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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

September 14, 2020

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Chairman Johnson:

On September 9, 2020, you notified me of your intent to issue subpoenas and deposition notices to 41 individuals in a continuation of what you openly admit is an effort to use the Committee to influence an election:

“And if I were a Democrat primary voter, I’d want these questions satisfactorily answered before I cast my final vote.”¹

“I would think it would certainly help Donald Trump win reelection and certainly be pretty good, I would say, evidence about not voting for Vice President Biden.”²

You persist in this course of action despite the fact you are knowingly advancing discredited claims that our own Intelligence Community has warned are part of a Russian attack on our democracy. Any portion of your investigation that is not directly rooted in Russian disinformation duplicates multiple previous investigations, including those by other committees of Congress with direct jurisdiction, the extensive work of the Department of Justice Inspector General, and a separate investigation by the Department of Justice.

You now propose to use this Committee to reinvestigate the same matters, but in an alarmingly partisan way, to reach conclusions that you have already announced publicly, on a timeline intended to benefit the President’s reelection campaign. To the extent you seek reform, your investigation pursued in this fashion makes reform less likely. It is an inappropriate use of resources that violates the longstanding tradition and practices of the Committee and breaks the commitment to nonpartisanship you made at our organizing business meeting.

¹ Andrew Desiderio, Kyle Cheney, and Martin Matishak, *Republicans lean into Biden probe as he surges in Democratic primary*, Politico (Mar. 4, 2020) (<https://www.politico.com/news/2020/03/04/joe-biden-probe-2020-election-120924>).

² Kyle Cheney, *Besieged on all sides, Ron Johnson says his probe 'would certainly' help Trump win reelection*, Politico (Aug. 13, 2020) (<https://www.politico.com/news/2020/08/13/dems-ron-johnson-probe-trump-win-reelection-394987>).

On August 7, 2020, the Office of the Director of National Intelligence (ODNI) issued an unclassified assessment of foreign election threats, including that “Russia is using a range of measures to primarily denigrate former Vice President Biden,” such as pro-Russia Ukrainians “spreading claims about corruption...to undermine former Vice President Biden’s candidacy and the Democratic Party.”³

Just last week, the Department of the Treasury placed sanctions on Ukrainian lawmaker and active Russian agent Andriy Derkach who promotes the same false allegations that you are lending credibility to through this Committee. According to the Department of the Treasury:

“From at least late 2019 through mid-2020, Derkach waged a covert influence campaign centered on cultivating false and unsubstantiated narratives concerning U.S. officials in the upcoming 2020 Presidential Election, spurring corruption investigations in both Ukraine and the United States designed to culminate prior to election day. Derkach’s unsubstantiated narratives were pushed in Western media through coverage of press conferences and other news events, including interviews and statements.”

“Between May and July 2020, Derkach released edited audio tapes and other unsupported information with the intent to discredit U.S. officials, and he levied unsubstantiated allegations against U.S. and international political figures. Derkach almost certainly targeted the U.S. voting populace, prominent U.S. persons, and members of the U.S. government, based on his reliance on U.S. platforms, English-language documents and videos, and pro-Russian lobbyists in the United States used to propagate his claims.”⁴

I have continued to call for Committee Members to receive briefings from the Intelligence Community to ensure every Member is informed of the national security threat posed by your probe. Although you have failed to schedule those briefings, I received a classified defensive briefing from the FBI Foreign Influence Task Force on August 19, 2020 – and it would be irresponsible to proceed with these votes before every Member of our Committee can hear that same information.

On May 20, 2020, as our country was in the midst of the deadliest pandemic in a century that has now claimed the lives of almost 200,000 Americans, you convened an in person vote by this Committee on your subpoena to a lobbying firm that was voluntarily cooperating with your investigation. Despite that firm’s multiple productions of documents and willingness to appear at two voluntary transcribed interviews, you nevertheless issued the subpoena within 48 hours of that vote, contravening our longstanding practice to use subpoenas only as a last resort.

Then, on June 4, 2020, you again pushed forward with your probe despite the ongoing pandemic and growing concerns about the focus of your efforts. You convened an in person vote by this Committee to authorize 36 subpoenas for government agencies and individuals who were either already

³ Office of the Director of National Intelligence, *Statement by NCSC Director William Evanina: Election Threat Update for the American Public* [Press Release] (August 7, 2020) (<https://www.dni.gov/index.php/newsroom/press-releases/item/2139-statement-by-ncsc-director-william-evanina-election-threat-update-for-the-american-public>).

⁴ United States Department of the Treasury, *Treasury Sanctions Russia-Linked Election Interference Actors* [Press Release] (September 10, 2020) (<https://home.treasury.gov/news/press-releases/sm1118>).

cooperating or who had never been previously contacted by the Committee. In the intervening three months, your staff has conducted zero interviews related to the June 4th vote. Despite this, your request now includes subpoenas for seven new individuals on the same matters.


At the June 4, 2020 business meeting, you responded to concerns raised by other Members by stating, “I view that as some leverage to get cooperation; hopefully we won’t have to issue any subpoenas. That would by far be my preference.” However, for at least one individual on this list, you served a subpoena for documents, even though he had already provided the documents in question. You now seek to authorize a deposition for his testimony, even though he has already agreed to a voluntary transcribed interview and your staff has declined to schedule it. Another former official *already* testified about Ukraine. She offered to testify about all of the matters you are investigating but your staff declined. And now you seek to authorize a notice to depose her.

You have also now noticed a deposition for Ambassador Bridget Brink. Ambassador Brink is the sitting United States Ambassador to Slovakia, currently at her post in service of our country. She has been cooperating with you, and her ability to participate has been impeded because she did not have access to classified documents while she was forced to self-isolate upon arrival at her assignment. This Committee should not be used to, in your own words, create “leverage” over a current United States Ambassador who is cooperating with your probe while she pursues the national interest of the United States. Her responsibilities as a United States Ambassador should take precedence over your rushed and politically-motivated timeline.

You have scheduled four Committee votes on these matters since the onset of the COVID-19 pandemic. Your staff has conducted over 35 hours of transcribed interviews. You have publicly stated that you and your staff are working on these investigations “almost nonstop.”⁵ We should not divert any more of our Committee’s resources away from addressing the health, safety, and security of Americans. Instead, at this time, I request that the Committee publicly release all of the investigation’s interview transcripts, with all appropriate redactions to protect our national security interests. These transcripts conclusively demonstrate that the premise of your investigation is false. Despite my warnings and the assessments of our own Intelligence Community, you persist in using the Committee as a conduit for a foreign adversary’s attack on our democracy.

Pursuant to Rules 5(c) and 5(k) of the Rules of the Committee on Homeland Security and Governmental Affairs, I disapprove.

Sincerely,



Gary C. Peters
Ranking Member

⁵ Kyle Cheney, *Ron Johnson says committee Republicans blocking Comey, Brennan subpoenas*, Politico (Aug. 12, 2020) (<https://www.politico.com/news/2020/08/12/ron-johnson-gop-blocking-comey-subpoena-394256>)