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House Intelligence Committee Issues Subpoena for Counterintelligence and Foreign Intelligence Materials in Mueller Investigation, Including Report and Underlying Evidence

Washington, May 8, 2019

Washington, DC – Today, Rep. Adam Schiff (D-CA), the Chairman of the House Permanent Select Committee on Intelligence, issued a subpoena to Attorney General William P. Barr for documents and materials related Special Counsel Robert Mueller's investigation, including all counterintelligence and foreign intelligence materials produced during the Special Counsel's investigation, the full unredacted report, and the underlying evidence. The subpoena requires the Department of Justice to produce the documents by Wednesday, May 15, 2019.

Chairman Schiff said in a statement:

"For the last month and a half, the Committee has engaged the Department of Justice in a good faith effort to reach an accommodation of our requests for all of the foreign intelligence and counterintelligence information related to the Special Counsel's investigation, and the Mueller report and its underlying materials. The Department has repeatedly failed to respond, refused to schedule any testimony, and provided no documents responsive to our legitimate and duly authorized oversight activities.

"As both the Special Counsel and the Department of Justice have recognized, the Congress has a vital constitutional role in evaluating misconduct by the Executive Branch, including the President, and to assess and refine laws that address the 'sweeping and systematic' invasion of our democracy by Russia. We therefore need these materials in order to do our job. The Department's stonewalling is simply unacceptable.

"The Department repeatedly pays lip service to the importance of a meaningful accommodation process, but it has only responded to our efforts with silence or outright defiance. Today, we have no choice but to issue a subpoena to compel their compliance. If the Department continues to ignore or rejects our requests, we will enforce our request in Congress and, if necessary, the courts.

"The law is on our side. The Committee's efforts to obtain necessary documents to do our constitutionally-mandated oversight work will not be obstructed."

The subpoena follows two bipartisan letters sent with Ranking Member Devin Nunes (R-CA) on [March 27, 2019](#) and [April 25, 2019](#). In both letters, Schiff and Nunes requested that all materials, regardless of form and classification, obtained or produced by the Special Counsel's Office during its investigation, be produced to the Committee.

In the letter accompanying the subpoena, Schiff wrote:

"After repeated, bipartisan overtures and multiple, unreciprocated efforts by the House Permanent Select Committee on Intelligence to reach a reasonable accommodation on its requests to the Department of Justice for documents and materials related to the Special Counsel's investigation, including foreign intelligence and counterintelligence information, the Committee has no choice but to serve the ... subpoena for those materials."

Schiff also detailed what material the subpoena is compelling:

"As outlined in the subpoena schedule, the Committee requests (1) the complete and unredacted version of the report submitted by Special Counsel Robert S. Mueller III; (2) all documents and materials, regardless of form and classification, referenced in the unredacted report; and (3) all documents and materials, regardless of form and classification, obtained or generated by the Special Counsel's Office in the course of its investigation referring or relating to (a) any foreign individuals or entities of any type, (b) any persons or entities associated with or acting in any capacity as a representative, agent, or proxy for any such foreign individuals or entities, (c) any communications, interactions, or links between or about U.S. persons and such foreign individuals or entities, and (d) any effort to influence, impede, or obstruct congressional investigations."

Schiff also detailed the repeated efforts by the Committee and its staff to communicate, negotiate and reach meaningful accommodation with the Department of Justice, and the Department's repeated failure to respond to letters, meet deadlines, or communicate with the Committee. As a result of this continued and purposeful failure to participate in a meaningful accommodations process, Schiff wrote:

"The Department's failure to engage and negotiate with the Committee, and its failure to comply in any meaningful way with the Committee's bipartisan document request, necessitates the issuance of the attached subpoena."

Finally, in the letter, Schiff details why the Committee is legally entitled to the underlying evidence, grand jury information, and counterintelligence and foreign intelligence materials:

"The attached subpoena schedule, moreover, makes clear that the Committee's demand includes material that contains or relates to grand jury information. Pursuant to the National Security Act and the Federal Rules of Criminal Procedure, the Committee is entitled as a matter of law to all foreign intelligence and counterintelligence information contained in the Special Counsel's report, as well as the underlying evidence and information obtained or generated by the Special Counsel's Office. Rule 6(e) of the Federal Rules of Criminal Procedure, moreover, poses no bar to disclosure to the Committee of grand jury material involving foreign intelligence or counterintelligence.

"The fact that evidence and information may have been gathered during a criminal investigation, including through the grand jury process, and may be unclassified in no way diminishes its nature as foreign intelligence or counterintelligence information that must be provided to the Committee. This includes information regarding efforts by the Russian government or other foreign actors to contact or communicate with Americans. For example, overtures from the Russian government to a presidential campaign, such as the June 9, 2016, meeting at Trump Tower, were relevant to the Special Counsel's criminal investigation, but such outreach by foreign actors to Americans also constitutes important and relevant information for foreign intelligence and counterintelligence purposes. The Special Counsel's report is replete with similar information about contacts between Russian officials, agents, or proxies with U.S. persons, all of which involve foreign intelligence and counterintelligence equities, even if not classified."

The transmittal letter, referenced above, can be found [here](#). The joint letters from Chairman Schiff and Ranking Member Nunes can be found here: [March 27, 2019](#) and [April 25, 2019](#). The July 6, 2018 letter from the Department of Justice, referenced, can be found [here](#).

Minority Privacy Policy

CONTACT

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

Majority Staff
Office: (202) 225-7690
Fax: (202) 226-5068

Minority Staff
(202) 225-4121
(202) 225-1991