

U.S. House of Representatives
Committee on the Judiciary

Washington, DC 20515-6216

One Hundred Sixteenth Congress

November 26, 2019

Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

Under House Resolution 660, the House of Representatives has approved certain privileges for you in the House Judiciary Committee while the Committee considers whether to recommend articles of impeachment to the full House.¹ For your reference, a copy of the resolution and related procedures are attached to this letter. These procedures, and the privileges afforded to you therein, are consistent with those used by the Committee in the Nixon and Clinton impeachments.

The Committee has noticed its first hearing under these procedures, titled “The Impeachment Inquiry into President Donald J. Trump: Constitutional Grounds for Presidential Impeachment.” The hearing is scheduled for December 4, 2019 at 10:00 am. I write to ask if—pursuant to H. Res. 660 and the relating Judiciary Committee Impeachment Inquiry procedures—you and your counsel plan to attend the hearing or make a request to question the witness panel.

The Committee intends this hearing to serve as an opportunity to discuss the historical and constitutional basis of impeachment, as well as the Framers’ intent and understanding of terms like “high crimes and misdemeanors.” We expect to discuss the constitutional framework through which the House may analyze the evidence gathered in the present inquiry. We will also discuss whether your alleged actions warrant the House’s exercising its authority to adopt articles of impeachment.

If you would like to participate in the hearing, please provide the Committee with notice as soon as possible, but no later than by 6:00 pm on December 1, 2019. By that time, I ask that you also indicate who will act as your counsel for these proceedings.

I remain committed to ensuring a fair and informative process. To that end, I remind you that participation by the President or his counsel has been described by the Committee in past inquiries as “not a right but a privilege or a courtesy which is being extended to the President’s

¹ H. Res. 660, 116th Cong. (2019).

counsel.”² I am hopeful that you and your counsel will opt to participate in the Committee’s hearing, consistent with the rules of decorum and with the solemn nature of the work before us.

The Committee looks forward to your participation in the impeachment inquiry as the Committee fulfills its constitutional duties. While we invite you to this hearing, we remind you that if you continue to refuse to make witnesses and documents available to the committees of jurisdiction, under H. Res. 660, “the chair shall have the discretion to impose appropriate remedies.”³

Sincerely,


Jerrold Nadler
Chairman

cc: The Honorable Doug Collins, Ranking Member, House Committee on the Judiciary
Pat Cipollone, Counsel to the President, Office of White House Counsel

Encl.

² *Impeachment Inquiry Meeting before the H. Comm. on the Judiciary*, 93rd Cong. (May 2, 1974) (response by Chairman Peter W. Rodino, Jr.)

³ H. Res. 660, 116th Cong. (2019).

116TH CONGRESS
1ST SESSION

H. RES. 660

Directing certain committees to continue their ongoing investigations as part of the existing House of Representatives inquiry into whether sufficient grounds exist for the House of Representatives to exercise its Constitutional power to impeach Donald John Trump, President of the United States of America, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2019

Mr. MCGOVERN (for himself, Mr. HASTINGS, Mrs. TORRES of California, Mr. PERLMUTTER, Mr. RASKIN, Ms. SCANLON, Mr. MOREILLE, Ms. SHALALIA, and Mr. DESAULNIER) submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Directing certain committees to continue their ongoing investigations as part of the existing House of Representatives inquiry into whether sufficient grounds exist for the House of Representatives to exercise its Constitutional power to impeach Donald John Trump, President of the United States of America, and for other purposes.

- 1 *Resolved*, That the Permanent Select Committee on
- 2 Intelligence and the Committees on Financial Services,
- 3 Foreign Affairs, the Judiciary, Oversight and Reform, and
- 4 Ways and Means, are directed to continue their ongoing
- 5 investigations as part of the existing House of Representa-

1 tives inquiry into whether sufficient grounds exist for the
2 House of Representatives to exercise its Constitutional
3 power to impeach Donald John Trump, President of the
4 United States of America.

5 **SEC. 2. OPEN AND TRANSPARENT INVESTIGATIVE PRO-**
6 **CEEDINGS BY THE PERMANENT SELECT COM-**
7 **MITTEE ON INTELLIGENCE.**

8 For the purpose of continuing the investigation de-
9 scribed in the first section of this resolution, the Perma-
10 nent Select Committee on Intelligence (referred to in this
11 resolution as the “Permanent Select Committee”) is au-
12 thorized to conduct proceedings pursuant to this resolu-
13 tion as follows:

14 (1) The chair of the Permanent Select Com-
15 mittee shall designate an open hearing or hearings
16 pursuant to this section.

17 (2) Notwithstanding clause 2(j)(2) of rule XI of
18 the Rules of the House of Representatives, upon rec-
19 ognition by the chair for such purpose under this
20 paragraph during any hearing designated pursuant
21 to paragraph (1), the chair and ranking minority
22 member of the Permanent Select Committee shall be
23 permitted to question witnesses for equal specified
24 periods of longer than five minutes, as determined
25 by the chair. The time available for each period of

1 questioning under this paragraph shall be equal for
2 the chair and the ranking minority member. The
3 chair may confer recognition for multiple periods of
4 such questioning, but each period of questioning
5 shall not exceed 90 minutes in the aggregate. Only
6 the chair and ranking minority member, or a Perma-
7 nent Select Committee employee if yielded to by the
8 chair or ranking minority member, may question
9 witnesses during such periods of questioning. At the
10 conclusion of questioning pursuant to this para-
11 graph, the committee shall proceed with questioning
12 under the five-minute rule pursuant to clause
13 2(j)(2)(A) of rule XI.

14 (3) To allow for full evaluation of minority wit-
15 ness requests, the ranking minority member may
16 submit to the chair, in writing, any requests for wit-
17 ness testimony relevant to the investigation de-
18 scribed in the first section of this resolution within
19 72 hours after notice is given for the first hearing
20 designated pursuant to paragraph (1). Any such re-
21 quest shall be accompanied by a detailed written jus-
22 tification of the relevance of the testimony of each
23 requested witness to the investigation described in
24 the first section of this resolution.

1 (4)(A) The ranking minority member of the
2 Permanent Select Committee is authorized, with the
3 concurrence of the chair, to require, as deemed nec-
4 essary to the investigation—

5 (i) by subpoena or otherwise—

6 (I) the attendance and testimony of
7 any person (including at a taking of a dep-
8 osition); and

9 (II) the production of books, records,
10 correspondence, memoranda, papers, and
11 documents; and

12 (ii) by interrogatory, the furnishing of in-
13 formation.

14 (B) In the case that the chair declines to con-
15 cur in a proposed action of the ranking minority
16 member pursuant to subparagraph (A), the ranking
17 minority member shall have the right to refer to the
18 committee for decision the question whether such
19 authority shall be so exercised and the chair shall
20 convene the committee promptly to render that deci-
21 sion, subject to the notice procedures for a com-
22 mittee meeting under clause 2(g)(3)(A) and (B) of
23 rule XI.

24 (C) Subpoenas and interrogatories so author-
25 ized may be signed by the ranking minority member,

1 and may be served by any person designated by the
2 ranking minority member.

3 (5) The chair is authorized to make publicly
4 available in electronic form the transcripts of deposi-
5 tions conducted by the Permanent Select Committee
6 in furtherance of the investigation described in the
7 first section of this resolution, with appropriate
8 redactions for classified and other sensitive informa-
9 tion.

10 (6) The Permanent Select Committee is di-
11 rected to issue a report setting forth its findings and
12 any recommendations and appending any informa-
13 tion and materials the Permanent Select Committee
14 may deem appropriate with respect to the investiga-
15 tion described in the first section of this resolution.
16 The chair shall transmit such report and appendices,
17 along with any supplemental, minority, additional, or
18 dissenting views filed pursuant to clause 2(l) of rule
19 XI, to the Committee on the Judiciary and make
20 such report publicly available in electronic form,
21 with appropriate redactions to protect classified and
22 other sensitive information. The report required by
23 this paragraph shall be prepared in consultation
24 with the chairs of the Committee on Foreign Affairs
25 and the Committee on Oversight and Reform.

1 **SEC. 3. TRANSMISSION OF ADDITIONAL MATERIALS.**

2 The chair of the Permanent Select Committee or the
3 chair of any other committee having custody of records
4 or other materials relating to the inquiry referenced in the
5 first section of this resolution is authorized, in consulta-
6 tion with the ranking minority member, to transfer such
7 records or materials to the Committee on the Judiciary.

8 **SEC. 4. IMPEACHMENT INQUIRY PROCEDURES IN THE**
9 **COMMITTEE ON THE JUDICIARY.**

10 (a) The House authorizes the Committee on the Judi-
11 ciary to conduct proceedings relating to the impeachment
12 inquiry referenced in the first section of this resolution
13 pursuant to the procedures submitted for printing in the
14 Congressional Record by the chair of the Committee on
15 Rules, including such procedures as to allow for the par-
16 ticipation of the President and his counsel.

17 (b) The Committee on the Judiciary is authorized to
18 promulgate additional procedures as it deems necessary
19 for the fair and efficient conduct of committee hearings
20 held pursuant to this resolution, provided that the addi-
21 tional procedures are not inconsistent with the procedures
22 referenced in subsection (a), the Rules of the Committee,
23 and the Rules of the House.

24 (c)(1) The ranking minority member of the Com-
25 mittee on the Judiciary is authorized, with the concur-

1 rence of the chair of the Committee on the Judiciary, to
2 require, as deemed necessary to the investigation—

3 (A) by subpoena or otherwise—

4 (i) the attendance and testimony of any
5 person (including at a taking of a deposition);
6 and

7 (ii) the production of books, records, cor-
8 respondence, memoranda, papers, and docu-
9 ments; and

10 (B) by interrogatory, the furnishing of informa-
11 tion.

12 (2) In the case that the chair declines to concur in
13 a proposed action of the ranking minority member pursu-
14 ant to paragraph (1), the ranking minority member shall
15 have the right to refer to the committee for decision the
16 question whether such authority shall be so exercised and
17 the chair shall convene the committee promptly to render
18 that decision, subject to the notice procedures for a com-
19 mittee meeting under clause 2(g)(3)(A) and (B) of rule
20 XI.

21 (3) Subpoenas and interrogatories so authorized may
22 be signed by the ranking minority member, and may be
23 served by any person designated by the ranking minority
24 member.

1 (d) The Committee on the Judiciary shall report to
2 the House of Representatives such resolutions, articles of
3 impeachment, or other recommendations as it deems prop-
4 er.

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Impeachment Inquiry Procedures in the Committee on the Judiciary

Pursuant to H. Res. 660

A. Initial Presentations

1. The Committee on the Judiciary (“Committee”) may receive at a hearing presentation(s) from counsel(s) designated by the chairs and ranking minority members for the majority and minority of a committee which provides a report, records or other materials to the Committee under section 2 or 3 of H. Res. 660.

2. In addition, the Committee may receive from Committee counsel for the majority and minority at a hearing a presentation consisting of (i) a written statement detailing, in paragraph form, information believed by the counsel to be pertinent to the inquiry, (ii) a general description of the scope and manner of the presentation of evidence, and/or (iii) a detailed presentation of the evidentiary material, other than the testimony of witnesses.

3. The President’s counsel shall be furnished a copy of the report(s), record(s) or other materials referenced in section 2(5) and (6) or section 3 of H. Res. 660, and any material furnished to the Committee pursuant to this section. The President and his counsel shall be invited to attend and observe the initial presentations, and the President’s counsel may ask questions, subject to instructions from the chair or presiding member respecting the time, scope and duration of the examination.

B. Additional Evidence

1. Any Committee member may bring additional evidence in writing to the Committee’s attention.

2. The President’s counsel shall be invited to respond, orally or in writing as shall be determined by the chair, in consultation with the ranking minority member.

3. Should the President’s counsel wish the Committee to receive additional testimony or other evidence, he or she shall be invited to submit written requests and precise summaries of what he or she would propose to show, and in the case of a witness precisely and in detail what it is expected the testimony of the witness would be, if called. On the basis of such requests and summaries and of the record then before it, the

Committee shall determine whether the suggested evidence is necessary or desirable to a full and fair record in the inquiry, and, if so, whether the summaries shall be accepted as part of the record or additional testimony or evidence in some other form shall be received, subject to instructions from the chair or presiding member respecting the time, scope and duration of any examination or presentation. In making such determination, notwithstanding Rule II of the Committee on the Judiciary Rules of Procedure, the chair may schedule a Committee meeting subject to the notice procedures for a Committee meeting under clause 2(g)(3)(A) and (B) of House rule XI.

C. Witnesses

If and when witnesses are to be called, the following additional procedures shall be applicable to hearings held for that purpose:

1. The President and his counsel shall be invited to attend all hearings, including any held in executive session.
2. Objections relating to the examination of witnesses or to the admissibility of testimony and evidence may be raised only by a witness or his counsel, a member of the Committee, Committee counsel or the President's counsel and shall be ruled upon by the chair or presiding member. Such rulings shall be final, unless overruled by a vote of a majority of the members present. In the case of a tie vote, the ruling of the chair shall prevail.
3. At the discretion of the chair, in consultation with the ranking minority member, notwithstanding clause 2(j)(2) of rule XI, upon recognition by the chair for such purpose under this section during any hearing designated pursuant to H. Res. 660 and these procedures, the chair and ranking minority member shall be permitted to question witnesses for equal specified periods of longer than 5 minutes, as determined by the chair. The time available for each period of questioning under this section shall be equal for the chair and the ranking minority member. The chair may confer recognition for multiple periods of such questioning, but each period of questioning shall not exceed 90 minutes in the aggregate. Only the chair and ranking minority member, or Committee counsel yielded to by the chair or ranking minority member, may question witnesses during such periods of questioning. At the conclusion of questioning pursuant to this section, the Committee shall proceed with questioning under the 5-minute rule pursuant to clause 2(j)(2)(A) of rule XI.

4. The President's counsel may question any witness called before the Committee, subject to instructions from the chair or presiding member respecting the time, scope and duration of the examination.

D. At the discretion of the chair, in consultation with the ranking minority member, the Committee may receive a concluding presentation from the President's counsel and Committee counsel for the majority and minority.

E. The chair, in consultation with the ranking minority member, shall make a public announcement of the date, time, place and subject matter of any Committee hearing or meeting to consider matters set forth in these procedures as soon as practicable and in no event less than twenty-four hours before the commencement of the hearing or meeting, except as specified in paragraph B(3) and notwithstanding Rule II of the Committee on the Judiciary Rules of Procedure.

F. Should the President unlawfully refuse to make witnesses available for testimony to, or to produce documents requested by, the investigative committees listed in the first section of H. Res. 660 in furtherance of the investigations described in the first section of H. Res. 660, the chair shall have the discretion to impose appropriate remedies, including by denying specific requests by the President or his counsel under these procedures to call or question witnesses.

G. These procedures supersede paragraphs (1), (2), and (4) of the investigative procedures adopted by the Committee on September 12, 2019.

H. For purposes of these procedures, Committee counsel shall include consultants retained by the Committee.