

January 29, 2018

The Honorable Paul Ryan
Speaker
United States House of Representatives
U.S. Capitol Building, Room H-232
Washington, D.C. 20515

Dear Speaker Ryan,

We are writing to express our deep concern about the highly inappropriate role House Intelligence Committee Chairman Devin Nunes is continuing to play in the House investigation of Russian interference in the 2016 presidential election and whether associates of President Trump were involved in the Russian efforts.

Because of his irresponsible performance, we call on you as Speaker to remove Chairman Nunes from any further participation in the Intelligence Committee's investigation of the Russia matter.

Given that he was a member of President Trump's transition team, Chairman Nunes has had an inherent conflict of interest from the outset in participating in an investigation into the activities of Trump campaign officials and Trump associates. For that reason, Chairman Nunes never should have been put in charge of the Committee's Russia investigation. This was clearly demonstrated in March when Chairman Nunes engaged in a knowing deception of the American people in trying to provide cover for President Trump.

President Trump [falsely claimed](#) on March 4, 2017 that President Obama had wiretapped Trump Tower.

In order to provide support for this specious claim, Chairman Nunes [told reporters](#) on March 22 that "the president or his closest associates may have been 'incidentally' swept up in foreign surveillance by American spy agencies."

Nunes admitted that the information at issue "was [all legally collected](#)," but said that the identities of certain individuals were improperly revealed and asked "why was it unmasked?" Nunes said that "details about persons associated with the incoming administration, details with little apparent foreign intelligence value, were widely disseminated in intelligence community reporting." Trump National Security Advisor H.R. McMaster later determined that Nunes' claims of improper unmasking were [without merit](#).

Nunes refused to name the sources of his information. He [reportedly](#) said that "he needed to protect them so others would feel safe going to the committee with sensitive information," and that his sources were "whistle-blowers trying to expose wrongdoing at great risk to themselves."

After telling reporters about the information he had received from "whistle-blowers," Nunes went to the White House to brief President Trump on the information. After meeting with the President, Nunes [told](#) reporters, "The president needs to know that these intelligence reports are out there, and I have a duty to tell him that."

As later revealed, these statements by Nunes were false and misleading.

Chairman Nunes did not get this information from “whistle-blowers.” Nunes [received](#) the information from White House officials on the White House grounds. Chairman Nunes did not have “a duty” to provide the information to the President, because Nunes knew the President already had the information, since Chairman Nunes himself got it from White House officials.

In short, Chairman Nunes went to the White House to inform the President about information that Chairman Nunes had just gotten from the White House and which the President already had.

Given this blatantly inappropriate action, in which Chairman Nunes engaged in a knowing deception of the American people, you as Speaker should have required him to permanently step away from the Russia investigation at that time.

Instead, Chairman Nunes is still involved in the Russia investigation and has continued to abuse his position. He has shown little interest in getting to the bottom of Russian interference in the 2016 elections, which is the purpose of the Committee investigation.

In his latest effort, Chairman Nunes and his staff have prepared a classified document that [reportedly](#) claims abuses have been committed by FBI and Justice Department officials. This undisclosed document has been used by outside Trump supporters to attack Special Counsel Mueller, the Justice Department and the FBI, and to demand that the classified document be publicly released.

Tellingly, according to [NBC News](#), as of January 19, 2018, “‘#Releasethememo’ is now the top trending hashtag among Russian bots and trolls on Twitter and other platforms, according to the [German Marshall Fund's "Hamilton 68" website](#), which tracks Russian influence campaigns.”

The majority members of the Intelligence Committee have voted to make the document available to every member of the House and [reportedly](#) could vote this week on releasing the memo to the public.

Rep. Mike Conaway, a leader of the House Intelligence Committee, reportedly [said](#) on January 18, 2018 “that it would be “real dangerous,” to release the document because it is classified. By the next day, however, Conway [reportedly](#) reversed his position and supports a possible release.

Published reports [state](#) that the Nunes memo specifically alleges abuses by FBI Deputy Director Andrew McCabe and Deputy Attorney General Rod Rosenstein, who is in charge of overseeing the Mueller investigation.

According to a *Washington Post* [article](#) (January 27, 2018), “The president has told close advisers that the memo is starting to make people realize how the FBI and the Mueller probe are biased against him, and that it could provide him with grounds for either firing or forcing Rosenstein to leave, according to one person familiar with his remarks.”

According to a *New York Times* [article](#) (January 28, 2018), “Mr. Trump has long been mistrustful of Mr. Rosenstein, the Justice Department’s No. 2 official, who appointed the special counsel, Robert S. Mueller III, and now oversees his investigation into Mr. Trump’s campaign and

possible obstruction of justice by the president. Mr. Trump considered firing Mr. Rosenstein last summer. Instead, [he ordered Mr. Mueller to be fired](#), then backed down after the White House counsel refused to carry out the order, The New York Times reported last week. Mr. Trump is now again telling associates that he is frustrated with Mr. Rosenstein, according to one official familiar with the conversations.”

On January 25, 2018, Senator Warner, Ranking Member on the Senate Intelligence Committee, [said](#), “Any attempt to remove the Special Counsel, pardon key witnesses, or otherwise interfere in the investigation, would be a gross abuse of power, and all members of Congress, from both parties, have a responsibility to our Constitution and to our country to make that clear immediately.”

Chairman Nunes has reportedly [refused](#) to make his memo available to the Justice Department and the FBI to review.

On January 24, 2018, Department of Justice Assistant Attorney General Stephen Boyd sent a [letter](#) to Chairman Nunes about the classified memo. The letter stated, “We believe it would be extraordinarily reckless for the Committee to disclose such information publicly without giving the Department [of Justice] and the FBI the opportunity to review the memorandum and to advise the HPSCI on the risk of harm to national security and to ongoing investigations that could come from public release.”

The DOJ letter to Chairman Nunes further stated, “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.”

The letter to Chairman Nunes said, “Additionally, we believe that wider distribution of the classified information presumably contained within your memorandum would represent a significant deviation from the terms of access negotiated in good faith by the Department, HPSCI, and the Office of Speaker Paul Ryan.”

Under these circumstances, it would be wrong to release the irresponsible Nunes memo to the public – a memo which is, according to the Justice Department, based on underlying documents that Chairman Nunes hasn’t read, and that represents a violation of the agreement that you and Chairman Nunes made with the Justice Department.

Nevertheless, if the memo is wrongly released or leaked to the public, in whole or in part, then as Speaker, it is your institutional responsibility to the American people to ensure that all information necessary to determine the truth and accuracy of the Nunes memo is also quickly made available to the public, consistent with legitimate restrictions on the release of classified and sensitive law enforcement information. We call on you to meet this obligation.

We also call on you to act promptly to remove Chairman Nunes from any further participation in any aspect of the Russia investigation.

Sincerely,

American Oversight

Coalition to Preserve, Protect and Defend

Common Cause

CREW

Demand Progress Action

Democracy 21

Equal Justice Society

Free Speech for People

Justin Hendrix

Kathleen Clark

MoveOn.org

Amb. (ret.) Norman Eisen, chief White House ethics lawyer, 2009-2011

People for the American Way

Public Citizen

Revolving Door Project

Richard Painter, chief White House ethics lawyer, 2005-2007