

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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November 29, 2018

The Honorable Mark Meadows
Chairman
Subcommittee on Government Operations
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We understand that next Wednesday, you plan to move forward with an 11th-hour hearing on “Oversight of Nonprofit Organizations: A Case Study on the Clinton Foundation.” Unfortunately, this hearing appears to be the latest iteration of the majority’s partisan, multi-year investigation of the Clinton Foundation, which has been based on a series of unsubstantiated allegations and secret witnesses who provide inaccurate information.

For example, on October 22, 2017, former Committee Member Ron DeSantis claimed during an appearance on *Fox News* that he had “explosive” evidence from a “confidential informant” who would demonstrate Secretary Clinton orchestrated a “quid pro quo”—with all nine agencies of the Committee on Foreign Investment in the United States—to approve the Uranium One deal and direct millions of dollars to the Clinton Foundation.¹ Two days later, Chairman Trey Gowdy and Chairman Devin Nunes of the Permanent Select Committee on Intelligence confirmed that our committees would be investigating the matter.²

However, Republicans withheld from Democrats access to their “confidential informant” for months while continuing to make public allegations. On February 7, 2018—more than three months later—our staffs were finally allowed to interview this individual. A joint report released by Democratic Members of the Oversight Committee, Intelligence Committee, and Senate Judiciary Committee detailed how this informant’s claims fell apart under scrutiny and failed to support the litany of Republican claims.³

¹ *America’s News HQ*, Fox News (Oct. 22, 2017) (online at <http://video.foxnews.com/v/5621831993001>).

² House Committee on Oversight and Government Reform, *House Oversight and House Intel Committees Launch Joint Investigation Into Obama-era Uranium One Deal* (Oct. 24, 2017) (online at <https://oversight.house.gov/release/house-oversight-house-intel-committees-launch-joint-investigation-obama-era-uranium-one-deal>).

³ Interview Summary of Uranium One “Confidential Informant” William Campbell, House Committee on Oversight and Government Reform, House Permanent Select Committee on Intelligence, Senate Committee on the Judiciary (Mar. 8, 2018) (online at <https://democrats->

Republicans insisted on going forward with this partisan investigation despite the fact that the Uranium One claims had been thoroughly debunked by independent fact checkers, including the *Washington Post* Fact Checker⁴ and PolitiFact,⁵ as well as *Fox News* anchor Shepard Smith.⁶

Rather than continuing to focus on the foundation of Bill and Hillary Clinton, it would be more worthwhile to investigate recent and grave allegations involving the foundations of two of our nation's top current officials: President Donald Trump and Acting Attorney General Matt Whitaker.

With respect to the Trump Foundation, just last Friday, a state judge ruled that the New York State Attorney General's office could proceed with its suit against President Trump and the Trump Foundation for the following reasons:

The allegations focus on ... failure to operate and manage the Foundation in accordance with corporate and statutory rules and their fiduciary obligations, resulting in the misuse of charitable assets and self-dealing. Petitioner also alleges that charitable assets, primarily consisting of money donated by outside sources, were used to promote Mr. Trump's properties, purchase personal items, advance Mr. Trump's presidential election campaign, ... and settle certain personal legal obligations.⁷

The judge concluded that "the petition adequately alleges that the political acts by Mr. Trump and the Campaign are attributable to the Foundation."⁸

On November 22, 2016, Ranking Member Cummings sent a letter requesting documents from the Trump Foundation relating to its apparent admission in tax filings that it violated the law by engaging in "self-dealing."⁹ The Trump Foundation refused to respond or produce any of

[oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-03-08.Interview%20Summary%20of%20Campbell%20Interview%20for%20Members-2.pdf](https://www.oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-03-08.Interview%20Summary%20of%20Campbell%20Interview%20for%20Members-2.pdf).

⁴ *The Facts Behind Trump's Repeated Claim About Hillary Clinton's Role in the Uranium One Deal*, *Washington Post* (Oct. 26, 2016) (online at www.washingtonpost.com/news/fact-checker/wp/2016/10/26/the-facts-behind-trumps-repeated-claim-about-hillary-clintons-role-in-the-russian-uranium-deal) (awarding the claim "Four Pinocchios").

⁵ *Donald Trump Inaccurately Suggests Clinton Got Paid to Approve Russia Uranium Deal*, *PolitiFact* (June 30, 2016) (online at www.politifact.com/truth-o-meter/statements/2016/jun/30/donald-trump/donald-trump-inaccurately-suggests-clinton-got-paid/#atfhead) (rating the claim as "mostly false").

⁶ *Shepard Smith Reporting*, *Fox News* (Nov. 14, 2017) (online at <http://video.foxnews.com/v/5646426075001>).

⁷ *New York v. Donald Trump et al.*, Index No. 451130/2018 (N.Y. Sup. Ct. New York Cnty) (Nov. 23, 2018).

⁸ *Id.*

⁹ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Sheri A. Dillon, Morgan, Lewis & Bockius LLP (Nov. 22, 2016) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2016-11-22.EEC%20to%20Dillon%20re%20Trump%20Foundation.pdf>).

the requested documents. On March 12, 2018, Ranking Member Cummings wrote to ask Chairman Gowdy to issue a subpoena for these documents or allow the Committee to take a vote, but Republicans blocked the motion.¹⁰

With respect to Acting Attorney General Whitaker's former organization, the Foundation for Accountability and Civic Trust (FACT), the *New York Times* reported earlier this month that Mr. Whitaker was paid more than \$1.2 million in "dark money" from undisclosed conservative donors.¹¹ Similarly, the *Washington Post* reported last week that, despite the fact that FACT was established as a 501(c)(3) tax-exempt nonprofit organization, it overwhelmingly targeted Democratic politicians and paid at least \$500,000 to the Republican opposition research firm America Rising whose mission is "to help its clients defeat Democrats" and to engage in "the relentless pursuit of original and effective hits against Democrats."¹²

If the Subcommittee is truly interested in the integrity of 501(c)(3) charitable organizations and their tax status, its time would be much better spent by ending its partisan, multi-year attack on the Clinton Foundation and focusing instead on the current—and quite serious—allegations against the foundations of President Trump and Acting Attorney General Whitaker. If the Subcommittee focuses only on the Clinton Foundation and ignores the grave allegations against President Trump and Mr. Whitaker, its actions will be marred by the perception that they are based on political considerations rather than the pursuit of effective federal policies.

For these reasons, if you decide to proceed with the hearing next week, we request that you also invite the Treasurer of the Trump Foundation and the Chief Financial Officer of FACT to testify on these matters.

¹⁰ Letter from Ranking Member Elijah E. Cummings to Chairman Trey Gowdy, House Committee on Oversight and Government Reform (Mar. 12, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-03-12.EEC%20to%20TG%20re.Trump%20Foundation.pdf>).

¹¹ *Matthew Whitaker Earned \$1.2 Million from Group Backed by Undisclosed Donors*, *New York Times* (Nov. 20, 2018) (online at www.nytimes.com/2018/11/20/us/politics/matthew-whitaker-finances.html).

¹² *Conservative Nonprofit with Obscure Roots and Undisclosed Funders Paid Matthew Whitaker \$1.2 Million*, *Washington Post* (Nov. 20, 2018) (online at www.washingtonpost.com/investigations/conservative-nonprofit-with-obscure-roots-and-undisclosed-funders-paid-matthew-whitaker-12-million/2018/11/20/25ff987e-e9db-11e8-bd89-eeef3b178206_story.html?utm_term=.986a1b35d09b); America Rising Corporation, *About Us* (accessed Nov. 28, 2018) (online at <https://americarisingcorp.com/about-us>).

Thank you for your consideration of this request.

Sincerely,



Gerald E. Connolly
Ranking Member
Subcommittee on Government Operations



Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform

cc: The Honorable Trey Gowdy, Chairman