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TRANSPORTATION AND
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RANKING MEMBER



Congress of the United States

House of Representatives

February 2, 2018

The Honorable Paul Ryan
Speaker of the House
H-232, United States Capitol
Washington, D.C. 20515

Dear Speaker Ryan:

It has become abundantly clear that House Permanent Select Committee on Intelligence (HPSCI) Chairman Devin Nunes has proven he lacks the ability to remain impartial and non-partisan in his role as head of the Committee. As Speaker, I urge you to remove him immediately and facilitate a proper investigation of Congressman Nunes by the Ethics Committee into his abuse of the position.

Congressman Nunes first discredited himself as Chairman last year when he conspired with the White House to misrepresent sensitive intelligence information in an attempt to discredit the Intelligence Community and protect President Trump. He claimed to have received intelligence reports from a “secret source” showing that President Trump and his associates had been unfairly caught up in foreign surveillance collection by U.S. spy agencies. He insinuated that these agencies conducted direct surveillance on President Trump, but it was later revealed that Congressman Nunes had vastly exaggerated what was actually routine, incidental intelligence collection. It was then revealed that his “secret source” was actually the White House.

His collusion and reckless disregard for handling of classified information resulted in his recusal as head of the Russia investigation and an investigation by the House Ethics Committee. Unfortunately, a lack of authority and proper access to classified materials made it difficult for the Committee to fully determine the gravity of Congressman Nunes actions, and they were forced to close their case. The Ethics investigation did NOT, as Congressman Nunes reported to the press, “completely clear” him nor did the Committee find he had “committed no violation.” However, what the Committee should have investigated was Congressman Nunes’s flagrant abuse of his position as Chairman to access highly sensitive information which he then used to stoke public discord with misleading allegations. Beyond removing him from Chairmanship, I urge you to direct the Ethics Committee to conduct a thorough investigation into Congressman Nunes’s actions and motives during his tenure as Chairman.

The controversial memo released today is the most alarming abuse of his leadership position yet. In it he purports to show a malfeasance by the Federal Bureau of Investigation (FBI) in exercising FISA surveillance authority during its investigation into Russian interference in the U.S. election and possible links to the Trump campaign. The memo itself is crafted with piecemeal and out-of-context information taken from classified materials, making verification of the memo extremely difficult. The memo purposefully withholds vital context from the reader, such as the fact the investigation in question began long before information from the Steele dossier was introduced, and that it would persist even if the dossier information was entirely excluded. Unfortunately, due to the classified nature of supporting

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information, much like the Ethics investigation into Congressman Nunes, Members of the House and the American public lack the ability to corroborate any of the memo's contents.

What is of most concern though, is a letter sent by the Department of Justice (DOJ) to Congressman Nunes on January 24. In it, the DOJ highlights an issue regarding the Intelligence Committee's vote to make the memo public, "Seeking Committee approval of public release would require HPSCI committee members to vote on a staff-drafted memorandum that purports to be based on classified source materials that neither you nor most of them have seen." How is it that Congressman Nunes is able to release a memo with such grave consequences for our Intelligence Community when it is evidently based on material he has not fully read?

In yet another glaring abuse of power, Congressman Nunes deliberately refused to share his memo with any other authorities able to assess its validity prior to its release or take action against the alleged wrongdoing at the FBI. Instead, he chose to employ an obscure, never before used rule to selectively release classified information against the advice of the entire Intelligence Community, setting a dangerous precedent. The Senate was denied access entirely, including Congressman Nunes's counterpart, Senate Intelligence Committee Chairman Richard Burr. Senate Republican Conference Chairman John Thune publicly warned Congressman Nunes against releasing the memo without first sharing it with the Senate Intelligence Committee stating, "There are important national security considerations they need to weigh, and hopefully they're doing that." The FBI was also forced to make an unprecedented public warning against releasing the memo citing, "grave concerns about material omissions of fact that fundamentally impact the memo's accuracy." Apparently, Congressman Nunes's political motivation to protect the President or those closely associated with him is greater than his concern for injecting sheer partisanship into a committee whose basis for the last 40 years has been nonpartisan. His reckless actions endanger our national security—the very thing he is charged with protecting in his role as Chairman.

In one last attempt at bipartisanship, House Intelligence Committee Democrats requested that their report on the FISA surveillance—which was based off of the same source material used by Congressman Nunes—be released in conjunction with the Republican-authored memo. But, in an undeniable partisan effort to suppress the full truth, their request was denied. Furthermore, when asked whether the Chairman or staff coordinated with the White House to create the memo, the Chairman refused to answer. I myself have reviewed both memos and find that the well-documented and footnoted Democratic response definitively demonstrates that the Nunes memo is at best a cherry-picked distortion of the facts and actually presents numerous falsehoods.

Congressman Nunes has been allowed to abuse his leadership position for too long. He has actively worked to undermine public trust in our country's law enforcement and Intelligence Community in an effort to disrupt a federal investigation into Russia's meddling in our democratic elections and ultimately shield the President from political fallout from the investigation. He may very well be the leader in a coordinated effort with the White House. His partisan, manipulative and misguided efforts are sewing confusion, discord and mistrust in our institutions—which runs counter to the oath we take as Members of Congress. Chairman Nunes is unfit to serve as Chairman of the House Intelligence Committee and must be removed immediately. Furthermore, the House Ethics Committee must be given adequate support to carry out a full investigation of Congressman Nunes.

Sincerely,



Peter A. DeFazio
Member of Congress