

September 8, 2017

Rep. Mike Conaway  
Rep. Adam Schiff  
House Permanent Select Committee On Intelligence  
Capitol Visitor Center HVC-304  
U.S Capitol Building  
Washington, DC 20515

Dear Representative Conaway and Representative Schiff:

According to published reports, House Intelligence Committee Chairman Devin Nunes has issued new subpoenas to the Department of Justice and the Federal Bureau of Investigation for documents related to a dossier involving President Trump's alleged ties to Russia. According to these reports, the subpoenas, signed by Chairman Nunes, were issued on August 24, 2017.

These new subpoenas once again violate the commitment that Chairman Nunes made to the American people in April to remove himself from the Committee's investigation into Russian interference in the 2016 election.

Democracy 21 calls on you as the Committee leaders of the Russia investigation to take all necessary steps to ensure that Chairman Nunes meets his public commitment not to participate in the investigation. If necessary, House Speaker Ryan should be enlisted to help ensure that Chairman Nunes honors his public commitment and stays completely out of the Russia investigation.

The credibility of the Committee's Russia investigation is undermined by the inappropriate conduct of Chairman Nunes. Despite communicating to the public last spring that he would not be involved, Chairman Nunes has again injected himself into the investigation, in contravention of his commitment.

Nunes' position last spring followed a request by Democracy 21 and Citizens for Responsibility and Ethics (CREW) to the Office of Congressional Ethics, asking for an investigation into whether Chairman Nunes had disclosed classified information to the public in violation of House ethics rules. The House Ethics Committee proceeded to open an inquiry into the matter.

In response to the request, Chairman Nunes issued a statement on April 6, 2017 denying the charges, but stating:

I believe it is in the best interests of the House Intelligence Committee and the Congress for me to have Representative Mike Conaway, with assistance from Representatives Trey Gowdy and Tom Rooney, temporarily take charge of the Committee's Russia investigation while the House Ethics Committee looks into this matter.

This statement from Chairman Nunes remains posted on the Committee's website.

There is no indication that the House Ethics Committee has completed its review of the Democracy 21-CREW allegations that Chairman Nunes violated House ethics rules, or that the Committee has cleared him of the allegations. Thus, the Chairman's previous public commitment to remove himself from the Russia investigation remains in effect, pending completion of the Ethics Committee review.

Nonetheless, in June, subsequent to making his commitment, Chairman Nunes reportedly acted alone and without consultation with other Committee members to issue subpoenas to the National Security Agency, the FBI and the CIA for information relating to the potential unmasking of Trump associates by Obama Administration officials. These subpoenas appeared to have no purpose other than to create a diversion and distraction from the Committee's Russia investigation and thereby to undermine the investigation.

In now issuing additional subpoenas to the DOJ and the FBI that are directly tied to the Russia investigation, Chairman Nunes has compounded the violation of his prior public commitment to turn this investigation over to Rep. Conaway until the ethics allegations against him are resolved.

Chairman Nunes has previously claimed that he did not formally "recuse" himself from the investigation because his April statement did not use that exact term. This is simply a word game and should be given no credibility.

Chairman Nunes clearly conveyed to the public that he would step aside from the Russia investigation while he himself was under investigation by the House Ethics Committee. He also clearly communicated that Rep. Conaway would "take charge" of the investigation in the interim.

Whether or not Chairman Nunes used the word "recuse," the substance of what he said and the message he communicated to the American people was clear: he would not be involved in the Committee's Russia investigation, as long as the ethics investigation of his actions was pending. The new subpoenas issued by Chairman Nunes blatantly contradict this public commitment.

Chairman Nunes' involvement, furthermore, is unnecessary. The Committee's rules provide authority for either the Chairman or the full Committee to issue subpoenas. Committee R. 10(a). If the Committee wanted to issue these subpoenas, it had the authority to do so without any involvement by Chairman Nunes.

The continued inappropriate involvement by Chairman Nunes in the Russia investigation is undermining the public credibility of the Committee's important investigation into the Russia matter.

Democracy 21 calls on you as the Intelligence Committee leaders of the Russia investigation to take all steps necessary to ensure that Chairman Nunes abides by his public commitment to remove himself from the Russia investigation while he is under investigation by the Ethics Committee for alleged ethics violations.

Sincerely,

/s/ Fred Wertheimer

Fred Wertheimer  
President

Copy to: House Speaker Paul Ryan