

ONE HUNDRED SEVENTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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May 25, 2022

The Honorable Bennie Thompson  
Select Committee to Investigate the January 6th  
Attack on the United States Capitol  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Thompson:

I received your subpoena dated May 12, 2022. Your attempt to compel testimony about a colleague's deliberations pertaining to a statutorily prescribed legislative matter and an important Constitutional function is a dangerous escalation of House Democrats' pursuit of political vendettas. Your decision violates core Constitutional principles, disregards House rules and precedent, and fails to address the concerns I raised to you about the Select Committee's abusive tactics and pattern of due process violations. Most concerning, House Democrats' obsession with partisan investigations intended to score political points against President Trump and other Republicans does absolutely nothing to assist the millions of Americans struggling in the failing Biden economy.

On January 9, 2022, in response to your letter dated December 22, 2021, I wrote to you explaining why the Select Committee's demand for testimony was inappropriate and why the Select Committee's conduct up to that point led me to believe it was not operating fairly or in good faith.<sup>1</sup> For your reference, a copy of this letter is enclosed. Among other points, I noted how the Select Committee had violated House rules, selectively targeted its political adversaries, disregarded the civil liberties of witnesses and others, and leaked and altered nonpublic information.<sup>2</sup> I specifically noted how Representative Schiff, a member of the Select Committee, had doctored and publicly misrepresented nonpublic information relating to me in the Select Committee's possession.<sup>3</sup> The Select Committee was forced to admit that it had altered evidence, but it did not explain its actions or ever apologize for misleading the American people.<sup>4</sup> In light

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<sup>1</sup> Letter from Rep. Jim Jordan to Rep. Bennie Thompson (Jan. 9, 2022).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *E.g.* Sean Davis, *Breaking: January 6 Committee admits it doctored text message between Meadows and Jordan*, THE FEDERALIST, Dec. 15, 2021.

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of the Select Committee's abuses, I informed you I had "no confidence that the Select Committee will fairly or accurately represent any information I could provide."<sup>5</sup>

Although a Select Committee spokesperson promised that you would respond "in more detail in the coming days,"<sup>6</sup> you have not responded to my January 9 letter. You have not substantively addressed any of the points in the letter or alleviated any of the concerns I raised. These concerns still exist today and have only grown as the Select Committee has continued to leak nonpublic information in a misleading manner in the intervening period.<sup>7</sup> In addition, since my January 9 letter, I have learned that the Select Committee is withholding information that contradicts its political narrative.<sup>8</sup>

Rather than engaging in good faith about the serious issues I raised on January 9, you abandoned the matter for 123 days, only to abruptly reengage two weeks ago with a sudden and drastic escalation. Your subpoena was unprompted and, in light of the unaddressed points from my January 9 letter, plainly unreasonable. I write to strongly contest the constitutionality and validity of the subpoena in several respects.

First, you have failed to abide by the most fundamental Constitutional requirements for congressional subpoenas. The Supreme Court has been clear for decades that a "congressional subpoena is valid only if it is related to, and in furtherance of, a legitimate task of the Congress."<sup>9</sup> The Court reaffirmed that a committee of Congress "has no general power to inquire into private affairs and compel disclosures, and there is no congressional power to expose for the sake of exposure. Investigations conducted solely for the personal aggrandizement of the investigators or to punish those investigated are indefensible."<sup>10</sup> As the Court explained, "it is 'impossible' to conclude that a subpoena is designed to advance a valid legislative purpose" unless the committee "adequately identifies its aims and explains why" the information sought "will advance its consideration of the possible legislation."<sup>11</sup>

As I detailed in my January 9 letter to you, I have no relevant information that would advance any legitimate legislative purpose. I had no responsibility for the security of the Capitol Complex on January 6, and I cannot explain why a concern about "optics" contributed to the limited security posture.<sup>12</sup> I had no role in or advance knowledge that violence would occur that day, although I am aware of public reports that federal law enforcement has concluded that the

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<sup>5</sup> Letter from Rep. Jim Jordan, *supra* note 1.

<sup>6</sup> Sabrina Eaton, *Jim Jordan tells January 6 investigative committee to get lost*, CLEV. PLAIN DEALER, Jan. 10, 2022.

<sup>7</sup> E.g. Peter Nicholas, *Avalanche of leaks imperils Jan. 6 committee's delivering on blockbuster hearings*, NBC NEWS, May 1, 2022; Alayna Treene, *Jan. 6 leaks undermine committee's plans for made-for-TV hearings*, AXIOS, Apr. 26, 2022; Jacqueline Alemany et al., *Texting through an insurrection*, WASH. POST, Feb. 16, 2022.

<sup>8</sup> See Letter from Rep. Rodney Davis to Speaker Nancy Pelosi (Feb. 17, 2022).

<sup>9</sup> *Trump v. Mazars USA*, 140 S. Ct. 2019, 2031 (2020) (citing *Watkins v. United States*, 354 U.S. 178, 187 (1957)).

<sup>10</sup> *Id.* at 2032. (citing *Watkins*, 354 U.S. at 187, 200 and *McGrain v. Daugherty*, 273 U.S. 135, 173-74 (1927)) (internal quotation marks omitted).

<sup>11</sup> *Id.* at 2036 (quoting *Watkins*, 354 at 205-06).

<sup>12</sup> See Carol D. Leonnig et al., *Outgoing Capitol Police chief: House, Senate security officials hamstrung efforts to call in National Guard*, WASH. POST, Jan. 10, 2021.

violence was not part of an “organized plot to overturn the presidential election result.”<sup>13</sup> At the time of the security breach, like many of our colleagues, I was present in the House chamber performing my official duties pursuant to section 15 of title 3 of the U.S. Code. During the breach, I publicly condemned the violence and encouraged support for the U.S. Capitol Police.<sup>14</sup> The Select Committee has not contested any of these facts.

The Select Committee has not articulated how the information it seeks is necessary to advance a legitimate legislative purpose, or why such information cannot be obtained through other means. Instead, public statements by members of the Select Committee indicate that it seeks to use its subpoena authority for improper motives and for the self-aggrandizement of its members. For example, you have characterized the Select Committee’s work as “bring[ing] justice to this matter,” implying a law enforcement purpose properly seated in the Executive Branch.<sup>15</sup> Representative Raskin similarly characterized the Select Committee’s work as uncovering a “crime . . . involving thousands of potential offenses.”<sup>16</sup> Separately, Representative Schiff and Representative Raskin have each promised that the Select Committee would strive to “expose” nonpublic information concerning January 6.<sup>17</sup> Representative Cheney likewise stated the Select Committee would tell the “story of what happened” and “lay[] out the full picture” of the events of January 6.<sup>18</sup> In addition, your recent comments suggest an improper effort toward punishment, saying the subpoena was intended, in part, to “weaken[]” Republicans in the future.<sup>19</sup> None of these stated goals are an appropriate use of the Select Committee’s subpoena authority pursuant to Supreme Court precedent.

Second, in issuing the subpoena, you have failed to “be . . . meticulous in obeying” the rules of the House.<sup>20</sup> Section 3(b) of H. Res. 8, the resolution adopting the Rules of the House, specifies that a committee may only order a deposition “upon consultation with the ranking minority member.”<sup>21</sup> In addition, the resolution establishing the Select Committee, H. Res. 503, specifically requires that the Speaker “shall appoint 13 Members,” five of whom “shall be appointed after consultation with the minority leader.”<sup>22</sup> Speaker Pelosi has failed to appoint 13

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<sup>13</sup> Mark Hosenball & Sarah N. Lynch, *Exclusive: FBI finds scant evidence U.S. Capitol attack was coordinated – sources*, REUTERS, Aug. 20, 2021.

<sup>14</sup> See Tweet by Rep. Jim Jordan, Twitter.com (Jan. 6, 2021, 3:02 p.m.), [https://twitter.com/Jim\\_Jordan/status/1346909940812664834](https://twitter.com/Jim_Jordan/status/1346909940812664834).

<sup>15</sup> Tweet of Rep. Bennie Thompson, Twitter.com (Jan. 6, 2022, 8:31 a.m.), <https://twitter.com/BennieGThompson/status/1479083311163232258>.

<sup>16</sup> Ryan Nobles & Annie Grayer, *January 6 committee ramps up its work without a clear path to an outcome*, CNN, Sept. 22, 2021. In fact, public reporting indicates that the Select Committee is sharing information with the Justice Department. See Glenn Thrush & Luke Broadwater, *Justice Dept. is said to request transcripts from Jan. 6 Committee*, N.Y. TIMES, May 17, 2022.

<sup>17</sup> Tweet of Rep. Adam Schiff, Twitter.com (Nov. 12, 2021, 4:54 p.m.), <https://twitter.com/RepAdamSchiff/status/1459278425118625794>; Tweet of Rep. Jamie Raskin, Twitter.com (Apr. 29, 2022, 11:05 a.m.), [https://twitter.com/jamie\\_raskin/status/1520056793942175744](https://twitter.com/jamie_raskin/status/1520056793942175744); Nobles & Grayer, *supra* note 16.

<sup>18</sup> Nobles & Grayer, *supra* note 16.

<sup>19</sup> Luke Broadwater & Emily Cochrane, *Subpoenas for Republican raise new questions for Jan. 6 panel*, N.Y. TIMES, May 13, 2022.

<sup>20</sup> See *Yellin v. United States*, 374 U.S. 109 (1963).

<sup>21</sup> H. Res. 8, § 3(b), 117th Cong. (2021).

<sup>22</sup> H. Res. 503, § 5(c), 117th Cong. (2021).

Members, denied the five Republicans selected by Leader McCarthy, and failed to consult with Leader McCarthy about the Republicans she unilaterally chose instead. In addition, you have not complied with the “ranking minority member” requirement of H. Res. 8 because the Select Committee has no ranking minority member—a fact that you proactively noted during the Select Committee’s only public hearing to date.<sup>23</sup> Under Supreme Court precedent, the Select Committee cannot reasonably expect a witness to testify where, as here, the Select Committee has violated its own rules.<sup>24</sup>

Third, you have proffered no comparable precedent to justify the Select Committee’s attempt to pry into the deliberations informing an official action in the House of Representatives taken pursuant to a statutorily prescribed legislative matter. In fact, you acknowledged in January that the constitutional basis for this subpoena is suspect at best, saying: “I think there are some questions of whether we have the authority to do it.”<sup>25</sup> Although you claimed to be examining the basis for a subpoena since January,<sup>26</sup> you have not explained the Constitutional basis for the extraordinary claim that a congressional committee may compel the testimony of other Members of Congress. In particular, you have provided no explanation of how such an asserted power would be consistent with the structure of the Constitution and the Speech or Debate Clause,<sup>27</sup> both of which are designed “to protect the integrity of the legislative process by insuring the independence of individual legislators.”<sup>28</sup>

The only examples of subpoenas directed to Members of Congress that the Select Committee has offered to date are those pertaining to the ethics process. In offering these examples, however, you have mischaracterized the recency and frequency with which Members of the House have been subject to subpoenas in the ethics context. Further, an ethics investigation is materially different from the Select Committee’s work. The Ethics Committee is an equally bipartisan committee that addresses allegations of conduct that violate the standards of official conduct. It may be the case, therefore, that Ethics Committee subpoenas directed to Members of Congress could be justified by the express Constitutional power of “Each House” to “punish its members for disorderly behavior.”<sup>29</sup> In marked contrast, the Select Committee purports to seek “information relevant to [its] investigation” of January 6 and not to adjudicate any allegations of unethical conduct under House rules.<sup>30</sup> There is no apparent legal justification

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<sup>23</sup> “*The Law Enforcement Experience on January 6th*”: Hearing before the H. Sel. Comm. to Investigate the Jan. 6th Attack on the U.S. Capitol, 117th Cong. (2021) (statement of Rep. Bennie Thompson) (“My distinguished colleague from Wyoming, Ms. Cheney, is not the ranking member of this select committee . . .”).

<sup>24</sup> *Yellin*, 374 U.S. at 123-24 (“[T]he witness’ reasonable expectation is that the Committee actually does what it purports to do, adhere to its own rules. . . . The Committee prepared the groundwork for prosecution in Yellin’s case meticulously. It is not too exacting to require that the Committee be equally meticulous in obeying its own rules.”).

<sup>25</sup> Jan Wolfe, *Jan. 6 committee studying whether it can subpoena U.S. Republican lawmakers – chairman*, REUTERS, Jan. 3, 2022.

<sup>26</sup> *Id.*

<sup>27</sup> U.S. Const. art. I, § 6, cl. 1.

<sup>28</sup> *Hutchinson v. Proxmire*, 443 U.S. 111, 127 (1979) (quoting *United States v. Brewster*, 408 U.S. 501, 507 (1972)).

<sup>29</sup> U.S. Const. art. I, § 5, cl. 2.

<sup>30</sup> Press Release, H. Sel. Comm. to Investigate the Jan. 6th Attack on the U.S. Capitol, Select Committee Subpoenas Five Members of Congress (May 12, 2022).

for so dangerous an implied power, which could readily be weaponized by the majority against the minority.<sup>31</sup>

Fourth, you have failed to address the serious concerns I raised in January 2022 about the Select Committee’s conduct. Your conduct since then has only reinforced these concerns. For example, in your press release on May 12 announcing the subpoena, you mischaracterized my constitutional oversight activities concerning election integrity—a concern that Republican colleagues and I expressed well before the 2020 election<sup>32</sup>—as an effort toward “overturning the 2020 election.”<sup>33</sup> In addition, the manner in which the Select Committee issued the subpoena has confirmed my concerns that the Select Committee is not running a fair-minded or objective inquiry. The Select Committee leaked news of the subpoena to the media on May 12, before the subpoena was publicly announced or properly served. Your half-page cover letter released to the media misrepresented that the letter was “hand delivered,”<sup>34</sup> when it was not delivered at all—in any form—until the Select Committee served the subpoena on May 16. The service of the subpoena was also unusual in that House General Counsel Douglas Letter initially volunteered to accept service on my behalf. Mr. Letter, the lawyer of record for the Select Committee in ongoing litigation, is unquestionably conflicted from accepting service of a subpoena that he reviewed and authorized as House General Counsel.<sup>35</sup>

House Democrats have prejudged the results of the Select Committee’s work.<sup>36</sup> They have accused their Republican colleagues of “sedition” and called them “traitors” for objecting to Electoral College results in certain states<sup>37</sup>—even though you and other senior House Democrats made the same objections in every election won by a Republican president since 2000.<sup>38</sup> Even before your subpoena, as I articulated to you in January, I had serious doubts about the Select Committee’s commitment to fundamental fairness and due process. Your failure to respond added to my concerns, and your unprecedented actions over the past thirteen days have exacerbated them. Because your subpoena is an unprecedented use of a committee’s compulsory

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<sup>31</sup> In addition, you have noted topics of inquiry that concern my performance of my official duties as a Member of the House. But the Committee has not addressed the concerns that I expressed in my January 9 letter about the Committee’s inappropriate attempt to scrutinize the confidential deliberative process that informed my decisions on how to vote on legislative matters before the House. *See* Letter from Rep. Jim Jordan, *supra* note 1, at 2.

<sup>32</sup> *See, e.g.,* H. COMM. ON THE JUDIC. & H. COMM. ON OVERSIGHT & REFORM, HOW DEMOCRATS ARE ATTEMPTING TO SOW UNCERTAINTY, INACCURACY, AND DELAY IN THE 2020 ELECTION (Sept. 23, 2020) (Republican staff report). *See also* Letter from Rep. Jim Jordan & Rep. Jamie Comer to Rep. Jerrold Nadler & Rep. Carolyn Maloney (Nov. 18, 2020).

<sup>33</sup> Press Release, *supra* note 30.

<sup>34</sup> Letter from Rep. Bennie Thompson to Rep. Jim Jordan (May 12, 2022).

<sup>35</sup> Tristan Justice, *House Counsel who subpoenaed McCarthy for Jan. 6 under fire for conflicts of interest*, THE FEDERALIST, May 13, 2022. Stan Brand, a former House General Counsel for Speaker Tip O’Neill, called Mr. Letter’s unsolicited solicitation “remarkable,” explaining: “It’s like calling up your opponent in litigation and offering to accept service on their behalf. How does he do that since his role is on the other side of the case?” *Id.*

<sup>36</sup> *See* Trial Memorandum of the United States House of Representatives in the Impeachment Trial of President Donald J. Trump, In re Impeachment of President Donald J. Trump (Feb. 2, 2021).

<sup>37</sup> *E.g.* Mike Lillis & Scott Wong, *Democrats debate shape of new Jan. 6 probe*, THE HILL, June 4, 2021; Aila Slisco, ‘Traitors’: Dem lawmakers call for removal of Republicans reportedly involved in 1/6, NEWSWEEK, Oct. 25, 2021.

<sup>38</sup> *See* Letter from Rep. Jim Jordan, *supra* note 1, at 2-3 n.7.

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authority against another member, and as a second attempt to assuage my concerns about your commitment to fundamental fairness and due process, I respectfully ask for the following material so that I may adequately further respond to your subpoena:

1. Because the Select Committee has withheld information that contradicts Democrat narratives about January 6, I ask that you provide all documents, videos, or other material in the possession of the Select Committee that you potentially anticipate using, introducing, or relying on during questioning.
2. Because members of the Select Committee have altered and publicly misrepresented nonpublic information concerning my actions, I ask that you provide all documents, communications, testimony, and other material in the possession of the Select Committee in which my name appears or in which I am referenced.
3. Because you have acknowledged that there are open “question[s]” about the Select Committee’s authority to issue this subpoena, I ask that you provide all legal authorities and legal analyses in the possession of the Select Committee or the office of the House of Representatives General Counsel pertaining to the constitutionality of a non-ethics congressional subpoena to a Member of Congress.

I expect that you will provide the entirety of this material without delay.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is written in a cursive style with a large, sweeping "J" and "D".

Jim Jordan

Enclosure

ONE HUNDRED SEVENTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON THE JUDICIARY  
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January 9, 2022

The Honorable Bennie Thompson  
Chairman  
Select Committee to Investigate the January 6th  
Attack on the United States Capitol  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Thompson:

The American people are tired of Democrats' nonstop investigations and partisan witch hunts. Your letter of December 22, 2021, unfortunately continues this Democrat obsession. It amounts to an unprecedented and inappropriate demand to examine the basis for a colleague's decision on a particular matter pending before the House of Representatives. This request is far outside the bounds of any legitimate inquiry, violates core Constitutional principles, and would serve to further erode legislative norms.

As you well know, I have no relevant information that would assist the Select Committee in advancing any legitimate legislative purpose. I cannot speak to Speaker Pelosi's failure to ensure the appropriate security posture at the Capitol complex in advance of well-publicized protests on January 6, 2021. I cannot elaborate on former U.S. Capitol Police Chief Steven Sund's statement that a concern about "optics"—following widespread calls from Democrats in 2020 to defund the police—contributed to the limited security response.<sup>1</sup> I have nothing to add to the bipartisan, comprehensive findings of the Senate investigative committees or to those issued by federal inspectors general.<sup>2</sup> I cannot testify about the Justice Department's ongoing law-

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<sup>1</sup> Carol D. Leonnig et al., *Outgoing Capitol Police chief: House, Senate security officials hamstrung efforts to call in National Guard*, Wash. Post, Jan. 10, 2021; Letter from Steven Sund to Nancy Pelosi, Speaker of the House of Reps. (Feb. 1, 2021).

<sup>2</sup> E.g. S. Comm. on Homeland Sec. & Gov't Affairs & S. Comm. on Rules & Admin., *Examining the U.S. Capitol Attack: A Review of the Security, Planning, and Response Failures on January 6 (2021)*; U.S. Dep't of Defense Off. of Inspector Gen., *Review of DOD's Role, Responsibilities, and Actions to Prepare for and Respond to the Protest and its Aftermath at the U.S. Capitol Campus on January 6, 2021* (Nov. 16, 2021); Zachary Cohen & Whitney Wild, *US Capitol Police watchdog issues scathing report on January 6 failures*, CNN, Apr. 1, 2021; "Oversight of the U.S. Capitol Police Following the January 6th Attack on the Capitol, Part II": *Hearing before the S. Comm. on Rules & Admin.*, 117th Cong. (2021) (statement of Michael A. Bolton, Inspector General, U.S. Capitol Police).

enforcement efforts, although I am aware of reports that the FBI has determined the violence was not coordinated or part of any “organized plot to overturn the presidential election result.”<sup>3</sup>

At the time of the security breach of the Capitol, I was present in the House chamber performing my official duties pursuant to the U.S. Constitution and federal law. The other topics referenced in your letter likewise relate to the performance of official duties. Your attempt to pry into the deliberative process informing a Member about legislative matters before the House is an outrageous abuse of the Select Committee’s authority. This unprecedented action serves no legitimate legislative purpose and would set a dangerous precedent for future Congresses.

It is telling that the Select Committee has chosen only to target Republican Members with demands for testimony about January 6. Unlike many senior Democrats, I have been consistent in denouncing political violence and supporting law enforcement personnel—whether the violence occurred on January 6 at the Capitol or in the summer of 2020 in cities across the country.<sup>4</sup> I am aware of no effort by the Select Committee to solicit testimony from Speaker Pelosi, House Administration Chair Zoe Lofgren, or any other Democrat Members with responsibility for or oversight of the security posture at the Capitol complex on January 6. This double standard confirms our suspicion that Democrats are using the Select Committee as a partisan cudgel against their political adversaries and not to advance any legitimate legislative purpose.

Even if I had information to share with the Select Committee, the actions and statements of Democrats in the House of Representatives show that you are not conducting a fair-minded and objective inquiry. House Democrats have already prejudged the results of the Select Committee’s work, declaring in their February 2021 impeachment brief that President Trump is “unmistakabl[y]” responsible for the events of January 6.<sup>5</sup> Democrats have accused their Republican colleagues of “sedition” and called them “traitors” for objecting to Electoral College results in certain states<sup>6</sup>—an official action taken pursuant to federal law, and the same objections that you and other senior House Democrats made following the 2000, 2004, and 2016 presidential elections.<sup>7</sup>

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<sup>3</sup> Mark Hosenball & Sarah N. Lynch, *Exclusive: FBI finds scant evidence U.S. Capitol attack was coordinated – sources*, Reuters, Aug. 20, 2021.

<sup>4</sup> See, e.g., Tweet by Rep. Jim Jordan, Twitter.com (Jan. 6, 2021, 3:02 p.m.), [https://twitter.com/Jim\\_Jordan/status/1346909940812664834](https://twitter.com/Jim_Jordan/status/1346909940812664834).

<sup>5</sup> Trial Memorandum of the United States House of Representatives in the Impeachment Trial of President Donald J. Trump, In re Impeachment of President Donald J. Trump (Feb. 2, 2021).

<sup>6</sup> E.g. Mike Lillis & Scott Wong, *Democrats debate shape of new Jan. 6 probe*, The Hill, June 4, 2021; Aila Slisco, *‘Traitors’: Dem lawmakers call for removal of Republicans reportedly involved in 1/6*, Newsweek, Oct. 25, 2021.

<sup>7</sup> See, e.g., 163 Cong. Rec. H185, H186 (117th Cong. Jan. 6, 2017) (objection of Rep. James McGovern to the Electoral College results of the state of Alabama); 163 Cong. Rec., *supra* (objection of Rep. Jamie Raskin to the Electoral College results of the state of Florida); 163 Cong. Rec., *supra* (objection of Rep. Pramila Jayapal to the Electoral College results of the state of Georgia); 163 Cong. Rec., *supra*, at H187 (objection of Rep. Barbara Lee to the Electoral College results of the state of Michigan); 163 Cong. Rec., *supra* (objection of Rep. Sheila Jackson Lee to the Electoral College results of the state of Mississippi); 163 Cong. Rec., *supra*, at H187-88 (objection of Rep. Raul Grijalva to the Electoral College results of the state of North Carolina); 163 Cong. Rec., *supra*, at H188 (objection of Rep. Sheila Jackson Lee to the Electoral College results of the state of North Carolina); 163 Cong.

Democrats violated the most fundamental and longstanding safeguard for fairness in House proceedings in standing up the Select Committee. In an unprecedented action, Speaker Pelosi rejected Leader McCarthy's chosen Republican Members to serve on the Select Committee. Speaker Pelosi also failed to consult with Leader McCarthy about the appointment of Republican Members, in direct violation of the requirement in the resolution establishing the Select Committee that she do so.<sup>8</sup> As a result, and without any Republican Members selected by the Republican Leader, the Select Committee has no effective measure of balance or objectivity.

The conduct of the Select Committee to date reinforces the perception that it cannot be trusted to operate fairly or in good faith. The Select Committee has abused fundamental civil liberties—investigating private citizens' political speech protected by the First Amendment, and seeking to impose gag orders on telecom and email companies to prevent them from notifying their customers that the Select Committee has demanded their data.<sup>9</sup> When good-faith disputes over privileged information have arisen, the Select Committee has declined to make genuine efforts to obtain information through the civil contempt mechanism available to Congress, instead choosing to punish individuals with criminal contempt referrals. The Select Committee has also failed to operate transparently, holding just a single public hearing to gather testimony. The Select Committee has exploited this lack of transparency to selectively leak information, alter and misrepresent nonpublic documents in its possession, and spread misinformation to paint a false and misleading narrative. To cite just a few examples:

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Rec., *supra* (objection of Rep. Sheila Jackson Lee to the Electoral College results of the state of South Carolina); 163 Cong. Rec., *supra* (objection of Rep. Barbara Lee to the Electoral College results of the state of West Virginia); 163 Cong. Rec., *supra*, at H189 (objection of Rep. Sheila Jackson Lee to the Electoral College results of the state of Wisconsin); 163 Cong. Rec., *supra* (objection of Rep. Maxine Waters to the Electoral College results of the state of Wyoming); Roll Call vote 7, 109th Cong. (Jan. 6, 2005) (Rep. Bennie Thompson's vote in favor of the objection of Rep. Stephanie Tubbs Jones to the Electoral College results of the state of Ohio); Roll Call vote 7, *supra* (Rep. James Clyburn's vote in favor of the objection of Rep. Stephanie Tubbs Jones to the Electoral College results of the state of Ohio); Roll Call vote 7, *supra* (Rep. Raul Grijalva's vote in favor of the objection of Rep. Stephanie Tubbs Jones to the Electoral College results of the state of Ohio); Roll Call vote 7, *supra* (Rep. Sheila Jackson Lee's vote in favor of the objection of Rep. Stephanie Tubbs Jones to the Electoral College results of the state of Ohio); Roll Call vote 7, *supra* (Rep. Eddie Bernice Johnson's vote in favor of the objection of Rep. Stephanie Tubbs Jones to the Electoral College results of the state of Ohio); Roll Call vote 7, *supra* (Rep. Frank Pallone's vote in favor of the objection of Rep. Stephanie Tubbs Jones to the Electoral College results of the state of Ohio); Roll Call vote 7, *supra* (Rep. Maxine Waters's vote in favor of the objection of Rep. Stephanie Tubbs Jones to the Electoral College results of the state of Ohio); 147 Cong. Rec. H29, H34 (107th Cong. Jan. 6, 2001) (objection of Rep. Eddie Bernice Johnson to the Electoral College results of the state of Florida); 147 Cong. Rec., *supra* (objection of Rep. Sheila Jackson Lee to the Electoral College results of the state of Florida); 147 Cong. Rec., *supra* at H35 (objection of Rep. Maxine Waters to the Electoral College results of the state of Florida); 147 Cong. Rec., *supra* (objection of Rep. Barbara Lee to the Electoral College results of the state of Florida).

<sup>8</sup> H. Res. 503, 117th Cong. (2021).

<sup>9</sup> Glenn Greenwald, *Civil Liberties are being trampled by exploiting "insurrection" fears. Congress's 1/6 Committee may be the worst abuse yet*, Substack, Oct. 17, 2021.

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- In a widely distributed letter, you falsely accused former New York Police Commissioner Bernard Kerik of attending a meeting in Washington on January 5, 2021, when Kerik was actually in New York City.<sup>10</sup>
- During a business meeting to consider holding our former colleague Mark Meadows in criminal contempt of Congress, Representative Adam Schiff, a member of the Select Committee, doctored a text message I had forwarded to Mr. Meadows.<sup>11</sup>
- During the floor debate on the Meadows criminal contempt resolution, Representative Jamie Raskin, another member of the Select Committee, falsely attributed a second text message to a “lawmaker” when in fact it was not sent by any Member of Congress.<sup>12</sup>

If the Select Committee can so readily violate American civil liberties and mislead Americans about the information it possesses—including information relating to me—I have no confidence that the Select Committee will fairly or accurately represent any information I could provide. And make no mistake, any such information would be directly related to my deliberations and objections pursuant to a statutorily prescribed procedure.

The American people deserve better than the Democrats’ incessant focus on partisan investigations. Rampant inflation is hurting American families, an unmitigated crisis at the southern border threatens American communities, the Biden Administration is weaponizing counterterrorism tools against American parents, and President Biden’s weak leadership endangers American service members overseas. These real challenges affecting our constituents today are the issues on which Congress should properly be focused.

Sincerely,



Jim Jordan

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<sup>10</sup> John Solomon, *Jan. 6 Committee acknowledges it made false accusation against witness Bernard Kerik*, Just the News, Nov. 23, 2021. *See also* Letter from Rep. Bennie Thompson to Bernard Kerik (Nov. 8, 2021).

<sup>11</sup> Sean Davis, *During January 6 hearing, Schiff doctored text messages between Mark Meadows and Rep. Jim Jordan*, The Federalist, Dec. 15, 2021.

<sup>12</sup> Daniel Chaitlin, *Jan. 6 Committee caught misportraying another text message to Mark Meadows*, Wash. Exam., Dec. 17, 2021.