

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.¹ I have nothing to add to the bipartisan, comprehensive findings of the Senate investigative committees or to those issued by federal inspectors general.² I cannot testify about the Justice Department's ongoing law-

¹ 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).

² 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).

The Honorable Bennie Thompson
January 9, 2022
Page 2

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.”³

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.⁴ 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 6.⁵ Democrats have accused their Republican colleagues of “sedition” and called them “traitors” for objecting to Electoral College results in certain states⁶—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.⁷

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

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

⁵ 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).

⁶ 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.

⁷ 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.⁸ 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.⁹ 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:

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).

⁸ H. Res. 503, 117th Cong. (2021).

⁹ 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.

The Honorable Bennie Thompson
January 9, 2022
Page 4

- 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.¹⁰
- 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.¹¹
- 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.¹²

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

¹⁰ 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).

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

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