

Congress of the United States
House of Representatives
Washington, DC 20515-0901

October 30, 2019

The Honorable Theodore Deutch, Chairman
The Honorable Kenny Marchant, Ranking Member
House Committee on Ethics
1015 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Deutch and Ranking Member Marchant:

I respectfully write to request that the House Committee on Ethics open an investigation into rules broken, and false statements made, by Rep. Adam Schiff (CA-28), Chairman of the House Permanent Select Committee on Intelligence.

On July 25, 2019, President Trump spoke on the telephone with newly-elected President Zelensky of Ukraine. This call, a transcript of which was released to the public on September 25, 2019, has been the subject of extensive reporting, particularly after the existence of a "whistleblower complaint" came to light. The anonymous whistleblower raised allegations of alleged impropriety during the call in a complaint filed August 12, which was subsequently released to the public on September 26, 2019.¹

The House Permanent Select Committee on Intelligence held a hearing on the whistleblower complaint on September 26, 2019. During this hearing, Chairman Schiff gave a wildly-inaccurate and distorted "retelling" of President Trump and President Zelensky's call, grossly misrepresenting the content of the call to the American people, and saying that President Trump's comments were "like a classic organized crime shakedown." This statement, and his bizarre distortion of the Trump-Zelensky call, appears to violate clauses 1 and 2 of House Rule XXIII ("Code of Official Conduct"). This behavior does not "reflect creditably on the House," nor does it follow "the spirit and the letter of the Rules of the House." It is incumbent on Members of Congress to be accurate and honest to the American people, and Chairman Schiff has been neither.

Furthermore, Mr. Schiff's actions were a blatant and clear-cut violation of longstanding parliamentary precedent, prohibiting making "accusations that the President has committed a crime," or claiming "that the President has done something illegal."² As Jefferson's Manual states on Page 189, "Indeed, any suggestion of mendacity [on the part of the President] is out of order."

Unfortunately, Mr. Schiff's behavior cannot be construed to be an 'honest mistake,' as it is long-standing and habitual. In a March 2017 interview, Mr. Schiff claimed to have "more than circumstantial evidence"

¹ https://intelligence.house.gov/uploadedfiles/20190812_-_whistleblower_complaint_unclass.pdf

² §370 of *JEFFERSON'S MANUAL AND RULES OF THE HOUSE OF REPRESENTATIVES*, "References in debate to the Executive," page 190 (<https://www.govinfo.gov/content/pkg/HIMAN-116/pdf/HIMAN-116.pdf>)

of President Trump and his campaign “colluding” with Russia.³ As the report from Special Counsel Robert S. Mueller III has made clear, Mr. Schiff’s claim was baseless and untrue; to date, Chairman Schiff has not justified his statement.⁴

Mr. Schiff’s unprofessional and divisive behavior has caused conflict within the House Permanent Select Committee on Intelligence. On March 28, 2019, every Republican on the committee signed a letter requesting Chairman Schiff’s immediate resignation, citing his “willingness to continue to promote a demonstrably false narrative” as proof that he has “damaged the integrity of this Committee, and undermined faith in U.S. government institutions.”⁵

On October 14, I attempted to enter a deposition, conducted jointly by the Intelligence, Oversight, and Foreign Affairs Committees.⁶ I was removed from the deposition by Chairman Schiff. The Chairman’s actions appear to have violated House Rule XI, clause 2 (g)(2)(c), which states “A Member, Delegate, or Resident Commissioner may not be excluded from nonparticipatory attendance at a hearing of a committee or subcommittee [...] unless the House by majority vote authorizes a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures specified in this subparagraph for closing hearings to the public.”

While the 116th Congress’s “Regulations for the Use of Deposition Authority”⁷ state that “the chair of the committee noticing the deposition may designate that deposition as part of a joint investigation between committees,” and that “Members and designated staff of the committees may attend and ask questions,” this regulation does not expressly prohibit *nonparticipatory* attendance from members of other committees. Furthermore, Speaker Pelosi has stated that the current “impeachment inquiry” is being conducted by the Oversight, Foreign Affairs, Intelligence, Ways and Means, Financial Services, and Judiciary Committees. Therefore, because the Committee on the Judiciary shares jurisdiction in the House’s current impeachment inquiry, I should not have been excluded from the joint hearing. Chairman Schiff’s refusal to admit me into the deposition thus violates longstanding House Rules and the deposition regulations adopted by the 116th Congress.

Accordingly, after the House Committee on Ethics thoroughly investigates this matter, I urge you to make all appropriate referrals to the Department of Justice, for further investigation and prosecution.

Sincerely,



Matt Gaetz
Member of Congress

District of Columbia: SS
The foregoing instrument was acknowledged before me
this 30 day of October, 2019
by April M. Lyman

April M. Lyman, Notary Public, D.C.
My commission expires June 27, 2023



³ <https://www.msnbc.com/mtp-daily/watch/schiff-more-than-circumstantial-evidence-of-trump-russia-connection-904177219736>

⁴ <https://www.justice.gov/storage/report.pdf>, Vol. I, page 2: “the investigation did not establish that members of the Trump Campaign conspired or coordinated with the Russian government in its election interference activities.”

⁵ https://republicans-intelligence.house.gov/uploadedfiles/hpsci_gop_letter_to_chairman_-_29_march_19.pdf

⁶ See also: “Republican Rep. Matt Gaetz kicked out of impeachment inquiry hearing,” Fox News, October 14, 2019:

<https://www.foxnews.com/politics/republican-rep-matt-gaetz-kicked-out-of-impeachment-inquiry-hearing>

⁷ Congressional Record, January 25, 2019 (H1216)