voted against receiving a briefing from the DOJ and FBI on those underlying documents. The act of voting to remain in the dark about classified information, when the Committee's job is to conduct oversight of some of the most sensitive programs run by the federal government, was so concerning that the Project On Government Oversight and Demand Progress sent a letter to House Speaker Paul Ryan calling for the removal of the Committee members who voted to remain uninformed.¹

One week later, during a Committee meeting to vote on the release of a memo drafted by the Minority in response to the original memo, Representative Jackie Speier (D-CA) pressed you, Chairman Nunes, to allow all the members of the Committee to have access to all of the underlying materials.² In the exchange, you asserted that the members already have access to the underlying documents, subject to DOJ or FBI approval. In fact, during that meeting you expressed a willingness to do "whatever it takes" to clarify that arrangement with DOJ.³ Yet according to the transcript from the January 29 meeting, you, Ranking Member Schiff, refer to a vote that occurred prior to the session where you moved to allow the full Committee access to the

¹ Letter from the Project On Government Oversight and Demand Progress to Paul Ryan, Speaker of the House of Representatives, about January 29 House Permanent Select Committee on Intelligence Business Meeting held on, February 2, 2018. <http://www.pogo.org/our-work/letters/2018/pogo-calls-for-removal-of-house-intelligence-committee-members-after-vote-to-release-memo.html>

² House Permanent Select Committee on Intelligence, "Business Meeting," February 5, 2018. <http://docs.house.gov/meetings/IG/IG00/20180205/106838/HMTG-115-IG00-Transcript-20180205.pdf> (Downloaded February 27, 2018)(Hereinafter "February 5 Business Meeting")

³ February 5 Business Meeting at p. 36.

underlying documents.⁴ You then acknowledged that vote failed on party lines. Chairman Nunes, you didn't dispute Ranking Member Schiff's characterization of the motion or of the vote at that time.

In a "[point by point refutation](#)" of the Minority's memo, the Majority asserted that "the Committee does not believe there are—or should be—current restrictions on the Committee's access to this important information."⁵

Taken together, these various conversations and assertions are confusing. HPSCI's ability to conduct trustworthy oversight of critical matters requires some level of public trust in work that often occurs behind closed doors. We therefore request that you publically answer the following questions:

- Was the "gentleman's agreement" with the FBI and DOJ that you reference in place before or during the January 29, 2018, HPSCI Business Meeting?
- If the "gentleman's agreement" was in place during your January 29, 2018, meeting, why did you fail to mention it before the Committee voted on whether they should have access to the underlying documents?
- If the agreement was struck after the January 29, 2018, meeting, why was the full Committee not informed of its existence?
- If the Majority didn't believe there should be restrictions on the Committee's access to the underlying information, why did every Majority member present⁶ vote against having access to the documents during the January 29, 2018, meeting?
- Have you followed up with the DOJ, as you committed to Representative Speier that you would, to have DOJ clarify what access members of the Committee have to the underlying documents at issue?
- If not, what steps will you take to ensure that members receive a definitive answer to this important question?

As a nonpartisan independent watchdog, the Project On Government Oversight has been a strong advocate for increased and strengthened Congressional oversight. It is from this position that we urge you to clarify steps HPSCI has taken under your leadership to ensure that the members of the Committee are adequately informed to conduct that oversight.

I look forward to your response.

Sincerely,



Danielle Brian
Executive Director

⁴ House Permanent Select Committee on Intelligence, "Business Meeting," January 29, 2018. <https://www.scribd.com/document/370457752/House-Permanent-Select-Committee-on-Intelligence-Memo-Meeting-Transcript> (Downloaded February 27, 2018)

⁵ House Permanent Select Committee on Intelligence, "The Democrats' Memo: Charge and Response," February 2018. https://intelligence.house.gov/uploadedfiles/democrat_memo_charge_and_response.pdf (Downloaded February 27, 2018)

⁶ Representative Michael Turner was not present for the meeting.