

Congress of the United States
House of Representatives
Washington, DC 20515-1803

November 1, 2019

Chairman Adam Schiff
Capitol Visitor Center HVC-304
US Capitol Building
Washington, DC 20515-6415

Chairman Schiff:

I write to you today to call for immediate access for all members of Congress to the materials and transcripts gathered by your committee prior to the passage of H. Res. 660 as part of the unofficial and unauthorized impeachment inquiry that began on September 24, 2019 at the direction of Speaker Nancy Pelosi.

As you are aware, H. Res. 660 directs the House Permanent Select Committee on Intelligence and the Committees on Financial Services, Foreign Affairs, Judiciary, Oversight and Reform, and Ways and Means to continue ongoing hearings and investigations into White House conduct and to submit all findings to the Committee on the Judiciary. The resolution further cedes oversight of impeachment proceedings to the Judiciary Committee, authorizing the promulgation of any procedures it deems necessary to execute the investigation. It also authorizes the Committee on Rules to publish new rules as to compel the participation of the President and his counsel in impeachment inquiry proceedings within the Judiciary Committee. Additionally, the resolution codifies the power of the majority to deny any minority requests for witnesses or the production of files and documentation.

Seemingly innocuous, H. Res. 660 provides unchecked power to the Chairman of the Judiciary Committee, calling for the Committee to ultimately report articles of impeachment to the House and strips the ranking member and minority of any standing, recourse, or authority.

The process put in place by H. Res. 660 for public hearings concerning the potential removal of a duly elected President deviates from precedent established during the impeachment proceedings of 1974 and 1998. This, coupled with the unprecedented information-gathering sessions by your committee prior to its passage, has created a grave sense of mistrust in this institution by the constituents that we have sworn to represent.

It is imperative that all members of Congress be given immediate and unimpeded access to the materials gathered behind closed doors by your committee and that a formal process be put in place to expeditiously make all transcripts publicly available. There can be no new set of televised hearings allowing any references to these secretive discussions that took place prior to passage of H. Res. 660. Transfer of all "impeachment inquiry SCIF depositions" must be released and made publicly available prior to any public hearings authorized by H. Res. 660. To

move forward with public hearings, which draw upon SCIF level secretive depositions, without releasing the transcripts of those depositions would be a clear violation of constitutional due process and would violate longstanding American judicial precedent regarding discovery and equal access to evidence. Just as we require our judicial branch, under Article III of the Constitution, to operate in a manner deeply rooted in fairness and constitutional due process when considering the innocence or guilt of individuals, such processes must be extended to matters of national importance, such as the impeachment of a legitimately elected President.

Making public these materials will partially alleviate the failure of the processes set forth in H. Res. 660 to institute an inquiry system that is fair and transparent. Due to the controversial nature of these hearings and the inherent public interest that exist, failure to make these documents public is a failure to uphold the oaths that we as elected officials take upon entering office.

We have been elected to serve we, the people. Make the transcripts public.

Respectfully,



Clay Higgins
Member of House Committee on Oversight and Reform

CC:

Rep. Devin Nunes
Ranking Member
House Permanent Select Committee on Intelligence

Rep. Jerry Nadler
Chairman
House Committee on the Judiciary

Rep. Mary Gay Scanlon
Vice Chair
House Committee on the Judiciary

Rep. Doug Collins
Ranking Member
House Committee on the Judiciary

Rep. Carolyn Maloney
Acting Chairwoman
House Committee on Oversight and Reform

Rep. Jim Jordan
Ranking Member
House Committee on Oversight and Reform

Rep. Richard Neal
Chairman
House Committee on Ways and Means

Rep. Kevin Brady
Ranking Member
House Committee on Ways and Means

Rep. Maxine Waters
Chairwoman
House Committee on Financial Services

Rep. Michael San Nicolas
Vice Chair
House Committee on Financial Services

Rep. Patrick McHenry
House Committee on Financial Services
Ranking Member

Rep. Eliot Engel
Chairman
House Committee on Foreign Affairs

Rep. Michael McCaul
Ranking Member
House Committee on Foreign Affairs