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U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

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January 31, 2018

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
HVC-304, U.S. Capitol
Washington, D.C. 20515

Dear Chairman Nunes:

This evening, the Committee Minority discovered that the classified memorandum shared by the Committee Majority with the White House is not, in fact, the same document that Members of the House of Representatives have been reviewing since January 18, 2018 and that the Committee Majority voted on Monday to release to the public, over objections from the Department of Justice and the Federal Bureau of Investigation.

Upon our discovery that the document sent for public review had been secretly altered, the Majority belatedly afforded the Minority an opportunity this evening to compare the document transmitted on Monday night by the Majority to the White House with the document made available to all House Members since January 18. After reviewing both versions, it is clear that the Majority made material changes to the version it sent to the White House, which Committee Members were never apprised of, never had the opportunity to review, and never approved.

This is deeply troubling, because it means that the Committee Majority transmitted to the White House an altered version of its classified document that is materially different than the version on which the Committee voted. The White House has therefore been reviewing a document since Monday night that the Committee never approved for public release.

While the Majority's changes do not correct the profound distortions and inaccuracies in your document, they are nonetheless substantive. The fact that the Majority found it necessary to make these changes without informing the Committee during the vote signifies that the Committee Majority no longer stands by the representation it has made to House Members in its

original document and felt it necessary to deceive Committee Members during Monday's vote, by withholding the fact that it planned to send a different document to the White House.

As you may recall, Representative Himes asked you specifically to confirm that it was in fact the Committee Majority's intent "to make the memo as presented to this committee and as shown to Members of Congress [...] available to the public [...]." Representative Himes' question led to the following exchange, as detailed in the meeting transcript:¹

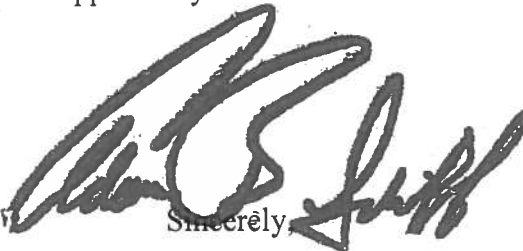
THE CHAIRMAN: Only—yeah. It is to make the content available, is what we will do.

MR. HIMES: Again, we all reviewed a memo with specific words, as did Members of Congress. That memo contained any number of references to highly classified information. So I guess what I am looking for, is that memo word for word to be made public, or will it be redacted or altered in any way?

THE CHAIRMAN: Well, as the gentleman knows, we will send the content over to the White House, and the President has five days to either agree with us that it should be made public, or the President could say that he does not want it made public.

This response was deliberately misleading. Because there were material changes made to the document unbeknownst to Committee Members and only revealed to us this evening, two days after the vote, there is no longer a valid basis for the White House to review the altered document, since this new version is not the same document shared with the entire House and on which Committee Members voted.

It is now imperative that the Committee Majority immediately withdraw the document that it sent to the White House. If the Majority remains intent on releasing its document to the public, despite repeated warnings from DOJ and the FBI, it must hold a new vote to release to the public its modified document. This can be done at the business meeting on Monday, February 5, 2018 when we will move, once again, to release the Minority's responsive memorandum, which House Members have now had the opportunity to read.


Sincerely,

Adam Schiff
Ranking Member, House Permanent Select Committee on Intelligence

¹ Full Committee Business Meeting, House Permanent Select Committee on Intelligence, January 29, 2018, pp. 19-20.